

compensation. Sir, I think the payment should be frozen till the scheme is considered by Parliament. There should be a public inquiry. I demand an inquiry by a committee of Parliament into the whole scheme, so that we can know how it came to be formulated or pushed through in order to satisfy some landlords, businessmen, and big ones who left properties there.

THE CONSTITUTION (FORTY-THIRD AMENDMENT) BILL, 1976

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

Sir, as hon. Members are aware, article 316 of the Constitution provides that a Member of a State Public Service Commission or a Joint Commission shall hold office for a term of six years from the date on which he enters upon his office or until he attains the age of 60 years, whichever is earlier. This provision has existed from the commencement of the Constitution. However, as Members would no doubt be aware, the age of retirement of Government servants, both at the Centre and in many States, has meanwhile been raised from 55 to 58 years. Similarly, the age of retirement in the case of High Court Judges and University Professors has been raised to 62 years and 60 years respectively. There has thus been a general enhancement of the age of retirement, and it has become somewhat unrealistic and inadvisable to retain the age of retirement of Members of State Public Service Commissions at 60. Moreover, because of the ban under article 319 on the employment of retired Mem-

bers of Public Service Commissions under the Government of India or that of a State, persons who have distinguished themselves in Government service or in academic fields may not like to accept membership of the Commissions unless they are assured of a reasonably higher age-limit.

The nature of the functions which the Public Service Commissions have to perform makes it very necessary that eminent academicians should be taken on these bodies, as also Government servants, as the Constitution provides that one-half of the Members should be those who have served under the Government of India or that of a State.

The Government have, therefore, examined the matter in all its aspects and are of the view that the age of retirement laid down more than twenty-five years back has no relevance to present-day conditions. It is accordingly proposed to raise the age of retirement of Members of State Public Service Commission from 60 to 62 years, and the Bill, which has already been passed by the Lok Sabha, seeks to provide for this by an amendment of Article 316 (2) of the Constitution.

The question was proposed.

SHRI SANAT KUMAR RAHA (West Bengal): Mr. Chairman, Sir, I do not oppose this Bill. But while supporting this Bill, I would like to make some observations regarding the Government *vis a vis* the public Service Commissions. The first point is that the Government should have a national policy regarding recruitment as well as retirement. There should be a national recruitment policy in the case of universities, courts and other Government employees, both in the Centre as well as in the States. Similarly, there should be a national retirement policy keeping in view the fact that there are lakhs of people in the unemployment contingent. So, all these things should be taken together instead of doing it piecemeal. Instead of bring-

[Shri Om Mehta]
ing forward a comprehensive Bill, the Government has come forward with this Bill to raise the age of retirement of Chairmen and Members of the Public Service Commissions from 60 to 62 years. As stated in the Statement of Objects and Reasons, this is not objectionable. It is true that service conditions in the Public Service Commissions are not attractive. It is also true that 50 per cent of the employees are recruited from amongst the Government employees and 50 per cent from outside. So, the recruitment as well as the retirement should benefit both the persons, those who are going to be recruited and those who are going to retire. State Public Service Commissions and the U. P. S. C. are statutory bodies. They have been provided by the Constitution in order to make recruitment on a democratic principle so that the Government can have a policy of recruitment on the principle of democracy, merit, test and examination and so that the Government may not be partial in the matter of recruitment. In this way, the Government cannot be partial and indulge in nepotism and jobberism.

As regards the functions of the Public Service Commission, I would like to quote from the 25th Report of the Union Public Service Commission. It has been stated on page 15, paragraph 8, that:

"The Commission has observed that of late, there has been a pronounced tendency on the part of certain Ministries/Departments to seek exemption from the requirements of Article 320 (3) of the Constitution in regard to large categories of posts under them."

I think the Central Government must have a strong and firm principle of recruitment through the Public Service Commissions. Secondly, this report also says:

"It was further explained that about 75 per cent of the posts for

which the Commission conduct recruitment fall in the Scientific and Technical category and the Commission are fully equipped for conducting such recruitment. The Commission had also offered to follow a flexible procedure in conducting recruitment so as to meet the requirements of the Department of Space Commission."

Only one quotation more I shall give, Sir. "The Commission also expressed the view that there was no case for excluding the posts of the Department of Space and the Space Commission from the purview of the Commission. But if the Government consider that the posts should remain excluded in the national interest, the Commission should have no objection in issuing the order accordingly." Sir, about the technical and administrative posts under the Department of Space and Space Commission, the notification does not say exclusion will be for a period of five years as suggested by the Commission.

Sir, sometimes some Departments and Ministries are exempted from consultation with the UPSC. But this tendency is growing. The Commission is apprehending that such a tendency is growing and in the matter of recruitment, the Government is usurping the power of the UPSC. And certainly if recruitment is an unprincipled one, then our national policy will also be an object of criticism. So, though I support this Bill, I would suggest that the Government should bring a comprehensive Bill regarding its recruitment policy. The powers and the position and the stature of the UPSC and PSCs should never be undermined in the public eye. The Government should have a policy of recruitment as well as retirement based on democratic principles, and follow such norms so that the candidates whether of the UPSC or the State Public Service Com-

mission feel satisfied. Sir, as it is necessary to follow a democratic principle regarding the age of recruitment, I also feel that the age of retirement should be democratically acceptable to the entire nation. In the case of Public Service Commissions, sometimes the Government employees are barred after 60 years of age. They cannot come to the PSC after a certain age. Previously it was 58 and then 60. Now, if you extend the age from 60 to 62, certainly it will have some attraction to the retiring employees of the Government and other people in the academic field to come to the Public Service Commission which is an essential machinery in regard to recruitment and administration of the country.

Sir, I think the Government will think over this matter of recruitment. They must come forward with a comprehensive policy and a comprehensive Bill.

Sir, I support this Bill with these observations.

MR. CHAIRMAN: Shri D. P. Singh—*not here.* Shri Sisodia.

श्री सवाईसिंह सिसोदिया (मध्य प्रदेश) : मान्यवर, हमारे देश के गृह मंत्री जी ने जो संशोधन बिल आज सदन के सामने रखा है, मेरे हृदय से उसका पूरा सदन समर्थन करेगा। यह सही है कि काफी देर से संशोधन पेश किया जा रहा है, लेकिन फिर भी अगर कोई अच्छी चीज कुछ देर के बाद भी की जाय तो भी उसका अनुमोदन सहज किया जाना चाहिये। हमारे देश में सबसे पहले पब्लिक सर्विस कमिशन की स्थापना सन् 1919 के गर्वामेंट आफ इंडिया एक्ट के अन्तर्गत सन् 1926 में हुई। उसके बाद सन् 1935 में जो गर्वामेंट आफ इंडिया एक्ट बना उसके अन्तर्गत प्रान्तीय के पब्लिक सर्विस कमिशन की स्थापना की गई। लगभग बड़ी पद्धति अब तक हमारे देश में प्रयोग हो रही है।

मैं यह सारा इतिहास इसलिये सदन के सामने रखना चाहता हूँ कि सन् 1919 और सन् 1935 के एक्ट के अन्तर्गत हमारे देश में जितने भी पब्लिक सर्विस कमिशन बने वे सब ब्रिटिश परम्परा और परिपाटी और वहाँ की राजनैतिक स्थितियों को ध्यान में रखकर बनाये गये। उस समय जो भी कारण रहे हों, लेकिन जब हमारे देश के स्वतंत्र होने के बाद पिछले 26 वर्षों के अनुभव ने हम लोगों को यह सोचने के लिये मजबूर कर दिया है कि हमारे देश में जो पब्लिक सर्विस कमिशन है अर्थात् केन्द्र में जो संघ लोक सेवा आयोग है और राज्यों में जो प्रान्तीय लोक सेवा आयोग है उनमें अब तक जिस प्रकार की कार्य प्रणाली अपनाई जा रही है उसमें हमारे देश की वर्तमान राजनैतिक और आर्थिक स्थितियों के अनुसार परिवर्तन लाना जरूरी है। इस दृष्टि से मैं गृह मंत्री महोदय से निवेदन कर रहा हूँ यह संशोधन लाया गया है यह बहुत छोटा है।

यह संशोधन तो खैर बहुत छोटा है, 60 वर्ष के बजाय 62 की आयु उनके रिटायरमेंट के सम्बन्ध में, बढ़ाने का प्रस्ताव है। लेकिन हम इस बात पर विचार करें कि जो आज के पब्लिक सर्विस कमिशन का स्वरूप है, जो उसकी कार्य प्रणाली है, क्या वह हमारे देश की स्थिति के अनुकूल है या नहीं और उसमें क्या परिवर्तन होना चाहिए, इसके बारे में गम्भीरता से सोचें और उपयुक्त समय पर इसके बारे में संशोधन लायें। मैं इस सम्बन्ध में यह भी कहना चाहूंगा कि हमारे देश में जो एडमिनिस्ट्रेटिव रिफार्म कमिशन बना था, देश की तमाम प्रशासनिक समस्याओं पर विचार के लिये, उसने इस बात की सिफारिश की थी कि 60 के बजाय 65 की लोक सेवा आयोग के सदस्यों की रिटायरमेंट की उम्र रखनी चाहिए। 10 साल तक इस बात पर विचार करने के बाद 60 के बजाय 62 का

[श्री सवाई सिंह सिसोदिया]

प्रस्ताव लाया गया है, 65 साल का नहीं। इस बात पर इसलिये जोर दे रहा हूँ कि अच्छे और योग्य व्यक्तियों को हम रखना चाहते हैं, इसमें कुछ ऐसी शर्तें भी हैं जो अनुकूल नहीं हैं। रिटायरमेंट के बाद वे लोक सेवा आयोग के सदस्य दूसरी जगह शासन में कार्य नहीं कर सकते हैं। अगर हम चाहते हैं कि ये पद काफी आकर्षक हों, लोग इनकी तरफ आये और अच्छे, योग्य और प्रतिभावान व्यक्तियों को इसमें रख सकें, इसलिये मेरा निवेदन है कि 62 के बजाय 65 वर्ष की आयु रखी जाय। आज नहीं तो कल इसको करना ही होगा।

दूसरे मैं यह निवेदन करना चाहता हूँ कि लोक सेवा आयोग का जो ब्यूरोक्रेटिक स्वरूप है, वह नहीं रहना चाहिये। आज वर्तमान समय में हमारे संविधान में यह प्रावधान है कि आधे व्यक्ति वे होने चाहिए जो कि शासकीय सर्विस में हों, केन्द्र में या प्रान्तों में। लेकिन यह प्रावधान नहीं है कि कितने अशासकीय सदस्य होने चाहिए। मैं इस बात पर इसलिये जोर देना चाहता हूँ कि हमारा अनुभव हमें इस बात पर मजबूर करता है कि ब्यूरोक्रेटिक सेट-अप जो वर्तमान में चल रहा है, उसके सोचने के तौर तरीके आज की वस्तुस्थिति से मेल नहीं खाते। यह आवश्यक होना चाहिए कि यदि इसमें आधे शासकीय सदस्य रखना लाजिमी है तो आधे अशासकीय रखने का प्रावधान होना चाहिये। मैं तो यह भी कहना चाहूँगा कि अगर पब्लिक सर्विस कमीशन में केन्द्र के स्तर पर भी यह सम्भव न हो तो प्रान्तों में पब्लिक सर्विस कमीशन का अध्यक्ष अशासकीय व्यक्ति होना चाहिए। महाराष्ट्र में और दूसरे प्रान्तों में इस प्रकार का प्रावधान रखा गया है और इस प्रकार की नियुक्तियाँ हुई हैं। मेरा ऐसा ख्याल है कि इस प्रकार की व्यवस्था का अनुभव काफी अच्छा है। अच्छे लोग जो आज का विचारधारा के अनुरूप काम करने के लायक

हैं, प्रतिभावान हैं, सुशिक्षित हैं ऐसे व्यक्तियों का चुनाव होना चाहिये।

अशासकीय व्यक्ति भी काफी योग्य प्रतिभावान और हर प्रकार से प्रशासनिक अनुभव रखने वाले होते हैं और ऐसे लोग काफी मात्रा में उपलब्ध हैं। फिर कोई कारण नहीं है कि इस तरह के लोगों को नहीं, रखा जाता है। कई प्रान्तों में यह अनुभव है कि वहाँ शासकीय व्यक्तियों के जितने स्थान हैं उतनी नियुक्ति कर देते हैं, लेकिन अशासकीय व्यक्तियों का अगर स्थान रिक्त भी होता है, कई वर्षों तक वह स्थान रिक्त रहता है, वहाँ पर नियुक्ति करने की कोई परवाह नहीं की जाती और इसका परिणाम यह होता है कि केवल ब्यूरोक्रेटिक सेट-अप ही काम करता है, नतीजा यह सामने आता है कि जो परिणाम हम अपनी योजनाओं को अमली रूप दे कर लाना चाहते हैं, वे परिणाम सामने नहीं आते। जहाँ तक वेतन का सवाल है जो आई० ए० एस० का आफिसर या शासकीय सेवा में लगा हुआ अधिकारी पब्लिक सर्विस कमीशन का मेम्बर बनता है, चाहे वह केन्द्र में हो या प्रान्त में, उनको एक निश्चित वेतन मान मिलता है। लेकिन हमारे अशासकीय सदस्यों की जब उनमें नियुक्ति होती है तो उन्हें केवल 1500 रुपये या 2000 रुपया दिया जाता है, जो बहुत कम है। इस सम्बन्ध में मेरा सझाव है कि संघीय लोक सेवा आयोग में नियुक्त अशासकीय सदस्य को, केन्द्र में मंत्री का जो वेतन है, उसके बराबर वेतन देना चाहिये और अगर प्रान्त में किसी अशासकीय व्यक्ति की नियुक्ति की जाय तो प्रान्त में जो मंत्री को वेतन मिलता है वह वेतन उसको दिया जाना चाहिये।

इसके आलावा अक्सर यह देखा गया है कि प्रान्तों में पब्लिक सर्विस कमीशन की जो रिपोर्ट होती है विधान मंडलों में समय पर पेश नहीं की जाती है। इसका नतीजा

यह होता है कि उसकी कार्य प्रणाली के बारे में विधान मंडलों में कोई चर्चा नहीं हो पाती विचार के लिये पर्याप्त समय नहीं मिल पाता क्योंकि कमीशन की रिपोर्टें सीधे सदन के सामने आती हैं। हमारे यहां भी यूनियन पब्लिक सर्विस कमीशन की जो रिपोर्टें हैं वह चर्चा के लिये सीधी प्रस्तुत होती हैं, इस कारण उस पर गहराई से विचार नहीं हो पाता। मेरा सुझाव है कि एक स्टैंडिंग कमेटी संसद के स्तर पर और विधान मंडलों के स्तर पर प्रान्तों में इसके लिये नियुक्त की जानी चाहिए ताकि लोक सेवा आयोग की जो वार्षिक रिपोर्टें होती हैं वह उसको देखे, उसका अध्ययन करे और अपने विचारों के साथ सदन में विचार के लिये रखे जिससे कि हम उसकी कार्य प्रणाली में सुधार के बारे में जो अच्छे सुझाव हैं उन पर विचार करके योग्य निर्णय ले सकें।

दूसरे, यह भी हम देखते हैं कि ये जो रेक्यूटमेंट प्रस्ताव शासन के द्वारा लोक सेवा आयोग को भेजते हैं—चाहे वह केन्द्रीय हो या प्रान्तीय—वह है रेक्यूटमेंट करने में बहुत अरसा लगा देते हैं कभी-कभी दो-दो साल तक लग जाते हैं जब से रेक्यूटमेंट की कार्यवाही शुरू करते हैं। उसका नतीजा यह होता है कि जो उम्मीदवार होते हैं उनको समय पर लाभ नहीं मिल पाता है। यह सुझाव पब्लिक सर्विस कमीशन की कार्य प्रणाली को ठीक करने के लिये बहुत ही आवश्यक है।

एक और बात आखीर में यह भी कहना चाहूंगा कि ये जो संघ लोक सेवा आयोग या प्रान्तीय लोक सेवा आयोग हैं, ये प्रथम श्रेणी के अधिकारी हैं या द्वितीय श्रेणी के कर्मचारी हैं उनका रेक्यूटमेंट करती है। रेलवे का अपना सर्विस कमीशन अलग है। इसी प्रकार से एक प्रस्ताव है कि जो राष्ट्रीयकृत बैंक है उनका भी एक आयोग अलग से नियुक्त किया जाये। जो तीसरी और चौथी

श्रेणी के कर्मचारी हैं उनकी नियुक्ति के बारे में। जो बड़े विभाग हैं जिनमें काफी संख्या में कर्मचारी लगे हैं खास कर डाक और तार विभाग वहां भी इस प्रकार का कोई कमीशन नहीं है ऐसा आयोग बनना चाहिये यह तीसरी और चौथी श्रेणी के कर्मचारियों की नियुक्ति के बारे में विभागीय कमीशन (आयोग) बनना चाहिये और जो प्रथम श्रेणी और द्वितीय श्रेणी के अधिकारी हैं उनके बारे में केन्द्र और प्रान्त के स्तर पर लोक सेवा आयोग का काम ठीक ढंग से चले इसके बारे में आवश्यक संशोधन और प्रावधान होना चाहिये।

अब मैं अधिक समय नहीं लेना चाहता, ये कुछ बातें मुझे कहनी थीं। मैं जरूर माननीय गृह मंत्री जी से निवेदन करूंगा कि यह 60 को बजाए 62 का जो प्रस्ताव आपने रखा है उसका अनुमोदन करते हुए मेरा आग्रह है कि पब्लिक सर्विस कमीशन की बकिंग के बारे में आप संपूर्ण रूप से विचार करे और जितने संशोधन आज की हमारी आवश्यकता के अनुरूप जरूरी हों और उन्नति के पथ पर बढ़ते हुए मजबूत प्रगतिशील राष्ट्र की व्यवस्था को सुचारू रूप से चलाने के लिये जो जरूरी हो उनको उपयुक्त समय पर पर सदन के विचारार्थ प्रस्तुत करें।

SHRI MULKA GOVINDA REDDY (Karnataka): Mr. Chairman, Sir, I support the Constitution (Forty-third Amendment) Bill, 1976, moved by Shri Om Mehta. This is a very important Bill which should have been brought before this House long ago. Sir, one Member advocated that the retirement age should be raised to 65 as in the case of members of the Union Public Service Commission. It may be difficult for the Home Minister now to accept that suggestion but I am sure he will consider this suggestion at a future date that the age of retirement in the case of members of the Public Service Commissions in the States should be at par with that of the members of the

[Shri Mulka Govinda Reddy.]

Union Public Service Commission in the Centre.

Sir, as the Home Minister has already stated, members recruited to the Public Service Commissions are to be men of integrity, of high academic standards and those who are above board. Therefore, their salaries and pension should also be revised. Their salaries and pension were fixed sometime back and they are not in tune with the present day economic conditions in the country. These members are expected to be above board so that they do not resort to any malpractice. And if we expect them to function effectively, properly and honestly, we should give them proper salaries. The salaries of the Chairmen and members of the State Service Commissions are not uniform. In some States, there is difference between the salary of a non-official member and the salary of an official member. So, this should be done away with.

In the 25th Report of the Union Public Service Commission, on page 98, they have indicated the resolutions passed by the Chairmen of the State Public Service Commissions, presided over by the Chairman of the Union Public Service Commission. They have stated that there is considerable variation in salaries of the Chairman and members of one State Public Service Commission from another and further even in a particular State Public Service Commission, salaries of members vary. The Conference also felt that the salaries of the Members and Chairmen of the State Public Service Commissions should be commensurate with their functions, Constitutional position and responsibilities. I would urge that the salaries of the Chairmen and Members of the State Public Service Commissions should be on par with that of the Chief Justices of the High Courts and other Judges of the High Courts respectively. They

have to function independently without being influenced by anybody including the Government. Since their responsibilities are onerous, their salaries should be equal to that of the High Court Judges. Further, in most of the States, the State Governments are taking away surreptitiously the functions of the State Public Service Commissions. They are creating recruitment boards in the different departments and recruitment is done by these departments. Even the recruitment to the public undertakings run by the State Governments is not done through the State Public Service Commissions. This system should be done away with. In most of these public undertakings run by the State Governments, preference is shown to some of their own kith and kin, merit is neglected and favouritism is shown in abundance in the recruitment of officers to these public undertakings. There are complaints that these recruitment boards are not functioning properly. I would, therefore, urge that the entire recruitment for all the services under the State Governments, whatever may be the departments, including the undertakings run by the State Governments, except in regard to Class IV employees, should be entrusted to the State Public Service Commissions. There is a lot of delay in recruitment because this is not being done at present. Thousands of applications are received for recruitment to specific posts under the State Governments. Sometimes, it takes two years before recruitment to these specific posts takes place. May be the number of members in the State Public Service Commissions is not enough to cope with the work. The number of applications received for the posts of second division or first division clerks is increasing day by day. I would, therefore, urge that the number of members in the State Public Service Commissions should be increased from 5 to 7—in some States, they have done it—and, if necessary, from 5 to 9 in those States where the work is pending for a long

time. As the hon. Minister has already stated, the work of the State Public Service Commissions is becoming onerous day by day. They have to recruit scientists, engineers and doctors. In such cases, some engineers and doctors should also be appointed as members of the State Public Service Commissions so that they can do justice whenever recruitment for such technical posts takes place.

Sir, according to the proviso to article 316(1), 50 per cent of the members of the State Public Service Commissions should be non-officials. This has not been accepted by most of the States and it has not been implemented by them. In Karnataka, the number of members in the State Public Service Commission is 7. Out of this, only two are non-officials and the rest are officials. This is a flagrant violation of the Constitutional provision. I would urge the hon. Minister to request the State Governments that they should fulfil this obligation contained in the proviso to article 316(1), if necessary, by increasing the number from 7 to 9. I am sure when their retirement age is raised and if their salaries and pension benefits are also revised, the members of the State Public Service Commissions would do justice to their job.

With these words, I support the Bill.

SHRI KRISHNARAO NARAYAN DHULAP (Maharashtra): Mr. Chairman, Sir, with your permission I rise to give my comments on Bill No. 85 of 1976, i.e. the Constitution (Forty-third Amendment) Bill, 1976. Sir, I am not opposing this Bill but I want to know from the Minister who piloted this Bill the rationale behind raising the age limit of retirement from 60 years to 62 years. I have given an amendment for raising this limit from 62 to 65 because the retirement age of the members of the UPSC is 65. The retirement age of the Judges of the Supreme Court is also

65. Also in the reasons given by the hon. Minister he has said: To make the conditions of service more attractive to eminent persons and academicians whose services are badly needed for the efficient working of the Public Service Commissions of different States. He has also said in his own statement that the age limit of the University Professors serving in Universities has been raised to 60 years. Now, supposing he wants somebody from the University to be appointed as a member of a Public Service Commission after his retirement at the age of 60, how will the terms and conditions be attractive for him if he is asked to retire at the age of 62? So, I do not understand the rationale behind raising the retirement age limit to 62. The retirement age for Supreme Court Judges is 65. Here also the age limit should be raised to 65. Of course, an objection is likely to be raised by certain Members in this House that the young element, young people should be inducted into the services of these Public Service Commissions but I have my own reasons for this which should be placed before the House. My reason is that half of the members have to be recruited from the general public and half of them are to be recruited from the retired people who were doing their job properly, efficiently in the Government offices. So, the age limit seems to have been raised for the benefit of those persons who were in the service of the Central Government or the State Governments or the University.

Now that the matter regarding the Public Service Commission is before the House, it would not be out of place to put forward my views regarding recruitment of the members of the Public Service Commission and their functioning at the State levels. As it would be seen, the administrative personnel of a State Government or the Central Government is there to implement the policies and decisions of the concerned Government. So, the administrative personnel should have a heart in the work with

[Shri Krishnarao Narayan Dhulap.]

which they are entrusted. Untill and unless that mental understanding is is not there they are not in a position to deliver the goods. For example, at the time of implementation of the Tenancy Act, those who came from the upper strata of the society, whose background was landlordism, were opposed to the progressive policies of the State Government regarding land reforms. They were there to implement the Tenancy Act. What happened naturally was that they started finding loopholes in the Tenancy Act and whatever decisions were given by those who are having the background of landlordism were against the tillers of the land although the Tenancy Act was a benevolent piece of legislation meant only for ameliorating the conditions of persons who were actually tilling the land *vis-a-vis* the persons who were not tilling the land but were absentee landlords for years together. So, as far as the recruitment by the Public Service Commissions is concerned, my submission would be that those who have got a rural base—because 80 per cent of the people are living in rural India—should have a major consideration. Both the State Government and Central Government services are the monopoly of certain classes of people—they are privileged classes in the country—and the sons and daughters of those who are in service at the State level and the Central level usually get the jobs. Thus these services have become the domain of the city dwellers and those who come from the rural areas are scrupulously excluded from being recruited into Government services. Therefore, it is high time that rural India is given proper representation in the services of the Central and State Governments.

The second point is with regard to appointment of Members on the Public Service Commissions both at the State and Central level. The Chairman of the Public Service Commission of the State of Maharashtra is one Mr. Wankhade who comes from a

Scheduled Caste community. Naturally he would look after the interests of the people coming from rural areas, the downtrodden classes, weaker sections of the society, the Scheduled Castes and the Scheduled Tribes. But if there is only one Member of the Scheduled Castes or the Scheduled Tribes on the Commission, naturally his voice will be very small compared with the seven other Members. As my friend, Mr. Mulka Govinda Reddy pointed out, out of the seven Members five are from Government service and the remaining two from the general public. Therefore, the voice of just one Member belonging to the Scheduled Castes or the Scheduled Tribes will be very small and he will not be in a position to impress upon the other Members to see that proper representation is given to the Scheduled Castes and the Scheduled Tribes and those who come from rural areas.

SHRI SANAT KUMAR RAHA: Not kulaks?

SHRI KRISHNARAO NARAYAN DHULAP: No, not kulaks but those who come from the lower strata of the society, the weaker sections. The rural community has completely been neglected for years together. Therefore, at the time of appointing Members on the Service Commission it should be scrupulously seen that people belonging to the Scheduled Castes and Scheduled Tribes and communities coming from rural areas are given proper representation on the Commission and the ratio of recruitment by the Commission of people for service should be 20:80—20 of persons coming from towns and cities and 80 of persons coming from the rural areas.

Sir, the third point I want to mention here is about political appointment of Members on the Commission. Those who are not included in the Cabinet and those who are not given a ticket at the time of elections are generally provided membership on the Public Service Commission. I know certain cases in certain States

where political adjustment is made at the time of appointment of Members of the Public Service Commission. Therefore, that should not be the case. Persons of integrity, honesty and maturity, having some experience about the administration, should be recruited from amongst those coming from the Services and those being recruited from the general public.

With these remarks, Sir, I conclude.

SHRI D. P. SINGH (Bihar):
Mr. Chairman, Sir, . . .

MR. CHAIRMAN: I called your name earlier, but you were not there.

SHRI D. P. SINGH: Sir, I misunderstood that the Question Hour would also be continued and therefore . . .

MR. CHAIRMAN: You should not commit such a mistake.

SHRI D. P. SINGH: Mr. Chairman, Sir, I welcome this Bill as an important step towards improving the conditions of service of important people working under the Union or the various States. Sir, we have had an important discussion and many people have put forward their points of view as to how it is going to be beneficial. To my mind, this is a step in the right direction because the members of the Public Service Commission are responsible for the appointment of a large number of people. It is only right that they should enjoy proper conditions themselves. We have not forgotten the times when the incomes of such officers or their scales of pay, and so on, used to be looked after by themselves. Many people here in this country have commented that when they had to pay large sums of money admittedly for the purpose of admissions to colleges, it was only proper that when they got themselves recruited in the Services, if they did pay to have something, it did not matter. Sir, such were the affairs obtaining

in many of the States whose Governments we were compelled to take over only recently. The position of a person in the party, we are told, in those States was measured by the fact and the level by which he was able to augment the revenue of self, his friends and his party. Therefore, in this context, it is only desirable that the person who is kept in such high position is kept satisfied and not murmuring and disgruntled so that he has to look around.

Sir, you will remember that in 1937 when the popular Ministries came, the Ministers used to be paid a salary of Rs. 5000 per month. In our idealism, we have tried to reduce it—and with pitiful consequences in many places which people are not tired of recounting. If the conditions are proper even in a poor country like ours, then the satisfied Ministers or Government servants can look after with greater efficiency, reliability, credibility, and so on, the work assigned to them, and not much of comment would come. In that direction, Sir, when we see that in many other Services, by the introduction of various schemes, the longevity has increased—expectancy of life is much more today than before, better health conditions obtain today—then naturally it is in the fitness of things that those who are in these posts may be enabled to serve the country longer and better. Why stop them at 62? There are people in some States cast with the duty to work and do public service up to the age of 65. This is about High Court Judges; and about public life, in the Ministry and so on, sky is the limit. If other people are allowed to work for a longer period, it is only proper that members of our Public Service Commissions are enabled to work, as a preliminary step, upto 62 years and it might go upto 65 years, if the hon. Minister is willing to consider their potentials and their effectiveness . . .

SHRI OM MEHTA: When Shri D. P. SINGH is appointed.

SHRI D. P. SINGH: D. P. Singh? Now that pension is assured, there is not much inducement any more. Otherwise, many of my friends were looking forward to cushy jobs and so on and so forth which the nation can offer and the number of jobs with responsibility is growing . . .

SHRI BHUPESH GUPTA: You mean to say, Ministers, M.Ps., Governors and the Public Service Commission?

SHRI D. P. SINGH: I say, Public Service Commission to follow the Ministers. In various other services also there is need to scrutinise more to be able to safeguard the interests of the weaker sections the minority communities and weaker sections of the intellectual elite and intelligentsia so that they do not feel disgruntled and think that they are not given a fair deal and so on. In that situation, it is necessary that not only their age is increased, but their number is also increased in the various States. We receive complaints that in many services the Departments today are somehow able to out-manoeuvre the Public Service Commissions. When people have to be appointed and they have in mind particular jobs, they give these to some of their friends whom they think to be desirable people who are given a chance to enter the services through the back-door. When the real advertisement comes, those people are given preferment because they think they have the necessary experience for a particular job. This is a matter to which I invite the attention of the hon. Home Minister. This is predominantly so in the States. These affairs need to be looked into because this is a subterfuge to prevent the honest aspirants entry into the services.

Another aspect that occasionally comes to our notice—this again mostly in the States—is that wherever cases of promotion come, the treatment meted out to them, as the re-

ports go, is not necessarily fair or not necessarily satisfactory. . .

SHRI BHUPESH GUPTA: Unnecessarily unfair?

SHRI D. P. SINGH: This invites comments even from non-critical quarters. Those are matters to which I would invite the hon. Minister's attention. With these words, I welcome the Bill and I hope there will be more such progressive measures to improve the conditions of service.

श्री श्याम लाल यादव (उत्तर प्रदेश) :

माननीय सभापति जी, मैं इस विधेयक का हार्दिक समर्थन करता हूँ। नवम्बर, 1975 में दिल्ली में राज्यों के लोक सेवा आयोग के अध्यक्षों का जो सम्मेलन हुआ था उसमें यह मांग की गई थी कि राज्यों के लोक सेवा आयोगों के सदस्यों की आयु 62 साल कर दी जाए। अब भारत सरकार ने उस प्रस्ताव को मान लिया है, यह बड़ी प्रसन्नता की बात है।

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इसके लिये मैं गृह मंत्री को बधाई और धन्यवाद देना चाहता हूँ मैं इस बात से पूरी तरह से सहमत हूँ कि इस उम्र को 62 साल तक बढ़ा देना चाहिए। इसे इस वक्त 65 साल करने की आवश्यकता नहीं है। लेकिन मान्यवर जहाँ तक सरकारी सदस्यों का सवाल है, जो कर्मचारी सरकारी सेवा से निवृत्त होंगे, उनको 6 वर्ष या 62 साल में जो काम है, यह सुविधा है। जो 58 साल पर सेवानिवृत्ति के अवकाश ग्रहण करते हैं, उन्हें 62 साल तक यानी 4 वर्ष तक और काम करने का मौका मिलेगा। लेकिन जो गैर-सरकारी सदस्य हैं, लोक सेवा आयोगों के, उन्हें यह अवसर नहीं मिलेगा क्योंकि उनके ऊपर दूसरे प्रतिबन्ध हैं। 6 साल या 62 साल जो भी काम हो तो वे 6 साल में ही अवकाश ग्रहण करेंगे। ऐसे उदाहरण बहुत से राज्यों के सदस्यों के सम्बन्ध में उपलब्ध हैं, जो कि बहुत कम आयु में ही, 50 वर्ष से भी कम आयु में ही सदस्य बना दिये गये। तो इस

प्रकार वे 6 वर्ष के बाद अवकाश ग्रहण कर लेंगे, 62 की आयु तक जाने का उन्हें मौका नहीं मिलेगा। व्यावहारिक तरीके से यह प्रस्ताव सरकारी कर्मचारियों के सम्बन्ध में लाभकारी होगा। जो प्रोफेसर हैं, यूनिवर्सिटी और कालेजों में, यदि वे अवकाश ग्रहण कर लेंगे तो उन्हें लाभ हो जाएगा, लेकिन जो गैर-सरकारी सदस्य हैं, उन्हें कोई लाभ नहीं पहुंचेगा। इसलिये मैं माननीय मंत्री महोदय को आपके माध्यम से कहना चाहता हूं कि वे इसकी शब्दावली बदल दें—“6 वर्ष या 62 वर्ष में जो भी काम हो”—उसके स्थान पर कर दें: ‘6 वर्ष या 62 वर्ष जो भी अधिकतम हो, जो बाद में आये’। अगर इस तरह आप कर देंगे तो मैं समझता हूं कि सबके साथ समान व्यवहार हो जाएगा और जो गैर-सरकारी सदस्य हैं उनको भी पूरे तौर से इसमें सेवा करने का अवसर मिलेगा।

दूसरी बात, सदस्यों के पेंशन वगैरह के सम्बन्ध में उस कान्फ्रेंस में जो सुझाव दिया गया था, उसके बारे में यह कहना है कि राज्यों में बहुत भिन्नता है। हमारे उत्तर प्रदेश में, जब हमारे इस सदन के नेता श्री कलालपति त्रिपाठी मुख्य मंत्री थे, उन्होंने ही बहुत सहानुभूतिपूर्वक विचार करने के बाद प्रदेश कमिशन के गैर-सरकारी सदस्यों को पेंशन का अधिकार दिया था। उससे पहले इन बेचारों को कोई भी पेंशन नहीं मिलती थी। दूसरे राज्यों के बारे में मुझे पता नहीं, कितने राज्यों में पेंशन नहीं होगी। राज्यों के जो लोक सेवा आयोग के गैर-सरकारी सदस्य हैं उनको भी हाई कोर्ट के जजों की सेवा शर्तों के अनुसार पेंशन और फैमिली पेंशन मिलनी चाहिये और उस पेंशन की एक कम से कम सीमा निर्धारित होनी चाहिए क्योंकि बहुत से सदस्यों को केवल साल भर ही काम करने का मौका मिलता है। अगर कोई सदस्य अधिक समय तक सेवा में नहीं रह सका तो उसकी कम से कम कोई इतनी पेंशन रख दी जाय, जो हाई कोर्ट के जजों की है तो यह ज्यादा उचित होगा और जो लोग कमिशन

के सदस्य होंगे वे अवकाश ग्रहण करने के पश्चात् किसी प्रकार की तकलीफ महसूस नहीं करेंगे। क्योंकि मान्यवर, वह सदस्य किसी दूसरी सेवा में नहीं रखा जा सकता है। कई सदस्यों को किसी विश्वविद्यालय का कुलपति नियुक्त किया गया या दूसरी जगह नियुक्त किया गया, तो इस पर आपत्तियां उपस्थित की जाती हैं। इसलिये अगर उन्हें मुनासिब पेंशन दी जाय तो मैं समझता हूं कि वे ऐसे पदों के लिये बहुत इच्छुक नहीं होंगे और वे बार-बार ऐसी सेवा करने के लिये लालायित नहीं होंगे। वे आराम से अपना रिटायरमेंट वित्तार्थों और उन्हें कोई असुविधा नहीं होगी।

मान्यवर, तीसरी बात जो मैं कहना चाहता हूं वह लोक सेवा आयोगों के सदस्यों के सिलसिले में है। इनमें ग्रामीण सदस्यों को रखा जाना चाहिये। इन कमिशनो में अधिकतर श्रेष्ठ जातियों और उच्च वर्ग के लोग हैं लेकिन पिछड़ी जातियों के लोग कमिशन में बहुत कम हैं। हमारे प्रदेश में जो परम्परा है उसमें काफी लोग इन जातियों के हैं लेकिन यहां पर नहीं हैं। इस सम्बन्ध में आपको कुछ करना चाहिये। यहां ग्रामीण लोगों को रखने की क्या उम्मीद हो सकती है। कमिशन के सामने जो छात्र जाता है, इंटरव्यू के लिये जाता है पहले ही दिन से अपनी वेशभूषा आदि को ठीक करने की तैयारी करता है कि वहां उसकी परीक्षा ली जाएगी, उसकी जांच होगी। लेकिन वहां पर्सनलिटी टेस्ट होता है। पर्सनलिटी टेस्ट मनोवैज्ञानिक टेस्ट हो तो समझ में आता है लेकिन वहां उसकी सुरत और कपड़ा लत्ता आदि को देखा जाता है।

जो पैसे वाले लोग हैं, शहरी हैं, जो पब्लिक स्कूल में पढ़े हुये लोग हैं, बड़े-बड़े घरानों के लोग हैं, उनको पूरी सुविधा प्राप्त है बचपन ही से; वे उत्तीर्ण हो सकते हैं, अच्छे नम्बर पा सकते हैं। वहां पर्सनलिटी टेस्ट में गांव का रहने वाला, गांव का पढ़ा

[श्री शमसुलाल यादव]

लिखा मुश्किल से आ सकता है। इसलिये जो पर्सनलिटी टेस्ट में नम्बर देते हैं उसको कम से कम करना चाहिए; घटाना चाहिए। लिखित परीक्षा के नतीजे के आधार पर चयन होना चाहिए।

मान्यवर, परीक्षा के सम्बन्ध में, उसके तौर-तरीकों को बदलने के मिलसिले में यहां का केन्द्रीय लोक सेवा आयोग जो विचार-विमर्श कर रहा है वह बहुत प्रशंसनीय है। लेकिन परीक्षा की भाषा के तौर पर भारतीय भाषाओं को अधिक से अधिक प्रयोग में लाने पर उनको बहुत कठिनाई दीखती है। मान्यवर, आप जानते हैं कि राज्यों में यूनिवर्सिटीज तक की पढ़ाई अब प्रदेशीय भाषा में हो रही है; हिन्दी भाषा में हो रही है, दूसरी भाषाओं में हो रही हैं। जब यूनिवर्सिटी तक में वहां की भाषा में पढ़ाई हो रही है और उस भाषा में यूनिवर्सिटी शिक्षा तक के लिये किताबें उपलब्ध हैं, अध्यापक उपलब्ध हैं तो फिर कमीशन में भी हिन्दी या प्रादेशिक भाषाओं का उपयोग क्यों नहीं किया जाना चाहिये? यह उन प्रदेश के लोगों के लिए एक बहुत बड़ी असुविधा हो गई है। आज उन्हीं लोगों को न जाने वरीयता क्यों दी जाती रही है जो अंग्रेजी पढ़ते लिखते हैं, जब कि हमारे उत्तर प्रदेश में और बिहार में मान्यवर, अब अंग्रेजी को पढ़ाई लिखाई बिलकुल ही बन्द हो गई है। कुछ लोग जो पब्लिक स्कूल में पढ़ रहे हैं वे ही कमीशन की परीक्षाओं में बैठते हैं और जो दूसरे लोग हैं वे आसानी से संघीय सेवा आयोग की परीक्षा में शरीक नहीं हो सकते। अब जो देश की राष्ट्र-भाषा है या सम्पर्क की भाषा है, तो केन्द्रीय लोक सेवा आयोग को हिन्दी में परीक्षा लेनी चाहिये और मैं इस तर्क से सहमत नहीं हूँ कि अंग्रेजी में परीक्षा नहीं ली जाएगी तो योग्य व्यक्ति नहीं आ पायेंगे। यह भी उसी प्रकार की दकियानूसी दलील है जो कि अंग्रेजों के जमाने से चली आई है कि यदि अंग्रेज चले

जायेंगे तो देश का शासन नहीं चल सकता। जब उत्तर प्रदेश में तत्काल सविसेज में लोग रखे जाते हैं तो उनको हिन्दी जाननी पड़ती है। यहां के लोग भी जब दक्षिण भारत में नौकरी के लिये जाते हैं तो उनको तमिल, तेलुगु, मलयालम और बहुत सी भाषायें जो वहां की हैं उनको सीखना और जानना पड़ता है। तो यह दलील हमारी समझ में नहीं आती है। यह दलील जो निहित स्वार्थ के लोग हैं, जो कमीशन में बैठे हुये हैं या यूनिवर्सिटी और कालेजों में बैठे हुये हैं, जो अंग्रेजी अपने बच्चों को पढ़ाते हैं, जो अमीर हैं, वे जानते हैं कि कहीं यह आम दरवाजा जनता के लिये खुल जाएगा तो हिन्दी जानने वाले आ जायेंगे और हमारे लड़के तब शायद न आ सकें। तो मैं चाहता हूँ कि इस सम्बन्ध में माननीय गृहमंत्री जी को शीघ्रता से विचार करना चाहिये और संघीय लोक सेवा आयोग को बाध्य करना चाहिए कि प्रदेशीय भाषाओं में, खास कर हिन्दी में, यहां की पूरी की पूरी परीक्षा होनी चाहिये; समान अवसर सबको मिलना चाहिये और अंग्रेजी का वही दूसरा दरजा होना चाहिये जो एक विदेशी भाषा का स्थानी है। क्या दुनिया के अन्दर और भी राष्ट्र जो अंग्रेजी नहीं जानते वे विज्ञान के क्षेत्र में आगे नहीं बढ़ रहे हैं, क्या चन्द्रलोक में नहीं जा रहे हैं, क्या मारश में नहीं जा रहे हैं? क्या रूस वाले नहीं जा रहे हैं? अंग्रेजी जिनको पढ़ना होगा वे पढ़ेंगे ही, विदेशों में जाना होगा तो पढ़ेंगे ही, लेकिन इस देश के रहने वालों को केवल अंग्रेजी पढ़नी है इस परम्परा को स्थान नहीं मिलना चाहिये। हमारे कुछ पुराने नेता और साथी हैं उनको बहुत मोह है अंग्रेजी से। मैं समझता हूँ, उनको अपने इस मोह को भंग करना चाहिये। जनता की भाषा सीखनी चाहिये और जनता की भाषा में बात करनी चाहिये। आल इण्डिया रेडियो की बात ले लीजिये; अंग्रेजी में अच्छे से अच्छे प्रचार होते हैं, हिन्दी में कम होते हैं जब कि देश की जनता हिन्दी सुनती है, अंग्रेजी कोई

सुनता नहीं है। बहुत कम सुनते हैं और समझने वाले कुछ लोग दिल्ली के इर्द-गिर्द बसते हैं।

इसलिये मेरा निवेदन है कि भाषा के सम्बन्ध में उचित निर्णय गृह मंत्री जी को शीघ्र करना चाहिये। मुझे विश्वास है कि उन जैसा डाएनेमिक आदमी इस विषय में बहुत शीघ्रता से निर्णय करेगा। मैं इस बिल का अनुमोदन करते हुये और अपना स्थान ग्रहण करने से पहले उनको बधाई देना चाहता हूँ।

श्री प्रकाशबीर शास्त्री (उत्तर प्रदेश) : समापति महोदय, मैं केवल दो-तीन सुझाव ही इस विषय में रखना चाहता हूँ, मेरा पहला सुझाव यह है कि यूनियन पब्लिक सर्विस कमीशन का अभी कुछ दिन पहले एक समाचार प्रकाशित हुआ था। वह समाचार यह था कि यह वर्ष बड़ा भाग्यशाली वर्ष है कि सरकारी सर्विसेज में हमने जो चयन किया है उसमें 13 प्रतिशत व्यक्ति गांवों के चयन किए हैं। यह यूनियन पब्लिक सर्विस कमीशन की ओर से समाचार प्रकाशित हुआ। उसके पहले उन्होंने कहा, पहले वर्षों में 7 प्रतिशत तक चयन किए जाते रहे। यह स्थिति तब है जब कि 85 प्रतिशत भारत गांवों में रहता है। यूनियन पब्लिक सर्विस कमीशन कहता है कि हमने 13 प्रतिशत व्यक्ति गांवों से लिए। यह कितनी बड़ी विडम्बना है कि स्वाधीनता प्राप्ति के 30 वर्ष पश्चात् भी भारत सरकार की नौकरियों में गांवों से आए हुए व्यक्तियों का प्रतिशत केवल 13 हो? अब यह स्थिति जब है तो मैं समझता हूँ कि यह संसद् के लिए और सारे देश के लिए भी एक बहुत बड़ा प्रश्नवाचक चिन्ह बन गया है जिस पर हमको गम्भीरता से सोचना चाहिए।

दूसरी बात जो मैं गृह मंत्री महोदय से विशेष रूप से कहना चाहता हूँ वह यह है कि आप इस बात का सर्वेक्षण करायें कि जो

अखिल भारतीय सेवाओं में लोग हैं, आई०ए० एस० हैं, आई०पी०एस० हैं, आई०एफ०एस० हैं, उनके परिवारों के कितने व्यक्ति इसी तरह की सेवाओं में लगे हुए हैं। क्या अखिल भारतीय सेवाओं के लिए सारी प्रतिभा उनके रिश्तेदारों में ही सीमित हो गयी है और बाकी लोगों में इस प्रकार की प्रतिभा नहीं है? कुछ इस प्रकार का जाल बनता चला जा रहा है कि चन्द परिवारों का अखिल भारतीय सेवाओं में आधिपत्य सा हो रहा है। इसके लिए गृह मन्त्रालय को एक सर्वेक्षण अवश्य कराना चाहिए, देखना चाहिए कि इसके पीछे क्या रहस्य है, क्योंकि बाकी सारा देश तो पिछड़ता चला जा रहा है।

तीसरी बात, मैं यादव जी के उस कथन से सर्वांश में सहमत हूँ कि एक ओर तो आपने कह दिया कि भारतीय भाषाओं को आगे बढ़ाया जाय। कर्नाटक में कन्नड़ बढ़ रही है, आन्ध्र में तेलुगु बढ़ रही है, तमिलनाडु में तमिल बढ़ रही है, लेकिन भारतीय भाषाओं के बढ़ने में यह यूनियन पब्लिक सर्विस कमीशन बाधक बना हुआ है। एक ओर तो भारतीय भाषाएँ बढ़ रही हैं लेकिन जो भारतीय भाषाओं के माध्यम से पढ़े हुए स्नातक हैं जब वे संघीय लोक सेवा आयोग के द्वार पर आते हैं तो उनके लिए दरवाजे बन्द मिलते हैं। तो गृह मंत्री को इस पर गम्भीरता से सोचना चाहिए। अन्यथा जो भारतीय भाषाओं को प्रोत्साहन देने की प्रवृत्ति है और संविधान की भावना के अनुसार देश की राजभाषा हिन्दी को प्रोत्साहन देने की प्रवृत्ति है उसमें बाधा पड़ेगी और भारतीय भाषाओं के ऊपर अंग्रेजी का आधिपत्य सदा के लिए बना रहेगा। मुझे तो इस तरह की भी जानकारी है—दूसरे राज्यों की बात मैं क्या कहूँ—दिल्ली में ही लोग फिर अंग्रेजी की ओर दौड़ रहे हैं। अंग्रेजी माध्यम के स्कूलों में अपने बच्चों को भेज रहे हैं। क्योंकि वे जानते हैं कि सरकारी नौकरी उससे मिलती है। सरकार को निर्णय करना चाहिए कि वह देश को

[श्री प्रकाशवीर शास्त्री]

किधर ले जाना चाहती है। यादव जी ने जो बात उठायी मैं उससे सर्वांश सहमत हूँ कि भारतीय भाषाओं को किस प्रकार से प्रोत्साहन दिया जा सके और उनके मार्ग में जो यूनियन पब्लिक सर्विस कमीशन बाधक बना हुआ है, इस बारे में भी निर्णय लिया जाय।

अन्तिम बात जिसको कह कर मैं बैठना चाहता हूँ वह यह है कि यूनियन पब्लिक सर्विस कमीशन के सामने उसी तरह से बहुत से कंसेज पड़े रहते हैं जैसे हाई कोर्ट में बहुत से मुकदमे विचाराधीन पड़े हुए हैं। सिसोदिया जी ने कहा कि दो-दो वर्ष तक किसी पद का निर्णय नहीं हो पाता। अगर ऐसी स्थिति है तो गृह मन्त्रालय इसको देखे और यूनियन पब्लिक सर्विस कमीशन के सदस्यों की संख्या को बढ़ाये ताकि इस प्रकार देरी न हो और निर्णय जल्दी लिये जा सके।

श्री डी०पी० सिंह जी चले गये। मैंने एक निजी विधेयक राज्य सभा में पेश किया हुआ है—पता नहीं विचार के लिए वह कब आयेगा। मेरी अपनी मान्यता है कि सरकारी सेवाओं में जैसे आपने आयु की सीमा बनायी हुई है दूसरी जगहों में आयु की सीमा बनायी हुई है वैसे ही राजनीतिक क्षेत्र में काम करने वालों पर भी यह क्यों नहीं लागू की जाती? इस दृष्टि से भी सोचना चाहिए कि जब हम दूसरों के ऊपर आयु की सीमा बांधते हैं तो हम लोगों के ऊपर भी, जो राजनीतिक क्षेत्र में कार्य कर रहे हैं, आयु की सीमा अवश्य बांधी जानी चाहिए।

श्री ब्रह्मानन्द पंडा : राजनीतिक में जो जितना बुढ़ा होता है उतना ही ज्ञानी होता है।

श्री रोशन लाल (हिमाचल प्रदेश) : जनाब चेयरमैन साहब, पब्लिक सर्विस कमीशन के मेम्बरान की उम्र में 60 से 62 साल करने का जो प्रस्ताव या तौसी का बिल एक्ट के

सामने पेश है मैं उसकी पुरजोर तार्ईद करता हूँ और उसका खैरमकदम करता हूँ। लेकिन तार्ईद करने के साथ ही मैं यह भी अर्ज कर देना चाहता हूँ कि हर चीज के दो पहलू होते हैं, एक तारीक पहलू होता है और एक रोशन पहलू होता है। वजीर मौसूफ ने, जिन्होंने इसको पाइलट किया, गहराई से इसके पहलूओं पर गौर नहीं किया और न उन पर नजर डाली। यह इन्सानी फितरत का तकाजा है कि कुछ ऐसे लोग होते हैं जो अपने मतालवाज और अपने हकूकों को हक बजाना करार देते हैं ये उनकी रज्जत पसन्दशाना—जहनिशत की कैफियत है, तरह-तरह के हरबे इन्तेमाल करके कायदे, जाबते और अबलाकी पहलू को नजरन्दाज कर देते हैं। फिर वे अपने मकासिद में कामयाब होते हैं जैसे 60 साल की उम्र से 62 साल की उम्र कर दी गयी। यह महज उन लोगों का, जो व्यूरोक्रेमी की मशीनरी थे, तरीकाकार था। पब्लिक सर्विस कमीशन में 50 फीसदी लोग गवर्नमेंट सर्विस से लिये जाते हैं, खास कर वे अफ़्तर जो आई०एस०एस० हैं, आई०पी०एस० हैं या दूसरे औहदों पर मामूल हैं। उनका दायरा बड़ा बसीह होता है जब तक कि वे गवर्नमेंट सर्विस में होते हैं और जब वे इन औहदों पर आ जाते हैं तो वह अपने हाथ पैर और मारते हैं। क्योंकि 56 और 58 साल की उम्र के बाद वह रिटायर होते हैं और फिर उन को पेंशन मिलती है और फिर उनको इन औहदों पर मामूर किया जाता है तो उन्होंने अपने उन औहदों का फायदा उठा कर यह सब किया है। लेकिन मेरे से पहले कुछ दोस्त जैसा फरमा रहे थे, कुछ लोग इस में बाहर से भी लिये जाते हैं जो एजुकेशनिस्ट होते हैं, कुछ माहिराने कानून होते हैं, कुछ वकील होते हैं, कुछ प्रोफेसर्स होते हैं और ऐसे गैर सरकारी आदमियों को नामजद किया जाता है। उन की उम्र का लिहाज नहीं होता, उन की कोई गवर्नमेंट सर्विस नहीं होती। वह किसी तरह की पेंशन नहीं पाते और जब

वह इस औहदे पर जाते हैं तो वहाँ वह सिर्फ 6 साल के अरसे के लिये रहते हैं। उन की उम्र उस वक्त 40 या 50 साल की होती है और उन को कोई खास फायदा नहीं होता। लेकिन जो लोग गवर्नमेंट सर्विस से आते हैं उन को पेंशन मिलती है और वे मेम्बर की तरह से भी सर्विस करते हैं। तो उन का यह रोशन पहलू है। इस के अलावा मैं बजीरे दाखला से यह भी अर्ज करूंगा कि अगर आप उन को 62 साल की उम्र में रिटायर करने का बिल लाये हैं तो उनकी सर्विस टर्म्स के लिये भी आप को सोचना चाहिए। अगर इन मेम्बर्स की सर्विस दस साल की हो जाय तो ज्यादा ठीक रहेगा। इस से गैर-सरकारी लोग भी फायदा उठा सकते हैं क्योंकि मेम्बरी से हट जाने के बाद वह न कहीं प्रोफेसर हो सकते हैं न कहीं मुसिक बन सकते हैं और न कहीं मैजिस्ट्रेट हो सकते हैं। इस लिये मेरी आपसे प्रार्थना है कि इस पर आप गौर करें।

एक दूसरी चीज मैं यह कहना चाहता हूँ कि स्टेटों में जो कम उम्र के मेम्बर्स हैं और जिनका रेकार्ड शानदार है, जिन का ईमानदारी और काबुलियत का रेकार्ड शानदार हो ऐसे मेम्बर्स को यूनिशन पब्लिक सर्विस कमीशन में नामजद किया जाना चाहिये जैसे कि आप जजेज वगैरह को सुप्रीम कोर्ट में लेते हैं वैसे ही यहां किया जाना चाहिये।

दूसरी एक और चीज है कि जो तनख्वाह मेम्बरान मौजूदा हाल में लेते हैं उसका निस्फ हिस्सा उनको पेंशन के तौर पर मिलना चाहिये, क्योंकि एक हाई पोस्ट पर रहने के बाद और उनके पास जरिये माश के लिये कुछ नहीं रहता तो उनका गुजारा होना मुश्किल हो जाता है। इसलिये मैं ज्यादा कुछ न कहता हूँ अपने बजीरे दाखिला से कहूंगा कि वह मेरे इन प्वाइंट्स को नोट फरमाये। मैं समझता हूँ कि यह बिल तो

अब आ चुका है और इसलिये इसमें कोई वसीह तरमीम नहीं हो सकती, लेकिन इन प्वाइंट्स पर दुबारा गौर किया जा सकता है। थैंक यू।

SHRI KRISHAN KANT (Haryana):
Mr. Chairman, Sir, ..

SHRI OM MEHTA: Sir, is he speaking on this Bill?

MR. CHAIRMAN: Yes, with reference to this Bill.

SHRI KRISHAN KANT: Sir, this is not the last of the Constitution (Amendment) Bills. This is just a part of a series of amendments to the Constitution which began more than a decade ago. As a matter of fact, another set of very drastic amendments is being introduced in the other House today.

SHRI OM MEHTA: But very useful.

SHRI KRISHAN KANT: Therefore, Sir, a stage has come now to make out attitude clear about the way in which the Constitution is being played with and the manner in which the parliamentary procedure is being misused..

Sir, I am speaking today on behalf of the Parliamentary Group of Congressmen for Democracy and the Janata Front in the Rajya Sabha, comprising the Congress (O), the BLD and the Jana Sangh..

Sir, the next amending Bill that is being (Interruptions).

SHRI OM MEHTA: How is it relevant here?

SHRI KRISHAN KANT: That Bill is not based upon the recommendations of any national committee appointed by the Government, but on the recommendations of a committee appointed by the ruling party from amongst its own members. The recommendation that the Law Minister

[Shri Krishan Kant.] should invite certain Opposition leaders to discuss with him was also the recommendation of the party committee as modified by the ruling party. It is significant that what appeared in the Press in regard to these discussions was merely that certain Opposition leaders had met Shri Gokhale and their views would be duly considered before the Government formulated its own proposals. Not even at this stage was the Government prepared to lift this censorship. In the circumstances, it was scarcely to be expected that Government would, of its own accord, seek to discuss the recommendations of the party committee with the leaders of Opposition parties, most of whom are under detention. In these circumstances, many of the Opposition leaders of the CPI-M, the Congress (O), the Jana Sangh, the Socialist Party and the B.L.D. were left with no option but to decline the invitation to discuss these amendments with Shri Gokhale. Again, Sir, there was no mention of these things, of their declining to discuss anything, in the Press. In spite of the repeated declarations of the Congress party, Government leaders, and particularly the Prime Minister that they desired a national debate on the proposed amendments to the Constitution, no such debate has been permitted or made possible. Meetings, conferences and seminars have been banned at various places. Even the National Seminar organised by the National Committee on Review of the Constitution, consisting of representatives of various political parties, independents, jurists and academicians was not allowed to be held at the Vithalbhair Patel House in New Delhi on the 31st July and 1st August, 1976. Moreover, whenever and wherever such meetings and seminars were permitted, the proceedings that appeared in the Press were truncated, distorted and misleading.

Sir, the discussions even within the ruling party also appear to have been far from being genuinely free. Even

a pro-Congress national daily such as the 'National Herald' felt constrained to comment editorially that consultations with Chief Ministers and PCC Presidents were with "those whose appointments are mostly *ad hoc*". The national dialogue has reduced itself to a national monologue. Indeed, no national consensus can be evolved on any vital issue in the present oppressive climate of fear and oppression. The intentions of the Government appear to be contrary to their declarations. They do not want any fresh debate and appear determined to rush through the proposals of a far-reaching character in a period of constitutional dictatorship and to make them permanently in-built in the Constitution. By those amendments, the Judiciary is sought to be made impotent, the Press docile and the Parliament unable to exercise its own powers. The people, the real masters, will lose their sovereignty.... (*Interruptions*). While fundamental duties are sought to be embodied in the Constitution to inspire the people ... (*Interruptions*).

AN HON. MEMBER: That Bill is not before the House now. It is not relevant.... (*Interruptions*).

SHRI HIMMAT SINGH (Gujarat): Sir, on a point of information. The real authorship of this speech is that of Mr. N. A. Palkhiwala.

SHRI KRISHAN KANT: The real authorship of the forty-fourth Constitutional (Amendment) Bill is that of big monopoly houses of this country (*Interruptions*).

MR. CHAIRMAN: The Bill is not before the House. If you again refer to that Bill, perhaps you will have to stop.... (*Interruptions*).... But do not speak on a Bill which is not before the House.... (*Interruptions*).

SHRI KRISHAN KANT: The fundamental duties that are sought to be embedded in the Constitution to inspire the people significantly....

MR. CHAIRMAN: You can speak now without reading all that is written because the Bill is not before the House.

SHRI OM MEHTA: Sir, he is wasting the time of the House.

MR. CHAIRMAN: If you want, you can speak. you can make copious references to the notes. You can use them. If you read continuously, it is not speech.

SHRI KRISHAN KANT: I am coming to that. The attitude towards the constitutional amendments and the way they are being dealt with. (*Interruptions*). I am coming to that. The fundamental duties which are sought to be embodied in the Constitution to inspire the people of India....

SHRI OM MEHTA: Sir, the Bill is not before the House. When the Bill comes before the House, he can speak whether it is fundamental duties or something else.

SHRI KRISHAN KANT: I am discussing the Bill. I am not discussing the clauses of the Bill.

SHRI OM MEHTA: How can a Bill which has not been reported to the House be discussed? Otherwise, it will be a one-sided affair. He will go on criticising the Bill which is not before the House.

SHRI KRISHAN KANT: I am not referring to the Bill at all. I am referring to the general attitude towards the constitutional amendments and the way they are being done during the last few months in the country. I am not referring to the clauses of the Bill.

MR. CHAIRMAN: You can proceed.

SHRI KRISHAN KANT: The fundamental duties which are sought to be embodied in the Constitution are to inspire the people. (*Interruptions*)

MR. CHAIRMAN: Will you please resume your seat? I am here to control. Why are you bothered at all? The fundamental duties are mentioned in the new Bill. Why are you referring to it? If you do that, I will have to stop it completely, whatever it is.

SHRI KRISHAN KANT: I am not referring to the new Bill. I am referring to the resolution outside.

MR. CHAIRMAN: We are not discussing the resolution also. It is a small amendment to the Constitution increasing the age of retirement. It is nothing more. You are a senior person.

SHRI KRISHAN KANT: Mr. Chairman, Sir, I have come here to speak after a discussion with you in the Chamber. I have come after taking permission from you. If you had not permitted, I would never have come and spoken.

MR. CHAIRMAN: Then I must explain to the House that you came to me to take permission to make a statement. I have allowed you with reference to the present Bill. If you mention something else casually here and there, one can understand. If you want to make a case that you can speak on this, then I have not given you permission. You should not misuse your meeting me.

SHRI KRISHAN KANT: Here I am referring to the issues which have been agitating the minds of the people regarding Constitution.

MR. CHAIRMAN: We are not discussing that at all. We are discussing only a small point. If you want to speak on that Bill you can speak.

SHRI KAMESHWAR SINGH (Bihar): On a point of order, Sir.

MR. CHAIRMAN: No point of order.

SHRI KRISHAN KANT: I am speaking regarding the attitude towards constitutional amendments. I am making a general proposition about the attitude to the constitutional amendments. Taking advantage of the new constitutional amendments...

MR. CHAIRMAN: Therefore, I am not allowing you to speak about the general attitude. You cannot speak about what is yet to be introduced. You must be very clear about it. I have given you time. If you want to speak, you speak; otherwise, you can stop.

SHRI KRISHAN KANT: I am stopping. I am going.

(At this stage, some hon. Members left the Chamber)

SHRI OM MEHTA: My friend, Mr. Krishan Kant, made a very long speech on a Bill which is not before the House or which has not even come to this House. It might have been introduced in the other House. That we do not know. I think he is still in the habit of saying the wrong thing at the wrong time. So, he said this at the wrong time. He made one or two observations that we do not allow the opposition parties to hold meetings when the constitutional amendments are being discussed. I would like to make it quite clear to the House that it is totally wrong and baseless to say that. Wherever they wanted to hold the meetings, they were allowed and I have got a long list before me where this Lok Sangharsh Samiti wanted to hold meetings to discuss the Constitutional Amendments. They were allowed on 14th January, 1976 at Rajkot, and again on 8th February, 1976 at Nadiad. Citizens for Democracy were allowed to hold meetings in Ahmedabad on 12th October, 1975 and 1st January, 1976, on 19th and 20th June, 1976 at Bombay, and on 18th July 1976 at Madras. The Civil

Rights Protection Committee held meetings during June, 1976 at 15 places in Kerala. The CPM Left Front were allowed to hold meetings from April to August, 1976, at 11 places in West Bengal. The Democratic Front held a meeting on 6th July, 1976 at Alwaye. The joint meetings of leaders of the Swatantra, the BJS, and the SP were held on 18th July, 1976 at Madras; a meeting of the left parties was held on 27th June, 1976 at Jalpaiguri. A meeting of the position parties was held on 7th August, 1976 at New Delhi at the residence of Mr. D. N. Singh. Meetings of the opposition parties were held at Ernakulam on 31st July, 1976 and 1st August, 1976; CPM-led opposition parties on 22nd June, 1976 at Ernakulam, and again at Idikki and Manjeri on 19th June, 1976. The National Democratic Forum was allowed to hold its meeting at Palghat on 27th June, 1976, and then like this again in the Osmania University at Hyderabad. The Lakshmipuram Youngmen's Association was allowed to hold its meeting at Madras, and Bombay. The National Committee of Opposition was allowed to hold its meetings on 31st July, 1976 and 1st August, 1976 at Delhi, and the Progressive Lawyers Forum on 9th August, 1976 at Trivandrum. Like this, 27 committees were allowed to hold their meetings at various places. Not only that, about 41 joint meetings of opposition political parties on the Constitutional Amendments were also allowed. The break-up is: Gujarat—3; Tamil Nadu—2; Maharashtra—2; Kerala—21; Delhi—1; and West Bengal—12.

Sir, we have also been informed that ten meetings of non-political groups—2 in Andhra Pradesh, 2 in Tamil Nadu, 2 in Maharashtra, 2 in Delhi, one in Kerala, and one in Gujarat—were allowed. So, forty-one plus ten, that is fifty-one meetings were allowed where they discussed the Constitutional Amendments. So, it is wrong to say that we have not allowed the meetings to be held. But

wherever these meetings which were being called for discussing the Constitutional Amendments were being used for other purposes, for criticising democracy, for criticising the emergency, for criticising the Government and other things, there some restrictions have been put by the State Government. But no ban has been there on the meetings which were being held for this. So, Sir, the topic under discussion is not the general amendments to the Constitution. And when that comes before the House, we will reply to each and every point raised by Mr. Krishan Kant. This is not the occasion to reply to those points which he raised. But I must make it clear that the Constitution was drafted 25 years back for the people of this country. And in the changing circumstances, when there are strong compulsions from the weaker sections, from the poorer sections of this country, some amendments have to be made so that it can fit in with the changed circumstances. And the amendments are made because the Constitution cannot be a static thing, and the Constitution has to be changed with the changing conditions. And, we are bringing the amendment only for that purpose. Today's Amendment which we have brought before the House is also like that.

Sir, when the Constitution was framed, the age of retirement of Government servants was fixed at 55 years, the age of retirement of Judges of the High Court at 60 years, and so on. Now, after 25 years, the age of retirement of High Court Judges has been increased from 60 to 62, and of the Government servants in most of the States from 55 to 58. Like that, we have brought in this Constitutional Amendment to fall in line with that, and the age of retirement of the members of the Public Service Commission would be raised from 60 to 62. Sir, a question has been asked as to why we should not make it 65 years. Sir, a difference has been kept from the very beginning. When the Constitution was

framed, a difference was kept in the age of retirement of High Court and Supreme Court Judges. Now, the difference is, it is 62 years in the case of High Court Judges and 65 years in the case of Supreme Court Judges. Even in the matter of age of Members who want to stand for elections to the Rajya Sabha and the Lok Sabha the difference is there. If a man wants to get elected to the Lok Sabha he should be at least 25 years of age and if he wants to get elected to the House of Elders his age should be 30 years. So the difference is there. Similarly, people in the State Public Service Commissions gain experience and later if we like we can draw them to the Union Public Service Commission and there they can continue up to 65 years of age. It is for this reason that the difference has been kept. This difference is not only in the case of ages of members of Public Service Commissions but it is in other cases also.

Sir, a question was raised that the number of members in Public Service Commissions is much less and it was asked that their number should be increased. There is no limit, Sir, upon the number of members of a Public Service Commission. Under article 318 of the Constitution it has been stated that in the case of the Union Public Service Commission or a Joint Commission, the President and, in the case of a State Public Service Commission, the Governor of the State may by regulation determine the number of members of the Commission and their conditions of service. There is no limit on the number of members of the Union Public Service Commission or a State Public Service Commission. If there is more work, more members can be recruited.

Shri Shyam Lal Yadav and Shri Prakash Veer Shastri and others raised a point and I think I must also agree with them though I also come from a rural background, namely, that most of the people who are being recruited to the I.A.S. and the I.P.S. and other Central Services come from

[Shri Om Mehta.]

cities and urban centres. I have also found that most of them come from such families who live in cities and urban areas and if the father is an IAS man, his son and his daughter also get into the IAS and sometimes the son-in-law is also an IAS man. We see so many kinds of monopolies and this is a kind of monopoly and some of the big families have monopolised the whole thing. The Union Public Service Commission referred this question to a committee and the committee was asked to examine how the people from villages and rural areas could be attracted. Rightly, Sir, as pointed out by Mr. Shyam Lal Yadav and Shri Prakash Veer Shastri, 85 per cent of the people belonging to this country live in rural India. I have come to know, Sir, that the Kothari Committee has submitted its report to the UPSC and the UPSC has gone through the report and sent its recommendations to the Government about a fortnight ago. The question of Indian languages was also referred to the UPSC and very soon the recommendations will be before us and the Government will take a decision on them.

Sir, it has been said that the conditions of service of members should be improved. It is for the State Government to fix their pay and allowances and determine other facilities which could be given to them. For the Union Public Service Commission the Government of India is responsible and recently we have raised the pay of members of the UPSC from Rs. 3,000 to Rs 3,250. Some benefits have also been provided to non-official members and pension has been raised by 40 per cent. So, whenever we have felt that some service conditions of these members should be improved, the Government has always acted but in the case of members of State Public Service Commissions, the State Governments have to do it.

Sir, a question was raised about the Scheduled Castes and the Scheduled Tribes and it was stated that they

should get due representation on Public Service Commissions. So far as we can gather from the reports of State Public Service Commissions upto the year 1973-74—the figures of which are available with us—the total number of members of State Public Service Commissions was 80 and out of that 18 belonged to the Scheduled Castes and the Scheduled Tribes—9 belonged to Scheduled Castes and 9 to Scheduled Tribes and the percentage works out to 22.5 which is the percentage which has been fixed by the Constitution.

SHRI B. RACHAIAH (Karnataka):
Is any of them a Chairman?

SHRI OM MEHTA: I have given the total but I will find out if there are any Public Service Commissions where a Scheduled Caste or a Scheduled Tribe man is the Chairman.

In the Union Public Service Commission also, Sir, we recently got two members, one from the Scheduled Caste and the other from the Scheduled Tribe. One of the Scheduled Castes members went into the Agricultural Service Commission and one Mr. Dhan, from the Scheduled Tribe went to Ranchi University as its Vice-Chancellor. And still we have got one Scheduled Caste member out of the six members that we have in the Union Public Service Commission. Therefore, Sir, due representation is being given to the Scheduled Castes and the Scheduled Tribes. As I have already said, Sir in the IAS, IPS and IFS, whatever quota had been fixed during the last 15 years, the whole quota has been filled and there is no area left where we have not filled the quota fixed for the Scheduled Castes and the Scheduled Tribes.

The other point raised was about the early retirement. It is advisable for the members not to join the Union Public Service Commission or the State Public Service Commission at a

young age because we generally want experienced people, engineers, doctors, scientists, and people from the academic circles to come to the Public Service Commissions so that we have experienced people in the Public Service Commissions to make selections.

DR. V. P. DUTT (Nominated): The younger people can also have some experience.

SHRI OM MEHTA: There is no bar.

SHRI B. RACHAIAH: In the case of Public Service Commissions, we take people who are up to the mark. I want to know whether you are going to retire those people earlier whose integrity is questioned.

SHRI OM MEHTA: I think the hon. Member has not read the provisions in the Constitution. I will just now tell him. There is a specific provision in the Constitution for those members whose integrity is doubtful or who indulge in mal-practices. Dr Dutt raised a question as to why the younger people should not come. There is no bar. Even if Dr. Dutt wants to come to the State Public Service Commission or to the Union Public Service Commission, he can come. But the difficulty would be, Sir, that after retirement—because there is a limit that either he should be there for six years or he completes the age of 60—at the age of 50, he would not be able to join any Government service either under the State Government or under the Central Government.

AN HONOURABLE MEMBER: He can come to Parliament.

SHRI OM MEHTA: He can come to Parliament; there is no bar. But we are also examining whether after serving the State Public Service Commission or the Union Public Service Commission, a person can go back to the University, because universities are autonomous and they are not under the Government. A recent case is there when Mr. Dhan was allowed to join Ranchi University. Like this, we are examining whether they can

go back to their teaching profession and join the university after having remained members of the Public Service Commission.

Sir, under article 317 (1) there is a provision for the President to remove the Chairman or members of the Union Public Service Commission as well as of the State Commissions after making a reference to the Supreme Court for holding an enquiry and sending its report on the specific allegations against the Chairman or the members. So, Sir, there is no bar and the Constitution already provides for it.

AN HONOURABLE MEMBER: But it is not done.

SHRI OM MEHTA: That is because you have never gone before the Governor or the President. Sir, if they go with specific allegations before the Governor or the President, the person can be retired. Provision is there but if this provision is not made use of, what can be said? It is not the fault of the Constitution-makers.

With these words, Sir, I commend the Bill to the House.

MR. CHAIRMAN: The question is:

“That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration.”

The House divided.

MR. CHAIRMAN: Ayes—182; Noes—Nil.

AYES—182

Abid, Shri Kasim Ali
Abu Abraham, Shri
Adivarekar, Shrimati Sushila Shankar
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Amla, Shri Tirath Ram
Amjad Ali, Shri Sardar
Anandam, Shri M.

Antulay, Shri A. R.
 Arif, Shri Mohammed Usman
 Avernoankar, Shri R. D. Jagtap
 Balram Das, Shri
 Banerjee, Shri B. N.
 Banerjee, Shri Jaharlal
 Bansj Lal, Shri
 Barman, Shri Prasenjit
 Basar, Shri Todak
 Berwa, Shri Jamnalal
 Bhagwan Din, Shri
 Bhagawati, Shri B. C.
 Bhardwaj, Shri Jagan Nath
 Bhatt, Shri N. K.
 Bisi, Shri Pramatha Nath
 Borooah, Shri D. K.
 Bose, Shrimati Pratima
 Buragohain, Shri Nabin Chandra
 Chakrabarti, Dr. Rajat Kumar
 Chanana, Shri Charanjit
 Chandrasekhar, Shrimati Maragatham
 Chattopadhyaya, Prof. D. P.
 Chaturvedi, Shrimati Vidyawati
 Chaurasia, Shri Shiv Dayal Singh
 Chettri, Shri Krishna Bahadur
 Choudhury, Shri Nripati Ranjan
 Chowdhary, Dr. Chandramanilal
 Chowdhri, Shri A. S.
 Chundawat, Shrimati Lakshmi Kumari
 Das, Shri Bipinpal
 Deb Burman, Shri Bir Chandra
 Desai, Shri R. M.
 Deshmukh, Shri Bapuraoji Marotraoji
 Dhabe, Shri S. W.
 Dhulap, Shri Krishnarao Narayan
 Dinesh Chandra, Shri Swami
 Dutt, Dr. V. P.
 Dwivedi, Shri Devendra Nath
 Gadgil, Shri Vithal
 Ghose, Shri Sankar
 Gill, Shri Raghbir Singh
 Goswami, Shri Srman Prafulla

Gowda, Shri K. S. Malle
 Gowda, Shri V. K. Lakshmana
 Gupta, Shri Gurudev
 Habibullah, Shrimati Hamida
 Hansda, Shri Phanindra Nath
 Hashmi, Shri Syed Ahmad
 Himmat Singh, Shri
 Imam, Shrimati Aziza
 Jain, Shri Dharmchand
 Joshi, Shri Jagdish
 Joshi, Shri Krishna Nand
 Joshi, Shrimati Kumudben Mani-
 shanker
 Kadershah, Shri M.
 Kalaniya, Shri Ibrahim
 Kamble, Prof. N. M.
 Kameshwar Singh, Shri
 Kapur, Shri Yashpal
 Khan, Shri F. M.
 Khan, Shri Khurshed Alam
 Khan, Shri Maqsood Ali
 Khan, Prof. Rasheeduddin
 Khan, Shrimati Ushi
 Khaparde, Shrimati Saroj
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Krishna, Shri M. R.
 Kulkarni, Shrimati Sumitra G.
 Kumbhare, Shri N. H.
 Kureel, Shri Piare Lal urf Piare Lal
 Talib
 Lalbuaia, Shri
 Lokesh Chandra, Dr.
 Lotha, Shri Khyomo
 Madhavan, Shri K. K.
 Mahanti, Shri Bhairab Chandra
 Mahapatro, Shri Lakshmana
 Mahida, Shri Harisinh Bhagubava
 Majhi, Shri C. P.
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lal
 Malik, Shri Syed Abdul
 Mehrotra, Shri Prakash

Mehra, Shri Om
 Menon, Shrimati Leela Damodara
 Mhaisekar, Shri Govindrao Ram-
 chandra
 Mirdha, Shri Ram Niwas
 Misra, Shri Lokanath
 Mishra, Mahendra Mohan
 Mishra, Shri Rishi Kumar
 Mittal, Shri Sat Paul
 Mohan Singh, Shri
 Mondal Shri Ahmad Hossain
 Mukherjee, Shri Kaji
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Mulla, Shri Anand Narain
 Mulla, Shri Suresh Narain
 Munda, Shri Bhaiya Ram
 Murahari, Shri Godey
 Nanda, Shri Narasingha Prasad
 Narasiah, Shri H. S.
 Nathi Singh, Shri
 Nizam-ud-Din, Shri Syed
 Nurul Hasan, Prof. S.
 Oberoi, Shri Mohan Singh
 Pai, Shri T. A.
 Panda, Shri Brahmananda
 Pande, Shri Bishambhar Nath
 Papireddi, Shri Bezawada
 Parashar, Shri Vinaykumar Ramlal
 Parbhu Singh, Shri
 Patil, Shri Deorao
 Patil, Shri Gulabrao
 Pawar, Shri D. Y.
 Poddar, Shri R. K.
 Pradhan, Shrimati Saraswati
 Prasad, Shri K. L. N
 Punnaiah, Shri Kota
 Qasim, Syeed Mir
 Rachaiah, Shri B.
 Raha, Shri Sanat Kumar
 Rahamathulla, Shri Mohammad
 Rajasekharam, Shri Palavalasa
 Raju, Shri V. B.

Ranbir Singh, Shri
 Ranganathan, Shri S.
 Rao, Shrimati Rathnabai Sreenivasa
 Rao, Shri V. C. Kesava
 Ratan Kumari, Shrimati
 Reddy, Shri Janardhana
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri R. Narasimha
 Roshan Lal, Shri
 Sahu, Shri Santosh Kumar
 Saleem, Shri Mohammad Yunus
 Saring, Shri Leonard Solomon
 Savita Behen, Shrimati
 Schamnad, Shri Hamid Ali
 Sethi, Shri P. C.
 Seyid Muhammad, Dr. V. A.
 Sharma, Shri Kishan Lal
 Shastri, Shri Prakash Veer
 Shilla, Shri Showales K.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bhishma Narain
 Singh, Shri D. P.
 Singh, Shri Irengbam Tompok
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Mahendra Bahadur
 Singh, Shrimati Pratibha
 Singh, Dr. V. B.
 Sisodia, Shri Sawaisingh
 Soni, Shrimati Ambika
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Sultan Singh, Shri
 Swu, Shri Scato
 Tanvir, Shri Habib
 Thakur, Shri Gunanand
 Tilak, Shri J. S.
 Tiwari, Shri Shankarlal
 Totu, Shri Gian Chand
 Triloki Singh, Shri
 Tripathi, Shri Kamalapati
 Trivedi, Shri H. M.
 Vaishampayan, Shri S. K.
 Venigalla Satyanarayana, Shri

Verma. Shri Shrikant
 Vyas, Dr. M. R.
 Wajd, Shri Sikander Ali
 Yadav. Shri Shyam Lal
 Zawar Husain, Shri

NOES—Nil.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

Clause 2

SHRI KRISHNARAO NARAYAN DHULAP: Sir, I move:

"That at page 1, line 6, for the words 'sixty-two years' the words 'sixty-five years' be substituted."

Sir, at the time of the general discussion of the Bill I have pointed out that there is no rationale behind the fixing of retirement age limit of the members of the Public Service Commission at 62. I have given the amendment to raise the retirement age limit to 65. For this purpose, I have already given some examples.

MR. CHAIRMAN: You have spoken already.

SHRI KRISHNARAO NARAYAN DHULAP: I had spoken but at that time all the Members were not there, that is my misfortune. Perhaps they may vote for me. Sir, even the Ministers who are more than 60 are going strong. They are continuing in politics.

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI P. C. SETHI): The hon. Member appears to be more than 60. We are not 60.

SHRI KRISHNARAO NARAYAN DHULAP: The retirement age limit of the Supreme Court Judges is also 65. So, it will be in the fitness of things to raise the age limit of retirement to 65 in case of the Members of the Public Service Commission also. The hon. Minister himself has said that the retirement age limit fixed for all those Professors who are in the educational field is 60. If you want those Professors of the Universities to be members of the Public Service Commission, then after their retirement at the age of 60 they would be left with two years only. Therefore, taking all these facts into consideration, I request that the retirement age limit should be raised to 65.

With these words I conclude.

The question was proposed.

SHRI OM MEHTA: I have already replied that this is not possible.

MR. CHAIRMAN: Are you pressing the amendment or you are willing to withdraw it?

SHRI KRISHNARAO NARAYAN DHULAP: Yes, Sir, I may be allowed to withdraw it.

MR. CHAIRMAN: The question is:

"That leave be granted to the Mover to withdraw his amendment."

The motion was adopted.

**The amendment was by leave, withdrawn.*

MR. CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

**For text of amendment, vide cols. 55 supra.*

The House divided.

MR. CHAIRMAN:

Ayes—182; Noes—Nil.

AYES—182.

Abid, Shri Kasim Ali
 Abu Abraham, Shri
 Adivarekar, Shrimati Sushila Shankar
 Alva, Shrimati Margaret
 Amarjit Kaur, Shrimati
 Amla, Shri Tirath Ram
 Amjad Ali, Shri Sardar
 Anandam, Shri M.
 Antulay, Shri A. R.
 Arif, Shri Mohammed Usman
 Avernoankar, Shri R. D. Jagtap
 Balram Das, Shri
 Banerjee, Shri B. N.
 Banerjee, Shri Jaharlal
 Bansi Lal, Shri
 Barman, Shri Prasenjit
 Basar, Shri Todak
 Berwa, Shri Jamnalal
 Bhagwan Din, Shri
 Bhagawati, Shri B. C.
 Bhardwaj, Shri Jagan Nath
 Bhatt, Shri N. K.
 Bisi, Shri Pramatha Nath
 Borooah, Shri D. K.
 Bose, Shrimati Pratima
 Buragohain, Shri Nabin Chandra
 Chakrabarti, Dr. Rajat Kumar
 Chanana, Shri Charanjit
 Chandrasekhar, Shrimati Maragatham
 Chattopadhyaya, Prof. D. P.
 Chaturvedi, Shrimati Vidyawati
 Chaurasia, Shri Shiv Dayal Singh
 Chettri, Shri Krishna Bahadur
 Choudhury, Shri Nripati Ranjan
 Chowdhary, Dr. Chandramanilal
 Chowdhri, Shri A. S.
 Chundawat, Shrimati Lakshmi Kumari

Das, Shri Bipinpal
 Deb Burman, Shri Bir Chandra
 Desai, Shri R. M.
 Desmukh, Shri Bapuraoji Marotraoji
 Dhabe, Shri S. W.
 Dhulap, Shri Krishnarao Narayan
 Dinesh Chandra, Shri Swami
 Dutt, Dr. V. P.
 Dwivedi, Shri Devendra Nath
 Gadgil, Shri Vithal
 Ghose, Shri Sankar
 Gill, Shri Raghbir Singh
 Goswami, Shri Sriman Prafulla
 Gowda, Shri K. S. Malle
 Gowda, Shri U. K. Lakshmana
 Gupta, Shri Gurudev
 Habibullah, Shrimati Hamida
 Hansda, Shri Phanindra Nath
 Hashmi, Shri Syed Ahmad
 Himmat Singh, Shri
 Imam, Shrimati Aziza
 Jain, Shri Dharamchand
 Joshi, Shri Jagdish
 Joshi, Shri Krishna Nand
 Joshi, Shrimati Kumudben Manishanker
 Kadershah, Shri M.
 Kalaniya, Shri Ibrahim
 Kamble, Prof. N. M.
 Kameshwar Singh, Shri
 Kapur, Shri Yashpal
 Khan, Shri F. M.
 Khan, Shri Khurshed Alam
 Khan, Shri Maqsood Ali
 Khan, Prof. Rasheeduddin
 Khan, Shrimati Ushji
 Khaparde, Shrimati Saroj
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Krishna, Shri M. R.
 Kulkarni, Shrimati Sumitra G.
 Kumbhare, Shri N. H.
 Kureel, Shri Piare Lal urf Piare Lal Talib

Lalbuaia, Shri
 Lokesh Chandra, Dr.
 Lotha, Shri Khyomo
 Madhavan, Shri K. K.
 Mahanti, Shri Bhairab Chandra
 Mahapatro, Shri Lakshmana
 Mahida, Shri Harisinh Bhagubava
 Majhi, Shri C. P.
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lal
 Malik, Shri Syed Abdul
 Mehrotra, Shri Prakash
 Mehta, Shri Om
 Menon, Shrimati Leela Damodara
 Mhaisekar, Shri Govindrao Ram-
 chandra
 Mirdha, Shri Ram Niwas
 Misra, Shri Lokanath
 Mishra, Shri Mahendra Mohan
 Mishra, Shri Rishi Kumar
 Mittal, Shri Sat Paul
 Mohan Singh, Shri
 Mondal, Shri Ahmad Hossain.
 Mukherjee, Shri Kali
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Mulla, Shri Anand Narain
 Mulla, Shri Suresh Narain
 Munda, Shri Bhaiya Ram
 Murahari, Shri Godey
 Nanda, Shri Narasingha Prasad
 Narasiah, Shri H. S.
 Nathi Singh, Shri
 Nizam-ud-Din, Shri Syed
 Nurul Hasan, Prof. S.
 Oberoi, Shri Mohan Singh
 Pai, Shri T. A.
 Pande, Shri Bishambhar Nath
 Papireddi, Shri Bezawada
 Parashar, Shri Vinaykumar Ramlal
 Parbhu Singh, Shri
 Patil, Shri Deorao

Patil, Shri Gulabrao
 Pawar, Shri D. Y.
 Poddar, Shri R. K.
 Pradhan, Shrimati Saraswati
 Prasad, Shri K. L. N.
 Punnaiah, Shri Kota
 Qasim, Syed Mir
 Rachaiah, Shri B.
 Raha, Shri Sanat Kumar
 Rahamathulla, Shri Mohammad
 Rajasekharam, Shri Palavalasa
 Raju, Shri V. B.
 Ranbir Singh, Shri
 Ranganathan, Shri S.
 Rao, Shrimati Rathnabai Sreenivasa
 Rao, Shri V. C. Kesava
 Ratan Kumari, Shrimati
 Reddy, Shri Janardhana
 Reddy, Shri K. V. Raghunatha.
 Reddy, Shri R. Narasimha
 Roshan Lal, Shri
 Sahu, Shri Santosh Kumar
 Saleem, Shri Mohammad Yunus
 Saring, Shri Leonard Solomon
 Savita Behen, Shrimati
 Schamnad, Shri Hamid Ali
 Sethi, Shri P. C.
 Syeid Muhammad, Dr. V. A.
 Sharma, Shri Kishan Lal
 Shastri, Shri Bhola Paswan.
 Shastri, Shri Prakash Veer
 Shilla, Shri Showaless K.
 Shyamkumari Devi, Shrimati.
 Singh, Shri Bhishma Narain
 Singh, Shri D. P.
 Singh, Shri Irengbam Tompok.
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Mahendra Bahadur
 Singh, Shrimati Pratibha
 Singh, Dr. V. B.
 Sisodia, Shri Sawaisingh
 Soni, Shrimati Ambika
 Sukhdev Prasad, Shri

Sultan, Shrimati Maimoona
 Sultan Singh, Shri
 Swu, Shri Scato
 Tanvir, Shri Habib
 Thakur, Shri Gunanand
 Tilak, Shri J. S.
 Tiwari, Shri Shankarlal
 Totu, Shri Gian Chand.
 Triloki Singh, Shri
 Tripathi, Shri Kamlapati
 Trivedi, Shri H. M.
 Vaishampayan, Shri S. K.
 Venigalla Satyanarayana, Shri
 Verma, Shri Shrikant
 Vyas, Dr. M. R.
 Wajd, Shri Sikander Ali
 Yadav, Shri Shyam Lal
 Zawar Husain, Shri

NOES—Nil.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The House divided.

MR. CHAIRMAN: Ayes—182;
 Noes—Nil.

AYES—182

Abu Abraham, Shri
 Adivarekar, Shrimati Sushila Shan-
 kar
 Alva, Shrimati Margaret
 Amarjit Kaur, Shrimati
 Amla, Shri Tirath Ram
 Amjad Ali, Shri Sardar
 Anandam, Shri M.

Antulay, Shri A. R.
 Arif, Shri Mohammed Usman
 Avergankar, Shri R. D. Jagtap
 Balram Das, Shri
 Banerjee, Shri B. N.
 Banerjee, Shri Jaharlal
 Bansi Lal, Shri
 Barman, Shri Prasenjit
 Basar, Shri Todak
 Berwa, Shri Jamnalal
 Bhagwan Din, Shri
 Bhagawati, Shri B. C.
 Bhardwaj, Shri Jagan Nath
 Bhatt, Shri N. K.
 Bisi, Shri Pramatha Nath
 Borooah, Shri D. K.
 Bose, Shrimati Pratima
 Buragohain, Shri Nabin Chandra
 Chakrabarti, Dr. Rajat Kumar
 Chanana, Shri Charanjit
 Chandrasekhar, Shrimati Maragatham
 Chottopadhyaya, Prof. D. P.
 Chaturvedi, Shrimati Vidyawati
 Chaurasia, Shri Shiv Dayal Singh
 Chettri, Shri Krishna Bahadur
 Choudhury, Shri Nripati Ranjan
 Chowdry, Dr. Chandramanilal
 Chowdhri, Shri A. S.
 Chundawat, Shrimati Lakshmi Kumari
 Das, Shri Bipinpal
 Deb Burman, Shri Bir Chandra
 Desai, Shri R. M.
 Deshmukh, Shri Bapuraoji Marotraoji
 Dhabe, Shri S. W.
 Dhulap, Shri Krishnarao Narayan
 Dinesh Chandra, Shri Swami
 Dutt, Dr. V. P.
 Dwivedi, Shri Devendra Nath
 Gadgil, Shri Vithal
 Ghose, Shri Sankar
 Gill, Shri Raghbir Singh
 Goswami, Shri Suman Prafulla
 Gowda, Shri K. S. Malle

Gowda, Shri U. K. Lakshmana
 Gupta, Shri Gurudev
 Habibullah, Shrimati Hamida
 Hansda, Shri Phanindra Nath
 Hashmi, Shri Syed Ahmad
 Himmat Singh, Shri
 Imam, Shrimati Aziza
 Jain, Shri Dharamchand
 Joshi, Shri Jagdish
 Joshi, Shri Krishna Nand
 Joshi, Shrimati Kumudben Manishan-
 ker
 Kadershah, Shri M.
 Kalaniya, Shri Ibrahim
 Kamble, Prof. N. M.
 Kameshwar Singh, Shri
 Kapur, Shri Yaspal
 Khan, Shri F. M.
 Khan, Shri Khurshed Alam
 Khan, Shri Maqsood Ali
 han, Prof. Rasheeduddin
 Khan, Shrimati Ushi
 Khaparde, Shrimati Saroj
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Krishna, Shri M. R.
 Kulkarni, Shrimati Sumitra G.
 Kumbhare, Shri N. H.
 Kureel, Shri Piare Lal *ur* Piare Lal
 Talib
 Lalbuaia, Shri
 Lokesh Chandra, Dr.
 Lotha, Shri Khyomo
 Madhavan, Shri K. K.
 Mahanti, Shri Bhairab Chandra
 Mahapatro, Shri Lakshmana
 Mahida, Shri Harisinh Bhagubava
 Majhi, Shri C. P.
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lal
 Malik, Shri Syed Abdul
 Mehrotra, Shri Prakash

Mehta, Shri Om
 Menon, Shrimati Leela Damodara
 Mhaisekar, Shri Govindrao Ramchan-
 dra
 Mirdha, Shri Ram Niwas
 Misra, Shri Lokanath
 Mishra, Shri Mahendra Mohan
 Mishra, Shri Rishi Kumar
 Mittal, Shri Sat Paul
 Mohan Singh, Shri
 Monda, Shri Ahmad Hossain
 Mukherjee, Shri Kali
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Mulla, Shri Anand Narain
 Mulla, Shri Suresh Narain
 Munda, Shri Bhaiya Ram
 Murahari, Shri Godey
 Nanda, Shri Narasingha Prasad
 Narasiah, Shri H. S.
 Nathi Singh, Shri
 Nizam-ud-Din, Shri Syed
 Nurul Hasan, Prof. S.
 Oberoi, Shri Mohan Singh
 Pai, Shri T. A.
 Panda, Shri Brahmananda
 Pande, Shri Bishambhar Nath
 Papireddi, Shri Bezawada
 Parashar, Shri Vinaykumar Ramlal
 Parbhu Singh, Shri
 Patil, Shri Deorao
 Patil, Shri Gulabrao
 Pawar, Shri D. Y.
 Poddar, Shri R. K.
 Pradhan, Shrimati Saraswati
 Prasad, Shri K. L. N.
 Punnaiah, Shri Kota
 Qasim, Syeed Mir
 Rachaiah, Shri B.
 Raha, Shri Sanat Kumar
 Rahamathulla, Shri Mohmmad
 Rajasekharam, Shri Palavata
 Raju, Shri V. B.

Ranbir Singh, Shri
 Ranganathan, Shri S.
 Rao, Shrimati Ratnabai Sreenivasa
 Rao, Shri V. C. Kesava
 Ratan Kumari, Shrimati
 Reddy, Shri Janardhnana
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri R. Narasimha
 Roshan Lal, Shri
 Sahu, Shri Santosh Kumar
 Saleem, Shri Mohammad Yunus
 Saring, Shri Leonard Soloman
 Savita Béhen, Shrimati
 Schamnad, Shri Hamid Ali
 Sethi, Shri P. C.
 Seyid Muhammad, Dr. V. A.
 Sharma, Shri Kishan Lal
 Shastri, Shri Bhola Paswan
 Shastri, Shri Prakash Veer
 Shilla, Shri Showaless K.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bhishma Narain
 Singh, Shri D. P.
 Singh, Shri Irengbam Tompok
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Mahendra Bahadur
 Singh, Shrimati Pratibha
 Singh, Dr. V. B.
 Sisodia, Shri Sawaisingh
 Soni, Shrimati Ambika
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Sultan Singh, Shri
 Swu, Shri Scato
 Tanvir, Shri Habib
 Thakur, Shri Gunanand
 Tilak, Shri J. S.
 Tiwari, Shri Shankarlal
 Totu, Shri Gian Chand
 Triloki Singh, Shri
 Tripathi, Shri Kamlapati
 Trivedi, Shri H. M.
 Vaishampayan, Shri S. K.

790 RS—3.

Venigalla Satyanarayana, Shri
 Verma, Shri Shrikant
 Vyas, Dr. M. R.
 Wajd, Shri Sikander Ali
 Yadav, Shri Shyam Lal
 Zawar Husain, Shri

NOES—Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI OM MEHTA: Sir, I move:

“That the Bill be passed.”

1. P.M.

MR. CHAIRMAN: The question is:

“That the Bill be passed.”

The House divided.

MR. CHAIRMAN: Ayes—185; Noes—Nil.

AYES—185.

Abid, Shri Kasim Ali
 Abu Abraham, Shri
 Adivarekar, Shrimati Sushila
 Shankar
 Alva, Shrimati Margaret
 Amarjit Kaur, Shrimati
 Amla, Shri Tirath Ram
 Amjad Ali, Shri Sardar
 Anandam, Shri M.
 Antulay, Shri A. R.
 Arif, Shri Mohammed Usman
 Avernoankar, Shri R. D. Jagtap

Balram Das, Shri
 Banerjee, Shri B. N.
 Banerjee, Shri Jaharlal
 Bansi Lal, Shri
 Barman, Shri Prasenjit
 Basar, Shri Todak
 Berwa, Shri Jamnalal
 Bhagwan Din, Shri
 Bhagawati, Shri B. C.
 Bhardwaj, Shri Jagan Nath
 Bhatt, Shri N. K.
 Bisi, Shri Pramatha Nath
 Borooah, Shri D. K.
 Bose, Shrimati Pratima
 Buragohain, Shri Nabin Chandra
 Chakrabarti, Dr. Rajat Kumar
 Chanana, Shri Charanjit
 Chandrasekhar, Shrimati Maragatham
 Chattopadhyaya, Prof. D. P.
 Chaturvedi, Shrimati Vidyawati
 Chaurasia, Shri Shiv Dayal Singh
 Chettri, Shri Krishna Bahadur
 Choudhury, Shri Nripati Ranjan
 Chowdhary, Dr. Chandramanilal
 Chowdhri, Shri A. S.
 Chundawat, Shrimati Lakshmi Kumari
 Das, Shri Bipinpal
 Deb Burman, Shri Bir Chandra
 Desai, Shri R. M.
 Deshmukh, Shri Bapuraoji Marotraoji
 Dhabe, Shri S. W.
 Dhulap, Shri Krishnarao Narayan
 Dinesh Chandra, Shri Swami
 Dutt, Dr. V. P.
 Dwivedi, Shri Devendra Nath
 Gadgil, Shri Vithal
 Ghose, Shri Sankar
 Gil, Shri Raghbir Singh
 Goswami, Shri Sriman Prafulla
 Gowda, Shri K. S. Malle
 Gowda, Shri U. K. Lakshmana

Gupta, Shri Gurudev
 Habibullah, Shrimati Hamida
 Hansda, Shri Phanindra Nath
 Hashmi, Shri Syed Ahmad
 Himmat Singh, Shri
 Imam, Shrimati Aziza
 Jain, Shri Dharmchand
 Joshi, Shri Jagdish
 Joshi, Shri Krishna Nand
 Joshi, Shrimati Kumudben Manishanker
 Kadershah, Shri M.
 Kalaniya, Shri Ibrahim
 Kamble, Prof. N. M.
 Kameshwar Singh, Shri
 Kapur, Shri Yashpal
 Khan, Shri F. M.
 Khan, Shri Khurshed Alam
 Khan, Shri Maqsood Ali
 Khan, Prof. Rasheeduddin
 Khan, Shrimati Ushi
 Khaparde, Shrimati Saroj
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Krishna, Shri M. R.
 Kulkarni, Shrimati Sumitra G.
 Kumbhare, Shri N. H.
 Kureel, Shri Piare Lall urf Piare Lall Talib
 Lalbuaia, Shri
 Lokesh Chandra, Dr.
 Lotha, Shri Khyomo
 Madhavan, Shri K. K.
 Mahanti, Shri Bhairab Chandra
 Mahapatro, Shri Lakshmana
 Mahida, Shri Harisinh Bhagubava
 Majhi, Shri C. P.
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lal
 Malik, Shri Syed Abdul
 Mehrotra, Shri Prakash
 Mehta, Shri Om
 Menon, Shrimati Leela Damodara

Mhaisekar, Shri Govindrao Ram-
chandra

Mirdha, Shri Ram Niwas

Misra, Shri Lokanath

Mishra, Shri Mahendra Mohan

Mishra, Shri Rishi Kumar

Mittal, Shri Sat Paul

Mohan Singh, Shri

Mondal, Shri Ahmad Hossain

Mukherjee, Shri Kali

Mukherjee, Shri Pranab

Mukhopadhyay, Shrimati Purabi

Mulla, Shri Anand Narain

Mulla, Shri Suresh Narain

Munda, Shri Bhaiya Ram

Murahari, Shri Godey

Nanda, Shri Narasingha Prasad

Narasiah, Shri H. S.

Nathi Singh, Shri

Nizam-ud-Din, Shri Syed

Nurul Hasan, Prof. S.

Oberoi, Shri Mohan Singh

Pai, Shri T. A.

Panda, Shri Brahmananda

Pande, Shri Bishambhar Nath

Papireddi, Shri Bezawada

Parashar, Shri Vinay kumar Ramlal

Parbhu Singh, Shri

Patil, Shri Deorao

Patil, Shri Gulabrao

Pawar, Shri D. Y.

Poddar, Shri R. K.

Pradhan, Shrimati Saraswati

Prasad, Shri K. L. N.

Punnaiah, Shri Kota

Qasim, Syyed Mir

Rachaiah, Shri B.

Raha, Shri Sanat Kumar

Rahamathulla, Shri Mohammad

Rai, Shri Kalp Nath

Rajasekharam, Shri Palavalasa

Raju, Shri V. B.

Ranbir Singh, Shri

Ranganathan, Shri S.

Rao, Shrimati Rathnabai Sreenivasa

Rao, Shri V. C. Kesava

Ratan Kumari, Shrimati

Reddy, Shri Janardhana

Reddy, Shri K. V. Raghunatha

Reddy, Shri Mulka Govinda

Reddy, Shri R. Narasimha

Roshan Lal, Shri

Sahu, Shri Santosh Kumar

Saleem, Shri Mohammad Yunus

Saring, Shri Leonard Solomon

Savita Behen, Shrimati

Schamnad, Shri Hamid Ali

Sethi, Shri P. C.

Seyid Muhammad, Dr. V. A.

Sharma, Shri Kishan Lal

Shastri, Shri Bhola Paswan

Shastri, Shri Prakash Veer

Shilla, Shri Showaless K.

Shyamkumari Devi, Shrimati

Singh, Shri Bhishma Narain

Singh, Shri D. P.

Singh, Shri Irengbam Tomopok

Singh, Shrimati Jahanara Jaipal

Singh, Shri Mahendra Bahadur

Singh, Shrimati Pratibha

Singh, Dr. V. B.

Sisodia, Shri Sawaisingh

Soni, Shrimati Ambika

Sukhdev Prasad, Shri

Sultan, Shrimati Maimoona

Sultan Singh, Shri

Swu, Shri Scato

Tanvir, Shri Habib

Thakur, Shri Gunanand

Tilak, Shri J. S.

Tiwari, Shri Shankarlal

Totu, Shri Gian Chand

Triloki Singh, Shri

Tripathi, Shri Kamlapati

Trivedi, Shri H. M.
 Vaishampayan, Shri S. K.
 Venigalla Satyanarayana, Shri
 Verma, Shri Shrikant
 Vyas, Dr. M. R.
 Wajd, Shri Sikander Ali
 Yadav, Shri Shyam Lal
 Zawar Husain, Shri

NOES—Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The House stands adjourned till 2 P.M. today.

The House then adjourned for lunch at three minutes past one of the clock.

The House reassembled after lunch at one minute past two of the clock, Mr. Deputy Chairman in the Chair.

THE FIFTH SCHEDULE TO THE CONSTITUTION (AMENDMENT) BILL, 1976

THE MINISTER OF STATE IN THE
 MINISTRY OF HOME AFFAIRS, DE-
 PARTMENT OF PERSONNEL AND
 ADMINISTRATIVE REFORMS AND
 DEPARTMENT OF PARLIAMENT-
 ARY AFFAIRS (SHRI OM MEHTA):
 Mr. Deputy Chairman, I move:

“That the Bill further to amend the Fifth Schedule to the Constitution of India, as passed by the Lok Sabha, be taken into consideration.”

Sir, the House is aware that the Fifth Schedule to the Constitution contains special provisions for the administration and development of the scheduled areas. These provisions are necessary because the people living there are simple and need protection from vested interests. This becomes urgent when new development programmes are taken up in these areas.

In many cases, complex laws can go against the people. Therefore, they need simple administration, simple laws and sympathetic administration for protection and development.

We reviewed the problem of tribal development in the beginning of the Fifth Plan under the guidance of our Prime Minister. As a result, the tribal development programmes have now been extended to all the scheduled areas and areas with more than 50 per cent tribal population. The total scheduled area in the country at present is about 2.42 lakh square kilometres. The total tribal population in these areas is about 1.6 crores or about 44 per cent of the total tribal population. The sub-plans cover about 3.9 lakh square Kilometres. About 2.5 crore tribals or about two-thirds of the total tribal population will be covered under the new programme.

In some States, the President had scheduled some areas in 1950. Our review shows that in these States many areas with predominant tribal population were not included. This posed a problem of extending regulations uniformly to these tribal areas. In our new programme, resources are no constraint. Therefore we have to concentrate on effective implementation. We propose to extend the scheduled areas in these States to the entire sub-plan area.

There are some States where there are no scheduled areas. In some cases, the tribal population is dispersed. In their case, the President can schedule the areas wherever necessary by an order under the Fifth Schedule. These cases can be considered separately.

With the extension of the Fifth Schedule, a special responsibility devolves on the Central Government in respect of these areas. Suitable directions can be issued for good administration of these areas. The Governor is also expected to make an annual assessment of the situation there and report to the President. We hope it will be possible for us now to