

- (ii) Statement regarding ratification of Convention (No. 26) concerning Minimum Wage Fixing Machinery adopted by the International Labour Conference at its 11th Session held in 1928. [Placed in Library, see No. 517/54.]

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MOTION REGARDING CONSIDERATION OF U.P.S.C. REPORTS  
—Continued

MR. DEPUTY CHAIRMAN: We now take up discussion regarding Union Public Service Commission's Reports.

SHRI AKBAR ALI KHAN (Hyderabad): Mr. Deputy Chairman, when the House rose yesterday, I was dealing with the legal and constitutional position. I will sum up that position by saying that according to the provisions of the Constitution it is obligatory for the Government to consult the Commission and I would like the House and the hon. Members on the other side to bear in mind the word 'consult'. That shows that the ultimate sanction rests with the Government. Regarding regulations, as I submitted, it is not only impracticable but it is contemplated by the very Constitution that regulations cannot be placed before us before they are finalised. The protection under article 320 is that when such regulations are passed, they should be placed before the House at the earliest opportunity so that the House may be in a position to pass its judgment on the regulations. Now, that is the legal or constitutional aspect of the question.

Now, coming to brass tacks, that is, coming directly to the question, it is true that only consultation is needed but we all affirm, we all believe and we all insist that the recommendations of the Union Public Service Commission should be respected. If that has been the policy, certainly we have nothing to say but if that policy has been

departed from, then certainly it is the right of the House to ask the Home Minister to justify the departure.

SHRI S. MAHANTY (Orissa): What about the exceptions? That is important.

SHRI AKBAR ALI KHAN: I am coming to it. Now, Sir, there are two Reports before us for consideration. One is from April 1951 to 31st March 1952 and the other one is from 1st April 1952 to 31st March 1953. Let us see in the first Report how many appointments were under the consideration of the Union Public Service Commission and in how many cases the Government have departed from the advice tendered by the Commission. My learned friend will be delighted to learn that out of the 5,400 cases departure has been made in only one case. If my learned friends think that a departure in a single case out of 5,400 cases is a thing which is serious and has to be commented upon, then I can only say that they will have to bring forward an amendment suggesting that for the word 'consultation' the word 'finality' or the word 'sanction' may be substituted. If anything, I think the Government has to be congratulated that they have fully respected the recommendations of the Public Service Commission. There may be certain circumstances and there may be a few cases when there may be a justification for departing from the recommendations of the Commission, but there has been only one such case. And take that one single case also.

SHRI RAJENDRA PRATAP SINHA (Bihar): We want to know the justification.

SHRI AKBAR ALI KHAN: I will just show you how it is justified. There was that one single case and that was also a case relating to the Food Department, relating to Agriculture. We must bear in mind that between 1950 and 1952 the Grow More Food campaign was going on and if at such an occasion the services of a senior man, a man who had very good

contacts with the State Governments, a man who had spent his life in that particular job, if his services are extended, is there anything serious about it? I submit, Sir, there is nothing there which could be seriously objected to and for which the Government could be questioned.

Now, Sir, come to the next year. There have been two exceptions only and out of how many cases? My learned friends will be delighted to hear that it is out of 4,900 cases that there have been these two exceptions.

SHRI H. N. KUNZRU (Uttar Pradesh): Does my hon. friend realise that there are different categories of cases and that what the Commission has referred to is a particular class of cases? He should take the number of cases dealt with by the Commission in that category. If the Commission, for instance, selects certain candidates for the I.A.S. or the Indian Police Service or for any other Service, it would be scandalous if there were differences between it and the Government. When the hon. Member refers to 4,000 or 5,000 cases, he is really taking all these into account.

SHRI AKBAR ALI KHAN: With due deference to my esteemed friend Pandit Kunzru, even taking all these cases, there has been only one exception in the first Report and two in the second Report. If I am wrong, I am subject to correction.

SHRI B. GUPTA (West Bengal): You have not understood his point.

SHRI AKBAR ALI KHAN: What I say is this. Taking the cases as a whole, the cases in which there had been departures so far as I know are these three. It is true as I said and as I emphasize now, that it is a convention and that convention must be respected and if possible there should not be even a single instance where the Government should depart from the advice and recommendation of the Union Public Service Commission.

That is an entirely different thing. What I want to say is, has there been a serious departure from the provisions of the Constitution or from the practice that has so far been followed? I say, no. If even a slight exception cannot be tolerated, then as I said we will have to change the provisions of the Constitution and give the Union Public Service Commission final power over appointments to Services. Now, Sir, it is true that the Union Public Service Commission has also complained of delay in appointments. This is a matter which I am sure the Government will take note of and will see that when these recommendations have been finalised, there is no delay in carrying out those recommendations.

Now, Sir, this is the factual position as it stands before us. There was one observation by my hon. friend Mr. Bhupesh Gupta that the Opposition itself is considered as extraneous. I say to them that we consider them as part and parcel of ourselves, our flesh and our blood. We believe in democracy. We do not believe in one party dictatorship. So how can you expect that we consider the Opposition as something very extraordinary?

SHRI B. GUPTA: Very glad to hear that.

MR. DEPUTY CHAIRMAN: Please be brief.

SHRI AKBAR ALI KHAN: Sir, I shall finish in two minutes. If my friend will allow me to give a smile, I think, they occupy the position of teeth, the position that teeth occupy in the human body. Naturally there is some teething trouble with them. We will see that things are improved soon. When there is a healthy growth, teeth is good for health, good for digestion and they are necessary for our growth. It is only when the toothache becomes unbearable that the teeth have to be extracted. That is a different position.

SHRI B. GUPTA: The Government is going on with false teeth.

SHRI AKBAR ALI KHAN: No, it is not a fact. After all, all the facts are there and there is no false pretention on the part of the Government. Sir, what I would submit is this. So far as the Opposition is concerned, let them not go away with the impression that they are something unwanted. Democracy wants Opposition. We want Opposition, but the only condition is that we want healthy opposition.

SHRI B. GUPTA: What is healthy opposition?

SHRI AKBAR ALI KHAN: Healthy opposition is that which is based on facts and figures; not criticism offered for the sake of criticism. The opposition should be based on genuine facts and figures. Now, Sir, I would only request the Government.....

SHRI B. GUPTA: His Majesty's Opposition?

SHRI AKBAR ALI KHAN: We have finished with His Majesty's Opposition.

SHRI B. GUPTA: His Prime Minister's Opposition!

SHRI AKBAR ALI KHAN: So far as the Government is concerned, it is a Congress Government with people who have made sacrifices and who have had the privilege of sitting at the feet of the Father of the Nation. I would request them that they should establish conventions which would go a long way to make the foundations of democracy very solid. What I am afraid is that even a single instance, one or two instances like this, will give an opportunity to persons who have little qualms of conscience—who believe that everything is fair in war and love and politics—to take undue advantage. If they take into their head, they will take advantage of even these exceptions and try to make a big thing out of it. So, while I fully justify the position that the Government has taken, I would request the Government to see that they do not

provide even the exceptions, one or two, so that they will not be taken advantage of by persons who would not be holding the same goodwill which the Congress Government holds.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Mr. Deputy Chairman, I am sure that both the House and the Government itself would be glad that the mover of the motion has brought this matter for discussion before the House, because it is an important matter. But my only regret is that we have to offer our comments on a report which is as stale as relating to a period ending 31st March 1953. I wish that a later report had been laid before the House so that our comments would have been up-to-date.

**THE DEPUTY MINISTER FOR HOME AFFAIRS (SHRI B. N. DATAR):** The latest report is not ready.

DR. SHRIMATI SEETA PARMANAND. I wish it had been ready, because our comments would have been up-to-date and could have had much more relevance to the present state of affairs. We would have known whether Government had taken any further action on the report which is before us.

Sir, I have to make three or four observations which are made not in a spirit of criticism; nor merely to ditto anything that the Government has done or not done. I am sure that the Government likes to get suggestions from the Members of this House so as to improve matters. First and foremost, it is natural that I should deal with the paragraph that relates to women in this report, as I must naturally put before the House the women's case. On page 8, the report says: "Women have also begun to be attracted to these services." It goes on to say. ".....There is no reason why the civil services should be deprived of the services of women who display the requisite standard of fitness for these services." I will not take the time of the House in reading the whole thing.

Further on it says that the Government should make adequate arrangements for the proper training of the recruits to the Services, particularly to the Administrative Service. With all this advice at their disposal, I would like the hon. Minister to make a note of what I am going to say. There is no reason why Government should have come to the conclusion that, when married women fulfil all the conditions and standards, they should be debarred from the higher Administrative Services.

KAZI KARIMUDDIN (Madhya Pradesh): But a law has already been passed regarding married women.

DR. SHRIMATI SEETA PARMANAND: It does not matter. The Public Service Commission did not know that Government would come to such a conclusion. That is why I wish that the 1954 report had been before us. Sir, I would like to point out to the hon. Home Minister that our Government has been ridiculed in other countries for wanting to be progressive in other things and being reactionary in this particular respect. So, I would like, again, to emphasise here and I am bringing the matter to the Government's notice, that they should reconsider this and at once make an announcement of their policy in this respect, before the next All India Women's Conference meets at the end of January next under the presidency of our newly elected President, Mrs. Lakshmi Menon.

Another matter I would like to mention is regarding re-employment of superannuated men. I feel rather than asking Government to send certain cases before the Public Service Commission, it would be in the interests of discipline—and this will stop all kinds of intrigue by Government servants who have completed fifty-five years of age and who have opportunities for pulling their weight with certain people who are in power—to keep this re-employment open, by application, to such members who fulfil certain conditions. Among those condi-

tions I would like to mention, 'health'. Above everything else they must get proper medical certificates of fitness. There are cases, not only here at the Centre, but even in the States, where people who can hardly work for two hours a day have been re-employed.

MR. DEPUTY CHAIRMAN: We are not concerned with the State Governments at present.

DR. SHRIMATI SEETA PARMANAND: If I can mention it in the same breath, there is no harm

MR. DEPUTY CHAIRMAN: It is irrelevant.

DR. SHRIMATI SEETA PARMANAND: I am saying, it is here as well as there. So, in the interests of the integrity of the Services and discipline, it would be better if the Centre were to set an example by framing fresh rules for the re-employment of those people whose mature experience is very essential for Government. By employing them we should not mar the prospects of our young and promising men. Applications by superannuated persons should be made in the regular manner which would go direct to the Union Public Service Commission. It should not be the case that they are required to be recommended through the department where they have served.

Then, Sir, with regard to the application fees chargeable for applications from the candidates who apply for various jobs, there is a common complaint that the fees are very high. And considering that the Government very often receives thousands of applications, and interviews just a few, or maybe 40 or 50 candidates, the revenue that the Government is making in this particular case is not justified, and is made at the cost of poor candidates. I understand that the reason for putting a somewhat heavy fee is to stop people from sending applications which would not be admissible, and thus not to increase Government's work. But

[Dr. Shrimati Seeta Parmanand.]  
in cases where all the qualifications have been fulfilled, and where the Government have not found it possible to entertain those applications by calling the candidates for interview, the Government should, I think, in all fairness refund half the fees to them, so that this charge would not be made.

And lastly, Sir, as there is not much time, I would like the Government to do what so many firms like the Burmah-Shell and other efficient firms do, i.e. to tell the candidates who are not likely to be invited for interview, that their applications are received, but they would not be called. Government do not inform the candidates, and the result is that the candidates have to wait in suspense unnecessarily. Also when candidates are selected, the time between their appointment and selection should not be unduly long, if it is to be long, the Government should give them an intimation about the date on which they are to be called.

One more thing, Sir, namely, about the training of candidates. I find, Sir, that the period of one year, as at present, for I.A.S. and other candidates is very inadequate. The standard of our teaching in universities has gone down. In the old days, Sir, for candidates who passed their examinations in India the period for training was two years, and for candidates who passed the British university examination, usually after finishing their university education here, it was one year. So, to give them a thorough grounding in administrative matters, and to make them really more capable for taking up the work, with which they are entrusted, in an efficient manner, it is necessary to increase this period for two years. It is necessary also because, the officers under whom these candidates are trained in districts are not of the same old trained and tried calibre as they used to be. Very often, on account of the sudden gap created by senior officers having to be retired, the people of the grades of tehsildars

have, during the course of the last four or five years, become Deputy Commissioners and Collectors, the result being, Sir, that they never having known how to train people under them, or not having been trained for the same posts, they themselves are not able to train the people for these posts. And so, Sir, the period has to be increased; the Government might also consider whether it is not desirable to add a sort of another wing to this administrative school, where, senior and retired officers with good record will be in charge of giving practical training to these people. Thank you, Sir.

SHRI S. N. DWIVEDY (Orissa): Sir, from this discussion, I think, the House would be able to know the circumstances and the conditions that prevail in our country, and how they have reflected the services also. There is a charge against this Government that it is a Government of blackmarketeers, profiteers etc. etc. The Government always comes with an explanation that the Government is not corrupt, but the people unnecessarily accuse it. I do not want to go into the constitutional provisions as regards the powers of the Government or the powers of the Commission. But what I want to point out is this that so long as our Constitution is there, the Government should never overlook this aspect of it. Whether you are corrupt or not, whether the machinery is perfect or not, it would be proved by the services that we have. We all expected, Sir, that the charges and allegations that are generally levelled against the Services would not be heard after we had our own Government. Sir, it is well-known that the executive generally abuses its powers. Therefore, the Constitution had given three safeguards viz., the Auditor-General, the Supreme Court, and this Public Service Commission. These safeguards were definitely embodied in the Constitution with a view to see that the executive were not able to exercise their powers to the detriment of public interest. And here, Sir, a clear case has been made out that the U.P.S.C., which is

an autonomous body so to say, has gone into matters in a great detail, and has recommended certain things which have been overlooked by the Government. My friend, Mr. Akbar Ali Khan, has told us many things about this, that and other matters. But I fail to understand why he has not shown how the remarks and statements made by the Commission, in its report, are unwarranted or unjustifiable. He has also not met the charge that the Commission has made in its report, that this power which has been given to the Government has been used indiscriminately to the detriment of the public interest. I need refer to the first report. In the second report also there is a mention about it. Sir, this shows that the Government is really trying to introduce favouritism. There is no doubt about that. Whoever flatters the Ministers somehow, he gets in by the back door, even if he is not successful through the usual channel. In order to get a job, a man will have to flatter the Ministers. And there is a feeling amongst the officers, amongst every good, honest and hard-working officer, if you ask them—the things have come to such a low level—that if you want to be promoted to any service, all that you require is to flatter Ministers, and flatter those who are in authority. That is the only motto perhaps of our services nowadays. Otherwise, I can't understand why this Government would not like to get the concurrence of the Public Service Commission when they give an extension to the retired officers. Sir, as you know perhaps, in the U.K., this practice is existing for the last one hundred years. You will not find a single case where a retired officer has been appointed without the matter being referred to the Public Service Commission. But here, what do we find? Not only in the case of retired officers, but also in the case of officers against whom there are adverse remarks, against whom there are confidential remarks, the Ministers want to get them into the services by any way; they want to overlook those adverse remarks and those confidential remarks, and they want to give them

promotions as they like. And therefore, they do not want to refer those cases to the Public Service Commission. In the matter of promotions and appointments, I think, we would really be establishing a very sound precedent and a healthy convention in this country, if in all such matters the cases are referred to the Public Service Commission. If that is not done, you cannot expect that the Administration would be above suspicion, nor can you expect that the officers would be willing enough and would be enthusiastic enough to work for the good of the country, for building up the Welfare State. The Civil Services are the pillars of our entire system and they must be treated in such a way that they will have the confidence that their own work would be amply rewarded. But that is not done today. Therefore, my whole complaint is that the Government, instead of trying to see that they are above suspicion, that they do not act in such a manner as to create the feeling among their own officers that they favour this officer or that officer, by their action they have proved that they are not very much in favour of establishing healthy conventions, whatever be the letter or the spirit of the Constitution. The letter of the Constitution may be anything, but the fact remains that the Constitution wants that the recommendations of the Public Service Commission should be treated as sacrosanct. I would ask the hon. the Deputy Home Minister who will perhaps reply, only one question, and that is this: Is it not a fact that the Public Service Commission have made—let alone this question of appointments about which many hon. Members have spoken—other recommendations, e.g. relating to the recruitment of personnel who come before them? Have they not said that they are not up to the standard? At one place they have said:

“Only a very small fraction of the candidates display a real grasp of their subjects and a reasonable measure of mental development.”

This is an aspect which should not be overlooked at all. They should

[Shri S. N. Dwivedy.]  
 have given their immediate attention to this. This has been stated in their second or third report also. It was there even in their first report. This matter was even referred to the University Commission, presided over by Dr. Radhakrishnan. That Commission said something in regard to this matter. It is only natural for me to ask the Government whether any step has been taken in this direction to see that the standard of education of our youth is improved in such a manner as to cater to the demands of the Public Service Commission or for the appointments for which they are meant. That has not been done. I will tell you another thing. The Scientific Man-Power Committee is there. We always talk of shortage of technical personnel. We invite foreigners from outside. We are very anxious to import experts from outside but we do not see that the technical personnel that we have in our own country are properly utilised. Has any attempt been made, after the recommendations of the Public Service Commission, to see that such personnel do come for Government Service which at present they don't because there is no proper recognition, there is no proper atmosphere, there is no proper emolument, in Government service? I want to know whether the Government have taken this aspect into consideration and tried to see that such of the personnel as are found in our country who are properly qualified, are given reasonable inducement to come for Government service. What such people do these days is to enter private business or enter some commercial firms. As a result what we find is that in Government service there are many third-rate men. We find here only men who have found no place elsewhere. They have been reduced to the position of automatons who sit in their offices for hours and try to discharge their duties as best as they can to the satisfaction of the Government. We often hear, sometimes even from our Ministers, that when the British were there, the Services were quite honest, quite efficient, working

hard, etc. but that now the standard has fallen. What is the reason for this? The reason is simply this: Not only their qualifications, not only their work but even their good suggestions are not properly recognised and rewarded. They are not properly utilised also. If therefore the level of the administrative services has gone down, it is because this Government has failed to enthuse the Services and also has not acted in a manner as to place itself above all suspicion.

Then, there is one more thing. There are many things but I do not want to repeat them. There has been a complaint that even the machinery of the Public Service Commission does not work properly, that it takes months and months to examine the applications. I have no idea of how the Public Service Commission functions, but I think that somewhere in the report it is mentioned that the Public Service Commission's work has increased tenfold since 1938, and that it has become impossible for them to cope with the work that is before them. Not only that; some of its Members are even asked to go outside the country. For example, its Chairman goes abroad to England and other places and sees how they function there. But it is clear from the report that the staff of the Public Service Commission is not sufficient to cope with the work. May I know whether the Government, after receiving so many reports about this from them, have considered this aspect and tried to see that the machinery of the Public Service Commission functions more efficiently.

These are the matters which I wanted to point out. By having such discussions here, we have really brought forward important matters which escaped our notice so long. This should have received the first attention of our administration, if we want our democracy to be not only a speedy democracy but also a fool-proof democracy and a democracy which is above all suspicion. If anybody in this

country is creating an atmosphere against democracy here. It is this Government by doing things such as have been pointed out in this debate. This is not only my own view but even of people like Dr. Kunzru. Therefore it will be good if the Government comes forward with a declaration that, whatever might have been the mistakes before, henceforward it will respect the recommendations of the Public Service Commission as sacrosanct and will try to implement them and honour them, whether they are to its liking or not as it would honour the judgements of the Supreme Court.

**SHRI H. C. DASAPPA (Mysore):** May I just say a word or two about a matter which is within my personal experience. Otherwise I think there was no need for me to stand up here and my friend Mr. Datar would have effectively answered such criticisms as have been made. Some strong exception has been taken to the non-acceptance of one of the recommendations of the U.P.S.C. viz., with regard to the extension given to the Vice-President of the Indian Council of Agricultural Research. The Government, I am sure, have their own explanation and satisfactory explanation as to why they were compelled by the exigencies of service not to accept the recommendations of the U.P.S.C. As one belonging to the Government of Mysore, I came in contact with the work of this officer in his various capacities. I must at once acknowledge here—let it be noted I have nothing to do with this gentleman—the fact that he was of immense help, in taking up some of the schemes of G.M.F. and also seeing to the improvement of animal husbandry in the various States. I have not much experience of what he did in the other States but so far as Mysore was concerned which is fairly well-advanced in both agriculture and in animal husbandry, I should say that he brought to bear upon his work a great deal of sympathy, a sympathy which is rather unusual. In Mysore we have one of the oldest agricultural depart-

ments and manned more efficiently than some other departments. We had already certain schemes and projects and when this officer came to Mysore, he found a very fertile field where he could carry on his experiments as well as implement certain of the development projects. Therefore without going into details both with regard to agricultural development and G.M.F. and with regard to—what is very important from a national point of view—animal husbandry, he did very well. In regard to livestock problems—such as the development of the key farms—where the object is not only to give good draught cattle to the country but also such cattle as would give a large yield of milk, I think he had knowledge which very few of the people even in the Department possessed. He was able to give a tremendous push to the development of animal husbandry in the States and also with regard to various other matters with which the I.C.A.R. was concerned. Later on as Production Commissioner in the Department, I think he has done very good work and the Government were fully justified in giving him the extension. It is possible that on paper or in theory or if he is subjected to an examination, he may not have done as well as any other student in agriculture or in veterinary science would have done. Possibly, if I were to sit for a middle school examination today, I might fail but I suppose there is something in us which is above that of merely these examinations or tests. I would even make a general remark in this connection that too much emphasis on these examinations or tests has been not so fruitful from the point of view of selecting personnel. There are great many other.....

**SHRI RAJENDRA PRATAP SINHA:** May I understand that such posts as high as that are recruited by examination?

**SHRI H. C. DASAPPA:** I am not yielding to him. It is not worthwhile having so much of a debate on this one point, but this is what I feel



[Shri H. C. Dasappa.]

and it is open for others to think otherwise but I do feel that in the re-making, re-fashioning and re-building of India you want many more of other virtues than mere ability to pass intelligence tests and I am glad that the Government have assessed the worth of the person very correctly when they gave him the extension that they have given.

With regard to one other point which is referred to in the memorandum i.e. the integration of services in Part B States, I was expecting my friend Mr. Mathur to refer to it. You find originally the U.P.S.C. undertook to screen and vet these officers in Part B States so that they may be integrated into the All India services and the officers suitably and properly dovetailed into the various cadres and places but for some reason, that original procedure was given up on the ground that it was a political matter outside the purview of U.P.S.C. according to the Constitution and they resorted to other methods of integrating the services.

SHRI RAJENDRA PRATAP SINHA: Am I to understand that all the appointments are made on political considerations?

SHRI H. C. DASAPPA: I cannot listen to him. What I would beg of this Government is that in the case of those services, they may bring to bear a lot more of sympathy than I believe what has been in evidence so far because it was somewhere in 1950 April that this integration took place and today we are in December 1954 and the cases have not been finally settled. I would therefore beg of the hon. Deputy Minister to apply his mind immediately to this important question where a number of our officers are so uncertain about their future and a good number of them have also been hit hard. I would very much like the hon. Deputy Minister to look into this matter and do what best he can in the matter.

SHRI H. C. MATHUR (Rajasthan): Mr. Deputy Chairman, I don't wish to be carried away by one instance here or another instance there. I think the subject before us for discussion is of very vital importance and it has got to be considered only on certain fundamental issues and in relation to certain basic and important matter.

Mr. Deputy Chairman, as we know, the U.P.S.C. has been given a special position in our Constitution, a position of privilege, dignity and security and I think it is only correct that such a position should have been given to the U.P.S.C. because it is only through the agency of the U.P.S.C. that we can maintain the standard and morale of the services. The standard and morale of services is really very important in the context of a democratic nature of Government because we very often change the Ministries but we must devise an administrative machinery which is so sound and stable and which has morals rooted in something and are not shaken by some temporary shocks. This is one of the reasons that the framers of the Constitution gave the Public Service Commission a special position of privilege, a special position of dignity and of security. While I fully recognise that, I believe a very wrong impression has been created in this House that the U.P.S.C. is above criticism. It is my definite contention.....

MR. DEPUTY CHAIRMAN: You may continue after lunch, Mr. Mathur.

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

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

MR. DEPUTY CHAIRMAN: Yes, Mr. Mathur, you may continue your speech. I may inform hon. Members that I am calling the Minister to reply at 3 o'clock.

SHRI H. C. MATHUR: At three o'clock, Sir?

MR. DEPUTY CHAIRMAN: Yes.

SHRI H. C. MATHUR: I thought we go up to four.

MR. DEPUTY CHAIRMAN: No, we have to close this item by four.

SHRI H. C. MATHUR: Mr. Deputy Chairman,.....

SHRI B. GUPTA (West Bengal): But is there a quorum, Sir?

MR. DEPUTY CHAIRMAN: Shall we take a count or ring the bell?

SHRI H. P. SAKSENA (Uttar Pradesh): We may take it that we dispense with the condition of having quorum, just as has been done in the other House.

SHRI B. GUPTA: No, no.

MR. DEPUTY CHAIRMAN: Let us ring the bell.

*(The bell was rung. Several hon. Members came in.)*

MR. DEPUTY CHAIRMAN: Now, we have more than the quorum. You may go on, Mr. Mathur.

SHRI H. C. MATHUR: Mr. Deputy Chairman, I was saying that the Union Public Service Commission is in a very special and privileged position; but certainly it is not above criticism. After all, what are we considering in this House? At present we have before us the Reports of the Union Public Service Commission for the years 1951, 1952 and 1953—how it has functioned during these years. And when we are examining how the Union Public Service has functioned, it definitely lies within the competence of this House to comment and criticise on the way in which the Union Public Service Commission has functioned. Not that I have any kind of criticism on any individual member or even on the Union Public Service Commission as a whole, but I wish to stress that in the Constitution we find that the Union Public Service

Commission submits its report to the President and that report is laid on the Table of the House of Parliament. Again, Sir, when we make certain Regulations which are to guide the functioning of the Union Public Service Commission, those Regulations are laid on the Table of the House. These special provisions in the Constitution should make it clear that the Union Public Service Commission comes in for criticism only on the floors of these two Houses of Parliament. As a matter of fact, I very much wish that the Union Public Service Commission should be made deeply conscious of the fact that if that institution does not function properly, it will come in for very heavy criticism on the floor of the House, and it is only such a sense and such a feeling which will help the functioning of the Union Public Service Commission on absolutely proper lines. This constitutional position should be clearly understood and this is what I wanted to stress.

Sir, we all want that the Union Public Service Commission should be above suspicion.

We all want that the Union Public Service Commission should be above reproach. We want that in the national interest, and nobody would be happier than ourselves if we found that the Union Public Service Commission has functioned in such a manner. When we consider this aspect, there are two things to be remembered. We should see whether there are certain things due to which the Union Public Service Commission may not be permitted to function properly. The Government may act in such a manner that it undermines the prestige of the Union Public Service Commission. And there are other matters. The administrative machinery of the Union Public Service Commission might be such that it may not be able to discharge its responsibilities properly. It may also be true that the Union Public Service Commission can be constituted in such a manner. After all this Commission

[Shri H. C. Mathur.] does not spring up from nowhere, or it does not descend from the heavens. The Union Public Service Commission, the members of that Commission, are appointed by the President on the advice of the Ministry. So it can be constituted in such manner that it does not command the respect and confidence of the general public. So all these points are very relevant and very germane to the discussion of this Report before us.

Sir, I very much wish that the Union Public Service Commission should not only command the confidence and respect of the people, but it should command such a confidence among the services, among the applicants, that they feel assured of the position, that nothing but merit will count. Sir, I very much regret to have to observe—and I wish to state it very clearly and frankly—that the Union Public Service Commission today does not command that respect and confidence that it should command and.....

MR. DEPUTY CHAIRMAN: Mr. Mathur, do not reflect upon the Commission like that. Such reflections are out of order. I have already ruled it out. Any action on the part of the Government, regarding the implementation or non-implementation of the recommendations of the Commission you are perfectly at liberty to criticise.

SHRI H. C. MATHUR: Mr. Deputy Chairman, I have not got any occult faculties to convey to you my sense even before I speak out.

MR. DEPUTY CHAIRMAN: If you have to criticise the Commission or any of its members, you have to bring a substantive motion for that, not while we consider the Report of the Commission. I have already given a ruling to that effect, and please do not go on in that strain.

SHRI H. C. MATHUR: Sir, if only you had permitted me to complete my sentence you would have.....

MR. DEPUTY CHAIRMAN: Well, you have said that it should be above suspicion

SHRI H. C. MATHUR: I have said that it does not command.....

MR. DEPUTY CHAIRMAN: No, you can't.....

SHRI H. C. MATHUR: .....the respect and confidence which it should command, because the Government has contributed very heavily to that position.

MR. DEPUTY CHAIRMAN: Yes, you may criticise the Government, but not the Commission.

SHRI H. C. MATHUR: Will you kindly let me know whether what I have said is in order or not?

MR. DEPUTY CHAIRMAN: I only want you not to cast any reflection upon the Union Public Service Commission or any of its members. You may go on.

SHRI H. C. MATHUR: Sir, as a matter of fact, my whole speech is based upon this. What has contributed to this situation to which I have just referred? My friends here on the floor of the House referred to a few cases and they narrated that here and there the recommendations of the Union Public Service Commission were not accepted. I would not make very much out of it, if there were only one or two genuine cases in which the Government felt that because of certain administrative expediency, they wanted to ignore or rather they found themselves in a difficult position in accepting the recommendation of the Commission. There is nothing very much to be alarmed about it if the position is like that. My hon. friend who spoke before me tried to convince the House that the gentleman who came in unnecessarily for such criticism was an exceedingly useful officer, that he had been retained in owing to the expediency and under very expedient circumstances, that his experience was needed in the interest of the Administration and in the

Grow More Food Campaign. It may be so.

I am not at all aware and I do not know the gentleman from A to Z and I do not want to indulge in any personal criticism at all but, Sir, I wonder if what has been said is correct, because in this Report before us the only ground on which the retention of this officer was stressed by the Government is this: I am reading from the Report which has been submitted by the Government "the officer had the requisite standing and personality to make his voice effective with State Governments, on whose co-operation the success of the scheme depended to a very large extent. By reason of his previous experience, and proved executive capacity of a high order, he was, in the opinion of Government, pre-eminently fitted for this task". Well, Sir, if the position is like this, there should be no reason for us to feel alarmed at the fact that a particular officer was retained but I cannot understand why such a position cannot be appreciated by the Union Public Service Commission. Further, Sir, I have before me this Report of the Grow More Food Enquiry Committee and I would like to read a few lines from this Report. Let us see what it says. "The co-ordination between the permanent State Agricultural and other development departments and the regular State administration was imperfect, except possibly in a few areas. Unity of effort was thus impaired". This is a Report which has been submitted by a Committee presided over by Shri V. T. Krishnamachari and in which Members of Parliament were also there. Now I do not see how the Government can, in the same breath say that here is the gentleman who had those outstanding qualities whereas the Report signed by the Vice-Chairman of the Planning Commission and other Members of Parliament says that the very purpose for which this officer was appointed and retained has not been fulfilled. As I told you, I have no knowledge of the officer.

MR. DEPUTY CHAIRMAN: What is the Report and what is the date?

SHRI H. C. MATHUR: Page 42, Report of the Grow More Food Enquiry Committee.

MR. DEPUTY CHAIRMAN: Date?

SHRI H. C. MATHUR: Date, 1952. This is perfectly relevant in this context.

As I told you, Sir, I am not very much to be carried away by individual cases but as I see it this case has not been justified. I have very great respect for my esteemed friend, Mr. Dasappa, who spoke before me and because he spoke with experience, I wanted to attach all the importance to what he said but when this Report came to my notice, I thought I would place it for such consideration as is proper, before the House.

Much more important than that is the fact of the limitations which have been unnecessarily imposed on the Union Public Service Commission by the Government of India and I would particularly refer to you, Sir, a Notification by the Home Ministry, particularly in regard to the Part B and Part C States. This Notification is dated 1st July 1951 and this is what they say in this Notification:

"In exercise of the powers conferred by the proviso to clause (3) of article 320 of the Constitution, the President hereby makes the following regulations:—

'1. These regulations may be called the Union Public Service Commission (Consultation) (Supplementary) Regulation, 1951.

'2. Notwithstanding anything contained in the Union Public Service Commission (Consultation) Regulations, it shall not be necessary, and shall be deemed never to have been necessary, to consult the Union Public Service Commission in regard to the initial appointment to services and posts in connection with the affairs of the Union of any person who was previously in the permanent employment of any former Indian

[Shri H. C. Mathur.]

State where such an appointment has been made or where it is proposed to make such an appointment in pursuance of the commitments made in connection with the constitutional changes and extension of the executive authority of the Union Government to any territory formerly comprised in any such former Indian State'."

Now, Sir, this takes away from the jurisdiction of the Union Public Service Commission the entire range of the ex-State Railway Officers. You will be surprised to know when I tell you what happened. The Railway Board and the Union Public Service Commission were going ahead with the vetting of the officers. The Commission was sitting in Hyderabad and they had even called certain officers and vetted certain officers but then it was recalled and this Notification was issued. The main argument from the side of the Government was that there was the Federal Financial Agreement and that they had to take over the officers as they were from the States and that no vetting or selection was necessary. I will concede even that, but then, even if selection and screening were not necessary, those officers had to be equated and integrated and that work could certainly have been left in the hands of the Union Public Service Commission. That was never done and do you know, Sir, what the result is? These officers today are simmering with discontentment. They have been given such shabby treatment that you cannot even conceive of it and that is directly the result of Governmental action in this matter. I would like to make it clear to the hon. Home Minister that I made representation after representation; I submitted memoranda and I must admire the absolute sincerity and integrity of the Railway Minister who was prepared to listen and understand the facts of the case and during the three interviews that I had with him, I convinced him that the integration which had been done by the Railway

Board was absolutely step-motherly, was absolutely unjustified and that it cannot stand scrutiny even for a minute. I cited to him concrete cases, cases of the grossest abuse and even convinced him. On what I submitted to him he felt constrained to appoint a high-powered committee consisting of the Secretary, Home Ministry, Secretary, Ministry of States and a Member of the Railway Board. That committee again went into the whole affair and submitted a report in the month of June and still the hon. Railway Minister finds himself in absolute difficulty in implementing the recommendations. What I want to submit is that these officers, who had been entrusted with the appointment and integration are not above human. These are the people who are in the Railway Board, Joint Director or Director, and are those who are directly interested in the whole affair. Their own position is affected and it is because of these facts that a very step-motherly treatment—and that is the mildest word which I can use—has been given to almost 95 per cent. of the ex-State Railway Officers and by this damage has been done simply because the entire case was taken away from the purview of the Union Public Service Commission. The hon. Minister for Railways finds it absolutely difficult and, as I told you, I have the greatest respect for him and I must admire that man in that he took courage in his hands and set aside the entire integration set up and appointed this committee but he cannot bring that mind which the Union Public Service Commission can bring into these matters. He is, with the best of his intentions, only trying to accommodate and adjust between the ex-Government Railway servants and the ex-State Railway servants. The Union Public Service Commission can bring in an absolutely independent and a fresh outlook. They are not interested in adjustment. What our friends are now doing is only thinking of trying how to adjust. Well, we have got to keep these officers placed; we have to keep these officers satisfied and we have to arrange things and it is why the

entire thing is still in the doldrums. If the matter had been in the hands of the Union Public Service Commission I am sure they would have brought an absolutely independent mind. They are not interested in these officers, nor are they interested in the case of the Government railway officers. They will think what is just should be done. Now these people are absolutely incapable of bringing that outlook which is necessary in the matter of appointments, and, Sir, that is the basic reason why we have the Union Public Service Commission and not the departmental officers to deal with such matters. I refer to these cases, Sir, because I know the administrative side of it very well and if I were to relate to you a few cases you will feel disillusioned, you will not be able to believe how such things happen, but they have happened and I have submitted big memoranda. In the brief time that is before us it is not possible for me to relate all the cases. You will be surprised to know, Sir, that on the Jodhpur Railway, which was a first-class railway and which was also running a part of the British section we always had an Auditor General on loan from the Railway Board. We had effected equation as far back as 1938; the position of our officers was equated and it was accepted by a representative of the Central Government also, it was in 1938 when we could not have dreamt that we will have to come and find our places here. But now today that is not being accepted. An officer who was absolutely Class 1—I will just refer to one case—who was a first-class first from the University of Lucknow, who in preference to the citizens of Uttar Pradesh, in spite of any provincialism was selected earlier as a lecturer of that University—he appeared, went through the scrutiny of the Public Service Commission, again topped the list and was taken over as an A.T.S. The man second to him, mind you, Sir, is one of the I.A.S. officers and he is on the administrative side. But now do you know what has happened, Sir. Now that A.T.S. an M.A. (

Class) and LL.B. has been relegated to an officer of Class III. Can you conceive of such a thing, Sir?

Another officer, an Assistant Engineer, who had put in 15 years, the man who passed from the Banaras Hindu University in 1922 or 1923, the poor man is now one of the store clerks, a qualified engineer working as an officer. Now he is one of the store clerks in the railway posted at Ajmer.

I can quote you hundred and one cases—I have just told you two cases—which have been taken away from the purview of the Union Public Service Commission. I also took legal opinion, Sir, from Bakshi Tek Chand. Here it is. I have also forwarded it to the Railway Ministry. He says that here is a legitimate case which can go to the High Court and “you have” a justiciable case. This is how the respect and prestige and confidence of the Public Service Commission is undermined by the Government through their actions without their realising what they are doing. That is the mildest way that I can put it, Sir.

Sir, I am now talking about the temporary appointments. I know a little bit about these appointments and how they are made. Certainly the Government must have the authority to make temporary appointments. There are certain occasions when they cannot do without making temporary appointments. We can never have any quarrel with the Government if in the interests of the administration they make temporary appointments to meet such expedencies, and I think, Sir, the Union Public Service Commission itself has got that much sense to understand that such temporary appointments cannot be taken objection to. But if you read the Report of the Public Service Commission, what do they say, about these temporary appointments? I would read only a few sentences, Sir. “There have been too many cases in which

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posts have been filled by the appointment of Ministries' nominees on the ostensible ground that the posts were temporary. A little reflection would, however, have shown that most of these posts were not likely to be done away with after one year. In many cases the Ministries' nominees have been kept in office for periods far in excess of one year without any reference to the Commission. Such nominees of Government cannot be denied an opportunity to compete for the post when it comes to be filled regularly on a competitive basis. The experience which they gain of the duties of the post, at the cost of the tax-payer, gives them an undue advantage over candidates from the open market. This state of things is the direct consequence of Ministries and Departments not making use of the provision properly and has naturally evoked severe and widespread public criticism. The Commission are blamed for what is really the default of Ministries or departments of Government." The Commission itself tells you how they are being blamed, how their prestige and confidence is being undermined. They further say, "No such power of making temporary appointment without consultation with the Commission is really necessary and the Commission have proposed to Government that this limitation of their functions should be done away with."

Mr. Deputy Chairman, Sir, the sad story does not end here. If I had the time with me I would show you how in an insidious manner such rules and regulations which naturally come before this House for ratification, for being sanctioned, are not brought, and the Public Service Commission works under such handicaps. I do not know whom to blame, whether it is the Public Service Commission or the State Governments or the Central Government. Now let me take the selection of the I.A.S. Officers. There what is happening? An absolutely scandalous state of things has happened. Can you believe that we can have among the

I.A.S. officers people who are not even graduates, simply matriculates. We were hearing of sad stories that the Maharajahs used to appoint cooks as this officer and that officer. Now we have the State Governments and the Central Government—the Home Ministry very vigilantly sitting over it—and the Union Public Service Commission and I do not know on whom to apportion the blame. My friend Mr. Datar while answering a particular question of mine about the I.A.S. recently told me "Well, we do not promote anybody to the I.A.S. who has not got administrative experience because the promotion is made only of those officers who have got district experience." May I ask him to look at the list of Rajasthan? And he will certainly find that there are officers who had never any experience in the district, who had never gone into the district, they were all the time in the secretariat and they have been taken on the I.A.S. I do not know whom to blame. I can cite hundred and one cases, Sir, to show that all is not well, and the natural consequence of it would be that the people will not have confidence in the Public Service Commission; it does not exist already for many of them.

Another point before I sit down, which I wish to stress is this, that we have not changed at all the system of our recruitment which the changed times demand; we are still going on absolutely on that hackneyed way in the matter of recruitment, and it is only natural that the right type of people are not selected. I do not know whether the Union Public Service Commission has submitted any suggestions and proposals to the Government of India or not. But the fact remains that the recruitment to the services goes on in the most dilatory manner. You send a requisition to the Commission and it takes a long time for the Commission to provide the hands. Thereby you provide a justification to Government in many cases and that is another reason for them to make temporary appointments, because you can never get a vacancy filled through

Public Service Commission before 6 to 8 months. Who is responsible for it. And that forms a vicious circle. So the Government feels justified in making the appointment. You cannot fill a vacancy before 8 to 10 months, that is the general experience. So, Sir, as I was saying, I do not know whether the Public Service Commission has submitted any proposals to the Government to enable them to function in an effective manner and to be able to recruit officers in time, and whether it is the fault of the Union Public Service Commission or it is the fault of the hon. Minister I do not know, but the recruitment proceeds on absolutely hackneyed lines, on absolutely defective lines, the lines on which it used to go 20 years back and which our friends used to criticise.

As you have to call the Minister, Sir, I would rather like to wind up by saying that it is not a party matter at all, and I think my hon. friend must be much more interested than myself to see that the morale and the standard of the services are kept high, and to keep the standard and morale of the services high you must function in a manner which inspires the confidence of the services and I would most earnestly appeal to the hon. Minister to send anybody in whom he has confidence to go and find out what are the feelings of the services, what are the feelings of the candidates appearing for these examinations, and whether they feel satisfied, whether they have any confidence, what are the talks that go on. We are not criticising here the Union Public Service Commission, but it is most expedient that we have a Union Public Service Commission which commands respect of the people, and I would most earnestly appeal to the hon. Minister in filling certain vacancies which now exist they should select such persons, not only persons with great integrity but persons who command the respect and confidence of the people. Persons who will tolerate no nonsense.

3 P.M.

It will be much better if in the selection they have another one or two of such persons. Maybe my friend is not very much enamoured of High Court judges; I am not enamoured of all High Court and Supreme Court judges but there are certainly some of these judges who create a certain sort of confidence in the mind of the people that with this man nothing wrong will happen. So I would appeal to the hon. Minister that he should take particular care in the selection of Members and the Chairman of the U.P.S.C. to see that they put on the Commission persons who command the respect and confidence of the people.

SHRI B. N. DATAR: Mr. Deputy Chairman, since yesterday we have been hearing certain comments so far as the Government attitude towards the recommendations made by the U.P.S.C. are concerned. I am happy that you did not allow a discussion so far as the U.P.S.C. itself was concerned. The U.P.S.C. are carrying on a very important, though difficult, work and the Government have always appreciated what they have been doing because ultimately it is the policy of the Government that we get the best personnel for manning the various services and therefore I have nothing but praise and appreciation so far as the work that is carried on by the U.P.S.C. is concerned. It is true that on a few occasions they have criticised the attitude of the Government but as I shall point out to this House, the differences between them and the Government of India have been brought down to the lowest minimum and I would point out to this House how there has been more or less a general agreement on the policy that is to be followed so far as taking the advice of the U.P.S.C. is concerned.

Now, there is considerable misapprehension regarding the functions of the U.P.S.C. on the one hand and of the Government on the other. Yesterday, as also today, we have been



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told on a number of occasions by hon. Members that the recommendations of the UPSC have to be accepted cent per cent. That is a point with which I shall deal but I would like to point out in all humility that ultimately it is the right as also the responsibility of the Government to make appointments. So far as the UPSC are concerned, it is a very important and influential body whose opinion is highly entitled to weight but we have to understand it very clearly that under the terms of the Constitution they are an advisory body and it is the duty of the Government to consult them in certain cases compulsorily or imperatively. Therefore, the Constitution has laid down two circumstances which should not be forgotten. One is that there is an imperative obligation of consultation so far as the Government are concerned. There is no question of complete or cent per cent acceptance of the recommendations of the UPSC. This is the first point which we have to understand very clearly and if for example, it is contended, as some of the hon. Members did yesterday, that all the recommendations as they are have to be accepted, then I am afraid it would amount to an abdication by Government of its own powers because ultimately the Government are responsible for proper administration and for appointing good people, whatever the recommendations of the UPSC might be, and as I shall point out, we are trying our best to follow their advice. If ultimately in a case or two the Government took a different decision, they take the fullest responsibility. I would point out to this House that even in respect of the three cases which have been referred to, they are really two cases because in the first year as also in the second year on the same case in respect of the same officer, there was a divergence of opinion. Therefore in fact there were only two cases where Government had to take a different decision and the Government's decision has been justified by events. Therefore we have to understand it

very clearly that the Government must have powers in the ultimate analysis of exercising their own discretion so far as the appointment of any particular person is concerned. That is the reason why I stated that the Government take the fullest responsibility for the appointment of the officers concerned though in this respect they have differed from the advice of the UPSC. Sir, when the Constitution was on the anvil, this power was laid down and I would point out to you how the framers of the Constitution were alive to the problem of Government also, to the differentiation of functions so far as the Government on the one hand and the UPSC on the other were concerned. That is why it is stated in clause (3) of article 320 of the Constitution that the Union Public Service Commission shall be consulted. The underlying object of article 320 is obligatory consultation. Even there, Sir, the framers of the Constitution thought that there might be cases where it would not be possible—perhaps it may not be advisable—in the larger interests that even this compulsory consultation should be followed. For such cases they laid down a proviso where it is stated that it will be open to the President to make regulations specifying the matters in which either generally or in any particular class of cases it would not be necessary for the Public Service Commission to be consulted. I am therefore pointing out these two circumstances as very strong circumstances which lay down a differentiation of functions between the Government on the one hand and the UPSC on the other. If we understand this fundamental principle, then it would be very easy to appreciate what the Government have done in this case. In spite of these very clear provisions of the Constitution the Government are anxious that they go with the UPSC to the fullest extent possible and that is the reason why in spite of this constitutional position, the Government have issued circulars to all the Departments concerned that as a rule the recommendations or the advice

given by the UPSC have to be accepted. It is only in those cases where it is in the interest of the Administration or the country that the Ministry has come to the conclusion that their advice ought not to be accepted and then the matter has got to go to the Cabinet and it is at the highest level that the decisions are taken. Therefore you will find that the Government are fully alive to the need for implementing the advice of the UPSC to the fullest extent though on constitutional grounds it ought to be open to the Government in exceptional cases to depart from the advice by the UPSC and if they do so they take the consequences. It is the duty of the Government to satisfy you, the masters, that the particular decision that was taken was justified by the facts of the case.

Therefore I again revert to the question that so far as this non-acceptance of advice was concerned, as an hon. Member pointed out this morning, we seek the advice of the UPSC on a very large number of cases either for fresh appointments or re-appointments or for extensions of appointments. Out of all these cases that have been referred to the UPSC—5,400 in one case and about 4,500 in the other case—there are only two cases, and not three cases, where the Government thought that it was in the larger interest to depart from the advice that was given.

SHRI S MAHANTY. What is the reason?

SHRI B N. DATAR. I am coming to that. I am therefore pointing out to this House that the number of cases in which the Government have departed from the advice of the Commission is almost infinitesimal and I am also prepared to satisfy on merits that in the particular case or cases the Government was right in rejecting the advice and that the Government acted properly in appointing a particular person to whom objection had been taken by the UPSC. There also I

shall satisfy this House that this particular departure from the advice of the UPSC has been justified by results. Therefore, I would submit to this House that so far as these functions are concerned, though constitutionally we can take a particular position we have no desire to take that position and this bonafide policy of the Government has been more than amply justified so far as the three Reports that have been given by the UPSC are concerned. In all the numbers are extremely small and even in those cases I shall satisfy you that the Government was fully justified in taking action as they have done. In this connection, I shall deal with the first case. Now, so far as the first case is concerned, namely, the appointment of the Vice-Chairman of the Indian Council of Agricultural Research is concerned, I would point out to this House that the particular officer in respect of whom this divergence of opinion has arisen was a very able and experienced officer. He was one of those few who was known for his interest and his experience in connection with farming, dairying and milk products. Now, I would point out ..

SHRI S N DWIVEDY Was no other person available?

SHRI B N DATAR. You will kindly not interrupt me at all. I did not interrupt on a single occasion when inaccurate statements were being made. So, I am not going to yield ..

SHRI B GUPTA. Sir, on a point of order ..

MR DEPUTY CHAIRMAN Order order. He is not yielding to you.

SHRI B GUPTA. Sir, on a point of order.

MR DEPUTY CHAIRMAN What is the point of order?

SHRI B GUPTA. When the Minister makes a statement or makes a speech, he replies to some of the points raised. I think it is the convention that we seek certain clarifications

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if we are not satisfied and it is no use telling us that "I am not yielding."

MR DEPUTY CHAIRMAN: Yes, but not in the middle of the speech. There is no point of order.

SHRI B N DATAR Sir, so far as this officer was concerned, he was a member of the I.C.A.R. from 1933 and then on 28th October 1947, this officer was appointed as a Vice-President—kindly note it—on a five-year contract basis. He was appointed as a Vice-President on a five year contract basis.

SHRI V K DHAGE (Hyderabad) By whom?

SHRI B N DATAR By Government, on 28th October 1947. He was so appointed and ordinarily the five-year period would have run out. But in the meanwhile what happened was this. In 1950 he reached the age of superannuation. Now, the question arose as to whether he should retire or whether the contract period should go. Under these circumstances what the Government did was that, they thought, whatever the legal or constitutional position might be, it would be better to consult the UPSC regarding his extension at least for one year, in the first instance. And, therefore, Sir, in 1950 we suggested that an extension should be granted to him and the UPSC agreed to the extension.

SHRI B GUPTA You wanted extension.

SHRI S N DWIVEDY You wanted extension for two years.

SHRI B N DATAR Now the extension was asked for and was granted for one year, in the first instance. You will kindly follow me. When the matter again came up for extension in 1951, then the differences arose. The UPSC said that this particular officer need not be continued because he was a superannuated man and, therefore, some other person should be

appointed. You will kindly see, Sir, that in 1951 and in 1952.

SHRI S MAHANTY Sir, he is misleading the House. The UPSC said "also without qualifications."

MR DEPUTY CHAIRMAN Please hear him.

SHRI B. N. DATAR Now, what happened was that Government had the experience of two hon. Ministers of Food and Agriculture, one after the other. They were of the view that they required the services of this officer because it was a question of food and you will find that the conditions regarding food were not satisfactory. The "grow more food" campaign had to be carried on.

SHRI B GUPTA Was the food production raised because of this officer?

MR. DEPUTY CHAIRMAN Order, order.

SHRI B N. DATAR: and we had to deal with State Governments also. Therefore, on the first occasion, the then Minister for Agriculture and on the second occasion, the late Shri Rafi Ahmed Kidwai, considered that his appointment was necessary and they stated that they would have him for more time, if they agreed, otherwise for one year. Therefore, on that occasion, Government did continue his appointment and you will find that even, by all this, it was within the five-year period. What the Government did was, in order to show that they were prepared to appoint another person in 1951 itself they appointed another person as a Joint Vice-President and in October 1952 another officer was appointed. Then the Government considered as I stated, that there should be the creation of a new post of Production Commissioner. And on that also, the Government was anxious that the UPSC should go with them. The Government stated that for their particular work, the services of this officer were highly invaluable and, therefore, they requested the UPSC to

agree to the appointment. The U.P.S.C. did not agree at all and, therefore, in spite of their advice to the contrary, this particular officer had to be appointed ..

**SHRI RAJENDRA PRATAP SINHA:** It is a wrong statement. The case was referred to the U.P.S.C. after the appointment was made.

**SHRI B. N. DATAR:** That is an entirely wrong statement.

**SHRI RAJENDRA PRATAP SINHA:** Let the hon. Minister say that the statement made by the U.P.S.C. is incorrect.

**MR. DEPUTY CHAIRMAN:** Order, order. You are not in your usual seat.

**SHRI V. K. DHAGE:** With your permission, Sir, I would like to ask for just one clarification, if he gives way. If it was felt that the officer was a very competent officer, was it necessary for them to consult the U.P.S.C. and could they not have appointed this officer without consulting the U.P.S.C.

**MR. DEPUTY CHAIRMAN:** He has told the House that they wanted to carry the U.P.S.C. also with them. Order, order.

**SHRI B. N. DATAR:** Yesterday, Sir, my hon. friend Dr. Kunzru stated that we did not consult the U.P.S.C. at all on clause 3(a) on matters relating to the method of recruitment. That is not a correct statement at all. The Government wrote to the U.P.S.C. They consulted the U.P.S.C. not only regarding the method of recruitment but also about the person to be appointed. There is a very clear mention in this respect not only in our letter to the U.P.S.C., but also in the reply that we have received from the U.P.S.C.

**SHRI H. N. KUNZRU:** Have Government read what the U.P.S.C. itself has written in this Report?

**SHRI B. N. DATAR:** They have never stated that the U.P.S.C. were not at all consulted regarding the method of recruitment. In fact, I have

before me this—this is what the U.P.S.C. themselves have stated in their letter: they are definitely of the view that “the method of recruitment proposed in your letter is not appropriate for this post.” That I can understand, but the charge that was made against us was that we did not ask for their advice regarding the method of recruitment. In fact, we did ask them for the advice, and that advice was given in a particular way, and also we suggested a particular person. Therefore.....

**SHRI RAJENDRA PRATAP SINHA:** On a point of order, Sir, is it not a reflection ...

**MR. DEPUTY CHAIRMAN:** There is no point of order. Please sit down.

**SHRI RAJENDRA PRATAP SINHA:** Just on a point of order, Sir, is it not a reflection on the U.P.S.C. when my hon. friend denies the statement which is made by the U.P.S.C. in the report?

**MR. DEPUTY CHAIRMAN:** Well, he is stating his case.

**SHRI B. N. DATAR:** What Dr. Kunzru had stated yesterday was that we did not consult the U.P.S.C. about the method of recruitment. That, I submit, is not a correct statement, because I have read out to the House from the letter written by them. I would not deal further, Sir, with this particular case.

**SHRI RAJENDRA PRATAP SINHA:** It is so convenient, Sir.

**SHRI B. N. DATAR:** All right. In the other case, there was the question about the statistical officer to be appointed. We have there, Sir, two officers. And one of them whom the Government preferred had ten years' standing and professional experience. He had also trained 350 statistical workers. And lastly, Sir, we had the advice of the highest Statistical Officer in India, namely, the Statistical Adviser to the Government of India.

[Shri B. N. Datar.]

And therefore we had to accept this advice, because the question was very important. So, Sir, these are the only two cases. There are no other cases at all. And so far as these two cases are concerned. I believe, I have satisfied this House that the Government's action was perfectly proper.

Then I would like to come to.....

SHRI H. N. KUNZRU: May I just draw my hon. friend's attention to this sentence occurring.....

SHRI B. N. DATAR: Which report?

SHRI H. N. KUNZRU: The third report of the U.P.S.C. In that report the Commission says on page 14 that "In accordance with the provisions of clause 3(a) of article 320 of the Constitution, the method of recruitment for this new post had to be referred to the Commission in the first instance, instead of the Commission being called upon to concur in the further re-employment of this person in this new post." After carefully considering the proposal of the Government, the Commission came to the conclusion that there was no justification for not recruiting a suitable person for this post on a competitive basis.

SHRI B. N. DATAR: I have just now read out to the House, Sir, the particular sentence from the letter that the U.P.S.C. addressed to Government. And there, they have definitely stated that the question of method of recruitment was referred to them, but that they were not satisfied that it was the proper one. Therefore, Sir, so far as the technical objection is concerned, my submission is that we did refer it to them, but they did not agree.

Now, Sir, I am going on to the next question regarding the regulations or the changes in regulations to be made under the proviso. So far as these regulations are concerned, Sir, it is only on a few occasions that certain regulations have been made, and whenever

they are made, they are placed on the Table of the House, and the regulation, to which my hon. friend, Shri Mathur, made a reference, was also placed on the Table of the House, and there was no amendment at the instance of either this House or the other House. Therefore, you will find, Sir, that whenever occasions arise for making regulations, they are made and they are placed on the Table of the House. In this connection, Sir, one point may also be understood. Now, it is stated in the U.P.S.C. report, as also it was contended, yesterday, that no action should be taken on the basis of a regulation until it has been placed on the Table of the House. Now that would not be a correct position at all, Sir. Now, Government have a right of making a regulation, and sometimes, these regulations have to be made when Parliament is not sitting, or when the urgency of the case requires it. Therefore, the real constitutional position is that it is not a draft regulation, it is a final regulation. So far as the Government are concerned, they make it, they act on it to the extent it is absolutely necessary, and they place it on the Table of the House, and it is open to the House, Sir, to make any changes or amendments that it wants. Therefore, it would not be proper, nor would it be necessary, Sir, to place these regulations first and then to act upon them. That is not the correct position so far as the regulations are concerned.

Then, Sir, I would deal with the question of temporary appointments. So far as the temporary appointments are concerned, one point may be noted that here we have to make a reference to the U.P.S.C. in respect of temporary appointments in Class I and Class II only, not in Class III and Class IV, because they have been excluded with their own concurrence. So far as the temporary appointments to Class I or to Class II are concerned, they have to be referred to the U.P.S.C., provided the period for which such appointments would last would be more than one year. Now it is contended that in some cases such appointments are

made only for the purpose of by-passing the UPSC. That is not the view that the Government have taken, and that is not the policy that the Government have been following. But even in this case, Sir, so far as the temporary appointments are concerned, in consultation with the UPSC we have evolved a formula which I shall read out to you, and which would entirely meet with the various objections that have been raised in this connection. It reads as follows —

“It has been agreed that in such cases, whenever a temporary appointment is made by Government, without previously consulting the Commission they have to be reported forthwith to the Commission.”

To this formula there has been an agreement both on our part as well as on the part of the UPSC. This formula has been evolved with a view to meet the criticism that was levelled against the Government. It has been clearly stated that every such case should be specifically reviewed at the end of six months, and 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. It is expected that this arrangement will eliminate the risk of abuse, without causing undue administrative difficulties in respect of the genuinely temporary and urgent appointments. My friend was right in saying that the question of making temporary appointments must always rest with the Government. If, for example, the temporary appointments are going to last longer, then naturally the UPSC will be consulted, and the new rules that we are going to make would be of such a nature that there would be no ground even for suspecting an abuse.

Then, Sir,

SHRI H N KUNZRU: When was this agreement arrived at?

SHRI B N DATAR: This agreement has been informally arrived at between

the UPSC and the Government of India. It is proposed to put it in the form of a regulation which would be placed before Parliament.

SHRI H N KUNZRU: But when was this agreement arrived at informally?

SHRI B N DATAR: I believe, recently. I cannot give the exact date, but recently it has been done.

Now, Sir, I may point out to this House by way of general information that so far as temporary appointments are concerned, in England, there is no need to make a reference to the Public Service Commission. But we are not going to that extent at all. And therefore, this *via media* has been adopted.

Then, Sir, another point was made, namely, that there was a considerable delay in making appointments after the UPSC had submitted their lists. On this question, Sir, there has been needless misapprehension, because certain stages have to be gone through after the recommendations are received. And I would point them out to this House, and they will find that there is no delay to the extent they complain of. After the lists are received from the UPSC, there are certain stages to be gone through. The first stage is the verification of the character and antecedents so far as the persons whose names are included in the lists are concerned. Then a medical examination will have to be gone through, and in a number of cases if for example a particular candidate is found to be medically unfit, he applies for re-examination, and that also has to be gone through. Then comes the need to finalise the Indian Police Service allotments before allotting candidates to the Central Services. So, the Police requirements have to be attended to. Sometimes these results are not received in time also. Naturally, the UPSC also has to take a considerable time. I have answered questions in Parliament to the effect

[Shri B. N. Datar] that generally the recommendations of the UPSC are received within nine months. In a few cases they take a longer time. Then, after they are received, we have first to find out who are the persons who will be allotted to the Indian Police Service and then the question of the Central Services is taken into account. Lastly, there are consultations with the several Ministries in allotting candidates in each Central Service. These take a certain amount of time which the House will find is naturally inevitable.

SHRI H. N. KUNZRU. Is a delay of one year inevitable?

SHRI B. N. DATAR. It is not exactly one year. As I said, only after the lists are received, we have to start our work. Otherwise the work will have to be held up.

There was also another point made out yesterday and to that also I have a reply to give. It was made out yesterday that in several cases candidates who had appeared for the examination in one year and had been certified on the basis of the examination to be qualified for one of the services were not called up for service until the next examination was over. Sometimes, it did happen formerly. Now we have evolved an arrangement by which no such injustice or hardship would be caused to the persons concerned. Care is now being taken to minimise the delay under all the heads I have mentioned. Top-ranking candidates whose character and antecedents have been certified to be satisfactory and about whose selection there is no doubt are now informed soon after the results are received that subject to their physical fitness, they are guaranteed an appointment in one or other of Class I Services and need not, therefore, appear in the next Indian Administrative Service etc. examination for the same purpose. Therefore Sir, you will see that in these cases also Government are aware of the hardship that is caused and are trying their best to see that no hardship is caused.

SHRI H. N. KUNZRU. When was this arrangement arrived at?

SHRI B. N. DATAR. This arrangement has been come to in the course of this year.

Then, one more point was made out and also partly answered by Mr. Mathur. That was in connection with the question of the absorption of Part B and Part C States' officers. So far as that question is concerned, it may kindly be noted that there was an agreement or a Covenant between the States that acceded and the Government of India, and in that agreement it had been definitely stated that the officers belonging to the Services which are now Central, should be immediately absorbed into the Services without going into the question of their suitability or otherwise. That was one of the terms of the Agreement. Therefore, Sir, though on account of certain misapprehension the Emergency Recruitment Board had been going on with the work of assessment of the merits of these officers that work had to be stopped, because the Covenant or Agreement had to be given effect to. I would briefly point out to you what happened. Many of the former Indian States used to have Services of their own to deal with purely 'Central' subjects, such as Railways, Income-tax, Excise, Posts and Telegraphs, etc. After accession and federal financial integration, it became necessary to absorb the State officers belonging to such services into the corresponding Central Services and it was a part of the political settlement—there is nothing wrong in the word 'political' here. It was a settlement between the Rulers of those States and the Government of India—that all such officers who were in permanent employ should automatically be absorbed permanently into the Central Services and that no question of the assessment of their individual merit should arise. Initially, the Special Recruitment Board of the U.P.S.C. who had commenced the assessment of the State Service officers for the I.A.S. and the I.P.S., had also assessed the officers, in some cases, for

purposes of absorption into the Central Services. As soon as it was realised that in cases of the latter type, assessment of individual merit would be contrary to the agreed basis of the political settlement, a formal regulation was issued excluding such cases from the Commission's purview.

SHRI H. C. MATHUR: I myself mentioned this, as Mr. Datar himself would bear out, that because of the federal financial integration, you had to do it. My point was: Why did not the Government leave the question to be done by the U.P.S.C.? Another point was: Are you prepared even now to give these officers the right of appeal to the U.P.S.C. if they are not satisfied?

SHRI B. N. DATAR: That is an entirely different question with which we are not concerned at the present time. What I would point out to this House is that so far as the question of the commencement of the assessment of the merits of these officers was concerned, that was not covered by the agreement between the States and the Government of India, and therefore further assessment had to be put a stop to with a view to implementing the agreement. Secondly most of these officers have been absorbed, and so far as I can see, speaking subject to correction, all that needs to be done now is the determination of seniority, and that question also will be considered. As pointed out by the hon. Member himself, the Government are alive to this question and Government will decide that question as early as possible.

SHRI H. N. KUNZRU: May I know what the U.P.S.C. was doing so long as it was allowed to do this? Did it reject some people on the ground that they did not have sufficient merit or did it try to fix their seniority in the new services?

SHRI B. N. DATAR: I believe it dealt with all these questions pointed out by the hon. Member, and when the question of assessment of merit is taken up, naturally the question of

suitability or unsuitability arises. Therefore, when this assessment was going on, naturally the implications of that assessment will have to be taken into account. That was the reason why the whole thing was stopped.

SHRI H. C. MATHUR: My point was this: Why could not the U.P.S.C. be entrusted with the work of equating and why is that work being done by the Ministry? Why was the U.P.S.C. brushed aside in the case of these services?

SHRI B. N. DATAR: May I say to the hon. Member that the question that he wants to raise is entirely irrelevant. So far as the U.P.S.C. is concerned, there was no question of brushing it aside. They were carrying on certain work which was found to be entirely unnecessary, and therefore they were asked not to do it. It would not amount to brushing them aside.

SHRI H. C. MATHUR: You could stop them from doing that, I agree.

MR. DEPUTY CHAIRMAN: You cannot carry on a discussion like this.

SHRI H. C. MATHUR: My question is not being answered.

SHRI B. N. DATAR: So far as the question of appeal is concerned, no appeal lies to the U.P.S.C. in any circumstances. The U.P.S.C. cannot come into the picture because they have nothing to do with the absorption of these State Service people under the agreement.

SHRI H. C. MATHUR: That is exactly my objection.

SHRI B. N. DATAR: Another point was made that the staff of the U.P.S.C. is not sufficient to carry on their work. I would point out to the House that the Government have appointed what is known as the Economy Unit. That Economy Unit goes to different offices. Departments and Ministries and to find out whether there is any excess staff. Similarly in respect of the U.P.S.C. also recently this Economy



[Shri B. N. Datar.]

Unit had gone and they came to the conclusion that the staff that was supplied to them was adequate so far as their numbers were concerned. The U.P.S.C. were not satisfied and therefore we gave them more staff. That is exactly what I am pointing out. I would point out that on 1st April, 1952 they had 25 gazetted officers and 284 non-gazetted officers. On 10th December, 1954 we gave them 32 officers—that means an addition of 7 officers and so far as non-gazetted officers were concerned, we gave them 40 more. There were 284 before and now there are 324.....

SHRI H. C. MATHUR: What was the demand against which these officers have been given?

SHRI B. N. DATAR: I have not got that particular figure so far as their demand is concerned but I would point out that when there is an independent body like this Economy Unit whose opinion is before us, then we can take it that the staff they have got is ordinarily sufficient for their needs.

Then something was stated about the Ministry of Information and Broadcasting. Now I have got the figures and I have got also the cases that they have referred to and I would read to the House as to the conditions so far as the recommendations of the U.P.S.C. to the Ministry of Information and Broadcasting and their acceptance are concerned.

All persons holding Class I and Class II posts in the Films Division have been approved by the U.P.S.C. except in the case of 8 posts as below:

2 posts for which recruitment has been entrusted to the U.P.S.C and their recommendation is awaited. That means it is not departed from.

1 post where the recommendation has been received from U.P.S.C. and the offer of appointment has been sent to the candidate. So here also there is an acceptance.

1 post which has been sanctioned for less than a year and the officer's services have been obtained on loan from a State Government.

3 posts for which the method of recruitment is under consideration between the U.P.S.C. on the one hand and the Information and Broadcasting Ministry on the other hand.

1 post where the question of quasi-permanency of the present incumbent has been taken up with the concurrence of the U.P.S.C.

In the Press Information Bureau class I and class II posts are held by candidates approved by the U.P.S.C. except in the case of 9 persons class I, appointed during the last year whose cases have been reported to the Commission and the posts have been advertised by the Commission. There are at present 5 persons holding Class I posts in the All India Radio in an unapproved capacity and their cases have already been referred to the U.P.S.C. The cases of 52 persons holding posts in class II have been referred to the U.P.S.C. 13 other posts are under reference.

Therefore you will find that so far as this Ministry is concerned, they have been following the general policy of accepting the recommendations of the U.P.S.C. in all these cases.

SHRI S. N. DWIVEDY: What is the number of temporary appointments in this Ministry?

SHRI B. N. DATAR: I have given all the figures that are with me. I would not deal with the other points regarding the general inefficiency—they are very large questions and it will be difficult in the short time at my disposal to deal with the question as to how to improve the efficiency not only of Government servants but also of candidates—that is a large question in respect of qualification and this report itself has made it clear and the Chairman of the U.P.S.C. has taken up this question with the various Uni-

versities also and there are training classes being held by certain Universities like Calcutta where they are coaching students for the purpose of competitive examination.

SHRI RAJENDRA PRATAP SINHA: Could he give the figures for the Community Projects Administration?

MR. DEPUTY CHAIRMAN: There is no time now.

SHRI B. N. DATAR: It was claimed that the fees were very high. I would point out that the fees are not very high at all. The fees are entirely moderate.

MR. DEPUTY CHAIRMAN: It is a minor point.

SHRI B. N. DATAR: In the case of refugees, when sometimes it is found that the condition is not proper, the fees are altogether remitted. In the case of Scheduled Castes and Scheduled Tribes, they are required to pay only one-fourth of the amount not more.

Then lastly, within one minute I shall point out that the U.P.S.C. and the Government have agreed regarding the exclusion of certain posts from the purview of the Union Public Service Commission. Now, I would generally point out the types of appointments on which there has been an agreement that they need not be referred to the U.P.S.C.

Appointments of Ambassadors personal staff of Ministers, appointment of permanent Class I officers from one post to another, deputation of Class I Officers from States for tenure posts under the Centre, and then Class III and Class IV Services,—mainly clerical and menial posts, these were never under the purview of the Commission. These are the types of posts in respect of which there has been general agreement.

Sir, I hope I have answered all the points that have been raised by various hon. Members.

THE MINISTER FOR HOME AFFAIRS (DR. K. N. KATJU): Mr. Deputy Chairman, my hon. colleague has adequately dealt with the whole matter in detail. I would rise for a few minutes to deal with the matter generally. It seems to be forgotten that we are discussing here in a sort of post-mortem examination the reports which deal with periods of 3 years which ended on the 31st March 1953. I would like to assure the House.....

SHRI B. N. DATAR: We are dealing with 2 years only.

DR. K. N. KATJU: We are dealing March, 1953. My hon. friend referred with only two years ending with 31st to many agreements which had been reached in a formal manner with the U.P.S.C. in regard to many matters during these last 21 months. I would like to assure the House that the Home Ministry with which the U.P.S.C. generally deals with are engaged in eliminating causes for delay and in effecting improvements practically from week to week. Whenever any point emerges, we want to cut it out. Whenever there is any reason for delay, we want to remove it. So when you come to discuss the report for the year 1954 and the year 1955, these matters would emerge quite clearly. I am most anxious and the Government of India is most anxious that people who pass out, the various candidates, should be informed without any avoidable delay of their success and the offer of appointment may be, so to say, guaranteed to them and they may be saved the trouble of appearing again in a subsequent examination. That is one point that I wanted to make out so that any impression that the Government of India is tolerating particularly so to say the reasons for delay and prolongation of results may be removed. The second matter with which my hon. friend dealt is this question of divergence of opinion between the U.P.S.C. and the Govern-

[Dr. K. N. Katju.]

ment. He has pointed out to you and read out to you also from the Constitution the exact constitutional position of the Commission. If the House expects that the Government of India should become so-to-say, a rubber stamp of every decision which is communicated, every recommendation which is made by the Commission, then I say that it will not only be against the language of the Constitution but it will be really asking the Government of India too much. Please remember that the ultimate responsibility is that of the Government of India. The Union Public Service Commission's recommendation is of the highest value and the greatest weight is attached to it but there are cases where the Government of India, as advised by their technical advisers, by their other advisers, have come to the conclusion that the Union Public Service Commission's recommendation in that particular case should not be accepted. I therefore want to make it quite clear that the constitutional position should not be departed from. The Constitution framers were quite alive to the fact that the Public Service Commission is a statutory body, is an independent body, is intended to be independent, is calculated to give the most impartial and thoughtful advice in an objective manner. They were quite alive to that and as a result they said that the Public Service Commission's function is advisory and not, so to say, imperative, and that function cannot be departed from. I really was astonished when I read in the report that in the two years under examination, there were about 10,000 appointments, 5,400 in the first year and 4,500 in the next year, altogether 9,900 appointments and the divergence was only in two cases. I think the House might have congratulated us on this astonishing result. But here is this meticulous examination and question—why this thing was not accepted? I say this outlook is purely erroneous. That is the second point that I wanted to deal with.

The third point is the one dealt with by my colleague here Mr. Datar—the question of temporary appointments. I would just mention that I really do not like the approach which sometimes is indicated by hon. Members. It presupposes a tendency to believe that whether it is a Minister, or whether it is the Head of a Department or whether it is the Secretary, whoever makes a temporary appointment, that unfortunate individual is actuated by unworthy motives, that it is only the Union Public Service Commission which should be entrusted with the power of making appointments, and it is only the Public Service Commission which can make appointments of the right description and that the Ministers can only be or rather must be moved by political considerations or social considerations or.....

SHRI B. GUPTA: On a point of order, Sir, We want only checks and balances and not consideration.

DR. K. N. KATJU: That is no point of order. My hon. friend is in the habit of rising, goodness knows why. Well, as I was saying, this attitude I utterly dislike. I say it is not justified. We ourselves in the Government of India, have been trying to minimise the cause. And I would like to assure the House of one thing, namely, that no Minister is anxious to undertake upon himself the task of making appointments. I speak quite candidly. It is not only Members of what you may call the Government side of the House who are sometimes—I do not want to make any unworthy reflections—who are sometimes interested in getting a particular job for a particular individual, but Members of the House as a whole, and in this matter there is no difference between what you may call the Members who are the party's supporters. All these distinctions are inside, on the floor of the House, facing each other. But outside, in the lobby, for recommendation purposes, all Members are perfectly equal.

SHRI B. GUPTA: Sir, we do not accept that.

SHRI H. C. MATHUR: We certainly won't.....

SHRI S. N. DWIVEDY: What does he mean by "all the Members?"

SHRI H. C. MATHUR: May I request you, Sir, to ask the hon. Minister to withdraw that statement?

MR. DEPUTY CHAIRMAN: Order, order. You have made similar remarks.

*(Several hon. Members stood up to speak.)*

MR. DEPUTY CHAIRMAN: Order, order, one at a time.

SHRI H. C. MATHUR: It is a reflection against Parliament.

MR. DEPUTY CHAIRMAN: Order, order, one at a time

SHRI B. GUPTA: It is very unfair to say that. We never recommend anyone for the I.A.S., or any of your big jobs. Certainly we do plead for the workers and the employees of.....

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. GUPTA: I know if I were to recommend anybody, for the life of him, he will never get it.

MR. DEPUTY CHAIRMAN: You have yourself said that so many "in-laws" get in. You have made allegations against the Ministers and when they make allegations, you will have to bear it.

SHRI B. GUPTA: Ask him to justify his allegations.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. GUPTA: I do make the allegation and.....

MR. DEPUTY CHAIRMAN: You have said it.

SHRI B. GUPTA: Yes, I have and I can prove practically all.....

MR. DEPUTY CHAIRMAN: Then you should also face such allegations.

SHRI B. GUPTA: But we are not members of the Government and the Minister speaking on behalf of the Government is not the same as a Member on this side of the House speaking. He speaks for the Government.

MR. DEPUTY CHAIRMAN: Order, order, they are also Members of Parliament.

SHRI V. K. DHAGE: But, Sir it is a reflection on the Members of Parliament.

MR. DEPUTY CHAIRMAN: Please sit down, Mr. Dhage.

SHRI B. C. GHOSE (West Bengal): But that is not the way of.....

MR. DEPUTY CHAIRMAN: You have also cast such reflections.

SHRI H. P. SAKSENA: We on this side also can rise in even larger numbers and.....

SHRI V. K. DHAGE: Sir, we insist on the hon. Minister withdrawing what he said now. We insist on the withdrawal of that remark. I want your ruling on that, Sir.

MR. DEPUTY CHAIRMAN: Their allegation is that you are casting reflections upon the Members of Parliament

DR. K. N. KATJU: Sir, I am not casting any, not the slightest reflection, in the remotest manner possible. I am trying to bracket all Members of Parliament together. I honour them all, I worship them all.

SHRI B. C. GHOSE: One thing, Sir, we are not appealing to the hon. Minister, but to the Chair, Sir. The hon.

[Shri B C Ghose]  
Minister is perfectly right, he has the right to speak from that side of the House on their behalf but we have not given him the right to speak on behalf of this side

MR DEPUTY CHAIRMAN When you make or cast reflections, they also have the right to

SHRI B C GHOSE Then is it that all of us can cast reflections as we like? That is a point of order, Sir

MR DEPUTY CHAIRMAN Order, order

SEVERAL HON MEMBERS Order, order

MR DEPUTY CHAIRMAN There is no good casting reflections Order,

(Interruptions)

order I will have to take very serious notice of this.

SHRI B C GHOSE On a point of order, Sir ..

MR DEPUTY CHAIRMAN There is no point of order

SHRI B C GHOSE But you should listen to us

(Interruption from several hon Members)

MR DEPUTY CHAIRMAN One at a time

SHRI B C GHOSE Sir, is it your ruling,—and you have said it—that Members can cast any reflections that they like? May I accept that as your ruling? I am concerned with you Sir Is it the position that hon Members can cast reflections as they like?

MR. DEPUTY CHAIRMAN I wish no Member casts any reflection on other Members. But this has been going on and when you make an allegation, a reflection

SHRI B GUPTA But how do you know that it is a reflection?

MR DEPUTY CHAIRMAN You have said it that so many 'inlaws' get in That is very bad

SHRI B GUPTA But you should hear me You are the Chair and we expect you to view facts entirely impartially We are here to make allegations we make charges, against the Government because the charges exist in the country It is for them to disprove them to deny them

MR DEPUTY CHAIRMAN You are justifying your position Order, order

SHRI B GUPTA I am not here for this kind of a thing

MR DEPUTY CHAIRMAN Order, order, Dr Katju has said that he did not mean any reflection upon any Member

SHRI B GUPTA But that is not the question The reflection lies in that he said that hon Members opposite make recommendations for jobs, or something like that I would ask him to prove it Let him prove a single case in which we have recommended anyone for a job in the IAS or any other important post

MR DEPUTY CHAIRMAN It may not be the IAS Nobody can make recommendations for posts in the IAS

SHRI B GUPTA But

MR DEPUTY CHAIRMAN Order, order, No. Mr Gupta

The Minister will please go on

SHRI V K DHAGE That is not the

MR DEPUTY CHAIRMAN No, Mr Dhage no disturbance, please

SHRI V K DHAGE No, Sir, the point is, you have said just now that the Minister did not mean it May I take it then that the hon Minister is withdrawing that statement?

MR. DEPUTY CHAIRMAN: He said that he did not mean any reflection and you should accept it.

SHRI B. C. GHOSE: What did he say?

SHRI V. K. DHAGE: The point is.....

DR. RADHA KUMUD MOOKERJI (Nominated): When so many speak together we cannot understand what the point is.

DR. K. N. KATJU: All these people starting at once? I have never seen a point of order argued by six people at once.

SHRI V. K. DHAGE: The hon. Minister should.....

MR. DEPUTY CHAIRMAN: Please hear him.

SHRI B. GUPTA: Such irresponsible statements from the Government.

SEVERAL HON. MEMBERS: Order order.

SHRI S. MAHANTY: Who are they to call out "Order, order?"

MR. DEPUTY CHAIRMAN: Yes, what does the Minister say?

DR. K. N. KATJU: What I was saying is, that the Government of India and the Ministers and everybody else who is concerned to make appointments is most anxious to utilise the services of the Public Service Commission, not because in these matters, the Ministers and other persons who are the appointing authorities are subjected to pressure. That is not the point. But all deserving cases are brought to their notice by all persons.

MR. DEPUTY CHAIRMAN: There is no reflection there.

DR. K. N. KATJU: I am not saying that Members of Parliament bring to notice undeserving people.

MR. DEPUTY CHAIRMAN: He said he has not cast any reflection.

SHRI B. C. GHOSE: But you interpreted it as casting reflection. You said, "If you cast reflection he also casts reflections." What does that imply?

SHRI B. GUPTA: I say, I have cast reflections and it is for you to verify and show that they are not true. But I say every syllable that I uttered is true and I stand by it.

MR. DEPUTY CHAIRMAN: You read your speech over again and you will see.

SHRI B. GUPTA: I have corrected both the copies and I stand by everything that I said.

SHRI AKBAR ALI KHAN: What did he mean by "brothers-in-law and sons-in-law" and.....

MR. DEPUTY CHAIRMAN: Sit down please.

4 P.M.

DR. K. N. KATJU: We have an arrangement with the Public Service Commission, a *via media*, if it is a real genuine temporary appointment lasting for a period, short of six months, then, of course, it has got to be made in the interests of public service. If it is for a longer period, then the Public Service Commission will have to be consulted. I have nothing more to add, Sir.

MR. DEPUTY CHAIRMAN: There is no point for decision. The motion is discussed.

#### MOTION REGARDING PROGRESS REPORT OF THE FIVE YEAR PLAN FOR THE YEAR 1953-54

THE MINISTER FOR PLANNING AND IRRIGATION AND POWER (SHRI GULZARILAL NANDA): Sir, I rise to move:

"That the Progress Report of the Five Year Plan for the year 1953-54 be taken into consideration".