

Shri S. M. Banerjee: May I know whether this Committee also recommended suitable action against some of the officers for the way in which they were promoted; if so, what action has been taken, whether those officers have been demoted and, if so, how many?

Shri Morarji Desai: Until these 106 representations are properly examined and decisions are arrived at, I cannot say there have been such cases.

Shri Tyagi: I wonder if promotions are made on the basis of merits and efficiency of an officer, or purely on the basis of seniority.

Shri Morarji Desai: All the three combined.

Extension of Jurisdiction of Supreme Court and Election Commission to Jammu and Kashmir State

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*1872. { **Shri S. M. Banerjee:**
Shri Haider:
Shri Warier:
Shri Tangamani:
Shri A. M. Tariq:
Shri Vajpayee:
Shri U. L. Patil:
Shri Shree Narayan Das:

Will the Minister of Home Affairs be pleased to state

(a) whether Government propose to bring the Kashmir State within the jurisdiction of the Supreme Court and the Election Commission of India; and

(b) if so, when?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The State of Jammu and Kashmir is already within the jurisdiction of the Supreme Court and the Election Commission of India except for certain purposes. The functions of the Election Commission of India and the Supreme Court can be extended to the State for all purposes

only with the consent of the State Government. The matter is receiving attention.

Shri S. M. Banerjee: May I know whether the Kashmir Government has approached the Central Government for bringing Jammu and Kashmir for all purposes under the Election Commission, if so, the reaction of the Central Government?

Shri Datar: No, Sir.

Shri S. M. Banerjee: Yes, Sir, they have done.

Mr. Speaker: If the hon. Member says that they have done, he need not have put the question. The hon. Minister denies it.

Shri Vajpayee: In view of the fact that the circumstances under which article 370 was incorporated in the Constitution have materially changed and the people of Jammu and Kashmir have expressed their desire to be on a par with other Union States, may I know if the Government would consider the desirability of deleting article 370 of the Constitution?

Shri Datar: So long as that article is in the Constitution, it has to be followed.

Shri Vajpayee: My question has not been answered. I want to know if there is any proposal under consideration of the Government to delete this article.

Shri Datar: No, Sir.

Mr. Speaker: He says that it will be followed.

Shri A. M. Tariq: May I know if Government are aware of a decision taken by the ruling party under the leadership of Bakshi Ghulam Mohammed asking Government of India to bring the State of Jammu and Kashmir under the jurisdiction of the Supreme Court and the Election Commission, and, if so, may I know if Government are going to amend the Constitution?

Shri Datar: From the Press reports all that appears is this, that the Executive Committee of the party has taken a decision. The matter has to come before the Jammu and Kashmir Legislative Assembly, and then the Government will be in a position to write to us after which proper action will be taken.

Taking up of Jobs by Retired U.P.S.C. Members in Private Firms

*1873. **Shri Harish Chandra Mathur:** Will the Minister of Home Affairs be pleased to state:

(a) whether members of the Union Public Service Commission, on retirement, are free to accept jobs in private firms without obtaining permission of Government;

(b) whether any members have accepted such appointments during the last four years; and

(c) if so, whether a statement furnishing the details of employment accepted will be laid on the Table?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes, except those members who, being governed by Article 531-B of the Civil Service Regulations, are required to obtain prior permission of Government before accepting commercial employment within a period of two years after retirement.

(b) and (c). Information will be collected and laid on the Table of the House.

Shri Harish Chandra Mathur: Is the hon. Minister not aware that the retiring Chairman of the Union Public Service Commission accepted a job in a private concern and he negotiated for it even when he was in office?

Mr. Speaker: That does not arise.

Shri Datar: That does not arise out of this question.

Shri Harish Chandra Mathur: It does arise. Look at parts (b) and (c) of the question. Sir, would you permit the Home Minister to get away by saying that he does not even know that the retiring Chairman of the Union Public Service Commission has got into a private job?

Shri Datar: I have never stated that I do not know. Let not the hon. Member attribute to me things which I have not stated.

Shri Harish Chandra Mathur: Sir, will you kindly look at parts (b) and (c) of the question? I am asking a definite question whether the Chairman of the Union Public Service Commission who retired recently accepted a job in a private concern and negotiated for it when he was in office.

Shri Datar: I have replied that the information will be collected and laid on the Table of the House.

Shri Harish Chandra Mathur: Is it the contention of the hon. Minister that he is not aware of this particular fact?

Mr. Speaker: He wants time to collect the details of all members who have taken service elsewhere.

Shri Tyagi: It is not a matter of thousands of people; it is only a matter of hardly a dozen or half a dozen people. How does it take so much time for the Ministry to collect information about only five or six persons?

Shri Datar: The hon. Member has tabled a question and we have called for the information. He has not asked information about any particular officer. The question is clear, whether any members have accepted such appointments during the last four years. Therefore, Government have to find out . . . (*Interruption*).

Mr. Speaker: Order, order. Hon. Members are arguing this matter

Shri Tyagi: No, Sir.