

एडीटूड लिया है उसके प्रति सोविएट गवर्नमेन्ट की सिम्पैथी है और कुछ मुस्लिम कट्टीज की भी सिम्पैथी है।

SARDAR SWARAN SINGH Sir, probably this question is based on a newspaper report that appeared in some of the newspapers today and if even that news item is carefully studied this relates to the possibility of some economic aid being given to Uganda but there is no authentic backing for that news item and we are convinced that in adopting this attitude of sending the persons of Asian origin out of Uganda, this step of the Uganda Government has not the support or backing of the Government of the USSR.

SHRI DAHYABHAI V PATEL The hon Minister tried to differentiate between what happened a few years ago in East Africa and Uganda. Is not Uganda one part of East Africa? East Africa was comprised of Uganda, Kenya and Tanganyika. So Uganda is one of the parts of that area and these people there are being sought to be expelled from there. That is very clear.

I would also like to emphasize the question my predecessor asked. There is a feeling that the Soviet Union and the Arab States are encouraging Uganda in this. Has the Government any information on this matter?

SARDAR SWARAN SINGH I have already said that my reply to that is in the negative.

SHRI DAHYABHAI V PATEL What about the previous question? East Africa consists of all these three States.

SARDAR SWARAN SINGH I have never said it is not part of East Africa. That is geography.

SHRI DAHYABHAI V PATEL Then why do you confuse it?

THE VICE CHAIRMAN (SHRI V B RAJU) Now let us go back to the Bill relating to ICS officers.

THE FORMER SECRETARY OF STATE SERVICE—OFFICERS (CONDITIONS OF SERVICE) BILL, 1972—contd

SHRI N G GORAY (Maharashtra) Sir, this Bill relates to a category of officers who are on the way out, and I never expected that so far as this Bill was concerned my friend Mr Bhupesh Gupta would pour all the ridicule and scorn and contempt on the ICS officers who are almost nowhere. Sir, we have to understand this in the perspective of history, and if we try to understand this in the correct perspective, then I

think there is no need to give vent to so much scorn about the Service, which is coming to an end. Sir, after all, when the British came here, they had to create their own instruments of governing such a vast empire, and that is why this Indian Civil Service was founded, and it must be admitted that this Civil Service really discharged the duties that were expected of them with efficiency and loyalty. It is true, Sir, that we who struggled for freedom, and they, who tried to oppose the British Raj, always came into conflict. And the clash was inevitable. But it was inherent in the very concept of that service and, therefore, Sir, when now the Service is going out I do not think it will be proper to blame that Service or to pour scorn on them or to brand them as traitors. Their role is finished and when we are sending them out, let us observe that etiquette expressed in *nil nisi bonum* (of the dead nothing but good). If there were some very bad administrators among the Civil Servants, if among them there were chavans, if among them there were empire builders, there were certain people like Mr R C Dutt, Arvind Babu, Subhas Babu, Mr Surendranath Banerjee, and so many others, my friend, Mr Kamath was also one of them. So, Sir, let us try to understand the role that they tried to play. Let us evaluate what they did here.

SHRI BRAHMANANDA PANDA (Orissa) The devils have left us. Now we are left with the devils to deal with.

SHRI N G GORAY Therefore, I am not grudging them the pension that is being given to them under this Bill, I won't grudge that. To my mind, Sir, the other question is far more important. The Civil Service that was conceived by the British, that was created by the British and which served them so well, is going out. But what are we putting in its place? That is the question to which I would like my friend Mr Pant to devote his attention. And, Sir, if you were to say that the IAS are replacing the ICS, then I would like to point out that the sort of service that we are expecting from the IAS is entirely different from the service or the work that we were expecting from the ICS.

The tasks are completely different. The task before the ICS was to hold in bondage a colonial country. The task that is facing the IAS people, the new cadre, is to build up this country. These are two entirely different tasks. I would like our Minister to try and find out whether there are not certain guidelines provided by the Administrative Reforms Commission. I am one of those who are very sorry to find that so much effort was made—Shri Hanumanthaiya was the Chairman of that Commission, and whatever may be the opinion of Shri Hanumanthaiya, after he has resigned or he has

[Shri N. G. Goray]

been asked to quit. I do feel after going through the report that Shri Hanumanthaiya and his colleagues had really made a very honest and painstaking effort to understand the role of the Administrative Service and to give it a new orientation. You will find that the report is lying there gathering dust. Nothing has happened. When I was a new-comer to the House, I did put the question as to what had happened to the report. I was told that a Committee had been appointed and very soon the report of the Committee would be taken into consideration. I do not know what has happened to that Committee. I do not know whether a report was submitted and, if a report was submitted, what has happened to that report.

So many friends have tried to draw attention and I would also repeat the same thing, that there are various branches now, and it is not only collecting revenue and keeping law and order, it is a question of the entire nation being built up. The co-operative sector, small industries sector, big industries, heavy industries, public sector, private sector, there are so many multifarious activities. Do you mean to say that only the IAS people are to be given all the top jobs? Are they capable or have they been trained for that? If you confine all these top places for the IAS, then, Sir, I would like to warn the Government that there is going to be a terrible discontent in the cadres which come from the other fields, technicians, etc etc. Therefore, I would like to impress upon Mr. Pant that this Bill is all right so far as it goes. I am also sure that when he replies he will say that the questions that we have raised are not directly connected with this Bill, I admit that; but when a particular Service is going out and we are bidding good-bye, I would like to point out that unless the vacuum is filled, unless we create our own cadre, unless we have a Service which will suit the new circumstances and the new challenges, we shall have not done our duty. Thank you.

SHRI G. A. APPAN (Tamil Nadu): Mr Vice Chairman. Government have now chosen to abolish the privileges or the so-called privileges that the former Secretary of State Service personnel enjoy during the present day. You can just compare it with the privileges that a number of other cadres of this country had in 1930, the legislators had, the parliamentarians had when our country acquired independence. But everybody is trying to increase his privileges and perquisites, whereas some of us have chosen and brought here a Bill on the floor of the august House to abolish the privileges offered to these ICS people or the Secretary of State Service people. How many are there now? How much of it is going to affect the

national exchequer? The number, according to the Minister's figure, is barely 80 who are now in service, the ICS people. One is going to retire in 1980, two in 1979, two others are going to retire in 1972, and even if all the 80 were to continue, what is it going to cost? It is not more than Rs. 40,000. It is said that each of them draws Rs. 500 more than the IAS. I tell you I have my greatest regard, personal regard—I think no honest man can dispute it—for the people who are foreign-returned, for the people who are foreign-trained. For the Barrister I have the highest regard, much more than the so-called Advocates here who are B.Ls.

I have the highest regard for the ICS officers equally and for people who are members of the Harvard University, Oxford University and things like that, people who have taken their law degrees from Harvard, Washington, Cambridge and Oxford. Everybody knows—whether one accepts him or not, it is a dogmatic factor—which a man can or cannot accept. Under these circumstances, I have the privilege of working at least under four or five people. Mr. Hejmadi who has been the Chairman of the UPSC, the late Mr. Venkateswaran and Mr. Raghavachari. Mr. Vice-Chairman, can anybody disown here about the integrity, sincerity, the hard work and the honesty of these people? There were one or two black sheep like Mr. Venkataraman who was dismissed or removed. In every cadre there are people like that. I am really ashamed that a person, a highly qualified, highly educated person, a great politician like my friend, Mr. Bhupesh Gupta, should stand up against these people. I do not know whether he came into contact or into loggerheads with any of these people. (Interruptions) Perhaps, he has failed in the ICS. I am told that people who fail in the ICS take the barrister examination and come here. I do not know what has happened. But I have the highest regard for him. I have also the highest regard for every Minister. But a Minister gets Rs. 3000 and with all their perquisites it is more than Rs. 10,000, the people say. We are agitated about this pittance of Rs. 500. But when compared to the efficiency, integrity and the honest work of these ICS men and the IAS people, you should give them even more than Rs. 500. How many of these top-ranking people get?—Rs. 5000, Rs. 10000, some riff-raffs, some heads of departments, as people at the helm of affairs. One of my friends who is a Minister has chosen to take a man, Mr. Basu, from the Indian Airlines, one who has spoiled the ranks of the IAC. How many Ministers take their own people and give them top-ranking jobs? For the sake of Rs. 500 you are doing this. This is my personal opinion. It is a black letter day. On certain things I agree with the hon. Minister. Of course, you can ask them to get their money in rupees instead

of in sterling. If you ask them they will do it. And it is really very unfortunate to lay down a condition here that unless they give their option to continue in the service, you will deny them even the death benefit, PF benefits and things like that. It is a breach of the contract. It is the breach of the solemn faith. And when an officer is appointed, if you put him on some job and even if a rupee is lost in his salary or emolument, he goes to the court for a writ and other things. But here overnight you want to take away Rs. 500. They do not care for it. In the past when the salary was given to the European ICS men they got their butlers, gardeners and so many other people and most of them were Indians who worked for them. But some of the Indian ICS men become so selfish and narrow-minded that they would not even have a small cook or a chauffeur or a chaprasi or a cleaner. For such people, it was pointed out, "My dear boy, appoint some people and our people will be benefited." But that is not within our purview.

Mr. Vice-Chairman, Sir, let me request what is the use of blaming the arrow instead of blaming the archer? I am sorry that this unpleasant task came to the lot of my very good friend, Mr. Pant, son of a very great person. I know that some people have been pressurising the Government for bringing this black law. I would call it black law. I would even champion the cause of the I.C.S. men but for my party. This is my personal opinion.

You say that the I.C.S. men should not get jobs after their retirement. I would say that the Judges should not be appointed for any counsel or anything like that. I would also say that nobody in senior positions should go in for a job and appointed even as a legislator or a Member of Parliament or Chairman of anything. In how many cases have the Government appointed as Chairman? I would request the Government to have only one yardstick of justice and not to have two-sided or many-sided approach.

I know, Mr. Vice-Chairman, the majority is going to approve it. I am also for democracy, and along with you. But in my sense of duty I would protest. I feel that the I.C.S. people, if they are honest should, as a protest, all of them resign. What is this pittance? If I would have been an I.C.S. officer, I would have resigned my job. Here I would rather say do not give so much benefit to the I.A.S. people. Do not put the lamb, the sheep and the goat, the donkey and the horse together.

SHRI BHUPESH GUPTA: Sir, he has made a constructive suggestion. Yes, as a protest they should resign. I think he should add to it that in order to persuade them to

resign he would go on an indefinite hunger strike.

SHRI G. A. APPAN: If they want I can do it for them. They can take me as their lawyer for their great and sincere cause as Gandhip did.

SHRI K. C. PANT: Sir I am grateful to all the hon'ble Members who have participated in this debate. I wish my friend, Shri Appan, had spoken earlier because he had an original viewpoint. If he had spoken earlier other Members who participated may have had an opportunity to comment on his views.

SHRI BHUPESH GUPTA: I am surprised that you agree with him.

SHRI K. C. PANT: The debate on the whole has not been confined to the Bill before us and, perhaps, to some extent it was inevitable that it should have ranged over a wider field. There were references to the historical past of the I.C.S. There were also references to other administrative matters, the A. R. C. recommendation and the role of the administrative services in India today. These are matters which, as I said, are not germane to the Bill or the discussion before us. But in the circumstances, perhaps, they were inevitable. I do feel, and I hope my hon'ble friends will not mind my saying so, that it would have been better if no names had been mentioned, if no persons had been named and some remarks which were not in good taste had not been made. I think I owe it to the House to make this observation.

The I.C.S. has had its own past. It has been a service which has worked under the British in the old days and many hon'ble Members in this House have very unpleasant memories of that association of the I.C.S. with the British Government.

At the same time, it has been called upon, after independence, to face up to many situations. And at a time when the country was run by stalwarts like Jawaharlalji, Sardar Patel and others and many troubles came on our country, the ICS did perform a service to the country. There are good people amongst them; there are bad people amongst them. All I would request is for the House to share the gracefulness of Shri Goray's references to the service. He made a very graceful reference and I think it is in that spirit of grace that this debate should be conducted.

Sir, my hon. friend, Shri Banarsi Das is not here. He referred mostly to general administrative matters. He referred to the ARC Report and to the general questions of how much district experience field officers should have, the field officers versus Secretariat officers and so on. He referred to the accountability of officers. All these things,

[Shri K. C. Pant]

I do not think I need reply to. But one point he made which I think needs a reply, and that is, he said, "if you look at the USA or the USSR or Great Britain, you will not find this kind of service anywhere" I presume that he said that as a matter of criticism. But I take it as a compliment because we have to find our own answers to the administrative problems that we have in this country. Our problem is unique and our answers must be unique. We are a democracy. Those countries which are not democracies have their own systems. We want to use the administrative machinery to effect social transformation according to our own genius, according to our policy. We want to give our people a better way of life. India is a country in which the administration must play a much bigger role than in other countries, where education is widespread, where traditions are well established and where economic growth has taken place, the role of the administration must be necessarily very much more involved in the processes of development, with the ability to secure people's participation; and the administration must be in tune with the aspirations and hopes of the people. Therefore, our administration necessarily cannot copy blindly any administrative set-up anywhere in the world. I think the sooner we accept the responsibility for evolving an administrative structure which is in tune with our needs and which will find the right answers under our conditions, the sooner we will be able to do so. So, I would request Shri Banarsi Das not to look abroad for models to copy. There are going to be no models from which he will be able to copy. We will have to take the good things from other countries, but ultimately we have to find our own answers to our problems.

Sir, Shri Sakhalecha referred to the over-protection being given to the services, particularly to the ICS and other Secretary of State services. All I can say is that if he had studied the Bill carefully, he would have seen that the point that he has made is already covered under the provisions of this Bill. I shall refer to that aspect later in a little more detail.

Sir, my hon. friend, Shrimati Purabi Mukherjee, has made my task much lighter by referring to various provisions . . .

SHRI BHUPESH GUPTA: She makes all tasks lighter

SHRI K. C. PANT: But her speech seemed to weigh on my hon. friend's mind for quite some time.

SHRI BHUPESH GUPTA: She had also made my mind lighter.

SHRI K. C. PANT: I think each one can draw his own interpretation from that.

Now, Bhupeshji spoke and he said he was happy that we had brought forward this Bill. Further he seemed to be replying to Shri C. C. Desai's speech in the other House. I was a little intrigued by that because I thought that it was the normal practice in this House not to refer to the speeches in the other House, but . . .

SHRI BHUPESH GUPTA: Mr. Chavan came and read out the speech he made in the other House verbatim. Even when I pointed out, he continued with it. The proceedings are there. I entirely agree, generally you do not read out. I did not refer by reading. But Mr. Chavan read out exactly the speech he made in the other House. I had a copy of it and I said, "Mr. Chavan, you are reading out . . .", but he went on undaunted.

SHRI K. C. PANT: Anyway, he has made his own rules and this is another one.

He referred to the fact that Shri C. C. Desai had said that Congress Ministers are eating out of the hands of the ICS Officers. And he asked Mrs. Purabi Mukherjee whether she had also eaten out of the hands of the ICS officers . . .

SHRI BHUPESH GUPTA: I did not say that.

SHRI K. C. PANT: You asked her. It was a polite query. I only have to remind him that there is hardly anybody in the House whose party has not been in some Government or the other somewhere or the other, and I do not think Mr. C. C. Desai referred to Congress Ministers. He referred to Ministers in general. I think it is for each of us to search his heart. I do not remember any Government anywhere, whether it be the CPI, the Jan Sangh, the Congress (O), the DMK, the PSP, any party, who while they were in power, had said, "Take away our ICS Officers or take away our IP Officers". All of them have used these officers, and I think, rightly so. And they are supposed to be the instruments of the Government . . .

SHRI JOACHIM ALVA: In Madras there is some trouble. The case is in the Supreme Court.

SHRI K. C. PANT: That is all right. I am only making a point. While both are responsible for carrying out the administration, all the parties made full use of the instruments that were available to them. And these included ICS Officers. I do not recall a single case, including Kerala today where the CPI Minister or Chief Minister said, "Well, take away these ICS Officers because Jawaharlal Nehru said something against them before independence." I do not remember that. I do not recall such instances. Therefore, while appreciating the

support which I got from Bhupeshji I would only say that I am sorry that he himself has never been in a position of responsibility in this manner. I wish he had. Then perhaps he would have said

SHRI BHUPESH GUPTA The question was not eating out of hand

SHRI K. C. PANT Eating out of the hands of (interruption) He did not refer to Congress Ministers. He referred to Ministers in general.

SHRI BHUPESH GUPTA I said that is the impression.

SHRI K. C. PANT That is the impression which I am trying to clear, and I am not going to accept Shri C. C. Desai's version in this at all. I assure him that I do not think any party, any political party in this country is eating out of the hands of the ICS. They are the instruments of the Government and they are nothing more than an instrument of the Government. If the Government is efficient and effective, if the Minister is efficient and effective, the Secretary cannot do anything. And therefore let us be clear that in these matters we emphasise the role of the political wing of the Government, the supremacy of the political wing of the Government as against the administrative wing. If this is the point at issue, I am entirely with him. My honourable friend Shri Dahyabhai Patil has asked: In 25 years have we given the country an alternative? I am a little surprised that he has asked this question. I certainly think that we have given an alternative. I certainly think that the administration of this country is not going to be any the worse when the ICS is not there. And this question betrays a lack of confidence which surprises me. Why should we lack this confidence? What is it in the ICS that is so special that our IAS will not come up to or other services will not come up to? I do not share this lack of confidence or this pessimism anywhere. He says the details have not been given in the Bill. Details have not been given in the Bill because the general provision is that but for A, B, C, all the other privileges have been removed.

The central point is that ICS is no longer a privileged service. That was our commitment and as Shri Banarsi Das has said we have kept that commitment and we have honoured that commitment. All the privileges have gone with this Bill. I shall later on list the various privileges that have gone. This says what privileges are gone except 1, 2, 3, etc. We have not listed the details. I can certainly give you the details if you are interested in them. The important point is about the principle and it is in pursuance of that principle which we

had earlier committed ourselves to, we brought forward the Constitution (Amendment) Bill under which article 314 was dropped and article 312A was introduced and we have now come before this House with this Bill.

Shri Golay also referred to ARC and he said that the report is gathering dust. I think this question has often been asked in the House and therefore I do not want to go into details. But of the 67 recommendations which the ARC had made on Personnel Administration decisions have already been taken on 35 of them and they are in various stages of implementation and 32 recommendations are under the consideration of the Government. Therefore, it is not right to say that these recommendations are gathering dust. They are being implemented and decisions are being taken on them.

Shri Pitamber Das asked me a question. He is not here. But I procured this information. On the 4th March 1970 four retired ICS officers were getting pension in Sterling in England through the High Commission. Of these two were of British nationality and two were Ceylonese. One of the Ceylonese pensioners died on 3.8.1970. This is the information he had sought from me.

Somebody said that this is something which should have been done 25 years ago. I was going through the speeches of Sardar Patel 25 years ago in the Constituent Assembly. There he had given the reasons why it was necessary at that stage to have special agreements guaranteeing certain conditions of service for the ICS officers. He has given very cogent, strong and powerful reasons. I need not repeat them. The point is that even in 1947 Sardar Patel said that it will be open to Parliament later on to consider what changes they would like to bring about in these conditions of service. He had anticipated that even in 1947 itself. So I would like Shri Dahyabhai to consider that even at that stage the Sardar did not envisage these conditions as immutable for all time come.

SHRI BHUPESH GUPTA But the son is immutable.

SHRI DAHYABHAI V. PATIL I consider it dishonest for the Government. You have gone back on all the promises made.

SHRI K. C. PANT One other small point I want to make is that it is not as if we have not improved upon the conditions of service of the Secretary of State Service Officers. In respect of IPS the retirement benefits are perhaps more favourable than those which are offered to IP officers. When option was given to IP officers, all of them opted for the IPS retirement benefits. These

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rules are now applicable to them. As the House knows article 314 put certain fetters on the Government which prevented it from changing.

SHRI BHUPESH GUPTA In the original draft it was not there.

SHRI K C PANT Well in the draft that was there, as finally adopted article 314 did put these matters and now we have removed these and now we can make any changes we like.

Now, Sir, the point that I would like to make clear is that after this, whatever changes will be made now there is no fetter of this kind at all. There seems to be some confusion that hereafter also some fetters will continue. I would like to assure the House that now there are no fetters.

As regards the changes made, as I said just now, because they have not been spelt out, an impression has been created that may be whatever was expected has not been done by this Bill. It is a very erroneous impression if I may say so, and I would like just to refer briefly to some of the major changes in these special conditions of service which this Bill will change.

Firstly, the retirement age. The retirement age of the IAS Officers, as you know, and of the Officers of the Central Services is 58. Retirement of the ICS Officer was not given in terms of age, but it was given as 35 years after joining service in India, and if an ICS Officer was 23 or 24 or perhaps 25 when he joined service, automatically his retirement was at 60. So now it will be brought to 58 and this will be uniformly applied to the ICS Officers as well as the IAS Officers.

SHRI DAHYABHAI V PATEL How many ICS Officers will retire now? That was the question we asked.

SHRI K C PANT I will come to that. I can tell you that there are 80 officers now in service and, as Shri Appan said, the last of them will retire in 1979. Now in between, some of them would have retired perhaps roughly about 30 would have retired, say, in another year or so. But I cannot give the exact date.

SHRI G A APPAN I would like the honourable Minister to give the exact break up.

SHRI K C PANT There is one difficulty. You see there is a provision in the bill that after the appointed day all the Officers who are over 58 or will become 58 within the next six months will get an extension for six months.

SHRI BHUPESH GUPTA Why?

SHRI K C PANT I will explain. Therefore, it will not be possible for me to give the exact numbers at this stage. But, once we have selected the appointed day, then certainly I will be in a position to give the exact number of those who will retire on such and such date. Bhupeshji asked me why we have provided this grace period. The reason is very simple.

SHRI BHUPESH GUPTA I have provided for seven days.

SHRI K C PANT You might have provided that if you like I can answer your amendments also.

SHRI BHUPESH GUPTA Yes, when the amendment comes.

SHRI K C PANT At that stage? All right. I thought Sir that he would not like to make a speech after he hears me. Sir I admire the vigour with which he speaks and so we should not deny ourselves the pleasure of hearing his speech.

Sir at present the ICS Officers cannot be retired prematurely by the Government. The IAS Officers and the Central Services Officers can be retired at the age of 58 or after they have completed 30 years of qualifying service but not the ICS Officers. After this Bill has been passed they will be brought on par with the other Officers and so they can also be compulsorily retired prematurely.

Then Sir the powers of effecting reduction in the amount of retirement benefits ordinarily admissible were not available in respect of the ICS Officers even when the service of the Officer was considered to be unsatisfactory. These are available in the case of the other Government servants. So, after this Bill is passed, this power will also become available in the case of the ICS Officers.

Then Sir in the case of the other Government servants even after pension is sanctioned disciplinary proceedings can be initiated for withdrawing pension or a part of the pension for recovering the whole or any part of any pecuniary loss caused to the Government subject to the fulfilment of certain conditions which are given in the rules. This was not available in respect of the former Secretary of State Service Officers. This covers the ICS and IPS officers. Now with this legislation they will also be brought on par and there will be no difference.

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SHRI BHUPESH GUPTA Including those who are under retirement?

SHRI K C PANT Yes. Even after payment is sanctioned disciplinary proceedings can be instituted for withholding pension or any part of it. Prospectively it will be

covered. But we have to examine the point whether retrospectively also it will cover.

Then, somebody—I think Mrs. Punabi Mukherjee—mentioned that State Governments cannot suspend ICS Officers. This is a fact today that States cannot suspend ICS officers unlike others. In fact, it is related to disciplinary matters. States have power to suspend other All India service officers, but not these officers. But after this Bill is passed, this difference will also go and they will be brought on par with others.

There is no provision for imposing a penalty on compulsory retirement today on ICS officers. That will also be changed. There will be changes in the Leave Rules which Mrs. Mukherjee referred to—sterling matter I have already referred to.

This is not a exhaustive list. This covers changes that are being brought about through this Bill.

Sir, I do not want to take more time of the House. I think when we take up the clause by clause discussion if any specific points are brought up I will take them up at that stage.

THE VICE CHAIRMAN (SHRI V. B. RAJU) The question is

That the Bill to provide for the variation or revocation of the conditions of service of former Secretary of State Service officers in respect of certain matters and for matters connected therewith or incidental thereto as passed by the Lok Sabha be taken into consideration.

The motion was adopted.

THE VICE CHAIRMAN (SHRI V. B. RAJU) We shall now take up clause by clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

Clause 5 (Pay of ICS members of Indian Administrative Service and IP members of Indian Police Services)

SHRI BHUPESH GUPTA Sir, I move

2. "That at page 3 after line 6 the following proviso be inserted, namely—

"Provided that any financial or other benefit which is not available to the members of the Indian Administrative Service or the Indian Police Service shall stand withdrawn on the appointed day to the extent it is in excess of what is applicable to the above mentioned Services."

Sir, I want this proviso to be added after clause 5. It is explicit. I need not make a speech. I reserve my speech for something else. I want to bring it at par with the Indian Administrative Service. That is why

I have given this amendment. The only question that may be raised in this connection is if it means the deduction of actual amount they are getting. Well, Sir, in some cases it would mean, and in others it would not. Well, if this is so, let it be so because reductions are made in some cases when you take a measure of this kind.

Anyway, I do not wish to speak much on this.

The question was proposed.

SHRI K. C. PANT Sir, the effect of this amendment would be to make the conditions of service as respects pay the same as between the ICS and the IAS. So much reference has been made to the speeches in the other House. My hon. friend Shri Indrajit Gupta said that he did not want any reduction in the pay of ICS officers in their present posts, but when they are promoted it should be on IAS scale.

SHRI BHUPESH GUPTA I am ready for compromise.

SHRI K. C. PANT I told him that if today an ICS man is a Joint Secretary receiving a certain pay and you make him a Secretary in effect he expects a certain monetary rise also. He expects that it would look a little petty to expect a Joint Secretary getting pay at a certain level to accept something less when we accept the general principle of protecting the pay of Government servants and make an exception in this case and we say that he should get Rs. 100 or Rs. 200 less. This seems to be somewhat unnecessary and that is why we have got his provision.

THE VICE CHAIRMAN (SHRI V. B. RAJU) The question is

2. That at page 3, after line 6, the following proviso be inserted, namely—

"Provided that any financial or other benefit which is not available to the members of the Indian Administrative Service or the Indian Police Service shall stand withdrawn on the appointed day to the extent it is in excess of what is applicable to the above mentioned Service."

The motion was negatived.

THE VICE CHAIRMAN (SHRI V. B. RAJU) The question is

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6—Retirement of ICS members of IAS and IP members.

SHRI BHUPESH GUPTA: Sir, I move:

3. "That at page 3, line 16, for the words 'six months' the words 'seven days' be substituted."

This is not and this need not be so controversial as the previous one. Here it is provided for six months' extension, that is to say, if one is 58, he may be allowed after the appointed day—I have an amendment for the 'appointed day' also and that will come later—to have six months more. I have provided for seven days. Why should you give extension for six months? What is the reason for it? Now if you decide after the enactment of this Bill the appointed day will come and by that time everything can be got ready. More than seven days should not be allowed to settle the business and get things straightened in order to replace a person who will retire. Six months' time is too much and why should you provide for it? With this rule that you are making you are discriminating against the IAS people on the one hand and you are modifying it in favour of the former ICS people. Therefore I have suggested seven days here. I am sure in every case you will see this will be done. Our Ministers may not eat out of the hands of the ICS officials but they are full of affection for the ICS officials that they will inevitably extend their tenure by six months. It is almost certain; I cannot think of any Minister in the Government of India who would like to ask their ICS men, all right, you have completed your period, now you can go home, you can retire; don't stay here for six months more. So what will happen is in every case the extension will be there, and that should not be allowed. Somehow they have all become ICS-minded now. That is why I have made it seven days. Why have additional affection for six months for the ICS people? You should get accustomed to separation with the ICS now.

The question was proposed.

SHRI K. C. PANT: Sir, we are not miserly in our affections. It extends to my hon. friend as much as it does to others. I don't think he is right when he says that we are giving extension to ICS officers these days. If he looks at the record of the last couple of years, the general policy of Government has been not to give extension.

SHRI BHUPESH GUPTA: But after sixty they retire.

SHRI K. C. PANT: No, no, whatever it is, you said we are prone to give extension at least of six months. It is not a matter of fact.

SHRI BHUPESH GUPTA: But it is a fact that you give extension to Raj Bhavan from South Block, extension from South Block to Raj Bhavan. It is a long extension.

SHRI K. C. PANT: All that may be but that, I think, is not what you are meaning.

SHRI BHUPESH GUPTA: This is a kind of extension.

SHRI K. C. PANT: Sir, the point which Bhupeshji made, I must clarify. Firstly, they are not all fifty-eight now.

SHRI BHUPESH GUPTA: Some will be.

SHRI K. C. PANT: He himself suggested that the 1st of October might be the 'appointed day'.

SHRI BHUPESH GUPTA: Second of October, not later than that.

SHRI K. C. PANT: All right, second of October. I don't go into that; I cannot make a commitment for that at this stage. We want to make it early ourselves. But once it is accepted as the "appointed day", possibly one-third of the ICS officers would have retired by six months, within this period? Some of them are fifty-eight, some of them will be fifty-eight within this period. Even they will be covered by this six months. Now it is normal, and he knows that it is usual in Government service, to allow some leave preparatory to retirement.

SHRI BHUPESH GUPTA: The ICS, what they do? They leave after utilising the leave. They keep in reserve four months' leave prior to retirement and they take it afterwards.

SHRI K. C. PANT: Well, in any case prior to retirement they are entitled to take leave, and generally it is about four months. Generally a couple of months are required for processing the applications and so on. A certain period of notice should be given to them. They were expecting to be in service up to a certain time; now we are curtailing that period, and it is only fair that we should give them a certain amount of notice. But I have told you about four months' leave preparatory to retirement and two months for processing the applications. This is the normal period. Of course these are minor things.

SHRI BHUPESH GUPTA: Under the law they will retire now. Suppose preparatory to retirement I don't take leave, what happens? An ICS officer does not do so, I do not know why. It is because he thought the better way was to continue in service without applying for leave preparatory to retirement.

SHRI K C PANT That he probably knows, I do not know whether he does. Sometimes, when an officer asks for leave he is denied that leave. Then he gets the leave afterwards and it is only then. This is not the normal thing. I am talking about the normal provisions.

SHRI G A APPAN The favoured people will get their leave refused. Will he at least give an assurance that no officer will be refused the leave? At least let him give an assurance that no leave applied for will be refused. For some people they refuse and for some not. This is not correct.

THE VICE CHAIRMAN (SHRI V B RAJU) There is no amendment of yours Mr Appan.

SHRI G A APPAN Whatever it is.

THE VICE CHAIRMAN (SHRI V B RAJU) The question is

That at page 3 line 16 for the words six months the words seven days be substituted.

The motion was negatived.

THE VICE CHAIRMAN (SHRI V B RAJU) The question is

That Clause 6 stand part of the Bill.

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—Pension of ICS members of Indian Administrative Service.

SHRI BHUPESH GUPTA I move

That at page 4 lines 10 11, for the words thirteen thousand three hundred and the thirty three and one third the word eight thousand one hundred be substituted.

The question was proposed.

THE VICE CHAIRMAN (SHRI V B RAJU) The amendment is self explanatory.

SHRI BHUPESH GUPTA Here it is provided to receive by way of annuity rupees thirteen thousand three hundred and thirty three and one third and one third a very exact figure. Now that comes to, I think Rs 1100 or so per month whereas an IAS officer I understand gets Rs 675 or so per month. Now at least let us make it in the case of future pension. Why they should get Rs 1100? Now they will be retiring virtually as members of the Indian Administrative Service. Just because their administrative parentage was ICS therefore they should get Rs 1100 and others belonging to the IAS they will get Rs 675 even if they retire more or less at the same time?

English service parentage—Rs 1100, Indian parentage—Rs 675. Why this discrimination against your own service. I cannot understand. Here you cannot hold the argument that you are taking it away. I would like to cut the pensions of those who are receiving Rs 1100. But assuming you do not accept as ridiculous a suggestion as that at least those who are retired should be satisfied with the same pensions as are available to the IAS officials when they retire. Why should they not? After all they have gained much by way of salary and other advantages and privileges during the entire period of their service. After retirement they should be in the same line in the matter of pension with the IAS people. Rs 675. It is not a small amount as a pension. We do not get anything. I would also be retiring after 25 years or so. I would not get anything as pension. Therefore I say why this favouritism? I say this principle is wrong. You are making them equal and at the same time giving some patronage. My friend Mr Appan will say they are brilliant why they should not be paid that. You Ministers retire and you do not get a pension. So it is very wrong in principle. This is something which is a hangover of the past. This is an ICS tradition. My friend Mr Goray says why are you quarrelling. I am not quarrelling. The tradition is bad. You can see how it weighs upon us. They are a dying species but the tradition lives behind. Even the Ministers will give them Rs 500 more. That is not fair. It is demoralising. Yet you say when others ask for money no money no increment nothing is possible. But here you are retaining the old thing. This is a very reasonable suggestion but I know that you will not of course accept it for obvious reasons because you may not have eaten out of ICS hands but you have hands which have been feeding the ICS in this respect.

SHRI K C PANT I would like to make it clear that the ex-ICS members are even today members of the IAS. They are members of the Indian Administrative Service.

SHRI BHUPESH GUPTA They are really not. Mr Swaminathan objected by writing a letter to the Times of India that he is an ICS. They had put up the name plates in their houses saying ICS.

SHRI K C PANT They are today members of the Indian Administrative Service. He said he does not get a pension after retiring. I hope that this House will not see the day when he retires. He will continue as he is.

SHRI BHUPESH GUPTA Thank you very much.

SHRI K C PANT as the lively spirit in the House. But the point is he does not

[Shri K. C. Pant]

have any conditions of service. He has no conditions of service.

SHRI BHUPESH GUPTA: Sir, on a point of order. As conditions of service, there are the Rules of Procedure of the House, your frightening look all the time, you ask me when to sit and when to stand up. These are my conditions of service. We are under very strict conditions of service.

SHRI K. C. PANT: Except for retirement benefit.

SHRI BHUPESH GUPTA: We function in the eyes of the public. Your ICS function behind the doors. See the Takru Committee, the Pipelines Enquiry.

SHRI K. C. PANT: My hon. friend Shri Bhupesh Gupta himself is very harsh on the Government. If we ever think of changing adversely the condition of service of any body in Government service, he himself objects very strenuously, whether it is labourer whether it is somebody else in Government service. It is the principle I am talking of he is upset about in this case I would like to tell him that even when he talks of the future, the ICS officers earn the full annuity after 25 years of service. All of them who are now in service have completed 25 years of service. They have earned their full annuity. This factor should be taken into consideration in fairness by my hon. friend. The last point is that the IAS and ICS retirement benefits are not exactly comparable. In respect of the IAS, apart from pension, there is the death-cum-gratuity scheme and there is the family pension scheme. Both these were not available to the ICS although some years ago this was thrown open to the ICS. Some of them opted, some did not opt and that was thrown open to them for some consideration. Earlier they could commute 50 per cent of their pension; as consideration for option, they could compute only 33½ per cent. There are various aspects of retirement benefits which have to be taken into consideration.

THE VICE-CHAIRMAN (SHRI V B RAJU): The question is:

4. "That at page 4, lines 10 11 for the word 'thirteen thousand three hundred and thirty-three and one-third' the words 'eight thousand one hundred' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V B RAJU): The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill

New Clause 8A.

SHRI BHUPESH GUPTA. Sir, I move:

5. 'That at page 5, after line 14, the following new clause be inserted, namely,—

'8A(1) No Former Secretary of State Service Officer shall be entitled to receive or claim his pension if he joins any company belonging to the larger business houses as a director or in any other official capacity in the management.

(2) No Former Secretary of State Service Officer, who is paid a pension, shall be appointed as Governor or Lt. Governor after the appointed day.'

Kindly listen to my amendments. The hon. Minister should listen. I have your sympathy if not vote. I do not get your votes nowadays. But generally your sympathy will come after a few years.

It is a wonderful case. Two things I want to be protected. Firstly, I want that they cannot have both ways. On the one hand they get annuity or pension, whatever you call it from the Government and on the other hand, they join larger business houses subject, of course, to the rule. The Government has the power to give them permission. It is there. I want a situation whereby they would not be allowed to join larger business houses because that is a source of corruption and we are pledged altogether to cut out that source of corruption. If they join them, they should immediately lose the benefits they get from the Government. We would not like to finance them even after they leave the public and go and serve the big business. We know what they do. This produces a very bad result in our public life, apart from all kinds of corruption. Now, I cannot think of any big business house in the country which has not accepted these elements in order to gain undue favour and advantage from the Government. The so-called link men or liaison men in Delhi are the creations of this kind of arrangement. Everybody knows this liaison system and how it works. Therefore, I make it obligatory—if they gain for this kind of job, let them lose the benefit, let them lose the annuity. And I want to set a standard here. It is not creation of conditions of service as such. It is a question of laying down a new set of norms in order to protect public morality and public standards against a certain encroachment and violation by people.

SHRI G. A. APPAN: On a point of order. Everybody is speaking about privileges. What is it that you are giving him—so much of time? They have got so much of time. It is not followed in every case. When there are amendments a person is allowed to speak only once irrespective of

the number of amendments there may be. But you are giving him so much time, with all my regard for my good friend. Perhaps, he is the only privileged person now.

SHRI BHUPESH GUPTA: My friend does not give any amendment. If he has given, he could have spoken.

SHRI G. A. APPAN: We have a lot of other business also. But how long will he take? It is only a waste of paper. We know his speech. We know that he is a clever speaker. Of course, there is not much of eloquence at least for us to enjoy.

You give some amendment. I agree that in many cases extension was not given. But hon'ble Members know that the appointment of the I.C.S. officers after retirement as Governors or Lt. Governors has created very bad impression in the country. Why should we appoint them as Governors and Lt. Governors we cannot understand. That should be avoided. It seems somehow or the other the Government has come to the conclusion that I.C.S. men must be provided with jobs as Governors after their retirement. Why should it be so? You can find Governors from among politicians or others mentioned before you.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The point is clear.

SHRI BHUPESH GUPTA: The Governor's post should be abolished.

I am for it. These two conditions should be there.

SHRI K. C. PANT: Even now under the existing rule any government servant, whether he is a former Secretary of State Service officer or other officer, on retirement is required to obtain the permission of the Government before accepting commercial employment within a period of two years after retirement. Mrs. Mukherjee referred to this point. This is what the rule says:—

"Any government servant (whether a former Secretary of State service officer or other officer) on retirement is required to obtain the permission of Government before accepting commercial employment; if within a period of two years of retirement, he accepts commercial employment without the permission of Government, then no pension shall be payable to him for the period of such employment or for such longer period as the Government may determine."

This is the gist of the rule. Applications for permission to accept commercial employment are examined with reference to certain standard criteria. This would cover the point raised by my hon'ble friend.

As far as the Governors and Lt. Governors go, this is a matter for considering the suitability. That is the only criterion. Some of them are good people and if it is thought that their experience and knowledge should be used in such a way, I do not see why the Government should not have the power to make use of them?

Sir, apart from these considerations, I hope Mr. Gupta will also concede, the simple point is while you are trying to remove the privileges of the I.C.S. through this Bill, I do not want you to discriminate against the I.C.S. vis-a-vis the I.A.S. people. His amendment would obviously discriminate against the I.C.S. people.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

5 "That at page 5, after line 14 the following new clause be inserted, namely:—

'8A(1) No Former Secretary of State Service Officer shall be entitled to receive or claim his pension if he joins any company belonging to the larger business houses as a director or in any other official capacity in the management.

(2) No Former Secretary of State Service Officer, who is paid a pension, shall be appointed as Governor or Lt. Governor after the appointed day.' "

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That clause 8 stand part of the Bill."

The Motion was adopted

CLAUSE 8 WAS ADDED TO THE BILL.

Clause 9—*Power of Central Government to adapt certain rules, regulations and orders*

SHRI BHUPESH GUPTA: Sir, I move:

6. "That at page 5, after line 24, the following proviso be inserted, namely:—

'Provided that no such modification shall come into force unless approved by resolutions of the two Houses of Parliament.' "

Sir, every rule that you make should be approved by Parliament. Every modification that you provide for should be approved by a resolution of Parliament.

The question was proposed.

SHRI K. C. PANT: The only thing that I wanted to say is that this is a standard clause which is put on several Bill. The

[SHRI K. C. Pant]

idea is whatever adaptations are made in the rules are made to bring them in harmony with this Bill, not otherwise. Therefore, it is not necessary to bring it before Parliament.

THE VICE CHAIRMAN (SHRI V. B. RAJU): The question is:

6. "That at page 5, after line 24, the following proviso be inserted, namely:

'Provided that no such modification shall come into force unless approved by resolutions of the two Houses of Parliament.'

The motion was negatived.

THE VICE CHAIRMAN (SHRI V. B. RAJU): The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill

Clauses 10—13 were added to the Bill.

The Schedule

SHRI BHUPESH GUPTA: Sir, I move:

"At page 6, in the Schedule under the heading 'Pay or Scale of Pay' for the existing figures the following figures be substituted serially, namely:—

Part I

Rs. 3500
Rs. 3000
Rs. 2500—125/2—2750
Rs. 3000

Part II

Rs. 3000
Rs. 2750
Rs. 1800—50—2000
Rs. 2500—125/2—2750
Rs. 2250—50—2500
Rs. 1800—50—2000

Provided that these scales of pay shall remain in force for a period of two years on the expiry of which this scale may, by resolutions passed by the two Houses of Parliament, be reduced in line with any general reduction of high salaries that may be effected "

Sir, the figures are there. All that I have done is that I have given the pay scales with respect to the I.A.S. and the I.P.S. cadre. I have done nothing else. The highest is Rs. 3,500 and not Rs. 4,000. As I said, the Secretary should get Rs. 2,500 whether he is an I.A.S. or an I.C.S. When he gets promotion he should get what an I.A.S. gets. All these things have been suggested. After two years you can review with a view to revising the salaries.

SHRI G. A. APPAN: I am in your support.

SHRI BHUPESH GUPTA: He is for my support. After two years you can review it.

But I think that these scales of pay should be introduced.

The motion was negatived.

SHRI K. C. PANT: Sir, I have already answered the first point. As far as the second point goes, the Pay Commission is going into the various salary scales and pay structures just now. We will have to await their recommendations.

THE VICE CHAIRMAN (SHRI V. B. RAJU): The question is:

"That at page 6, in the Schedule under the heading 'Pay or Scale of Pay' for the existing figures, the following figures be substituted serially, namely:—

Part I

Rs. 3500
Rs. 3000
Rs. 2500—125/2—2750
Rs. 3000

Part II

Rs. 3000
Rs. 2750
Rs. 1800—50—2000
Rs. 2500—125/2—2750
Rs. 2250—50—2500
Rs. 1800—50—2000

Provided that these scales of pay shall remain in force for a period of two years on the expiry of which this scale may, by resolutions passed by the two Houses of Parliament, be reduced in line with any general reduction of high salaries that may be effected "

The motion was negatived.

THE VICE CHAIRMAN (SHRI V. B. RAJU): The question is:

"That the Schedule stand part of the Bill."

The motion was adopted.

The Schedule was added to the Bill.

Clause 1 Short title and commencement.

SHRI BHUPESH GUPTA: Sir, I move.

1. "That at page 1, at the end of line 9, the words "but not later than the second day of October, 1972" be added."

Sir, this is an amendment which has a sacred association with it. I say that the

words "appointed day" should not be kept there. When the Bill shall come into force should be specified. I have suggested that it should come into force not later than the 2nd of October, 1972. You can understand why I have mentioned this particular day.

SHRI G. A. APPAN: Not on that holy day. Let us not do it on that holy day. You can do it on the 1st or the 31st. For heaven's sake, I request the Government not to have the 2nd of October.

SHRI BHUPESH GUPTA: If he has objection to the 2nd of October, let it be the 1st of October. I have no objection. I am prepared to accept his amendment.

SHRI G. A. APPAN: 30th September.

SHRI BHUPESH GUPTA: He says, 30th September. I have no objection. It should be not later than the 2nd of October. It should not remain as 'on the appointed day'. It is a very vague expression. It should not really be there.

The question was proposed.

SHRI K. C. PANT: Sir, we are ourselves anxious that this Bill should come into force as early as possible. We shall keep our hon. friends' suggestion in mind.

SHRI BHUPESH GUPTA: Since he has said that he will keep my suggestion in mind, as also Mr. Appan's suggestion that it should be 30th September, I would like to withdraw my amendment.

**The amendment No. 1 was, by leave, withdrawn.*

THE VICE CHAIRMAN (SHRI V. B. RAJU): The question is—

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI K. C. PANT: Sir, I move—

"That the Bill be passed."

The question was proposed.

श्री नवल किशोर (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, मेरा कोई विचार इस विधेयक पर बोलने का नहीं था, क्योंकि मैं जानता था कि सविधान में 28वा सशोधन होने के बाद और आर्टिकल 314 हटाए जाने के बाद इस तरह का

**For text of the amendment vide col. 120 supra.*

विधेयक आना आवश्यक है और वह आया। मगर, श्रीमन्, सदन में जो भाषण श्री भूपेश जी गुप्त का हुआ, जो कि इस सदन के सबसे प्रिविलेज्ड मेम्बर हैं और उनमें जो अमेन्डमेंट्स उन्होंने दिए, उससे मुझे यह महसूस हुआ कि मैं भी कुछ बाने यहाँ रख।

श्रीमन्, मैं यह बात जानता हूँ, कोई चीज न सोने में लिखी जाती है न चांदी में लिखी जाती है, फिर एक मुहावरा होता है और न मैं इस बात के पक्ष में हूँ कि कोई बात सोने में लिखी जाए, लेकिन जो बात इतिहास में है वह सही अक्षरों में लिखी जानी चाहिये। श्रीमन्, मैं गोरे साहब की तरह इस विचार का हूँ कि इन्सान के मरने के बाद उसकी अच्छाइयों की बात करनी चाहिये, उसकी बुराइयों की बात नहीं कहनी चाहिये। यही हमने सीखा भी था। जैसा सबने कहा, एक बड़ी पुरानी व्यवस्था समाप्त हो रही है, मुकिल से अक्टूबर तक और बाकी रहेगी और जैसा पन्त जी ने कहा कि 1979 तक सब के सब ग्टायर हो जायेंगे। तो हमने 25 साल उनको बर्दाश्त किया, अच्छा था या बुरा था। अब 7 साल के लिये उनको सदन में माली दे या बुरी बात कहें, मैं समझता हूँ यह मुनासिब बात नहीं है।

श्रीमन्, मुझे ताज़्जुब हुआ और मैं यह बात कहना चाहता हूँ पन्त जी से कि वे भूपेश गुप्त जी को कितना ही एकोमोडेट करने की कोशिश करें मगर उनकी गवर्नमेंट को कोई क्रेडिट मिलने वाला नहीं है; क्योंकि भूपेश गुप्त और उनकी पार्टी कोई काम ग्रेम से करने वाली नहीं है, न उनकी यह स्ट्रेटेजी है। वह सबका इमेज बिगाड़ा करते हैं। श्रीमन्, उन्होंने हिस्ट्री की कुछ बात कही। अब मैं आपसे क्या अर्ज करूँ, जब वे आई० सी० एस० लोगो की हिस्ट्री की बान कर रहे थे तो हिन्दुस्तान की 30 साल की हिस्ट्री मेरे दिमाग के सामने आ गई। सी० पी० आई० के नेता हिस्ट्री की बात करते हैं और अपनी पार्टी की हिस्ट्री को भूल जाते हैं।

(श्री नवल किशोर)

श्रीमन्, मुझे एक बात याद आ गई । सन 1937 में जब प० पन्त जी यू० पी० के मुख्य मंत्री बने—उस समय उनको प्रीमियर कहा जाता था—तो मुझे को साइमन कमीशन की कुछ यादें थी । मैं समझता था कि साइमन कमीशन से जिन आफिसरों का वास्ता रहा होगा, अब चूकि पन्त जी हमारे चीफ मिनिस्टर हो गए हैं, अब उनकी अक्ल ठीक हो जाएगी । मगर ऐसा कुछ नहीं हुआ ।

श्रीमन्, जब मैं पंडित जी से मिलने गया 1952 में एम० एल० ए० होने के बाद तो उन्होंने एक बात बतलाई When you in power you must be magnamious

जब आदमी पावर में हो तो उसको मैग्नेनिमस होना चाहिये और मैं यह देख रहा हू कि गवर्नमेंट इंडिया की जो पालिसी है और जो हमारी संस्कृति है वह इस बात पर आधारित है कि जब इन्सान विजयी हो तब उसको मैग्ने-नमस होना चाहिये ।

श्री भूपेश गुप्त ने श्री नेहरू के विचारों का कुछ कोटेशन दिया जो उन्होंने अपनी आत्म-कथा में लिखा है । उन्होंने कहा कि उन्होंने लिखा है कि नौकरशाही बड़ी एक्सपेन्सिव है और यह अंग्रेजी राज को मजबूत करती है । श्रीमन्, सी० पी० आई० से यह बात सुन कर मुझे ताज्जुब होता है । मुझे 1942 की बात याद है, उसके पहले की बात भी याद है यानी 1933 से लेकर 1942 तक की बातों की याद है । कोई ऐसी शरीफ गाली नहीं थी जो सी० पी० आई० वालों ने प० जवाहर लाल नेहरू को और देश के राष्ट्रीय नेताओं को नहीं दी थी । मगर आज वक्त बदल गया है । आज उनकी बेटी हमारी प्रधान मंत्री हैं और आज सी० पी० आई० और भूपेश गुप्त प्रधान मंत्री जी के पिछलग्गू बनने में अपना फखर समझते हैं और हर मामले में उनका पिछलग्गू बन कर चलते हैं । आज इस तरह से वे काम कर रहे हैं क्योंकि वक्त बदल गया है ।

1942 में जब देश अपनी आजादी की आखिरी जग में जुटा हुआ था, उस समय इन लोगों ने पीपुल्स वार्ग कह कर के देश के राष्ट्रीय आन्दोलन के पीठ पर छुरा भोका था । मैं समझता था कि इस पाटों को हिन्दुस्तान की हिस्ट्री में कोई जगह नहीं मिलेगी । यह तो जवाहर लाल नेहरू की मैग्नेनिमिटी थी, हिन्दुस्तान की नेशन की मैग्नेनिमिटी थी कि वह उनकी हरकतों को भूल गये । आज इन लोगों को आई० सी० एस० की हिस्ट्री याद आती है और अपनी हिस्ट्री याद नहीं आती है ।

1947 में जब हिन्दुस्तान का पार्टिशन हुआ था तो उस समय सी० पी० आई० की तरफ से प्रस्ताव पास किया गया था कि हिन्दुस्तान का बंटवारा होना चाहिये, तो श्री भूपेश गुप्त को अपनी हिस्ट्री याद नहीं है और आज वे आई० सी० एम० वालों की हिस्ट्री याद करते हैं । इतना ही नहीं, अगर आप देखें तो पायेंगे कि स्टालिन ने क्या कहा था । उसके शब्द आज भी मेरे कानों में गूँज रहे हैं । उसने हिन्दुस्तान के नेताओं के बारे में यह बात कही थी They are the running dogs of British Imperialism

इस तरह की बातों के कहने के बावजूद भी आज सबसे बड़ा दोस्त सोवियत रूस है । क्या हम उस हिस्ट्री को भूल गये हैं ? चूकि हम इन बातों को याद नहीं रखना चाहते हैं, इसलिये इनको कहना नहीं चाहते हैं ।

श्रीमन्, हमारा इंग्लैंड के साथ झगडा हुआ था, लेकिन आज भी हम कामनवेल्थ में शामिल हैं । मुस्लिम लोग ने हिन्दुस्तान का बंटवारा करवाया, लेकिन वह आज भी बंगाल तथा केरल में सी० पी० आई० की दोस्त बनी हुई है और यह लोग उससे साठ गांठ किये हुए हैं ।

उपसभाध्यक्ष (श्री वी० बी० राजू) :
अब आप कट्रोवर्सी में जा रहे हैं ।

श्री नवल किशोर : श्रीमन्, मैं जल्दी अपनी बात खत्म कर दूंगा । श्रीमन्, मैं एक बात और

कहना चाहता हूँ। मैं कोई वकील नहीं हूँ, आई० सी० एस० का। जैसा पन्त जी ने कहा कि इसमें अच्छे लोग भी हैं और बुरे लोग भी हैं। जब हिन्दुस्तान आजाद हुआ तो एक एग्रीमेंट के जरिये आजाद हुआ। उस समय एडमिनिस्ट्रेशन का ढांचा वैसे का वैसा रहा। और उस समय देश को इस तरह के तंजुर्बाकार आफिनरो की जबरत थी और इसी वजह से उनके लिए च्वाइस दी गई। मैं यहां पर किसी का नाम नहीं लेना चाहता हूँ, चूँकि पंत जी ने ऐसा कहा है कि हम नाम न लें, मगर पं० नेहरू ने जिनको यह कहा था कि ये कट्टी के नम्बर वन शत्रु हैं, उन्हीं के बारे में प्रधान मंत्री बनने पर यह कहा है कि They are the tower of strength...

उनको अमरीका का राजदूत बनाया गया सिर्फ इसलिये क्योंकि इन लोगों ने हिन्दुस्तान की आजादी के बाद वफादारी में काम किया। इसलिये जो बात मैं कहना चाहता हूँ वह यह है कि इन लोगों को आजादी के बाद जो जिम्मेदारी दी गई थी—हालांकि यह सर्विस उस काम के लिये नहीं बनायी गई थी—उसको बड़ी अच्छी तरह से निभाया और हिन्दुस्तान को डेवलप करने में अपना योगदान दिया और यह बात मुनासिब है तथा यही कारण है कि हमने इस सर्विस को एडाप्ट कर लिया और उन्होंने इस तरह से अपना फर्ज पूरा किया और आज वे हमारी तारीफ के काबिल हैं।

श्रीमन्, मुझे एक बात की शिकायत है। जब हम विद्यार्थी थे तो हमें यह उम्मीद थी कि आजादी के बाद हम नौकरशाही को बदल देंगे और उसके अन्दर राष्ट्रीय दृष्टिकोण की जो हमारी कल्पना थी और जो हमारा स्वप्न था, उसके अनुसार हम बदल देंगे, लेकिन दुर्भाग्य की बात है कि हम उनको नहीं बदल पाये, हम बदल गये और बदलते चले गये और बदलते चले जा रहे हैं।

श्रीमन्, मुझे एक बात याद है कि आप लोगों ने कहा कि इन लोगों ने अच्छा काम भी किया

और बुरा काम भी किया। श्रीमन्, एक कहावत है “नौकरशाही एक घोड़ा होता है”। श्रीमन्, आप भी मिनिस्टर रह चुके हैं। ये जो जनता के प्रतिनिधि हैं, जो मिनिस्टर हैं, ये घुड़सवार होते हैं। पन्त जी ने ठीक ही कहा They are the instruments of the Government...

जो जिम्मेदारी है उनको अच्छे और बुरे की, वह मिनिस्टर पर ही है। अगर मिनिस्टर अच्छा घुड़सवार होता है तो घोड़ा ठीक चलता है और अगर वह गड़बड़ होता है या अनाड़ी होता है तब घोड़ा उसको गिरा देता है।

आखिर में मैं पन्त जी से एक बात कहना चाहता हूँ। आपने राजा-महाराजाओं के प्रिविलेज खत्म किए, अच्छा किया, आज आई० सी० एस० को खत्म हो गए, यह भी अच्छा ही हुआ। लेकिन आजादी के बाद जो नए-नए प्रिविलेज क्लासेज पैदा हो गये हैं, उनके बारे में आपकी क्या राय है। मैं जान बूझकर मिनिस्टर्स का नाम नहीं लूंगा, हालांकि वे बहुत प्रिविलेज क्लास में हैं।

संसदीय कार्य विभाग तथा नौवहन और परिवहन मंत्रालय में राज्य मंत्री (श्री ओम मेता): ऐसा नहीं है।

श्री नवल किशोर : श्री ओम मेहता बीच में बोल दते हैं, इनसे हमें कुछ उन्सियत है, हालांकि He is also among the most privileged people. मैं यह अर्ज कर रहा था कि जो इसके प्रिविलेजेज हैं वे तो हैं ही, मगर आज नया कैपिटलिस्ट क्लास पैदा हुआ है, समाज में नए प्रिविलेज क्लासेज पैदा हो रहे हैं। उनको भी देखना चाहिये। लिहाजा मैं चाहता हूँ कि गवर्नमेंट अगर सोशल जस्टिस की बात करती है तो सादगी गवर्नमेंट शुरू हो, गवर्नमेंट का खर्च कम हो, मिनिस्ट्रों के अन्दर सादगी हो। हम गांधी जी की बात तो बहुत करते हैं, लेकिन उनके बताए कदमों पर कम चलते हैं। इसलिये मैं चाहता हूँ कि इन प्रिविलेजेज को खत्म करने के लिये आप भले ही कानून न लाएं लेकिन अपने एक्शन से स्वयं ही गवर्नमेंट के मेम्बर इनको कम करें और जो नए

[श्री नवल किशोर]

नए वर्ग पदा हो गए हैं उनके प्रिविलेजेज भी खत्म किए जाय। इन शब्दों के साथ मैं इसका समर्थन करता हूँ।

श्री भूपेन्द्र मंडल (बिहार) : उपाध्यक्ष महोदय, जो यह विधेयक अभी हाउस को सामने प्रस्तुत है इस पर वाद-विवाद अब खत्म होने वाला है और निश्चित तरीके से यह विधेयक पास होगा, इसमें कोई सन्देह नहीं है। लेकिन इसके पहले एक-दो बातें मैं मंत्री जी से कह देना चाहता हूँ। मैं इसलिये कहना चाहता हूँ क्योंकि हिन्दुस्तान में जनतंत्र कायम है। जनतंत्र में जनता और सरकार इन दोनों का एक सम्बन्ध एकात्मता का होना चाहिये। आज वह सम्बन्ध नहीं है जो कि जनतंत्र में रहना चाहिये। ऊँचे और नीचे वाला सम्बन्ध है। इसके लिए दोष अंग्रेजी राज्य में उत्पन्न आई० सी० एस० ऐसी संस्था को दिया जा सकता है, लेकिन सिर्फ आई० सी० एस० के लोगों के प्रिविलेजेज को खत्म कर देने से ही जनता और सरकार का आइडेंटिफिकेशन नहीं होगा, यह निश्चित है। पोलिटिकल रूलर्स तो कांग्रेस पार्टी के वे लोग जो मंत्री मंडल के सदस्य हैं लेकिन काम चलाने के लिये परमानेंट सर्विस चाहिये। परमानेंट सर्विस का आर्गनाइजेशन अंग्रेजों ने आई० सी० एस० के रूप में किया था। आज आई० एस० के रूप में वह सर्विस है। आज की जो आई० एस० वाली सर्विस है, उसमें और जो हिन्दुस्तान की जनता है उसमें आइडेंटिफिकेशन हो ऐसी स्थिति में अभी एडमिनिस्ट्रेटिव सर्विस नहीं है। इसलिये पर्सनेल में चेंज होना चाहिये, किस ढंग का चज होना चाहिये उसके बारे में दो बातों का खयाल रखना चाहिये। आज जो हिन्दुस्तान में बसने वाली 55 करोड़ जनता है उसमें अधिकांश पिछड़े समाज के और गरीब लोग हैं, जो एडमिनिस्ट्रेशन का पर्सनेल हो उसमें उनका प्रतिनिधित्व काफी संख्या में हो, इस तरह की कोशिश करनी चाहिये। एक समय की बात है कि हम किसी से जाति नीति के बारे

में बात कर रहे थे। लोगो ने कहा कि आप लोग कहते हैं कि जो योग्य नहीं हैं उनको भी सर्विस में जगह देने चाहिये, अगर ऐसा करेंगे तो एडमिनिस्ट्रेशन का काम कैसे चलेगा, अयोग्य आदमी कैसे सम्भालेगा। हमने कहा कि हमारे यहाँ एक मुसहर जाति का आदमी होता है, जो बहुत पिछड़ा और गरीब तबका है उसी तबके से सबसे पहले हमने एक आदमी को चुनाव में खड़ा किया, उसको भेजने के लिये इनीशिएटिव लिया, जिसका नाम किराया मुसहर था, उसको जितवाने की हमने कोशिश की वह जीत भी गया था। हमने देखा कि उसके चुनाव का क्या एफेक्ट जनता के ऊपर पड़ेगा। उस समय हिन्दुस्तान में जितने लोगो के चुनाव हुए उनमें जनता के दिल को हिलाने वाला वह चुनाव जैसा हुआ वैसा दूसरा चुनाव नहीं हो सका। ऐसा क्यों होता है।? जो लोग बहुत नीचे हैं, जिनको ऐसी चीज का ज्ञान नहीं है, कोई परिवर्तन उनकी स्थिति में नहीं आया है, वहाँ पर अगर इस तरह की बात होती है—वह पूरी तरह कारण समझते न भी हों—तो उसका उनके दिल पर बिजली की तरह एफेक्ट होता है। इसलिये हम चाहते हैं कि अगर आप एडमिनिस्ट्रेशन के करेक्टर को बदलना चाहते हैं तो हिन्दुस्तान के पिछड़े समाज के लोगों में और खास कर गरीब लोगों को अधिक संख्या में लावें। एक बात मैं मुसहर के बारे में और कह दूँ। जब हम से पूछा गया था तो हमने कहा कि मान लीजिए कि एक मुसहर को प्राइम मिनिस्टर बना दिया जाये उसको कुछ नहीं आता तो वह क्या करेगा—पहले वह अच्छी तरह से खाने पीने की कोशिश करेगा सरकार के रुपए के जरिये, फिर वह कोशिश करेगा कि जो उसके घरबार के लोग हैं उसकी जो जाति के लोग हैं सबके लिये अच्छा कुछ हो, वह तो करेगा। इस इंतजाम में कम जमीन वालों को गुजर लायक जमीन देगा या उसकी कम मजदूरी को बढ़ायेगा या जिनको कोई रोजगार नहीं है, उन्हें भी जीने लायक मजदूरी देकर काम पर लगा देगा।

मैंने पूछा कि आज हिन्दुस्तान में आपकी कौन सी नीति सबसे अच्छी हो सकती है जिस नीति के जरिये जो हिन्दुस्तान के गरीब लोग हैं उनको थोड़ी जमीन मिल जाय, उनकी मजदूरी बढ़ जाय और वे जरा अच्छी तरह से रहना शुरू कर दें, तो उन्होंने कहा कि इससे बढ़ कर दूसरी नीति क्या सरकार की हो सकती है। इसलिये मंत्री जी का ध्यान मैं इस ओर खींचना चाहता हूँ कि वे फिर से सर्विसेज का आर्गनाइजेशन करें। अभी जिस ढंग से वे आर्गनाइज्ड हैं उसमें दो दोष हैं। एक अग्रेजों ने जो दोष दिया वह दोष है और दूसरा जो हमारा पुराना समाज है उस समाज का भी दोष है, जो हिन्दु समाज का स्ट्रक्चर है उसका भी दोष है। इन गरीबानों को सामने रख कर सर्विसेज का गठन हो तब सरकार और जनता का आइडेंटिफिकेशन हो सकता है। यही मेरी आपसे प्रार्थना है।

SHRI K C PANT : Sir, there is really no new point concerning the Bill which has been raised. I found that Nawal Kishoreji referred to the privileges of the Ministers and referred to the Ministers as a privileged class. Here, Sir we are referring to the conditions of service and privileges of the ICS Officers and if you look on the Ministers that way, I think they also suffer from insecurity of service conditions.

SHRI BHUPESH GUPTA : Yes, very much. I understand that.

SHRI K C PANT : Therefore, Sir, this is one privilege which the Ministers do not enjoy.

Then, Sir, so far as Mr. Mandal is concerned, he has referred to the basic question of the identification with the services of the people and he has referred to the changes in the Hindu social structure. The latter of course, is not at all relevant here. So far as the former is concerned, the sense of identification with the people is something which we certainly want to achieve and I think that the IAS Officers' Training Courses which he referred to are taking this into account today more and more and they are seeing to it that the IAS persons when they come to Mussoorie for their training are not only made fully aware of the forces at work in the country of the hopes and aspirations of the people, but are also taught to regard the well being of the poor sections of our society as their particular concern and this is what can foster a sense

of identification with the people. There should be no distance between them and they must regard themselves primarily as servants of the people and to the extent that this feeling is not there, all of us, I think, can contribute by helping in our own way to bring about this feeling. Sir, though I may not agree with all he said, I appreciate this basic sentiment and I appreciate the direction in which Shri Mandal wants to take us. Thank you, Sir.

THE VICE CHAIRMAN (SHRI V. B. RAJU) : The question is—

"That the Bill be passed."

The motion was adopted.

STATEMENT RE SECURITY OF CLASS III AND CLASS IV EMPLOYEES IN THE GENERAL INSURANCE COMPANIES

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : Sir, I beg to lay a statement on the Table of the House on behalf of the Finance Minister. [Placed in Library. See No. LT 3619/72.]

SHRI SHYAM LAL YADAV (Uttar Pradesh) : What is the statement, Sir? He should read out.

SHRI K. R. GANESH : It is a statement on something which the Finance Minister has referred to, on the security of the Class III and Class IV employees in the general insurance companies.

THE VICE CHAIRMAN (SHRI V. B. RAJU) : Yes, it can be laid. It need not be read out.

THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS (AMENDMENT) BILL, 1972.

(Motion for reference to Joint Committee).

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHURY) : With your permission, Sir, I beg to move the following motion—

'That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to amend the Presidential and Vice Presidential Elections Act, 1952, and resolves that the following members of the Rajya Sabha, namely—

- (1) Shri Gunanand Thakur
- (2) Shri Kota Punnaiah
- (3) Shri T. N. Singh
- (4) Shri Gurcharan Singh Tohra.