

SHRI MANUBHAI SHAH: I am used to using not only the scooter but also the cycle and I am prepared to use it again.

ME. DEPUTY CHAIRMAN: The question is:

"That the Bill be returned".

The motion was adopted.

**THE PUBLIC EMPLOYMENT (RE-  
QUIREMENT AS TO RESIDENCE)  
BILL, 1957**

THE MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR) : Mr. Deputy Chairman, I beg to move:

"That the Bill to make in pursuance of clause (3) of article 16 of the Constitution special provisions for requirement as to residence in regard to certain classes of public employment in certain areas and to repeal existing laws prescribing any such requirement, as passed by the Lok Sabha be taken into consideration."

Sir, this Bill has been brought forward for purposes of repealing certain rules which had the force of law in certain States which were against the provisions of the Constitution. So far as the Constitution is concerned, the House is aware, Sir, that under article 16 (1) it had been definitely laid down as a policy that there ought to be equality of opportunity for all citizens in all matters, including those relating to employment or appointment to an office in the State. Article 16(2) lays down that there ought to be no discrimination on the ground of a number of circumstances including residence. Now, so far as the question of residence was concerned, before the Constitution came into force, there were a number of provinces, as they were then called, in which we had these discriminatory rules. We had cer-

tain rules which might be roughly called as laying down residential qualifications. There were a number of States in which these rules were in force. In some States, it was laid down that before any such person could be eligible for service in that State, he ought to have resided in that State for at least three years. In some cases, this period was raised to higher figures. In one case it was nearly fifteen years besides some further discriminatory provisions, for example, that he should not continue to reside in any other State, that he might or might not have any property, therein, etc., etc., etc. All these things were there before the Constitution was passed and the Constitution had to consider this question. The Constitution laid down a very important provision that there should be equality of opportunity and that there should be no discrimination at all. In case there ought to be some such, discrimination, then the power must vest in the Parliament and not in the State Legislatures. This is so far as the laying down of a very important provision was concerned. The Constituent Assembly had naturally to consider this case because in a number of States there was such a residential qualification in force. Therefore, it has been stated in article 35' that all these rules and laws in relation to requirements as to residence prevalent in different parts of" India would continue to be in force whatever the validity of such laws until they were repealed or modified by Parliament. That was laid down under article 35. Now, after the Constitution was passed, the question had to be considered by the Government of India. We asked the-various States as to what their particular opinion was so far as this question was concerned. In the meanwhile, Sir, we had the Report of the States Reorganisation Commission. As a (result of this Report, as you are-aware, Sir, the States were reorganised. That Commission dealt with\* this question also and I would in—

[Shri B. N. Datar.] vite attention of the hon. House to what they have stated in this respect in paragraphs 786, 787 and 788. These paragraphs would be found on pages 512 and 213. Now, they have stated:

"Recruitment to the services is a prolific source of discontent amongst linguistic minorities. The main complaint is that a number of States confine entry to their services to permanent residents of the State, permanent residents' being defined in varying ways. These domicile tests, it is contended, have been so devised as to exclude the minority groups from the services."

In paragraph 787 they say:

"The residence required under these rules varies from three years in certain cases to fifteen years. These rules are, strictly speaking, in contravention of Article 16 (1) of the Constitution. They have apparently been allowed to continue in terms of Article 35(b) pending a general review of the position."

Now, in paragraph 788, they recommend that this review should be speeded up. They say:

"This review, we understand, has now been undertaken. Legislation is likely to be promoted in Parliament in order to regulate the extent to which it would be permissible for a State to depart in future from the principle of non-discrimination as between citizen and citizen, as laid down in Article 16 (1). We strongly recommend that the contemplated legislation should be taken up early, and that, if any departure from the principle of non-discrimination is to be authorised at all, it should be such as to cause minimum hardship."

So far as this is concerned, the Government of India have accepted this principle and a memorandum was issued, when this Bill was under consideration, according to which the State Governments were asked to follow certain proper principles so far as

these questions were concerned. I would make reference to a Memorandum of the Ministry of Home Affairs which was placed before Parliament in 1956. In that, we have definitely pointed out. "This principle has been accepted by the Government. They have reached the conclusion that it is, on the whole, neither necessary nor desirable to impose, at the present time, any restrictions with reference to residence in any branch or cadre of the State services." Paragraph 15 is important. "Certain exceptions may have to be made to the general rule of non-discrimination in the Telangana area and the question of making special provisions in relation to employment opportunities in certain backward areas will have also to be considered."

So, you will find that Government accepted this principle, consulted the various State Governments and thereafter they have brought forward this Bill.

Now, so far as the provisions in this Bill are concerned, they are of a twofold nature. In the first place, a general provision has been laid down that all the laws in the States, which deal with discrimination so far as the qualification as to residence is concerned, have been abolished, so that, as stated in article 35 of the Constitution, those rules which had the force of law even after the Constitution, have been repealed in all the States of India. This is point number one. Then, Sir, certain exceptions had to be made. So far as these exceptions are concerned, one is the case of Telangana. So far as Telangana is concerned, as the House is aware, there was some discussion between certain public leaders of Telangana area and the rest of the Andhra State as it then was, and they came to a certain conclusion. The agreement between these leaders was reduced to the form of writing and there was a note on safeguards proposed for the Telangan area. The point was it

was contended then—that Telengana area was backward in certain respects and that in case Telengana was to be joined with the then Andhra State, so as to make Andhra Pradesh State, certain safeguards should be laid down. One safeguard was that there ought to be a regional standing committee, with which here we are not concerned. Now, this particular note was placed before Parliament in 1956 itself and therein so far as this domicile rule is concerned, they laid down in the agreement as follows: (b) *Domicile Rule*: A temporary provision will be made to ensure that for a period of five years Telengana is regarded as a unit as far as recruitment to subordinate services in the area is concerned. Posts borne on the cadre of these services may be reserved for being filled by persons who satisfy the domicile conditions as prescribed in the existing Hyderabad rules. They are popularly known as *Mulki* rules. Now, so far as these rules were concerned, it was felt by the leaders of the Telengana area that for some time there ought to be some discrimination in favour of them so far as certain types or categories of services were concerned. Rightly they excluded the higher services, what are popularly known as the gazetted services. In respect of the subordinate services, where in the former Hyderabad State, a lower qualification was laid down—a lower educational or academic qualification was laid down—they considered that it ought to continue in respect of the subordinate services for a period of five years. It was also their desire, so far as these subordinate services were concerned, that the post of tehsildar should also be included. Now, there is some difference so far as the post of tehsildar in different parts of India is concerned. In some cases they are gazetted; in other cases they are not gazetted. They are also called by different names like '*mamlat-dar*' or '*amladar*' etc. Now, it was also considered that a fairly high position in what would otherwise be a subordinate service should also be

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open so far as the residents of Telengana area were concerned. Therefore, in respect of Telengana area this particular agreement that, had been come to, has been accepted and provision has been made that the residential rules which were prevalent in the Telengana area would continue to apply to the residents of Telengana area for a period of five years. Then, as stated in the memorandum . . .

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): What is the existing rule there regarding domicile?

SHRI B. N. DATAR: They have laid down, as I have stated, a lower qualification, not a very high qualification.

SHRI JASPAT ROY KAPOOR: With regard to residence.

DR. R. B. GOUR (Andhra Pradesh): A period of 12 years.

SHRI B. N. DATAR: The Hon. Member points out that it is a twelve year period. So far as the Telengana area is concerned, we have in this Bill embodied provisions giving effect to this particular item in the agreement regarding safeguards:

Then, secondly, there are also certain territories. So far as Delhi is concerned, it cannot be governed by these provisions at all. But there are other States like Himachal Pradesh, Manipur or Tripura which are comparatively backward. If something like this preference, for example, is kept up before them, then perhaps it would serve as an inducement to them to improve their educational or academic qualifications. As the House is aware, we have made our position clear in the memorandum, to which I made a reference just now and we have stated that in addition to the Telengana area perhaps we shall have to think of making some such reservations so far as certain backward areas are concerned. That is the

[Shri B. N. Datar.]

reason why we have, in respect of some services, namely, subordinate services, made it clear that it would continue for five years. Now, so far as this question of five years is concerned, oftentimes objections have been raised on two grounds. On one side it is contended that the period of five years is not sufficient, is highly inadequate. On the other hand, it is contended that no such exception should be made at all. Now, we have followed a mean in this respect by confining these special rules only for a period of five years, and that too to the subordinate services. So far as the higher services are concerned, it is in the interests of efficiency that the best persons ought to be chosen. They might be from any part of India. It is for this reason that higher services or what are popularly known as the gazetted services have been exempted, in which case no such residential qualification rules would apply at all, because under an earlier clause of this Bill, namely, clause 2, all such rules have been completely abolished.

Thus you will find that this Bill has been brought (forward to lay down a general rule in respect of almost the whole of India that there cannot be any law now—if there is any it has to be abolished—by which any preferential treatment has to be given to certain classes of people on the ground of their residence in a particular area for what is called a prescribed period. Now, all this discrimination on the ground of residence, as the House knows, has been specifically mentioned in Article 16 of the Constitution and we are dealing here only with the question of the removal of all qualifications or requirements so far as residence is concerned. And as I have pointed out, we have made an exception; but that exception itself is hedged in by two restrictions. One is with regard to the type of service, namely, the subordinate service; and the second is that this special treatment will exist

only for a period of five years. After five years all the States, all the areas, all the territories would stand on the same footing, namely, that there cannot be any discrimination so far as domiciled residence is concerned. I am confident that this Bill will commend itself to the hon. Members of this House.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill to make in pursuance of clause (3) of article 16 of the Constitution special provisions for requirement as to residence in regard to certain classes of public employment in certain areas and to repeal existing laws prescribing any such requirement, as passed by the Lok Sabha, be taken into consideration."

DR. R. B. GOUR: Mr. Deputy Chairman, on the Bill that is before us, I have got not much to say except in relation to certain provisions which relate more particularly to my own State. Sir, generally speaking, it is quite appropriate that in our country we have no other qualification for appointment to services except the qualification that is required, I mean educational, technical or otherwise. It is quite true that residence or other qualifications or restrictions are not in the spirit of the democratic set-up that we are experimenting in our country. Nevertheless, we look at the safeguards that have been afforded or promised to the people of Telangana in a spirit of integrating the two units.. When I use the words "integrating the two units", I do not mean that they are in any way culturally, politically or economically separate units. But historically a certain period has elapsed between the two stages when they were united and they are united again, and this gap, this historical, I should say, misfortune that had be fal'en the people of Telangana in particular, had resulted in a certain amount of backwardness. I should say also that it has created

a certain outlook of territorial segregation. That is why we want, and we want the administration also to fully realise, that these two units have got to be emotionally, politically and culturally integrated. This is not only in the interest of the 3 crores of people of the Andhra Pradesh, but it is in the very interest of the country as a whole.

Therefore, Sir, the problem of safeguards is not looked at by us—I think I can take the liberty to that extent of even including the Congress people—from any parochial angle or, I may qualify that, from any sectarian angle. The problem is that we have to look at it from a human angle and from the angle of how smoothly we could integrate the two sections of the same people. Nevertheless, Sir a certain problem is arising as a whole in relation to recruitment to services. We are unfortunately facing in this country today a certain crisis. We see in every province this caste monster raising its head. We are seeing in places all sorts of parochial, sectarian, caste, religious and other feelings rising. I think this House will be doing a duty to the country if it vehemently put its foot down on such tendencies, and these tendencies are being felt even in matters of recruitment to services. These tendencies which are unhealthy in themselves are being felt and they are producing an adverse effect on the service personnel as a whole. Once there was a time when the services were being criticised for running rough shod over the people in the British days. But today we are facing the phenomenon that the services themselves are being run rough shod by the administrative policies.

SHRI P. N. SAPRU: (Uttar Pradesh) : Are they not recruited by the Public Service Commission?

DR. R. B. GOUR: I do not think that the Public Service Commission goes into every case, every case of ordinary

appointment, lower appointment or subordinate appointment. No. I am saying all this with all sense of responsibility. All of us, I think, are opposed to all these parochial tendencies.

Appointments are made even to ordinary posts or of persons belonging to either the same caste or the same creed. I do not think, Sir, the House would ask me to go into details because it would not be good to go into details but it is absolutely necessary, and I think the political parties in his country will have to take it into their hands, to fight this tendency I am not talking in a leader that *tre* have to look into the administrative policy of this or that ruling party. I am not talking in that strain at all. In the case of transfers and in the case of appointments things are happening which are really very damaging to the cause of this country and to the unity of the people. I would like to know what you are going to do about that. If a Minister changes, well, unfortunately certain offices have to be transferred. Today an officer has to stand with bated breath not to either displease the Minister or go too much ahead of him. Well, if he changes his label or his guru or his affiliation, the gentleman is brought to book, and some inconvenience is caused to him. (*Interruption*) If my lady friend wants me to give instances, I will give instances which will be very inconvenient to her. A certain officer in Anantapur who did not belong to the Chief Minister's group has been transferred to Nellore and another person has been brought. I would like to say also that the Osmania University Vice-Chancellor's appointment has nothing to do with the University, but it has something to do with the strengthening the Chief Minister's group. Therefore, please do not provoke me into all this. I am telling you with all seriousness and sense of responsibility that these parochial tendencies in appointments about groups and caste

[Dr. R. B. Gour.] or otherwise are ruining the services and disturbing their minds.,,

(.Interruption.)

If you deny my charge, do it on the floor of the House, I have no objection. You have the chance to speak. In U.P. and Bihar if the appointing authority is a Bhoomihar, he will see whether the candidate is a Bhoomidar or not. Similarly in Andhra Pradesh he will see whether he is a Reddy or a Kamma. In Madras, you are seeing what is happening there, you know what is happening.

SHRI B. K. P. SINHA (Bihar): The hon. Member has been provoked into irrelevance.

DR. R. B. GOUR: I am not irrelevant at all. If I can draw the attention of my hon. friend that there should be no discrimination against any citizen of this country on the score of residence, that means that on the question of caste and other things nothing can be permitted. At least on the question of residence it could be permitted for five years but on the question of other considerations, caste and political, nothing can be permitted. If what I say is irrelevant, will the hon. Member have the courage to say that?

SHRI B. K. P. SINHA: That is prohibited by the Constitution.

DR. R. B. GOUR: Prohibited in law, prohibited in the Constitution, but running rough shod in practice. That is the situation today in the country. If he says it is not so, let him speak about it. All sorts of groupings are there, all these tendencies are there. Therefore, I think, instead of trying to cut me short like this, you will have to search your heart, you will have to probe into the conditions that are

developing under your very eyes and take a responsible approach towards the problem to see that this thing is put down. Then the other question, that I would like to raise is this. You have referred to it in this Bill itself in the aims and objects. You have said that you are doing certain things as envisaged by the States Reorganisation Commission's Report and your own memoranda, granting safeguards to the linguistic minorities. If you call the word 'discrimination' in favour of the linguistic minorities, I think I am prepared to accept it, even that word, for that particular purpose. There are the linguistic minorities and they should not be put into any disadvantageous position just because their mother tongue is different from that of the State in which they live. Therefore, in all fairness to them, what the States Reorganisation Commission asked you to do was that, when the question of recruitment came in, they should not be expected to be proficient in the language of that State; they should possess the working knowledge of that language because they have to carry on in that language. That restriction, I agree, should be there, because without knowing the language of the people you are going to serve, you will not be able to do anything. But for minorities, it should not be a question of a full-fledged proficiency: it should be a question of only a working knowledge because only that would put them on an equal footing with others. Otherwise, other candidates will carry the advantage of the proficiency in the language, because it is their mother tongue. That sort of thing has to be provided for.

I know you will say that this Bill concerns only residence. It may be. From the beginning, I am saying that there must be statutory safeguards for linguistic minorities. But the hon. Minister has always been persistently saying that statutory safeguards are not required in this connection. But I think they are required when we see

this caste monster is rising. The linguistic minorities are the first casualty, because they do not obviously belong to the same caste.

Sir, in this respect, I would again draw the attention of the hon. Home Minister to this particular aspect. I raised this point in relation to a question yesterday. It is a discrimination which will have to be combated because that puts the linguistic minorities at a disadvantage in relation to their other colleagues whose mother tongue is the language of the State. Therefore, Sir, this point has to be taken into consideration in evolving or pruning or adjusting the administrative policies in the States.

We all agree that there should be no discrimination of any type unless, of course, it be as the Bill envisages, a sort of assistance; I should say not 'discrimination'—in favour of any backward area like the Himachal Pradesh, Manipur, Tripura or Telangana. These areas must be assisted. Otherwise, they will never come forward. Let us have a proper mental attitude toward these areas. In every State, it will be like this. There will be some areas which will be better equipped, more fortunate in relation to education and other things. There will be certain areas which will be backward. You will have it in the Uttar Pradesh; you will have it in Bihar; you will have it in Orissa. Everywhere you will have it. In general, we can say that the urban areas are in a better and more advantageous position than the rural areas. So, this sort of a mixture of backwardness and advancement of areas is bound to be there in all States and it is. So, the whole question depends upon our approach—how are we going to remodel our policies; whether it will be in relation to assisting the backward people to compete with others in a healthy manner, of course, or whether we shall encourage all sorts of parochial tendencies, though not in law, but in actual practice.

These are the remarks that I have to make in relation to the administrative policies that our Government in various States, after the reorganisation, have to adopt, more particularly towards areas which are newly added on to them. This question will apply to Mysore also. It will apply to Kerala also, because North Malabar is attached to it. It will apply to other States also to whom new territories have been added. It will also apply to the old, existing States where, on the question of backwardness *versus* forwardness, new problems are arising; new difficulties are arising.

This is our approach to this question of recruitment and employment—discrimination in favour of the backward and more unfortunate sections—or, as I just said, assistance—and a sort of proper national approach towards the whole problem, a non-sectarian approach and a really progressive approach towards the whole problem.

Thank you, Sir.

SHRI JASPAT ROY KAPOOR: Mr. Deputy Chairman, it gives me great pleasure and still greater satisfaction to lend my support to this measure, for I feel very happy to day to find the culmination of the realisation of my earnest wish and desire which I tried, with partial success, to incorporate in the Constitution of the country in the Chapter on Fundamental Rights, specifically in Article 16 thereof. Sir, it has always been my passionate desire that there should be no discrimination at all in any part of the country in the matter of employment under Government service, be it the Central Government, the State Governments or in a local authority whatsoever. It is absolutely necessary for the interest of the unity of the country that every citizen of the country must feel that he belongs not to any particular part of the country, but he is a citizen of this great and glorious country of ours. Unfortunately, it is a fact that the spirit of casteism communalism and particularly provincial-

[Shri Jaspat Roy Kapoor.] ism and parochialism, is prevalent in the land in no small measure. I am in entire agreement with my friend, Dr. Gour who, in strong terms, justified though they were, has brought to our notice a fact which we all know very well in our heart of hearts and that is that casteism, and communal-ism, apart from parochialism, are prevalent in the country in a very, very large measure. It is no use deceiving ourselves that such is not the cast. This came to our notice in a very prominent manner even during the course of the last elections. I do not want, on this occasion, to delve into greater details on the evil of casteism and communalism. I would confine myself, on this occasion, more particularly to the question of parochialism. But as I do so, I do not wish that any one of us should go away under the self-deception that casteism and communalism have gone away from this country. We should take every possible opportunity to condemn and not shield them.

Sir, this question of residential qualifications was raised in the course of the discussion on Article 16 in the Constituent Assembly, myself having been responsible for the introduction of this word "residence" in Article 16, which meant that nowhere in this country should anybody be discriminated in the matter of employment on the ground of residence. At that time this idea was pooh-poohed in several quarters and even some responsible Members of the Constituent Assembly objected to it. I had to work pretty hard to get my viewpoint accepted, for it was opposed even by no less persons than Mr. Krishnamachari and the late Shri Alladi Krishnaswami Ayyar. I did succeed ultimately, Sir, in having this word 'residence' incorporated in Article 16. My stand now is absolutely justified by the necessity which the Government itself now feels for bringing before us the present measure. In this connection, Sir, I would HVe to pay my humble tribute to the States Reorganisation Commission which brought before us very

prominently the evil of parochialism that exists in the various States in the country. That learned Commission, Sir, adorned as it was by the august presence of no less a person among others than our revered friend, Dr. Kunzru, brought before us in a very prominent manner the fact that in several States the residential qualification prescribed residence even up to> the extent of 15 years as was just read out by the hon. Minister while moving this measure. Sir, though this word 'residence' was incorporated in Article 16, its effect was pretty much whittled down b> another amendment by which sub-clause (3) thereto was incorporated according to the suggestion of Shii Alladi Krishnaswami Ayyar. Believing in the adage that "discretion is the tetter part of valour" I agreed to have mat amendment accepted without offering much opposition to it, for I thought if I opposed that, perhaps the little gain that I was having might be lost. Not only was it whittler<sup>1</sup> down by sub-clause (3) under wñch we are now going t this particular measure, but also> another provision was incorporated.. Well, I am always tempted to say— although I should not use that word—that it was smuggled in Article 35 as it were in a very very involved manner, even the implication of which it was not easy to appreciate at that moment. I may confess, Sir, that I myself did not at that moment realise that the incorporation of proviso im part (b) of Article 35 would thereafter be having such a baneful effect as had been pointed out to us by the States Reorganisation Commission. In part (b) of Article 35, Sir, it was provided that any law which was in operation in any State prescribing the residential qualification as a necessary qualification for employment should continue to be operative unless it was repealed by Parliament. And hence, Sir, today we are under the necessity of resorting t Article 35 of the Constitution and bringing this measure to repeal all such obnoxious laws both in the form of a statute or In the form of a rule or regulation.



Sir, I would like at this stage to submit that this measure should not be thought to aim at protecting linguistic minorities. This measure seeks to prevent any residential qualification being insisted upon. The question of language does not arise at all in this connection. I do not know, Sir, why reference should be made at all by anybody, either by the hon. Minister piloting this Bill or by my friend, Dr. Gour. Why should any mention be made of the question of protecting linguistic minorities? There is no question at all here about linguistic minorities. We are here concerned with the question of residence. For example, Sir, if there is a Sikh residing in Calcutta for a number of years since his birth, even though he may be speaking Punjabi language, yet if he wants employment in Punjab, and if there is a rule in Punjab to the effect that only one who has been a resident of Punjab continuously for ten years, then even a Punjabi resident of Bengal, though his language is Punjabi, would not be entitled to employment in Punjab and so on. So, we are here not concerned with the question of language at all though I can understand that it has been brought in because the question of linguism has been haunting over most of us as a nightmare, or shall I say, it has been acting on us even as a day dream.

DR. R. B. GOUR: You have no language probably.

SHRI JASPAT ROY KAPOOR: Sir, the hon. Home Minister on a previous occasion, and today the hon. Minister piloting this Bill have drawn our attention to a memorandum which they had placed on the Table of this House last year, in paragraph 14 of which they had enunciated the Government's policy on this subject. That policy was that they were not in favour of any residential qualification being prescribed in any State for any employment whatsoever. I would like to congratulate them for having taken such a necessary and bold step in

respect of this matter, and it was so good of them that they had circulated this memorandum, or rather I should say this directive, to the various States in the country asking them not to insist on any residential qualification, meaning thereby that any rules and regulations or any laws of a higher character that might be in existence in any State might be repealed by them themselves. They had in paragraph 16 sent out this directive that "The Government of India propose to undertake legislation as soon as possible in order to clarify the position on the lines indicated. In the meantime, State Governments will be asked to review the rules relating to recruitment to State services in the light of the position stated in paragraph 14." I do not know, Sir, to what extent this advice or this directive, if it was a directive at all, was accepted or implemented. Obviously it seems that it had no effect on the States, for otherwise there would have been no necessity for this Bill being brought before us. It is a matter of regret and even pity that an important directive on a subject like this which affects the unity of the country should have been ignored, as I presume it must have been ignored, and I would like to take this occasion to express our strong disapproval of such defiance on the part of the State Governments, defiance of such a useful directive that was given to them by the Home Ministry. Sir, this measure would have been perhaps unnecessary if during the last amending Bill relating to the Constitution a provision had been incorporated therein, as I had suggested last year that Article 35 of the Constitution might be so amended as to take away the efficacy of the existing law relating to domicile. At that time, of course, the Government did not find its way to accept my suggestion, but better late than never. It is good that even at this late stage, seven years after the passing of the Constitution, more than a year after the publication of the S.R.C. report and more than a year after the date of this memorandum

[Shri Jaspat Roy Kapoor.] even, this measure has come before us. I very much wish that this measure had made absolutely no exception in the case of Telangana or any other territory of the country, not because I do not want to give adequate protection to the backward communities, but I think, for that reason it is not necessary to make an exception in their cases. All the while, the hon. Minister was trying to impress on us the necessity of this exception on the ground that the residents of the excepted areas are backward educationally and so on. So far as giving preference on grounds of educational backwardness or any other backwardness is concerned, this gives absolutely no protection to them. For that, there is already a provision in Article 16 of the Constitution; clause (4) of the Article reads:

"Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State."

If it is a question of giving them protection on the ground of backwardness, you have already this provision in Article 16(4). Why then, I ask with all respect, should these areas be excluded at all from the operation of this measure? If a person is a resident of any locality, that should be no qualification for him. You may have a lower qualification for a backward community or backward class which you can obviously do under this clause (4) of Article 16. When you have already this provision, why at all make an exception in their cases? It has not been made clear at all by the hon. Minister as to what special advantage the residents of Andhra State—Telangana—would have if you make an exception in their case, for this does not give them any protection at all. On that ground you can ask that State to have a special mea-

sure under clause (4) of Article 16. For that, even Parliament need not enact any law. I therefore submit that even now the hon. Minister might consider the advisability of not having clauses 3, 4 and 5 at all of this measure. He must seriously consider as to whether it serves any useful purpose at all, any useful purpose whatsoever. If it does not, why then have it here? I am glad to find that the most dominating purpose before the mind of the Government is that the existing laws relating to domicile should be repealed. That is in fact the object of this measure. Even in the Statement of Objects and Reasons of this measure it has been specifically stated that you want to do away with this domicile condition. Do so by all means. But while doing so on the one hand, why do you make an exception in the case of some areas when this exception does not help in any way whatsoever?

May I know why something has been said about the backwardness of the Telangana area and Himachal Pradesh and others which are enumerated in sub-clause (c) of clause 3(1)? Why do you make an exception in the case of Andhra State as a whole? I do not know if my hon. friend, Dr. Gour, who comes from Andhra Pradesh and also other hon. Members who represent Andhra would not feel slighted and insulted by being told, by implication as if it were, that the entire Andhra Pradesh is so backward that every citizen there needs protection under clause 3(1)? Why, may I ask, in the subordinate services of Andhra Pradesh

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DR. R. B. GOUR: We are modest enough to admit even publicly that we are backward.

SHRI H. N. KUNZRU (Uttar Pradesh) : This does not refer to the whole of Andhra. It refers only to a part of it.

SHRI B. N. DATAR: Mr. Kapoor, please read lines 8 and 9.

SHRI JASPAT ROY KAPOOR It says:

"The Central Government may, by notification in the Official Gazette, make rules prescribing, in regard to appointments to—

(a) any subordinate service or post under the State Government of Andhra Pradesh, or"

SHRI H. N. KUNZRU: Only the Telangana area of Andhra Pradesh.

SHRI JASPAT ROY KAPOOR: I will be happy to stand corrected.

SHRI B. N. DATAR: Please read lines 8 and 9 of page 2—

"any requirement as to residence within the Telangana area or the said Union territory, as the case may be . . ."

not the whole of Andhra.

SHRI JASPAT ROY KAPOOR: Which section are you referring to?

SHRI B. N. DATAR: Page 2, lines 8 and 9.

SHRI JASPAT ROY KAPOOR: I should like to claim a little indulgence. He need not thump his hand on the head, because he has to deal with dullards like myself. My reading of it is that it does not state, it relates to the limited area of Telangana only.

SHRI B. K. P. SINHA: It does.

SHRI JASPAT ROY KAPOOR: If it is so, nobody would be happier than myself.

4 P.M.

There is only one thing to which I would like to make reference here. In this memorandum which they had circulated in September last they had expressed their view with regard to their recruit-

ment in the higher services and they had said that with regard to that, they are in agreement with the suggestion of the States Reorganisation Commission that so far as the higher services are concerned or the all-India services are concerned about 50 per cent, of them should be recruited from outside the State. Now that suggestion of the Commission was in line with this suggestion that there should be no domiciliary restriction. The whole object of this suggestion of doing away with domicile and the other suggestion that 50 per cent, of the higher services should be recruited from outside a State was that there should be integration of the whole country. I would have very much wished that this suggestion of the Commission may have been incorporated in this measure. In that memorandum, they had of course said that no rigid rules are considered to be necessary but the recommendation made by the Committee will be kept in view in making future allotments to the all-India services. This was merely a pious wish as we find even today that hardly this has been implemented either by the States or by the Central Government itself. So, also with regard to the next recommendation that judges of the High Court— one-third of them— should be from outside the State. So far, during the one year past since this memorandum had been sent out, probably more a dozen judges have been appointed but except in the case of one or two judges probably . . .

MR. DEPUTY CHAIRMAN: We are not concerned with High Court judges now.

SHRI JASPAT ROY KAPOOR: We are not concerned but we are concerned with the extent of this measure . . .

MR. DEPUTY CHAIRMAN: That is all beyond the point.

SHRI JASPAT ROY KAPOOR: The scope of this measure should have been a little wider and so wide as to

[Shri Jaspat Roy Kapoor.] include the question of having 50 per cent, outsiders in all-India services and 33 per cent, judges being appointed from outside the State. That is my grievance that it would be much better if the scope of this measure had been widened to incorporate these two suggestions of the Commission.

I have hardly anything more to add except something which I may have to say when the amendments of which I have given notice, come to be considered.

In the end, I would like to submit that we should always do our very best to bring about unity in the country and make every citizen feel that to whatsoever part of the country he belongs, he is a citizen of this big and glorious country of ours and that his interests are not confined to any particular area.

SHRI P. N. SAPRU: Mr. Deputy Chairman, I should like to give this measure my full support and I would like to say that it is a good measure. Now, one of the distinguishing features of our Constitution is that it recognizes *no* dual citizenship. We have an Indian citizenship, we have no Uttar Pradesh citizenship, we have no Bihar citizenship, we have no Andhra citizenship, we have no Bombay citizenship. We are all citizens of India. Viewed from that standpoint, the criticism against existing rules regarding domicile to which pointed attention was drawn by the S.R.C. in paragraph 786 of their report is quite understandable. I think the Commission did a service in pointing out the wrong character to the existing domiciliary rules. I don't say that they are against the letter of the Constitution. Perhaps Article 35 or some other article can be used to save them from being regarded as ultra *vires* of the Constitution. But I do say and I do maintain that they are completely against the spirit of the Constitution. Why there should

be these domiciliary restrictions I cannot understand. After all the country is one, we are all citizens of it and if I happen to qualify myself in the State language, if there is some requirement of that character, I should be free to join service in Bihar or Bengal or in any other place. In fact one of the recommendations of the Commission was and I would have liked Mr. Datar to say something about it, that the Public Service Commissions should be so constituted as to ensure that these bodies are not affected by particularist trends. Reference was made, and I am glad that Dr. Gour raised this point pointedly, to casteism and communalism. Unfortunately they are facts of the situation in India and we cannot shut our eyes to the existence of these evils. I don't know whether these are as bad as he painted them to be in Andhra but I have been in some States recently and everywhere one hears this kind of complaint that certain castes are favoured at the expense of other castes.

SHRI B. K. P. SINHA: What about the political discrimination that is being practised in one particular State in the South with a vengeance?

DR. R. B. GOUR: I question. Let him make a speech and I will reply.

DR. R. P. DUBE (Madhya Pradesh): When he has not mentioned the State, why do you get up?

SHRI P. N. SAPRU: One wrong does not make another right. But I don't know what the measure of truth is in the complaint about the Brahmin and non-Brahmin differences in the South. I don't know what the measure of truth is in Bihar about the stories regarding Bhoomihars and Kayasths. I don't know. The feeling exists and people talk about the existence of these differences and it is a sad reflection on us that this feeling should be there and we should do everything that we can to eliminate casteism and communalism from our lives.

Mr. Deputy Chairman, objection was taken by Mr. Kapoor to the special treatment accorded to a particular portion of the new Andhra State, normally called the Telangana portion of Andhra. Mr. Kapoor feels that it will be a new experience for this Telangana portion to work with the new Andhra and there may be emotional reasons, why from the point of view of higher statesmanship, it is desirable to treat it for the time being as a special area. Similarly. I think there is everything to be said for the special treatment which has been reserved for certain backward areas like Himachal Pradesh, Manipur and Tripura. I note that the rules which will be made under this Act will have to be placed before this Parliament and they shall have to lie, before being operative, on the Table of this House for a period of 30 days. I should have liked a more specific provision in regard to this matter. I think that rules should not only be placed before the Houses of Parliament but also that specific attention of Parliament to those rules should be drawn up by a specific resolution moved on behalf of Government. If that procedure is adopted before the rules become operative, the Houses will have the chance to vote on the resolution so moved. Both the Houses will be in a position to look into those rules more closely and give the benefit . . . .

MR. DEPUTY CHAIRMAN: Clause 4 provides for that.

SHRI P. N. SAPRU: The clause provides that the rules would be laid before the House and it is thereafter open to any Member to raise a debate on them. What I want is the Minister should come with a resolution to the Houses for the acceptance of those rules and specific attention drawn in that way to the rules. Then it will be possible for Members to make some contribution. Then the onus will not be on any Member to raise a discussion. We know, Mr. Deputy Chairman, that it is not easy for a

non-official Member to raise a discussion.

MR. DEPUTY CHAIRMAN: That is. the normal procedure followed.

SHRI P. N. SAPRU: I am not suggesting that this is an ordinary procedure. Frankly, I would have liked, Mr. Deputy Chairman, a departure to be made from the ordinary procedure because I think, this is a matter of some importance in which the country as a whole is interested. We cannot escape our responsibility as Members of Parliament for linguistic minorities. In most of the States there are some linguistic minorities. We want to see that members of those linguistic minorities, men and women belonging to those minorities, get a fair chance of employment in their States. What the Constitution does is to lay down that there shall be equality of opportunity in the matter of public employment for every citizen of India and that is a responsibility which the Constitution imposes upon this Parliament and it is a heavy one. It is for this Parliament as the supreme body in the land to ensure that the spirit and the letter of the Constitution in the matter of public employment is observed. We say that we are working towards a socialistic order of society. I think that that order will be unachievable by this country unless adequate opportunity is provided to every citizen for employment. He must have a reasonable assurance, that provided he satisfies certain tests, he shall have as good a chance as any other citizen of employment in the services of the country. For this reason, it is necessary that Parliament should continue to exercise a constant supervision over State policies regarding public employment. So far as the higher services are concerned, we have the Union Public Service Commission and personally I do not believe in importing regional considerations in making appointments to superior positions. I would not bother about regional considerations so far as appoint-

[Shri P. N. Saprū.] merits to inferior posts are concerned. Merit should normally be the sole criterion. I say—the sole criterion normally, because there are certain backward classes. In order that the objectives of our Constitution might be fulfilled it might be necessary for us to make for some period some reservation. Therefore, Mr. Deputy Chairman, I should think that the procedure hereafter to be followed under Section 3 of this Bill is preferable to the one which we have at present. The result of this measure will be that instead of any reservations regarding appointments being made by a State Government, it will be this Parliament which shall have to lay down the qualifications.

I would like, Mr. Deputy Chairman, to invite the attention of the House to paragraph 737 of the States Reorganisation Commission Report. They say: "Residence required under these rules varies from 3 years in some cases to 15 years." This is really a monstrous position, a ridiculous position. Fifteen years in certain cases is an absolutely ridiculous position. Even nationalisation of a concern of another country can be done in five or seven years. But the proposition that in order that you might qualify yourself for appointment in Uttar Pradesh or in Andhra, you must have been a resident of that State for 15 years, is a ridiculous one.

It is a qualification which is inconsistent with the spirit of our Constitution. It was, therefore, a matter of some importance for the Union Government to bring forward this Bill. I am glad that the Union Government has brought forward this Bill and I would like, Mr. Deputy Chairman, to give it my wholehearted support.

SHRI H. N. KUNZRU: Mr. Deputy Chairman, this Bill, as Shri Datar explained, is in accordance with the recommendations of the States Reorganisation Commission. Clause 2 of the Bill carries out the recom-

mendations of the Commission with regard to the question of the employment or appointment of a person depending on his prior residence in a State. Clause 3 relates to another recommendation of the Commission with regard to Telangana. The Mover of the Bill drew our attention to the observations of the Commission on this point but I should like to quote one or two other sentences which bring out clearly the fear in the minds of the people of Telangana when they were asked about the desirability of the amalgamation of Telangana with Vishalandhra. The Commission observes in paragraph 378 of its report as follows:

"One of the principal causes of opposition to Vishalandhra also seems to be the apprehension felt by the educationally backward people of Telangana that they may be swamped and exploited by the more advanced people of the coastal area."

This was not the only reason why some of the prominent persons who appeared before the Commission were opposed to the amalgamation of Telangana with Andhra but this was a very important consideration in their minds. The Commission has further said:

"In the Telangana districts outside the city of Hyderabad education is woefully backward. The result is that a lower qualification than in Andhra is accepted for public services."

It then went on to say—and I should like to draw the pointed attention of the House to these words—

"The real fear of the people of Telangana is that if they join Andhra they will be unequally placed in relation to the people of Andhra and in this partnership the major partner will derive all the advantages immediately, while Telangana itself may be converted into a colony by the enterprising coastal Andhra."

The Government of India agreed last year that special protection should be afforded to the people of Telangana in the matter of appointments to subordinate services and posts in Telangana. This has been done. Clause 3 gives effect to this particular recommendation of the Commission, namely, that the rights of the people of Telangana with regard to appointments in their own area should be protected. Now, the Commission was of the opinion that Telangana and Andhra should not remain permanently separated. It recommended that the State of Hyderabad should be allowed to continue as an independent entity for five years and that the State should be amalgamated with Andhra if a two-thirds majority of the new Legislature was in favour of the amalgamation. Now, this means that the Commission wanted the rights of the people living in Telangana area to be protected for a period of five years. The limitation applies on the continuance of this protection for a period of five years by virtue of the provisions in clause 5 and this clause, therefore, is in the spirit of the observations made by the Commission. Now, it has been stated by my friend, Shri Kapoor, that this protection is being accorded to the whole of the Andhra area. It is not so.

SHRI JASPAT ROY KAPOOR: What I meant was that protection to residents of Telangana was being given in the whole of Andhra Pradesh.

SHRI H. N. KUNZRU: Sir, it should be clearly understood that legally the posts in the Telangana area are under the Government of Andhra Pradesh.

SHRI J. S. BISHT (Uttar Pradesh): What Mr. Kapoor says is whether the reservations would apply to posts falling vacant in the Telangana area or in the whole of the Andhra Pradesh.

SHRI B. K. P. SINHA: It should be for the whole of the State, not for Telangana area only. Why should it be for Telangana only?

SHRI H. N. KUNZRU: There is one cadre for the entire State. That is quite obvious but protection is being given here only to the people living in the Telangana area.

SHRI J. S. BISHT: For the whole of the State?

SHRI KISHEN CHAND (Andhra Pradesh): Certain ratios have been fixed for the services in the two parts.

SHRI H. N. KUNZRU: Apart from that, clause 4 says,

"All rules made under section 3' shall, as soon as may be after they are made, be laid for not less than thirty days before each House of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid, or in the session immediately following."

Now, these rules will remain before both Houses of Parliament for thirty days.

SHRI J. S. BISHT: But the rules cannot contravene the laws.

SHRI H. N. KUNZRU: Since the rules are to be made under this enactment, nothing that is done in the rules will be contrary to clause 3. What I say is, that if the rules circumscribe the operation of clause 3, that will be in accordance with the enactment. The rules will have the same force as any section of the enactment.

SHRI J. S. BISHT: Provided they do not contravene the main enactment.

SHRI H. N. KUNZRU: There is no question of contravention. Every thing is made subject to the rules-made under clause 3.

SHRI J. S. BISHT: A citizen of Telangana is given the right over the whole State.

DR. R. B. GOUR: The services are divided in the ratio of certain people for Telangana and certain for the rest. That is how it is fixed.

SHRI H. N. KUNZRU: It is about 1:2. It is well known. That is the proportion that exists. There is an understanding, Sir, that a third of the posts will go to the people of Telangana and two-thirds to the people of the rest of Andhra Pradesh.

SHRI AKBAR ALI KHAN (Andhra Pradesh): And that is also subordinate.

SHRI H. N. KUNZRU: It ought to be clearly understood that a person living in the Telangana area does not by-virtue of clause 3 of the Bill get any right to be appointed to a post in the "whole of Andhra."

SHRI J. S. BISHT: , We agree with the principle, but we think it should *be* clarified in the amendment.

SHRI H. N. KUNZRU: It is perfectly clear. No amendment is needed so far as I can see.

SHRI B. N. DATAR: Let the hon. Member read lines 8 and 9 on page 2 here, at the end of clause 3(1).

SHRI H. N. KUNZRU: He will find the words "any requirement as to residence within the Telangana area or the said Union territory, as the case may be, prior to such appointment". A person living in the Telangana area may be appointed to a subordinate service or post and may serve outside the Telangana area; but in that case no condition with regard to residence will be imposed. Now, the people living in the Telangana area are being given a special right.

Now, my hon. friend, Shri Kapoor, drew our attention to Article 16(4) of the Constitution which says:

"Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of

any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State."

Now, this is a power given to the State. The people of the Telangana area were afraid that the Andhra State would not deal justly by them. Therefore, the Commission recommended that in order to allay these fears they should be given a Parliamentary guarantee with regard to the protection of their rights. It will thus be seen clearly that . . .

SHRI JASPAT ROY KAPOOR: My only difficulty was, how will backwardness help them by virtue of this measure, because this relates only to residence and the backwardness in respect of education and all that is not covered by this measure.

DR. R. B. GOUR: It will be covered under the rules.

SHRI JASPAT ROY KAPOOR: No rule can be made which goes beyond the scope of residence. The rules must be confined to the question of residence and backwardness does not come within its purview.

DR. R. B. GOUR: A gentleman's agreement will govern the procedure.

SHRI AKBAR ALI KHAN: May I explain it? When it is limited to residence, the qualification will be seen with residence. Suppose there is a person who is a resident for ten or twelve years or born in Telangana and he is a matriculate. There is another person who is not a resident of Telangana but is a resident of Andhra and he is an intermediate. In that case this residence will help him to get that position irrespective of the fact that he is not intermediate.

SHRI H. N. KUNZRU: That is the plain meaning of the thing. My hon. friend has correctly explained the purpose of this clause.



MR. DEPUTY CHAIRMAN: Further, Article 16(4) is for backward class citizens. Backward class has a separate meaning altogether. It is a totally different thing. If does not apply.

SHRI H. N. KUNZRU: I have already explained, Sir, that in order to allay the fears of the people of Telangana, a Parliamentary guarantee was necessary. The Government of India agreed with their view and has very properly "brought forward this Bill which I have no doubt will give great satisfaction to the people of Telangana. The observation of the Commission, to which I drew attention, was inspired by wider considerations than those relating to residence. I think, therefore, that the hon. Dr. R. B. Gour acted in accordance with the spirit of the Commission's recommendations by drawing attention to the grievances of the people of the Telangana area with regard to certain matters which have come to his knowledge. He referred in the course of his remarks to the manner in which the Vice-Chancellor of the Osmania University had been appointed. I heard something about this matter when I was in Hyderabad a few days ago. The fact is that the Professor of English in the Osmania University, who had been officiating as Vice-Chancellor for about eight months, and who was about to retire on attaining the age of 55, was asked to make room for a retired Director of Public Instruction of Hyderabad State . . .

SHRI KISHEN CHAND: It is Andhra Pradesh State.

SHRI H. N. KUNZRU: ... of Andhra Pradesh, who is 62 years old. I do not want to dwell on this action of the Andhra Government. But when appointments are made like this, they cause understandable and, if I may say so, justifiable resentment among the people of Telangana. I, therefore, agree with my hon. friend, Shri Gour, in asking the Government of India to bear in mind the wider implications of the Commission's recommendations and use its influence with the Govern-

ments of the States and in particular with the Government of Andhra to see that appointments are made in such a way that the emotional integration of Telangana and the rest of Andhra Pradesh may soon be an accomplished fact.

There is just one other matter on which I should like to obtain some information before I sit down. The Commission, in paragraph 368 of its Report, has referred to the position of the Urdu-speaking people of the twin cities of Hyderabad and Secunderabad who constitute 45 • 4 per cent, of the population of these cities. It said, they seem to entertain the fear that if Hyderabad became the capital of either Telangana or Vishalandhra, they would stand to suffer culturally and economically. There is some justification for this fear. And then the Commission went on to say that some measures should be adopted to give adequate protection to the linguistic, cultural and other interests of the large Urdu-speaking people in the twin cities. These measures should, in our opinion, include the recognition of the special position of Urdu in the educational institutions and in the administration. Steps will also have to be taken to ensure that the Urdu-speaking people are not discriminated against in the matter of recruitment to services. Well, we have dealt with the question of recruitment to services in one of its aspects; but this is another aspect of the same question. I should like, therefore, to obtain information with regard to the position of the Government of India with regard to this recommendation.

Sir, in August last Government laid before Parliament a note on the safeguards proposed for the Telangana area, and it was said in part C of this memorandum "the Government of India would advise the State Government"—that is, the Andhra Government—"to take appropriate steps to ensure that the existing position of Urdu in the administrative and judicial structure of the State is maintained for a period of five years". I do not

[Shri H. N. Kunzru.] know, Sir, why this limitation of five years has been placed by the Government of India in their recommendation to the Andhra Government. Did the Government of India think that within five years the people of Hyderabad and Secunderabad would forget Urdu or that the preference that those people in that area give to the learning of Urdu would be a thing of the past in five years? As things are going on at present, I do not think that there is any sound basis for this assumption, and I suggest therefore that the State Government should be asked to bear in mind that it would be desirable in the interests of contentment of the people of Telangana that the special position of Urdu in the administrative and judicial structure of the State should be maintained. This does not mean that the Telugu language should not be developed. Full freedom should be given to the people speaking Telugu to carry on their business in their own language, to submit applications to courts in Telugu, to approach the administration through representations written in the Telugu language. But at the same time due regard should be paid to the interests of the Urdu speaking people. Justice requires that the operation of the recommendation which the Government of India must already have made to the Andhra State should not be limited to five years. The Government will not lose anything by continuing to acknowledge the special position of Urdu but will on the other hand strengthen its hold on the affections of the people and consolidate the administration throughout its territories.

SHRI KAILASH BIHARI LALL, (Bihar): Sir, although I did not like to speak on this Bill, I am forced to speak because such an important measure has come up before this House. Although we have heard very beautiful speeches on the aspects of this Bill and on the question of national unity, I feel an urge to bring one point to the notice of the hon.

Minister. When we legislate on such good things, we begin to soar in the atmosphere of imagination and become forgetful of the things below our feet. Here I am reminded of the saying that while philosophers think of the stars in the sky, they forget all about the land below and fall into the well. That is what is happening at present also.

Sir, we framed a Constitution and also put a good deal of national labour into it and we incorporated therein very good national sentiments for national unity, and we made provision for a national language also. Now, only after a few years we are seeing how national unity is taking shape. A cry is being raised from this quarter and that quarter against Hindi. We see that even Hindi signboards in the stations are wiped off, and God knows what things are happening and what things will happen in the future on such a beautiful aspect of national unity. But I do not blame anybody because we forget things on earth and take our stand on the sky. When we make such a beautiful legislation we should keep our eyes open to the realities of the position. I mean to submit that I do not want to create an impression that I am against this legislation. I am always for every aesthetic sense, for everything beautiful. When the hon. Minister wants to adore the Statute Book with a good national law in the interests of national unity, from an aesthetic sense I will be the last man to oppose it. I realise that it is a very good piece of legislation when we imagine that we will attain national unity through it. But I want to place only one point before the hon. Minister that, while he is always thinking of good national things in order to bring about national unity, he should make a probe into the actual facts prevailing everywhere. I have spoken in this very House, from this very place, several times as to what is happening in the provinces. Those very-people who are very loud—excuse me for what I say—speak with double

tongues in their cheek. It is a hard expression and I apologise for that. But there are people who speak with double tongues, something in the name of national unity, and, when the occasion so demands, something in the name of community, caste and province. That is what is happening today. If you like to shut up your eyes before such a beautiful thing that you are bringing for the national unity, that is up to you. But you cannot run away with such imaginary things. You have to go into the realities of the situation, and I may tell you that only the wearer knows where the shoe pinches. So, if you want to make a probe into realities, you go to the provinces who are backward and see how even a clever man has to fight for a position with his own kinsman—he will not allow any man other than the one of his choice to enter into the portals of his office. I do not oppose this beautiful legislation . . .

SHRI AKBAR ALI KHAN: Is that the case in Bihar?

SHRI KAILASH BIHARI LALL: It is everywhere. In Bihar we have got the bitterest experience. I would be very glad to see, just like my friend Dr. Gour, that Bihar is also included in this exception in this very Bill. I do not know how the leaders in my province would like my suggestion, but I am content to suggest that Bihar should also be brought within the exception like Andhra Pradesh. But I was going to suggest only one point in view of the reality that is facing the country. I am not suggesting a new thing. In the past also, I have suggested it. Today also I am suggesting it before the Home Minister. If you really want national unity you should accept reality and for that, you should fix a proportion in the Central services. My friend, Mr. Sapru, said that, I have already said that there are persons who fly. I am not a man like that. I say, if you fix a proportion for every State in the Central services according to the population,

you will be doing fair justice and avoiding national destruction. Today, you have got Members, in proportion, from every State in this House. There is no hue and cry. But tomorrow, you bring in a Bill and abolish that and say that every citizen of India can stand from anywhere, almost all the capable persons will pounce upon the backward States and get themselves elected through their long purse. Then you will know what is the advantage of fixing the number of representatives while seeking election to the legislatures and Parliament. There is no cry over that question, because you have fixed a proportion. Nobody accuses anybody. But tomorrow, in the name of national unity, in the name of a good, beautiful idea of one nationhood you do this, I challenge you and you will find what difficulties you are facing in every sphere. You will see that people from Bombay, with long purses—multi-millionaires—are getting all the seats. I do not know how they will capture the seats, but they will capture them. People should have a long purse in these days in order to capture seats in the legislature. You are aware of that. I am not telling a new thing. You are aware how elections are being fought and of the people behind them. I have not a long purse. But sometimes, it works, because the stock of credit of the Congress is there today. So, people vote for people nominated by the Congress. There is no doubt that even the Congress candidates are defeated at some places because they are confronted with a long purse. I told you these things to draw a comparison.

I give you one point. You wipe out this proportion that you have fixed for every State and see what happens. I say something very cruel, cruel to the hearts of those who are here, myself and of those persons who really have national unity at heart. I am an inveterate enemy of casteism, communalism and parochialism. I feel that there ought to be some real basis

[Shri Kailash Bihari Lal.] on which to take our stand. It will not do to think of imaginary things, and confront the nation with those beautiful things. If we do that, we will drown ourselves into the sea of unreality.

Therefore, the only suggestion that I wish to make is this. If you really want national unity, you should take up seriously the question of introducing a proportion, on the basis of the population of the constituent States in the Central services and that only can solve your problem and you will see national unity from tomorrow if you do it. As I have told you, there are persons with double tongues in their cheeks and they can try to paint before you the picture of national unity and behave just the opposite way. Everyman is a parochialist there and I can tell you about those in offices and as to how they are behaving. I have said very cruel things that they have got two tongues in their cheeks and you will find that every man is whispering only about his affairs. I have the experience of it. I have got no time, otherwise, I will narrate a story as to how people behave.

*(Interruptions.)*

This is the only point that I want to stress upon and bring home to the Home Minister, to take into consideration and try to set at rest such a disturbing question of national disunity and that is the only thing that will solve the problem.

SHRI KISHEN CHAND: Mr. Deputy Chairman, I wholeheartedly support this Bill. Clause 2 of this Bill is a very good one. It really wants to do away with all sorts of parochialism in any appointment made under any State Government or local authority or under the Central Government.

DR. R. B. GOUR: All parochialism?

SHRI KISHEN CHAND: But whether it will, in effect, do away with paro-

chialism or not, is another question. At least on paper, as far as the rules and regulations and the laws are concerned, it is going to do away with parochialism and in so far as it does so, I welcome it.

According to clause 2, you are going to remove all residential qualifications for appointment to any post. There is an understanding which was arrived at between the representatives of the Telangana and of Andhra State as it existed before the States reorganisation. These negotiations went on for a long time and a formula was arrived at to the effect that, in all the eight districts of Telangana, for all judicial, revenue and police offices, in the subordinate posts, only the people of Telangana will be appointed. The Central Secretariat was constituted in the City of Hyderabad when Telangana was merged with Andhra. There, of course, all the clerical staff belong to Telangana. But the agreement was that, in the Central Secretariat at Hyderabad, one-third of the posts would be given to Telangana and two-thirds to the people of Andhra. This was a gentleman's agreement. When the Joint Select Committee on the States Reorganisation Bill was sitting, that note was circulated to us, members of the Joint Select Committee, who came from Telangana. We had a copy of that note. So, if you want to read clause 3, it must be read with that understanding that in the matter of all appointments to the subordinate posts in the Judicial, Revenue and Police Departments, only the people of Telangana will be given preference. Also in the matter of transfers, no person of Telangana who is employed in the subordinate post in these eight districts will be transferred to other districts of the Andhra Pradesh and vice versa. That is why, under clause 3 it is said that the Central Government may make rules prescribing any requirement as to residence within the Telangana area. The Central Government will prescribe the residential qualification for obtaining employment.

posts in those eight districts of Telangana. So, to come out with that understanding about the appointments to posts in the Telangana districts is a complete thing and I think it is very good.

As was pointed out by Dr. Gour and Dr. Kunzru, after all, you make rules and regulations and these things with the goodwill and the good spirit of the Chief Minister of Andhra Pradesh, can be carried out. There have been one or two instances, as was pointed out, just like the case of the Vice-Chancellor of the Osmania University. And there are certain cases of transfer also where the people of Telangana have some grievances. I am sure that, if the attention of the Chief Minister of the Andhra Pradesh is drawn to them, he will move . . .

DR. R. B. GOUR: He will kindly excuse me for my intervention. It is not one instance, instances are many. The Director of Public Health supersedes two senior people and has been appointed to that post. That is the position.

SHRI KISHEN CHAND: Well, let us be a little moderate and make a request and hope that the Chief Minister of Andhra Pradesh will be careful that the promises made to the

people of Telangana and their representatives before the merger of the two Telugu-speaking parts of India are faithfully carried out and that there are no grievances. A little generosity on the part of the administration of Andhra Pradesh will be very good and very welcome.

SHRI V. K. DHAGE (Bombay):  
Generosity?

SHRI KISHEN CHAND: Well, generosity in interpretation or you might say, justice.

SHRI V. K. DHAGE: Liberal interpretation?

SHRI KISHEN CHAND: Yes, a little more liberal interpretation of that thing will be very good.

MR. DEPUTY CHAIRMAN: Are you taking more time?

SHRI KISHEN CHAND: Yes, Sir.

MR. DEPUTY CHAIRMAN: Then you can continue on Monday. The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Friday, the 22nd November 1957.