

MR. DEPUTY CHAIRMAN: I am putting the amendments to the House.

SHRI H. C. MATHUR: Sir, has not the mover of amendments a right to reply?

MR. DEPUTY CHAIRMAN: Yes. I am putting the amendments to the vote of the House.

The question is:

"That in Rule 4. clause (c) of sub-rule (i) be deleted."

The motion is negatived.

MR. DEPUTY CHAIRMAN: Amendments Nos. (v), (vi) and (vii) are consequential and they are also barred.

MR. DEPUTY CHAIRMAN: The question is:

"That in Rule 5. sub-rule (3) be deleted."

(Alter a count): Ayes 14; Noes 38.

The motion is negatived.

SHRI H. C. MATHUR: Sir, I would - rather, with the permission of the House, withdraw amendments Nos. (iii) and (iv).

•Amendments Nos. (iii) and (iv) were, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: Amendment No. (viii), viz., "In Rule 9, the proviso to sub-rule (1) be deleted" is also consequential.

So the whole of Amendment No. I is lost. We will take up the other amendments at 2-30 P.M.

*For text of amendments, vide ' cols. 3255 *supra*.

1 P.M.

MESSAGE FROM THE LOK SABHA

THE CONSTITUTION (THIRD AMENDMENT) BILL, 1954

MR. DEPUTY CHAIRMAN: There is a message from the other House.

SECRETARY: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha:

"In accordance with the provisions of Rule 132 of the Rules of Procedure and Conduct of Business in the Lok Sabha, I am directed to enclose herewith a copy of the Constitution (Third Amendment) Bill, 1954, which has been passed by the Lok Sabha at its sitting held on the 23rd September, 1954 in accordance with the provisions of Article 368 of the Constitution of India."

I lay the Bill on the Table.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2-30 P.M.

The House 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.

AMENDMENTS TO RULES MADE UNDER THE ALL-INDIA SERVICES ACT, 1951—continued

INDIAN ADMINISTRATIVE SERVICE (PROBATION) RULES, 1954

MR. DEPUTY CHAIRMAN: Before we proceed to the next amendment, I have to inform the House that on the whole we have 33½ hours and 32 hours have been allotted by the Business Advisory Committee to the various Bills. Now, we have already

spent one hour and forty-five minutes over these amendments. I do not want the hon. House to take more than half an hour on the other amendments.

SHRI H. C. MATHUR: I consider this to be quite unfair to restrict the time on these rules to half an hour or anything of that type. What we find, Sir, is that particularly in this House in the beginning of the session there is almost no work and we drag on the discussions inordinately and then at the end of the session we are rushed through. It would be much better if we leave some portion of our business for the next session so that we are not faced with this unfortunate position all the time. As you yourself know, Sir, in the beginning of the session we were having very little to do.

MR. DEPUTY CHAIRMAN: It is not the Chair's mistake. Time has already been allotted. Instead of 1½ hours we have already taken 1 hour and forty-five minutes. This is not very controversial. Please go on with your amendments.

SHRI H. C. MATHUR: I will try to co-operate as best I can, but I cannot reconcile myself to the limitations which are not according to the rules and according to the provisions.

MR. DEPUTY CHAIRMAN: I have to remind you again that we have got to finish this within half an hour.

SHRI H. C. MATHUR: If you wish, I will sit down without moving my amendments and we will finish quickly.

MR. DEPUTY CHAIRMAN: Please be very brief.

SHRI H. C. MATHUR: It is unfair to ask us to deal with these set of rules within ten minutes each. I have got to explain the amendments. We must also remember that the Government took about six years to frame these rules.

SHRI B. GUPTA: I would say that the time should be a little extended with regard to this matter, because this is for the first time that we have got these rules for discussion. Many of us have not given notice of any amendments on the understanding that it would be possible for us to make our observations on this matter. Now, if there is no time, it means that there would be no opportunity for us to pronounce on these rules, and the opinions of the House will in that case not have been known. You will see, Sir, that the matter also is a little controversial. It is not so simple as it looks.

MR. DEPUTY CHAIRMAN: We shall see about it.

SHRI H. C. MATHUR: I will make no speech, and I will carry out your wishes.....

MR. DEPUTY CHAIRMAN: Thank you.

SHRI H. C. MATHUR: against all my inclinations. Now, we are considering the Indian Administrative Service (Probation) Rules. To these rules, I have two or three amendments. Sir, I move:

"That the following modifications be made in the Indian Administrative Service (Probation) Rules, 1954, namely: —

(i) In Rule 8, clause (b) be deleted.

(ii) In Rule 9, the words 'or exempt him from appearing in such subject or subjects, or discharge him from the Service, or pass such other order as it may think fit' be deleted.

(iii) In rule 12, the following proviso be added to clause (b), namely:—

'Provided that before any action is taken against a probationer under this clause he shall

[Shri H. C. Mathur.]

be given an opportunity for showing cause against the action proposed to be taken in regard to him."

Sir, in my first amendment, I have asked for the deletion of clause (b) of Rule 8. This is on the subject of failure to appear at the final examination in certain circumstances. There are two provisions here. Provision

(a) is to allow him to appear at the next final examination or any special examination which the Commission may hold for the purpose. Provision

(b) is: "or exempt him from appearing in all or any of the subjects prescribed for the final examination." I think this clause (b) is absolutely unwarranted and unjustified and should be deleted straightaway because, if a candidate passes, it is well and good; if the candidate fails, either we should give him the go-by, or if there are certain special reasons which have been mentioned here such as prolonged illness, then the only thing which should be done is to give the candidate another opportunity. There is absolutely no justification for any exemption, as this clause is very likely to be mis-used. Medical certificates would be forthcoming and undeserving candidates would get the benefit of this exemption and will get into the I.A.S., in spite of the fact that they are undeserving, in spite of the fact that they shirk the examination, in spite of the fact that they are not fit to pass the examination.

Now, the other amendment is to Rule 9. This is consequential. There is a small mistake here which, I think, should be removed. I think the words "or discharge him from the Service", should stay on in the Rule. The other words "or exempt him from appearing in such subject or subjects or pass such other order as it may think fit" should be deleted. I was under the impression that there was some other provision somewhere to deal with those who fail, but I find i

now that this is the only provision. The amendment should read only like this: "In Rule 9, the words 'or exempt him from appearing in such subject or subjects, or pass such other order as it may think fit' be deleted." This is because the Government should have the power of discharging a man from service, and this is the only clause under which Government can deal with candidates who have failed. The words "or discharge him from the Service" should stay on in the Rule. This is consequential to the deletion of clause (b) of Rule 8.

My third amendment is to Rule 12 that the following proviso be added to clause (b):

"Provided that before any action is taken against a probationer under this clause he shall be given an opportunity for showing cause against the action proposed to be taken in regard to him."

Under Rule 11 'Discipline and Conduct' you will find that before a probationer is removed or dismissed, you have got to ask for the explanation of the person concerned. You have got to give him a show-cause notice, but what happens under Rule 12? It says:

"A probationer shall be liable to be discharged from the Service—

(a) if he fails to pass the final examination in the circumstances mentioned in rule 9, or

(b) if on any information received relating to his nationality, age, health, character and antecedents, the Central Government is satisfied that the probationer is ineligible or otherwise unfit for being a member of the Service; or

(c) if he fails to comply with any of the provisions of these rules."

There is no provision in this clause for giving an opportunity to the probationer to explain. There is no provision here for a show-cause notice

to be issued to him before he is discharged. We must remember that a man has got to go through a very stiff test. He passes the all-India competitive examination. After passing it, he is in receipt of almost a . salary which for the first year is Rs. 350 p.m. and that man can be discharged under these rules and he will have no grounds to approach the Government with any representation. If he submits a representation that he does not know for what reason he has been given the go-by or he has been discharged, he has no case. The Government, in its absolute right, can say: "You have been discharged under Rule 12 and you have got no right to ask anything about it." No show-cause notice is necessary. This I consider is very serious. I have many cases in my view. It would not be possible for me now to illustrate and to give out all these things. What generally happens during the course of probation is that there are many intrigues going on and many things happen and there is no reasonable safeguard provided. I don't want him to be given absolute constitutional protection but certainly he must have some safeguard, he must have some satisfaction that he will not be kicked out simply at the will of the authorities and no explanation will be given. The Government may be satisfied in their own wisdom. I have seen many cases in which absolutely foolish and false intelligence reports are submitted and if you would probe into them a little bit, or ask the man concerned, he will give you very disillusioning facts. I have in my possession certain knowledge which will convince anybody that it is a most dangerous thing to depend upon reports which have not been made known to the persons concerned and the person concerned has not been given an opportunity to explain himself.

MR. DEPUTY CHAIRMAN: The amendments are open for discussion.

SHRI B. N. DATAR: Sir, two sets of amendments have been given—

one relating to Rules 8 and 9 and the other relating to Rule 12. So far as Rules 8 and 9 are concerned, it is stated that the Government should not have discretionary powers in a proper case for exempting a candidate from appearing in any oral test of the subjects prescribed for the examination. The hon. Member will kindly note that certain restrictions have been laid down. It is only under exceptional circumstances when the probationer is prevented by sickness or other cause over which he has no control—these two circumstances may be noted—that the discretion has to be used.

SHRI H. C. MATHUR: There is sub-rule (a) for those circumstances.

SHRI B. N. DATAR: I am reading Rule 8(a) which says:

"allow him to appear at the next final examination or any special examination which the Commission may hold for the purpose."

But I am dealing with the whole question and for the satisfaction of the hon. Member I may point out that there the action that Government takes is not solely on their own responsibility. They make a proposal and then in all these cases both under Rules 8 and 9 it may be found that the U.P.S.C. has to be consulted. So all the safeguards that are necessary so far as the hon. Member's intentions are concerned, are entirely covered by the necessary provision that the U.P.S.C. has in all these cases to be fully consulted. Then the hon. Member will find that there might also be certain circumstances in the case of any candidate where it may be difficult and it may be beyond his control to appear for the examination. Certain circumstances might arise like a war or other contingencies over which he has no control at all and then it might be difficult for him to appear in the examination. It is only under such exceptional circumstances that this power would be used and then there

[Shri B. N. Datar.]

is also another very important reservation or safeguard which might be noted. So far as the seniority of an officer is concerned, that seniority depends upon the total number of marks that a candidate obtains first at the competitive examination and secondly at the probationer's examination. Now it has been made clear here too that in case a candidate does not appear in the examination or fails, then his marks will not be taken into account at all and therefore he will have to come far lower in the order of seniority. So in view of all these circumstances and specially of the fact that here his non-appearance was due to circumstances beyond his control, certain powers have to be reserved with Government and the powers will be exercised after consulting the U.P.S.C. This is so far as the first set of amendments is concerned.

Then it might be noted that we have Rules 11 and 12. Both of them have to be read together. So far as Rule 11 is concerned, it deals with a serious state of affairs so far as the conduct or want of good conduct and indiscipline are concerned. In that case the proposed remedy is either removal from service or dismissal from service. You would agree that removal or dismissal from service is a serious matter. It is something like the penalty after departmental proceedings. It is for these reasons that under Rule 11 it has been provided that he should have an opportunity before the final action is taken by the Government for showing cause against him. So far as Rule 12 is concerned, the circumstances are not so serious or grave as those in Rule 11. There three circumstances have been mentioned. When he fails to pass the final examination—so far as that is concerned, you would agree that no question of giving any opportunity arises. So far as information is concerned, I might point out to the hon. Member that Government take the utmost care to see that no injustice is

done and that there is *no* case against a candidate whose conduct is either proper or who deserves to be taken. In all these cases the utmost care is taken to find out correct information about his nationality, age, health, character and antecedents. I might assure the House that Government have no desire to do any injustice even in such cases. The point that now arises is whether there ought to be a statutory rule making it necessary for Government to give an opportunity. So far as serious cases of conduct are concerned, under article 11 we have stated that there ought to be an opportunity. So far as Rule 12 is concerned, I might tell the House that although we believe that no statutory obligation is necessary, Government are anxious to develop a convention under which even before discharge, such a candidate will be given an opportunity and he will be heard. Therefore the objection that the hon. Member has in view would be fully met by this assurance that no order of discharge is passed unless the man has been substantially heard.

MR. DEPUTY CHAIRMAN: The question is:

"That in Rule 8, clause (b) be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: Has the hon. Member the leave of the House to amend his amendment No. II(ii) by omitting the words "or discharge him from the Service"?

Leave was not granted.

MR. DEPUTY CHAIRMAN: So I put the amendment as it is:

The question is:

"That in Rule 9, the words 'or exempt him from appearing in such subject or subjects, or discharge him from the service, or pass such other order as it may think fit' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That in Rule 12, the following proviso be added to clause (b), namely:

'Provided that before any action is taken against a probationer under this clause he shall be given an opportunity for showing cause against the action proposed to be taken in regard to him.' "

The motion was negatived.

**INDIAN ADMINISTRATIVE SERVICE
(CADRE) RULES, 1954**

SHRI H. C. MATHUR: Sir, I move:

That the following modification be made in the Administrative Service (Cadre) Rules, 1954, namely:

"In Rule 4, sub-rule (1), after the words 'State Governments in this behalf the following words be inserted, namely:

'and approved by Parliament'."

MR. DEPUTY CHAIRMAN: Amendment moved:

"In Rule 4, sub-rule (1), after the words 'State Governmejnts in this behalf the following words be inserted, namely:

'and approved by Parliament'."

Mr. Mathur, you withdrew a similar amendment before, which read:

'and approved by Parliament'."

SHRI H. C. MATHUR: Yes. Now, this is a case in which the hon. the Home Minister is likely to say that it would not be correct and proper for such rules to be laid on the Table of the House. I quite understand it.

The only purpose that I had in putting forward this amendment was to invite the attention of the hon. the

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Home Minister to the absolutely incongruous and unscientific lists that they have got before them. Let them just look at Schedule III of the Indian Administrative Service Pay Rules. You find that this list consists of all the posts where the I.A.S. officers are to be posted and you will find that it cannot be justified at all. Some of the posts in some of the States—Deputy Secretaries for instance—will have to be filled by I.A.S. Officers, and in others they have been excluded. It is such a big hotchpotch that I wanted to invite the attention of the hon. the Home Minister to it. At least as regards the posting of your I.A.S. officers, you must have some sort of a sense of proportion in selecting the posts, and what posts should be kept out. But as I said at the beginning, my attitude is absolutely consistent and I do not want to press this amendment. Therefore, I would like to withdraw it.

The *amendment was, by leave, withdrawn.

**ALL-INDIA SERVICES (CONDUCT) RULES,
1954.**

SHRI H. C. MATHUR: Sir, I beg to move my amendment No. IV:

That the following modifications be made in the All-India Services (Conduct) Rules, 1954, namely:

"(i) In Rule 12, the following new sub-rule be added as sub-rule (3):

'(3) No member of the service shall use his influence while in service to secure employment for himself after retirement.'

(ii) In Rule 13, sub-rule (5), for the words 'except with the previous sanction of the Government' the words 'except without informing the Government' be substituted."

*For text of amendment, *see cdi. 3305 supra.*

MR. DEPUTY CHAIRMAN: Amend
ment moved: '

"(i) In Rule 12, the following new sub-
rule be added as sub-rule (3):

'(3) No member of the service shall
use his influence while in service to
secure employment for himself after
retirement'

(ii) In Rule 13, sub-rule (5), for the
words 'except with the previous sanction of
the Government' the words 'except without
informing the Government' be
substituted."

SHRI H. C. MATHUR: Sir, now we come to
the All-India Services (Conduct) Rules, 1954
and to these Conduct Rules I have moved two
amendments. The first one relates to an officer
using his influence to secure employment for
himself. You will remember, Sir, that a
question was asked on the floor of this House
and a particular and specific case was pointed
out to the hon. Minister where an officer, if I
remember correctly, in the Ministry of
Commerce, and Industry, had utilised his
influence while in service to secure an
appointment for himself after retiring. This I
think is a very unhealthy thing and what is
more, this evil threatens us much more now as
we are now in the process of industrialisation
of our country. If I am correctly informed, so
many things happen in highly developed
countries. An officer in the Ministry gives a
big favour to a particular firm, he puts it
through the Ministry and he does not care, be-
cause he is sure of securing a good job in that
particular firm. Therefore, to watch and guard
against such conduct on the part of the
officers, it is necessary that we have some
such provision as I have suggested. Otherwise
it cannot be done. As a matter of fact, while
answering that particu-

lar question that I referred to just now, the
hon. the Home Minister a[^]ked, "What could
we do? The man is not in our service. We are
not in a position to take any action against
him." I quite understand the logic of that
argument. Therefore I say we should make
such provisions in the rules that it becomes
absolutely impossible for an officer to do this
kind of a thing. We have in our hands his
gratuity. We have in our hands the man's
pension. So we can just make provision to the
effect that an officer will not take up any
appointment in such and such a firm for two
or three years, without the previous sanction
of the Government, and if he violates such a
rule, then the Government will be well within
their powers if they stop his pension or take
any such step. There can be many other sug-
gestions which can be made to stop this sort of
a scandal. We must provide against it, because
we are at present strengthening our industrial
development branch here and the country is
being industrialised. There may be many
temptations in the way of officers. So we must
take due care of it.

Next, I come to my second amendment and
that is to Rule 13, sub-rule (5). Sir, I feel that
Government is treating the I.A.S. officers
almost as school children, for if a man wants a
little loan he is asked to get the previous
permission of the Government. And knowing
as we do how the Government machinery
moves, he will not get the permission for six
months. As the Home Minister himself knows,
there are times when an officer has got to go
in for a loan. When an officer goes out on a
special assignment it becomes difficult for
him to draw his salary. The hon. the Home
Minister knows that when he posted Justice
Wanchoo for the Andhra business, he could
not get his pay for about three months and he
had to write D.O. letters and all that. It is a
common, everyday occurrence as we all
know. We know how the Gov-

ernment machinery functions and to force the officer to apply to the Government asking for permission previously to obtain a small loan would be real hardship against the officer. As we know, every officer, most of the junior officers, on Rs. 350 to 500 or so which they get, they have got to go in for loans on so many occasions.

DR. K. N. KATJU: Mr. Deputy Chairman, may I give one piece of information to my hon. friend? These rules have been framed after the fullest consultations with the State Governments and after having an All-India Chief Secretaries' conference, and this point was never expressed by any of the Chief Secretaries or service organisations. My hon. friend is doing good to people who do not want it themselves.

SHRI H. C. MATHUR: Yes, Sir, everybody is fully aware of how these rules have been framed. The hon. the Home Minister cannot, of course, give us understanding, but if I were to take this argument of his, then there should be no modification of these rules, there should be no amendments proposed, and there is no point in discussing these rules at all and there should not have been any provision for such discussion. I think he made a great mistake in making any provision that the rules will be laid on the Table of the House and they will be open for modification by Parliament. How can I accept his argument or reasoning? It is difficult for me to do that. He says he cannot give us understanding, but only his argument. How can we take this argument or this reasoning which has nothing in it? If it is an inconvenient argument, he will never touch that point, but will.....

MR. DEPUTY CHAIRMAN: That is all right. Let us have your arguments.

SHRI H. C. MATHUR: He will not touch an inconvenient point, but will

just skip over it, as he did in the last debate. When I invited his particular attention to an inconvenient point, all that he said was that he could not give us understanding. But he does not even give us his reasons. He does not even touch inconvenient points. Of course, I know the Home Minister has taken some three-and-a-half years over this matter, consulting and consulting the Chief Secretaries of the State Governments; but still Parliament has the right to look into this and submit modifications. I think that is obvious.

Now, it is our common knowledge that living as we do, in the circumstances in which we all are, we are always in need of a little money here and a little money there. So I say, instead of asking these officers to take the previous sanction—I request the Home Minister for a little understanding in this matter—instead of asking them to take previous sanction, let them inform the Home Ministry, let them inform the Government. Let the officer inform Government, "I have taken this loan". I think the officer will have this much sense to see that when he has got to inform the Government, he does not take the loan from an objectionable quarter. At least we must feel that the officers who are going to be the cream of our services will have at least this much sense, and they will not take loans from undesirable quarters particularly when they have got to inform Government about it. Of course, the question will be put, "If such a thing happens, if the loan is taken from an undesirable quarter, what are you going to do about it?" Very well, let Government discharge the loan and deduct the money from the salary of the officer. As it is, this law will really be a hardship and I feel this law will definitely not be respected. It will be there more in the breach than in its observance, because you are compelling people unnecessarily. As we know, most of us live in debt. I have myself been in service, getting a thousand rupees and yet I could

[Shri H. C. Mathur.] not do without incurring certain loans on many occasions. How can Government insist on previous sanction being asked for and the man waiting for the sanction? There are many emergencies, many cases, many reasons why previous sanction cannot be taken. But I can inform the Government about the loan that I have taken from a particular person. I do not see why Government cannot have this much trust in the officers who are their top officers.

3 P.M.

SHRI B. GUPTA: Sir, these All-India Services (Conduct) Rules, 1954, to my mind, would promote McCarthyism in the Administrative Services and would lead to widespread heresy hunt. Now, as the hon. Member pointed out, there is, on the one hand, distrust of officials, especially the small ones.

SHRI KANHAIYALAL D. VAIDYA (Madhya Bharat): We do not understand McCarthyism. Will you please explain?

MR. DEPUTY CHAIRMAN: He is explaining.

SHRI B. GUPTA: He said that on the one hand there is distrust of small officials. They may be quite justified in taking loans because they do not get much by way of salaries but it is no use trying to tell us what the Chief Secretaries who get Rs. 4,000 as salary and what the State Governments say. The State Governments mean the Chief Secretaries and so it does not give us much satisfaction. On the other hand, we find provisions being made to enable Government to do little political tricks. That is the thing to which we take serious exception. In this connection, I would only like to refer to clause 4 of the rules. This is what it says: "No member of the Service shall be a member of, or otherwise be associated with, any political party or any organisation which takes part in politics nor shall he 'ake part in subscribe in aid of,

or assist in any other manner, any political movement or activity".

MR. DEPUTY CHAIRMAN: What is the rule that you are reading?

SHRI B. GUPTA: Rule 4 on page 31 which is the most abominable rule.

MR. DEPUTY CHAIRMAN: We are not concerned with it.

SHRI B. GUPTA: I only want to draw your attention to it, Sir.

MR. DEPUTY CHAIRMAN: Mr. Gupta, we are concerned with amendment No. IV.

SHRI B. GUPTA: Here is a rule which sets father against son.

MR. DEPUTY CHAIRMAN: That is not in question now; we are concerned with amendment No. IV.

SHRI B. GUPTA: What I say is that this clause bears on the whole rules..

MR. DEPUTY CHAIRMAN: All that Mr. Mathur wants is obtaining prior permission.

SHRI B. GUPTA: There is distrust of the officials, smaller ones especially. I am not going into the other thing, but at the same the whole thing should be understood in the context of the rules that have been framed. If you ask me to separate the things, separate one rule from the other and discuss it in isolation, I am in great difficulty and I think I require your help' in this matter. After all, the Chair is there to help the Members.....

MR. DEPUTY CHAIRMAN: If you want, it would be forthcoming.

SHRI B. GUPTA: to understand the extent to which these rules apply. There is one rule which says that the officials will not take part in politics. Subversive activities will be decided by the Government and not by anybody else.

MR. DEPUTY CHAIRMAN: We are not concerned with politics, Mr. Gupta.

SHRI B. GUPTA: It is there. All right, Sir, I will lay it down.

MR. DEPUTY CHAIRMAN: Come to this rule, please.

SHRI B. GUPTA: 'If his son is taking part in politics or is aiding politics.....' What does it mean?

MR. DEPUTY CHAIRMAN: I am sorry, Mr. Gupta, you are again going back to politics.

SHRI B. GUPTA: I can tell the McCarthys of the Congress regime that this abominable clause would have very serious repercussions in the country, will be rejected by the country and will lead to mass persecution, heresy hunt and McCarthyism on a wide scale in the Administrative Service. I think the hon. the Home Minister should take out this atrocious clause.

SHRI B. N. DATAR: So far as rule No. 12 is concerned, I point out to the hon. Member that Government do propose to introduce one rule on the lines of a rule which is already existing under Regulation 531B of the Civil Service Regulations. The proper place for such a rule would be in the Pension Rules. According to the rule which is now in operation, no officer can take up private employment for a period of two years after retirement without the previous approval of Government. The object that the hon. Member has in view would be fully served by the rule that would be introduced in the rules regarding pensions, namely, if this rule is not followed then naturally there will be the penalty of the pensions being withdrawn. Therefore, at the proper place, we will introduce this rule which is already being used so far as the Central Services are concerned. Whenever an officer retires and

wants to take up private service within two years of retirement, that officer has to obtain the permission of Government. Government makes enquiries and accords or refuses permission according to the circumstances. Therefore, whatever the hon. Member has in view will be fully met by what I have stated just now.

So far as rule 13 is concerned, I am happy to know that at least for once my friend has spoken on the alleged behalf of the Services.

SHRI H. C. MATHUR: I spoke on the previous clause also.

SHRI B. N. DATAR: In this case, Government desire to be extremely strict. The object is that, so far as the local sphere of the officer is concerned, the officer should act absolutely fearlessly. For example, if he borrows money from others or lends money to others, he would not be in a position to carry out his work properly because there would grow another kind of interest either in favour of the borrower or in favour of the lender and that would make it difficult for him to carry out his duties fearlessly and properly in addition to exposing himself to criticism. We are anxious that he should work in a very fearless manner and that he should not put himself and others in an embarrassing position. Then it might be noted that he must take previous sanction of Government but so far as small amounts are concerned, the hon. Member will note that we have introduced a proviso in sub-rule (4) according to which he can give or take a loan of a very small amount from a personal friend provided it is free of interest. That way, all ordinary wants are provided for and, therefore, whenever there are large amounts of money, either to be borrowed or to be lent, he has to take Government's permission. In this case, it is not merely informing the Government. What Government desire is to know the reason and the propriety or otherwise of any such action. Government

[Shri B. N. Datar.] are anxious that they should be very-strict in this matter and that is the reason why Government have stated that there should be a special sanction obtained, not merely a post *facto* sanction but prior sanction before he enters into any such transaction.

SHRI B. GUPTA: What about rule 4?

MR. DEPUTY CHAIRMAN: Do you press your amendment, Mr. Mathur?

SHRI H. C. MATHUR: In view of the assurance given and the information given by the hon. Minister, I do not press amendment No. (i) but I do press amendment No. (ii) I remain absolutely unconvinced.

* Amendment No. IV (i) was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"In Rule 13, sub-rule (5), for the words 'except with the previous sanction of the Goernment' the words 'except without informing the Government' be substituted."

The motion was negatived.

**THE CENTRAL EXCISES AND SALT
(AMENDMENT) BILL, 1954—
*continued.***

MR. DEPUTY CHAIRMAN: We go back to the Central Excises and Salt (Amendment) Bill. We are left with one hour and twenty minutes and so the hon. Members will have to be brief.

SHRI C. P. PARIKH (Bombay): Mr. Deputy Chairman, I rise to support this Bill. This is a small one and this enunciates principles which are of great importance to the development of our country in the industrial field and in a manner which is suitable to

"For text of amendment, *vide* col. 3306 *supra*.

our country. The measure is very important in that Government, immediately after seeing four or five machines installed in the country, came with an ordinance in July to stop these machines competing with the manufacture of bins which is carried on by nearly six lakh or more people. This, Sir, is a great departure and since this Parliament met, this is the second occasion on which cottage industries of this nature are being protected by the State. The first was the case of the handloom industry and the second is the biris but I would request the hon. the Deputy Finance Minister to look into the cases of other such industries in this country as are handicapped owing to mechanisation and the employees of cottage industries have been suffering for want of assistance from the State. I think, Sir, if he examines the industries, he will find that many articles can be produced by the cottage industries. I think there will be about 50 articles and since there is unemployment and under-employment in the country, it is necessary to devise measures in order that the field of cottage industries is not taken up by machanised industries. The hon. the Deputy Finance Minister has pointed out that the cost of production is Re. 1-14-0 less when the *biris* are manufactured by these machines. It is quite true, Sir. He has also pointed out that in this process one man will do in place of twelve in the ordinary process, that is, the ratio is 1 : 12. Therefore 50,000 workers can produce all *biris* if machines are installed. This is a situation, which, I think, is well recognised.

He has now to divert his attention to other products also where such inroads are made in their manufacture in the cottage industry. The situation is all the more important because we have made great industrial and agricultural progress in the country, but this agricultural and industrial progress in a democracy will be useless if there is no adequate employment or full employment which ix