

Mulka Govinda Reddy rose.)

CHAIRMAN: There is nothing moment before the House. We proceeding to the next item.

SHRI MULKA GOVINDA REDDY (Mysore): Sir, you were pleased to say that you have refused permission to move the privilege motion.

MR. CHAIRMAN: Any point of order on that?

SHRI MULKA GOVINDA REDDY: I would like to draw attention to Rule 166 which says:—

“The Chairman, if he gives consent under rule 163 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place and, while asking for leave to raise the question of privilege make a short statement relevant thereto: . . .”

MR. CHAIRMAN: What is the relevancy?

SHRI MULKA GOVINDA REDDY: “Provided that where the Chairman has refused his consent under rule 163 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order.”

In this particular case, ‘may’ means ‘shall’, and it shall be the duty of the Chairman to read out the notice of . . .

MR. CHAIRMAN: ‘If he thinks it necessary’. What does it mean?

‘May’ means ‘shall’? Does ‘If he thinks it necessary’ mean he should think it necessary. I think the answer to your point of order is contained in the rule you quoted.

SHRI A. B. VAJPAYEE: Sir, I may submit that nothing is going to be lost if the motion is read out. I quite abide by your ruling but it is an important question, and even if you have decided to disallow it, let the matter be referred to and the motion be read out.

MR. CHAIRMAN: I am convinced that it is not a question of privilege at all. I have studied it.

SHRI A. B. VAJPAYEE: We should be allowed to put our case.

MR. CHAIRMAN: No, no. Otherwise, this rule would not have been made. It is the discretion of the Chairman. I have refused permission. I am convinced that it is not a question of privilege.

THE ALL-INDIA SERVICES
(AMENDMENT) BILL, 1963—
continued

شری عبدالغنی (پنجاب) :

چیرمین صاحب - میں یہ عرض کر رہا تھا کہ جہاں کچھ آل انڈیا سروسز بڑھائی جا رہی ہیں وہاں مالی مشکلات کو تو سرکار دیکھ گی لیکن کچھ ایسی ترقیاں ہیں جن پر ہم سرکار کی توجہ خاص طور پر مبذول کرانا چاہتے ہیں وہ یہ کہ آج رجمنٹل لاکو بیجز کی بڑی چرچا ہے اور ہر جگہ ریکارڈ ایبلے ایبلے ریجن کے مطابق ایلی ایلی بولوں میں رکھ جا رہے ہیں جیسے پنجاب میں پنجابی میں، آسام میں آسامی

[شری عبدالغنی]

میں، مدراس میں شامل ہیں۔
تو یہ جو محکمے خود سرکار بڑھانے
جا رہی ہے انجیلری کے علاوہ باقی
کے، فارست کے، اس کے علاوہ باقی
جگہ سے مانگ ہوئی ہے کہ کہیں نہ
ایجوکیشن کا ہو، کہیں نہ روڈس کا
ہو، کہیں نہ ایگرکلچر کا ہو اور
نوجوانوں کو کہیں نہ موقعہ دیا جائے
جس سے وہ کھیتی باڑی کی طرف
آئیں اور کھیتی باڑی کو نقصان نہ
پہنچے۔ تو اگر یہ سب بڑھا دیئے
جائیں اور ان کے تہادلیے ملائے
انٹیکریشن کے خیال سے جھسا کہ
سرکار چاہتی ہے کئے جائیں تو کیا
یہ کسی کے لئے ممکن ہے؟ کہیں کہ
پہلے زمانہ میں جب انگریزوں نے آئے۔
سی۔ ایس۔ رکھا تھا یا کوئی اور
آل انڈیا سروس رکھی تھی پولیس
میں تو انگریزی میں ریکارڈ ہوتا تھا
اور ہر جگہ کوئی مشکل نہیں آتی
تھی لیکن اب آیا اس سے افیشیلمس
میں کوئی دقت آئے گی یا ایڈمنسٹریشن
میں کوئی دقت ہوگی؟ اس پر بھی
سرکار کو دھیان کرنا ہے۔

اس کے علاوہ میں یہ جاننا چاہتا
ہوں کہ آیا ان پر ادھیکار مرکزی
سرکار کا ہوگا یا اسٹیٹ سرکار کا ہوگا۔
وہ میں کہیں کہتا ہوں اس لئے کہ
ایک طرف ان کا مان بڑھایا جاتا ہے
لیکن دوسری طرف جلاب کو یاد ہوگا

ایک سوال پر کہ آیا ایک
سی۔ ایس۔ آفیسر کے خلاف
ٹ سرکار نے کئی کیسز پر کیس
اور وہ سب کیسز جو تھے ہائی
کورٹ نے ان کو رد کر دیا اور ان کو
بھیس لیس کر کے اس آفیسر کو
ہ عزت طور پر ڈسچارج کیا تو ہمارے
ہوم منسٹر شری لال بہادر شاستری نے
کہا کہ ابھی چونکہ سہریم کورٹ میں
اسٹیٹ سرکار کو جانے کا حق حاصل
ہے اس لئے جب تک سہریم کورٹ
ٹھہری کوئی مہر اس پر نہ لگائے گی
تک وہ ہمارے لئے مشکل ہے اور
جب وہ صورت آئے گی تو وہ دی
انسٹیٹ کر دیئے جائیں گے۔ لیکن
ہوا کیا کہ سہریم کورٹ نے اسٹیٹ
سرکار کی تجویز کو رد کر دیا اور رد
کرنے کے بعد اب یہ دیکھنا ہے کہ
ایس۔ آئی۔ سی۔ ایس۔ آفیسر کے
خلاف اس کی ہوی کے
خلاف اس کی اسی سالہ ساس کے
خلاف کھسیدو بنائے گئے اور تمام کے
تمام ہائی کورٹ تک عدالتوں نے
کہا کہ یہ جھوٹے ہیں، یہ بے ایمانی
سے بنائے گئے ہیں، اس میں بالکل
غھبریکھٹ کیا ہے تمام مسئلے اس کے
بہاوجود ہوم منسٹر۔۔۔

SHRI P. N. SAPRU (Uttar Pradesh):
On a point of order. These cases are
still pending, they have not yet been
decided. Is the hon. Member right in
referring to pending cases before
various courts? We know to what

in cases he is making a reference. Those cases are still pending are not . . .

CHANDRA SHEKHAR (Uttar Pradesh): The cases have been decided.

شری عبدالغنی : جناب چیمبرمین

صاحب - میں نے کوئی ...

श्री सहायति : आप किसी ऐसे मुकदमे की तरफ तो इशारा नहीं कर रहे हैं जो अदालत में जेरे गौर हो ।

شری عبدالغنی : کوئی نہیں سب

فیصلے ہو گئے کہ جوتے ہیں مدد دیا تھی پر بنے، میں اور سہریم کورٹ تک فیصلہ ہوا - اس پر میں یہ کہہ رہا تھا کہ ہوم منسٹر جو سارے ملک کے لائینڈ آرڈر کے مالک ہیں وہ یہ یقین دلاتے ہیں ہاؤس کو کہ جونہی سہریم کورٹ میں اسٹیٹ سرکار کی تجویز دے دو جائے گی اس آفیسر کو جو چار سال سے مصیبت میں پڑا ہوا ہے دی اسٹیٹ کر دیا جائے گا اور باقی جو کچھ اس کا ہونا ہے اور اس کے ساتھ جو انصاف سرکار کرتی ہے وہ سرکار کرے گی - لیکن اسٹیٹ سرکار اس کو جونہی سہریم کورٹ کا فیصلہ ہوتا ہے نئے سرے سے سسٹم کرتی ہے -

میں یہ کہنا چاہتا ہوں کہ اس طرح آیا افسروں کا مان بڑھایا جائے گا یا کھٹایا جائے گا ، سہلتر کورنڈنٹ اور مرکز کا مان بڑھے گا یا کھٹے گا - یہ

جو آل انڈیا سروسز کے بڑے بڑے آفیسر ہیں ان پر رول کس کا چلے گا ؟ - آرڈر کس کا چلے گا تو میں یہ اس لئے عرض کر رہا تھا کہ گونڈن نائر جی کی تقریر میں یہ ہو آتی تھی کہ وہ اسٹیٹ کو اس لئے زیادہ ادھیکار دینا چاہتے ہیں کہ کبھی ہماری پارٹی بھی شاید راج کرے جیسا کہ ان کی پارٹی نے کھل میں راج کیا تھا اور شاید اور سٹیٹوں میں بھی کرے اور پھر سینٹر کے ساتھ اکڑیں - تو میں نے کہا کہ اس طرح مجھے خطرہ پیدا ہوتا ہے کہ ہماری مرکزیت کو نقصان پہنچے گا - یہ کیس میں نے اس لئے پیسہ کہا کہ یہاں ہوم منسٹر نے یقین دلایا تھا لیکن ہوم منسٹر نے آرڈر کی ، ان کی یقین دہانی کی ، دو کڑی کی وقعت نہیں رہی جب کہ کسی رول کی آڑ لے کر اسٹیٹ سرکار نے ان کو نہیں دکھا - یہاں سے آرڈر جاتا ہے کہ چار سال کی پچھلی تلخووا دے دی جائے لیکن وہاں کہتے ہیں کہ انکوئری کرائیں گے - تو میرا مطلب تھا کہ جو دو عملی اس وقت چل رہی ہے اس سے جو انٹیگریشن کا مقصد سرکار حاصل کرنا چاہتی ہے ، جناب چیمبرمین صاحب ، یہ حاصل نہیں ہوگا بلکہ اس سے نئے نئے فتلیں اٹھیں گے -

تو میری یہ درخواست ہے کہ دو عملی ختم ہو ، مرکز کا حکم چلے اور جو یہ دیکارتہ ہوں ان کے بارے میں

[شری عبدالغلی]

کچھ ہو - کیوں کہ چاہے وہ ماسٹر ہو یا کرنی بڑے سے بڑا آفیسر ہو یا کیسا ہی وڈران ہو کسی کے بس میں نہیں ہے کہ وہ سب زبانوں پر عبور حاصل کرے اور جو تمام ریکارڈس چودہ زبانوں میں سے کسی ایک میں ہوں اس کو وہ دیکھ لے اور وہ انٹیلیجنسی جو آئی چاہئے وہ آجائے جو کہ آج نہیں ہے - جو نکما پن ایڈمنسٹریشن میں آکھا ہے اس میں اور نکما پن نہ آجائے ایسا مجھے خطرہ ہے - اس لئے سرکار اس پر توجہ دے کہ جو ضروری رپورٹ ہو وہ جہاں ریجنل لنگویج میں ہو وہاں ایسی زبان میں بھی ہو جیسے کہ ہندی ہے جو کہ سب کے لئے پڑھنا لازمی ہے یا انگریزی ہے جس کے لئے سرکار سمجھتی ہے کہ ابھی ساؤتھ اور نارٹھ کے انٹیکویشن کو قائم رکھنے کے لئے اس کو قائم رکھنا ہے - تو آہا ساؤتھ والوں کے لئے وہ ریکارڈ انگلیش میں ہوگا اور نارٹھ والوں کے لئے ہندی میں ہوگا جو کہ آپ کو ہندی کا بڑا وڈران سمجھتے ہیں حالانکہ میری رائے ہے کہ نوے فی صدی آفیسر ہندی پڑھنا لکھنا نہیں جانتے ہیں - بھر حال ہندی ہماری قومی زبان ہے اور اس کو ہمیں اُتھانا ہے - تو آہا وہ رپورٹ جو پبلجی میں دکھی جائے گی وہ ہندی میں ہوگی ؟ جو

میں دکھی جائے گی وہ ہندی ہی ہوگی ؟ جو شامل میں جائے گی وہ ہندی میں ہی سی یا نہیں - اگر نہیں ہوتی تو میں بڑے ادب سے عرض کروں گا کہ یہ آل انڈیا سروسز ہجائے فائدہ مند ثابت ہونے کے ناواں دے ہوگی - کہوں کہ جس آدمی کے ذریعہ سے آپ پورے طور پر میڈیکل کی مدد پہنچانا چاہتے ہیں وہ اگر غریب کی بات کو سمجھتا ہی نہیں ہے تو پھر وہ رپورٹ کیا دیکھے گا اور مدد کیا کر پائے گا - تو میری عرض یہ تھی کہ یہ دیکھا جائے کہ ان کی عزت کے پاسان سمیٹر والے ہوں - جذاب چہرہ میں صاحب - مجھے کو شکایت نہیں ہے - کہ آئی - سی - ایس - کھور کا یہاں ذکر کروں ، اسکی ضرورت نہیں ہے - جذاب - آپ جانتے ہیں کہ ماسٹر جن کی بے پناہ طاقت ہے ان بے چاروں کو یونہی کھ لیا جاتا ہے کہ تم جاؤ ، تو ان کے ساتھ اگر نہائے نہیں ہوتا تو پھر ان آفیسروں کے ساتھ کیا نہائے ہوگا -

آپ کے دواڑا میں ایک بات اور عرض کرنا چاہتا ہوں -

श्री ए० बी० बाजपेयी (उत्तर प्रदेश)
वह तो अपने आप इस्तीफा देते हैं ।

شری عبدالغلی : وہ تو یونہی کہا جاتا ہے - یہ جتنے استعفیے ہوتے ہیں

ان کے لئے آپ بھی جاننے ہوں
میں بھی جانتا ہوں - لیکن
آپ کے ذریعہ سے ایک عرض اور
چاہتا ہوں اور پھر اپنی تقریر
ختم کروں گا - پیرولیجیشن میں
میں جناب کو حق تھا، وہ جناب کے
سکریٹیشن میں تھا، مجھے کو کوئی
شکایت نہیں اور نہ میں اس کا ذکر
کروں گا لیکن میں ایک دیکھ کا اظہار
کرتا ہوں - کہیں میں نے کہا کہ
افسروں کی عزت کے پاس ہلو وہ
اس لئے کہا کہ یہاں پارلیمنٹ ہاؤس
میں جس میں یہ سمجھا جاتا ہے
کہ ہر پارلیمنٹ ممبر کی عزت بالکل
محفوظ ہے جناب چیئرمین کے ہاتھ
میں اور لوگ سبھا کے سپیکر صاحب
کے ہاتھ میں، ہندوستان کی ایک
عظیم شخصیت جن کا اس وقت
گاندھی جی کے بعد، بابو راجندر پرشاد
کے بعد، سردار پٹیل اور موتی لال جی
کے بعد، بہت بڑا درجہ ہے، آچاریہ
کرپانی کا، ان کی توہین کی گئی -
وہ توہین جو ہے وہ میں کہیں کہتا
ہوں کہ یہ خطرہ کا باعث ہو سکتی
ہے، فتنہ کا باعث ہو سکتی ہے،
اس لئے کہ وہ بے چارے تو برداشت
کر گئے کہونکہ وہ گاندھی جی کے چیلے
تھے -

شری سبھاشنی : یہ سب اس بیل ک
موتاٹلیک آپ کھ رہ ہے !

شری عبدالغنی : میں صرف
یہ اس لئے کہہ رہا ہوں کہ
جن کو بڑا درجہ دینا ضروری
ہے کہ وہ آل انڈیا سروسز میں جائیں
اور ان کا آدر بڑھایا جائے اور ان کا
مان بڑھایا جائے لیکن ان کا مان تو
نہیں رکھا جانا نہ ہی رکھا گیا -
اس کو رکھئے - یہ اس لئے میں نے
کہا کہ آج ٹیلیڈیلیسی کس طرف
جا رہی ہے کہ آچاریہ کرپانی کی عزت
بھی محفوظ نہیں ہے تو مجھے ڈر ہے
کہ پلڈت جوامر لال کی عزت بھی
محفوظ نہیں رہے گی -

†[श्री अब्दुल गनी (पंजाब) : चयरमै
साहब ! मैं यह भ्रजं कर रहा था कि
जहां कुछ भाल इंडिया सर्विसेज बड़ा
जा रही है वहां माली मुश्किलत को तो
सरकार देखेगी लेकिन कुछ ऐसी वृटियां हैं
जिन पर हम सरकार की तबज्जो खास तौर
पर मबजूल कराना चाहते हैं वह यह कि
आज रीजनल लैंग्वेजेज की बड़ी चर्चा है और
हर जगह रिकार्ड अपने-अपने रीजन मुताबिक
अपनी-अपनी बोलियों में रखे जा रहे हैं जैसे
पंजाब में पंजाबी में, आसाम में आसामी में,
मद्रास में तामिल में। तो यह जो महकमे
खुद सरकार बढ़ाने जा रही है इंजीनियरिंग के,
मैडिकल के, फौरेस्ट के, इन के अलावा बाकी
जगह से मांग हुई है कि क्यों न एजुकेशन का हो
क्यों न रोड्स का हो, क्यों न एग्जीकल्वर का
हो और नौजवानों को क्यों न मौका दिया
जाये जिससे वह खेती बाड़ी की तरफ आयें और
खेती बाड़ी को नुकसान न पहुंचे। तो अगर
ये सब बढ़ा दिये जायें और उनके तबादले मुल्क
के इंटीग्रेशन के ख्याल से, जैसा कि सरकार
चाहती है, किये जायें तो क्या यह किसी
के लिये मुमकिन है क्योंकि पहले जमाने में

†[] Hindi transliteration.

[श्री अब्दुल गनी]

जब अंग्रेज ने आई० सी० एस० रखा था या कोई और आल इंडिया सर्विस रखी थी पुलिस में, तो अंग्रेजी में रिकार्ड होता था और हर जगह कोई मुश्किल नहीं आती थी। लेकिन अब आया इससे एफीशियेंसी में कोई दिक्कत आयेगी या एडमिनिस्ट्रेशन में कोई दिक्कत होगी इस पर भी सरकार को ध्यान करना है।

इसके अलावा मैं यह जानना चाहता हूँ कि आया इन पर अधिकार मरकजी सरकार का होगा या स्टेट सरकार का होगा। वह मैं क्यों कहता हूँ? इसलिये कि एक तरफ उनका मान बढ़ाया जाता है लेकिन दूसरी तरफ जनाब को याद होगा कि मेरे एक सवाल पर, कि आया एक आई० सी० एस० आफिसर के खिलाफ स्टेट सरकार ने कई केस पर केस बनाये और वह सब केस जो थे हाई कोर्ट ने उनको रद्द कर दिया और उनको बैसलैस कह करके उस आफिसर को बाइज्जत तौर पर डिस्चार्ज किया, तो हमारे होम मिनिस्टर श्री लाल बहादुर शास्त्री ने कहा कि अभी चूँकि सुप्रीम कोर्ट में स्टेट सरकार को जाने का हक हासिल है इसलिये जब तक सुप्रीम कोर्ट अपनी कोई मोहर उस पर न लगायेगी तब तक हमारे लिये मुश्किल है और जब वह सूरत आयेगी तो वह रिइस्टेट कर दिये जायेंगे। लेकिन हुआ क्या कि सुप्रीम कोर्ट ने स्टेट सरकार की तजवीज को रद्द कर दिया और रद्द करने के बाद अब यह देखना है कि उस आई० सी० एस० आफिसर के खिलाफ, उसकी बीबी के खिलाफ, उसकी ८० साला सास के खिलाफ केसिज बनाये गये और तमाम की तमाम हाई कोर्ट तक अदालतों ने कहा कि यह झूठे हैं, यह बेईमानी से बनाये गये हैं, इसमें बिल्कुल फेब्रिकेट किया है। तमाम मसले इसके बावजूद होम मिनिस्टर . . .

SHRI P. N. SAPRU (Uttar Pradesh): On a point of order. These cases are still pending, they have not yet been decided. Is the hon. Member right in referring to pending cases before

various courts? We know particular cases he is making ence. Those cases are still . There are not . . .

SHRI CHANDRA SHEK (Uttar Pradesh): The cases have decided.

श्री अब्दुल गनी : जनाब चैंबरमैन साहब, मैंने कोई . . .

श्री सभापति : आप किसी ऐसे मुकदमे की तरफ तो इशारा नहीं कर रहे हैं जो अदालत में जेरे गौर हो ?

श्री अब्दुल गनी : कोई नहीं, सब फैसले हो गये कि झूठ हैं, बदयान्ती पर मुबनी हैं और सुप्रीम कोर्ट तक फैसला हुआ। इस पर मैं यह कह रहा था कि होम मिनिस्टर जो सारे मुल्क के ला एण्ड आर्डर के मालिक हैं वह यह यकीन दिलाते हैं। उस को कि ज्यूड़ी सुप्रीम कोर्ट में स्टेट सरकार की तजवीज रद्द हो जायेगी उस आफिसर को, जो ४ साल से मुसीबत में पड़ा हुआ है, रिइस्टेट कर दिया जायेगा और बाकी जो कुछ उसका होना है और उसके साथ जो इन्साफ सरकार करती है, व सरकार करेगी। लेकिन स्टेट सरकार उसको ज्यूड़ी सुप्रीम कोर्ट का फैसला होता है नये सिरे से सस्पेण्ड करती है।

मैं यह कहना चाहता हूँ कि इस तरह आया आफिसरों का मान बढ़ाया जायेगा या घटाया जायेगा। सेन्ट्रल गवर्नमेंट और मरकज का मान बढ़ेगा या घटेगा। यह जो आल इंडिया सर्विसेज के बड़े बड़े आफिसर्स हैं उन पर रूल किसका चलेगा और आर्डर किसका चलेगा। तो मैं यह इसलिये अर्ज कर रहा था कि गोविन्दन् नायर जी की तकरीर में यह बू आती थी कि वह स्टेट को इसलिय ज्यादा अधिकार देना चाहते हैं कि कभी हमारी पार्टी भी राज करे—जैसा कि उनकी पार्टी ने केरल में

गया था और शायद और स्टेटों में रे—और फिर सेन्टर के साथ अकड़े । मैंने कहा कि इस तरह मुझे खतरा पैदा है कि हमारी मरकजियत को नुकसान पहुँचेगा । यह केस मैंने इसलिये पेश किया कि यहां होम मिनिस्टर ने यकीन दिलाया था । लेकिन होम मिनिस्टर के आर्डर की, उनकी यकीनदिलानी की दो कौड़ी की वक्त नहीं रही जब कि किसी रूल की आड़ लेकर स्टेट सरकार ने उनको नहीं रखा । यहां से आर्डर जाता है कि चार साल की पिछली तनख्वा दे दी जाये लेकिन वहां कहते हैं कि इन्वॉयरी करायेंगे तो मेरा मतलब था कि जो दो-अमली इस बक्त चल रही है उससे जो इंटीग्रेशन का भकसद सरकार हासिल करना चाती है, जनाब चैयरमैन सा ब यह हासिल नहीं होगा बल्कि इससे नये नये फितने उठेंगे ।

तो मेरी यह दरखवास्त है कि दो-अमली खत्म हो, मरकज का हुकम चले और जो ये रिकार्ड हैं उनके बारे में कुछ हो । क्योंकि चाहे वह मिनिस्टर हो या कोई बड़े से बड़ा आफिसर हो या कैसा ही विद्वान हो किसी के बस में नहीं है कि वह सब जुबानों पर अवरू हासिल कर ले और जो तमाम रिकार्ड १४ जुबानों में से किसी एक में हों उसको वह देख ले और वह एफीशिपेंसी जो आनी चाहिये वह आ जाये जो कि आज नहीं है । जो निकम्मापन एडमिनिस्ट्रेशन में आ गया है उसमें और निकम्मापन न आ जाये ऐसा मुझे खतरा है । इसलिये सरकार इस पर सवज्जो दे कि जो जरूरी रिपोर्टें हो वह जहां रीजनल लैंग्वज में हो वहां ऐसी जुबान में भी हो जैसे कि हिन्दी है जो कि सबके लिए पढ़ना लाजमी है या अंग्रेजी है जिसके लिये सरकार समझती है अभी साउथ और नार्थ के इंटीग्रेशन के कायम रखने के लिये इसको कायम रखना है । तो आया साउथ वालों के लिये वहां रिकार्ड इंग्लिश में होगा और नार्थ वालों के लिये हिन्दी में होगा जो

कि अपने आपको हिन्दी का बड़ा विद्वान समझते हैं । हालांकि मेरी राय है कि ६० फी सदी आफिसर हिन्दी पढ़ना लिखना नहीं जानते हैं । बारहाल हिन्दी हमारी कौमी जुबान है और इसको में उठाना है । तो आया वह रिपोर्ट जो पंजाबी में रखी जायेगी वह हिन्दी में होगी, जो आसामी में रखी जायेगी वह हिन्दी में भी होगी, जो तामिल में रखी जायेगी वह हिन्दी में भी होगी या नहीं ? अगर नहीं होती तो मैं बड़े प्रदब से अर्ज करूंगा कि ये आल इंडिया सर्विसेज बजाय फायदेमद साबित होने के नुकसानदेह होगा । क्योंकि जिस आदमी के जरिये से आप पूरे तौर पर मेडिकल की मदद पहुंचाना चाहते हैं वह अगर गरोब की बात को समझता ही नहीं है तो फिर वह रिपोर्ट क्या देखेगा और मदद क्या कर पायेगा । तो मेरी अर्ज यह थी कि यह देखा जाये कि उनकी इज्जत के पासवान सेन्टर वाले हों । जनाब चैयरमैन साब, मुझको शिकायत नहीं है कि आइ० सी० एस० क्लर का यह जिक्र करूं । इसकी जरूरत नहीं है । जनाब, आप जानते हैं कि मिनिस्टर जिनकी बेपनाह ताकत है उन बेचारों को यूँही कह दिया जाता है कि तुम जाओ । तो उनके साथ अगर न्याय नहीं होता तो फिर उन आफिसरों के साथ क्या न्याय होगा ?

आपके द्वारा मैं एक बात और अर्ज करना चाहता हूँ ।

श्री ए० बी० बाजरेयो : वह तो अपने आप इस्तीफा देते हैं ।

श्री अब्दुल गनी : वह तो यूँही कहा जाता है । यह जितने इस्तीफे होते हैं उनके लिये आप भी जानते हैं और मैं भी जानता हूँ । लेकिन मैं आपके जरिये से एक अर्ज और किया चाहता हूँ और फिर अपनी तकरीर को खत्म करूंगा । प्रिविलेज मोशन के बारे में जनाब को हक था । वह जनाब के डिस्क्रिशन में था ।

[श्री अब्दुल गनी]

मुझको कोई शिकायत नहीं और न मैं इसका जिक्र करूंगा लेकिन मैं एक दुख का इजहार करता हूं। क्यों मैंने कहा कि अफसरों की इज्जत के पासबान बनो? यह इसलिये कहा कि यहां पार्लियामेंट हाउस में जिसमें यह समझा जाता है कि हर पार्लियामेंट मेम्बर की इज्जत बिल्कुल महफूज है जनाब चेयरमैन के हाथ में और लोक सभा के स्पीकर साहब के हाथ में। हिन्दुस्तान की एक अजीब शक्सियत जिनका इस वक्त गांधी जी के बाद, बाबू राजेन्द्र प्रसाद के बाद, सरदार पटेल और मोती लाल जी के बाद, बहुत बड़ा दर्जा है आचार्य कृपालानी का उनकी तौहीन की गई। वह तौहीन जो है वह मैं क्यों करता हूं कि यह खतरे का बाइस हो सकती है, फिटने का बाइस हो सकती है। इसलिये कि वह बेचारे तो बरदाश्त कर गये क्योंकि वह गांधी जी के चले थे ...

श्री सभापति : यह सब इस बिस के मुतालिक आप कह रहे हैं ?

श्री अब्दुल गनी : मैं सिर्फ यह इसलिए कह रहा हूं कि जिनको बड़ा दर्जा देना जरूरी है कि वह आल इंडिया सर्विसेज में जायें और उनका आदर बढ़ाया जाये और उनका मान बढ़ाया जाये लेकिन उनका मान तो नहीं रखा जाता, न ही रखा गया; इसको रखिये। यह इसलिये मैंने कहा कि आज टेन्डेन्सी किस तरफ जा रही है कि आचार्य कृपालानी की इज्जत भी महफूज नहीं है। तो मुझे डर है कि पंडित जवाहर लाल की इज्जत भी महफूज नहीं रहेगी।]

सरदार रघुवीर सिंह पंजहजारी (पंजाब) : क्या मतलब है आपका ?

MR. CHAIRMAN: Association of ideas. Mr. Sapru.

SHRI P. N. SAPRU: Mr. C. Sir, this is a Bill which I would be supported by the House, but evidently that is not the case. Mr. Govindan Nair pointed yesterday that ours is a federal constitution and for that reason it is desirable to have State Services. Now, Mr. Nair is not quite accurate in describing it as a federal Constitution. We are a quasi-federation with a strong unitary bias. Anyone, who reads our Constitution, will discover for himself that while the States have been given a good deal of authority, a great deal of authority rests, particularly in times of emergency, with the President or the Union Ministry.

[THE DEPUTY CHAIRMAN in the Chair.]

We have a quasi-federal Constitution and it is from that point of view that I would like the House to approach this question.

Madam, it is not as if we have no Central Services today. We have the Indian Administrative Service and we have the Indian Police Service. They are Administrative Services and State Governments have found no difficulty in dealing with these All-India civil servants. There is the revised version of article 311 to protect our civil servants, and even though the powers might have been misused by some Governments, the civil servant is not without remedy. He has the courts of law to approach in a difficult situation. Therefore, the question which arises is whether it is desirable or not desirable to have a wider range of all-India services.

All the three Services mentioned here in the Bill are technical Services. I would omit the words, "Irrigation Power, Buildings and Roads" and keep it just "The Indian Service of Engineers". I would treat the Indian Service of Engineers as one Service which includes all—Irrigation, Power Buildings and Roads—and everything

en there is the Indian Forest
That too is a technical Ser-
it I would like to concentrate
third, the Indian Medical and
Service.

Madam, this is a highly technical service. You want for you hospital and dispensaries and your medical institutions the very best men possible. If you have recruitment on an all-India basis, you will be able to attract the best talent for your medical and health services. Therefore, the States Reorganisation Commission, which went thoroughly into this question, recommended that these Services should be centralised. All this time we were in favour of these Services being State Services but there is a history behind it. When the Montague-Chelmsford Reforms were inaugurated, we had a sort of diarchy or dualism in administration and, therefore, the natural feeling of Ministers was that these Services should be under their control and they favoured these Services being on a provincial basis. That is not the position today. You have two big Services, the Indian Administrative Service and the Indian Police Service, as Central Services. Can it be said that our Ministers are not able to deal strongly with these Services or that our I.A.S. and I.P.S. officers do not often play the flunkey to their Ministers? If they can play the flunkey to their Ministers, more so will these technical civil servants do so. It is necessary to have a class of men who will approach their task as scientists or as technical men and for this reason it is desirable that these Services should be of an all-India character. If you have Services on an all-India basis, then they will be recruited by the U.P.S.C. The U.P.S.C. occupies a unique place in our Constitution. Its impartiality has not been impugned so far by any Member of this House but the same cannot be said—I am speaking with all respect to the State Civil Services—about the State P.S.Cs. The reason is quite obvious. The State P.S.Cs. are appointed on the advice of the Chief Minister by the Governor. Therefore,

the State P.S.Cs, cannot be expected to view the question of recruitment from that broad angle which the all-India U.P.S.C. can bring to its task. Also, the All-India Services will help to increase the efficiency of our civil servants. It may be said that these All-India Services will not be fair to the various regions. That is a matter of adjustment and there is no reason to apprehend that in the technical services, the South or Bengal will not be able to hold its own. The technical terms are of a universal character and it is easy for a man to pick up those technical terms to whichever service he may belong. The question that we have to consider is whether these All-India Services will not give us the best material that is available in the country for the development of science and technology. We are lacking in men of stature so far as science and technology are concerned. This is an age of technicians, this is an age of scientists and it is desirable that we should have in our Services the very best scientists and the very best technologists that we have in the country. I may point out that article 311 has been amended by the Constitution (Fifteenth Amendment) Bill. I do not know whether the Fifteenth Amendment has become the law of the land or not. Mr. Hajarnavis will be able to tell whether it has received the assent . . .

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
R. M. HAJARNAVIS): Not yet.

SHRI P. N. SAPRU: It has not but we may assume that it will. Article 311, as amended by the Constitution (Fifteenth Amendment) Bill, will provide ample security to all these technical men. They will be able to function in an independent manner with the State Government, more than the men who are recruited on a State-wise basis. I have known cases of P.S.Cs.—not the U.P.S.C.—recruiting for the medical and health services preferring men of inferior qualifications, for no reason other than this that they were residents of the States

[Shri P. N. Sapru.]
concerned. We have no dual citizenship under the Constitution. We have a common citizenship. Our Constitution, in this respect, is quite different from the Constitution of the other States. The residuary powers reside with the Centre. The President has large powers of intervention. He can declare an emergency and we have an emergency today and, therefore, these features distinguish our Constitution from many federal Constitutions. Our Constitution is not of the type of the German Federal Republic. Our Constitution cannot be compared with the Constitution of the U.S.A. It cannot be compared with the Constitution of even Australia, or for that matter the Centre in our Constitution exercises vaster powers than it does in the Canadian Constitution. Can anyone, who has had experience of the working of the Constitution, deny that our I.A.S. and I.P.S. are controlled in an efficient manner by the State Governments? There have been no difficulties so far as control of these Services is concerned, except perhaps in the State of Punjab which State is of course a law unto itself.

SHRI SHEEL BHADRA YAJEE (Bihar): How, because Mr. Ghani says so?

SHRI P. N. SAPRU: No, I do not like . . .

SHRI AKBAR ALI KHAN (Andhra Pradesh): On a point of order. Let us not go into details.

SHRI P. N. SAPRU: Let us not go into details except to say that in the Punjab the I.A.S. find it difficult to adjust itself. There have been no difficulties in any other State in having I.A.S. and I.P.S. officers under Central Control. There is a stronger case for the provincialisation of recruitment on a State-wise basis of these two Services—the I.A.S. and the I.P.S.—than there is for the technical services. For the technical services you want men of the highest quality. Surely we want engineers who will

be able to build good bridges, want engineers who will be able to make good roads. We want men who will be good sanitary engineers, who will be able to give us a good water supply and sanitary conditions which will prevent malaria and other epidemics, if it is possible for engineers to do so. Take, for example, forests. I think the service dealing with forests should be of an all-India character, because the problems are complicated and you want highly technical men for dealing with them. And there is a paucity of technical men in our States. If you recruit men for services like the Indian Forest Service on a State-wise basis, you will not be able to get the best material. It may be said that this decision will delay the date when the regional universities or the regional institutions will be able to work through the medium of their own languages. But I do not see there is any difficulty there, provided we have sanity and provided we have the desire to work a reasonably rapid programme of expansion of these languages. If these things are there, there should not be any difficulty at all. After all, an I.A.S. man today goes to Goa as Lieutenant Governor or he goes to Pondicherry as the Lieutenant Governor, and he is able to do his work there. I think today the fact that I.A.S. men are interchangeable, that I.A.S. men serving in the Territory of Himachal Pradesh are interchangeable with I.A.S. men serving in Delhi, shows that the fact that these I.A.S. officers are recruited on an all-India basis has not hampered the growth of regional feelings, to the extent that it is desirable for us to recognise regionalism for the purpose of our services.

It must be remembered that this is a reform which was recommended by the States Reorganisation Commission and the Union Government has not gone in this respect farther than what the States Reorganisation Commission wanted. If anything, the Union Government has been rather slow in promoting this reform. It can be accused of delaying the implementation of the

of the States Reorganisation and it cannot be accused of lack of consideration for the future. If my memory is correct, the Governments themselves have objected to these services being recruited on an all-India basis. They have got no objection, as far as I know, to these services being given an all-India character.

Mr. Govindan Nair was a great champion of regionalism in this House. But the country for which he has undiluted admiration, namely, the Soviet Union, is a highly centralised State. On paper each State there or each Republic there, has the right of self-determination. But we know what would happen to that State which were to exercise that right of self-determination. I should, therefore, have thought that this Bill would receive the support of the entire House. Evidently that is not the position, because Shri Govindan Nair has opposed it and so has my friend, Shri Ghani. Of course, to Mr. Ghani this Government itself is distasteful and he does not like this Government. He cannot get rid of his "Kairon" complex. But he should not approach this question from the point of view of any complex. We have to approach this Bill from the point of view of statesmanship. I am not one of those who think that by merely centralising these services we shall be able to solve the problem of regionalism. If we want to solve the problem of regionalism, we shall have to do many things. We shall have to cultivate good relationships between the North and the South, and it is my view, and it has been my view, that the North has a greater responsibility than the South in bringing about unity between the two halves, or between the South and the North. The North has a larger population and it is more welded together. Therefore, the North should approach the problems which affect the South, with greater vision and imagination than it has shown so far. I think the all-India services did help at one time in the integration of the

country and there is no reason why they should not help to the same extent in the further process of integrating this country, now that we are completely independent. If you object to technical services being recruited on an all India basis, then if you are to be logical, you must oppose the constitution of the Indian Administrative Service and you must also oppose the present constitution of the Indian Police Service. I think it is more desirable that technical services should be centralised than administrative services. For good administration, you may be able to get good men in your own region but for forests, for medical and public health and engineering services, you may not be able to get good men locally. Education stands on a somewhat different footing because so far as the Universities are concerned, they are autonomous and I hope we shall respect their autonomy—and I will not express any opinion on educational matters because I am a member of a Committee which is going into this matter just now and so I am keeping mum—but I certainly think that importance should be attached to medicine and health. I attach very great importance to this because healthy people are wise people and healthy people are affluent people. There is no reason why recruitment should not be made on an all-India basis for the medical and health services. Control, of course, the State Governments will have over them. They will be under the overall control of the Union but we know that that control of the union has not interfered with the responsibilities of the Ministers to their own legislatures, has not interfered with the powers that the State Governments possess of dealing with officers whom they do not like and I think, therefore, that there is a very strong case for this reform. We have, as I said before, no dual citizenship. Our constitution is unique in this respect. We are not like the United States where a person has dual citizenship. The Union has unique powers and it has vast powers of intervention in case of an emergency and it can suspend, as it did suspend,

[Shri P. N. Saprul.]

the operation of the constitutional provisions in a State as it did in Kerala where the then Government did not pursue the constitutional path. Therefore, there is nothing fundamentally wrong in principle and this change does not conflict with the idea or with the objective of having greater autonomy for the States. We have given to the States great autonomy and I do not think even the D.M.K. will deny that the States are really and effectively autonomous and I think the right solution is to recruit these Services on an all-India basis.

May I say one thing, Madam Deputy Chairman, before I sit down? I think that the constitution of our State Public Service Commissions requires to be changed. The State Public Service Commissions are appointed by the Governors, that is to say, they are appointed by the Chief Ministers of the States concerned. It really comes to that, and it is difficult for the State Public Service Commissions with their tenure of six years or sixty years of age, whichever is less, to be independent of the control of the State Government. The correct thing is to have these Public Service Commissions appointed by the Union because the Union is in a position to take a more detached, a more objective view and if reforms are carried out in this respect, the morale of our services will increase.

May I also say that the position of the civil servant has to be correctly understood by us? I have known of civil servants who play a flunkey to the Ministers in their presence and who make derogatory remarks when they were in different company. Now, a civil servant has to give an independent opinion in his notes to the Government but he must not identify himself with the Government of the day and he must carry out loyally whatever is the policy laid down by his chief. In order that there may be understanding between the permanent

heads and the Parliamentary is necessary to have a class of elementary chiefs who know the business well. The character of our officers also determines the character of our civil servants.

With these words, I would commend this Bill to the unanimous acceptance of the House. I hope that my hon. friend, Mr. Govindan Nair—I am not speaking of Mr. Abdul Ghani, he is a law unto himself—with whose point of view I often agree, will support this measure. Thank you, Madam, for sparing me the time to speak.

SHRI AKBAR ALI KHAN: Madam Deputy Chairman, I welcome this measure. The only reason which prompted me to speak on this measure is the absence of education from among the subjects for which all-India services are to be created. Before I explain my point of view on the necessity to include education, I would like to refer to a few things which have arisen during the course of the discussion. It is true, and the complaint is made, that the Home Ministry has delayed bringing forward this measure and particularly so when the States Reorganisation Commission had recommended it long, long ago but this measure, it must be remembered, requires the concurrence of the States and I am sure that the concurrence, which all the States have given, is a further guarantee that this measure will be implemented in all seriousness and with all sincerity. So far as this measure is concerned, I not only congratulate the Union Ministry but the State Ministries also. Now, there have been representations made to us, Madam Deputy Chairman, for including some more branches in the Engineering Service. This is a matter which will have to be discussed with the State Governments and it is a matter which requires further thought to be given, for example, engineers in the municipal corporations, etc. I would request the Ministry to take this matter into consideration and discuss it with the State Ministers so that, if

y, we may extend the scope cadre so far as the engineers concerned, of whom some are in this Bill.

Now, I welcome, especially, the creation of the Forest Service because I know that there are several States in which the heads of the Forest Department are non-technical men. I think this went a long way in the discouragement and in the non-development of the forest areas. I am sure this measure will help this aspect and I hope that in future, the heads of the Forest Department will always be technical men. So far as the opposition of my friend, Mr. Nair, is concerned, apart from the reasons given by Dr. Sapru, I would say that in this very House his leader, Mr. Bhupesh Gupta, has supported this measure in a different context, probably when the Resolution was moved, with great vehemence. It is not for me to ask him or his party to be consistent, nor is it my duty to say that he has not followed up what his predecessor had said but certainly in a measure where there is the question of all-India integration I would appeal to this House not to take my friend, Mr. Nair, very seriously but to give more weight to what his leader Mr. Bhupesh Gupta has said in this very House on the last occasion.

So far as Education Service is concerned . . .

SHRI M. N. GOVINDAN NAIR (Kerala): May I ask him a question? Did my leader say anything against the limited autonomy that the States now enjoy? Did he say anything against it?

SHRI AKBAR ALI KHAN: You want my answer? I really expected—and I have a great respect for the discipline of his party—that when his leader said that he must have considered all the aspects of the matter,

he must have studied the Constitution . . .

SHRI M. N. GOVINDAN NAIR: That is not my question. My question is this. According to our Constitution the States are enjoying a limited autonomy. Did my leader say anything prejudicial to that? That is my question.

SHRI AKBAR ALI KHAN: The point at issue is whether these Services should be All India Services or not. Regarding that matter, very explicitly his leader subscribed to the idea of support to this Bill.

SHRI M. N. GOVINDAN NAIR: My leader will be here after a week. Then you will hear.

SHRI AKBAR ALI KHAN: At least I hope he will not change his opinion. If he changes his opinion then I cannot say anything. Anyhow, what I wanted to emphasize is the inclusion of the Education Service here. I say this with all seriousness because I do feel that, in order to build up the mind of the country, in order really to make emotional integration effective, in order really to bring about an atmosphere which will help the solidarity of the country, it is necessary that this Education Service should be an All India Service. Madam, every time we have said in this House while speaking regarding the fissiparous tendencies, regarding regionalism, regarding casteism, regarding communalism, that it is all due to the bad and, what should I say, unwise policy adopted in regard to educational matters, we were told that it was a State subject and as such we were helpless. Even if it is a State matter, if it tells upon the unity and upon the solidarity of the country, I think the Constitution, as Dr. Sapru has pointed out, gives us ample opportunity, ample occasions to take measures by which we can effectively control these disintegrating forces. So I would appeal to them and I know that the

[Shri Akbar Ali Khan]

Home Ministry has been trying well. Maybe some States, probably my State and the State of the Leader of the House, may not agree but that is a matter that will have to be taken up. Possibly there may be other States also who are not agreeable. But I would say that so far as Education Service is concerned every effort should be made to persuade all the States to have it as an all-India service in the best interests of the country. It is not only from the point of view of integration of the country but also to improve the standards of the Services that all-India services are necessary. Apart from this the Union Public Service Commission will take an all-India view and there is a greater opportunity to judge people coming from all these States and high standards will automatically be established by this competition. From the point of view of improving the standards of the Services also, it is necessary that they should be All India Services. But certainly, with your permission, I would also insist that due regard, subject to availability and qualification, should be given in all these Services to see that all the States are properly and adequately represented. If there is any difficulty because of low standards, the education standards should be improved and other facilities should be given. It is necessary in such matters to improve the all-India standards. So, I feel that this is a very welcome measure and if the Union Public Service Commission and other institutions, that have to deal with this matter, maintain certain standards, certainly the level of the administration and the efficiency of the Services will go up.

I do not agree with my friend Dr. Sapru when he indirectly made certain observations about the State Public Service Commissions. At least I can tell him that I know about my State and some other States. The Service Commissions there have kept

up certain very high standard may be States where the post may be different but I am not prepared to agree on the facts as they are and on the information that I possess that the State Public Service Commissions should also be appointed by the Central Government. It is not necessary to do so now. With these remarks I give my hearty support to this measure.

SHRI R. M. HAJARNAVIS: Madam Deputy Chairman, I express my profound gratitude to the House for the whole-hearted support—except of course for notable exceptions—for this measure. I might again remind the House that this measure, unsatisfactory as it may seem, insufficient in many ways as it may appear to many distinguished Members, wholly occupies the area which was opened out to the Government by the Resolution passed under article 312. Madam, I assure the Hon. Members, Shri A. B. Vajpayee and Shri A. D. Mani, that the Government accept the principle of All India Services because what is true for having an All India Service for one branch of the Executive can legitimately be said to be true in the case of other branches also unless there are compelling reasons to the contrary. Therefore, our limitations in this matter may be pointed out again to the hon. Members who have made very valuable suggestions and they may be convinced that if we have not moved to other areas, it is because of these limitations. I shall read out article 312(1) —

“(1) Notwithstanding anything in Part XI, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation of one or more all-India services common to the Union and the States and, subject to the other provisions of this Chapter, regu-

the recruitment, and the conditions of service of persons appointed, to any such service."

There was a certain condition for the Parliament investing the Government with authority to constitute an all India service and that was that this House as a representative of the States—as the article says it is the Council of States—must

THE DEPUTY CHAIRMAN: The Minister may continue later. The House stands adjourned till 2.30 P.M.

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

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

SHRI R. M. HAJARNAVIS: Madam, I was mentioning that the foundation of this Bill depends upon the scope of authority which was conferred by a Resolution passed in this House by the requisite majority. I also said that the Bill exhausts all the authority which the Resolution invests us with. As a matter of general principle, we feel that we ought to explore the possibilities of having more and more all-India services. In case the States agree and the agreement of the States is contained in a Resolution passed by this House, we shall be only too glad to carry out the mission which this House entrusts us with. While on article 312, I may mention the very valid points, important points, made by two hon. Members, one Mr. A. D. Mani and the other Mr. Vajpavee. As far as I remember, the previous Service dealing with the Engineering branch was known as the Indian Service of Engineers, but that only comprised of civil engineers. Mechanical engineers, apparently, were not eligible to be appointed to the Indian Service of Engineers. It was felt that in the present context, when the Government have entered the industrial field or their own ac-

count, it would be necessary to recruit mechanical and other engineers. Therefore, not with a view to restricting the scope of engineers but to widening it the other words were added in the bracket, namely, 'Irrigation, Power, Buildings and Roads'. Now, I may remind the House again that these words are taken from the Report of the States Reorganisation Commission. Their suggestion was fully implemented when the Resolution was moved in this House. Apparently, it escaped everybody's notice that technology is spreading fast, that more and more specialised branches of engineering are coming into existence and that even if we are to categorise all that we knew, of the existing branches, technology would add a few more branches. As I mentioned yesterday, technology is outrunning our proposals, and during the last four or five years there have come into existence two more branches of engineering, viz. industrial engineering and nuclear engineering. Probably aircraft engineering is also regarded as a special subject. If I were to choose my words, I for one would have merely said 'Indian Service of Engineers'. I would then have left it to the Government to decide in their discretion, to interpret it and include all the categories that are supposed to be included within the term of 'engineers'. As life moves on and more and more categories are discovered, they are included within the connotation of words already in use. That which was 'hijli' became electricity. That which was lightning became power, transmitted either through wires or without wires. New categories, new phenomena, similar to the earlier ones, come up. That is how the significance of the words is enlarged. So, I should have thought that we should have remained content with describing it as the 'Indian Service of Engineers'. Maybe when the words in brackets were included the idea was either to explain or to illustrate it. But in a matter like this, where the power is circumscribed by the Con-

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stitution, we would not like to take the risk of including something which may be challenged and thereby risk the implementation of the whole scheme. Therefore, I think, it would be safer for us to include only four categories for the present. I certainly see the force and the inevitable logic behind the amendments which have been suggested both by Mr. Mani and Mr. Vajpayee. If at any time, the House in its wisdom invests us with power, then we shall certainly be too glad to add to these categories. There, as I said, the initiative does not come only from us. I can only point out to Mr. Vajpayee and Mr. Mani that the initiative does not come from Government alone. It is something which is derived from this House. I might remind the House that even in respect of these three Services there was an hon. Member of this House, Mr. Jaspal Roy Kapoor—whose absence we all feel and we miss him here, he was a persistent critic of the Government—who made very useful and constructive suggestions. It was he who, Session after Session, came to this House with the proposal to have All-India Services. He almost forced our hands and the hands of the State Governments. I hope this assurance of mine, this statement on behalf of the Government, will satisfy both Mr. Mani and Mr. Vajpayee.

SHRI AKBAR ALI KHAN: Does the Resolution mention anything specifically?

SHRI R. M. HAJARNAVIS: Yes. The Resolution itself states these words: "The Indian Service of Engineers (Irrigation, Power, Buildings and Roads)". Otherwise, I would not have said that I want ampler authority. Whether we use that authority, whether we include them or not, is another matter. Take, for instance, the branch of engineering called nuclear engineering. In the case of nuclear engineering, it will almost inevitably be in the public sector.

That being so, if we want to have nuclear engineers, it must be on an all-India basis.

SHRI SONUSING DHANSING PATIL (Maharashtra): What happens to the Indian Agricultural Service? There were suggestions on the floor of the House that the Indian Agricultural Service should be formed.

SHRI R. M. HAJARNAVIS: I was dealing with one Service. Now, I will deal with the point, as a part of the larger question, which has been raised by an hon. Member of this House, Mr. M. N. Govindan Nair. I have a suspicion that he belongs to the Communist Party. I remember to have read in a book written by a British journalist in which copious references are made to him. In it he is described as a communist and I hope he will not take offence at this term. I have read and read carefully the speech of Mr. Bhupesh Gupta and he took us to task in his own forceful manner for not taking early action on the All-India Services.

SHRI AKBAR ALI KHAN: What is the date of the speech? I also remember it.

SHRI R. M. HAJARNAVIS: I will give it later on. Now, it has been suggested that there is some difference between the Resolution then brought forward, to which Mr. Bhupesh Gupta had lent his powerful support, and the proposal today. And, therefore, the attitude of the Communist Party is supposed to have changed. I wish it were true, but, of course, it need not be so. As the hon. Member, Shri Akbar Ali Khan, said, amongst their many virtues consistency is not one. There is further evidence that after Comrade Mao Tse-tung's recent activities there is more democracy in the Communist Party. Two views are being debated at each level.

SHRI A. B. VAJPAYEE: Democracy or division?

SHRI R M HAJARNAVIS When more than one opinion is being expressed in the same Party I believe it means some kind of democratic freedom unless there is, of course, a split

Now, I will come to the proposal itself. It has been suggested that they have no objection to the All-India Services being established. That is Mr Bhupesh Gupta's stand, because Mr Govindan Nair intervened to say that his Party's view had not changed, that the Party's view continued to be the same but the All-India Services had got to be reconciled with the provincial autonomy. I will deal with the question on that basis. Now, I can understand that you might have no objection to an all-India service being established provided it does not affect the provincial autonomy. If it does then you will say, "you have gone too far, we are not bargaining for this, our condition of creating an all-India service was that provincial autonomy was in no way breached". That I understand, was the effect of Mr Govindan Nair's intervention. If I am mistaken, he can still correct me. Has he, I respectfully submit, Madam read the Bill? Except for saying that an all-India service will be established, every other thing is being left to the rules. Therefore, there is nothing done as yet. Those rules will be placed on the Table of both the Houses of Parliament. They will be debated. So, the time to make criticism that it affects provincial autonomy that it has diminished provincial autonomy will only be when the rules are framed when the structure becomes clear. Today's measure is only an enabling measure saying that there shall be an all-India service. If there is any complaint on behalf of the States that their own power is somehow or other being subtracted from in the process of creating an all-India service, we shall certainly listen to that complaint whether it comes from the States or the latter day champion of the States, Mr Govindan Nair.

SHRI A D MANI (Madhya Pradesh) And the Communist Party

SHRI R M HAJARNAVIS I do not know what will happen by the time the rules are framed. So I would leave it at this.

I will explain how exactly an all-India service functions. The chief branch of administration of provincial autonomy is the executive branch. Of course, it is not a correct term. I realise that that very profound student of political science, Prof M B Lal, is here. I have got to choose my words exceedingly carefully. Now, I will say that the Indian Administrative Service, which is in charge of police and the administration of justice, partakes of the greatest amount of the authority of the State Government. If you allow an all-India service to function in charge of police and if you allow a member of the Indian Administrative Service, which is an All India Service to function as a Collector, to function in the Secretariat as Secretary, then will ask you why you are objecting to a similar service being created in the case of the Indian Service of Engineers. When you have swallowed the camel, why are you straining at a gnat? I can understand him that he should object to any kind of all-India service being constituted. That is an argument which I understand. Therefore, the proposal should be, abolish the Indian Administrative Service abolish the Indian Police Service and all that which has been given to the States under the Constitution ought to be administered by officers who are recruited within the State by the authorities in the State. You must complete the argument. We must listen to all arguments, weigh them carefully and answer them. But I do hope that the debate here, the arguments here, the propositions advanced here must be lifted above the level of a debating society. After all, what is local autonomy? We must remember the structure of our Constitution. Whether it is a federal structure or unitary structure is a question which is always asked in the LLB examination wherever there is a paper

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 on constitutional law. It may also be asked in questions on political science. I will not attempt an answer as Prof. M. B. Lal is here. But there is the classic federation like the United States of America. I do not think there is any federation in which the powers are so clearly defined and so jealously guarded as the United States of America. But in times of emergency, in times of stress, the whole State becomes geared to meet the challenge, all the powers become concentrated in one authority without any change in the Constitution. All that is vested in the States, even in matters relating to the day-to-day administration, is supposed to be included in what is called the defence power of the Centre. Therefore, I am not going into the question whether it is unitary or federal. I will assume that the Constitution is normally functioning. Even so the chief difference between the other federations and our federation is, as the hon. Member, Mr. Sapru, pointed out, we do not have a dual citizenship. We do not have within the provincial sphere Administrative Service of the Union. In the U.S.A. they have found it necessary to have Federal Services functioning parallel to the State authorities within the States. Here under article 73 of the Constitution, read with article 162, the executive power is divided between the Centre and the States. Now we all know that the sphere of activity or the power of the Government or the authority of the Government is contained in three Lists: the Union List, the State List and the Concurrent List. The normal rule is that the executive power is co-extensive with the legislative power. Therefore, in respect of the Union List all the executive power is concentrated in the Centre. In respect of the State List all the executive power is vested in the States. What happens in the case of the Concurrent List which is a fairly large list? It contains many, many important subjects like the Code of Criminal Procedure, the Indian Penal Code, the Civil Procedure Code and other matters. In respect of that,

both article 73 and article 162 say, unless Parliament expressly mentions, the executive power remains with the State, so that the Concurrent List is a matter on which there may be a law of Parliament and there may be a law of a State. Yet unless Parliament by express provision reserves authority to itself, the executive power remains with the State. So, in respect of matters where parliamentary power is invested with the State, the State authorities are exercising powers which have been given by the Central Legislature. Now, is it not meet, is it not proper, that in respect of those powers there should be an all-India service which partakes of an all-India character? Where is the provincial autonomy breached? I want to ask the newly discovered protagonists of provincial autonomy: "In respect of those powers which are being exercised on behalf of Parliament, ought there not to be an all-India service?" That is why we find everywhere a demand being made on behalf of an Indian Education Service, Indian Agricultural Service and other Services. It finds an echo in my heart. I think there is a great deal of logic in it. As I said, when I use the term "inevitable logic" in respect of the suggestion made by Shri Mani, I mean that it is inherent in the power which is exercised on an all-India basis, that it will be exercised by an all-India service recruited by an all-India authority.

PROF. M. B. LAL (Uttar Pradesh):
 Is education a concurrent subject?

SHRI R. M. HAJARNAVIS: No, not education. But on the education side, there may be other matters like universities, there may be subjects which impinge on the Concurrent or the Union List. Life, I might remind Prof. Mukut Behari Lal, is so complex that it cannot be divided into a sort of water-tight compartment saying that here education ends and university begins. After all . . .

PROF. M. B. LAL: Is university a concurrent subject?

SHRI R. M. HAJARNAVIS: In respect of two universities, yes; one to which he belongs, another a sister university.

PROF. M. B. LAL: That is not a Concurrent subject, the university to which I belonged falls under the Union List.

SHRI R. M. HAJARNAVIS: Yes, I am sorry, I should have said 'Union List'.

Then I will come to the structure of the Indian Administrative Service. First of all, what happens? Does the Government of India infringe the provincial autonomy when it asks the Union Public Service Commission to hold a competitive examination? The Union Public Service Commission is an autonomous, independent body, a body of competent people, and one of the three institutions which are our own contributions to the political thought and which are the bed-rock of the rule of law in this country namely, the Judiciary, the Election Commission and the Union Public Service Commission. The Union Public Service Commission enjoys the unanimous confidence of the country. If it was mentioned in this House that the recruitment were to be merely left to the State Commissions, well, they would have attracted some adverse notice. But so far as the Union Public Service Commission is concerned, it still continues to enjoy the greatest amount of confidence amongst the public. Now, what do we do? We hold a competitive examination on an all-India basis. Every person or student eligible is allowed to compete. It may be a ceramic factory in Kerala, Shri Govindan Nair's State. A man from Punjab will be eligible to compete if a person is being recruited for that factory. As was mentioned by one hon. Member, Shri Sapru or Shri Akbar Ali Khan, merely by posting offices from one part of the country to another, national integration does not take place. I entirely agree. The private sector is doing a great deal about it. It recruits the best people where it can find them on

terms which they think are profitable. No entrepreneur asks whether the man comes from Kerala, Punjab or Bombay or somewhere else. He asks, "Do you know your job? If so, I will appoint you." As between the competitive all India service and the private sector, the point is that in one case a person regards it as an inherent right to compete for that service wherever he is being posted in India. In order to achieve national integration it is essential that there must be mobilisation of resources on an all-India basis. I hope that Shri Govindan Nair will give due thought to this. There must be a mobilisation of the whole of the country, of the whole of the Union, of which he is thinking, the mobilisation of resources and mobility of resources, and resources include the technological talents. He sees the phenomenon which is happening in Europe. The European Common Market is trying to function as one economic unit. Where it functions as one economic unit, well, it becomes a very strong economic unit, a very efficient economic unit. But the necessary condition of efficiency is that men and material resources go from one part of the unit to the other to the maximum benefit of all the parts. If this is so, if this is how integration is to be obtained, then it is necessary—I would suggest to Shri Govindan Nair—that the resources must be mobile. Now, what is the control of the Centre over the States in respect of the all-India services? The control is very limited. I was saying that first of all, the recruitment takes place not by the Government of India, but by an independent, autonomous body where competent people are recruited without reference to the State, distinguished people coming from all parts of the country. No one can accuse them of regionalism. Those people are recruited. After they are recruited, they go to the State cadres.

Now, we accepted the recommendation of the States Reorganisation Commission that 50 per cent. of the people going to each State should be from outside. It is being implemented. It is our intention that this

[Shri R. M. Hajarnavis.]
should also be implemented in the case of the three Services which we are now creating today.

SHRI M. N. GOVINDAN NAIR: Is that 50 per cent. being implemented?

SHRI R. M. HAJARNAVIS: Yes, that 50 per cent. is being implemented rigorously. It is our intention that it should also be implemented in the case of the three new Services also. After that, what happens? After an entrant enters the cadre, he is for all practical purposes an officer of that State. The only thing that happens is, if some disciplinary proceedings are taken against him, in respect of disciplinary proceedings, he has the right of appeal to the Government of India which they exercise in consultation with the Union Public Service Commission. Does it make any dent in the provincial autonomy? How does it affect the powers? Of course, if the Minister intends to punish him for a wrong which has not been done and if he does it, well, the remedies are there, just as the court protects the liberty of the subject. If he does anything otherwise than in accordance with law, the Union Public Service Commission is there which will protect the rights of the officers. The only thing is this. It is only when the State Government or anyone on behalf of the State Government tries to ask the officer to do something improper and he does not do it, that he is likely to complain that here is an officer of the All-India Service who does not obey my dictates or my orders.

Now, talking of local autonomy, local autonomy is a very important thing. When we have a large development programme, it is understood by us that there can be no development all over the country, a homogeneous development, a uniform development,
3 P.M. unless all the parts develop simultaneously. If only one part develops industrially while the other remains dependent merely upon agriculture, tension develops between the two. I might remind Mr. Govindan Nair of a colony which

is colonised practically by one race of people, having one language, one religion, one stock, namely, the British people in Australia. I think they have almost exclusively colonised Australia. But because one part of Australia developed industrially while the other developed agriculturally, one of the parts—I forget the name; I could not get the reference, perhaps it was New South Wales—petitioned to Parliament saying that they ought to be allowed to secede from the rest of Australia. It was between—I forget the year—1930 and 1940. Even today in Canada tension is developing between the industrialised part of Canada and the agricultural part of Canada. So that happens. Therefore, it is a necessary condition—and I hope he will agree with me—that there should be a simultaneous, homogeneous development at almost the same rate in all parts of the country. And if that is to happen, a lot of local energy must be released and mobilised, and if it is to be released and mobilised, you have to give a lot of power to the local units. That is why all over you will find a great experiment being conducted in decentralisation. We do not want to create walls when we have created Zila Parishads. When we speak of local autonomy, we do not think of creating small walls and big walls all over this country. All that we want is that within the framework of the national Plan, all local development, all local plans must be entrusted to the local people. And, therefore, if the Constitution did not provide for the local autonomy, we will have to invent local autonomy; we will have to give powers to the various authorities. If tomorrow somebody says that from here we can direct every little project, then he will be talking in unreal terms. Therefore, we are quite clear in our mind that the local autonomy not only will have to be respected, the regional, provincial, State autonomy not only will have to be respected but it has to be understood in the sense in which I have mentioned, it will be the right of each State to execute its part in development plans. It shall be the responsibility of the State to fulfil that part

of the Plan which has been committed to it and unless we squarely put that responsibility upon them, the Plan can never succeed. Not only that, there must be and there is a further devolution from the States to the various district units. Therefore, to say that by creating all-India services we are somehow or other trying to invade the region of the States, I think is something which will not stand examination. So let them go back, as it often happens with his Party, to the very position with which they started and he will find that what was said earlier was quite right.

Now, I was coming to one more advantage, that is, mobility of resources. The talent must move from one end to the other end. It is a truism that with examinations talent improves. Every time as you have all-India examinations, the point as alluded by Prof. Ruthnaswamy—and I am indeed indebted to him, I am mentioning another aspect of the same thing which he mentioned—like Engineering or Medical the quality of the examinees improves, the level of the examinees steps up; all over there is activity. It is not as if only salary or the emoluments are the chief attraction to the people who enter these Services but it is the opportunity in the Services. It is a challenge to their merit, to their talent. A man goes up the Everest not just because of money, he faces hazards for his country or plays tennis not because of money, but it is challenge to his ability. Similarly, a good student thinks that he would accept the challenge of an all-India competition when he thinks of entering the service. That is its own reward. This is something which will result in the quality of the students being improved every day, every time Prof. Ruthnaswamy has already alluded to the fact that if we have already a high level of administration in one region, it will become higher still if we recruit regionally. If it is at low level it will sink lower. There is something like inbreeding in an academic sphere, in a regional sphere, in a cultural sphere. It is only

when there is a marriage between the various cultures that the stock is likely to improve; otherwise the inbreeding invariably deteriorates the stock academically, culturally, economically. Therefore, it is necessary that there should be an all-India Service.

SHRI AKBAR ALI KHAN: Prof. Ruthnaswamy has been the Chairman of the Public Service Commission. So he can appreciate.

SHRI R. M. HAJARNAVIS: Madam, I am in entire agreement when it is said that the advanced will become more advanced, whereas the backward will become more backward. So it is necessary that we must have an all-India pool and that all-India pool must be available to the States. We did not want to force the States. But they themselves see the advantages.

As regards the Indian Educational Service, we are very keen about it as the Home Minister stated several times in this House. I have also, while answering questions here, said that we are trying to persuade the States. And persuading the States is absolutely necessary because, as I have already explained, most of the officers will be the officers of the State. They will have to work within the State under the State. That being so, the willing consent of the States, their acceptance of the scheme, is an absolute necessity, is a necessary preliminary steps for the success of the scheme. However wide our legal power may be, in practice it can only be successful if we carry the State administrations with us. No scheme can be successfully implemented unless we obtain the willing co-operation of the persons who are entrusted with its execution.

Madam, about the Indian Educational Service we have secured the consent of nearly all the States except two or three. We are trying to persuade them.

SHRI AKBAR ALI KHAN: Hear! Hear!

SHRI R. M. HAJARNAVIS: The hon. Member might as well use his influence with his own State.

SHRI AKBAR ALI KHAN: The same difficulty is there in your State. You persuade your State and I will persuade mine.

SHRI R. M. HAJARNAVIS: Yes, my own State and Mrs. Parthasarathy's State also. But I believe the recent information that we have is that we are nearer the objective than we ever were and I believe that within a short time it will be possible for the Government to come to this House asking for power to have another Service. Same applies to the Indian Agriculture Service which has already been mentioned by Mr. Patil.

Then, there was a proposal by Dr. Seeta Parmanand permitting part-time duty to be given to women members of the Indian Medical Service. Before I do that, I must express my deep gratitude for redressing a wrong which was done to the mere male sex, and it does appear that the mere males were being discriminated against because the women members of the Indian Foreign Service were not allowed to marry. They are now allowed to marry and take their husbands with them to the Embassy. I think this was a serious discrimination from which we all the more suffered. If I become Ambassador, my wife will go with me. But if my wife becomes one, then I would not be able to go with her.

SHRI A. B. VAJPAYEE: But the husbands must be presentable.

SHRI R. M. HAJARNAVIS: Mr. Vajpayee of course should have no grievance on that account. He is richly endowed by nature. I do not think he will be discriminated against on that account. He will be quite eligible. Take a talented Member of this House like Mrs. Parthasarathy. She can become an Ambassador in her own right and probably it will be her turn to take her husband with her. On be-

half of the male Members of this House, I convey to Mrs. Parmanand and her associates my profound gratitude for redressing a grievance of us all. I wonder whether she received any support in the Ministry itself.

I believe I have dealt with every one of the points mentioned in the House. I thank the House and I do hope that what we have begun in a small way shall be completed till we have occupied the other areas also.

THE DEPUTY CHAIRMAN:
The question is:

"That the Bill further to amend the All-India Services Act, 1951, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

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

Clause 2 was added to the Bill.

Clause 3—Insertion of new section 2A

THE DEPUTY CHAIRMAN: Clause 3. There is an amendment in the name of Mr. Vajpayee.

SHRI A. B. VAJPAYEE: I am told it is out of order.

THE DEPUTY CHAIRMAN: Yes, I am sorry, it is out of order. The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill

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

SHRI R. M. HAJARNAVIS: Madam, I move:

"That the Bill be passed."

The question was put and the motion was adopted.