

[Shri V. Prasad Rao.] problem. There is going to be a sort of multiple things. After all life is not very simple economy is not so simple. If Government are trying to oversimplify problems, they shall never be able to do it. In order to justify this measure^ they are doling out all these arguments as though it is a very, very complex problem, as if printing 6 nP. stamps is such a big and complex problem, or printing 7 nP. stamps is such a very big and very complex problem. Now, also in the case of 4 anna, 8 anna or one rupee stamps no problem is there. It is only in the case of 1 anna, 2 anna and 3 anna stamps. Is it going to be such a big and complex problem that you are going to say that you are not for that taxation, and justify it by saying that there is no intention? We are bitterly opposed to it and we are opposed to this measure in whatever name they are going to bring it.

SHRI B. R. BHAGAT: Sir, I have nothing to add except- to say that the hon. Member, because he has to oppose, does not see any validity in the argument.

MR. CHAIRMAN: Any logic ~in your argument.

SHRI B. R. BHAGAT: He says life is not simple, therefore you add more complications to it. He said, to make it simpler or to make it more convenient, this should not be resorted to. Basically, Sir, perhaps he does not accept the logic of decimal coinage.

SHRI V. PRASAD RAO: We do.

SHRI B. R. BHAGAT: It is true that conversion leads to certain anomalies. In some cases it may lead to certain anomalies, as it has done. I submit again that the intention was not to levy any additional tax.

(Interruption.)

SHRI V. PRASAD RAO: Why **not** decrease It in certain other cases?

MR. CHAIRMAN: The question is:

"That the Bill be returned."

(After taking a count) Ayes— 32; Noes— 15.

The motion was adopted.

REPORT OF THE UNION PUBLIC SERVICE COMMISSION FOR THE YEAR 1956-57

DR. NIHAR RANJAN RAY (West Bengal): Sir, I beg to move:

"That the Report of the Union Public Service Commission for the period 1st April, 1956 to 31st March, 1957, together with the Government Memorandum on the Report explaining the reasons for non-acceptance of the Commission's advice in one case during the said period, laid on the Table of the Rajya Sabha on the 9th December, 1957, be taken into consideration."

I am grateful to you, Mr. Chairman, for having allowed me and this House an opportunity to discuss the Seventh Report of the Union Public Service Commission and the Ministry of Home Affairs' memorandum on the Report.

In any democratic set-up, Sir, the courts of law and the Public Service Commissions, I believe, occupy a special place of prestige and privilege. While the courts of law are the guardians of the rights, privileges and prerogatives of the people, the Public Service Commissions are more or less directly responsible for setting the standards of ethics, efficiency and integrity of the civil services and civil posts that regulate the day-to-day administration of the affairs of our people. When therefore we the representatives of the people and the States are allowed to discuss the working of such Commissions, in this case, that of the Union Public Service Commission, in a responsible House like ours, we do it with a sense of respect and with the fullest sense of responsibility that a

body like the Union Public Service Commission demands of us all. I am, therefore, of the opinion that in no circumstance can we afford to undermine its prestige and its privileges. I would, therefore, in the light of these remarks try to offer a few comments first on the contents of the Report itself, and secondly certain general observations on the methods of recruitment to our civil services and posts.

In respect of the contents of the Report I would first refer to the expansion of the activities of the Commission. In Appendix II of the Report, and in other Appendices as well, it has been clearly brought out that the activities of the Union Public Service Commission have expanded in an amazing degree in the course of the last four or five years. Due to the gradual expansion of the public sector of our economy and the increasing participation of our Government in social and other welfare activities, such expansion is easily understandable. Their work has increased not only in volume but also in variety. I would only cite two examples, namely two items of expansion. In 1940 the Commission took 24 full dress examinations. In 1956 the number of such examinations increased to 30. In 1950 only 1,200 or thereabout sat for the 24 examinations. In 1956 45,000 sat for these examinations. In 1950 there were only about 1,200 interviews given to candidates. In 1956 the number of candidates interviewed for various civil services and posts went up to 10,000.

The Commission pleaded in their Sixth Report for addition to the number of members of the Commission. In 1956 two more members were added. This was a step in the right direction. Provision has also been made to have temporary appointments on the staff. But I believe the burden that has recently been added to the Commission justifies more or less that permanent budgetary provision should be made for the expansion of the staff. The introduction of the

Industrial Management Pool or special examinations for special recruitment to our Administrative Services have indeed placed a very large responsibility on the Commission, and the present staff may not be considered enough. Those of us who are connected with our Universities know very well what public examinations can be like, and a great deal of responsibility attaches to the staff. We know, and perhaps many of us do know, that sometimes it happens that one man sits as the Commission, one man alone interviews the candidates. I would submit, Sir, that this is neither fair to the candidates nor to the Commission itself, for after all the judgment depends upon only one person of the Commission. I understand that since there are not many members but there are, on the other hand, many many candidates to be interviewed for many many posts more than the Commission can manage, it is not always very easy to find two members or three members to sit as the Commission for interview. This is perhaps an argument in favour of expanding the number of members of the Commission. But we can wait for a couple of years more and see if the situation continues to be the same as it is at the moment.

Then, passing on to the next point, the Commission has some very pertinent remarks to make on the performance of candidates at the various examinations of the Commission. They have said that the reports of the examiners make very depressing reading. As a teacher in one of our universities—we know it to our cost that in recent years—what reports we have to make to the examining bodies are indeed depressing. And nobody has anything to quarrel with the remarks that have been put forward by the members of the Commission. They have said that the standard has been going down in recent years. But I must say, Sir, that we must not make mistake on one point. I have been connected with university education for the last twentyseven years. I

[Dr. Nihar Ranjan Ray.] can tell this House that our best today is not worse than the best that used to be. But then the numbers have increased and the proportion of the best ones has come down on the average. Again I repeat that the best of today is perhaps better than the best of yesterday. They have a larger range not only of education, but also of experience; not only of information, but also of a more realistic objective outlook on life. But if you take the average, it has indeed gone down considerably. And the Commission has admitted that, out of 6,000 students that sat for the higher services examinations, they could select about 600 only. So, there is a considerable wastage. There is no doubt about it and the Commission's Report has set out very clearly that here is something to which some attention need to be paid and that as early as possible. The matter should be taken up not only at the university level, but also with the University Grants Commission and arrangements at the various universities should be made, especially in the backward States. It was argued in the other House that some States did not get their chance so far as the higher administrative services were concerned. It is true that in certain States, there is no proportionate representation. It is not possible, perhaps. It was argued by the hon. Minister in the other House that All India Services cannot be on a regional basis. Certainly, Sir, we cannot recruit for All India Services on a regional basis. But then, at the same time, it rests upon the Government, the University Grants Commission and other bodies interested in higher education to see that proper facilities are afforded and that arrangements are made in the various universities, if necessary, for special coaching for such services and this, not merely at the university level. It is not the time and place to refer to the lower levels of education, especially secondary education. Secondary education, I will just mention in passing is indeed in a mess

and if we want to get a better type of education to build up character and personality at the highest level, it is very necessary that we put our house in respect of secondary education in order first, for without a basis—a good and sound basis—of secondary education, it is practically impossible to do anything at the university level.

Much was made of personality tests or *viva voce* tests in the other House in connection with the discussion on this Report. The Commission said, referring to university education, "So long as the system of education in schools and colleges does not serve this purpose adequately, the personality tests, whatever may be their imperfections, will have to play an important role in the selection of candidates for public services." It is difficult to agree as much as to disagree with such a statement. Nobody denies that personality or *viva voce* test is one of the methods to find out not only the quality of a candidate, but also his personality, his integrity of character, his intellectual integrity and so on and so forth. But it is also admitted by those who know that personality tests are not foolproof tests. The Commission admits that it is an inadequate method. Now, we know the United States's method of personality tests. According to their claim, they say that they have brought it almost to perfection. Yet, a man like President Conant of Harvard University holds an opinion which is very much against personality tests. So, arguments can be quoted both in favour of personality test and also against. Therefore, let us not be too sure about these tests. As a teacher in one of our biggest universities, I have had occasion to sit as an examiner in *viva voce* tests. We have it in connection with our highest examinations as also in connection with the dissertations submitted before the university. We know it is a very, very difficult process. A research worker may be working with me for years. I know

the candidate through and through, the extent of his knowledge, his character, his intellectual integrity and so on and so forth. Yet, I have seen dozens of instances where, in a *viva voce* test for half-an-hour, we cannot despite our full knowledge of the candidates bring out the best in them. It is always very difficult in fifteen or twenty minutes' time to bring out the best in a candidate. First, there are many elements. We cannot rule out the subjective element of those who sit in judgement at the examinations. I have heard, not from disgruntled candidates; I have heard from candidates who have succeeded through, who have seen through the examinations, who have been appointed to very high posts. I have heard from them that members sometimes ask some very irrelevant questions and sometimes—I do not mean any disrespect to anybody . . .

MR. CHAIRMAN: Parliamentary habit of asking sometimes irrelevant questions seems to be extending.

(Interruptions.)

DR. NIHAR RANJAN RAY: No, no. I choose my words—sometimes irrelevant questions and sometimes, I should say, uninformed questions.

SHRI BHUPESH GUPTA (West Bengal): You are very near me.

DR. NIHAR RANJAN RAY: No. "Silly and uninformed"—there is a great deal of difference between the two. This I am saying on the evidence of those candidates who have succeeded and some of them are the best in their line. Apart from this, any candidate appearing, even a very well-seasoned candidate, mature in years and wisdom, whenever he enters the chamber for interview, it is very difficult to put him well at ease. And especially certain interview boards, they almost overawe the candidates. These are elements which you cannot rule out and it may not be possible for a very good candidate to bring out his best in such circumstances.

It depends on the atmosphere, it depends on the environment, and sometimes it perhaps depends just on a smile from the corner of the lips of a member. So it takes some time for a candidate to warm up. We have seen it and for the first five or ten minutes the candidate cannot say a word; he cannot articulate himself. Then gradually, when you talk to him and take him into confidence, when you speak to him like a friend, he warms up and tries to bring out the best in him. That is how it happens in personality tests. You know in the U.S.A. they have mechanical appliances to test all this and even with all this apparatus they think that the personality tests are not always foolproof. So what I would suggest is not to give up the *viva voce* or personality test; we cannot do it at this stage of our knowledge and experiment about examinations. But you see, there is a great deal of weight put on it. If you look at the distribution of the marks, you find there is a great deal of weight put on personality tests, probably sometimes one-third, sometimes more than one-fourth. Such great weight should not be given to personality tests. The distribution of marks probably outweighs in favour of personality tests. It should not be allowed to be done in that manner. Let us see the limitations of these tests and admit them. But since we have no other means, I am not therefore, asking you to delete it, not to eliminate it altogether. It should have a place but then give it the proportion it deserves, not more than that. At the moment, it has much more than it deserves, in my opinion.

[MR. DEPUTY CHAIRMAN in the Chair]

Passing on to the next point, it pleases us and it would please the House to find that in the course of the whole year there had been only one instance of non-compliance with the Commission's advice on the part of Government. It is a very creditable performance on the part of our Government. The Commission has

[Dr. Nihar Ranjan Ray.]

given an objective summary of the whole thing and the Ministry of Home Affairs in their memorandum makes it clearer still. Much can be said on both sides and I would not make of it an issue, for when you read both the versions, you feel, more or less, convinced of the correctness of both and it is very difficult to give an opinion and I would not hazard one.

However, I would humbly like to suggest one thing. It is true that the Public Service Commission is not a court of law and its decisions have not the force of judicial decisions. But then we certainly do want to increase the prestige of the Public Service Commission. It is the upholder of the integrity, the efficiency and the honesty of the administrative services and of the civil posts. It has not that legal validity perhaps. But we want the force of legal decisions to be attributed to it, for it is only in that way that we can increase the prestige of the Public Service Commission. It may even err in the wrong direction, it may make a wrong decision. Even high courts do make decisions which are later on criticised. Only by attributing that prestige to their decisions can we increase the prestige of the Commission. Therefore, what I would like to say is this. The Government has taken a correct decision. I never doubt it, because as they have argued, the Commission took a very legalistic view of the thing. The Government is concerned with maintaining the integrity of the service and the maintenance of the integrity of the service is much more important than being legalistic. This I would frankly admit. But at the same time, let us see to it that we give to the decisions of the Public Service Commission the force of a judicial decision.

From these remarks on the contents of the Report, I would pass on to certain general remarks on the

j methods of recruitment. Here also I am not trying to say anything which can be regarded as very much opinionated. My only concern is that it may be true that here in Government or in the House we may be of opinion that the Public Service Commissions have been doing their duty very effectively, with honesty, conscientiousness and integrity. We have no doubt about it. But let us also admit for a moment that there is a vast intelligent, educated element of our people outside of the House and outside of the Government. There are candidates, we may say there are many thousands of candidates, who appear before the Public Service Commissions in the States and in the Centre. There are disgruntled elements. Everything I am prepared to admit. But at the same time we cannot afford any section of our people to think that the Public Service Commission in the Centre and in the States are subject to any undue pressure from any quarter or that they are conditioned by other considerations than efficiency, integrity, education and similar other things. Just as in respect of our courts of law people think that when the Judge gives his decision, they should bow down to it, the feeling in the country, the general atmosphere of opinion in the country must also be such that a time will come when they will accept any decision of the Public Service Commission as the best and of the highest standard.

It is very necessary to create that climate of opinion. Unfortunately the climate of opinion is such as leaves something and perhaps a bit 'something' to be desired. I would just refer to a few points. Everybody is aware of the fact that there has been in recent years, in post-war years, a certain amount of lack of integrity and character and general morale in our services, but what I would suggest is that an investigation into the falling-off of standards can profitably be made by the Ministry of Home Affairs in consultation with the Com-

mission. Since I have no time, I would not dilate on it but. I would just make mention of a few things. According to the provisions of the Constitution, additional powers can be extended to the Commission. This has not been done yet and I believe, for our own sake, for the sake of the services, for creating the climate of opinion, a little more power to the Commission is necessary and it is time that such powers are extended to the Commission. Now I don't know if the rules that are to be framed under Article 323 of the Constitution have been framed or not, I mean rules regarding the jobs that are to be kept outside the purview of the Commission. A list of the posts meant to be kept outside the purview of the Commission has been prepared by the Government, I understand. But there should be made a set of rules which is provided for by the provisions of the Constitution. Now that we have taken up welfare activities and there have been very many autonomous corporations, I suppose also educational and cultural bodies, the jurisdiction of the Commission should also be extended so as to include all autonomous corporations and bodies. There, appointments are made by the governing body or committee of management or whatever it is. Such appointments are public appointments and they should come under the purview of the Commission. Some machinery should be evolved by which this can be done.

Then there has been a very long legacy from the time of the last Great War, of temporary appointments. It is gratifying to find in the report that the number of such temporary appointments is on the decrease out the sooner we put an end to these temporary appointments the better. There have been appointments which have been temporary for the last 5 to 10 years. In fact practically all the posts under the Ministry of Rehabilitation are temporary. There are other Ministries also where there are many temporary posts. Temporary

posts are neither fair to those who hold them nor to the public. Not only the employees do not get security but also it leads to a certain lack of discipline, certain amount of slackness in the services. Then there are cases of irregular appointments, irregular in the sense that the Commission is not consulted. The Commission has cited one instance and the instance is to my mind a serious one. There are similar instances too of which we have personal knowledge. This is a case where one superior post was not reported to the Commission for five years. When a promotion was made, it was only then that the case was reported but as I said, it is gratifying to note that such cases are on the decrease. Let us hope that in the next 2 or 3 years to come, we shall no more hear of such instances.

Then there is the question of extension of services beyond 55 or 58, whatever be the age-limit, given without consulting the P.S.C. such extensions are given by executive orders. To my mind it is not a very correct thing to do. Such extensions should be given again in consultation with the Service Commission. I would not mention any more points, though there are some, but what I would like to impress upon this House is this that the measure of the extent of prestige, the extent of the efficiency and efficacy of the Commission will depend on the measure of responsibilities we extend to them, the measure of the prestige we attribute to them. It may not inherently belong to them, legally speaking, but the society attributes to institutions the prestige that it wants the institutions to have. Thank you Sir.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Report of the Union Public Service Commission for the period 1st April, 1956 to 31st March, 1957, together with the Government Memorandum on the Report explaining the reasons for

[Mr. Deputy Chairman.] non-acceptance of the Commission's advice in one case during the said period, laid on the Table of the Rajya Sabha on the 9th December, 1957 be taken into consideration."

SHRI BHUPESH GUPTA: Sir, I have a submission to make. I think many hon. Members would like to speak on this motion and we have time at our disposal within the usual working hours of this House. I would therefore move that the time of the House for discussion on this motion be extended till 5 p.m. today with the usual break for lunch.

Me. DEPUTY CHAIRMAN: The Business Advisory Committee has fixed the time. You yourself said earlier that it was mandatory . . .

SHRI BHUPESH GUPTA: You have seen what happens. It is for you to take the sense of the House. If this House desires, you can extend the time. I have no objection. I am entirely in the hands of the House.

MR. DEPUTY CHAIRMAN: It is a 'No-day-yet-named motion'. The Chairman has fixed the time and I cannot alter it.

SHRI BHUPESH GUPTA: You can alter. Under which Rule you say that you cannot alter? I think you can, with the consent of the House.

MR. DEPUTY CHAIRMAN: It is for the Chairman. I cannot.

SHRI BHUPESH GUPTA: With the consent of the House, you can.

MR. DEPUTY CHAIRMAN: No, I am sorry.

SHRI BHUPESH GUPTA: Do I understand that the rules prohibit?

MR. DEPUTY CHAIRMAN: How many Members wish to speak?

(Some hon. Members rose)

How much time would you like for reply?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): Twenty minutes.

SHRI BHUPESH GUPTA: Do I understand that the rules prohibit?

MR. DEPUTY CHAIRMAN: I am not extending the time, Mr. Gupta.

SHRI BHUPESH GUPTA: I seek your direction. Do the rules prohibit your extending the time?

MR. DEPUTY CHAIRMAN: It is the Chairman who fixed the time and you yourself earlier in the day said that it is mandatory. So there is no question of extending . . .

SHRI BHUPESH GUPTA: In that case it was not accepted. Sir, I pose a question. I rise on a point of order in this connection.

I would like to know whether the rules permit, in such a situation, the Chair to alter the period of time fixed with the consent of the House. If it is so, then I will request the Chair to seek the consent of the House in this matter. If that cannot be done, if it is a mandate against which you cannot proceed, I would naturally not insist on it.

DR. R. B. GOUR (Andhra Pradesh): I think rule 28H covers this point. With the consent of the House, you can alter the timings of the business.

SHRI BHUPESH GUPTA: You had done it in the past.

MR. DEPUTY CHAIRMAN: I have not done it. You please see rule 153. It says, "The Chairman may after considering the state of business in the Council and in consultation with the Leader of the Council allot a day or days or part of a day for the discussion of any such motion". In consultation with the Leader of the Council, the Chairman has fixed two * hours for this.

SHRI BHUPESH GUPTA: The other part.

DR. R. B. GOUR: Let the Leader of the House extend the time of the House.

SHRI BHUPESH GUPTA: Is he -willing for an extension of time?

THE MINISTER OF HOME AFFAIRS {SHRI GOVIND BALLABH PANT} : I think the Members should be satisfied with a two hour discussion.

SHRI BHUPESH GUPTA: That evidently we are not. Will you kindly satisfy us?

MR. DEPUTY CHAIRMAN: He is not willing. That is an end of it.

SHRI BHUPESH GUPTA: You have not given a ruling.

MR. DEPUTY CHAIRMAN: Each Member will get ten minutes. Yes, Mr. Gupta, begin your speech.

SHRI BHUPESH GUPTA: You have not given a ruling, Sir.

MR. DEPUTY CHAIRMAN: There is no ruling. What am I to do?

SHRI BHUPESH GUPTA: I am extremely sorry with the action of the Leader of the House. With great respect to him, I am extremely sorry that the Leader of the House should not have found it necessary to extend the time limit by two hours or by one hour and a half.

MR. DEPUTY CHAIRMAN: Let us get on with the business.

SHRI BHUPESH GUPTA: I am coming to it. I am not speaking on any Motion of the Leader of the House. It is obvious.

SHRI GOVIND BALLABH PANT: The House has decided the thing through the Business Advisory Committee.

(Shri P. N. Rajabhoj stood up)

SHRI BHUPESH GUPTA: You can talk. You want to talk?

MR. DEPUTY CHAIRMAN: I am calling on you to speak. I have called on you to speak.

SHRI BHUPESH GUPTA: But he also got up. I usually yield, you know.

MR. DEPUTY CHAIRMAN: The Leader of the Opposition always takes precedence.

SHRI BHUPESH GUPTA: The discussion will not be adequate. I think it was possible for us to discuss this thing longer. It is not now possible because the Leader of the House will not agree.

Now, Sir, we have got before us the Report of the Union Public Service Commission. I do not want to say anything about the individual Members of the Commission, many of whom I do not know at all personally nor even have I seen them but we know. Sir, that the Union Public Service Commission is constituted in a set manner, more or less borrowed from what had been obtaining in the old days. Yet, Sir, having regard to the conditions in which we are living and the kind of administration that we should set up, the democratic methods and ideals that we seek to promote, the talent that we propose to draw from the common people, the . Union Public Service Commission not only needs to be imbued with certain new ideas and principles but also, if I may say so, needs some remodelling in its composition. What I demand in this connection, Sir, speaking rather in general terms, is to broaden the horizon of the Union Public Service Commission. Now, in order to broaden the horizon, you need not only to improve the special qualities but also to bring in new personnel, new elements for this purpose. That I think is one point which Government should seriously consider. I do not at all mean any reflection on

[Shri Bhupesh Gupta.] the Members. They may be all very efficient and good, well-meaning persons, competent persons in their own way but today we need to expand its composition so as to embrace other elements to be brought into this important body which the Constitution has provided for. We are concerned with the public administration and public services. What we need to ensure is not merely integrity and honesty which are, of course, very very vital and important for any Public Service Commission and without which I do not consider any Public Service Commission worth a moment's notice but, Sir, at the same time, we require to import into the Members of the Public Service Commission, into our public administration generally, a democratic spirit which should be constantly cultivated. That must continually grow in the process of the development of the administration which is expanding its activities over a much wider field than before. That aspect is not sufficiently taken into account in the matter of formulation of rules by the Union Public Service Commission in the matter of setting examination papers for the candidates or even in the matter of *viva voce* examinations. We have been told how undependable this so-called personality test is and even a layman can understand that at a given meeting between the stranger on the one hand and the Members of the Service Commission, on the other you cannot properly find out the personality and bring it into your view. It is not possible. It may be partially possible in some cases but what happens is that they go by certain set questions and certain answers and the matter is dealt with in a somewhat routine manner. Sir, the hon. Member said that sometimes uninformed questions are asked. He is an exceedingly able man and an eminent Professor of a University. I do not belong to that august profession and naturally when it comes to the question of chasing, I believe in calling a spade a spade. I do not cover things with silken words or

make things look bright when they are actually not so bright. Therefore, I would say that sometimes some silly questions are asked. It is not merely uninformed questions, but I have heard silly answers also given. I do not deny that when such people in high places ask thoroughly uninformed, ignorant questions which have little relevance either to the facts of life or to the trends of history—other people would call them silly questions and eminent scholars like Professor Nihar Ray will call them uninformed questions. Having a *viva voce* does not take us very far. I am not suggesting that I am opposed to it but other methods should be found out also and these should be improved.

SHRI B. N. DATAR: Sir, is the word "silly" parliamentary?

MR. DEPUTY CHAIRMAN: I think . . .

SHRI B. N. DATAR: On a point of order. Is the word "silly" parliamentary especially with regard to the Members of the Union Public Service Commission? If it is not parliamentary you will have to withdraw it.

DR. R. B. GOUR: It is practised whether it is parliamentary or not.

MR. DEPUTY CHAIRMAN: Better you do not use such words.

SHRI BHUPESH GUPTA: All right. You see I am not very educated that way. He was thinking more of his....

MR. DEPUTY CHAIRMAN: We are discussing serious subjects. Avoid such words.

SHRI BHUPESH GUPTA: All right, Sir, but the interruption looked something like that.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: I was just telling you, Sir, that the questions

were of a set. In the Report itself it is said that the papers are full of this. The young people will get through cramming and the other things will not be developed. What we need to bring out and develop is not only the integrity but the creative power of the person initially, his democratic outlook and how he looks at the world at large and the people of this country, its interests. These are the things. We have to find out how he is acquainted and informed about the affairs of our life, of the affairs of the world. This is how we should approach the matter. If we have such an approach, naturally you will see that the need for setting up this kind of set questions will disappear and there will be less of cramming and more of imagination, initiative and courageous thinking. We want to promote that in our Public Service Commission and the business it handles. That is very very important.

There is a tendency to fill new places or vacancies in high places by new recruits through examinations or, even by direct recruitment. I do not oppose examinations and in certain categories, in some cases, there may be direct recruitment but what I want is that important places should be filled by promotions.

Promotion should also find a big place and should have a greater share. Among the Senior Clerks, among the Assistants there are many experienced and eminent people who may not cram up a thing, who may not be familiar with the various text books or magazines but who have acquired a considerable measure of knowledge through service, to love the people and to carry on the administration efficiently and who, given the right opportunities and chances, in life can prove much better than the others. In such cases, promotion should be given. In the Report you will find that Senior Clerks have appeared before the Public Service Commission for promotion but they have not been given a chance. I find that not one has been given any promotion. It is mentioned in one of the appendices.

Time is short otherwise I would have mentioned it. The hon. Minister knows that case. I would like to draw the attention of the House to the big number who appear and get disappointed because they do not get any promotion.

(Time bell rings)

Let me finish, Sir.

MR. DEPUTY CHAIRMAN: How much time you want to take? Two minutes?

SHRI BHUPESH GUPTA: No, Sir, about five minutes.

MR. DEPUTY CHAIRMAN: You can continue after lunch.

The House stands adjourned till 2:30 P.M.

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

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

SHRI BHUPESH GUPTA: Sir, before we adjourned for lunch, I was speaking on the question of promotions. In 1956-57, 1,603 upper division clerks applied for sitting in the promotion examinations. Sir, 1,264 of them actually competed and 538 were interviewed. And according to this report, so far none of them has been declared successful. It is stated that their names are forwarded to the Ministry of Home Affairs for the assessment of their confidential reports. What these confidential reports are and how they come into the picture, we do not know. But it is quite clear that they are not getting any promotions. Of course, some may be getting some promotions. Secondly, Sir, the Home Department has become the decisive authority because everything depends on its assessment. And whoever is familiar with the ways, of the Home Department knows the kind of

[Shri Bhupesh Gupta.]
heresy hunt and which hunt that is there with the⁴ result that good people do not get promotions. Sir, I would like this matter of promotions to be handled in such a manner that more and more upper division clerks and others from the lower rung are in a position to climb up to the highest positions in the administration. And this should be encouraged as a matter of policy. I hope the Government will take note of it. I understand, Sir, that there are very many qualified people among them. After all, experience and knowledge of men and affairs in their day-to-day life are sometimes much better qualifications than some kind of smattering knowledge, shall we say, of Keynesian rigmarole or Malthusian theory.

Then, Sir, with regard to direct recruitment, I think this should not be encouraged in the way in which it is being done. I am not as such opposed to direct recruits. There may be some cases where such recruits would be justified. But often the direct recruits are tainted with favouritism and wire-pulling. I have known of cases where briefless barristers have been pitchforked into the I.A.S., whereas other people in the administration have been denied promotions. I have known of important positions being filled with Ministers' relatives and the relatives of other influential officers of the Government. Sir, this should be stopped, because it has become a public scandal, quite apart from other considerations. After all, Sir, being a Minister's son is no guarantee that the person is *ipso facto* qualified. Yet somehow or other . . .

MR. DEPUTY CHAIRMAN: Is it anywhere mentioned in the report?

SHRI BHUPESH GUPTA: Sir, I am saying this because I want the hon. Minister to find out facts for himself. These allegations are made in the press every time.

MR. DEPUTY CHAIRMAN: But you should not make any allegations.

SHRI BHUPESH GUPTA: I am not naming any Minister. After all, Sir, there are so many Ministers, a crowd of them.

SHRI B. N. DATAR: Sir, this is a debate on the U.P.S.C. report, not on 'General Administration*.

SHRI BHUPESH GUPTA: Please allow me to continue. Let me pass on to the next point.

Then, Sir, it seems that the U.P.S.C. relies on some police reports for at least their decisions in some cases are not final. There are also reports of the Home Ministry. We know that they get files from their intelligence office. I think the deciding authority in many cases here is the Director of Central Intelligence, and at the State-level it is the Heads of the Intelligence Departments. He will not say this thing, but everybody knows that the files are passed by them and the Minister signs on the dotted lines. Thus, Sir, you will find that many people are not given their due promotions and many people are not recruited properly, and many people are deprived of their legitimate rights. So I want to put a stop to these kinds of things happening in the Administration. Sir, Macarthyism is rampant here.

(Time bell rings.)

SHRI V. PRASAD RAO (Andhra Pradesh): We are not putting any other speaker from our side.

SHRI BHUPESH GUPTA: I do not know whether the hon. Dr. Kunzru is to be given ample time . . .

MR. DEPUTY CHAIRMAN: There are two more speakers from the Opposition. You have already taken 15 minutes.

SHRI BHUPESH GUPTA: Yes, if you take the total of my speeches and your speeches, then, of course, I have taken more time. Anyway, you can understand the position well. Then,

Sir, this system of police reporting should be done away with.

Finally, Sir, I would like to make it very clear that the U.P.S.C. should have the final say_ and the Home Department should not meddle in their affairs on the basis of the police reports and the C.I.D. reports. These things should not be allowed to come into the picture at all.

Then, Sir, the service rules and other things are very bad. The U.P.S.C. should realise that much of its work will be wasted later in achieving its objectives until and unless the Government itself acquires a democratic outlook and changes its existing service rules. They come in the way of democratic administration. They stifle the people's initiative; they corrupt the administration and they ruin the people's urge and enthusiasm. I therefore hope that the Government will take all these things into consideration.

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Deputy Chairman, Sir, I think the House is grateful to Dr. Nihar Ranjan Ray for introducing a discussion on this highly important subject. The Public Service Commission is one of our great constitutional bodies and it was my privilege to be associated with the work of this Commission for some months in connection with the special recruitment of I.A.S. candidates. I wish, Mr. Deputy Chairman, to pay a tribute to the ability, wisdom, experience and integrity of purpose of its Chairman, Mr. Hejmadi and also two other Members, Mr. Kanungo, and Mr. Viswanathan, who is now Special Secretary in the Home Department. They were inspired by only one consideration, and that was the consideration of what is good for the country. They wanted to secure the best candidates that were available for the country's service. Let me, Mr. Deputy Chairman, also say that when I joined the Commission, I was one of those who were critical of this

interview test. In an address which I had delivered in 1951, I expressed myself in this way about interview tests, "My experience of *viva voce* test has not been a happy one. I have been connected with these *viva voce* tests in some universities. It is difficult for any educationist to measure a young man's personality or capacity by a few questions intended to test a candidate's general knowledge in a few minutes. Quite often, *viva voce* tests prove to be a means of giving weightage to candidates who come from more cultured or refined surroundings". Now, Sir, I must say that as a result of the experience that I have acquired, I have, to some extent, modified my views. I think there should be a place for what may be called an efficiency test. I do not like the word 'personality' in connection with these tests. I do not know how to assess a man's personality. But I know how to assess a man's efficiency. So, there should be some place for 'efficiency tests' in a well-regulated system of public competitive examinations.

I would like, Mr. Deputy Chairman, to invite on this question the attention of the House to certain observations which were made by a very eminent British public servant. He was the first Civil Service Commissioner for well over a period of twenty-seven years, and in the evidence that he gave before the Royal Commission on the Civil Service in 1929 to 1931, Sir, Stanley Leathes says: "Speaking generally, the kind of person desirable is a man or woman"—he is speaking of the type of person who should serve on these Boards—"With a considerable knowledge of human beings and is accustomed to mix with them on an easy footing. It often happens that good scholars or good technical experts are not very effective in this capacity." Then talking about these tests he says, "It is undesirable that the interviewers should be too severe in manner or too slow in speech. The great thing is to get the young men or women at their ease. If you can get them laughing

[Shri P. N. Sapru.]
 it puts matters at once on a good footing." I can personally testify to the fact that the Chairman of the Board was excellent in this respect. He used to put every candidate who appeared before us at his ease. I could hardly think of a candidate who was not able to do well because of nervousness. Then further Sir, Stanley Leathes says; "My own plan is to fish about for a topic in which the candidate is interested." That too is the procedure which was followed by the Commission. Again he says: "I firmly believe that, you get your best and truest impression of the candidate if once you can get him moving easily in conversation." That again is a consideration which was always kept in view by the interview board. I quote him again, "I have found more fruitful when there was anything to indicate that the candidate was interested in them _____. I have never tried the so-called psychological questions." Psychological test too, the Commission avoids, as far as I know. "Interview and written tests supplement each other in an admirable way."

Now, Mr. Deputy Chairman, there are a number of quotations and I could go on quoting him. It is the evidence of a man who had considerable experience of these interview tests, and what I was wanting to say was that, while an interview test is desirable, too much importance should not be given to it. My point is that the interview test is a good test for judging a man's quickness of comprehension, alertness of mind, capacity for repartee, general awareness of the world around him. It is a good test for finding out his reading and his general interest in life. In a way up to a certain point you can also judge his intellectual integrity—I do not know whether you can judge his moral integrity, but I think moral integrity often goes with intellectual integrity. But you cannot say, by a mere interview test that a man's knowledge of a subject is profound. Now you have to have a good civil service, and for your administrative services you do

not want specialists; you want men with a liberal education. Therefore an interview test is a good supplement to a good written test, but if the marks for the I.A.S. are, say, 1800, I would give about 300 marks for the interview test; 1500 marks I would allot for the written test, and I would not make a pass in it obligatory. I am glad that the Home Ministry has already taken up the matter with the Public Service Commission and that the latter are taking steps to make a pass in interview test unessential.

(Time bell rings.)

Now, Mr. Deputy Chairman, I have talked a little too much about the interview test too. But there are certain other aspects of this problem on which I would like with your permission to say one or two words. I think the reputation of the Public Service Commission is worth preserving, and I was rather unhappy at the fact that the Home Ministry interfered in a disciplinary case. I have read what has been supplied to us about that case, and I am not certain that on the merits of the case the Home Ministry was justified in interfering with the decision of the Public Service Commission. I have not been able to understand why the Deputy Director, who reported, was approached by the Executive Engineer at all. I think the Executive Engineer should have known or knew the proper etiquette in this matter and he would not have dared to approach a superior officer if he had not at the back of his mind the feeling that this man was approachable in that way. There was oath against oath, as we would say in law, and I would have hesitated to condemn that Executive Engineer. I do not say that by way of criticism of the Home Ministry; probably they had material before them which we had not, but I was rather unhappy at the fact that there was interference on the part of the Home Ministry in this case.

The second thing, Mr. Deputy Chairman, is that there is a paucity of

suitable candidates in this country for posts. We are a welfare State; our activities are expanding. We want teachers and professors and technicians for all branches of knowledge and as many as 173 vacancies remained unfilled, because there were no proper person forthcoming.

Finally, Mr. Deputy Chairman, I would say that the work of the Commission is increasing and it is not right to entrust the work of interviews to single individuals. I believe in a Board. A Board means more than one person. A Board means three persons or four persons, but I would not like to have too big a Board or too small a Board. I think that the Public Service Commission is a very hard worked body. It helps us to maintain the purity and the integrity of our administration. We may have the most excellent plans in the world, but if our administration is not good, then we may not be able to execute those plans in the manner we would like them to be executed.

(Time bell rings.)

Therefore, Mr. Deputy Chairman, I would have liked more time to be devoted to this question of the Public Service Commission, but before I conclude I would like once again to record my appreciation of the valuable work that this body of honest public servants and the men drawn from public life is doing for the country.

MR. DEPUTY CHAIRMAN: Yes, that will do.

SHRI P. N. SAPRU: It is a pity that there is no pension provided for our Public Service Commissioners and that they have to retire after six years. I think that is something which makes many people hesitate to serve on Public Service Commissions.

Thank you, Mr. Deputy Chairman.

SHRI H. N. KUNZRU (Uttar Pradesh): Mr. Deputy Chairman, many of the points that I should have liked to

I speak on have been referred to by other speakers, but there is one point to which, in my opinion, the attention of the House and the Government should be drawn. In paragraph 13 of this Seventh Report, the Union Public Service Commission has offered its observations on the performance of the candidates examined by it. It says: "The remarks of the examiners on the performance of candidates in the written examination of the Commission make depressing reading. As a general rule, candidates do not show any real grasp of their subjects and their answers are mainly based on cramming. This lack of grasp is brought out prominently at the interviews." It says that as regards the higher services, it is able to select young men of a high standard who are quite fit for the service for which they are recruited. But it goes on to say: "As for the services where candidates of a younger age group are required, the results have been very disappointing; and in the Service Selection Boards . . ." that is, the Army Navy and Air Force, "... and the physical endurance tests, a distressingly large number of candidates from among those successful at the written examination have to be rejected. This poses a problem for our educationists." I believe that for many years the Commission has been drawing attention to the inadequate knowledge possessed by the candidates who appeared at its examinations. But we do not know what action has been taken by Government to improve the system of education in such a way that we may be able to have an adequate number of young men with a high standard of academic attainment fit for employment in the various public services. I know that this primarily a matter which concerns the Education Ministry, but surely the Home Ministry which is concerned with the recruitment of young men capable of performing the difficult and complicated duties that they will have to discharge at the present time should also actively interest itself in this matter. In other words, the problem that is posed by the remarks made

[Shri H. N. Kunzru.] by the Union Public Service Commission should be a concern not merely of the Education Ministry, but both of the Education Ministry and the Home Ministry—and, indeed, of the Education Ministry and the entire Government. I ventured to say the other day that the point of view of the Government towards education should undergo a radical change. More money may not be needed, but what is immediately necessary is that the improvement of education should be regarded by the Government as important to the future of this country as the production of more food or the establishment of more industries. And I think that if the Home Ministry interests itself in this matter, probably the Education Ministry and the Home Ministry working together will be able to impress the State Governments with their views much more than the Education Ministry alone can do at the present time.

Now, Sir, there is another important matter which I consider it necessary to deal with. It has been before the Government for many years, but it does not appear to me from the Commission's Seventh Report, which we are considering, that Government has yet arrived at a decision on it. In its very First Report the U.P.S.C. drew attention to the power conferred on the President by article 320 of the Constitution to make regulations specifying the matters in which either generally or in any particular class of case or in any particular circumstance it shall not be necessary to consult the Public Service Commission. The First Report of the Commission referred to this matter and said that the regulations framed by the Commission in regard to this matter, which had been sent up to the Government, some time in 1950-51, had still to be approved by the Government. I gather from the Sixth Report of the Commission that this matter had remained undecided till the end of the year 1955-56 and it does not appear from the Seventh Report that it has been decided yet. The Commission refers to this matter in the second section

of the 5th paragraph and say? the proviso to clause (3) of article 320 enables the President to make regulations specifying the matters in which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary to consult the Commission. In practice, these regulations also are made in consultation with the Commission. Now, I do not know whether this means that the Commission has now gone through the regulations submitted to it for its consideration in 1950-51 or whether the Government, while retaining the old rules, consults the Union Public Service Commission in regard to the making of new regulations. I think that it is not enough that a regulation should be made in consultation with the Commission. What is necessary is that as much power should be given to the Union Public Service Commission as possible. The area in which the President should exercise his authority, or the area to be withdrawn from the purview of the Public Service Commission should be as small as possible and there ought to be good grounds in these democratic days for the Government exercising any power in

regard to recruitment. In 3 P.M. view of the importance of the

matter I should like to have a clear answer from the Government on this point. Sir, while this matter was under consideration, the Union Public Service Commission stated in its Fifth Report that Government decided that the Commission need not be consulted in respect of grant of extension of service to superannuated officers of Central services. This is Class I and Class II. Government, Sir, came to a decision in 1946 that the Commission should be associated more and more closely with matters affecting the services. In this connection the Government decided that the Commission should be consulted before granting officers of Central services, Class I and Class II, extension for periods exceeding six months. This convention remained in force till the 8th April 1954 when Government decided that such consultation should no longer be necessary. It is very

satisfactory to know, Sir, that Government consults the Union Public Service Commission in making new regulations. But, is this particular regulation still in force or not? If it is, I should like to know what was the ground really, what was the reason for changing the old practice, placing this matter entirely within the authority of the executive, and continuing to stick to this in spite of the protest of the Commission.

Sir, my time is up. I do not therefore want to say anything about any other point. I should have liked to say something about the change made in the rule relating to the interview tests. Formerly it was necessary for a candidate to secure a certain number of marks or a certain percentage of marks in the interview. Now I understand that this restriction has been done away with and that the marks, however obtained by the candidate in the interview, however low they may be, will not lead to this rejection but will simply be added on to the total number of marks received by him in the written examination and lower his position in the list of successful candidates.

SHRI J. S. BISHT (Uttar Pradesh): Is there no lower limit at least, qualifying mark in the interview?

SHRI B. N. DATAR: There is.

SHRI H. N. KUNZRU: I do not know. I understood that no candidate is to be rejected now . . .

SHRI B. N. DATAR: The marks he obtains in the personality test will be added on, and ultimately the result will be declared on the total of all the marks that he obtained in the written and the personality tests.

SHRI J. S. BISHT: Is he required to have some minimum marks in that test?

SHRI B. N. DATAR: There is.

SHRI H. N. KUNZRU: What is it? There is no minimum number of marks that the candidate is required to obtain.

24 RSD—3

SHRI B. N. DATAR: I shall answer.

SHRI H. N. KUNZRU: I should be very glad indeed if I am reassured on this point. The percentage of marks that a candidate was formerly required to obtain was supposed to be high.

SHRI P. N. SAPRU: It is now, rational, based on British practice.

SHRI H. N. KUNZRU: I am not familiar with that. I have no doubt that my friend has it, but I should like to satisfy myself that the Government has it and understands it.

श्री पा० ना० राजनोब (मुम्बई):
उपसभापति महोदय, मुझे एक बात के लिये
बहुत संतोष होता है कि अभी तक पब्लिक
सर्विस कमिशन के इतिहास में शेड्यूल्ड
कास्ट का कोई आदमी एक सदस्य के रूप में
नहीं लिया गया था लेकिन इस वक्त उसमें
एक सदस्य श्री शिवशानमुगम पिल्लई साहब
हैं जिनको कि होम मिनिस्टर साहब ने उसमें
लिखा है ।

आज जो रिपोर्ट पेश हो रही है वह
यूनियन पब्लिक सर्विस कमिशन की सातवीं
रिपोर्ट है । पिछला वर्ष हमारे लिये बहुत
ही मेहनत का था क्योंकि पंचवर्षीय आयोजना
तथा दूसरी स्कीमों के लिये बहुत लोगों की
जरूरत पड़ी, आई० ए० एस० तथा आई०
एफ० एस० तथा अन्य उच्च श्रेणी के कामों के
लिये बहुत लोगों की जरूरत पड़ी । जैसे जैसे
हमारी औद्योगिक प्रगति हो रही है वैसे वैसे
हमको टेक्निकल लोगों की जरूरत मालूम
हो रही है । अभी हमारे सपू साहब ने इस
बारे में कहा है और कमिशन की रिपोर्ट
में भी यह मौजूद है कि १७३ जगहों के
लिये विशिष्ट शिक्षा प्राप्त किये गए लोग
नहीं मिले । मुझे यह पढ़ कर बहुत दुःख हुआ
क्योंकि हर एक जगह में, हर एक क्षेत्र में
बेकारी बढ़ रही है और आज ऐसी आवाज
धूम रही है कि बहुत बेकारी है लेकिन फिर

[श्री पा० ना० राजभोज]

भी कुछ जगहों के लिये आदमी नहीं मिलते हैं, यह मेरी समझ में नहीं आता है। कमिशन की रिपोर्ट में भी इसका कुछ कारण नहीं दिया गया है। इस का तो पूर्ण उत्तर उन्हें देना चाहिये ताकि हमारी, पाठशालायें तथा युनिवर्सिटियां तथा शिक्षार्थी उस पर ध्यान दे कर सुधार करने का प्रयत्न कर सकें। मेरी राय यह है कि सिर्फ ऐसा कहने से कुछ काम नहीं होगा कि आदमी मिले नहीं।

यह परिस्थिति तो है सब लोगों के बारे में किन्तु, शेड्यूल्ड कास्ट के लोगों के लिये क्या हो रहा है वह भी जानना जरूरी है और वह मैं आपके सामने रख रहा हूँ क्योंकि कमिशन की रिपोर्ट में उसके परिशिष्ट में इस बारे में निवेदन किया गया है और दूसरी बात यह भी है कि इनके लिये कांस्टीट्यूशन में दिया हुआ रिजर्वेशन दो वर्ष में खत्म हो जायेगा और यह देखना है कि उसे बढ़ाया जाये या नहीं बढ़ाया जाये।

DR. R. B. GOUR: The hon. Member is reading his speech which is normally not allowed in this House.

श्री पा० ना० राजभोज : जो प्वाइन्स हैं उनको मैं देख रहा हूँ। जरा आप कृपा कर के मुझे सुन लीजिये।

तो मैं यह कह रहा था कि यह रिजर्वेशन तो दो वर्ष में खत्म होने वाला है, किन्तु सवाल यह है कि उनके बारे में हमारा जो दायित्व है वह हमने पूरा किया है या नहीं। कमिशन की जो रिपोर्ट हमारे सामने पेश की गई है वह उनकी प्रगति का एक बैरोमीटर है और इस बारे में उससे मेरा समाधान नहीं हुआ है क्योंकि आई० ए० एस० में सिर्फ ८ लोग शेड्यूल्ड कास्ट के और २ लोग शेड्यूल्ड ट्राइब्ज के हैं। आई० एफ० एस० में शेड्यूल्ड कास्ट के १ हैं और दूसरी सर्विस में सिर्फ १३ हैं। आई० ए० एस० स्पेशल रिज्यूटमेंट में

शेड्यूल्ड कास्ट के ६६० लोग बैठे शेड्यूल्ड ट्राइब्ज के १५४ लोग बैठे परन्तु उसका रिजल्ट अभी बाहर नहीं आया है। इसी वास्ते मैं गृह मंत्रालय से यह प्रार्थना करना चाहता हूँ कि इनका जो परसेंटेज है वह पूरा होना चाहिये।

शेड्यूल्ड कास्ट कमिशनर की रिपोर्ट में जो फिगर दी हुई है उन से पता चलता है कि १९५५ में प्रथम श्रेणी के २१७६ ऑफिसर्स थे और उनमें सिर्फ १० शेड्यूल्ड कास्ट के थे और ३ शेड्यूल्ड ट्राइब्ज के थे। दूसरी श्रेणी के ६२६२ ऑफिसर्स में से ६५ शेड्यूल्ड कास्ट के और १८ शेड्यूल्ड ट्राइब्ज के थे। कमिशन ने लिखा है कि १९४९ से १९५६ तक आई० एस० एफ० में एक भी आदमी नहीं नियुक्त किया गया। इसीलिये मैं यह प्रार्थना करना चाहता हूँ कि साइ, बारह परसेंट के हिसाब से जो हमारा परसेंटेज है वह अभी तक पूरा नहीं हुआ है।

इस रिपोर्ट के परिशिष्ट ६ में १६ सर्विसेज बतलाई गई हैं लेकिन उनमें एक भी आदमी क्वालीफाई नहीं कर सका। . . .

DR. R. B. GOUR: Is it not a speech that is to be delivered on the Scheduled Castes and Scheduled Tribes Commission's Report?

MR. DEPUTY CHAIRMAN: How far the Union Public Service Commission has been able to implement—that is what he is saying.

श्री पा० ना० राजभोज : इस रिपोर्ट में बतलाया गया है कि उनके लिये एक भी आदमी क्वालीफाई नहीं कर सका और परिशिष्ट ४ की सर्विसेज में कई लोगों ने क्वालीफाई किया लेकिन एक भी आदमी नियुक्त नहीं किया गया। इसलिये मेरा कहना यह है कि इन लोगों को स्पेशल ट्रेनिंग देनी चाहिये और उनके स्टैंडर्ड में ढिलाई करनी चाहिये। यह बात मुरालियर समिति ने भी बता दी है।

डिग्री इत्यादि के बारे में मुदालियर समिति ने लिखा है कि :

"We have made no mention so far about the Scheduled Castes, etc. We would like to point out that our recommendations are made on the basis that the concessions enjoyed by them are not in any way affected."

इसलिये मैं होम मिनिस्टर साहब से प्रार्थना करता हूँ कि रिक्लूटमेंट रूल्स रिव्यू कमेटी नियुक्त की जाये शेड्यूल्ड कास्ट के लोगों के लिये ।

अन्त में एक दो बातों की ओर मैं आपका ध्यान खींचता हूँ । एक तो यह कि एडवर्टाइजमेंट के बाद जो जगहें रद्द की जाती हैं उससे आवेदनकर्त्ताओं में निराशा उत्पन्न होती है । उसको कम कैसे किया जाये, उस पर विचार होना चाहिये । दूसरी बात, कमिशन से आदमियों के नाम मिनिस्ट्री को भेज देने के बाद उनकी नियुक्ति करने में ज्यादा टाइम नहीं लगाना चाहिये । एक ऐसा केस है कि खाद्य मंत्रालय में एक आदमी को टेकनिकल जगह मिलने पर भी . . .

(Time bell rings.)

उसको अभी तक नियुक्त नहीं किया गया है । इस पर ध्यान देना चाहिये । तीसरी बात यह है कि मुदालियर कमेटी ने बताया है कि हरेक यूनीवर्सिटी के जो विद्यार्थी लिये गये हैं उनके मार्क को जोड़कर टेबुलेट करना चाहिये और उसको प्रसिद्ध करना चाहिये जिससे यूनिवर्सिटी का स्टैंडर्ड है यह सबको मालूम हो जाये ।

इसके बाद मुझे यह कहना है कि हमने पहले भी सुझाव रखे हैं कि प्रान्तों में एक सर्विस कमिशन में शेड्यूल्ड कास्ट और शेड्यूल्ड ट्राइब्स के कोई सदस्य नहीं लिये गये हैं और पब्लिक सर्विस कमिशन में कम से कम एक सदस्य इन जातियों का

नियुक्त होना चाहिये । उनकी नियुक्ति के साथ साथ यह भी देवना चाहिये कि शेड्यूल्ड कास्ट के लोग सुरक्षित स्थानों में पूरी पूरी तरह से लिये जायें । मेरी यह भी प्रार्थना है, जैसा कि होम मिनिस्टर साहब पंत जी ने, डेवलपमेंट काऊंसिल की पिछले हफ्ते की मीटिंग में ऐलान किया है कि नियुक्त करने में इन लोगों के साथ विशेष रियायत करनी चाहिये क्योंकि बाद में काम करते करते उनकी त्रुटियों में सुधार और कमी होती जायेगी ।

एक और मेरी प्रार्थना यह है कि हमने एक सेमीनार करने के लिये सांची में एक शिविर बुलाया था, ३० मार्च तक वह चला था ।

MR. DEPUTY CHAIRMAN: We are not concerned with the seminar.

यह अलग बात है ।

श्री पं० ना० राजभोज : उसमें हमने जो प्रस्ताव पास किया है उसको मैं हाउस की टेबल में रखना चाहता हूँ ताकि कृपा करके आप उसको अमल में लाने के लिये जरूरी इंतजाम करें ।

श्री उ० सनारत : यह दूसरी बात है, इसको कहने का अभी मौका नहीं है ।

श्री निरंजन तिह (मध्य प्रदेश) : 377 महोदय, जो रिपोर्ट हमारे सामने है, उसमें से दो तीन बातों का उल्लेख करते हुए मैं बताना चाहता हूँ कि गवर्नमेंट कितनी दोषी है और पब्लिक सर्विस कमिशन कितनी दोषी है ।

सब से पहले तो गवर्नमेंट ने जो रिप्ताई दिया है उसी का मैं यहां जिक्र करना चाहता हूँ । ३०वें पैराग्राफ में इन्क्वायरी ऑफिसर के बारे में लिखा है कि :

"The Enquiry Officer appointed in this case held that in the absence of any rules on the subject and in view of the status of the officers concerned, on mala/ides were established in the case of charge (1)."

[श्री निरंजन सिंह]

गवर्नमेंट ने जब इस रिपोर्ट को रखा तो अध्यक्ष महोदय, दो बार पब्लिक सर्विस कमिशन के पास पहुंची और दोनों बार पब्लिक सर्विस कमिशन ने इसको रिटर्न कर दिया। इसके बावजूद उन्होंने जो एक नोट लिखा है वह देखने लायक है। वह अखीर के पैरा-ग्राफ में है, उन्होंने लिखा है :

"The Enquiry Officer had not been able to come to a definite finding and the Commission twice advised that the charges had not been proved, Government should have gone to the length of removing an officer from service on such vague reasoning."

एक तो बात यह है कि रूल्स नहीं हैं। रूल्स न होने के बाद में इक्वायरी होती है, इक्वायरी पब्लिक सर्विस कमिशन के पास जाती है, पब्लिक सर्विस कमिशन दो बार उसको लौटा देता है, वह गवर्नमेंट का डिपार्टमेंटल काम था, बहुत सी चीजें थीं, जिनके ऊपर पब्लिक सर्विस कमिशन ने व्यू रखा है कि पहले ये रूल्स फ्रेम करने और फिर बाद में इक्वायरी को करना था। गवर्नमेंट के पास बहुत से पनिशमेंट होते हैं, डिसमिसल के अलावा बहुत से पनिशमेंट होते हैं, जिसके सम्बन्ध में यह कहा जा सकता है कि गवर्नमेंट ने खुद अपने आप को कमिट किया है। लास्ट पैराग्राफ में उसने कहा है :

"In the opinion of the Government, therefore, the conduct of the Executive Engineer was undoubtedly reprehensible and below the standard expected of a Government servant and that it called for the imposition of a suitable penalty."

स्टेट्स पेनेल्टी का मतलब "डिसमिसल" नहीं होता है। एक चार्ज में यदि कोई आदमी फंसाता है, यदि १०७ का केस होता है या १४७ का केस होता है, तो इसका यह अर्थ नहीं होता कि ३०२ में आप उसको फांसी

की सजा दे दें। तो जहां गवर्नमेंट एक तरफ पार्श्लेटी करती है, वहां दूसरी तरफ एक स्टैंडर्ड को गिराती है। आज गवर्नमेंट से, कांस्टीट्यूशन के द्वारा, हमको पब्लिक सर्विस कमिशन मिला है। पब्लिक सर्विस कमिशन का स्टैंडर्ड इतना ऊंचा होना चाहिये कि उसकी व्हाइस प्रीबेल होनी चाहिये गवर्नमेंट के ऊपर। लेकिन, गवर्नमेंट ने जो किया है वह अपने विचारों को सर्कम्बेंट कर के किया है, अपने नुक्ते निगाहों को वहां से करवाना चाहती है और करती जा रही है। तो सब से पहले, इन्होंने जो इस तरह का केस किया है वह नाजायज़ मालूम पड़ता है क्योंकि जो रिपोर्ट, अध्यक्ष महोदय, आई है उसमें केवल यह है कि वह आदमी आता है और ब्राइब दे देता है। क्या एक सीनियर ऑफिसर के पास वह ब्राइब देने गया तो उस ने कभी सोचा नहीं होगा कि मैं उसको ब्राइब दूँ ? मैं कह सकता हूँ कि यदि वह ब्राइब न लेता होता तो कोई भी उसको ब्राइब सप्लाई न करता। यदि वह रिश्वतखोर है, रिश्वत खाता है तो उस से उस आदमी को जो रिश्वत देता है, हिम्मत पड़ जाती है।

इस रिपोर्ट में है कि उसको अप्रोच नहीं होनी चाहिये थी। अगर एक सज्जन ने कहा उसको अप्रोच नहीं होनी चाहिये, अप्रोच हुई और अप्रोच हो कर उसने रिश्वत आफर की तो उसको पकड़वाना था रेगुलर कोर्स में। अगर गवर्नमेंट इस तरह से हाइड्रैडनेस करती है तो एडमिनिस्ट्रेशन करप्ट होता है और उसकी प्रेस्टीज गिरती है।

उप सभापति महोदय इसी तरह से एक और उल्टा केस है। वहां क्या होता है कि सरकार पहले अपने आदमियों को टेम्पेरी एपॉइंट करती है, उसके पास स्पेशल पावर्स हैं जिससे वह उनको छः महीने के लिये टेम्पेरी अपॉइंट कर लेते हैं। उस बात में जब वे वस क्वालिफाइड हो जाते हैं तो उनकी

एक लिस्ट निकाली जाती है। लिस्ट निकालने के बाद, जब किसी आदमी की क्वालिफिकेशन हो गई, तब पब्लिक सर्विस कमिशन को कहा जाता है कि एप्लीकेशन इंडाइट करो। एप्लीकेशन इंडाइट करने में जब तक वह पार्टिकुलर आदमी स्थायी नहीं हो जाता, तब तक पब्लिक सर्विस कमिशन की रिपोर्ट नहीं मांगी जाती है। इसी रिपोर्ट में जहां लिखा है कि :

“Appendix XIV (vide paragraph 21)—Recruitment cancelled after interviews”

एक तरफ तो एडवर्टाइजमेंट निकाला, एडवर्टाइजमेंट निकालने के बाद जब पब्लिक सर्विस कमिशन के पास एप्लीकेशन आई तो उसमें से स्कूटनाइज हुई, और स्कूटनाइज होने के बाद में फिर इंटरव्यू हुआ, और जब सेलेक्शन हो गया तो उस के बाद रिक्लूटमेंट को कैंसिल कर दिया जाता है। किसका दोष है इसमें यह एपेंडिक्स “ए” से पता नहीं लगता—Recruitment cancelled after interviews तो गवर्नमेंट ने ऐसा क्यों किया ? आखिर गवर्नमेंट के पास रिक्लूटमेंट को कैंसिल करने का कोई कारण तो होना चाहिये। यदि वह कारण नहीं है तो यह अनुचित सी बात है। यदि पब्लिक सर्विस कमिशन ने यह लिखकर भेज दिया कि एप्रोप्रियेट कैंडिडेट्स नहीं थे, वेल् क्वालिफाइड नहीं थे, अर्काइविंग टु क्वालिफिकेशन नहीं थे, फिर उसके बाद में लौटाये गये तो पब्लिक सर्विस कमिशन को “काल फौर” करना चाहिये कि इस तरह से कैसे एडवर्टाइजमेंट निकाला और रिक्लूटमेंट करने के लिये इंटरव्यू किया गया तो फिर इंटरव्यू में क्यों नहीं लिया गया।

इसी तरह से दूसरे पेज में उपसभापति महोदय, आप देखेंगे Requisitions cancelled after advertisement but before inter-

view. अब हमारे इतने गरीब देश में जगह जगहमें रोज रोज एप्लीकेशंस आती हैं, रुपया मांगा जाता है, आप एडवर्टाइजमेंट करते हैं, एडवर्टाइजमेंट करने के बाद एप्लीकेशंस आती हैं और फिर एक दिन हमारी सरकार यह सोचती है कि हमें इन आदमियों की जरूरत नहीं है और इसलिये वह उसको कैंसिल कर देती है। तो इतने उम्मीदवारों ने जो रुपया भेजते हैं, उनका रुपया हड़प करने का सरकार को क्या अधिकार है।

(Time bell rings.)

मैं एक चीज आखिर में कहना चाहता हूं कि ओरल एग्जामिनेशन के सम्बन्ध में बहुत जोर दिया जाता है, वह आज के जमाने में केवल परसनैल्स से सम्बन्धित होती है। इसमें ४०० मार्क्स होते हैं और उन व्यक्तियों को मुकर्रर करने के लिये होते हैं जिन को टेलीफोन या चिट के द्वारा मार्क्स ज्यादा से ज्यादा दिये जा सकें ताकि वे कम्पीटिशन में आ सकें। यह चीज मैं माननीय मंत्री जी के सामने उदाहरण के लिये रख रहा हूं ताकि वे इस चीज को समझें।

दूसरा उदाहरण किसी कैंडीडेट को गिराने के बारे में आपके सामने पेश करना चाहता हूं। किसी कैंडीडेट से ओरल क्वेश्चन में “टोमहक” के बारे में सवाल किया जाये, जिस के बारे में मैं स्वयं नहीं जानता हूं और शायद माननीय मंत्री जी भी नहीं समझते होंगे, आप यदि इस तरह के क्वेश्चन करते हैं और उसके बाद कहते हैं कि कैंडीडेट्स का स्टेडर्ड गिर गया है तब हम यह समझते हैं कि केवल उस आदमी को जो इंटेलिजेंट होता है उसको गिराने के लिये इस तरह से क्वेश्चन कर दिये जाते हैं।

THE DEPUTY MINISTER OF j WORKS, HOUSING AND SUPPLY ■ (SHRI ANIL K. CHANDA) : Mr. Deputy j Chairman, the previous speaker has] referred to the dismissal of an Execu-

[Shri Anil K. Chanda.] tive Engineer in our Ministry. This case had been referred to the U.P.S.C twice by Government, and on both the occasions the U.P.S.C, had advised that it was a case which did not merit the nature of punishment which had been inflicted on him by Government, I may tell you, Sir, that this case was reviewed at the highest level both in the Ministry of Works, Housing and Supply and also the Ministry of Home Affairs.

SHRI BHUPESH GUPTA: What exactly is that level?

SHRI ANIL K. CHANDA: The level of the Ministers concerned. Sir, before I go into the details of the case, I may inform the House that the officer concerned has filed a writ petition in the Punjab High Court under articles 226 and 311 of the Constitution asking for the following reliefs:

- (1) For issue of a writ of *mandamus* directing the Government not to give effect to the order removing him from service, or
- (2) For issue of a writ in the nature of *certiorari* quashing the said order of removal, or
- (3) For any further or other appropriate order.

Sir, our written statement in reply to the ex-Executive Engineer's writ petition has been drafted and signed and is in the hands of our counsel and is pending filing in the court.

MR. DEPUTY CHAIRMAN: So it is sub-judice. In that case I think it would be better that you do not say anything in that matter.

SHRI ANIL K. CHANDA: Sir, to my mind, it is *sub-judice*. ■

SHRI BHUPESH GUPTA:- He can say something apart from that.

MR. DEPUTY CHAIRMAN: He has nothing else to say.

SHRI B. N. DATAR: Mr. Deputy J Chairman, I was very happy that the hon. mover of this motion spoke with considerable experience, restraint and dignity. This is almost the first time, Sir, when in the course of a debate on the U.P.S.C. Reports such a constructive approach has been brought to bear on this subject. (*Interruption.*) In any case, Sir, I am happy that the best side of the case has already been placed before this hon. House. Naturally he mentioned certain points to which I shall give my reply as also to certain other points raised by some other hon. Members.

On the whole, Sir, it has to be admitted that the work of the U.P.S.C. has been going on very satisfactorily, and one very satisfactory feature was the experience that our hon. friend, Shri Sapru, narrated so far as his former views on the personality test were concerned. He was himself associated with the Selection Board and he has had a considerable experience in that respect. Therefore he has very candidly and fairly admitted that the personality test is one that is required under the present circumstances.

DR. R. B. GOUR: He did not agree with personality test. He suggested efficiency test.

SHRI B. N. DATAR: That is only a difference in words. I am coming to that matter. Had the hon. Member waited for some time, I would have replied to that point also.

Sir, apart from the question of personality test with which he agreed, he gave compliments to the manner in which the Members of the U.P.S.C, were carrying on their work. I associate myself with his remarks, and I am happy that after some experience he has changed his views so far as the personality test- is concerned. Now, Sir, in respect of this personality test, we all know what it is meant for. It is for understanding or assessing whether the man is in a position to develop a personality. Therefore, Sir, here the

expression, 'personality test' is more expressive than the expression 'efficiency test'. There is also another point which may kindly be noted. The question of efficiency test would come at a subsequent stage, after the officer has put in some work. Here what happens is that we have brilliant students from the universities who appear for these examinations, and naturally after studying hard they get a certain number of marks. But the written examination as such may not be a sufficient indication to point out to the examiners as to whether this man has the promise of making a good officer. As Dr. Kunzru has pointed out, an officer subsequently has to tackle very important and intricate problems, and therefore what a personality test is meant for is to understand whether man has the promise of making a good officer, because at the particular stage when he appears in a personality test you cannot say that efficiency test also has to be taken into account. The question of efficiency test would arise only after the man has some performance to his credit. Therefore, Sir, I would rather like to submit that instead of the word '*viva voce*' the expression 'personality test' is more eloquent for the purpose for which such tests are held, and therefore the better word would be 'personality'.

Now, Sir, before I deal with the question of 'personality test', because certain hon. Members have made a reference to it, there was the general question which was raised by Dr. Kunzru and also by a number of other hon. Members in the other House regarding the views expressed by the U.P.S.C. in their present report about the falling standards of education, as far as our students are concerned. There was a fairly strong criticism in the other House, and immediately after the debate there, a copy of the debate has been sent to the U.P.S.C. and I have also written to the Minister of Education. And I can promise this House that this question will be considered in all its details and in all its aspects, not only by the Ministry of Education, but also by the Ministry of

Home Affairs, because this is a question which concerns recruitment at the highest stages, and therefore we are anxious to have those people better equipped while they go through the university stage. Now for the first time in this House the hon. mover of this motion has given a reply. His contention is that his reply is also entitled to great weight, and we have to consider it because he has 27 years experience at his back. He has pointed out that the remarks or observations of the U.P.S.C. have to be considered not as the last word. He tried to point that out with considerable emphasis, and we have to find out whether it is justifiable. He stated that the best students today that come out of the university may not be worse than the best that formerly came out of the university.

(*Interruption.*) Sir, the U.P.S.C. has itself admitted that so far as the higher examinations are concerned, they are getting very brilliant students, but his difficulty is whether there has been an improvement so far as the average student or even the average candidate appearing in these examinations is concerned, and to that extent, we have to give great weight to the observations of the U.P.S.C., because they have to examine thousands of students almost every year. Therefore, Sir, their opinion is entitled to great weight, and if there are any defects here and there, as Dr. Kunzru has pointed out, the system of education itself has to be improved. And as the hon. mover himself has pointed out, the system of secondary education is not good according to him. He generally feels—at least that is how I have understood him—that the university education is carried on fairly well. But so far as the secondary education is concerned, it requires considerable improvement. In our opinion if there are requirements for improvement, they have to be duly attended to. Therefore I would request this House to note that we are highly interested. In fact I was greatly distressed over what the U.P.S.C. themselves have pointed out. Therefore this question will have to be followed and will be pursued so that the whole standard of

[Shri B. N. Datar.] university education, that is the highest standard, would increase to the fullest extent possible. This is so far as the first question is concerned. Government have already started looking into this matter and I am confident that something good will come out of this examination not only by us but by the Universities as well. It has been rightly pointed out in the other House, it was pointed out here also that it is not merely the Education Ministry but it is also the various Universities in India that have to tackle this problem as satisfactorily as possible. Therefore by collaboration or by co-operation between all these bodies concerned, we shall try our best to see to it that the general standard is improved and on the whole we get for our All-India Competitive Examinations in particular a better average of students than what we are having. This is so far as the first point which was elaborated by a number of hon. Members is concerned.

So far as the personality test is concerned, as the Mover rightly pointed out, there were arguments on both sides but after considering all the arguments we have to take the personality test as it is. It is true that some time ago great importance or more decisive importance, was being given to personality test and what was done was that after a candidate had qualified at the written examination, he had to appear for a personality test and interview and a certain number of marks was fixed—about 400—and if he did not get a certain number of marks, minimum number of marks, then he would be rejected so far as the examination is concerned, in spite of his having done the best at the written examination. This question was considered and there was some force behind this argument. Therefore what has been done is that now all the marks are put together. The House will be interested to know that so far as this question is concerned, there are 1,450 marks so far as written examinations are concerned. I am giving the total of the marks

and 400 are the marks for the oral test or personality test, as we might call it. Formerly a candidate had to pass not only in the written test but also in the personality test and his failure in the personality test to obtain the minimum number of marks would disentitle him altogether and it would amount to his failure. Now this was considered rather inequitable and therefore both the marks are pooled together—all the marks that he obtains in the written examination as also the marks that he obtains in the personality test will be put together and pooled together—and therefore the final result would depend upon the totality of the marks that a candidate would obtain in 1450 plus 400, that is 1850 marks. This, you will find, goes a great way so far as the former complaint is concerned. The object was that in a personality test, it would be more possible to judge even during the short time there. Now the whole thing has been arranged fairly rationally also as Dr. Sapru said. What is done is, as soon as a candidate comes—I have attended one such interview—he is put at ease by the Chairman himself that he need not become nervous or excited. Though it is true that searching questions are put but they are not irrelevant questions at all. The hon. Mover of the Motion said that they were irrelevant questions. They were not irrelevant questions at all but it is true that they were highly searching questions and while asking searching questions, naturally if, for example, I want to bring out the best in him, that can be done sometimes by apparently putting him aside or by apparently taking him in another direction than 'the one in which he ought to go. These are all searching questions with a view to finding out whether there is any promise of personality behind him and therefore it would not be proper to say that these questions are merely . . . (Interruptions.) unimportant questions. They are never irrelevant questions at all and was put sometimes with a view to bringing out the best in him. As the House is aware, if a man is provoked, the best in him comes out and therefore some-

times such provocative questions also have their own value, it should be understood. After asking these questions, then they follow some other additional practice also. For example, a number of candidates examined in a day, many of them, are called at a particular place. They are asked to speak off-hand on a subject given to them just there so that each man is given 15 minutes and each speaks on a particular subject. He can choose from 4 or 5 subjects that are mentioned. Then you can find out—the examiners are there, the U.P.S.C. Members are there—whether the man has the making of a personality in him.

SHRI BHUPESH GUPTA: In which language?

SHRI B. N. DATAR: All these tests are followed which give some indication—it would not be exactly the final indication and the final indication would depend upon the promise of the man—because at this stage we are only at promise and not at accomplishment. This point should be understood very clearly and therefore it has a certain value but as it has now been found that it would not be proper to give over-riding importance to the personality test, that was the objection and a very large number of failures there were, therefore the whole thing has been compensated for, when his marks in the written test and his marks in the personality test, all are joined together, and therefore after the amendment of the Rules, it will be found that there is no injustice.

DR. R. B. GOUR: Will he consider the question of making the Ministers undergo this personality test?

SHRI B. N. DATAR: May I point out . .

SHRI V. PRASAD RAO: 95 per cent. will fail.

SHRI B. N. DATAR: With due deference to Ministers, perhaps our officers

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have to, especially the District Officers, carry on a more rigorous work. They have to come to a decision just on the spot. Therefore let there not be any minimising of the importance of our District Officers and officers in charge of 9 to 35 lakhs of people; in certain cases, in some of the larger districts they have 35 lakhs. If, for example, a very complicated situation arises because of the doings or misdoings of certain parties . . . (Interruption.) ... of certain parties, I say. This man, either the District Magistrate or the Superintendent of Police, has to understand the whole situation, not within hours but within minutes and he has to come to a quick decision. Therefore district officers, especially of the type for which these All-India competitive examinations are meant, have to carry a very heavy burden of responsibility on them and therefore for the sake of better administration, for the sake of effective administration, for the sake of maintaining law and order to the fullest extent, it is absolutely essential that we have officers who have a personality. They have to develop personality and they have to carry on the administration in the best way. This is the reason why this particular scheme of personality test has been evolved. We have got it in other countries also and we are trying to rationalise it, we are trying to improve it to the extent that is possible but taking things as they are, we have not yet come to any other alternative so far as the personality test is concerned. We shall make improvement in respect of this, but until a better alternative is found either to the personality test or to any other test, this has to be maintained and all the defects that are there have to be improved to the fullest extent. This is so far as personality test is concerned.

Then a number of other points were raised by hon. Members. Certain Members suggested that additional powers should be given to the U.P.S.C. I fail to understand what more powers have to be given. So far as the U.P.S.C. are concerned, they are a

[Shri B. N. Datar.] consultative body and that should be understood very clearly. They are not a substitute for Government; ultimately it is the Government that has to bear the whole responsibility, that has to bear the target of criticism of hon. Members here and therefore the Government must have the ultimate responsibility of taking decisions in respect of all such matters. This is the main position. Even then the policy that the Government of India are following is a policy of accepting ...

SHRI BHUPESH GUPTA: The judiciary is there; under the Constitution it is free but the Law Minister is responsible for the functioning of the judiciary. It does not mean that the judiciary should be a consultative body.

SHRI B. N. DATAR: So far as the judiciary is concerned, it is entirely a different matter and we are giving the highest respect to the judgments of the judiciary but may I point out to my hon. friend that it is the Executive that has to bear the burden and this has to be done by the executive Government and they must have the ultimate say in the matter, subject to the opinion of hon. Members of this House. Therefore what has been laid down in the Constitution is the obligation to consult the U.P.S.C, and in so far as the powers are concerned, we have developed a convention. Our rules are there also. And may I point out here that during the last so many years thousands of cases have been going to the U.P.S.C, and so far as the Report under consideration is concerned, hon. Members will note that there were 10,000 cases that were referred to the U.P.S.C, and out of those 10,000 cases in respect of one or two cases the Government departed from their advice, is it wrong? The House has to understand that it is the Government that has to bear the whole responsibility. They have the obligation to consult but after consulting if in a particular case the Government come to the conclusion that in

the interests of the country a certain course has to be taken, then the Government have to take that course. It is not merely their right but it is their fundamental obligation to do it and what they have to do under the Constitution is to explain the reasons in a memorandum that is to be submitted to this House. I would not go into the memorandum because the matter is *sub jtidice*. But you have to understand that here the U.P.S.C, wanted to take a milder course while the Government wanted to take a sterner course. On the floor of this House and the other on a number of occasions the Government are criticised for being partial to their officers. Here in this case what have we done? We have taken a stern view in the interests of keeping the morale of the people. If, for example, in a particular case there is a preparation for offering a bribe—this has to be understood very clearly—just as the actual offer is bad, the preparation is not merely bad but even worse and it has to be nipped in the bud. I would not go further into that but I would humbly submit to this House that in this particular case Government wanted to take and have taken a sterner view against this particular officer—a very high officer—and that would show that the Government are no respecter of persons and the Government's action in this case is a very clear indication that the Government are not soft as our friends opposite needlessly and unjustifiably say. Even for example when we are dealing with the U.P.S.C, my hon. friend could not resist the temptation of bringing in the services; he could not resist the temptation of bringing in his very choice words like nepotism, corruption and all these things.

DR. R. B. GOUR: And police report.

SHRI B. N. DATAR: Whatever it is, all these things are working on my hon. friend's brain and to a large extent there is an obsession and if there is an obsession, you know the results that will follow and therefore it is very difficult to follow my hon. friend and I would not like to **take**

up the line that he follows and therefore I submit . . .

SHRI BHUPESH GUPTA: I want to make a certain point about confidential report that . . .

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. N. DATAR: My hon. friend Dr. Kunzru raised one more point. He asked why the U.P.S.C. is not consulted so far as extension matters are concerned. Now, in respect of extension matters, the Government, you will find, are in a better position to know. If for example there is an officer who is on the verge of retirement but whose services are required absolutely, in such a case between the U.P.S.C. who have to depend solely upon the papers and the Government who knows the man fully . . .

SHRI V. PRASAD RAO: On a point of order, the Chairman has ruled that the discussion should not exceed in any case two hours and the two hours are already over.

MR. DEPUTY CHAIRMAN: Do you want him to close immediately?

SHRI BHUPESH GUPTA: Once it is ruled, it has to be followed. In one case you would not extend the time limit; it should be adhered to in every case.

(Interruptions.)

MR. DEPUTY CHAIRMAN: He is winding up.

SHRI BHUPESH GUPTA: If the time is over, I say, close it.

SHRI H. N. KUNZRU: I think, Sir, he should be given a few minutes to finish his speech. After all, my hon. friend was given a little more time

to enable him to complete what he was going to say.

SHRI B. N. DATAR: Sir. I am trying to finish. Now, so far as this question is concerned, the Government believe that it would be in the fitness of things if for example the right of giving extensions remained with the Government for obvious reasons. Therefore I submit that so far as this is concerned it has been kept but in other respects we had certain regulations before the Constitution and it was considered that the list of subjects which should be excluded from the U.P.S.C. should be finally settled. We discussed this question with the U.P.S.C. itself and by common agreement a list has been drawn up. It is being finalised and in the course of the next few weeks it will be published. Therefore you will see that even here, so far as the subjects to be excluded from the purview of the U.P.S.C. are concerned, we have consulted the U.P.S.C. The list is a small one; it is limited and the list is perfectly reasonable because it has the consent of the U.P.S.C. also. In a number of other cases dealing with service matters we often consult them and we have the advantage of knowing their valuable opinion. Therefore you will find that on the whole, so far as this Report is concerned, it is satisfactory and the Government and the U.P.S.C. are acting together to the fullest possible extent in the interests of the good administration of the country as a whole.

MR. DEPUTY CHAIRMAN: The time allowed for the discussion is over. The discussion is over. The House stands adjourned *sine die*.

The House then adjourned *sine die* at fifty minutes past inree of the cioctic.