

1. Appropriation Accounts (Civil), 1952-53, and the Audit Report, 1954—Part II, thereon. [Placed in the Library. See No. S-94/56.]
2. Commercial Appendix to the Appropriation Accounts (Civil), 1952-53, and the Audit Report, 1954, thereon. [Placed in the Library. See No. S-95/56.]

U.P.S.C. REPORTS FOR 1953-54  
AND 1954-55—continued

SHRI T. BODRA (Bihar): Mr. Deputy Chairman, while supporting the motion of Shri Mathur, I would like to say something on the subject of recruitment of candidates from the Scheduled Castes, the Scheduled Tribes and other Backward Classes.

MR. DEPUTY CHAIRMAN: Does the report mention about this subject?

SHRI T. BODRA: But the Union Public Service Commission is absolutely under the Home Ministry, and we have been hearing here with great patience the hon. Home Minister referring to the various assurances and the special measures that he says are being taken and the special rules there are for the recruitment of candidates from the Scheduled Castes, the Scheduled Tribes and the Backward Classes. He also says that percentages also have been fixed for their recruitment and that the necessary orders have been passed to the U.P.S.C. in the matter of relaxation of the age-limit in the case of these candidates, in the matter of relaxation of qualifications and what not. But as a matter of fact, one look at this report would convince anyone that the officers in authority and the hon. Ministers also who are responsible in this respect, have cared very little to see that these honest intentions that are being professed here in Parliament and outside Parliament also, are honestly implemented. My complaint, Sir, is that there has

been a deliberate intention to suppress and ignore and neglect the claims of the candidates belonging to the Scheduled Castes, Scheduled Tribes and other Backward Classes. I say this because I have got ample evidence of cases within my own knowledge in which candidates from these classes have been refused appointment on very flimsy grounds. Why? Because.....

MR. DEPUTY CHAIRMAN: Mr. Bodra, you cannot criticise the action of the Public Service Commission.

SHRI T. BODRA: Sir, I am criticising the Home Ministry.

MR. DEPUTY CHAIRMAN: You can criticise the Home Ministry.

SHRI T. BODRA: That is what I am doing, Sir. I am not criticising the action of the Union Public Service Commission.

THE MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): We do not select, we make appointments.

SHRI T. BODRA: Yes, Sir, I speak subject to correction. I am not speaking anything about the members of the U.P.S.C. I want to point out to the hon. Minister in the Ministry of Home Affairs who is present here that he has travelled very widely, even last year he was travelling in those areas which are mainly inhabited by the Santhals or the Mundas or the Oraons. He has travelled in the State of Assam also. Therefore, I would like to put him a question: How many tribals or Assamese have been recruited to the Class I Services either in the Indian Police Service, or in the Indian Administrative Service or in the Indian Accounts Service? Sir, my complaint is that these relaxations of the rules, these age relaxations etc. in the case of the Scheduled Castes, the Scheduled Tribes and other Backward Classes will not serve the purpose. If the Home Minister has the interests of these backward candidates, he has got to do something more. And what is

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that? It is this. I would like to see in the advertisements that are issued, right from advertisement No. 1 to the very last of them in the list, it is stated that there is the special right exclusively for the Scheduled Tribes, the Scheduled Castes and the other Backward Classes, for the post, be it a post in the I.A.S. or in the Indian Accounts Service or any other service. I say this, because recently I have seen from the gazette notifications that only such posts are reserved for candidates of these classes where you require very high technical qualifications. For a category of post where highly technical qualifications are needed, you find it stated that one post is being reserved for candidates of these classes. And of course, if such a candidate is not available, then that post also is open for general candidates. But unfortunately candidates from the Scheduled Castes or Scheduled Tribes and other Backward Classes do not have such high technical qualifications, because they have never had the chance to go in for such courses. They were not financially in a position to equip themselves with such qualifications. Therefore they should be given chances in posts where you require general qualifications, like those of a graduate, a B.A. or a B.Sc. or an M.A. or M.A., LL.B. and so on. If such posts are made available to them then these candidates can take advantage of them. Otherwise, if the reservation is made only in the case of posts where highly technical qualifications are needed, it would be useless.

The result of all this is that although the hon. Minister has been giving all sorts of assurances, a sort of resentment, a sort of depression, a sort of loss of confidence has set in in our hearts, and what we are afraid, what we are beginning to think is that in spite of good professions, in spite of good lectures from the press and platform, we have begun to lose confidence in the hon. Home Minister, and we feel that perhaps the people

at the helm of affairs, do not want the Scheduled Tribes, the Scheduled Castes and other Backward Classes to come up to their own level, that all these professions from the platforms are useless. This feeling of depression has gone to such an extent among the tribals that they have begun to protest and in the agencies, in the NEFA areas they have a feeling of rebellion against the Government of India itself. Of course, it is most foolish. But why is it so? In my area also, Sir, we have left the Congress. We never have been Congressmen and we would not like to join the Congress, because all the Congressmen, all the big people have been trying to give us false promises, promises which are never implemented. Perforce we are contesting all the elections against the Congress.

The sum total of all this is that what is being professed here in Parliament and what is being professed outside Parliament also, should be implemented by the Government of India in order to infuse the spirit of confidence into the hearts and minds of the Scheduled Tribes, the Scheduled Castes and the other Backward Classes.

Sir, I have nothing more to say  
Thank you.

SHRI KISHEN CHAND (Hyderabad): Mr. Deputy Chairman, I feel the hon. Member who has moved this motion has only tried by this means to focus the attention of the Home Ministry to this subject and does not so much desire to criticise the Home Ministry. I am very glad to read in this report that progressively the U.P.S.C. is getting greater co-operation from the Home Ministry and all the other Ministries. This is a good thing, for it seems that the Home Ministry and the other Ministries feel that because of discussions such as this one, Parliament is keeping a watchful eye to see whether they are co-operating properly with the Public Service Commission.

Sir, I submit that the administrative service in any country is the real

backbone of good administration. That is what we see in many foreign countries like France, for instance. There we find ministries come and ministries go, but the administrative services continue and it is only a contented and satisfied administrative service that can really carry out to the fullest extent the ideas and desires and instructions of Parliament or the Ministries. On this point I would like to say a few words. To the extent that the Ministry by some arrangement gives exemptions or promotions or keeps superannuated persons in their Departments, to that extent it is real discouragement to those who are fulfilling their proper duties in the service. For keeping the services really contented it is very essential that the Ministries should not do anything which gives them cause for dissatisfaction. And the greatest cause for dissatisfaction will be if you continue to employ superannuated people, because by doing that you are really depriving others who are lower down the ladder and who want to climb.....

**SHRI AKBAR ALI KHAN (Hyderabad):** Could you give the figures?

**SHRI KISHEN CHAND:** There are only two or three such cases. The figures are very small. In fact, I began with the statement that progressively the Home Ministry is co-operating. I am only saying that this type of criticism is really to put pressure on the Home Ministry not to disregard the recommendations of the Public Service Commission. The figures are no doubt small. But that is all the more reason why you should not do that. For the sake of one or two people you are creating disaffection in the minds of so many. People only look to one or two cases. Therefore, Sir, the Government should completely entrust it to the Public Service Commission.

I come to the second point, and that is about the method of examination. I think that Parliament should really reconsider this question. They

should see whether they can interfere or they can give certain suggestions to the U.P.S.C. about the relative merits of a written examination and a *viva voce*. There are many people who think that too much weight is given to *viva voce* examinations, and that a candidate who, on the spur of the moment, can answer a few, sometimes vague, questions, and some irrelevant questions, a person who has got the aptitude for quick repartees and quick answers gets marks out of all proportion in a *viva voce* examination. It is a well-known fact that in other countries *viva voce* has been introduced in almost all competitive examinations, but the marks allotted to *viva voce* examinations are kept pretty low. Therefore, I would suggest that the Government should review the relative merits of a written examination and a *viva voce*.

Now, Sir, I come to the question of additional recruitment to the I.A.S. when a question was asked in this House, the hon. Minister said that the Government wanted to go to the open market and get more talent. It means that according to the hon. Minister, there is not enough talent among the young men who appear in the competitive examinations, and there are older people who can be recruited. Sir, this gives a chance to the Ministry to select certain people who may not be able to get into the I.A.S. in the normal course. The hon. Minister assured us on that day that the U.P.S.C. will be consulted on the question of recruitment of these people. They should prescribe regular rules about the examinations, and if the selection is made according to those rules, it will be a different matter. But I hear that this procedure is not going to be followed. On certain recommendations some members from the Home Ministry and one or two members from the U.P.S.C. will form the panel of selectors and they will select people from the open market. I think, Sir, this procedure is highly objectionable. When we have got a regular exami-

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nation for recruitment to the Indian Administrative Service, there should be no recruitment from the open market. We are developing the industries; we are developing the commercial concerns in the public sector. And if there are any talented people, the Government has got plenty of opportunity to appoint them in these new services. I will go a step further and will request the Home Ministry that even for these commercial posts there should be either the same U.P.S.C. or a special commission for the purpose of recruitment.

Sir, in a democracy, it is very essential that the Ministry should be above suspicion. There should be no idea of nepotism, no idea of favouritism. Although in the I.A.S. there may not be a chance for favouritism, in the new commercial services that are being set up, in the new appointments that are being made, there is a good chance available to the Ministry to make appointments on recommendations and not on sheer merit. As regards foreign service, there is a good deal of direct recruitment in it. I consider this to be highly objectionable. In all the services, the Indian Foreign Service, the Indian Administrative Service and the Indian Police Service, the entire recruitment should be done through the Union Public Service Commission. With these suggestions, Sir, I wind up my observations.

SHRI H. C. DASAPPA (Mysore): Mr. Deputy Chairman, Sir, I would like to deal with just one or two points. The first one is with regard to the necessity for this emergency recruitment. I was just now told that the emergency recruitment would be to the I.A.S. and the I.P.S. as also other services. Mainly it would be to the I.A.S. Sir, it is rather difficult for me to appreciate the point about this emergency recruitment. This matter was raised earlier also in some other connection. When there is a regular procedure prescribed for the

method of recruitment for these two Services, I really do not understand why we should think of this emergency recruitment. I would like to know, Sir, whether this recruitment is intended to supply officers for the Central Services only—Central Services in the sense that officers who are required to serve not in the States, but at the Centre. Of course, quite a large number of I.A.S. and I.P.S. officers serve in the States. I would like to know how many of the people who are going to be recruited on this emergency basis will serve in the States and how many will serve at Delhi or in any of the Centrally-administered departments. If it is a case of supplying the needs in the States, I think, Sir, there is quite a large number of people available in the States for fulfilling the requirements of the States. Take for instance the question of sub-divisional officers in the States. There are enough officers in the State Services who can be put in those particular places even on the basis of their being drawn into the I.A.S. That would give them not only able and experienced people, but at the same time that would meet the desired end. So, I would even now suggest that this emergency recruitment may be given up and the matter left, if necessary, to the U.P.S.C. to fill up those services. I do not know whether in trying to prescribe the qualifications and assess the merits of the people to be recruited, the Home Ministry is going to devise any other methods than what the U.P.S.C. itself has. I would like to know what the particular difference in the two procedures is. If the present procedure is good enough for all services, I think it ought to be good enough for these emergency recruits also. So, unless a very very strong case is made out in favour of this rather extraordinary and unusual procedure of recruitment, it should not be resorted to and it is difficult for me to accord support to it.

Certain other facts come to our notice as to how the jurisdiction of the U.P.S.C. is circumvented by cer-

tain. Ministries. Certain instances have come to notice and I think I had better refer to them. The U.P.S.C. advertised for a certain post giving certain qualifications. One of them was that the candidates must have had ten years' experience in the particular field. The U.P.S.C. sent up its recommendation to the Ministry concerned selecting one of the persons who fulfilled the qualifications laid down according to them, that is, one who had more than ten years' experience. After the U.P.S.C. had sent its recommendation which was in accordance with the desire of the Ministry, the Ministry turned down the recommendation. What did they do? They did not refer the question again to the U.P.S.C., but referred the question to a board constituted by it and issued an advertisement for that particular post.

**MR. DEPUTY CHAIRMAN:** Are you referring to the U.P.S.C.?

**SHRI H. C. DASAPPA:** Yes. I was not talking of the State Public Service Commissions. I was referring to the selection made by the U.P.S.C. of a person who was fully qualified from their point of view and this selection was turned down by the Ministry concerned. That Ministry did not refer the matter again to the U.P.S.C. but constituted a special board. When re-advertising, perhaps deliberately, I do not know for what reason, they omitted the condition about ten years' service. Now, it is there that suspicions are aroused as to why the Ministry, while suggesting the selection of the candidate in the first instance, wanted the limit of ten years' experience and when the selection was not acceptable or palatable, it chose to constitute a special board and did away with the ten years' experience qualification. What happened? The originally selected person also appeared and somehow it happened that a much junior man, a man who was not stated to be by any means as greatly qualified as the other man who was chosen by the U.P.S.C., was finally selected by the

board. If the hon. Minister wants to know the details, I can tell him in private. I do not want to say this thing here because high personages may be involved. Such things should not be done and I would ask the Ministry which is an independent one, checking the operation of all the other Ministries, to keep a strict watch over such kind of thing. I hope the Home Ministry will have a section which is particularly charged with the task of keeping a watch over such kind of things. It is only then that the public will be infused with some confidence.

The other matter that I want to refer to is what arose during the discussion on the Report of the Commissioner for Scheduled Castes and Tribes. It was stated that reservation for these people existed only in respect of classes III and IV and not in respect of classes I and II. I hope I am representing the matter correctly; it is subject to correction but I am fairly certain that there is no kind of reservation for the Scheduled Castes and Tribes and other Backward Classes in regard to class I and II. I think it was Dr. Ambedkar who said that you could give a thousand appointments of clerks to the Scheduled castes and Tribes but if you give one appointment of a top officer, it will out-weigh the advantages of the appointment of a thousand clerks. All that I say is, while selecting people from these backward communities let the very best be chosen. It may be that the very best among these classes may not be the very best of all the people in the line but so long as we get what are known as fairly good candidates, I think we ought to encourage them. Therefore I would urge upon the Home Ministry to consider this very very important thing from all points of view and reserve certain posts in classes I and II for the Scheduled Castes and Tribes and other Backward Classes. In this connection I have to say a word about the report of the Backward Classes Commission. In reply to a question the hon. Minister stated that it was

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yet ready. Why is it that a report which was received by Government in March 1955 should not see the light of day even now? It is stated that the State Governments are being consulted. What does it matter? Why should it not be published for the perusal of the Members of Parliament? Why should we be denied a perusal of the Report of a Commission appointed by the President in terms of the obligatory provisions of the Constitution? I think the Home Ministry owes an explanation as to why they are keeping back that report? The States Reorganisation Commission's Report was published. Government did not pass orders at the time of publication. So this report should see the light of day and the Government can pass orders whenever they choose. In fact a discussion in Parliament on this matter should, I think, be welcomed by the Home Minister in order to enable him to pass the necessary orders.

The other question is about the superannuation of people. My friend, Mr. Kishen Chand, said it was very wrong to give extension of service to the people who are superannuated. The superannuation period varies.

SHRI KISHEN CHAND: I said that the appointment of one or two persons after superannuation creates disaffection in the whole cadre of the service.

SHRI H. C. DASAPPA: I understand very well. We know the thing very well. It is a very high sentiment that my friend has expressed but its answer is simple. I ask, whether the very same people who are discontented merely because of the extension given to a few people will, when they reach 55 or 60, not themselves desire an extension of service or will they themselves deny such extensions when they are given? There is a lot of fallacy in it and I do not think that is the criterion which should apply. The only criterion is whether the man is, on the date of

superannuation, physically fit and is otherwise able.

SHRI KISHEN CHAND: Do not leave it to the discretion of the Home Ministry. Then it becomes a matter of discretion and selection.

SHRI H. C. DASAPPA: It is not the discretion of the Home Ministry alone; it will be the discretion of the Ministry concerned also. I see no reason why the valuable services of a person should be lost to the State at the time when his powers are at their best with all the past experience and the background. I am not saying that this should be done as a rule but in the professional courses, the technical courses, it would be, I think, a folly on our part to lose the services of these officers merely because of their superannuation. Sir, my hon. friend must have seen the practice in Western countries. They do not generally lose the services of these people.

SHRI KISHEN CHAND: In the Home Civil Service they are very strict.

SHRI H. C. DASAPPA: I am not referring to that. I am emphasizing on the technical service.....

SHRI KISHEN CHAND: We are discussing I.A.S. now.

SHRI H. C. DASAPPA: .... on the professional side, on the technical side and so on. I see no reason why their services should be.....

SHRI H. C. MATHUR: Why not raise the superannuation age in particular services if necessary and do away with discrimination, favouritism and demoralisation at the end of the career?

SHRI H. C. DASAPPA: Mr. Mathur has raised another point which I think I am bound to answer. If the superannuation limit is raised, there is this difficulty. It is quite likely that so many of them will not be found physically fit at the time of the enhanced limit of superannuation age. In India particularly the people are

prone to be weighed down due to the inclemencies of the tropical climate and to the other incidental hardships and they may not all be fit at that time. Of course, the Home Ministry may re-examine if it so chooses and prescribe varying superannuation limits but the point is that where they are not physically fit, there is no point in continuing them in service and there is no harm in having the slightly lower limit. But what I say is in technical, professional, scientific and professorial services it would be a great mistake and a loss to the State if we do not make use of their services so long as they are physically fit.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Sir, I would like to make a few observations on this report but before I do so I would also like to congratulate the Home Ministry on the tribute the Commission itself has paid in the concluding portion of this report saying that the Commission would like to record their appreciation and gratitude to all the Ministries for their co-operation.

Before I come to the one or two points which I want to make, I would like to take up the point which the hon. Member who preceded me was making because that was one of the points which I also intended to touch upon. We know that the administrative set-up and the developmental work in the country require administrative personnel of experience in greater and greater degrees. The Prime Minister himself while making a speech to the administrative services at Kurnool referred to a remark made by a senior member of the I.C.S. to him that the work had increased a hundred-fold. And then he said even if that could be considered an exaggeration, certainly it had increased at least by 50 per cent. or increased enormously. It is obvious therefore that when experienced personnel have not increased to the same extent—it cannot obviously—it would be necessary to re-employ some of the superannuated people, as they are

called, and the remedy for it is very simple. The difficulty of medical fitness need not be there but the problem of favouritism coming into play if people are picked up here and there has to be considered. It is known and it is complained of everywhere that when there is no definite age limit laid down up to which people can go, maybe 58 years or maybe 60 years, the tendency among even senior officers is, so to say, to hobnob with their senior officers or try to curry favour or do something which would not be in keeping with their dignity and their usefulness. If we want to see that they are not reduced to that state, it would certainly be better, in view of our requirements, to raise this limit to 58 and make it necessary for such officers to pass another medical examination at that age, may be with some lesser restrictions, and if they pass that test and if they have got their record up to a certain standard throughout—not the one perhaps granted by the last officer under whom they may have happened to work or by the Minister who had recommended them—but if they have a uniformly good record, they should go before the Union Public Service Commission and after passing that test they should be automatically allowed to continue up to the age of 58.

With regard to the all-India Services which are all-India today but still which are for administrative reasons transferred to the States, I would like to suggest that rather than leaving it to the States to decide whether they would serve after 55 and thereby creating confusion in the seniority in the all-India grading of such officers, for topmost posts it should be left to the Central authority that really is concerned with that cadre to decide whether they should be given any extension of service beyond the prescribed age. But I think if this age is raised to 58 with the conditions that I have already suggested, namely, medical examination and appearance before the Public Service Commission, then this difficulty would not arise.

[Dr. Shrimati Seet Parmanand.]

Secondly, a certain percentage of these officers could be even allowed to serve till the age of 60, that is, two years more, only in the case of one or two topmost posts, because the work of expert committees and others is increasing rapidly and we are importing so many technical experts from outside when we ourselves know that we have many people in our country who with their experience and training are of the same calibre if not of a higher calibre.

Then there is something here with regard to the report to which I would like to draw the attention of the hon. Minister so that something may be done to avoid the wastage of human energy and resources. If he were to refer to page 12 of the report for 1954-55 it would be noticed that out of 6627 candidates, who applied for the examination, 4471 candidates actually appeared at the examination and only 253 were considered to be fit to be interviewed and 64 candidates were recommended as qualified for appointment. Again I would refer to page 13, paragraph 17 which relates to selection of Special Class Railway Apprentices. 1,457 candidates applied, 846 appeared, 155 were interviewed and eight were recommended for appointment. Now, I refer to page 14, paragraph 19 relating to military wings. 12,609 candidates applied for their examinations while 10,094 actually competed. 331 candidates were declared successful and 217 out of them were admitted. These eliminations are after personality and other tests but surely, these results show that there is something very very seriously wrong with the standard of teaching in our universities and it is not the standard expected for administrative examinations in our country. If that is so, it is very necessary to draw the attention of all the universities at the proper stage so that the candidates who want to appear later on for these examinations will know from the beginning what is required of them.

SHRI KISHEN CHAND: May I point out to the hon. lady Member that if they have not been called for interview, it does not mean that they have failed in the examination?

DR. SHRIMATI SEETA PARMANAND: Everybody knows these facts. They are nothing new to anybody particularly to those sitting in this House. But all the same it does show, even the marking of the papers—if the hon. Member would go into that—indicates that it is very very low. The comments of those people who are connected with marking of papers of the university and competitive examinations will give us an insight into the very poor standards that we have. I do feel that it does lead to a lot of waste of human resources and energy and might lead to a great deal of frustration. So, if better education could be imparted in our universities in order to make it possible for the students, who want to compete for these examinations on a large scale, to be of a higher standard.....

MR. DEPUTY CHAIRMAN: Dr. Shrimati has come.

DR. SHRIMATI SEETA PARMANAND: I am glad he has come. I am very sorry that he is not available when we want him here.

SHRI M. GOVINDA REDDY (Mysore): As soon as you think of him, he is here.

MR. DEPUTY CHAIRMAN: But he did not expect that you would discuss university education while discussing the U.P.S.C.

DR. SHRIMATI SEETA PARMANAND: If I may point out, I think the hon. Deputy Minister will agree that it is very closely connected. This is a sort of pinnacle to what is being done at the lower level. So, I would really request that this matter would be gone into by a small committee of the Public Service Commission, one or two members of the Education Ministry, and some



university members at the proper level.

Then, I would like to make one suggestion to the hon. Minister with regard to the selection or appointment of officers to Government institutions, even where Government aid is received on a large scale. I have in mind the Lady Hardinge Medical College for Women. The appointments there should be made by the Public Service Commission, so that there is greater satisfaction about the way in which the claims of candidates are considered. There has been a great deal of dissatisfaction with the way in which the claims of women particularly have been ignored, when women with better qualifications have not been considered and men with less qualifications, less experience have been appointed in a women's college. And if this matter were to be taken up by the Home Ministry with the Health Ministry, I am sure women who are in the profession will be available.

Lastly, I find there is a reference to the appointment of women. It says there are now 6 women candidates in the Indian Administrative Service and 2 in the Indian Foreign Service. And I hope we have not heard anything further with regard to the disqualification put on women being allowed to continue in the Foreign Service after marriage. I hope that disqualification has been removed and the suggestion that we made has been accepted. As in the case of other officers only adverse remarks with regard to the efficiency of the officers may be considered. Marriage perhaps having led to any kind of inefficiency or unsuitability for service alone will be the criterion. Women must not be asked to leave service merely because they have married, only on that criterion.

**SHRI H. N. KUNZRU** (Uttar Pradesh): Mr. Deputy Chairman, the Commission has said in the concluding paragraph of its report: "On the whole, there has been an increasing

endeavour on the part of Ministries and departments to observe the provisions of the Constitution and regulations in their relations with the Commission." But a perusal of the Commission's report leaves a very painful impression on one's mind with regard to the attitude of the Government towards the Commission. In regard to particular appointments there may be less disagreement now between the Government and the Commission than there was formerly, but the question that we have to consider is a much larger one. For years, as my hon. friend, Shri Mathur pointed out, the question of the scope of the Commission's work has been before the Government. And year after year, it goes on recording its opinion that the Commission's proposals regarding matters and cases in respect of which the Commission need not be consulted are still under consideration of Government. The Commission has asked that the limitations placed on its powers should either be removed completely or should be reduced. I do not know why Government have not been able to come to a decision on this question. I think when the question was previously discussed, we were told that they were important matters requiring consideration and so on. Of course, important matters do require a full discussion, but there is a limit to the period that consideration even of an important question should take. The whole attitude of the Government is such as to make one think that they want to give the minimum power that they must to the Commission under the Constitution.

The next point to which it is necessary to draw the attention of the House—although my hon. friend, Shri Mathur, has referred to it—is that the recruitment of temporary personnel is going on as before. My hon. friend, Shri Datar, told us—I think in December 1954—that a formula had been evolved in regard to this matter with the consent or with the approval of the Commission. I think he said that the appointments were made formally in consultation with the Com-

[Shri H. N. Kunzru.]

mission for dealing with temporary appointments made ostensibly for periods not exceeding one year. But the Commission says that there was only an unofficial discussion about some modification of this kind, but no official reply has been received from Government so far. Now, Sir, this debate took place fifteen months ago, but the Government have not written formally to the Commission on this point. I know how much the departments and the Ministries of the Government value the power that they already enjoy in respect of temporary appointments—appointments which are ostensibly temporary but are really made for long periods and, indeed, in many cases with a desire to make the person temporarily appointed permanent. Now, this seems to be known to the Home Ministry and yet the just complaint of the U.P.S.C. has not been heeded by it. Now, if there were really any matters requiring deep consideration here, one could understand Government's hesitation in this matter. But it is well-known that this power is being abused and so long as it lasts it will continue to be abused. The Home Ministry does not seem to mind what is going on but let the Commission object to the procedure followed by the Ministries year after year.

Now, Sir, there is another point to which I think no reference has been made, so far, and to which it is necessary to draw the attention of the House. It is stated by the Commission on page 7 of this report that in connection with the proposals for the reorganisation of the Botanical Survey of India, the Commission was asked to advertise the post of Chief Botanist. Subsequently, when the draft advertisement was finalised and the advertisement was ready, it was withheld. These are the words of the Commission. "The Commission were requested by Government to withhold further action. At this stage, the Ministry also informed the Commission that the Ministry had set up a Selection Committee which had

selected a certain individual for the post and requested the Commission to concur in his appointment." Now, how was this done? Had an advertisement been published in the papers in August, 1954, an appointment would have been made in due course. The Government, after concurring to the issue of an advertisement, appointed a Selection Committee of their own without consulting the Public Service Commission and then had the temerity to ask the Commission not to publish the advertisement and to agree to the selection made by their Committee. The Commission naturally did not agree to this procedure and has said, "Being called upon to concur in the appointment of a person recommended by a Committee of a Ministry is contrary to the prescribed procedure."

Now, I should like to draw the attention of the House, Sir, to article 320 of the Constitution which deals with the functions of Public Service Commissions. It is stated in subsection (3) of this article, "The Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted on all matters relating to methods of recruitment to civil services and for civil posts." Now, here doubtless the Government must have consulted the Union Public Service Commission with regard to the methods of recruitment to civil services and civil posts under the Government of India. How then did they depart in this particular case from the procedure already laid down by them? The proviso to this article says: "Provided that the President as respects the all-India services and also as respects other services and posts in connection with the affairs of the Union, etc., may 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 for a Public Service Commission to be consulted." Do the regulations that have already been laid down by the President envisage a case of this kind? If not

Government of India tried to act contrary to the Constitution.

I can give other instances from this report which illustrate the attitude of the Government towards the question of recruitment in general and the Union Public Service Commission in particular. The importance of the functions of the Union Public Service Commission need not be dilated on. The Judiciary, the Audit Department and the Public Service Commissions are, in my opinion, the most important bodies the impartiality of which should be guaranteed by any government that professes to be democratic. There is no other body on the proper functioning of which public confidence in the working of democratic institutions depends to a larger extent. If the Public Service Commissions lose the esteem that they should enjoy, it is obvious that the persons appointed by them will not have the confidence of the public and the members of the services themselves will not have the morale that they should have in order to discharge the responsible duties entrusted to them. In view, Sir, of the pivotal position that the Public Service Commission occupies in the working of our democratic system, it is a surprise to me that the Government of India persists in courses of action which are plainly and highly objectionable. Recently, Sir, when the Public Service Commission was appointed, the importance of its functions was recognized and although some limitations were laid on its power which it thought went too far, nevertheless, the manner in which appointments were made to the Commission were such as to inspire public confidence. I hope that the traditions set by Sardar Vallabhbhai Patel will continue to be respected by the Government of India. But the manner in which certain vacancies have been filled recently is not very reassuring. I hope that the Union Public Service Commission will not be reduced to the humiliating position which many State Public Service Commissions occupy at the present time.

Government may be very glad to have a more accommodating Commission, but to the extent that the members are ready to fall in with the views of the Government, they will lose the confidence of the public.

There is one other matter to which I should like to refer, though my hon. friend, Shri Mathur has already referred to it, and that is the decision of the Government to extend the services of superannuated officers without consulting the Commission. When the Government of India decided in 1946 to consult the Commission in a matter of this kind, they did so after giving full thought to it. And now, without a word of explanation either to the Commission or to the public, Government has gone back on its previous decision. Why should the Government in this matter fight shy of securing the approval of the Commission? I mean, if their nominees are not merely competent men, but rather irreplaceable, there is no reason to suppose that the Commission will not agree to their proposal. But if they desire to appoint certain men merely because they are partial to them or because they have been 'yes-men' and the Public Service Commission declines to endorse their recommendation, the Commission instead of being blamed is to be honoured for its courage and integrity.

Sir, I do not want to say anything more on this matter except that it has been our painful duty to raise the question to which I have referred more than once. Yet, Government has turned a deaf ear to our suggestions and continues obstinately to cling to the methods objected to both by the Commission and by us.

4 P.M.

श्री कन्हैयालाल दौ० बेंच (मध्य भारत):

उपसभापति महोदय, जहां तक कि पब्लिक सर्विस कमीशन की इस रिपोर्ट का सम्बन्ध है, मैं उस का स्वागत करता हूं। किन्तु आज जलक हमें स्वतंत्र हुए कई वर्ष हो गये, हमारी सरकार को एक क्रान्तिकारी

[ श्री कन्हैयालाल दौ० वेंच ]

कदम उठा कर ही हमारे देश के अन्दर जो सर्विस क्लास है, उस के लिये कायदे-कानूनों की नये सिरे से व्यवस्था करनी चाहिये थी। जैसाकि कुछ माननीय सदस्यों ने कहा है, हमारे देश में शिक्षा की व्यवस्था जिस प्रकार की इस समय है, उस से हमारे कालिजों और यूनिवर्सिटियों से निकलने वाले विद्यार्थियों का ठीक तरह से चरित्र-निर्माण नहीं हो पाता है, उन का अच्छा डवलपमेंट, विकास, नहीं हो पाता और ज्यादातर उन का ध्येय यही रहता है कि सरकारी नौकरियों की ओर जायें। आज आप जरा देखें, पब्लिक सर्विस कमीशन की रिपोर्टों को पढ़ें, तो आप को पता चलेगा कि जो उन की परीक्षा लेने की पद्धति है या जिस प्रकार की प्रश्नावली वे रखते हैं उन से यही सिद्ध होता है कि केवल चकाचौंध की दुनिया में रहने वाले, सर्विस क्लास से सम्बन्ध रखने वाले लोगों में से ही सरकारी नौकरियों में भर्तियां होती हैं। ये लोग आज भी, जब कि हमें स्वतंत्र हुए इतने वर्ष हो चुके हैं, हमारे देश की परिस्थितियों से और उस की समस्याओं से बिल्कुल दूर, अन्धकार में रहते हैं क्योंकि उन का शिक्षण, उन का रहन-सहन चांदी की चम्मचों से गा कर आरम्भ हुआ है। बड़े बड़े और मालदार घरों में पैदा होने वाले बच्चे ही आज शिक्षा प्राप्त करने के और इन सरकारी नौकरियों में प्रवेश पाने के अधिकारी हैं और गरीबों के बच्चों को साधारण शिक्षा मिलने का भी प्रबन्ध नहीं है। वे सब प्रकार के सुख, सुविधा और साधनों से वंचित हैं। यदि यही स्थिति रही तो फिर इस देश के अन्दर हमारी सरकार का सोशलिस्टिक पैटर्न का जो ध्येय है, वह इन चांदी के चम्मचों से खाने वाले लोगों से जो कि मासेज है, देश की गरीब जनता से बिल्कुल दूर है, जो गरीबी और अभाव को नहीं समझते, जो किसानों और मजदूरों से कभी सम्पर्क में नहीं आये, इन के द्वारा वह ध्येय कभी पूरा नहीं हो सकता। वे लोग मजदूरों की

समस्या को नहीं जानते, गरीबी क्या चीज होती है, वह नहीं जानते क्योंकि गरीबी से उन का कभी वास्ता ही नहीं रहा होता। इसलिये आज पब्लिक सर्विस कमीशन से हम इस बात की अपेक्षा करते हैं कि देश में समाजवादी ढांचे को लाने के लिये वह ईमानदार और जनमेवी आदमियों को ही अवसर और सुविधा प्रदान कर के उन को प्रोत्साहन दे। हमें अपने सरकारी कामकाज के अन्दर ऐसे व्यक्तियों की आवश्यकता नहीं है जिन का दृष्टिकोण बिल्कुल मेटीरियलिज्म की तरफ है, और जो उस आदर्श के विपरीत चलने हैं जोकि हमारे देश का रहा है। आज हमारे देश के शासन-तंत्र को चलाने वाले सरकारी नौकर लोगों का जो व्यक्तिगत स्वार्थसाधन का ध्येय है, उस से देश की प्रगति नहीं हो सकती है और न ही इस से हम समाजवादी ढांचा अपने देश में स्थापित कर सकते हैं।

आज हमारी बहुत सी बहिनों ने कहा और शिकायतें की कि होम मिनिस्ट्री ने सर्विसेज की नियमावली में ऐसी व्यवस्थायें रखी हैं, जिन से ऐसा माना जाता है, मानो स्त्रियां सरकारी नौकरियों के लिये पुरुषों के समान योग्य नहीं हैं। तो हमारी बहनें इस बात की दलीलें देती हैं और इस बात की मांग करती हैं कि स्त्रियों को पुरुषों की बराबरी के दर्जे के नाते वही अधिकार सभी प्रकार की नौकरियों में मिलना चाहिये, लेकिन दफ्तरों में जा कर आप देखिये, जहां महिलायें काम करती हैं, वहां काम का स्टैंडर्ड क्या है। शासन के अन्दर जो लोग इस प्रकार की स्थिति का निर्माण कर रहे हैं और जहां हमारी माताओं और बहिनों को भारतीय आदर्श की परम्परा में रह कर गृहिणी और माता के पद पर बैठना शोभा देता है, वहां उन के कुर्सियों में बैठने से अखाड़ेबाजी ही देखने में आयेगी।

हमारी पंचवर्षीय योजना के अन्दर प्लानिंग कमीशन ने बड़े सुन्दर नियम बनाये

हैं। उन्होंने ने कहा है कि हम एक सोशलिस्ट पैटर्न आफ सोसाइटी, समाजवादी ढंग के समाज की जो व्यवस्था लाना चाहते हैं, उस में सरकार की मशीनरी भी पवित्र होनी चाहिये और उस मशीनरी में काम करने वाले लोग भी वैसे ही होने चाहिये। तो ऐसे लोग आयेंगे कहां से? वे लोग जो मासेज से, मजदूरों से, किसानों से, देश की गरीब जनता से सम्पर्क में आते हैं, जो जानते हैं कि गरीबी क्या चीज है, उस का अनुभव उन्हें होता है, जो जनसेवी है, ऐसे लोग ही उस उद्देश्य की पूर्ति कर सकते हैं। आज जिस भ्रष्टाचार और रिश्वतखोरी और इसी तरह की दूसरी बातों के बारे में जनता जो शिकायतें करती है, वह सब वास्तविकता से परे नहीं है, उन में मत्यता है और उस सत्यता को आप को अनुभव करना चाहिये। माननीय कुंजरू जी ने कहा कि पब्लिक सर्विस कमिशन को जहां बड़ी बड़ी ऊंची सिफारिशें हैं, योग्यता के अनुसार लोगों को भर्ती करने का उसे अधिकार है, वहां उसे चाहिये कि वह अपने स्टैंडर्ड को इतना ऊंचा रखे जिसे जनता का उस पर विश्वास रहे। बहुत सुन्दर बात है और एक सिद्धान्त की बात है। लेकिन मैं यह कहना चाहता हूं कि सरकार को इस दिशा में बहुत बारीकी से सोचने की आवश्यकता है। हमारी सरकार ने सर्विसेज में भर्ती के विषय में स्वतंत्रता के ७, ८ वर्षों बाद भी कोई विशेष क्रान्तिकारी कदम नहीं उठाये। इस सम्बन्ध में मैं यह कहूंगा कि आज सर्विसेज क्लास में भर्ती होने के लिये पढ़े लिखे लोगों में विशेषतः आकर्षण है। जहां तक यूनिवर्सिटियों और शिक्षा-संस्थाओं में विद्यार्थियों की भर्ती का प्रश्न है, वहां भी साधन सम्पन्न लोगों की ही पहुंच हो सकती है और उन का अन्तिम ध्येय यही होता है कि किसी तरह से ऊंची से ऊंची सरकारी नौकरी मिल जाय और व्यक्तिगत माधनता ही न करें, बल्कि उस से मालदार बन जायें। तो ऐसे व्यक्तिगत साधनता की भावना रखने वाले लोगों से

देश का कल्याण होने वाला नहीं है। देश में समाजवादी व्यवस्था जो आप लाना चाहते हैं, जब तक उस में समाजवादी भावना से काम करने वाले लोग नहीं होंगे, जब तक उन के दिमाग में यह बात नहीं आयेंगी कि हम भी इस देश के शासनतंत्र के अंग हैं, उस शासन के जिस का यह ध्येय है कि यह सारे देश की जनता को सुखी और समृद्ध बनाना चाहती है, तब तक हमारा समाजवाद का आदर्श अपने लक्ष्य को प्राप्त नहीं कर सकता। इसलिये मैं बहुत जोरदार शब्दों में सरकार से आग्रह करूंगा कि आज तथा यह जो लालफीताशाही का खेल चलता रहा है और जिस के अन्दर अव्यवस्थायें चलती रही हैं, उस को समाप्त करने के लिये सरकारी मशीनरी में ऐसे तत्वों को रखे जो गरीब जनता का वास्तव में प्रतिनिधित्व करते हों और जो देश के प्रति अपने कर्तव्यों के बारे में जागरूक हों। आप के कागजों के ऊपर लिखे हुए जो नियम हैं, उन के चक्कर में पड़ कर सोशलिस्ट पैटर्न नहीं आने वाला है, केवल कागज के अन्दर व्यवस्था कर देन से वह चीज नहीं आयेंगी। सोशलिस्ट व्यवस्था को लाने के लिये तो एक क्रान्तिकारी मशीनरी की आवश्यकता है और उस के अन्तर्गत जब तक क्रान्ति नहीं होती तब तक मैं नहीं समझता कि हम कहां तक अपने लक्ष्य में सफल हो सकते हैं।

इन शब्दों के साथ जहां मैं इस रिपोर्ट का स्वागत करता हूं, वहां मैं यह निवेदन सरकार से करूंगा कि सर्विसेज में जिस प्रकार भर्तियां की जाती हैं, उस की सारी पद्धति में उसे ऐसे क्रान्तिकारी परिवर्तन करना चाहिये, जिस से उस की मशीनरी में ऐसे तत्व आ कर बैठें जो दरअसल देश की स्थिति को सुधारने में और सच्चे तरीके पर समाजवादी व्यवस्था को लाने में सफल हो सकें।

SHRI B. N. DATAR: Mr. Deputy Chairman, we have had a fairly interesting discussion on the two reports of the U.P.S.C. for the years

[Shri B. N. Datar.]

1953-54 and 1954-55. I should like to answer most of the important points because thereby the kind of misapprehensions and mis-conceptions that prevail in certain quarters will have been completely washed away. I may point out that, so far as the U.P.S.C. is concerned, Government have no desire to curtail or in any way minimise its powers under the Constitution. I may point out to this hon. House that, in so far as powers have been given to the Commission, these powers are respected to the highest possible extent, and the House will kindly understand that the work naturally has increased and the number of references to the U.P.S.C. is between 5000 and 6000 every year. This is a figure which has to be understood very clearly.

SHRI H. C. MATHUR: What does it indicate?

SHRI B. N. DATAR: Wait please. In respect of all these references we have implemented the advice of the U.P.S.C. in all cases except for four in one year and one in another year, and therefore you will find it is only very rarely and with great reluctance that Government have in these particular cases been constrained to depart from the advice of the U.P.S.C. We have to understand the fundamental principles on which the scope of the U.P.S.C. has been defined by the Constitution, and also the scope of the Government naturally. Ultimately Government derives its powers from this Parliament and owes its obligations to this Parliament also, and therefore in the last resort, so far as the administration is concerned, Government have to use their discretion, because Government are responsible to this House. Government are prepared to take the blame provided there is any material for any such blame and therefore all that has been stated in the Constitution is that there ought to be consultations—compulsory or imperative consultations—in certain cases and ultimately Government have to take the decision. Therefore it is

not that under the Constitution Government have to implement every "decision" of the U.P.S.C. Because if that were done, then all the Governmental functions will have to be carried out by the U.P.S.C. Naturally the U.P.S.C. have very important functions, especially advisory functions, to carry out and I am satisfied that the work that is being carried on at Government level and the advice that is being given to us by the U.P.S.C. go hand in hand and a greater harmony between the Government on the one hand and the U.P.S.C. on the other hand is being achieved. In both these reports it was extremely graceful on the part of the U.P.S.C. to have stated that genuine attempts are made and the instances of disregard of or departure from the U.P.S.C.'s advice are getting rarer and rarer, but under certain circumstances, as I stated, Government must have a right to take recourse to a certain course of action in public interest as they understand it because ultimately, they have to be responsible to the Parliament. So in this background is noted, the House will agree that the instances of departure are almost nil. Against 5,000 and 6,000 if there are four in one year and only one in the other year, then naturally I do expect this hon. House to give us some compliments or appreciation of the largest extent that we have gone so far as the acceptance of the U.P.S.C.'s advice is concerned.

SHRI H. C. MATHUR: But you have heard the compliments which have been paid to you.

SHRI B. N. DATAR: You did not pay any compliments unfortunately.

SHRI H. C. MATHUR: Who has paid?

SHRI B. N. DATAR: Now I would deal with the various points, one after the other. It was contended that the report was kept with us for one year. That is not correct at all. I would give the dates on which these reports were submitted to us and the dates also on which these reports

were presented to the Parliament. So far as the fourth report is concerned, it was received by the Government on the 29th July 1955. The House is aware that after the receipt of the report, the Government have also to prepare a memorandum explaining the circumstances under which they differed from the views of the U.P.S.C. and therefore you will find that a period short of two months by two days was taken so far as the fourth report was concerned. So far as the next report is concerned—the fifth report—it was received by the Government on 16-9-1955 and it was presented before Parliament on 22-12-55—that means again within about three months. There we had to collect some material and therefore I would submit to this House that both these reports though one is for 1953-54 and the other is for 1954-55 were actually received respectively in June and September 1955. Therefore there is no question of any delay.

SHRI H. C. MATHUR: What explains the delay from the U.P.S.C.?

SHRI B. N. DATAR: That is entirely a different matter. The U.P.S.C., as they have stated, are over-burdened with work. There is some pressure, they have stated and we have to admit that the earlier report was sent after a long period of delay. Fortunately they have sent these reports in time. There must have been certain difficulties and therefore I would submit that so far as this preliminary objection is concerned, that has no substance at all. Then certain other questions have been taken up for criticism. One is about the temporary servants. So far as this question is concerned, now, Government's policy is that in all such cases, wherever Government have to make temporary appointments just immediately and when the appointments are not expected to go beyond the period of one year, then naturally that authority has been left to the Government to make such appointments. Now it is true that sometimes the appointments which as ori-

ginally contemplated were for a period of less than one year, ultimately actually had to be extended beyond one year. In such cases, now it has been very clearly pointed out that all these cases have to be referred to the U.P.S.C. for review and also for proper advice. Now I would point out in this connection.....

SHRI H. N. KUNZRU: Has this matter been settled in agreement with the Commission?

SHRI B. N. DATAR: Yes. It is in the last stages of settlement and orders will issue very shortly. So far as that is concerned, I would invite the attention of this House to what is being done to eliminate the possibility of any abuse of power. All that has been agreed upon is this. In all these cases whenever these rules and regulations are being made, and whenever they have a hearing, direct or indirect, on the functioning of the U.P.S.C., I may point out to this House that we always consult the U.P.S.C. and take them with us to the extent that it is possible. So far as this is concerned, I have pointed out already in the course of an answer to a question that the formula that we have evolved and the formula to which the U.P.S.C. have also generally agreed is this.

SHRI H. C. MATHUR: What is generally?

SHRI B. N. DATAR: Although some possibility of abuse exists, it is necessary to retain some flexibility to enable Government to fill without delay appointments which are genuinely of a temporary and urgent character. In the new draft regulations it is therefore proposed:

“(a) that a temporary appointment made without consulting the Commission, should be referred forthwith to the Commission.”

so that the Commission would be seized of the matter. They would know where a temporary appointment had been made. Then.

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“(b) That every such case should be specifically reviewed at the end of six months.”

Now this review is necessary for the purpose of finding out whether the appointment is likely to go beyond the year in which it was made and lastly:

“(c) that if it appears that the appointment is likely to last longer than a year, the Commission should be immediately consulted in regard to the selection of an incumbent.”

Lastly, so far as this question is concerned, the cases of non-reference or reference beyond a longer period are not many. There are only a few cases and the House will generally agree that there are certain matters which admit of no delay as for example, cases of floods or cases of other emergencies where action has to be taken instantaneously. Under these circumstances, if for example, one has to wait and go through the ordinary process of reference to U.P.S.C. and then naturally their action which has to pass through various stages, then the difficulty or the effect will be that immediate and instantaneous action cannot be taken at all. I may remind this House that so far as the taking or implementation of certain flood measures were concerned, the hon. Minister for Irrigation and Power pointed out that the work will be undertaken on a war-time basis. That is how sometimes work has to be undertaken and therefore, if there is delay, as sometimes there is in other cases, here the relief that is absolutely essential will not come in time. That is the reason why so far as these temporary appointments are concerned, Government are anxious to take the consent of the U.P.S.C. wherever it is possible but if it becomes difficult, then this formula consisting of three clauses will be resorted to now so that the U.P.S.C. will know what we are doing. The action will be reviewed after six months and ultimately if

the U.P.S.C.'s consent is required for the appointment of an officer for a longer period, then naturally, that also will be obtained. This is so far as the temporary servants are concerned.

Then I would go into the rather controversial subject to which a reference was made by a number of hon. Members. That is about the extension of services of superannuated persons. So far as this is concerned, even here, I may say that the instances are not many. One point may be noted. In this particular case the orders that were issued in 1946 by the then Government of India were only Executive Orders, in the sense that under the relevant articles of the Constitution or corresponding sections of the Government of India Act, there is no obligation on the part of the Government at all to make a reference to the U.P.S.C. and seek their advice on matters relating to extension of services. They did not constitute what can be stated to be recruitment, so far as that word is understood. But the Government thought that in view of the great constitutional changes that were likely to take place—and they did take place in 1947—it would be advisable to consult the U.P.S.C. though such consultation, as I have stated, and I repeat it again, was not statutorily required at all. That is what happened in 1946. Then there were difficulties. We have also to remember that as a result of the partition and as a result of the achievement of independence, the higher personnel, the foreign higher personnel especially and the personnel from certain communities, the Muslims especially, had left India. Therefore, there was a great measure of difficulty so far as the top-most officers were concerned. But happily officers who were below were promoted and to a certain extent they came up. Now the question that arises is this. If an officer is sufficiently experienced and when, as is the case in some instances, he has received special training by having been sent abroad to foreign



countries, should the Government lose the advantage of such ripe wisdom and long experience? I do understand Mr. Dasappa's objection. It is true that so far as this question is concerned, there are opposing considerations which have to be weighed in a balance as it were, and a middle of the road position has to be found out. On the other hand, it is true that a superannuated officer has to retire and he has to yield place to a younger officer. If for example, there are continuous cases of young officers not being allowed to be promoted, to come to the higher offices, then a large measure of discontent is bound to be created. On the other hand, so far as the carrying on of the government work is concerned, so far as carrying on of the very important works by our senior officers is concerned, would it be proper merely to rely upon the ordinary rule of seniority and appoint the next officer in line, only on the ground that he has the claim under our rules of seniority?

I may also point out to this House that Government were considering a few years ago whether the age of superannuation should be raised, say to 58. An hon. Member—I think it was Mr. Mathur—suggested the raising of the age of superannuation. But when this proposal got out, there was almost universal condemnation of that particular proposal, saying that in all cases, as a matter of rule, it should not be proper, it ought not to be proper for officers to be allowed to remain in service until the age of 58. Therefore, after considering all the circumstances, the Government came to the conclusion that so far as the non-ministerial or the gazetted officers are concerned, the age of superannuation ought to remain at 55. So far as the ministerial appointments are concerned, the age would remain at 60 for those in permanent service from before 1938. So this is the rule that we have followed. And while retaining the original ages, the Government also had taken into account.....

SHRI H. N. KUNZRU: Is it 58 or 55?

SHRI B. N. DATAR: Fifty-five and fifty-eight. I may point out to the hon. Member that it was proposed that the age of superannuation should be 58 and not 55. But now it is only 55 in the case of all gazetted officers and those ministerial employees recruited after 1938 and it is 60 in the case of non-gazetted or ministerial officers of the Government in permanent service from before 1938. Government was considering whether it should be 58 or whether it should remain at 55. Now the Government took the decision on account of the large volume of opposition to the raising of the age of superannuation to 58 and they agreed to retain it at 55. But what they did was, to see that in the case of officers whose experience was very valuable, it should be open to Government to retain the officer in service for some time, provided, as hon. Members have pointed out, that particular officer is physically and mentally capable of discharging his functions. Therefore, while retaining the age of superannuation at 55, the Government have retained to themselves this power, namely, in proper cases, of extending his services. Generally it is stated that a superannuated officer has some—what shall I say—something rather inadvisable about him. But you will find that when our officers are fully trained, when our officers have got a lot of experience, then in the interest of the developing of the Welfare State which has been our ideal we have to keep some officers for some time to come, not for all time to come. It is only in extremely rare cases that extensions are granted for a longer period than a year or two. And as the report says, only in one case was extension sought for three years.

Therefore, the House will kindly understand that so far as the question of extension of services is concerned, that is a matter entirely within the discretion of the Government. That is a matter on which

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we have no statutory obligation at all to the U.P.S.C. All the same, we are anxious that in proper cases, we ought to take their advice. That is the reason why the Executive Order that was issued in 1946 was withdrawn in 1953, and Government are considering now as to the subjects which have to be excluded under article 320, proviso to sub-clause (3), of the Constitution. I may also point out here that so far as the exemptions are concerned, the self-same article of the Constitution which lays down compulsory consultation in certain cases, also provides for the power of the President to exclude certain posts or appointments from the operation of the advisory jurisdiction of the U.P.S.C. Now, under the Federal Public Service Commission (Consultation) Regulation framed under the Government of India Act, certain rules of exclusion had been laid down. Those rules were generally of a good character and they are being followed. And now I may tell the House that so far as the issue of new regulations is concerned, that matter also is in the last stage of finalisation. I may again here repeat that even on the question of exclusion of certain posts or offices from the purview of the Commission, we shall not do anything at all unless we carry the U.P.S.C. with us. There are certain posts where it is necessary that they ought to be excluded and without going into greater details I may point out that exclusions are of three kinds. The general principle adopted is that the Commission need not be consulted in matters where consultation is inappropriate, for example in the case of ambassadors having to be appointed or when certain other officers are appointed. The second case is where such consultation is redundant, because at an earlier stage that particular matter had gone to the U.P.S.C. and they had examined the suitability and qualifications of the candidate to be taken into Government service. In such a case consultation would be redundant. The last class covers cases where such

consultation would be impracticable, where for example you have to deal with a very large number of officers, like those in Class III or in Class IV, namely those in the clerical and the menial services.

SHRI H. N. KUNZRU: Inferior services, I suppose.

SHRI B. N. DATAR: I said clerical and menial services.

SHRI H. N. KUNZRU: Yes, but I submit he should say "inferior services."

SHRI B. N. DATAR: Very well, I have no objection. I accept the amendment of the hon. Member.

Therefore, what I mean is, so far as this question is concerned, I would assure the House that all that is done is perfectly within order and therefore, there is nothing to suspect so far as the policy that the Government have been following in this respect is concerned. Sir, Shri Mathur made a reference to the letter that he had written to the Home Ministry. It is true that he had written a letter requiring information or clarification of some other points under a number of heads. Now what has been done is that that letter was forwarded to the U.P.S.C., because the information that the hon. Member sought was entirely within the purview of the U.P.S.C. Before we can reply to my hon. friend their reply has to be received and considered. My hon. friend read the letter just now and it would show the very wide character of the information that he wanted.....

SHRI H. C. MATHUR: It is the Home Ministry's ignorance.

SHRI B. N. DATAR: It is not a question of Home Ministry. The Home Ministry is the channel through which information supplied by the U.P.S.C. is forwarded to my hon. friend and I would assure my hon. friend that we shall not be guilty of any delay so far as the forwarding work is concerned.

SHRI H. C. MATHUR: In this particular letter I have asked whether there has been any shift during the last eight years in the policy; and if there has been any shift, what is the direction, and to what extent the policy of the Government is responsible for it. Mr. Vaidya also referred to it and I have asked you whether you go on the same principles, in the same hackneyed way or whether you have made any shift in the policy.

SHRI B. N. DATAR: So far as that is concerned, the Government's view is that they have been following a fairly consistent policy subject to such adjustments as are necessary, but even in this case he would admit that we desire that even this question should be examined by the U.P.S.C., and because the U.P.S.C. is a body which is directly concerned, possibly the hon. Member thinks that the shift is solely at the instance of the Government of India or the Home Ministry. So that insinuation is there in the question that the hon. Member has put. Therefore we should like to have the fullest information which can be collected from the U.P.S.C.'s office and as soon as that information is received and considered, we shall be very glad to give it to the hon. Member.

Then, Sir, as you pointed out, there were certain matters which were within the exclusive jurisdiction of the U.P.S.C. and if, for example, we look at the relevant provisions of the Constitution, their functions have been prescribed in article 320 and it is stated at the function that they have to is to conduct examinations. Now, conduct examinations, there are various ways, methods and manners. One examination has to be advertised. And then it has got to be conducted orally and also there should be a written test, and the result has to be published by the U.P.S.C. without any directive or any intervention of the Government of India. Sir, the U.P.S.C. consists of members from among the public and from the services who have great experience and

who also know what the country requires. So the better course would be, as the Constitution has done, to leave this question to those wise men of the U.P.S.C. Even though this is the position, I have no desire to take shelter behind the technical view.

Now, I would point out that a personality test is a very important test so far as the mental equipment of the candidate is concerned and so far as his potentialities or the promise of future administrative ability are concerned. So far as I.A.S. is concerned, it is a very important work with which they will be entrusted. Immediately after selection they are sent out to the districts and the whole district may have to be managed and the administration may have to be carried on perhaps under very awkward and embarrassing circumstances on some occasions by the District Officer. So this I.A.S. carries very important and practical duties. That is the reason why so far as their university or academic equipment is concerned, it is not sufficient at all. In fact I have attended some of the interviews and I found that the course that they were following was entirely a satisfactory one. Now, one candidate had come who had eleven academic distinctions to his credit. And even a simple question he could not answer because he was not in touch with public events. He could not answer what was required. The personality test is not merely a question of asking one or two questions here or there and then determining his suitability.

SHRI H. P. SAKSENA (Uttar Pradesh): What was the question, may we know?

SHRI B. N. DATAR: A brilliant candidate from Bengal had come and a very interesting question was asked: "For what is Bengal famous?". The term "for what" means also the personages who made Bengal famous. We know that Bengal is the most famous

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State in India, and naturally we expected the name of Rabindranath Tagore, the name of Surendranath Banerjee or the name of Subash Chandra Bose. This young man who had lived in the unrealities of academic life stated, "Bengal is known for Bankura famine". That is all that he knew about Bengal, about the genius of Bengal and about the performances of Bengal. I do not like to give all these but as the hon. Member desires, I might give another example. There was another man from Rajasthan. He had eleven academic distinctions.

SHRI H. C. MATHUR: Again?

SHRI B. N. DATAR: Yes. It is our good fortune that we are getting the best of our youth so far as this examination is concerned. It might be nine or twelve; you need not bind me to the figure of eleven. In this particular case, it so happened that during a month or two preceding the date of the interview of this young man there were one or two *Sati* cases. I hope the hon. Member understands *Sati* cases. Cases of *Sati* are somehow happening in Rajasthan. The number was two or three; not many, but still a question was asked as to why *Sati* cases were taking place. What were the reasons for the *Sati*? Now, that man was a Pandit. He had also passed the Pandits Examination. Pandits are otherwise good but they lack some real experience. When he was asked the reasons for the large number of *Sati* cases, he stated, "Sir, economic reasons".

SHRI H. N. KUNZRU: What a credit to our educational institutions!

SHRI H. C. MATHUR: I wish the Education Minister were here to receive the compliments.

SHRI B. N. DATAR: The U.P.S.C. have also stated all those things. We have to take particular care to improve our university education and I might point out to hon. Members

that the U.P.S.C. itself has pointed out in its Fourth Report, on page 5, as follows:

"Ministries of Government insist that a minimum standard at these tests must be an indispensable condition of admission to their respective services, particularly in view of the progressive deterioration in the standards of our University degrees."

Government is aware of this fact and has been trying to improve matters. The Ministry of Education has also been trying its best to improve education and, in co-operation with the House and in co-operation with the universities things will improve in course of time.

Now, coming back to the question of the personality tests, I may say that this test is carried on for fifteen minutes or for half an hour. Questions in the nature of a cross-examination are asked. The word "personality" is the most appropriate one. If he answers the questions properly he is selected. The members note the marks separately under several heads and then these marks are compiled. Four or five students are called in every day and, in the presence of the members of the Commission, a debate is arranged. The subject is mentioned to them on the spur of the moment and each has to speak for five or ten minutes. The performance is taken note of and the members discuss amongst themselves and decide whether a man is suitable or not. The Members of the Commission do not know the performance of the candidates in the written test. So you find a very good method according to which our boys and also girls are tested. If they stand the test, you can take it that they have got the proper equipment and proper knowledge and the most important thing the promise of being successful officers especially so far as the districts are concerned.

SHRI H. C. MATHUR: Still you want the emergency recruitment.

SHRI B. N. DATAR: If I have completely answered one point, my hon. friend wants me to go into another aspect which is irrelevant but still I would reply to him.

This is the reason why a personality test is absolutely essential.

My friend Dr. Kunzru made reference to one case and commented very strongly on it. If I were to give all the facts, with your indulgence, it would be found that there is nothing wrong so far as that case is concerned and there need not be any painful impression at all. We should take at their full worth the compliments that the U.P.S.C., have paid to us in both these reports that the situation has improved, that a greater and more sincere effort is being made by all the Ministries. Let not the compliment go only to the Home Ministry; let the compliment as also the criticism of hon. Members go to all the Ministries. So far as that particular question is concerned, I may point out to the hon. Member that before the question of creating the post of Chief Botanist could be decided the matter had to go through various stages. A scheme for the expansion and reorganisation of the Botanical Survey of India was prepared and sent to the Planning Commission who advised us that the scheme should be implemented in stages. A particular officer who was holding the post of Director of the Botanical Survey of India had some claim in law to this post also and that is the reason why we had to consult the Ministry of Law. He had been appointed to the post of Director on the recommendation of the U.P.S.C., but could not be given the pay scale on account of financial stringency. We had to find out whether he had any claim to this post. By the time the whole question was considered there was a delay of three months in sending the requisition for recruitment to this post. I would read out from the papers available with me as my hon. friend has stated something which is likely to create needless misunder-

standing about the Ministry of N.R. and S.R.:

"The Ministry of N.R. and S.R. considered that pending recruitment to the post by the Commission it was necessary to fill up the post immediately so that there would not be any delay in the implementation of the reorganisation and expansion proposals of the Botanical Survey of India. They accordingly constituted a selection committee consisting of top ranking Botanists of the country. The committee met on the 18th August 1954 and recommended that X a Botanist of international fame was the ideal choice for the post."

The late Secretary of the Ministry of N.R. and S.R. persuaded X to accept the post for at least one year. When the Commission pointed out that the Ministry of N.R. and S.R. should not have set up a selection committee without first consulting them, the necessity of making an immediate appointment to the post was explained to them and they were requested to agree to the appointment of X for a period of one year. The Commission however did not agree to the proposal and the matter was further discussed by the late Secretary with the Chairman of the U.P.S.C., who stated that while the U.P.S.C., would not give the proposal their blessing they would not also oppose it. X was accordingly appointed to the post for one year only. The House will kindly understand that the appointment was not extended at all. An officer who was recommended by the U.P.S.C., was appointed to this post. You will find, Sir, that the Commission took some months to select the candidate and if X had not been appointed the work of the reorganisation and expansion of the Botanical Survey of India would have been held up for all those months.

SHRI H. N. KUNZRU: The question is, why was not the Commission consulted before the selection committee was set up? If the matter was so urgent the matter could easily have been explained to the Commission.

SHRI B. N. DATAR: I have to point out the difficulty here. The requisition was sent immediately but if we could not have appointed the man immediately that man would not have been available at all.

SHRI H. N. KUNZRU: My point is only this: Government failed to inform the Commission immediately of what they were going to do.

SHRI B. N. DATAR: From what I have stated it would be found that the Commission and the Ministry of N.R. and S.R. have been in constant touch.

SHRI H. C. DASAPPA: They were informed after the selection was made.

SHRI B. N. DATAR: They were informed that this officer had to be selected on account of these difficulties. If this officer had not been taken immediately he would not have been available at all and the whole progress of this department would have been held up. Therefore I would request this House to appreciate the difficulties in which Government find themselves in these cases. As has been stated in one of the cases about which there was some complaint, there was an officer of international repute who was drawing a very good pay in America. Another had a contract for ten years with a particular employing agency. Now, Government found that that officer was of an exceptional character and ultimately the U.P.S.C., also agreed upon this point. Then that officer had to be persuaded to continue in that post. He said that if the Government of India were not prepared to give him three years' contract, he was not prepared to accept it and he was prepared to go back. Then all what the Government did was this. In another case, the particular officer had been approved by the U.P.S.C. but we gave him more pay. They had proposed Rs. 1,000—Rs. 1,500 and we gave him Rs. 1,500 plus some allowances. That is all that we did. Therefore the House will agree that certain

circumstances arise where the Government have to take an on-the-spot action; otherwise, either the progress would be impeded or we may not get the man that we desire to have. It is only under such exceptional circumstances that the Government does such a thing because ultimately the responsibility is that of the Government. Therefore I would point out that so far as this is concerned, there is nothing wrong.

Then something was said about the Scheduled Castes and women. I do not desire to put them together. So far as the Scheduled Castes and women are concerned, happily their number is rising. Just now I have received a chit from the Railway Ministry that they are happy to have found out a Scheduled Caste member and a Scheduled Tribe member and they would take steps to appoint them.

SHRI H. C. DASAPPA: For what job?

SHRI B. N. DATAR: For some high officer's posts; not as clerks or others. So far as the Scheduled Castes and Scheduled Tribes are concerned, hon. Members will kindly understand that they have yet to come up. Only recently they have taken to education. The Government have to take into account the efficiency of the services. I myself have answered questions about.....

SHRI T. BODRA: We have got 100 graduates who are unemployed.

SHRI B. N. DATAR: Merely because a person is a graduate, you cannot take him in the service. He has to pass the tests.

SHRI T. BODRA: They could be called for interview to find out whether they are suitable for the jobs or not.

SHRI B. N. DATAR: We have certain rules in which we have said that a Scheduled Caste or a Scheduled Tribe candidate must obtain a

minimum number of marks and provided it is consistent with the efficiency of the administration he will be taken however low he might be. That is the point which we have to take into account and you will remember that on other occasions hon. Members assail us on the ground that efficiency is going down. Even article 335 of the Constitution says that the claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration. The number of people who are eligible to appear at these very high examinations is very small. Out of about 4,000—I have given figures in the House on former occasions also—there are hardly 30 or 40 who are eligible or who appear. Sir, we have kept in view the desirability of increasing the intake of these officers and I may point out that so far as direct recruitment is concerned, there are reservations at all levels but so far as promotion is concerned, naturally their performance has to be taken into account. We have actually reserved a quota both for the all-India Service examination as also for the Central Service examination and whenever candidates are appointed after interview by departments we have laid down quotas, 16-2/3 per cent. in the case of Scheduled Castes, and 5 per cent. in the case of Scheduled Tribes.

SHRI T. BODRA: We do not want that incompetent candidates of the Scheduled Castes and Scheduled Tribes should be recruited. All that we want is that the reservation ordered by the Home Ministry must be strictly adhered to.

SHRI B. N. DATAR: I may point out to my hon. friend that the Government are very anxious in that respect. We have a special section in the Home Ministry to see that these reservations are fully carried out. And whenever a post reserved for Scheduled Castes or Scheduled Tribes does not go to them, the reasons have to be given to us.

SHRI GOPIKRISHNA VIJAIVAR-GIYA (Madhya Bharat): Is there any percentage for women also?

SHRI B. N. DATAR: I may tell my hon. friend that to a question whether women could be considered as weaker sections of the community, an objection was raised and the Law Ministry advised us that we could not reserve any posts for women. But there are already a large number of women in service. They are competing very competently with men and in the next few years their number will be appreciably large.

DR. SHRIMATI SEETA PAR-MANAND: In examination results many of them stand much higher.

SHRI B. N. DATAR: The examiners do not know whether the answers are written by a male or a female.

SHRI H. C. MATHUR: Would you refer to the point which I made out regarding the results of the I.P.S. probationer candidates? I said the results used to be cent per cent in the past but in the last two years it has been most disappointing.

SHRI B. N. DATAR: I would agree with my hon. friend. It is true; it also struck me that in a particular year certain candidates failed at the Probationers' examination. I shall certainly make an enquiry as to why the number of candidates who failed in the Probationers' examination was all of a sudden so large. That would, however, show that the Probationers' examination is not a matter of course through which all can pass. In fact, that fiction has got to go.

SHRI H. C. MATHUR: My point is very different. When the U.P.S.C. makes recruitment after all these written test, personality test and all that it is supposed that most of them will pass and the result has been cent per cent so far as I.P.S. is concerned; for the last two years however the facts are so disappointing that out of 37 persons only 29 have passed; this year out of 40 only 29 have passed.

SHRI B. N. DATAR: I would convey the hon. Member's observations to the Union Public Service Commission but I have got some information which I shall place before the House. Some of these candidates failed in one or two subjects. Some failed due to accidents while riding. They could not ride. Also there are a number of subjects which are very important and which are very vital and therefore it is quite likely that there was some failure. In any case, I shall convey to the Union Public Service Commission what the hon. Member has stated because the number of failures appeared to the rather large all of a sudden.

SHRI H. C. MATHUR: You can also examine at your end, because.....

MR. DEPUTY CHAIRMAN: Order, order. Let him finish.

SHRI B. N. DATAR: I am finishing in two minutes, Sir.

There were some other matters also raised, but I would rather not touch them because they have nothing to do with the Union Public Service Commission. My hon. friend made a reference to what he called the withholding of the Backward Classes Commission's Report. If my hon. friend will kindly look at article 340 of the Constitution he will find.....

SHRI H. C. DASAPPA: I did not say withholding permanently. I referred to the delay in publication.

SHRI B. N. DATAR: I am explaining the delay. It is a statutory Commission appointed by the President and if I have understood the position correctly, it has to be placed before Parliament first. If, for example, it may be published without being placed before Parliament, then other considerations will arise. What action the various State Governments have taken, what action the Central Government has taken etc. has to be the subject-matter of a memorandum which has to accompany the report and both of them together have to be

laid before Parliament. Very important questions have been raised there and very important recommendations have been made. Those recommendations have to be studied very carefully.

Sir, in the time at my disposal I think I have dealt with all the points that have been raised. I thank the House for the support that they have given.

SHRI H. C. MATHUR: The hon. Minister has very conveniently forgotten the most important point made by Dr. Kunzru about appointments in the Union Public Service Commission itself.

SHRI B. N. DATAR: So far as the Commission is concerned, the Government purposely are anxious to see that the best of the lot are represented there. Formerly there was a lot of criticism that members of the Backward Class or the Scheduled Castes were not represented on the Commission but happily now we have a member of the Scheduled Castes who is on the Commission not merely because he is a member of the Scheduled Castes but because he is competent. He was the Speaker of the Madras Legislative Assembly.

DR. SHRIMATI SEETA PARAMANAND: Is there going to be any woman member also on the Public Service Commission?

SHRI B. N. DATAR: In due course the claims of women will be duly considered.

MR. DEPUTY CHAIRMAN: They may even dominate.

SHRI B. N. DATAR: Yes, Sir. That is all that I have to say.

MR. DEPUTY CHAIRMAN: The consideration of the report is concluded. The House stands adjourned sine die.

The House then adjourned sine die at five of the clock