

SHRI B. N. DATAR: Secondly, Sir, you will find that so far as the normal highest pay is concerned, it is Rs. 3,000. Here in this case a High Court Judge would get Rs. 3,500. Therefore, taking all the circumstances into account I should like to submit that Rs. 3,500 is a fairly satisfactory pay, and the amount of pension, as I have stated . . .

SHRI P. N. SAPRU: May I draw the attention of the Minister to the facts that Secretaries to the Government of India still continue to get Rs. 4,000 and the Secretary-General, I think, gets Rs. 4,400. I think the position of the Judges should not be less than those of the Secretaries.

SHRI B. N. DATAR: So far as the I.C.S. are concerned . . .

SHRI P. N. SAPRU: They are a class by themselves.

SHRI B. N. DATAR: The number of I.C.S. is falling continuously, and in respect of the High Courts there are only a few High Court Judges drawn from the I.C.S. That is why I pointed out that the highest normal pay under the Government is Rs. 3,000. In exceptional cases it might be a little more, but so far as the normal highest pay as recommended by the first Central Pay Commission is concerned, it is Rs. 3,000. In this particular case we have made it clear that so far as a High Court Judge is concerned, he is entitled to Rs. 3,500. By way of pension he gets either Rs. 16,000 per year or Rs. 20,000 if he happens to be a Chief Justice for a particular period. Under these circumstances I would like to submit that what has been done is a fairly satisfactory arrangement.

A point was made that no distinction should be made so far as Part III and Part IV service Judges are concerned. Even in the Act of 1954 we have made it clear that it would be open to an I.C.S. Judge or to a service Judge to opt for Part I. Thereby he will be getting more pension.

But apart from it, even as it is, so far as Part IH is concerned, the liberalised pension rules have been made applicable, and in order that they should not be denied any advantage which other Government servants would have got had they continued without being appointed to the Bench of a High Court, for that purpose, with a view to removing a hardship, this particular Bill has been brought forward.

I would not like to make a reference to other matters. My hon. friend, Shri Bhupesh Gupta, practically brought in a number of absolutely irrelevant points which have no bearing on this question. All that I can do to meet those irrelevant points is to say that I repudiate not only the suggestions made by him but the insinuations thereof.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

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

Clauses 2 to 4 were added to the Bill.

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

SHRI B. N. DATAR: Sir, I move:

"That the Bill be returned."

The question was put and the motion was adopted.

RESOLUTION RE CREATION OF
CERTAIN NEW ALL-INDIA SER-
VICES

THE MINISTER OF HOME
AFFAIRS (SHRI LAL BAHADUR): Sir, I beg to move the following Resolution:

This House do resolve in pursuance of clause (1) of article 312 of the Constitution that it is necessary and expedient in the national interest that Parliament should by law provide for the creation of the following All-India Services common to the Union and the States and regulate the recruitment, and the conditions of service of persons appointed, to each of these Services, namely:—

- (i) the Indian Service of Engineers (Irrigation, Power, Buildings and Roads);
- (ii) the Indian Forest Service; and
- (hi) the Indian Medical and Health Service."

Sir, I am quite sure that the House will welcome this Resolution. As the House might be aware, during the British days—I am talking of the period before 1920—in almost every branch of the administration there were all-India services. But between the years 1920 and 1945 almost all except of course the I.C.S. and the I.P. Service were abolished. After 1947, the Government of India have been giving thought to this matter and they have been discussing with the State Governments the question of forming all-India services in the different branches of the administration. My colleague reminds me that it was in October, 1946 that the Government of India decided to have the I.A.S. and the I.P.S. cadres on an all-India basis. I was just now saying that we had been giving thought to this matter, and we were holding discussions and meetings with the Chief Ministers of the State Governments.

SHRI BHUPESH GUPTA (West Bengal):
For what?

SHRI LAL BAHADUR: . . . about the formation of new all-India services in other branches of administration, for example, Health, Forest, Engineering and similar other departments. Unfortunately, the response

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was not very satisfactory. But we had been pursuing this matter. And it was recently in the Conference of the Chief Ministers—the Conference was held on August 11 and 12, 1961—that matters concerning national integration were considered and it was generally felt that one of the factors which would lead to or which would help in furthering the cause of national integration was the formation of all-India services. And I am glad that the Chief Ministers' Conference decided that we should have at least three new all-India services about which reference has been made in the Resolution I have just now moved. Since this Resolution was passed, we have been trying to draw up a scheme in the Home Ministry and we have been consulting the different Ministries concerned, the Health Ministry and the other Ministries. It has taken some time because various complicated matters are involved in it but still I might inform the House that the scheme is ready and we want to send the scheme to the State Governments. It may be possible to do so within a fortnight or so. When we have obtained the opinion of the State Governments, we will be able to finalise the scheme and then draw up a Bill which will have to be brought forward before Parliament.

Sir, I need not emphasise the importance and the necessity of having all-India services. It has many advantages and one of the most important, I think, is the advantage that it introduces an element of mobility amongst the officers. The officers can move from one State to another and they can also come to the Centre. It also introduces competition in appointments to the all-India services. I mean, a major part of the service* will have to be recruited by means of competition, competitive examinations. Of course, a part of the services will have to be built up by promotion. Thirdly, Sir, it gives an opportunity to the officers to work in a wider field, in a wider context. It is advantageous both to the State and

[Shri Lai Bahadur.]

well as to the Centre when they have to work in those respective fields. I mean to say that when an officer working in a State comes to the Centre, to the Central Secretariat, he brings along with him his practical experience, his field experience. And similarly, when an officer who has been working in the Secretariat for quite a long time goes to a State, then he is able to derive further practical experience. He faces practical difficulties and learns a good deal about the actual difficulties which have to be overcome in the field of his activities. Here at the Centre, he gets theoretical experience which is indeed useful but the practical part of it also is equally important.

Then, as I said about the national integration, when the officers go from one State to another they are able to bring about closer understanding; at least they come closer to the people, they are able to understand the problems of the other States to which they do not belong. And I have my own practical experience. In some of these States where there were civil disturbances or there were some kind of agitations of a serious nature, I have found that the officers from other States were able to take a more dispassionate and disinterested view of things. They were able to handle the situation in a much better way. I do not want to accuse the officers of the States but it is only natural that a person belonging to that particular State is apt to take a somewhat restricted view because he is so closely connected with that State and he is full of the problems of his State, whereas an officer of another State can take a more objective view and deal with the situation as best as he can and perhaps, more effectively. I do not want to quote instances, but when I say that I have a few examples in my mind, I say it with a full sense of responsibility, and I know that those officers from other States could deal with the situation effectively.

Aw. HON. MEMBER: Cachar.

SHRI LAL BAHADUR: And it gave great relief to the people living in those areas.

SHRI BHUPESH GUPTA: The Inquiry Committee has said it.

SHRI LAL BAHADUR: Well, it happens everywhere. I mean, the State of Shri Bhupesh Gupta may also have to share the same blame.

SHRI BHUPESH GUPTA: I entirely agree. Dr. B. C. Roy used his officers . . .

SHRI LAL BAHADUR: So, as I said, it brings the people closer. If the services have not got that national approach, it is bound to have an adverse effect on the people as a whole because the services are in a way one of the most important elements of the society and they are able to build up public opinion. I am not only talking of the officers at the top, but at different levels—and the kind of opinions they hold, the way they behave and act, all have their own effect on the people. And if they function on a national basis in a disinterested way having no parochial views, it will create a national atmosphere in the country.

So, it is very important that there should be as many all-India service* as possible because, as I said, they are able to move about, they are able to understand the people of other States and they know their language. I was a bit surprised when I went to Madhya Pradesh. I was talking to some I.C.S. and I.A.S. officers. I started speaking in English knowing that they came from Tamil Nad or from Madras. And they instead started speaking to me in fluent Hindi. Similarly, when I went to Andhra, again there were officers from the northern part of our country, and they could speak equally well in Telugu.

3 P.M.

SHRI BHUPESH GUPTA: Could you speak to them in Telugu?

SHRI LAL BAHADUR: No, I could not do so. But because they were from this part I spoke to them in Hindi. What I mean to say is that all these things are good for our country, and I feel, Sir, that we should all be happy that the State Governments have agreed to the formation of these three new services. It might be said that some more new services should be formed. I am not against it. In fact I would like to compliment my friend, Shri Jaspat Roy Kapoor, whose Resolution, I think, is also on the agenda for the next Non-Official Day. He has been pressing for the formation of the services for long, and in the list of services he has proposed in his Resolution Education Service is also one.

SHRI BHUPESH GUPTA: I have also included one.

SHRI LAL BAHADUR: Yes, the Indian Legislative Service. Well, Sir, I thought Shri Bhupesh Gupta generally attached importance to matters which pertained to the people as a whole. We are, in fact, dealing with services with which the general people are concerned, whether it is Education, Health or other, and the Indian Legislative Services, I think, is not so important. *(Interruption.)*

Well, I do not want to take more time. About the Education Service, of course the views of the Government of India have been made clear on a number of occasions. But it is always good that we should carry the State Governments with us. As the House will remember, this matter was discussed at the National Integration Conference, and I think from almost every quarter it was emphasised that Education should also be brought into the fold of all-India services. Well, we could not decide this matter. We had discussed it in the last meeting of the Chief Ministers' Conference, and the Chief Ministers' Conference agreed to these three services only. "Education" they did not agree to. And recently also I had •

discussion with three or four Chief Ministers. They said that they should be given time and that they should be done in a hurry. So in these circumstances I think it would be desirable that we should restrict ourselves to these three Services now.

I do not want to go into details about the general organisation of the all-India services. I would merely like to mention that each State will have a cadre of its own in the services, and the strength of each will be determined according to its requirements but on a broadly uniform basis, and the strength of the cadre will be fixed with reference to the number of senior posts which it is considered necessary to include in the services. For instance, all posts of the rank of Executive Engineers and above may be included in the Indian Service of Engineers. And similarly, posts of the rank of Deputy Conservator of Forests and above may be cadred in the Indian Forest Service, and those of the rank of Civil Surgeon and above in the Indian Medical and Health Service.

Well, Sir, I do not want to go into details, because they have not yet been finalised. I am merely giving you the general pattern of the structure of the services we propose to form. When we have received the consent of the State Governments, we will prepare the final scheme which, as I said, will come up before Parliament for legislation. I hope, Sir, that the House will generally give its approval to this Resolution so that we might be able to go ahead with this scheme and put it into effect as early as possible. I am very keen, Sir, that we should be able to implement this scheme as early as possible.

The question was proposed,

MB. DEPUTY CHAIRMAN: There are some amendments to this Resolution. Nos. 2, 3 and 4 are not relevant.

SHRI BHUPESH GUPTA: Why Sir?

mt, DEPUTY CHAIRMAN: They alter this Resolution in substance. They are matters for separate Resolutions.

SHRI BHUPESH GUPTA: Before you give your ruling I would like to make a submission on the admissibility of this thing. I anticipated that such a thing might happen. Now you, Sir, said that they are subject-matters of another Resolution. I say, Sir, that they can well form the subject-matter of this Resolution without introducing an entirely alien element into this Resolution. Now, Sir, this Resolution is being moved by Government under article 312(1) of the Constitution which, more or less, is repeated in the very text of this Resolution. Now the article in question says:

"Parliament may bylaw provide for the creation of one or more all-Indian services"

I underline the words: "one or more all-India Services". Now, the Government have got three here. I am just making it four, and Mr. Kapoor may like to make it a little more—5 or 6.

Now, Sir, you take the advice of the Secretary after you have listened to me. Now, Sir, the article says:

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

And it is very important, Sir, when our House makes such a Resolution. Now, the question arises as to whether my amendment No. 3, which is one of the two amendments which I have tabled—the other is No. 4— which seeks to add the Indian Legislative Service, is extraneous to the Resolution altogether, whether it

must form a separate Resolution, whether it cannot come into this thing relevantly. This is one question. My next amendment—No. 4—is with regard to the rules and so on.

MR. DEPUTY CHAIRMAN: That is premature now.

SHRI BHUPESH GUPTA: So that question you cannot take up now.

MR. DEPUTY CHAIRMAN: Parliament will have to pass the law first.

SHRI BHUPESH GUPTA: All right. I knew that you would say that it is premature now. But what I submit is that when under the provisions of the Constitution we are authorising the Government or, in other words, we are giving a sanction, in that sanction we can certainly lay down such terms and conditions as are germane to the issue. Now, we have not got the scheme. When the scheme comes, we can certainly give our opinion with regard to the various provisions of the scheme, but before the scheme is formulated—as is being done—we can certainly say; when we are authorising Government to create all-India services by legislative action, then we can say that in that this should also be borne in mind—this also goes along with it. There is the suggestion for another all-India service—the Indian Judicial Service. Now apart from the constitutional provision, I would invite your attention to rule 141 of our Rules of Procedure and Conduct of Business and there it says:

"After a resolution has been moved, any member may, subject to the rules relating to resolutions, move an amendment to the resolution."

Now, Sir, we conduct business under these rules. Now the question comes of the admissibility of my amendment. Now, Sir, I feel sorry if I cannot address persons properly.

MR. DEPUTY CHAIRMAN: I am following you.

SHRI BHUPESH GUPTA: I know, Sir, your memory is sharp. I only request y'ou, Sir, to act under this rule. These are the rules of the House. Well, Sir, you can certainly modify them in certain cases—I know. But here you act under it. Now, I say that there is no provision in the Rules of Procedure of the House whereby you can say that this particular thing, my amendments or even Mr. Jaspat Roy Kapoor's amendments are not admissible. The admissibility of amendments or Resolutions is again laid down by the rules. Now, suppose I had given this Resolution separately, you would have admitted it; it could not be said that this is *ultra vires* the rules or could not be admitted. The question arises: Have I committed any crime by bringing it by way of an amendment to a Resolution of the Government which touches on this subject but which does not go far enough?

SHRI K. SANTHANAM (Madras): It should be on a non-official Resolution.

SHRI BHUPESH GUPTA: Here is another confusion. It is not a question of official or non-official. It is a Resolution by a Member of the House. The Constitution does not say that a Minister alone must bring in a Resolution. Mr. Sastri is moving the Resolution as a Member.

SHRI K. SANTHANAM: A, Home Minister.

SHRI BHUPESH GUPTA: He is Minister also and you are an ex-Minister. What can I do? All can move a Resolution. You see in the business paper. Here the Constitution says in article 312:

"Notwithstanding anything in Part XI, if the Council of States has declared by resolution supported by not less than two-thirds of the members ..."

Where does it say that the Resolution must be moved by a Minister or somebody else? It says, 'by a resolution of the House'. Anybody can initiate that. The Government can, you can and I can. The question is this. All that I can say is that the extension of the provision of the Resolution is not jumping the scope of the Resolution. If I had jumped the scope of the Resolution, you could have said that this is outside the scope. Here is No. 3. I say, make it number (iv). Therefore, it is within the scope of the Resolution. One way then is within the scope of the Resolution. Then normally the Chair does not rule it out. Even if apparently sometimes the thing is *ultra vires* the Constitution, the ruling of the House is that the Chair does not rule it out because whether it is *ultra vires* or not is left to the court to decide. The Chair does not go into it. Here the Indian Legislative Service also should be made an all-India service. It is absolutely germane. By way of analogy we shall go into this matter, into the analogy in the Bills and Resolutions that are moved in the Houses. Suppose there was, in a Bill, a provision . . .

MR. DEPUTY CHAIRMAN: Do not go into Bills.

SHRI BHUPESH GUPTA: I am giving analogies. There is no clear direction, categorical direction, either in the Constitution or the rulings of the House that our amendments are not to be accepted. You can act either on precedent or analogy but the analogy, I submit, you will be pleased to accept. The analogy is here, the analogy of the other Resolutions. In the case of any other Resolution, you could not have possibly said that this is wrong. For example, in the case of a Bill, in two other conceivable ways it would have come. Suppose there is another Private Member's Resolution and to that an amendment comes of this sort. You could not have said that it is out of order because it goes beyond the scope. Suppose it had come

[Shri Bhupesh Gupta.] by way of amendment to a Bill relating to a subject, you could not have said that the amendment is outside the scope of the Bill and is not to be admitted. My evidence in favour of what I say are the Bills of these Houses. When a Bill is moved, we extend on the same lines, On the same plane. It is permissible to extend on the same plane. I know the difficulty here. Here absolutely there is no justification in my opinion to rule out either of these amendments. They can be defeated by the Government certainly. The Government controls the majority but we should be allowed to move them, to argue them as to why this should be done and why it is not complete. It should be completed in our view. Therefore, we have suggested this particular All-India Legislative Service.

SHRI K. SANTHANAM: On a point of order. Under article 187 of the Constitution, the power over the Secretariat of the Legislature is given to the Legislature of a State and unless the Constitution is amended .

MR. DEPUTY CHAIRMAN: You need not go into the merits Mr. Santhanam.

SHRI BHUPESH GUPTA: Where am I coming into it? Article 187 does not tie. Sir, you have ignored Mr. Santhanam, very good. Therefore, I submit that all these amendments are absolutely relevant. I know that one or two precedents you might cite. That is my fear but they would not be binding. Those rulings were given on the spot. They do not cover all these.

SHRI P. N. SAPRU (Uttar Pradesh): Will the Legislative Assemblies be subject to the control of the Speakers of the various Legislative Assemblies or be subject to the direction and control of the Union Government?

SHRI BHUPESH GUPTA: Here that point I would have said. It would be created by the Government. Suppose Mr. Sapru has a son, he may belong to the Communist Party also. Therefore, create this thing. The Government should create and then it should belong to the Speaker or Chairman or Deputy Chairman. That we will come to later. Here is a creation. A service could be created only by the Government.

MR. DEPUTY CHAIRMAN: You finish it.

SHRI BHUPESH GUPTA: The way you are asking me to finish, it seems that I have made a little impression so far as the Chair is concerned by my arguments. I say, you do not give a ruling over this matter. Let us come to a gentleman's agreement. If you agree with me, let us stop on it because it would be a very bad thing or precedent that you would have created if an amendment of this type is not even allowed or its admissibility is not granted. I should not like this House to go on record in this manner. In the interests of the House also I would not like it because first of all the Government has no danger of its being passed because they have a majority here and secondly, if you think that you would not give the ruling, that you would like to reflect over it more closely, I think you can ask me not to press this amendment for vote. You can ask me to withdraw it by the leave of the House. I can even consider that. I shall walk extra two miles to meet you, but please do not listen to some of the advice that you may have received from certain quarters that this is absolutely irrelevant, etc. It would be wrong, because your ruling will stand but then it will be a bad precedent. I would request you to reconsider this in the light of all that I have said and also in the light of precedents.

SHRI JASPAT ROY KAPOOR: (Uttar Pradesh): My friend, Mr.

Gupta, has tried to drag my amendment in the company of his amendment. I resent my amendment being drawn into such unholy association.

SHRI BHUPESH GUPTA: On a point of order. Can he practise un-touchability here?

SHRI JASPAT ROY KAPOOR: No, I am prepared to embrace and even kiss you if I am allowed.

SHRI BHUPESH GUPTA: I am frightened of his embrace.

SHRI JASPAT ROY KAPOOR: Amendment No. 3 standing in the name of Mr. Gupta is so obviously against the provisions of article 187 of the Constitution that it hardly needs any argument to oppose it. I am sure that Mr. Gupta would not like to encroach upon the rights and privileges of the various Legislatures and the Speakers thereof. So far as amendment No. 4 is concerned, while it may be relevant when the Bill on this subject is on the anvil of the two Houses, it is obviously too premature at this stage to move such an amendment. As a matter of fact, it is not open to this House to bind down the hands of the Government to bring in such a Bill with such provisions. The entire provisions of Bills, the rulemaking powers and all these things, will have to be introduced in both Houses of Parliament and adopted by both the Houses. Suppose we adopt this amendment of Mr. Gupta, then what will be the constitutional position? Will it be binding on the Government or not? Will it be binding on the other House? Surely not. What will be the effect of our adopting this proposition today? It will be tying down the hands of Government which we are not entitled to do. And surely the other House will resent it. If something is adopted by this House and is thrown out by the other House, what will happen? We will expose ourselves merely to ridicule. Obviously, amendments Nos. 3 and 4 are out of order.

SHRI BHUPESH GUPTA: What about your amendment?

MR. DEPUTY CHAIRMAN: He says it is in order.

SHRI BHUPESH GUPTA: That is called discrimination.

MR. DEPUTY CHAIRMAN: Do you want a ruling, Mr. Gupta?

SHRI BHUPESH GUPTA: What attitude do you take, Sir?

MR. DEPUTY CHAIRMAN: This is a special Resolution under article 312 of the Constitution. Rule 141 referred to by Mr. Gupta does not apply to this Resolution. The relevant rule will be rule 194, which says:

"An amendment shall be relevant to, and within the scope of, the motion to which it is proposed."

But this amendment here expands the scope of the Resolution. There are also decisions in the Lok Sabha and even in the case of Bills . . .

SHRI BHUPESH GUPTA: Where, Sir?

MR. DEPUTY CHAIRMAN: In the Lok Sabha.

SHRI BHUPESH GUPTA: In the morning, Sir, you asked me *not to* refer to anything that happened in the Lok Sabha.

MR. DEPUTY CHAIRMAN: But these are rulings of the Chair.

SHRI BHUPESH GUPTA: Whose rulings, Sir?

MR. DEPUTY CHAIRMAN: Rulings of the Chair in the Lok Sabha.

SHRI BHUPESH GUPTA: In the other House.

MR. DEPUTY CHAIRMAN: And I am bringing it to the notice of this House.

SHRI BHUPESH GUPTA: But, Sir, in the morning, you ruled that I should not make any reference to what happened there.

(Interruptions)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: This morning you said I should not discuss anything that happened in the other House. I am not enamoured....

MR. DEPUTY CHAIRMAN: I am not discussing it here. These are precedents.

SHRI BHUPESH GUPTA: Have we got precedents in our House?

MR. DEPUTY CHAIRMAN: We will create precedents.

SHRI BHUPESH GUPTA: Please do not create it now.

MR. DEPUTY CHAIRMAN: In the Lok Sabha an amendment enlarging the scope of the Bill has been disallowed. Again, an amendment enlarging the scope of a Resolution has been disallowed. These amendments, Nos. 2 and 3, enlarge the scope of this Resolution. Therefore, I rule them out of order. As regards amendment No. 4, it is premature. The relevant time for such an amendment would be when the Bill is brought before Parliament. It would be relevant at that time, but it is out of order now. Therefore, I rule out amendments Nos. 2, 3 and 4. Mr. Kapoor may move his amendment No. 1.

SHRI BHUPESH GUPTA: May I enquire, Sir, whether you consider the Lok Sabha case to be exactly the same as the one we have here?

MR. DEPUTY CHAIRMAN: You can refer to an analogy, and this is an analogy.

SHRI JASPAT ROY KAPOOR: Sir, do you rule out amendment No. 2 also?

MR. DEPUTY CHAIRMAN: Yes, because it is also under the same category.

SHRI JASPAT ROY KAPOOR: But amendment No. 2 is just within the general scope of the main Resolution, Sir. The main Resolution is under article 312.

MR. DEPUTY CHAIRMAN: I have ruled out amendment No. 2 also.

SHRI JASPAT ROY KAPOOR: Will you permit me, Sir, to . . .

MR. DEPUTY CHAIRMAN: You cannot argue on it again now. I have given my ruling.

SHRI JASPAT ROY KAPOOR: Originally I thought you were giving a ruling only in respect of amendments Nos. 3 and 4.

MR. DEPUTY CHAIRMAN: I treat you both equally. You may move your amendment No. 1.

SHRI JASPAT ROY KAPOOR: Sir, I move:

1. 'That after the words 'Buildings and Roads' the words 'and Machines' be inserted."

The question was proposed.

SHRI K. SANTHANAM: Sir, I am in support of this Resolution on its merits; but I am not quite satisfied with the procedure adopted and also with the time at which this Resolution is being brought. Sir, article 312 and 249 give some exclusive and special powers to this House. Article 249 enables this House to transfer a subject from the State List temporarily to the Union List. And also this House can create all-India Services under article 312. That" is because this House is the special representative of the States. We are elected by the Legislatures of the States and so this House is supposed to be the guardian of the interests of the States under the Constitution. That is why

these powers are given to this House. Therefore, in considering such proposals, we have to take into account the interests of the States, the opinion of the people in the States and also the future implications. Any action taken under article 249 is temporary, the period being only one year each time. Therefore, even if something is done in a hurry on any matter, it may not matter. But you cannot take action under article 312 and go back on it. That will be doing something which will be of a permanent nature.

Whether it be in the interest of the country or not, there is no doubt that the Resolution moved by the hon. the Home Minister does take away some vital powers vested in the State Legislature and the State Government and transfers it on to Parliament and to the Central Government. Therefore, it is essential in all such cases that public opinion in the States should be ascertained. Of course, we have not put it so in the Constitution, but I think it should be made a convention that all such transfer of power from the State to the Centre should be brought forward as a Resolution in every State Legislature and discussed there and we should have copies of the discussions before us. It is only then that we as the guardians of the States' interests will be able to know what is their opinion, whether the State people are willing to part with their powers or whether there is sharp division of opinion and if it is highly controversial in the States, we shall be able to consider whether it is worth-while doing it.

I know that the Chief Ministers of all the States at some meeting have agreed on certain things. But we also know that there has been resistance from the States from 1946 to 1961 to the creation of these very services. Sir, what was the reason why they were resisting it for fifteen years, and why on a single day, by the touch of the magic word of national integration, they have yielded? Have they consulted their Cabinets?

SHRI • JASPAT ROY KAPOOR: It is never too late to be wise.

SHRI K. SANTHANAM: But you cannot be wise against your own people.

SHRI BHUPESH GUPTA: They have been bullied.

SHRI K. SANTHANAM: Did they consult their Cabinets? Did the State Cabinets discuss this? Did they consult the State Legislatures or at least the representatives of all the parties and did they get their consent? What kind of consent of the States did the Government of India obtain in order to move this Resolution? I am speaking not only for this move, but for all such moves that may be taken in the future. I know the hon. the Home Minister has brought it in the interest of national integration, which I may say is as dear to my heart as to his. But, Sir, national integration does not mean centralisation of power, centralisation of patronage and centralisation of finance, and at the same time decentralisation of emotions. National integration should, first and foremost, be emotional integration, and as far as possible, power, money and patronage should be decentralised. Sir, the other day we were speaking about Panchayati Raj and that was decentralisation. But here we have centralisation. How do we justify it? I say it should be done with the full emotional co-operation of all the people in the States, and we have not made any attempt to obtain such emotional co-operation. Tomorrow, I am sure, during the election campaign people are going to shout that the Centre has taken away, first of all by the Constitution, the All-India Administrative Service and the Police Service, and now the Centre is taking away these other services and it will take away all the other services too, and all the Class I Services will become Central Services and the State Governments are going to be reduced to the status of mere municipalities and District Boards. There is already such an

[Shri K. Santhanam,] allegation. I do not say that this will not lead to national integration. This will lead to national integration only to the extent that it is supported by the feelings of the people and when the States really feel that all their Forest Officers and »11 their Medical Officers and all their Engineers should be recruited on a Central basis. It is only then that these services in the States will be sufficiently efficient and pure. Then, this will be the most eminent Resolution which we can adopt but till such a situation arises, even the slightest chance of a feeling that the Centre somehow is trying to grab all power into its own hands is going to hurt national integration and not help it. Therefore, even at this stage, I would suggest to the Home Minister that he should ask each of the Chief Ministers who have agreed to this to move a Resolution in his State Legislative Assembly and send us the debate so that we can consider them. If there is general consensus of opinion in favour of this, I shall be the first to give my whole-hearted support.

There is one other issue which is quite relevant to this. We are still in a hopeless confusion regarding the linguistic transition. So far, we do not know what language is going to be adopted in the running of all the State services and what linguistic qualifications should be possessed by the officers. By taking the steps that *ve are now taking, we are making confusion worse confounded. If tomorrow in Madras the work in the Forest Department is to be conducted in Tamil, what will happen? You cannot send a man from U.P. or from Bihar, He cannot go and live in a remote corner of the forest with a body of translators who can interpret the language for him. He will have to go from place to place in the villages. How will he function? Of course, it can be said that in actual practice only those officers belonging to the all-India service would be sent who know Tamil; that will mean,

only or mostly Tamilians will be posted to Madras, Telugu-knowing people to Andhra Pradesh and Cana-rese-knowing people to Canarese-speaking areas. Of course, this can be done but this will be contrary to the spirit of this Resolution. I suppose, it is intended, as in the case of the I.A.S., that at least 50 per cent. of the personnel of each of these services in every State should be drawn from other States. Unless it is so, then the creation of such services is of no purpose. Till we can afford to depute 50 per cent. of the Forest Service personnel and of Engineering Service personnel to the remote areas where a common language, English or Hindi, is understood by all the staff, I do not know whether creation of such services or the sending of such officers to those areas would contribute to the efficiency of the service. I am not concerned with the Medical Service because probably the doctors can function without much linguistic qualification.

SHRI SANTOSH KUMAR BASU (West Bengal): How can they understand the ailment of the patients?

SHRI K. SANTHANAM: Most of these people Will be serving in the headquarters hospitals and, therefore, there will not be much difficulty. They will not be attached to rural hospitals and so I am not concerned with the Indian Medical Service but I am very much concerned with the Indian Forest Service because I know that the Forest Officers have to live in remote areas and they have to be in close contact with the local population, generally illiterate population also, and officers from other States will find it very difficult unless English or Hindi is developed to such an extent that all subordinate officers in every State know either of these languages. Therefore, until our linguistic problem is solved and it becomes mature and has reached a stable stage in which every man from the village headman right up to the highest officer knows besides his own language some other language of an all-

India character and importance, either English or Hindi, this will not be of much use. We can give real effect to this Resolution only when we reach such a stage. Till then, there is going to be a lot of difficulty.

There is one more problem, Sir. Even today, officers who are serving in other States are finding the problem of the education of their children almost impossible. At least in places like Bombay, Calcutta or Delhi, a Madras officer has not got much difficulty but when he goes and serves in Assam or in other places, in some remote areas, then he has a lot of difficulty especially when he has got small children of the age group 7 to 9. These people have to send away the children to some residential school in Madras and this they find very difficult. Of course, the more services we create, the greater will be the problem, and I do not know whether, as in the case of the Railway Ministry, the Home Ministry will prepare, side by side, a scheme of residential schools in every State to provide for the children of these officers. It is no use appointing officers and then forgetting them and letting them solve their problems as best as they can. Many of them are forced to maintain two establishments which they cannot afford.

These are some of the difficulties that I have felt. Of course, national integration cannot mean unitary Government in this country and I am convinced about it. The more we travel towards unitary Government in this country, the less will be the chance of national integration because the tensions between the States, linguistic and others, will become so pressing and so great that the Union will burst. It is only through real and genuine decentralisation, decentralisation from the Centre to the States and from the States to the local areas, and through continuous propaganda, by bringing them together in Parliament and in local legislatures and by other methods

which do not involve power or patronage, that real national integration can take place, and so, let us not be hasty in taking away powers and patronage from the States. I know that a higher degree of efficiency, so far as the officers are concerned, can be attained by this process. I know that but this should be done through a process which will not have adverse political reactions. I know that the hon. Minister also must be aware of all these considerations and so I commend this for his consideration. As I have said, in principle or on merits, I am not against it; only I want these things to be done in the proper political and emotional manner. I think he has not prepared the ground sufficiently for the purpose.

Thank you, Sir.

SHRI JASPAT ROY KAPOOR: Before you proceed with the discussion, may I respectfully request you to kindly reconsider your ruling with regard to my amendment in the light of certain specific facts which were perhaps not before your eyes at the time you gave the ruling? I have already tabled a Resolution on this subject which you have been pleased to admit not only in this session but in the previous and the one previous to that. That Resolution calls upon us to agree not only to the creation of the three services enumerated in this Resolution but also the other two mentioned in my Resolution. So, there are two Resolutions before this House though not at the moment but regularly admitted. Mine being the prior one, would it not be fair, Sir, that my Resolution and the full import of my Resolution should be discussed here? Otherwise, I will be put in a very embarrassing position, a part of my Resolution is being discussed and accepted, the other part being ruled out and I am given no opportunity to discuss it.

MR. DEPUTY CHAIRMAN: We will discuss your Resolution later on.

SHRI JASPAT ROY KAPOOR: How would it be possible? My Resolu-

[Shri Jaspat Roy Kapoor.] tion, as it stands today, will be barred after this Resolution is adopted. Would it not?

SHRI BHUPESH GUPTA: No. It will not be.

SHRI JASPAT ROY KAPOOR: Will my Resolution stand entirely as it is after this Resolution is adopted?

MR. DEPUTY CHAIRMAN: We will see afterwards.

SHRI JAIRAMDAS DAULATRAM (Nominated): Sir, I am conscious that we are trying to conduct the business of this House under the pressure of a fairly strict time-schedule and if all who wish to say something are given the opportunity, we have necessarily to be brief. I, therefore, propose to state my points almost without argument so that others may have a chance of placing their points of view. I know that we are unable to convince each other across the table here and therefore it is necessary to restrict our remarks to the minimum length possible.

I must in the first instance congratulate the Government on their success in persuading the States to come to a decision on at least one of the steps or part of one of the steps which are desirable in the interests of national integration. I also wish to express my appreciation of the approach of the State Chief Ministers and State Governments to the problem which is now before us and I think we should build on this successful mutual handling of a very delicate and difficult problem and take further steps. I was sorry in a way to hear what my friend, Mr. Santhanam, stated; at the same time these, I must say that these, are his honest convictions. They show the difficulties before us but I think in spite of these difficulties, in spite of the problems which may have to be considered, handled, dealt with and solved, there is no way out except to adopt every step possible which takes us to national integration, and I would sug-

gest that the efforts to see that more and more services are made all-India should be made and whatever difficulties are experienced in the way should be overcome. I have no doubt that the State Governments, when approached in a proper manner on the proper occasion, as done recently, are bound to respond. It will be against the interests of the country to slow down the process of forming all-India services to the extent that it is necessary. I do not suggest that all the services should be all-India but I do believe that quite a large number of services can be made all-India to the benefit of the country. Individual considerations of officers, or their difficulties of learning local languages rapidly are matters which can be dealt with and solved. They have been solved in the past and they can be solved in the future also, if we have the determination.

[THE VICE-CHAIRMAN (SHRIMATI T. NALLAMUTHU RAMAMURTI) IN THE CHAIR]

If we lack determination, I am afraid we are going to face very very difficult times ahead. It should not be necessary for parts of our country to suffer, for sections of our people to suffer before we realise that certain steps towards integration are to be taken. I do hope we will anticipate things and take suitable, necessary and early steps in this direction.

SHRI BHUPESH GUPTA: Madam Vice-Chairman, the intention of my amendment was to protect against encroachment by the Centre on the authority of the States. Although I know that all the States today are under the control of the Congress Party, the same party that controls the Central Government, I did so with a view to enunciating the principle underlying the federal or quasi-federal Constitution. I am not opposed to having all-India services as such but at the same time I would not like this to mean continued centralisation of power in the hands of the Central Government. This is my main point. Now, Mr. Santhanam was quite right;

hardly we agree but this is a very rare occasion when I find myself in agreement with him mainly because he comes from Tamil Nad.

THE VICE-CHAIRMAN (SHRIMATI T. NALLAMUTHU RAMAMURTI) : The hon. Member has not been called.

SHRI BHUPESH GUPTA: I was told that after him I could speak. So by implication I am called.

Now, Madam, this has to be borne in mind. He said that he was not opposed to the creation of all-India services but then the States should be given opportunity to discuss Resolutions of this kind so that we know the views of the States. It seems that the Central Government think that State means first of all the Congress Government there and then the Chief Minister. I should have thought, Madam Vice-Chairman, that the State was a little wider concept. It is something larger than" either the Congress Party which controls the Government there and most certainly much larger than the great figures of the Chief Ministers. All that we know from the report of the Conference of the Chief Ministers is that the Chief Ministers had agreed. Well and good; I am not disputing that. They may have been well advised to agree to a proposal of this kind but what about the views of the Legislatures, including the Congress members of the Legislatures? Have they agreed? Are we to assume that because the Chief Ministers have agreed, therefore the Congress Party is convinced and since the Congress Party controls the majority in the State Legislatures, therefore the State Legislatures must be of the same view and since the State Assemblies represent the States concerned, therefore the States are of the same view. I think in logic there is something called the fallacy of four terms; what fallacy this is, I do not know. But I think in a democracy such assumptions are entirely wrong; they are subversive of democracy. It is good to hear sometimes the Prime Minister speaking about the Panch-

ayati Raj. We like democracy to be extended there and decentralised also. But on the one hand we hear that but on the other hand we find that as between the Centre and the States the tendency of the Central Government is to assume more and more power; not only assume such power but assume it in disregard of the opinion of the State Legislatures. Take for example West Bengal, the State from which I come. I know the Congress Party is in a majority there but at the same time I also know that we are a very strong opposition. I have no doubt about that, and we shall try to improve upon that position in the next election; we may or may not succeed. So, we know there we in the Opposition are in a strong minority; not like here, like a boy on the burning deck; it is not like that. We are there in the Opposition about 100 as against 150 of the Congress Party. If we had succeeded over this measures in convincing another 27 or 28 Congressmen to our persuasion, then we would have been at least over this matter in a majority. We—I mean the M.L.As. there—were not given this chance, let alone other Opposition members. Therefore, I say it is not right. I am not questioning the intentions. We know that Mr. Lai Bahadur Shastri stands for national integration just as the Prime Minister stands for national integration. That is not at all the point of my dispute with them. I am only questioning how you set about it. It would be a sad day for national integration if in the name of national integration the Central Government disregarded the States and assumed more and more power in this manner even in regard to services. Rmember that national integration will have to be brought about in the midst of diversity as the National Integration Conference has laid down. You must also remember that national integration is a democratic step; It is not steam-rolling something. It is a question of giving everybody what is due democratically and then integrating into a common theme of political and State system. This is how I understand national

[Shri Bhupesh Gupta.] integration and national unity. It is not a question of bringing everybody under the compulsion of certain circumstances. Now, Madam, therefore, let us not talk about national integration in such a flippant manner. Sometimes we do. It is a very serious matter. Because it is serious, I would like to set about the task of building national integration. I would like it to be taken in hand with the utmost care and taking into account the pros and cons of every single step, especially when it relates to the powers of the Centre and the States. That is most important.

Then, Madam, one other thing is there. 'All-India Services' is good. Sometimes it may be good. I do not deny it. Administration must be run in the language of the people. Now, for example, it is a very pertinent question. If you have all-India service and send doctors or some forest officers to a Tamil village from U.P., in which language will they be speaking? They will have to learn Tamil. Yes, we want the administration to be run in the language of the people. Certainly we want a kind of common language. At the same time, we want the regional languages to be developed and the administration to be conducted in that language. Shri Santhanam was quite right when he raised this point. Well, some common language is necessary, but it will have to develop. You cannot have it in a day. When the service is created, certain transfers and changes may take place and that may create complications. What I fear is that if the all-India services are administered in this manner, divorcement or hiatus between the people on the one hand and the administration; on the other will grow if only because of the language problem. This is very important. Therefore, here again, we have not got any satisfaction.

Then, there is a tendency on the part of the Centre to utilise sometimes the all-India services against the States. I say this thing because

today, of course, it is very safe. The Congress Party controls the Central Government well as the State Governments. The problem will not arise. Everything will be settled by Jantar Mantar Road, by the High Command and so on. We know this thing. But the trouble arises, assuming, Madam Vice-Chairman, that a State Government is under the control of another party and the Central Government is under the control of the Congress Party or *vice versa*. What happens then? Then, naturally the State would require full freedom under the Constitution to function and I take it that they would not function in the Swatantra way. They will function in a progressive way, in a democratised way. Now, what will happen? The Centre may come down upon them, not under the law of the Constitution but through the all-India services. We know from our own experience in Kerala, in the 27 months of administration, how certain people here at the Centre wanted to utilise the all-India services against the Kerala Government, pitted against it. We know it. We had run the Government once. We have been chucked out, of course, but we have learnt the tricks of the trade. I say it was done. We wanted to do certain things and it was not possible to do them. Certain of those all-India services were sought to be utilised against the Kerala Ministers also. We know that. You will say, prove it. Proof I cannot give here now. but proof we did give to Shri Govind Ballabh Pant when he was alive. But we did not take it up in the public interest" openly and we do not propose to do it now. But I tell you on behalf of that party that we did see such things happening. I do not say that Shri Lai Bahadur Shastri or even for that matter the Prime Minister of India were involved in this, but it did happen that we came up against that sort of problem created by a sort of provoking conflict between certain things relating to the all-India services and what not. Now, what is the guarantee in

this? Therefore, I want in my amendment to provide that nothing should be done which would in any way diminish or weaken the powers and the authority of the States. Now, these States are Congress States, Congress-controlled States. Now, am I wrong here? I would like this matter to be clear. Where is it in the scheme? Mr. Lai Bahadur Shastri should have given us a scheme, because we feel that you might utilise this thing, when there may be another party and some people may do good things, which the Central bureaucrats do not like. Are you going to build up bureaucracy in this country in this manner without telling us? Therefore, Madam, it is unfair on the part of the Government to have expected us to give an opinion in this matter without giving us at least a tentative scheme they have got in this matter. We have not got it. That aspect has also to be borne in mind.

Then, Madam, Shri Lai Bahadur Shastri said that it would help mobility, competition and, well, the refrain of the song 'national integration'. Now, both have disappeared by the two doors. Now, what is this mobility? We would like to know. Therefore, the Government does not envisage that people should be shifted from one place to another in quick succession. Then, the problem of language will arise. Competition between whom?

[MR. DEPUTY CHAIRMAN in the Chair]

This is another aspect. As far as the Centre is concerned, the Centre will hold the strings. I agree. The reins will be in the hands of the Centre and that is precisely my fear.

You may say then, why did I ask for the Indian Legislative Service, if I am so defeatist in certain ways about the all-India services? I am not opposed as such to an all-India service being created. The Indian Legislative Service stands on an entirely different footing. Here I want the Legislative Assemblies

and Parliament to be absolutely free from bureaucracy, from the Executive, either in the States or at the Centre. Here I know it is at least in law not under the Central Government. But this is not so in the States. At the Speakers' Conference it had been suggested that in the States there should be a Legislative Service created.

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MR. DEPUTY CHAIRMAN: You should not make any aspersions.

SHRI BHUPESH GUPTA: No, I am not making any aspersion. I say how difficult it is even when it is under a sort of independent service to get things admitted. It is not an aspersion. It is a straight accusation.

MR. DEPUTY CHAIRMAN: It is an aspersion.

SHRI BHUPESH GUPTA: .Yes, I know . . .

MR. DEPUTY CHAIRMAN: Order, order. You should withdraw that aspersion.

SHRI BHUPESH GUPTA: * * *.

MR. DEPUTY CHAIRMAN: Order, order. Please do not cast any aspersions.

SHRI BHUPESH GUPTA: It is not. an aspersion.

MR. DEPUTY CHAIRMAN: Yes, it is.

SHRI BHUPESH GUPTA: * * *

MR. DEPUTY CHAIRMAN: You should not cast aspersions like that.

SHRI BHUPESH GUPTA: * * * Anyway, I do not go into that. I do not wish to cast any aspersion. I know they are individual cases. I know our excellent staff here. You,

* "Expunged as ordered by th* Chair.

[Shri Bhupesh Gupta.] Sir, are very good and others also are very good. But all I say is that they are functioning under a certain impact in the States. In the States I want the All-India Legislative Service all the more because the situation is worse there. I know what is happening in the States. Mr. Kaleswara Rao, Speaker of the Andhra Assembly, said that he made certain very serious remarks about the manner in which the Ministers in the States wanted to condition the functioning of the Secretariat of the State Legislature and, therefore, he suggested that there should be an all-India service for this

thing. I support it. This is 4 P.M. what I say. From my own experience even where there is an all-India service certain matters are becoming very hot. That I must tell you in this House straightway. The Rules Committee is not called.***

MR. DEPUTY CHAIRMAN: You are misunderstanding the functions of the Rules Committee.

SHRI BHUPESH GUPTA: I do not know what the functions of the Rules Committee are.

MR. DEPUTY CHAIRMAN: The Rules Committee's function is to frame rules.

SHRI BHUPESH GUPTA: Is it not their concern to see how they are applied?

MR. DEPUTY CHAIRMAN: I am very sorry. That is not its function.

SHRI BHUPESH GUPTA: Then which Committee?

MR. DEPUTY CHAIRMAN: If you have got any grievance, you must come to the Chair.

SHRI BHUPESH GUPTA: I have been writing to you, Sir. I am not blaming you at all. Therefore, I say . . .

Expunged as ordered by the Chair.

MR. DEPUTY CHAIRMAN: There are definite rules for the admission of questions.

SHRI BHUPESH GUPTA: * * *

SHAH MOHAMAD UMAIR (Bihar): Are we here to hear the various sorts of Resolutions and questions put forward by my friend, Shri Bhupesh Gupta, which were allowed or disallowed?

SHRI BHUPESH GUPTA: You have to hear me. I want an all-India service. Therefore, I demanded, I suggested that an all-India service should be there. I say we want our parliamentary staff to be absolutely free from the State. Here I make an exception. Hon. Members may think I am contradictory because in other cases I am doubtful. I want our parliamentary staff and also specially the State staff to be absolutely under the control of the Presiding Officers and nobody else. But the Government can only create because they in the State are under the State services. I want them to be brought under an all-India service and that the All-India Service Rules place them under the authority and direction of the Presiding Officer. It is in the interests of the country. That is what I say.

Shri Lai Bahadur asked why I said these things which did not relate to the people. Yes, it relates to the people in the sense that it relates to the representatives of the people. Grievances of the people are talked about in Parliament, in Assemblies, and so on. Therefore, they should be handled by people who are not at all directly or indirectly subject to any kind of pressure on the part of the Executive. This is what I say. An all-India service should be created. When all the Speakers are agreed that this should be done, why is this not done? Medical, this, that and many other things the Government is taking. Why should this not be done? We want parliamentary institutions to thrive. By parliamentary institutions

I mean the State Legislatures also. Therefore, we want men of absolute independence, men of absolute courage, men of absolute public vision, not bureaucrats under the control of the Ministry or frightened of the Ministry or subjected to the pressure to be put in there. This is a public matter. All-India services you want, integration you want, and all that kind of thing, placing the legislative bodies of the country, sixteen of them, in such a situation. That is no good. Therefore, I suggested this thing, very" advisedly, that such an all-India service should be created. It would be a very good thing for the country. We will have a set of independent, courageous and bold people who would fear none but their own Members or the House and the Chairman and the Presiding Officers, and so on. Come to the West Bengal Assembly and other Assemblies and see how things go on. This has been pointed out, but nothing has been done by the Central Government.

Another thing I want to say. Here the question that arises is this. This thing should not be done hurriedly. Shri Lai Bahadur has brought this at the fag end of the session practically, and now he wants the authority, I am not saying that there is not any justification for his coming here, but then it is better to consult others and to give a little more time to this matter because these are rearranging the administration of the country, these are modifying the structure of the country, and people are very touchy in the States today. What can you do? People feel touchy. Whenever you do a thing, they feel that the Centre is taking more and more power, and there is no doubt about it. Just as in the economic field there is greater concentration of wealth in the hands of a few, similarly in the political and the State structure there is greater concentration of power in the hands of the Centre, and there is demand in almost all, many of the States, that there should be lesser power in the hands of the Centre and that the States should be given more

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and more autonomy, power and authority. I am supporting the Congress Ministries, in the States and the State Legislatures, and so on, because it is a question of principle. Here again, I disagree with Shri Lai Bahadur in his approach. He wants to bring the experience of these services. Yes, when it is a question of a scientist or an engineer, we would like to draw upon the experience of the different States. It is right. I do not quarrel with him. Suppose we construct a dam in West Bengal and a big executive engineer is there in Uttar Pradesh, he should go there. When we draw upon the scientific knowledge of the people outside India, why must we not draw upon it inside India? I entirely agree. But this is one thing and creating a service and controlling it at the Centre is another. It is quite conceivable that even if such all-India services were not there, if the relations between the States and the Centre and between the States are good, then it would be possible for a State to get support and assistance from another State in its construction and other activities. Therefore, I say that it should not be taken up in this manner. Shri Lai Bahadur spoke and created the impression that unless you have the all-India services today, you cannot have the assistance from other States, mutual exchange of experience and opinion, and so on. Here again, I have my reservation on the manner in which he has presented the subject to this House.

Then, Sir, he made another point, a relevant point, in this context. What he said was quite relevant. Certain things happen in States, and officers in the States do not probably see these properly or they get-biased and prejudiced. Therefore, if there is somebody from outside the State, things would have been better. Having regard to what happened in Jubulpore, in Madhya Pradesh, in Assam, and so on, and the happenings in the different States—and I say this of West Bengal also—there is something in what he said, because it does happen that the parochial outlook comes in.

[Shri Bhupesh Gupta.] I do not deny it. But how to eliminate it? Not by thrusting a Tamilian on Bengal and a Bengali on Tamil Nad. This is not the way to fight the parochial outlook in a democracy.

SHRI A. D. MANI (Madhya Pradesh): Why not Hindi?

SHRI BHUPESH GUPTA: But that is not the way. I reject this principle. It is true that if you think in Bengal I am an officer behaving in a parochial or communal manner, you might say that, if, for example, Mr. Santhanam were there, he would not have behaved in that situation in that manner. Then the question arises as to where is the guarantee that Mr. Santhanam would not have behaved in the same manner if he were in Tamil Nad. The question is one of democracy, the question is one of giving them a democratic outlook, the question is one of giving them a better idea of the governance of the country and of improving this. Take, for example, Shri Lai Bahadur's own Department in Assam. I know he said this thing because in Assam certain things had been said in the Enquiry Report. The Central Intelligence Bureau has got its own subsidiary branch in Assam. Why did it fail? It completely failed to do anything. Why? They were not all Assamese. Therefore, it is no use blaming all the Assamese for what happened in Assam in the administration. There were certain other people. These people in the Government services are not trained in the spirit of democracy. They are not inspired to function in that particular manner. That is why, whether he be an Assamese or a Bengali, when it comes to functioning as a Government officer in Assam, he functions against the interests of both the Assamese and the Bengalis. That is the position. Therefore, the problem is one of democracy. Concentration of power cuts across the rules of democracy, the spirit of democracy. That is what I say. What is needed today is not this kind of make-shift

arrangement. Sometimes that may help, but what is needed today is democratisation of the administration, giving them a proper outlook, protecting them when they serve the interests of the people, making them more responsive to the desires of the people, more respectful towards the people and the good concepts, whatever they are, in the Constitution and the country's administration. That is how it should be handled. We do not hear of such things. For example, why not have a conduct rule? In article 312 you will find—it is very important—it is said:—

" . . . all-India services common to the Union and the States, and, subject to the other provisions of this Chapter,"

This Chapter is a very big chapter—"Services under the Union and the States". Now, I invite your attention to article 311 which says:—

"(c) where the President or Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to give to that person such an opportunity."

Without giving such an opportunity, he can be dismissed. It is there under article 311. Now, if a Bill is passed here or rules are made, they will be governed by article 311. And everybody knows how article 311 is used by the Centre. I know for a fact—I have got the charge-sheets, and so on—that this is being used by the Railways, an all-India administration, in regard to the workers at Chittaranjan and Kanchrapara Loco-sheds for persecuting and victimising them at random. Such things are happening, and they are doing it also in the Government services. They dismiss a person saying that under article 311, they would give no reason. And this is how it is being done. And the all-India services will be created. What will happen there? You will be functioning in West Bengal. The Central Government, or the Central Govern-

ment on the advice of the West Bengal Government, may at any time say, "You are dismissed", and they will take cover under article 311. They will say, "We will give notice." This is happening. People are being dismissed. Now, I can tell you, I have got the names and the charge-sheets. They are being dismissed from service on the ground that they voted for the Communist Party. Of course, they will vote for the Communist Party, the Congress, the P.S.P. or some other party or even for an Independent. Is it a crime? It is the fundamental right of a person to vote for whichever party he likes. I do not know whether he voted for anybody, because the ballot paper is not opened by us, it is s^ocret ballot. On a mere suspicion or on mere information that a railway employee has voted in Kanchrapara or in Khara^our against somebody for some candidate, he is dismissed. And it is wrong. On the charge-sheet it is given. Such matters are being challenged in the Hieh Court now. These rules will come. Rules made under article 311 and similar ether n^oses which would be framed under Part XIV of the Constitution are playing havoc in the country. Therefore, people are absolutely hesitant about it when you create all-India services. At least in the State Legislature and und^or State services—not u^oder thee—people can get UP and say something. There are not such arbitrary powers—Governors pet them, it is tru^o. But there are not such powers given in that sweeo^one manner as in the case of all-Indin services and the authority of the Central Government is utilised for victimising people whom they dislike or merelv suspect their taking part in trade union activity or supporting a Oartv organisation. It is happening in almost all the all-Tndia services. That is whv I say that we from the Opposition are particularly hesitant— even if the intention is good—to extend our full support to this measure, unless things are clearpd UP. Sir, that is whv I sunported Shri Santhanam. Fundamental rights also are involved in these things, not

only the rights of the States. The State Legislature should be given an opportunity to go into this matter.

Mr. Deputy Chairman, I do not wish to say much. I wish we had longer time because this House has the special privilege to discuss a Resolution of this kind, and on the basis of the advice that we give, the Government will be framing the law. It is not that every speech will be listened to with the same attention but when we make certain criticisms, they should have them in their minds when they formulate the Bill or the measure and finalise the scheme which they have got. Merely to go by their advice or support or signing on the dotted lines of the Chief Ministers would do no good to anybody because the hoax is clear to everybody. The bluff has been called by the people. The Chief Minister represents the State only in a limited way, certainly not the entire State Legislature, much less the people. The States have been insulted everyday. What will the people think? Here we are discussing today measures for taking certain powers into the hands of the Centre for creating services which shall operate under Central control and direction in the States. And the States will learn about it from the newspapers. They would not have the opportunity to have this matter discussed even in their State Assemblies. Is it democracy or democratic norms? Do they conform to the elementary minimum standards of democracy where mutual consultation and discussion are necessary? No, they do not. Therefore, the Government is wrong.

And finally, all that I can say is this. We, Sir, know from our experience in Kerala. Seventeen months of government gave us a lot of experience. We know how the Home Ministry tried to utilise some of the I.A.S. people atrainst the Chief Minister and the Government of Kerala. And we also know—we

[Shri Bhupesh Gupta.] caught hold of some of them—how the Government utilised some police officers under the Central All-India Services against the Kerala Government with a view to furthering the partisan ends of the Congress. That is what I say. I say this thing because, well, things are there in our hands. Therefore, I know about such measures. In the name of national integration, mildly, meekly and sweetly he has put this thing but the implications of such a measure—if you look beyond and see the implications of it in the context of what is happening—are many more than what a mild, sweet speech like the one he made would suggest. I would ask the House to consider this matter more seriously and give its deep thought to it from the point of view of the autonomy, the rights and the powers of the States and from the point of view of the fundamental rights of the people, keeping in view that we are committed to democratisation and decentralisation. Nothing should be done which will go against the concepts of democratisation and decentralisation. This is all that I have to say.

Thank you

MR. DEPUTY CHAIRMAN: Mr. Jaspat Roy Kapoor.

SHRI M. GOVINDA REDDY (Mysore): Sir, before you call upon Shri Jaspat Roy Kapoor to speak, I wish to make a submission, and that is with reference to the remarks the hon. Shri Bhupesh Gupta made regarding disallowing of questions. Sir, I would have raised a point of order then but I thought that it should not go down as a point of order on record and I thought it was quite possible that Shri Bhupesh Gupta might realise the impropriety he had committed. My point is that every question disallowed or admitted or every motion admitted or disallowed, is done in the name of the Chair. Although in practice it is the Speaker who examines the admis-

sibility or otherwise of the question or of the motion tabled, it is still done in the name of the Chair. So, what the hon. Member said was actually a reflection on the Chair. It is, I think, the height of impropriety to cast a reflection on the Chair. Shri Bhupesh Gupta is not here. Otherwise, I would have appealed to him to withdraw those remarks. Now that he is not here, I would appeal to you to expunge those remarks. It is the highest disrespect to the Chair.

SHRI JASPAT ROY KAPOOR: It is the practice to give reasons for disallowing questions. I think reasons are always given.

MR. DEPUTY CHAIRMAN: Yes, reasons are given. Shri Govinda Reddy is right. It is a reflection on the Chair. These remarks will be expunged.

Shri JASPAT ROY KAPOOR: Mr. Deputy Chairman, Sir, I extend to this Resolution my whole-hearted support, though I wish he had extended its scope by incorporating within it two more services but then I cannot deal with that subject now. You have assured me that the matter will be taken up on a subsequent occasion. I do not know when that subsequent occasion is likely to occur.

Sir, I am grateful to the Home Minister for some kind words he has said about me in regard to my interest in this subject. No doubt for long I have been urging the necessity of creating more all-India services. During the last five years or so, ever since that recommendation on the subject was made by the States Reorganisation Commission and during the last one year and a half, near about that time, I have been tabling Resolutions on the subject twice or thrice but they could not come up. Of course, as they say, -there are higher forces that govern the destiny of things, and so far as Parliament is concerned, it is the Government and the undisputed sway of the Chair

that govern the destiny of Resolutions. And obviously, it was so ordained that this Resolution should come up only now, and that too, as a Government-sponsored Resolution. Even as it is, I welcome it most heartily and feel enthusiastic and even jubilant about it. Sir, I sincerely congratulate the hon. the Home Minister for the tact, the firmness, the strength and the determination which he has shown in overcoming all the delicacies and difficulties which, I am sure, were there in his way. The opposition and unwillingness of the States were there initially, I know. And I also know, Sir, that about a year ago when I tabled a question on this subject, the then Home Minister, the late Pandit Govind Ballabh Pant, told us that the Government would be only too glad to have more all-India services but then the handicap in their way was that the States were not agreeable to it. Subsequent to that, Sir, about the middle of this year I wrote to all the Chief Ministers request'ng them to let me know their views on this subject, and I was a little unhappy to find that no Chief Minister replied to me saying that he was agreeable to it. One or two of them specifically said that they were against it; the Chief Minister of one of the States said like this, "that it is essential for the State Governments to have full control over their technical services. In the circumstances I regret it will not be possible for me to agree to your valuable suggestion." So, all these difficulties were there in the way of the Home Minister. But I find that by his sweet persuasion he has been able to win over all the Chief Ministers who in the conference immediately preceding the last one agreed to it in principle, and in the subsequent conference they agreed to it. It appears, obviously *in toto*, and hence we h^{ave} before us this Resolution supported by the Chief Ministers of all the States. Sir, for that I want to congratulate most sincerely and heartily the hon. the Home Minister. He has a soft and gentle exterior, but on this occasion

he has shown that behind that soft and delicate exterior there is hidden an iron will, a firm determination and strength, and it shows that he has both the virtues of the late Pandit Govind Ballabh Pant and the late Sardar Vallabhbhai Patel, the sweet persuasiveness of the former, and the iron will of the latter, the strength and determination to do a thing if it appears to him to be right and in the interests of the country.

Now, Sir, so far as the merits of this Resolution are concerned, I do not think it is necessary for me to elaborate on them because, during the last four years or so, ever since the publication of the Report of the States Reorganisation Commission, many eminent men all over the country, eminent administrators and persons who had experience of administration including the retired Comptroller and Auditor-General Mr. A. K. Chanda who has written an admirable book on 'Indian Administration', were of the opinion that more all-India services should be created. Our hon. the Prime Minister as also our Vice-President have, on more than one occasion, expressed themselves definitely in favour of having more all-India services. Last year, Sir, about the month of October, our venerable Vice-President, when addressing the Indian Police Service officers, when they were going out after having had their training for a year at Mount Abu expressly said that if national integration was to be maintained, it was necessary to have more all-India services. That being so, I think there is not much need for us to emphasise the necessity and the utility for having more all-India services. Sir, in the interests of efficiency and also in the interests of integrity it is absolutely necessary that we should have these three all-India services as also some others. The major problem these days before us is that successful implementation of the development programmes has to be carried through. It is not enough that we should have big schemes. It is not enough that we

[Shri Jaspat Roy Kapoor.] should allocate large sums for the implementation of those schemes. But it is necessary that we should have competent personnel to effectively implement our schemes so that, in a short time, we may be able to carry forward our country to economic prosperity all round.

In the past, during the pre-independence period, we had quite a number of all-India services but then, when we framed our Constitution, we dispensed with the others retaining only two—the Indian Administrative Service and the Indian Police Service. It appears to me to be obvious that necessity has now arisen for a reorganisation, to have more all-India services, and it is necessary that, in order to have really competent persons, we must enlarge the area of recruitment. It must be all-India area from which persons should be recruited if we really mean to have capable persons. Regional recruitment, Sir, obviously is not always very satisfactory. There are certain parts in the country which are backward in relation to other parts of the country. In some regions you can get more competent persons the like of whom you cannot get in other parts of the country. Now, if you have all-India services, the recruitment will be from all-India; it will not be confined to particular regions. Of course, the backward regions may have a grouse that the candidates from those regions, not being very competent, not being up to the standard of those candidates who are from other more advanced parts of the country, will not have a fair deal. That is correct to some extent. But why are those States backward? Those States are backward because the administration there is backward, because the administrators there, so far, have not been able to bring up those States to the same level as that of the other relatively more advanced States. I submit, therefore, Sir, that their need for having a better administration, more efficient administrators, is much

greater than the needs of other States which are already advanced. Therefore, Sir, they should submit to this Resolution; they should be prepared to happily agree to this Resolution, to the creation of more all-India services so that in their States, hereafter, there might be efficient administrators who, in a short period of time, may be able to bring up their States also to the standard of the other States.

Now, Sir, another obvious advantage in having all-India services is that in the entire country there will be a uniform standard of administration. Today, in one part it is weak and inefficient in relation to the administration in other parts of the country. The all-India services people, having the same standard of efficiency, will be able to spread all over the country a uniform standard of efficiency.

My hon. friend, Mr. Santhanam, and my friend, Mr. Gupta, in the name of democracy, have cried aloud that democracy is in danger, that the Legislatures in the States are being ignored, that we are trying to impose the all-India services from this place, etc. Now nothing is farther from truth. What are we here? We here are representatives, not elected directly by the electorate; all of us here are representatives of the various State Legislatures. I, along with 32 Members of this House, represent the U.P. State Legislature and so also my other friends coming from the other State Legislatures. We are here directly responsible, to the State Legislatures.

SHRI BHUPESH GUPTA: No.

SHRI JASPAT ROY KAPOOR: We represent them. I know, he can reasonably question that he is a true representative of the State Legislature. He may not be, but all of us, at least those who do not belong to that party, which is in a hopelessly microscopic minority, do certainly

represent the various State Legislatures which have elected us. Who else can better represent a Legislature if not we, who are elected by all the Members of the State Legislatures? To say that the State Legislatures have been ignored when we, the elected representatives, are here, is not correct . . .

SHRI BHUPESH GUPTA: Do not say this, otherwise . . .

SHRI JASPAT ROY KAPOOR: How can it be said that they have been ignored? Not only that, but the Home Minister has gone virtually out of his way and consulted the Chief Ministers of the States. Not only he has consulted them but he has obtained their consent. The previous Home Minister waited all these 4 or 5 years and Mr. Shastri has waited for the past one year or so in order to have the willing consent of the Chief Ministers, although that was not necessary under the Constitution. So, is the Constitution to be respected or not? To question its propriety every now and then is hardly proper. Under article 312 it is this House and this House alone which has the right or authority to express its views on the subject and rightly so—the other House could be seized of this Resolution—because they do not represent the States. They do represent the people in the States but we here represent the State Legislatures and rightly it has been embodied in article 312 that this House and this House alone should have the right and authority to express the view and pass a Resolution to this effect. There is another safeguard also here. It is not a bare majority which will be effective to pass this Resolution. Two-thirds of the Members of this House present and sitting here today have to agree. What greater safeguard could there be to protect the rights, interests and privileges of the State Legislatures? But then, I do not grudge him the satisfaction, or regret if he has it, that he is not a true representative

of his Legislature. How can I help it?

MR. DEPUTY CHAIRMAN: I have a long list before me.

SHRI JASPAT ROY KAPOOR: I am coming to an end. Another imaginary difficulty has been urged and that is that an officer of the Indian Forest Service coming from Bengal, if he were to go to a village in U.P., what language he will speak. Does my hon. friend, Mr. Santhanam or Mr. Gupta think that an Indian Forest Officer will be sent to U.P. who does not know the language of U.P.? Of course, I am one of those who would always insist that 50 or 75 per cent, of the all-India officers in a particular State must be sent from a far distant State, which does not speak the same language as the language of the State to which he is sent but then how is the difficulty to be solved? The difficulty can be solved as easily as has been solved these days in the case of the I.A-S[^] and the I.P.S. During the one-year course of training, all these officers who are initially, I suppose, allotted to particular States are being trained in the language of the State to which they are to go. Once a Tamilian or a Mysorean of an all-India service, if he is to be deputed to Bengal, he will naturally, during the one year's training in the training academy will be taught the Bengali language or the U.P. language as the case may be, and thereafter, of course, for the rest of his life, he will continue to serve that State unless he also knows some other language and, therefore, he might be transferred from that State to another State, whose language he has been able to pick up. So, there would be absolutely no difficulty in this respect. This is a very simple proposition and I wonder why all sorts of imaginary difficulties should be placed before us virtually to sabotage this proposal. I say 'sabotage' because I know the underlying intention of Mr. Gupta and the

[Shri Jaspat Roy Kapoor.] party to which he belongs is to do anything and everything possible to bring about disintegration in the country. They cannot say so openly. Even this innocent Resolution, this necessary and useful Resolution which has been before the country for the last 4 or 5 years, which has been before the State Legislatures also for so many years, which has been before the Chief Ministers who have given their support to it, even this useful and necessary Resolution which is needed in the interests of the integration of the country is being opposed by them, of course in an indirect way, creating or showing imaginary difficulties which have absolutely no substance. I, therefore, submit that this Resolution should be accepted not only by two thirds majority in the House but unanimously— may be with one or two dissenting votes of Mr. Gupta and those who are as ill-advised as he is in these matters.

I would request the Home Minister to continue his process of arguing and persuading the Chief Ministers on the question of an Education Service, and also on the question of a Judicial Service. The Indian Education Service is as necessary, perhaps more necessary, than any other all-India service because recently we have come to know that in the educational institutions, that venom of communal parochialism has spread like anything and it is to attack at the very source of that evil that we must send people who have an all-India outlook, who have no parochial outlook, who have no communal and caste outlook so that in the course of the next 10 or 15 years, when the new generation comes up, they will come up as good citizens of the country with absolutely no bias of caste, creed or provincialism. Lastly, I hope that just as they have adopted it as a policy that 50 per cent, of the present two all-India services people in any State must be from outside the State—I would prefer that they should be from outside the zone to which they belong, that they should belong to a State which speaks a language different

, from that of the State they are allotted I to— similarly this healthy rule should I also be observed in the case of the new all-India services.

With these remarks, I once again heartily lend my support to this Resolution.

SHRI ROHIT M. DAVE (Gujarat): Mr. Deputy Chairman, I rise to support the Resolution which has been moved by the hon. Home Minister. I support this Resolution because I believe it is a step in the direction of further clarifying the concept of the Indian Union and the Federation which we have given to ourselves according to our Constitution. We are living in times when on the one hand we require larger and larger unions to deal with problems which are complicated, which are intricate, which require a large amount of experience and skill in order to handle those problems and on the other hand, we also wish that every citizen must have some say in the determination of the policy which should govern this daily life. All these aspects were present to the minds of our Constitution-makers and our Indian Constitution has tried to evolve a formula whereby the Federation, as it was accepted in 1935, was given a certain deeper content and was translated into the language of a free nation. The question, therefore, of the decentralisation of powers on the one hand and the pooling together of the experience and skill on the other, has always faced us. We have tried to solve this problem on the one hand, by encouraging the establishment of the Panchajati Raj wherein the villages have the right to express their views as to what should be done regarding the questions that "affect their daily life. The idea is that they must have larger and larger power to determine their own course of life and action. At the same time every citizen in our country should be helped with the most up-to-date knowledge, experience and skill which we can mobilise from all over the country.

To my mind, national integration is a concept which is much deeper than just a unitary form of government or a federal form of government with a very strong Centre. National integration is possible only if the resources of every part of our country are made available to every other part of our country, so that it may be possible for every citizen of the nation to take full advantage of those resources and to shape his life according to his own liking, with the help of the resources which the country is making available to him. This is an extremely complex concept and we have to try to give expression to this concept in our daily life and to my mind, Sir, the services that have been suggested here—and there are certain other services also which could be included—are services which could, if properly organised, serve as a pool of experience, a pool of skill and a pool of knowledge which could be made available to the country as a whole. If there are only State services, then it is very likely that the experience of one part of the country and the experienced officers coming from one part of the country, may not be available to other parts of the country, with the result that some parts of the country may be denied the knowledge, skill and experience of able officers. It is, therefore, very necessary, that all-India cadres of this type should be created. At the same time, I fully realise that we can only take the horse to the water; you cannot make it drink. If all these all-India services are created and if there is not sufficient desire on the part of the people to take full advantage of these services, to take advantage of the knowledge, experience and skill of these officers, then perhaps all this would be in vain. From that point of view, Sir, I entirely agree with Mr. Santhanam when he said that we had to create the proper emotional conditions in the country wherein both the officers and all those who were served by those officers might consider themselves as belonging to one nation.

They should eschew from their minds as far as possible, all parochial, communal and other such considerations. Unless this is done, it would be very difficult for us to see that the common people take full advantage of these various services.

Here again, much will depend upon the officers who man these services. If they are dedicated people, if they realise that wherever they may go in our country, it will be their responsibility to see that they serve the best interests of the region to which they are assigned, if they have sufficient tact to convince the people there that they are there to serve the people, perhaps much could be done. At the same time, the common man, the rural people, the people in the States, at no time should feel that they were being dragooned into some sort of a life, that they were being imposed upon by people who were being controlled from the Centre to which they have no access and of whose workings they have got only the faintest idea. In that case, it would be very difficult for them to understand the attitude and also the working of the officers who are working in their regions.

Sir, ultimately to my mind, it seems that we will have to decide on some sort of division of labour in all these cases. We will have to clearly define the functions of the Panchayat, the functions of the State Governments and of the State Legislatures and the functions of the Central Executive and the Central Legislatures also on the one hand, and the functions that are properly belonging to the Administration. I think that till now there is a lot of confusion regarding the proper scope and function of what we call the Government on the one hand, and what we call the Administration, on the other. There is confusion in our economic planning, confusion in our social planning and confusion in the planning of our Government also. To my mind at least as far as the logic of it is concerned, the whole issue is very simple, at is for the re-

[Shri Rohit M. Dave.] preservatives of the people to determine what policy should be evolved and it is the work of the Administration to implement that policy, whether it be with reference to forests, whether it be with reference to medicines or whether it be with reference to education. The function of the Administration should be confined only to giving advice and to see that whenever there are any insuperable difficulties in the execution of that policy, the attention of the policy-makers is drawn to those difficulties. It should not be their function to determine policy or to have any say in the ultimate formulation of that policy. That should be the responsibility of the representatives of the people, whether these representatives are sitting in the Panchayat, or whether these representatives are sitting in the State Legislatures or whether these representatives are sitting in Parliament. Once this policy is determined and clearly stated, it should be the responsibility of the Administration to carry out that policy as faithfully as it is possible for them to do. It should be considered a *grave* lapse of responsibility if merely because of their personal prejudices or personal predilections or personal convictions, they try to twist the policy that had been determined by the representatives of the people. If we try to have this kind of conduct both among the Legislators and among those who are executing the policy determined by the people's representatives, a lot of confusion that exists today could be avoided. If this is done, I do not see any contradiction between the creation of these all-India services on the one hand and decentralisation of power on the other, because decentralisation of power merely means the giving of power to the people to determine the policy which should govern their life. It does not mean the power, for instance, to decide how a particular well should be dug.

It is the power to decide the question whether a particular well should

be given to a village or not, and whether the resources are available. If the resources are available and if the well is to be dug, and if the Panchayat decides that the well should be dug, it should not be the function of the Administration to say whether this well should or should not be dug. How this well is to be dug is a question to be left entirely to the Administration, because they have got the experience, they have got the knowledge and the skill and it will be possible for them to determine *the* best way the well could be dug in the village which desires that particular well. This is just an example. But it should be possible in all cases to see that the policies are determined by the representatives of the people in as decentralised a fashion as possible and for the execution of that policy all attempts should be made to see that the best skill and the best knowledge is made available in every part of the country and to my mind that can be done if all-India services are created. Thank you, Sir.

SHRI T. S. AVINASHILINGAM CHETTIAR (Madras): Mr. Deputy Chairman, we have had today expositions on this Resolution. Two people put forward two extreme views. One was by the representative of the *the* Communist Party who said that all these all-India services were used very nefariously to upset his Government in Kerala. Another was Mr. Kaooor who said that all the evils of administration could be avoided by having all-India service people everywhere and that national integration will be complete if all-India service-; are introduced in all aspects of administration. As usual, both these extremes are wrong.

SHRI BHUPESH GUPTA: What is the question of fact?

SHRI T. S. AVINASHILINGAM CHETTIAR: The question of fact is you can use the services to some extent. Today my own opinion

want the services to be more independent than they are today. I want the permanent service people not to toe the line with the people in authority. I want the service people to be honest and strong and to put forward in writing what they think is right. I want them to develop that aspect of strength in administration. At the same time to say that they are absolutely guided to do anything by the authorities above or by the Ministers is not true and cannot be true. I think the administration in the country has a certain amount of integrity and knowing that as I do, I cannot subscribe to all that has been said by friends opposite.

At the same time I would like to have another aspect examined. It is true, Mr. Deputy Chairman, that the framers of the Constitution considered that a Resolution of the Council of States was equal to the opinion of the States concerned generally. There are certain provisions in the Constitution in which it has been said that a Resolution should be passed in the Legislatures. At the same time in articles 312 and 249 which were mentioned by my hon. friend, Mr. Santhanam, they say that a Resolution of the Council of States is enough and that, Sir, lays a greater responsibility on the Council of States. As was explained, this Resolution does not go for approval or consent to the other House. If this Resolution gets passed in this House it comes into effect and so it is necessary for us to understand and appreciate the responsibilities that we have and then decide what we think is best.

It has been mentioned by Lai Bahadurji who moved this Resolution that the Chief Ministers have accepted this. I have got before me the proceedings of the Chief Ministers' Conference. The relevant portion reads as follows:

"The Prime Minister referred to the recommendation of the State* Reorganisation Commission that j

more All India Services be constituted The principle of having All India Services in the Engineering, Medical and Forestry Departments was accepted subject to the schemes being drawn up and circulated to State Governments for consideration."

Sir, when I read a Resolution like this, I am not aware naturally of the discussions that took place at the Chief Ministers' Conference. I would have appreciated if it had been preceded by an account of the discussions that took place at the Chief Ministers' Conference. The Chief Ministers are very busy people as many others are. When they come up for such meetings they are in a hurry to go back because of pressing duties at their own places and this short account of the proceedings does not give me the impression—I may be right, I may be wrong—that this question was discussed, the pros and cons were considered and then a conclusion was arrived at. As it reads, it seems to me that the suggestion came from the Prime Minister. The Prime Minister is undoubtedly the great leader of a great party and one who guides the destinies of this country just now. What seems to me is, he made the suggestion—the proposition was not considered—and the Chief Ministers agreed. That is what I understand from these proceedings.

SHRI T. S. BISHT (Uttar Pradesh): This is not the first time that they have discussed this problem; it has been under discussion for years.

SHRI T. S. AVINASHILINGAM CHETTIAR: I am not speaking about what happened there because I do not know.

SHRI BHUPESH GUPTA: Mr. Mahavi Tyagi says love at first sight

SHRI T. S. AVINASHILINGAM CHETTIAR: I do not know what happened. I shall be coming later to the merits of the question but I do not know what happened there. I do not presume to know what happened

[iShri T. S. Avinashilingam Chettiar.J ed. I simply speak from the documents that are put' into our hands; nothing more and nothing less.

SHU SHEEL BHADRA YAJEE (Bihar): Plus your conjecture also.

SHRI T. S. AVINASHILINGAM CHETTIAR: If people cannot understand my language, they had better keep quiet.

SHAH MOHAMMAD UMAIR: The meaning of the language must also be understood.

SHRI T. S. AVINASHILINGAM CHETTIAR: I have quoted from the document that has been given to us. That is the authority; I have quoted from that; nothing more, nothing less.

Coming to the merits of the question, I am one with those who believe that all-India services are good in their own way and they serve a purpose in national integration. I wish Shastriji had come in a little earlier and heard the remarks that I made about this Resolution that was passed at the Chief Ministers' Conference.

SHRI BHUPESH GUPTA: Tell him in the lobby.

SHRI T. S. AVINASHILINGAM CHETTIAR: I have not got the time and I am not here to be disturbed by my friend, Mr. Bhupesh Gupta.

Now, I come to the next question. I believe these all-India services are good. This is a great measure when properly administered and within limits they do make a contribution towards national integration.

Reference was made about the States Reorganisation Commission.

On page 231 of their Report they have said that 50 per cent of these all-India services—and what was contemplated at that time were only the Indian Police Service and the Indian Administrative Service—may come from States outside the State concerned. I shall read what they have said:

"We also consider that, apart from the Indian Administrative Service, and the Indian Police Service, some more All-India Services should now be constituted. The question of reconstituting all-India cadres for certain technical departments and particularly the suggestion that the Indian Service of Engineers should be revived, has we understand, been under — the consideration of the Union Ministers concerned for some time. . . . We recommended, therefore, that the following Services, name-ly, the Indian Service of Engineers, the Indian Forest Service and the Indian Medical and Health Service should now be constituted."

I would now like to go into the reasons. Here again I cannot go into the mind of the Commission; they have not said anything more on this in this Report

SHRI BHUPESH GUPTA: Part of the mind is here.

SHRI T. S. AVINASHILINGAM CHETTIAR: Shall I continue tomorrow, Sir? It is 5 o'clock now.

MR. DEPUTY CHAIRMAN: Yes. The House stands adjourned till 11.00 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Wednesday, the 6th December 1961.