

[Shri D. P. Singh]

Twenty-second report, of the Committee on public undertakings on para 1. 17 of the sixty-third Report of the Committee (Fourth Lok Sabha) on National Industrial Development Corporation Limited, containing the observation "The Committee are of the opinion that they have been misled by the statement of the Managing Director (National Industrial Development Corporation Limited)" and the Minutes of the sitting of the Committee on Public Undertakings (1972-73) relating thereto.

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**THE CONSTITUTION (TWENTY-
EIGHTH AMENDMENT) BILL,
1972—contd.**

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): Mr. Chairman, Sir, the House has been discussing the Constitution (Amendment) Bill, whose aim is to remove article 314 of the Constitution of India and to add a new article 312A in the Constitution. Well, Sir, a large number of Members have participated in the debate. They have taken great interest in this matter not only at the present moment, but all along. Varying points of view about various aspects of this change have been put forward by hon. Members. One thing that I would like to say is that this is merely an enabling legislation. It means that whatever impediments Parliament had under article 314 of the Constitution to change the service conditions of this special class officers are being removed. This will have to be followed by another legislation which will spell out in clear terms what changes we intend to bring in their service conditions. Well, Sir, the question of removal of these special service conditions has been before us for a long time not only now, but even at the time the Constitution was

being framed. This thing did come up at that time and some hon. Members even then opposed the inclusion of this article in the Constitution. In view of the prevailing circumstances which obtained at that time, it was thought fit that this guarantee should be given and it was in that context that article 314 was made a part of the Constitution. Well, Sir, while most of the Members have welcomed this Bill, Shri Dahyabhai Patel and Shri Babubhai Chinai struck a different note. Shri Dahyabhai Patel said, that, in bringing forward this Constitutional amendment, the Government is committing a breach of faith, that we are breaking the pledges that we had made. I would submit that this is not correct. The ICS had a staunch supporter and patron in Sardar Vallabhbhai Patel who was mainly instrumental in providing these guarantees in the Constitution. Sardar Patel, in his wisdom and foresight, envisaged a time when Parliament would be in a position to remove these guarantees for special conditions of service to these officers. He said it in so many words while the matter was being debated in the Constituent Assembly. The aftermath of partition had created a serious situation of law and order in the country. The administration was under great stress and it was not only desirable but imperative that the bureaucratic apparatus we inherited from the British should be kept intact and in a working order. It was under these circumstances that the special guarantees as provided in Article 314 were incorporated in the Constitution. Sardar Vallabhbhai Patel never meant them to be eternal or immutable. So, there is no question of any breach of faith or breach of promise. The behaviour of some members of the ICS fraternity has not strengthened Government's hands in resisting a demand for removal of the special conditions of service. Some ICS officers have behaved like Shylock demanding his pound of flesh. They have fought bitter legal

battles over wholly preposterous demands like the home leave in England, payment of pensions in sterling and so on. A class of officers that still has elements in it that think in such antiquated manner naturally would not command much sympathy in this House. To make such demands which are completely out of tune with national ethos is one of the most objectionable aspects of some members of this service which happily, has many members who have completely got over this mentality. There are officers who have adopted themselves to the changed circumstances admirably and have helped the Government in the formulation and implementation of progressive policies and I would take this opportunity of placing on record our sense of appreciation for their work

I would therefore request hon. Members not to indulge in a wholesale condemnation of officers or a particular class. There are exceptions and we are very happy to remember them on this occasion.

So, there is no question of any pledges that were given or any promises that were made. Actually, this change was envisaged even during the debates that took place then so to bring in this thing now at this stage, that what we are doing is not a proper thing, does not stand to reason.

Shri Chinai spoke with a heavy heart—it is natural that some hon. Members would feel that way. But in view of what I have said, there will be no fear or apprehension that we are doing something which was not contemplated at that time or is completely out of tune with what was thought proper even at the time this guarantee was given.

Well, Sir, there are various things that the hon. Members have said to which I will briefly refer. It has been suggested that the jurisdiction of courts has been ousted and

this has been taken to mean that the Government does not respect the judiciary or that it does these things in a very light-hearted manner. Well Sir, this is not so. We have done this only in very special circumstances. We have ousted the jurisdiction of courts so far as the interpretation of these agreements and covenants between the Government of India and these officers are concerned. We do not want that after this Constitutional amendment is adopted there should be still long legal wranglings about some of these conditions of service which we seek to effect in this. And therefore this provision has been made that the courts would not be able to have any jurisdiction so far as any dispute arising out of these conditions of service is concerned. We are not removing or depriving them of their jurisdiction in any broad and summary way. But in so far as the covenants and agreements are concerned, we do not want that they should go to the court of law and bring out small matters and delay or retard the changes that we want to bring about. Sir, there is no question of our trying to tamper with the judiciary. Lots of things were said about a committed judiciary and things like that. I do not want to enter into a debate on that matter. We have had many occasions in this House to discuss those matters. They do not arise out of this. Our regard and consideration for the judiciary is very strong and valid. We believe in a strong and independent judiciary and the Government has done all in its power—and will continue to do so—to see that the independence of the judiciary is maintained. But in cases and matters where we feel that their jurisdiction be removed we say so. Therefore, this explanation has to be given that the Government has no intention of tampering with the rights of the judiciary as a whole or its composition or its independence.

Sir, lot of things were said about the privileges that obtain in the various strata of society. Shri Goray made a very fine and moving speech referring to a new class

[Shri Ram Niwas Mirdha]

that is arising in this country and even in the Communist countries. It is true that a new class is emerging in our country and this fact has to be taken note of. The manner and method of economic development that we followed in the past few years did not result in the creation of an egalitarian society. On the other hand it led to creation of more disparity in certain sections of people. It gave rise to a new class, neo-rich, who have not much to commend them. They are without education, without culture and the obnoxious way in which they flaunt about their ill-gotten wealth is the most disgusting. I do not hesitate to say so. And that is one of the reasons why in our approach to the Five Year Plan we have clearly stated that the way we have developed up till now has not resulted in removal of disparity. Mere growth at a particular rate in our economy does not necessarily result in creating an egalitarian society or in effecting a proper distribution of wealth. Therefore, the main approach in the next Plan is going to be that through special schemes and through special plans we want to halt this process we do not believe that economic growth *per se* was something desirable without considering as to which class of persons the benefit of the development went. This is a very difficult and tedious task. But the Government is committed to do so. And even as a party, Sir, our party has always been against this ostentatious living or ostentatious show of wealth. The Prime Minister has more than once... (*Interruption by hon. Members*). Our Prime Minister has more than once spoken about it to her colleagues and to others. I do not think any other party has ever made any attempt to create conditions in the country where such ostentatious and vulgar show of wealth would be retarded and here they come and tell us what we should do. Here is a party which not only recognises this but is trying to do all in its power to see that a proper social climate is created where mere possession of wealth is not regarded as a sign of

social status. We can only appeal to the friends opposit to co-operate with us in creating a proper climate in the country where mere show of wealth, mere possession of wealth, would not bring prestige or power. This type of climate we want to create in the country. But this is a difficult thing. This has to be done not only by the Planning Commission, by the Governmental apparatus but by the society as a whole, and I do hope all the hon'ble Members will co-operate with us in creating such a climate so that we may really have a society which would be egalitarian and where possession of wealth would not be regarded as a sign of power and prestige.

Sir, Shri Villalan had some objections about the way we bring Constitutional amendments. He said that we should not function in a piecemeal way but bring all the amendments together. We do not bring amendment to the Constitution for the sheer love of it but because we have to do it. We do so because certain situations have developed which necessitate such amendments. And however much we may try to do it at a particular point of time changed circumstances may impel us to bring more changes. We cannot rule out the possibility of bringing more amendments. Therefore, this is no question of piecemeal approach. We try to adjust even without amendments.

It is easy to say that this is the 28th amendment of the Constitution. But if we see why all these 28 amendments were necessary and in what circumstances they had to be brought, it would be fully appreciated by the House. They were brought only when the Government had no other way of dealing with the particular situation and for redeeming the pledges that it has made to the country for bringing about much needed social and economic reforms. We do not love amending the Constitution every now and then. But it cannot be denied that the Constitution will have to be amended as and when

things develop and as and when circumstances necessitate it. Actually we would have very much wished that the interpretation of the Constitution had been so dynamic or progressive or in tune with the national ethos that these amendments would not have been necessary. It is only when we come across a blind wall where no progress is possible without amending the Constitution, it is only then and with considerable reluctance and with no pleasure that we resort to amendment of the Constitution. But Constitutional amendments are merely an expedient to achieve the broad social objectives to which this Government is committed. So there cannot be any objection *per se* to amending the Constitution and I will request the hon. Member to appreciate the circumstances under which we have to do so.

Various other points were also raised, but I will not go into them. This Constitutional amendment, it is said, has come a bit too late. It is true that not many members of this service still remain.

SHRI JOACHIM ALVA (Nominated):
Twenty-five years too late

SHRI RAM NIWAS MIRDHA. I would give figures to set the record straight as to how many officers are still in the service in this category. On the 27th May, 1972, there were in service 81 members of the Indian Administrative Service who, before becoming such members, were members of the Indian Civil Service, including 7 officers permanently seconded to the Indian Foreign Service; 26 members of the Indian Police Service who, before becoming such members, were members of Indian Police; and 4 judges of High Courts who were formerly members of the Indian Civil Service. Thus, on the 27th May, 1972, there were in service 111 officers of this category to whom article 314 applies. The last of them would retire in 1979. It is true that it has taken us some time to bring about this, but this cannot

be made an argument, as some hon. Members tried to do, for not doing anything. We think that it is not desirable in the present changed social conditions of our country to have such a disparity in the working and service conditions of our officers. These special conditions of this service have a historical perspective and we have come here before the House to remove this impediment in the way of Parliament to amend some of the service conditions. As I said earlier, it will be followed up by a law which would spell out in particular details what conditions of service we want to change and in what direction.

Sir, with these words, I commend the Bill for the consideration of 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—180, Noes—2.

AYES—180

Abdul Khader, Shri M. S.
Abudul Samad, Shri A. K. A.
Abid, Shri Qasim Ali
Abu Abraham, Shri
Ahmad, Dr. Z. A.
Alva, Shri Joachim
Alva, Dr. K. Nagappa
Amjad Ali, Sardar.
Anandam, Shri M.
Anandan, Shri T. V.
Appan, Shri G. A.
Arif, Shri Mohammed Usman.
Balan, Shri M. C.
Banarsi Das, Shri.
Basar, Shri Todak.

Berwa, Shri Jamna Lal.
Bhagwat Dayal, Shri.
Bhagwati, Shri B. C.
Bhardwaj, Shri Jagan Nath.
Bhatt, Shri Nand Kishore.
Bisi, Shri P. N.
Bobdey, Shri S. B.
Chakrabarti, Dr. R. K.
Chandra Shekhar, Shri.
Chandrasekharan, Shri K.
Chattopadhyaya, Dr. Debiprasad
Chettri, Shri K. B.
Choudhury, Shri N. R.
Choudhury, Shri Suhrid Mullick.
Das, Shri Balram.
Das, Shri Bipinpal.
Dass, Shri Mahabir.
Deshmukh, Shri T. G.
Dikshit, Shri Umashankar.
Dutt, Dr. Vidya Prakash.
Gadgil, Shri Vithal.
Ganguli, Shri Salil Kumar.
Ghosh, Shri Niren.
Goray, Shri N. G.
Gowda, Shri U. K. Lakshmana.
Gujral, Shri I. K.
Gupta, Shri Bhupesh.
Gupta, Shri Shyamlal.
Hathi, Shri Jaisukhlal.
Himmat Sinh, Shri.
Hussain, Shri Syed.
Jahanara Jaipal Singh, Shrimati.
Jain, Shri A. P.
Jain, Shri Dharam Chand.
Jain, Shri Rattan Lal.
Jairamdas Daulatram, Shri.
Joseph, Shri N.
Joshi, Shri Umashanker.
Kalania, Shri I. K.
Kamalanathan, Shri M.
Kanchi Kalyanasundaram, Shri.

Kapur, Shri Yashpal.
Kaul, Shri B. K.
Kemparaj, Shri B. T.
Kesri, Shri Sitaram.
Khan, Shri Maqsood Ali.
Koya, Shri B. V. Abdulla.
Krishan Kant, Shri.
Krishnan, Shri N. K.
Krishnaswamy, Shri K. A.
Kulkarni, Shri A. G.
Kulkarni, Shri B. T.
Kumaran, Shri S.
Kumbhare, Shri N. H.
Lakshmi Kumari Chundawat, Shrimati.
Madani, Shri M. Asad.
Mahanti, Shri B. K.
Mahavir, Dr. Bhai.
Mahida, Shri U. N.
Majhi, Shri C. P.
Malaviya, Shri Harsh Deo.
Mali, Shri Ganesh Lal.
Mandal, Shri B. N.
Maragatham Chandrasekhar, Shrimati.
Mathew Kurian, Dr. K.
Mathur, Shri Jagdish Prasad.
Mehta, Shri Om.
Menon, Shri Balachandra.
Menon, Shri K. P. Subramania.
Mirdha, Shri Ram Niwas.
Mohammad, Chaudhary A.
Mohan, Shri V. R.
Mohideen, Shri S. A. Khaja.
Mukherjee, Shri Kali.
Mukherjee, Shri Pranab Kumar.
Mulla, Shri A. N.
Munda, Shri B. R.
Murahari, Shri Godey.
Murthy, Shri B. P. Nagaraja.
Musafir, Shri Gurumukh Singh.
Nair, Shri G. Gopinathan.
Nandini Satpathy, Shrimati.

Marasiah, Shri H. S.
Narayanappa, Shri Sanda.
Narayani Devi Manaklal Varma, Shrimati
Nawal Kishore, Shri.
Oberoi, Shri M. S
Pai, Shri T. A.
Panda, Shri Brahmananda
Parashar, Shri V R.
Patel Shri D K.
Patel, Shri T K.
Patil, Shri G. R.
Prasad, Shri Bhola.
Prasad, Shri K. L. N.
Pratibha Singh, Shrimati
Prem Manohar, Shri
Purabi Mukhopadhyay, Shrimati
Puttappa, Shri Patil
Raha, Shri Sanat Kumar
Raju, Shri V B
Ramaswamy, Shri K S.
Ramiah, Dr K
Rao, Shri Katragadda Srinivas
Rathnabai Sreenivasa Rao, Shrimati
Reddi, Shri Papi.
Reddy, Shri Janardhana
Reddy, Shri M Srinivasa
Reddy, Shri Mulka Govinda
Refaye, Shri A. K.
Roshan Lal, Shri
Roy, Shri Kalyan
Roy, Shri Monoranjan
Sangma, Shri E. M.
Sanyal, Shri Sasankasekhar
Saraswati Pradhan, Shrimati
Sardesai, Shri S. G.
Saroj Purushottam Khaparde, Miss
Satyavati Dang, Shrimati
Savita Behen, Shrimati
Schamnad, Shri Hamid Ali
Sen, Dr. Triguna

Sen Gupta, Shri Dwijendralal
Shah, Shri Manubhai
Shahi, Shri Nageshwar Prasad
Shilla, Shri Showaless K.
Shishir Kumar, Shri
Shukla, Shri M P.
Shyamkumari Devi, Shrimati
Singh, Shri Bindeshwari Pd.
Singh, Shri D P.
Singh, Shri Inder
Singh, Shri M. B.
Singh, Shri Mohan
Singh, Shri Ranbir
Singh Shri Sitaram
Singh, Shri Sultan
Singh, Shri Triloki
Singh, Dr. V B.
Sinha, Shri Awadheshwar Prasad
Sinha, Shri Ganga Sharan
Sita Devi, Shrimati
Sivaprakasam, Shri S.
Sukhdev Prasad, Shri
Sumitra Gandhi Kulkarni, Shrimati
Suraj Prasad, Shri
Sushila Mansukhla Desai, Miss
Swaminathan, Shri V. V
Tanvir, Shri Habib.
Thakur, Shri Gunanand
Tilak, Shri J. S
Tiwar, Shri Shankerlal
Tiwary, Pt. Bhawaniprasad
Tombi, Shri Salam
Trivedi, Shri H. M.
Tyagi, Shri Mahavir
Tyagi, Shri O. P.
Untoo, Shri Gulam Nabi
Venigalla Satyanarayana, Shri
Venkataraman, Shri M. R.
Vidyawati Chaturvedi, Shrimati
Villalan, Shri Thillai

Vyas, Dr. M. R.

Wajd, Shri Sikandar Ali

Yadav, Shri J. P.

NOES—2

Patel, Shri Dahyabhai V.

Srinivasan, Shri T. K.

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 (Insertion of new article 312A)

SHRI BHUPESH GUPTA (West Bengal): Sir, I move.

2. "That at page 1, in line 10, the words 'whether prospectively or' be deleted."

3. That at page 2, after line 7. the following provisos be inserted, namely:—

"Provided that no such conditions of service shall permit a member of the I. C. S. to continue in service beyond the age of 58 :

Provided further that no I.C.S. officer, after retirement, shall be entitled to a pension exceeding Rs. 675.00 per mensem :

Provided also that all conditions of service for the members of the I. C. S. shall be the same as that of the I. C. S." "

The questions were proposed.

SHRI BHUPESH GUPTA: Sir, these amendments speak for themselves. I want the retirement age to be brought to the level of retirement age applicable to I. A. S. officers, that as to say, it should be brought down from 60 to 58. Why should there be a special privilege for ICS people in regard to retirement age,

I do not understand. I do not want to say anything more.

Before I come to the other two provisos, I should only invite the attention of the hon. Members to what Pandit Jawaharlal Nehru had said about these ICS officers in his Autobiography, Many hon. Members may have forgotten that. Kindly read it nowadays a little. This is 'Autobiography' by Pandit Jawaharlal Nehru. On page 441 of my edition under the Chapter on Record of British Rule, he says :

"The American Economist Veblen has called the privileged classes 'kept classes'. It would be equally true to call the ICS as well as the other imperialist services 'kept services'. They are a very expensive luxury".

Comment is unnecessary. These 'kept services' were in wedlock with Congress Government immediately after the independence.

"Ability and efficiency for what ?

If these ability and efficiency are to be measured from the point of view of strengthening the British Empire in India and helping it to exploit the country, the ICS may certainly claim to have done well. If, however, the test is the welfare of the Indian masses, they have signally failed and their failure becomes even more noticeable when one sees the enormous distance that separates them in regard to income and standards of living from the masses they are meant to serve and from whom ultimately their varied emoluments come."

Sir, these quotations of Pandit Jawaharlal Nehru also apply to the problem that we are facing now. Sir, I will not take much time. But Sir, I will quote something more, because it is good to remember what Shri Jawaharlal

Nehru wrote and what is now forgotten. Sir, he said :

"It is remarkable how the good of India seems to be tied up with the obvious interests and advancement of these services. If any privilege or prize post of the ICS is taken away, we are told that inefficiency and corruption would result. If the reserved jobs in the Indian Medical Service are reduced, this becomes a 'menace' to India's health and, of course, if the British element in the Army is touched, all manner of terrible perils confront us."

Sir, this is how Shri Jawaharlal Nehru spoke about them.

Now, Sir, all that I want to say is with regard to these amendments, when they are considering them, they should keep all these things in mind.

With regard to the other amendments. . . . (Interruptions) Sir, the hon. Members should not make noise. If they make a little noise, it becomes voluminous.

Sir, the other amendment provides that no ICS officer, after retirement, shall be entitled to a pension exceeding Rs. 675/- p. m. This is the pension given to the IAS officers. Why then should they get a higher pension? I cannot understand this. Now, Sir, it should really be brought on par with that of the IAS: This is what I want. At present, the ICS officers get a pension of more than Rs. 1,100. This should be stopped.

Finally, Sir, it also provides that the conditions of service for the ICS officers shall be the same as for the IAS officers. What service conditions you are going to provide, you are going to lay down, well, you can think of. But, Sir, certainly they should not be better than or

more beneficial to the ICS officers than what are available to the IAS personnel. Therefore, I say that these things should be kept in mind and no special category should be created. If you do not do that then the purpose for which Art. 314 is being deleted now will be defeated. Sir, these are the suggestions that I am making and many other things have been said during the general debate.

MR. CHAIRMAN : Yes, Mr. Minister.

SHRI RAM NIWAS MIRDHA : Well, Sir, the honourable Member has suggested four amendments to Clause 2 and the main purpose of the amendment is that the salaries, emoluments, pension, etc. of the ICS officers should be the same as that of the IAS officers.

Well, Sir, the honourable Member also wants that the ICS shall be designated as IAS (Senior). Sir, I may clarify the situation slightly. There is no ICS as such now and it ceased to exist in 1947 and, in 1954 when the new service cadre of the IAS was created, all the former IAS people became part of the IAS. So, strictly speaking there is no person who can be said to be an ICS officer and, therefore to bring about another distinction in the IAS as being Senior and Junior would be, if anything, retrograde and I hope the honourable Member would not insist on that.

As regards the other conditions which the honourable Member has suggested, as I mentioned in my speech some time back, we intend to bring forward another legislation spelling out in detail as to what changes in the service conditions of the former ICS officers we want to bring about and the suggestions that the honourable Member has made, which spell out some of the glaring disparities between the service condition of these two classes of officers, would be seriously considered.

MR. CHAIRMAN : Mr. Bhupesh Gupta, are you pressing your amendments ?

SHRI BHUPESH GUPTA : Just a minute, Sir. Let him finish,

SHRI RAM NIWAS MIRDHA : I would submit, Sir, that when we consider the new legislation as a follow-up legislation that we want to bring forward, we would consider all these suggestions and see if some of it can be incorporated in the new legislation. I don't think the hon. Member should now insist on his amendment. Moreover, it is not proper to burden the Constitution with these details. As a result of this constitutional amendment, we will bring fresh legislation. Whether it is from the technical point of view or from the point of substance, I do not think the hon. Member should press this. We will consider all these suggestions later on.

SHRI NIREN GHOSH (West Bengal) : But do you agree with the spirit of the amendment ?

SHRI RAM NIWAS MIRDHA : More than the spirit. I have clearly said that we will bring follow-up legislation on these service conditions. We will bring forth fresh legislation on this.

I will take this opportunity to thank Shri Bhupesh Gupta and other hon. Members who have helped us in passing this Bill. But for the constant pleadings, goading and the strident advocacy of the hon. Member, probably we would not have been able to bring forth this Bill and pass it as expeditiously as we are doing.

I will request the hon. Member to withdraw these amendments.

SHRI BHUPESH GUPTA : In view of what he has—it seems to be a very sensible reply . . . (*Interruptions*)—I withdraw these amendments.

The amendments (No. 2 and 3) were by leave, withdrawn.

MR. CHAIRMAN : The question is :

"That clause 2 stands part of the Bill."

The House divided.

MR. CHAIRMAN : Ayes—177. Noes Nil.

For text of amendments, *see* debate dated the 30th May, 1972.

AYES—177

Abdul Samad, Shri A. K. A.

Abid, Shri Qasim Ali.

Abu Abraham, Shri.

Advani, Shri Lal K.

Ahmad, Dr. Z. A.

Alva, Shri Joachim.

Amjad Ali, Sardar.

Amla, Shri Tirath Ram.

Anandam, Shri M.

Anandam, Shri T. V.

Appan, Shri G. A.

Arif, Shri Mohammed Usman.

Banarsi Das, Shri.

Basar, Shri Todak.

Berwa, Shri Jamna Lal.

Bhagwat Dayal, Shri.

Bhagwati, Shri B. C.

Bhardwaj, Shri Jagan Nath.

Bhatt, Shri Nand Kishore.

Bisi, Shri P. N.

Bobdey, Shri S. B.

Burgohain, Shri N. C.

Chakrabarti, Dr. R. K.

Chandra Shekhar, Shri.

Chandrasekharan, Shri K.

Chattopadhyaya, Dr. Debiprasad.

Chettri, Shri K. B.

Choudhury, Shri N. R.

Choudhury, Shri Suhrid Mullick
Das, Shri Balram
Das, Shri Bipinpal
Dass, Shri Mahabir
Deshmukh, Shri T. G.
Dikshit, Shri Uemashankar
Dutt, Dr. Vidya Prakash
Gadgil, Shri Vithal
Ganguli, Shri Salil Kumar
Ghosh, Shri Niren
Goray, Shri N. G.
Gowda, Shri U. K. Lakshmana
Gujral, Shri I. K.
Gupta, Shri Bhupesh
Gupta, Shri Shyamlal
Hathi, Shri Jaisukhlal
Himmat Singh Shri
Hussain, Shri Syed
Jahanara Jaipal Singh, Shrimati
Jain, Shri A. P.
Jain, Shri Dharam Chand
Jain, Shri Rattan Lal.
Jairamdas Daulatram, Shri
Joseph, Shri N.
Joshi, Shri Umashanker
Kalanja, Shri I. K.
Kamalanathan, Shri M.
Kanchi Kalyanasundaram, Shri
Kapur, Shri Yashpal
Kemparaj, Shri B. T.
Kesri, Shri Sitaram.
Khan, Shri Maqsood Ali
Koya, Shri B. V. Abdulla
Krishan Kant, Shri.
Krishnan, Shri N. K.
Krishnaswamy, Shri K. A.
Kulkarni, Shri A. G.
Kulkarni, Shri B. T.
Kumaran, Shri S.
Kumbhare, Shri N. H.

Lakshmi Kumari Chundawat, Shrimati
Madani, Shri M. Asad
Mahanti, Shri B. K.
Mahavir, Dr. Bhai
Mahida, Shri U. N.
Majhi, Shri C. P.
Malaviya, Shri Harsh Deo
Mali, Shri Ganesh Lal
Mandal, Shri B. N.
Maragatham Chandrasekhar, Shrimati
Mathew Kurian, Dr. K.
Mathur, Shri Jagdish Prasad.
Mehta, Shri Om.
Menon, Shri Balachandra
Menon, Shri K. P. Subramania
Mirdha, Shri Ram Niwas
Mohammad, Chaudhary A.
Mohan, Shri V. R.
Mohideen, Shri S. A. Khaja
Mukherjee, Shri Kali.
Mukherjee, Shri Pranab Kumar
Mulla, Shri A. N.
Munda, Shri B. R.
Murahari, Shri Godey
Murthy, Shri P. B. Nagaraja
Musafir, Shri Gurumukh Singh,
Nair, Shri G. Gopinathan
Nandini Satpathy, Shrimati
Narasiah, Shri H. S.
Narayanappa, Shri Sanda
Narayani Devi Manaklal Varma,
Shrimati
Nawal Kishore, Shri.
Nurul Hasan, Prof. S.
Pai, Shri T. A.
Panda, Shri Brahmananda
Parashar, Shri V. R.
Patel, Shri D. K.
Patel, Shri T. K.
Patel, Shri G. R.

Pawar, Shri D. Y.
Prasad, Shri Bhola
Prasad, Shri K. L. N
Pratibha Singh, Shrimati
Purabi Mukhopadhyay, Shrimati
Puttappa, Shri Patil
Raha, Shri Sanat Kumar
Raju, Shri V. B.
Ramaswamy, Shri K. S.
Ramiah, Dr. K.
Rao, Shri Katragadda Srinivas
Rathnabai Sreenivasa Rao, Shrimati
Reddy, Shri Janardhana
Reddy, Shri K. V. Raghunatha
Reddy, Shri M. Srinivasa
Reddy, Shri Mulka Govinda
Refaye, Shri A. K.
Roshan Lal, Shri
Roy, Shri Kalyan
Roy, Shri Monoranjan
Sakhalecha, Shri V. K.
Sangma, Shri E. M.
Sanyal, Shri Sasankasekhar
Sardesai, Shri S. G.
Saroj Purushottam Khaparde, Miss
Satyavati Dang, Shrimati
Savita Behen, Shrimati
Schamnad, Shri Hamid Ali
Sen, Dr. Triguna.
Sen Gupta, Shri Dwijendralal
Shah, Shri Manubhai
Shilla, Shri Showaleess K.
Shishir Kumar, Shri
Shukla, Shri M. P
Shyamkumari Devi, Shrimati
Singh, Shri Bindeshwari Pd.
Singh, Shri D. P.
Singh, Shri Inder
Singh, Shri M. B.
Singh, Shri Mohan

Singh, Shri Ranbir
Singh, Shri Sftaram
Singh, Shri Sultan
Singh, Shri Triloki
Singh, Dr. V. B.
Sinha, Shri Awadheshwar Prasad
Sinha, Shri Ganga Sharan
Sisodia, Shri Swaisingh
Sita Devi, Shrimati
Sivaprakasam, Shri S.
Sukhdev Prasad, Shri.
Sumitra Gandhi Kulkarni, Shrimati
Suraj Prasad, Shri.
Sushila Mansukhlal Desai, Miss
Swaminathan, Shri V. V.
Tanvir, Shri Habib,
Thakur, Shri Gunanand
Tilak, Shri J. S.
Tiwari, Shri Shankerlal
Tiwary, Pt. Bhawaniprasad
Tombi, Shri Salam
Trivedi, Shri H. M.
Tyagi, Shri Mahavir
Untoo, Shri Gulam Nabi
Venigalla Satyanarayana, Shri
Venkataraman, Shri M. R.
Vidyawati Chaturvedi, Shrimati
Villalan, Shri Thillai
Vyas, Dr. M. R.
Wajd, Shri Sikandar Ali

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 : Mr. Bhupesh Gupta, are you moving amendment No. 4?

SHRI BHUPESH GUPTA : Yes, Sir, only to make a remark.

Sir, I beg to move :

4. "That at page 2, after clause 2, the following new clauses be inserted, namely :—

2A. 'The members of the I.C.S. shall be designated as the I.A.S. (Senior).

2B. The pay scales of the I.C.S. shall be the same as that of the I.A.S. with effect from the 1st day of July, 1972'."

The question was proposed.

SHRI BABUBHAI M. CHINAI : On a point of order. I would like to know from Mr. Bhupesh Gupta and the hon. Minister whether, when they went into the lobby and were discussing, there was a compromise made. I have heard that the Minister was pressing him to withdraw his amendments.

SHRI BHUPESH GUPTA : I was discussing with Mr. Mirdha . . .

SHRI K. CHANDRASEKHARAN : The honourable Member, . . .

MR. CHAIRMAN : Mr. Chandrasekharan, please sit down.

SHRI K. CHANDRASEKHARAN : I think, is a kept opposition.

(Interruptions)

SHRI BHUPESH GUPTA : I was discussing with the hon. Minister, Mr. Mirdha, how the evil influence in regard to this matter of Shri Babubhai Chinai . . .

(Interruptions)

SHRI BABUBHAI M. CHINAI : You are hand in glove with them. Everyone knows about it. So the question does not arise. If you want to withdraw your amendment I will consider . . .

SHRI BHUPESH GUPTA : That I will see. Now, since Mr. Babubhai Chinai has

beaten a thorough retreat, I am not interested in it. The only thing I should like to say with regard to this thing is that he has made a remark. That is why I am saying. He said the I.C.S. is no longer applicable. You will find in the telephone directory and on the nameplates of some people it is written as "I.C.S. (Retired)". Therefore, the Government should do something to completely wipe out even the memory of this. Before you call it I.A.S. (Senior) I would suggest this. That is number one

The second point is not very important. But it should come into effect—the rules and other things—not later than the first of July, 1972. I hope Mr. Babubhai Chinai will support it.

SHRI BABUBHAI M. CHINAI : Mr. Chairman, Sir . . .

MR. CHAIRMAN : No.

SHRI BABUBHAI M. CHINAI : I have a right to speak on the amendment. You cannot say "No" to me, Sir, I am not one of those who want to waste the time of the House and I will never do it. But he has provoked me.

MR. CHAIRMAN : Provocated?

SHRI BABUBHAI M. CHINAI : Provoked. What I want to say is, it is no use flogging a dead horse. We have just a minute before accepted the whole Bill as such. Only these amendments are in the form of vindictiveness and he has said "Let this Class of people be wiped out" in his own language. What I submit is that this class of people have done extremely good service to this country. There is no doubt about it in my mind and, therefore, the question of wiping it out does not arise. I want them to do their service as faithfully as they have done all these years and be of service to the country as long as they are in service.

SHRI RAM NIWAS MIRDHA : Well, Sir, the amendment is that this Bill should

be brought into operation within a week of its enactment.

MR. CHAIRMAN : No, no, it is clauses 2A and 2B. You have already replied to it

SHRI RAM NIWAS MIRDHA : I have already replied to it and I have nothing more to add except to say a few words in reply to what Mr. Chinai has said. There is no question of being vindictive to or wiping out any class. In my own speech I have made references to good officers in this Service who have helped the Government in the formulation and implementation of its policies and I have also appealed to the hon. Members not to denigrate a class of officers as a whole. There are good elements in it, indifferent ones and bad ones also as admitted by many Members on the other side also. So there is no question of denigrating anybody. I hope Mr. Chinai will appreciate what I said.

MR. CHAIRMAN : Mr. Gupta, are you withdrawing the amendment?

SHRI BHUPESH GUPTA : I am a little perturbed by our friend. I say that in view of his bad health, he is losing his balance. I am withdrawing the amendment, otherwise he will die of heart failure.

**The amendment (No. 4) was, by leave, withdrawn. Clause 3—Omission of article 314.*

MR. CHAIRMAN : The question is :

“That clause 3 stand part of the Bill.”

The House divided.

MR. CHAIRMAN : Ayes—180. Noes—Nil.

AYES—180

Abdul Khader, Shri M. S.
Abdul Samad, Shri. A. K. A.
Abid, Shri Qasim Ali
Abu Abraham, Shri
Advani, Shri Lal K.
Ahmad, Dr. Z. A.
Alva, Shri Joachim
Amjad Ali, Sardar
Amla, Shri Tirath Ram
Anandam, Shri M.
Anandan, Shri T. V.
Appan, Shri G. A.
Arif, Shri Mohammed Usman
Balan, Shri M. C.
Banarsi Das, Shri
Basar, Shri Todak
Berwa, Shri Jamna Lal
Bhagwat Dayal, Shri
Bhagwati, Shri B. C.
Bhardwaj, Shri Jagan Nath
Bhatt, Shri Nand Kishore
Bisi, Shri P. N.
Bobdey, Shri S. B.
Burgohain, Shri N. C.
Chakrabarti, Dr. R. K.
Chandra Shekhar, Shri
Chandrasekharan, Shri K.
Chattopadhyaya, Dr. Debiprasad
Chettri, Shri K. B.
Choudhury, Shri N. R.
Choudhury, Shri Suhrid Mullick
Das, Shri Bipinpal
Dass, Shri Mahabir
Deshmukh, Shri T. G.
Dikshit, Shri Umashankar
Dutt, Dr. Vidya Prakash
Gadgil, Shri Vithal
Ganguli, Shri, Salil Kumar
Ghosh, Shri Niren

*For text of amendment, vide col. 173 supra.

Goray, Shri N. G
 Gowda, Shri U. K. Lakshmana
 Gujral, Shri I. K.
 Gupta, Shri Bhupesh
 Gupta, Shri Shyamlal
 Hathi, Shri Jaisukhlal
 Himmat Singh, Shri
 Hussain, Shri Syed
 Jahanara Jaipal Singh, Shrimati
 Jain, Shri A. P.
 Jain, Shri Dharam Chand
 Jam, Shri Rattan Lal
 Jairamdas Daujatram, Shri
 Joseph, Shri N.
 Joshi Shri Umashanker
 Kalania, Shri I. K.
 Kamalanathan, Shri M.
 Kanchi Kalyanasundaram, Shri
 Kapur, Shri Yeshpal
 Kaul, Shri B. K.
 Kemparaj, Shri B. T.
 Kesri, Shri Sitaram
 Khan, Shri Maqsood Ali
 Koya, Shri B. V. Abdulla
 Krishan Kant, Shri
 Krishnan, Shri N. K.
 Krishnaswamy, Shri K. A.
 Kulkarni, Shri A. G.
 Kulkarni, Shri B. T.
 Kumaran, Shri S.
 Kumbhare, Shri N. H.
 Lakshmi Kumari Chundawat, Shrimati
 Madani, Shri M. Asad
 Mahanti, Shri B. K.
 Mahavir, Dr. Bhair
 Mahida, Shri U. N.
 Majhi, Shri C. P.
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lal
 Maragatham Chandrasekhar, Shrimati

Mathew Kurian, Dr. K.
 Mathur, Shri Jagdish Prasad
 Mehta, Shri Om
 Menon, Shri Balachandra
 Menon, Shri K. P. Subramania
 Mirdha, Shri Ram Niwas
 Mohammad, Chaudhary A.
 Mohan, Shri V. R.
 Mohideen, Shri S. A. Khaja
 Mukherjee, Shri Kali
 Mukherjee, Shri Pranab Kumar
 Mulla, Shri A. N.
 Munda, Shri B. R.
 Murahari, Shri Godey
 Murthy, Shri B. P. Nagaraja
 Musafir, Shri Gurumukh Singh
 Nair, Shri G. Gopinathan
 Nandini Satpathy, Shrimati
 Narasiah, Shri H. S.
 Narayanappa, Shri Sar da
 Narayani Devi Manaklal Varma, Shrimati
 Nawal Kishore, Shri
 Nurul Hasan, Prof. S.
 Oberoi, Shri M. S.
 Pai, Shri T. A.
 Panda, Shri Brahmananda
 Parashar, Shri V. R.
 Patel, Shri D. K.
 Patel, Shri T. K.
 Patil, Shri G. R.
 Patil, Shri Veerendra
 Pawar, Shri D. Y.
 Prasad, Shri Bhola
 Prasad, Shri B. L. N.
 Pratibha Singh, Shrimati
 Purabi Mukhopadhyay, Shrimati
 Puttappa, Shri Patil
 Raha, Shri Sanat Kumar
 Raju, Shri V. B.
 Ramaswamy, Shri K. S.

Ramiah, Dr. K.
 Rao, Shri Katragadda Srinivas
 Rathnabai Sreenivasa Rao, Shrimati
 Reddy, Shri Janardhana
 Reddy, Shri K. V. Rughunatha
 Reddy, Shri M. Srinivasa
 Reddy, Shri Mulka Govinda
 Refaye, Shri A. K.
 Roshan Lal, Shri
 Roy, Shri Kalyan
 Roy, Shri Monoranjan
 Sangma, Shri E. M.
 Sanyal, Shri Sasankasekhar
 Saraswati Pradhan, Shrimati
 Sardesai, Shri. S. G.
 Saroj Purushottam Khaparde, Miss
 Satyavati Dang, Shrimati
 Savita Behen, Shrimati
 Schamnad, Shri Hamid Ali
 Sen, Dr. Triguna
 Sen Gupta, Shri Dwijendralal
 Shah, Shri Manubhai
 Shilla, Shri Showaless K.
 Shishir Kumar, Shri
 Shukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bindeshwari Pd.
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri M. B.
 Singh, Shri Mohan
 Singh, Shri Ranbir
 Singh, Shri Sitaram
 Singh, Shri Sultan
 Singh, Shri Triloki
 Singh, Dr. V. B.
 Sinha, Shri Awadheshwar Prasad
 Sinha, Shri Ganga Sharan
 Sisodia, Shri Swaisingh
 Sita Devi, Shrimati

Sivaprakasam, Shri S.
 Sukhdev Prasad, Shri
 Sumitra Gandhi Kulkarni, Shrimati
 Suraj Prasad, Shri
 Sushila Mansukhlal Desai, Miss
 Swaminathan, Shri V. V.
 Tanvir, Shri Habib
 Thakur, Shri Gunanand
 Tilok, Shri J. S.
 Tiwari, Shri Shankarlal
 Tiwary, Pt. Bhawaniprasad
 Tombi, Shri Salam
 Trivedi, Shri H. M.
 Tyagi, Shri Mahavir
 Untoo, Shri Gulam Nabi
 Venigalla Satyanarayana, Shri
 Venkataraman, Shri M. R.
 Vidyawati Chaturvedi, Shrimati
 Villalan, Shri Thillai
 Vyas, Dr. M. R.
 Wajd, Shri Sikandar Ali

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 3 was added to the Bill.

Clause 1, the Enacting Formula and the Title

MR. CHAIRMAN : Mr. Gupta.

SHRI BHUPESH GUPTA : I move :

1. "That at page 1, after line 6, the following proviso be inserted, namely :

"Provided that the date shall be appointed within one week of the enactment of the Act."

The question was proposed.

SHRI RAM NIWAS MIRDHA : Regarding the amendment proposed by the Member, the Government has no desire to delay this but it will take some time because this Bill will be required to be approved by not less than half of the State Legislatures before the Bill is presented to the President for his assent. Because we are making an amendment of that nature, therefore, it will take some time and the moment this procedure is over, and the President has assented to this, we will bring it into effect as early as possible.

SHRI BHUPESH GUPTA : What about retrospectively ?

SHRI RAM NIWAS MIRDHA : That was not in this clause but in the other one. It is not possible to make it retrospective because there are many service conditions like leave, retirement etc. which cannot be changed retrospectively. Retrospective change of certain conditions would not be possible. Therefore it should be left to the Government which conditions it wants to change retrospectively and which prospectively. We have taken powers for both. The hon. Member must bear in mind that there will be a lot of difficulties.

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

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—185, Noes—Nil.

AYES—185

Abdul Khader, Shri M. S.

Abdul Samad, Shri A. K. A.

Abid, Shri Qasim Ali

* For text of amendment, *vide* col. 180 *supra*.

Abu Abraham, Shri

Advani, Shri Lal K.

Ahmad, Dr. Z. A.

Alva, Shri Joachim

Amjad Ali, Sardar

Amla, Shri Triath Ram

Anandan, Shri M.

Anandad, Shri T. V.

Appan, Shri G. A.

Arif, Shri Mohammed Usman

Balan, Shri M. C.

Banarsi Das, Shri

Basar, Shri Todak

Berwa, Shri Jamna Lal

Bhagwat Dayal, Shri

Bhagwati, Shri B. C.

Bhardwaj, Shri Jagan Nath

Bhatt, Shri Nand Kishore

Bisi, Shri P. N.

Bobdey, Shri S. B.

Burgohain, Shri N. C.

Chakrabarti, Dr. R. K.

Chandra Shekhar, Shri

Chandrasekharan, Shri K.

Chattopadhyaya, Dr. Debiprasad

Chettri, Shri K. B.

Choudhury, Shri N. R.

Choudhury, Shri Suhrid Mullick

Das, Shri Balram

Das, Shri Bipinpal

Dass, Shri Mahabir

Deshmukh, Shri T. G.

Dikshit, Shri Umashankar

Dutt, Dr. Vidya Prakash

Gadgil, Shri Vithal

Ganguli, Shri Salil Kumar

Ghosh, Shri Niren

Goray, Shri N. G.

Gowda, Shri U. K. Lakshmana

Gujral, Shri I. K.

Gupta, Shri Bhupesh
Gupta, Shri Shyamlal
Hathi, Shri Jaisukhlal
Himmat Singh, Shri
Hussain, Shri Syed
Jahanara Jaipal Singh, Shrimati
Jain, Shri A. P.
Jain, Shri Dharam Chand
Jain, Shri Rattan Lal
Jairamdas Daulatram, Shri
Joseph, Shri N.
Joshi, Shri Umashanker
Kalanja, Shri I. K.
Kamalanathan, Shri M.
Kanchi Kalyanasundaram, Shri
Kapur, Shri Yeshpal
Kaul, Shri B. K.
Kemparaj, Shri B. T.
Kesri, Shri Sitaram
Khan, Shri Maqsood Ali
Koya, Shri B. V. Abdulla
Krishan Kant, Shri
Krishnan, Shri N. K.
Krishnaswamy, Shri K. A.
Kulkarni, Shri A. G.
Kulkarni, Shri B. T.
Kumaran, Shri S.
Kumbhare, Shri N. H.
Lakshmi Kumari Chundawat, Shrimati
Madani, Shri M. Asad
Mahanti, Shri B. K.
Mahavir, Dr. Bhai
Mahida, Shri U. N.
Majhi, Shri C. P.
Malaviya, Shri Harsh Deo
Mali, Shri Ganesh Lal
Mandal, Shri B. N.
Maragatham Chandrasekhar, Shrimati
Mathew Kurian, Dr. K.
Mathur, Shri Jagdish Prasad

Mehta, Shri Om
Menon, Shri Balachandra
Menon, Shri K. P. Subramania
Mirdha, Shri Ram Niwas
Mohammad, Chaudhary A.
Mohan, Shri V. R.
Mohideen, Shri S. A. Khaja
Mukherjee, Shri Kali
Mukherjee, Shri Pranab Kumar
Mulla, Shri A. N.
Munda, Shri B. R.
Murahari, Shri Godey
Murthy, Shri B. P. Nagaraja
Musafir, Shri Gurumukh Singh
Nair, Shri G. Gopinathan
Nandini Satpathy, Shrimati
Narasiab, Shri H. S.
Narayanappa, Shri Sanda
Narayani Devi Manaklal Varma, Shrimati
Nawal Kishore, Shri
Nurul Hasan, Prof. S.
Oberoi, Shri M. S.
Pai, Shri T. A.
Panda, Shri Brahmananda
Parashar, Shri V. R.
Patel, Shri D. K.
Patel, Shri T. K.
Patil, Shri G. R.
Patil, Shri P. S.
Patil, Shri Veerendra
Pawar, Shri D. Y.
Prasad, Shri Bhola
Prasad, Shri K. L. N.
Pratibha Singh, Shrimati
Prem Manohar, Shri
Purabi Mukhopadhyay, Shrimati
Puri, Shri Dev Datt
Puttappa, Shri Patil
Raha, Shri Sanat Kumar
Raju, Shri V. B.

Ramaswamy, Shri K. S.
Ramiah, Dr. K.
Rao, Shri Katragadda Srinivas
Rathnabai Sreenivasa Rao, Shrimati
Reddy, Shri Janardhana
Reddy, Shri K. V. Raghunatha
Reddy, Shri M. Srinivasa
Reddy, Shri Mulka Govinda
Refave, Shri A. K.
Roshan Lal, Shri
Roy, Shri Kalvan
Roy, Shri Monoranjan
Sangma, Shri E. M.
Sanyal, Shri Sasankasekhar
Saraswati Pradhan, Shrimati
Sardesai, Shri S. G.
Saroj Purushottam Khaparde, Miss
Satyavati Dang, Shrimati
Savita Behen, Shrimati
Sen, Dr. Triguna
Sen Gupta, Shri Dwijendralal
Shah, Shri Manubhai
Shilla, Shri Showaleess K.
Shishir Kumar, Shri
Shukla, Shri M. P.
Shyamkumari Devi, Shrimati
Singh, Shri Bindeshwari Pd.
Singh, Shri D. P.
Singh, Shri Inder
Singh, Shri M. B.
Singh, Shri Mohan
Singh, Shri Ranbir
Singh, Shri Sitaram
Singh, Shri Sultan
Singh, Shri Triloki
Singh, Dr. V. B.
Sinha, Shri Awadheshwar Prasad
Sinha, Shri Ganga Sharan
Sisodia, Shri Swaisingh
Sita Devi, Shrimati

Sivaprakasam, Shri S.
Sukhdev Prasad, Shri
Sumitra Gandhi Kulkarni, Shrimati
Suraj Prasad, Shri
Sushila Mansukhlal Desai, Miss
Swaminathan, Shri V. V.
Tanvir, Shri Habib
Thakur, Shri Gunanand
Tilak, Shri J. S.
Tiwar, Shri Shankarlal
Tiwary, Pt. Bhawaniprasad
Tombi, Shri Salam
Trivedi, Shri H. M.
Tyagi, Shri Mahavir
Untoo, Shri Gulam Nabi
Varma, Shri Man Singh
Venigalla Satyanarayana, Shri
Venkataraman, Shri M. R.
Vidyawati Chaturvedi, Shrimati
Villalan, Shri Thillai
Vyas, Dr. M. R.
Wajd, Shri Sikandar Ali

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 RAM NIWAS MIRDHA : Sir,
I move—

“That the Bill be passed.”

The question was proposed.

SHRI G. A. APPAN : Mr. Chairman,
Sir, . . .

MR. CHAIRMAN : I have not called
you. I have called Mr. Nawal Kishore.

श्री नवल किशोर (उत्तर प्रदेश) : सभापति जी, यह कांस्टीट्यूशन अमेन्डमेन्ट बिल बड़ी खूबसूरती के साथ और करीब-करीब सर्वसम्मति से पास हुआ, यह बड़ी खुशी की बात है। मुझे मिरघा साहब से एक-दो दरखास्ते करनी हैं। एक तो यह कि इस विधेयक की मन्शा, जहाँ तक मैं समझा, कोई विन्डिक्टिव्ह होने की मन्शा नहीं है, केवल एक चेन्जिंग सोशल आर्डर में जो चीजें एनाक्रानिज्म है, उनको हटाने की बात है। मगर, श्रीमन्, श्री भूपेश गुप्त की बातों से ऐसा लगा कि उनका एटीट्यूड विन्डिक्टिव्ह है। मैं इसको बहुत उचित नहीं समझता।

मिरघा साहब से मुझे एक बात यह भी कहनी है कि जिस समय आप कांफ्रिहेन्सिव बिल लाए—वैसे तो मैं जानता हूँ कि जो भूपेश गुप्त कहेंगे उसी को आप मानेंगे—फिर भी मेहरबानी करके यह इम्प्रेशन न दें कि गवर्मेन्ट का कोई विन्डिक्टिव्ह या रिजिड एटीट्यूड है। किसी आफिसर के या सवि-सेज के खिलाफ।

श्रीमन्, कुछ दिनों से मैं देख रहा हूँ इस हाऊस में सरकार की और भूपेश गुप्त की एक मिली हुई कुंती होती है, जो बातें मिनिस्टर साहब नहीं कहना चाहते हैं, खुद उनके क्वेश्चन कराए जाते हैं इधर से और फिर जवाब दिया जाता है। कौन मिनिस्टर रखा जाए कैबिनेट में, कौन नहीं रखा जाए, श्रीमन्, मुझे इसमें कोई आपत्ति नहीं है, गवर्मेन्ट हर बात में भूपेश गुप्त को कन्सल्ट करे इसमें मुझे कोई आपत्ति नहीं है।

श्री सभापति : आप विल के रिलेवेन्स में बात कहें तो अच्छा हो।

श्री नवल किशोर : I never talk out of the point. I will have my say.

SHRI KALI MUKHERJEE (West Bengal): Mr. Bhupesh Gupta is not on the agenda; the Bill is on the agenda.

SHRI NAWAL KISHORE: I am speaking on the agenda. Don't teach me what I am to say.

SHRI BHUPESH GUPTA: Is the Bill related to Bhupesh Gupta?

SHRI NAWAL KISHORE: Yes, it is so. Not only the Bill, even the Govern-ment is related to Mr. Bhupesh Gupta.

तो श्रीमन्, मैं यह कहना चाहता था कि गवर्मेन्ट हर बात भूपेश गुप्त से पूछ कर हर काम करे, मगर मेहरबानी करके यह आप हाऊस के बाहर ही करें तो ज्यादा अच्छा है, इस हाऊस के अंदर उसका डिमान्स्ट्रेशन न हो, हमारा टाइम खराब न हो, इतना ही निवेदन करना है।

MR. CHAIRMAN: You wanted to say something, Mr. Appan. Take one minute only.

SHRI G. A. APPAN (Tamil Nadu) : Mr. Chairman, Sir, the House seems to be very very jubilant to pass this Bill. We have voted for the Bill and people feel it is very very happy for them. Having worked under some four or five ICS officers I honestly feel that the services of ICS officers, their character, their morals, their standards, their proficiency, their performance have been second to 1 P. M. none. Except for one or two cases of ICS officers, who have been removed, the others have worked well. My friend, Mr. Bhupesh Gupta, seems to say that the implementation of this should come within a week. What is it? He is a Barrister. As a Barrister he does not know that it has to go to and get the approval of the States also.

MR. CHAIRMAN: All right.

SHRI G. A. APPAN: I tell you these ICS officers are a handful now. If they are to be ranked with the present IAS officers, it will be comparing the goats with the sheep or the bullocks with the cows. Mr. Chairman, Sir, I tell you, at least please give them an option to leave their job. I would rather request the ICS officers to go away from their job, rather than subject themselves to this harassment. I have voted for it. I feel that there should be socialism. It should be socialism for us, not Rs. 1001 for the IAS people and ICS people and Rs. 3,000 or Rs. 4,000 for the people in charge of these undertakings.

MR. CHAIRMAN. Please conclude

SHRI G. A. APPAN: If the service conditions of these people are to be curbed, it could be done only by the person who appointed them, not by a second or third party. In these circumstances, I feel that sufficient honour and respect should be accorded to the ICS people.

DR. K. MATHEW KURIAN (Kerala). This is your personal view.

SHRI G. A. APPAN: This is my personal view. I have voted and we have voted for it.

SHRIMATI PURABI MUKHOPADHYAY (West Bengal): Mr. Chairman, Sir, I congratulate, on behalf of the party, Shri Bhupesh Gupta for raising this issue in this House. On several occasions he impressed upon the Government the need for bringing forward this Bill and I am grateful to Shri Bhupesh Gupta for drawing the attention of the Government to this.

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The house divided

MR. CHAIRMAN: Ayes—188; Noes—Nil.

AYES—188

Abdul Khader, Shri M. S.
Abdul Samad, Shri A. K. A.
Abid, Shri Qasim Ali
Abu Abraham, Shri
Advani, Shri Lal K.
Ahmad, Shri Syed
Ahmad, Dr. Z. A.
Alva, Shri Joachim
Amjad Ali, Sardar
Amia, Shri Tirath Ram
Anandam, Shri M.
Anandan, Shri T. V.
Appan, Shri G. A.
Arif, Shri Mohammed Usman
Balan, Shri M. C.
Banarsi Das, Shri
Basar, Shri Todak
Berwa, Shri Jamna Lal
Bhagwat Dayal, Shri
Bhagwati, Shri B. C.
Bhardwaj, Shri Jagan Nath
Bhatt, Shri Nand Kishore
Bisi, Shri P. N.
Bobdey, Shri S. B.
Burgohain, Shri N. C.
Chakrabarti, Dr. R. K.
Chandra Shekhar, Shri
Chandrasekharan, Shri K.
Chattopadhyaya, Dr. Debiprasad
Chettri, Shri K. B.
Choudhury, Shri N. R.
Choudhury, Shri Suhrid Mullick
Das, Shri Balram
Das, Shri Bipinpal
Dass, Shri Mahabir
Deshmukh, Shri T. G.
Dikshit, Shri Umashankar
Dutt, Dr. Vidya Prakash
Gadgil, Shri Vithal

Ganguli, Shri Salil Kumar
Ghosh, Shri Niren
Goray, Shri N. G.
Gowda, Shri U. K. Lakshmana
Gujral, Shri I. K.
Gupta, Shri Bhupesh
Gupta, Shri Shyamlal
Hathi, Shri Jaisukhlal
Himmat Singh, Shri
Hussain, Shri Syed
Jahanara Jaipal Singh, Shrimati
Jain, Shri A. P.
Jain, Shri Dharam Chand
Jain, Shri Rattan Lal
Jairamdas Daulatram, Shri
Joseph, Shri N.
Joshi, Shri Umashanker
Kalanja, Shri I. K.
Kamalanathan, Shri M.
Kanchi Kalyanasundaram, Shri
Kapur, Shri Yeshpal
Kaur, Shri B. K.
Kempuraj, Shri B. T.
Kesri, Shri Sitaram
Khan, Shri Maqsood Ali
Koya, Shri B. V. Abdulla
Krishan Kant, Shri
Krishnan, Shri N. K.
Krishanaswamy, Shri K. A.
Kulkarni, Shri A. G.
Kulkarni, Shri B. T.
Kumaran, Shri S.
Kumbhare, Shri N. H.
Lakshmi Kumari Chundawat, Shrimati
Madani, Shri M. Asad
Mahanti, Shri B. K.
Mahavir, Dr. Bhai
Mahida, Shri U. N.
Majhi, Shri C. P.
Malaviya, Shri Harsh Deo

Mali, Shri Ganesh Lal
Mandal, Shri B. N.
Maragatham Chandrasekhar, Shrimati
Mathew Kurian, Dr. K.
Mathur, Shri Jagdish Prasad
Mehta, Shri Om
Menon, Shri Balachandra
Menon, Shri K. P. Subramania
Mirdha, Shri Ram Niwas
Mohammad, Chaudhary A.
Mohan, Shri V. R.
Mohideen, Shri S. A. Khaja
Mukherjee, Shri Kali
Mukherjee, Shri Pranab Kumar
Mulla, Shri A. N.
Munda, Shri B. R.
Murahari, Shri Godey
Murthy, Shri B. P. Nagaraja
Musafir, Shri Gurumukh Singh
Nair, Shri G. Gopinathan
Nandini Satpathy, Shrimati
Narasiah, Shri H. S.
Narayanappa, Shri Sanda
Narayani Devi Manaklal Varma, Shrimati
Nawal Kishore, Shri
Nurul Hasan Prof. S.
Oberoi, Shri M. S.
Pai, Shri T. A.
Panda, Shri Brahmananda
Parashar, Shri V. R.
Patel, Shri D. K.
Patel, Shri T. K.
Patil, Shri G. R.
Patil Shri P. S.
Pawar, Shri D. Y.
Prasad, Shri Bhola
Prasad, Shri K. L. N.
Pratibha Singh, Shrimati
Prem Manohar, Shri
Purabi Mukhopadhyay, Shrimati

Puri, Shri Dev Datt
 Puttappa, Shri Patil
 Raha, Shri Sanat Kumar
 Raju, Shri V. B.
 Ramaswamy, Shri K. S.
 Ramiah, Dr. K.
 Rao, Shri Katragadda Srinivas
 Rathnabai Sreenivasa Rao, Shrimati
 Reddi, Shri Papi
 Reddy, Shri Janardhana
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri M. Srinivasa
 Reddy, Shri Mulka Govinda
 Refaye, Shri A. K.
 Roshan Lal, Shri
 Roy, Shri Kalyan
 Roy, Shri Monoranjan
 Sangma, Shri E. M.
 Sanyal, Shri Sasankasekhar
 Saraswati Pradhan, Shrimati
 Sardesai, Shri S. G.
 Saroj Purushottam Khaparde, Miss.
 Satyavati Dang, Shrimati
 Savita Behen, Shrimati
 Schamnad, Shri Hamid Ali
 Sen, Dr. Triguna
 Sen Gupta, Shri Dwijendralal
 Shah, Shri Manubhai
 Shilla, Shri Showaless K.
 Shishir Kumar, Shri
 Shukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bhupinder
 Singh, Shri Bindeshwari Pd.
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shri M. B.
 Singh, Shri Mohan
 Singh, Shri Ranbir
 Singh, Shri Sitaram

Singh, Shri Sultan
 Singh Shri Triloki
 Singh, Dr. V. B.
 Sinha, Shri Awadheshwar Prasad
 Sinha, Shri Ganga Sharan
 Sisodia, Shri Swaisingh
 Sita Devi, Shrimati
 Sivaprakasam, Shri S.
 Sukhdev Prasad, Shri
 Sumitra Gandhi Kulkarni, Shrimati
 Suraj Prasad, Shri
 Sushila Mansukhlal Desai, Miss
 Swaminathan, Shri V. V.
 Tanvir, Shri Habib
 Thakur, Shri Gunanand
 Tilak Shri J. S.
 Tiwari, Shri Shankarlal
 Tiwary, Pt. Bhawaniprasad
 Tombi, Shri Salam
 Trivedi, Shri H. M.
 Tyagi, Shri Mahavir
 Untoo, Shri Gulam Nabi
 Varma, Shri Man Singh
 Venigalla Satyanarayana, Shri
 Venkataraman, Shri M. R.
 Vidyawati Chaturvedi, Shrimati
 Villalan, Shri Thillai
 Vyas, Dr. M. R.
 Wajd, Shri Sikandar Ali

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 : Now, the other Constitution (Amendment) Bill will be taken up at 2.30 P. M. One hour is allotted for the entire proceedings. Therefore,

Members should be present at the proper time.

The House stands adjourned till 2.30 P. M.

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

The House reassembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: We now take up the Constitution (Twenty-ninth Amendment) Bill, 1972.

THE CONSTITUTION (TWENTY-NINTH AMENDMENT) BILL, 1972

THE MINISTER OF LAW AND JUSTICE AND PETROLEUM AND CHEMICALS (SHRI H. R. GOKHALE): Mr. Deputy Chairman, Sir, with your permission I beg to move :

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

SHRI MAHAVIR TYAGI (Uttar Pradesh): On a point of order, Sir. Since the establishment of this Parliament it has been a convention that an extract of whatever is proposed to be amended is always given in the Statement of Objects and Reasons, and whatever is to be added is also quoted. In this Bill we are blindfoldedly expected to pass the Bill to change the Constitution and include certain Bills passed by the Kerala State Government without knowing what that Bill is. Sir, the copies of the Bill ought to have been circulated to members so that with our conscience we could go through and see that this Bill deserves to be included in the Schedule.

Sir, in the Statement of Objects and Reasons there are certain points which have struck me. It is mentioned that :

"Certain crucial provisions of the principal Acts as amended were challenged in the High Court of Kerala and in the Supreme Court, creating a climate of uncertainty in the effective implementation of land reforms."

We are in favour of protecting the recommendations of the Kerala High Court.

MR. DEPUTY CHAIRMAN: What is the point of order ?

SHRI MAHAVIR TYAGI: It is not that we are opposed to the Bill. We support the Bill. But let at least our conscience be clear. Let us know what we are doing about the Schedule. These are important issues. Naturally, we are interested to know what were the points on which the High Court gave the ruling. What are the exact words of that ruling ?

Further it says :

"Although the High Court of Kerala has generally upheld the scheme of land reforms envisaged in the principal Act as amended, a few vital provisions have been struck down by the High Court."

What are those vital provisions which have been struck down ? We should know that. They ought to have been given to us, if not the original Bill. The hon'ble Minister could give us a number of important rulings so that we could understand whatever we are passing is fully justified.

There is another mention. It says:—

"It is also apprehended that certain observations of the Supreme Court in the judgements might open the floodgates of litigation much to the detriment of thousands of Kudi-kidappukars in the State. . ."