

MOTION RE : THIRTY-SECOND AND THIRTY-THIRD REPORTS OF THE UNION PUBLIC SERVICE COMMISSION ALONG WITH GOVERNMENT'S MEMORANDUM ON CASES OF NON-ACCEPTANCE OF COMMISSION'S ADVICE MENTIONED THEREIN—*contd.*

[*English*]

[SHRI SOMNATH RATH *in the Chair*]

14.12 hrs.

SHRI TOMBI SINGH (Inner Manipur) : Mr. Chairman, Sir, I am grateful for the opportunity given to me to take part in this discussion on the 32nd and 33rd Reports of the Union Public Service Commission. To begin with, I would like to draw the attention of the hon. Minister to page 36 of the 33rd Report under the head, "Promotions and Confirmations", wherein it has been said :

"...Further, no Selection Committee meetings had been held for the last three years for all the three cadres of Jammu and Kashmir, and the Indian Administrative Service and Indian Forest Service for Nagaland, as no proposals were received from the concerned State Governments. In the case of three States, namely Uttar Pradesh, Bihar and Manipur—Tripura (Indian Administrative Service and Indian Police Service), the meetings could not be held as the dates suggested by the Commission did not suit the convenience of the State Governments."

This is a very serious lapse, because in certain areas, and for certain communities, the promotion quota is a very important issue, because once timely promotion is denied, it is very likely that a number of officers will be retired without getting the privilege of this promotion to the IAS or Indian Police Service. In the particular case reported, the list involved 192 posts for IAS, 153 for IPS and 94 for Indian Forest Service. For no fault of the officers, the meetings of the Selection Committees could not be held for three years.

In certain cases, there was no certainty when such meetings could be held. The government should have some mechanism to check such lapses. For an area like Manipur, we have very special conditions because here one-third of the population is ST and two-thirds from the non-scheduled tribe population. But, otherwise, socially, educationally, the entire bulk of the population stands on the same footings because of the protection received by the ST candidates. There has been created a serious imbalance among the officials because the majority community in the State of Manipur is known as Meitei forming two-thirds of the population. They have not been able to compete with the rest of the country on merit, because human material is the same. While the ST have the protection, it is very good and we do not grudge the protection, and we are not against reservation also, but the point to be made is that there might be certain other communities in the rest of the country facing similar difficulties; they are graded general castes, but they do not come under the general caste for such competition. So, they have been suffering all these decades without getting any representation on the

basis of direct selection. So far as Meitei Community is concerned, they have got maximum one or two direct selection in the Indian Administrative Service and one or two in the IPS. In this context, it is the government who should have some statutory protection for such community which cannot stand in competition with the bigger community in such competitions. So, for such community, the promotion quota in IAS, IPS or in other Indian Services is so important that there should be a mechanism provided by the Home Ministry that the State Government concerned should not fail to submit the necessary material for the promotion of these officers.

The Public Service Commission has to play a role in the integration of the country because the Indian Services, either Police Service or Administrative Service or other services like Forest Service, they should not only train them in administrative matters and management but also in motivation, about the real thing, about the mission that they are going to perform in different parts of the country where they would be posted. They go with a complex as if they are the hang-over of the Indian Civil Service that was prevalent in the colonial ages; they go to different places, backward areas and look down upon the people and also the officers who work under them. We should provide necessary motivation that they should be trained not only in administrative matters but also motivation factor.

It should be compulsory for the IAS and IPS people to learn the local language wherever they serve; it was a necessity; it was compulsory during the colonial days that whoever goes as a member of the civil Service should

learn the language of that area, should be conversant with the local conditions. But, now, it seems that this has not been given sufficient emphasis.

Now, I would like to draw the attention of the Minister to the medium of examination for the Public Service Commission. The relevance of the Eighth Schedule has been recalled here. There has been a long drawn debate about amendment of Eighth Schedule. There are number of languages awaiting inclusion in the Eighth Schedule. I do not like to mention the names. But during the lifetime of the late Prime Minister, Shrimati Indira Gandhi it was promised that the case of Manipuri would be taken into consideration along with some other languages. This has become very important because in certain languages examinations are being conducted. Then, a community whose language is the official language in the State, whose language is well-advanced, well-developed in every department or every sphere of translation, novels, drama, essays, poems and modern and contemporary literature, etc. also demands it. When this advantage is denied to certain communities this is a basic denial. I would like to suggest that till the amendment of the Eighth Schedule, the languages recognised by the Sahitya Academy should be the media of examination if at all the examination has to be conducted in languages other than English and Hindi. Only then the legitimate demands of the small communities and small States will be met.

Then, another point I would like to mention is about the process of examination. I have nothing to say against the examinations as such. But the process is time-consuming. Beginning with January this year with applications, and then the Preliminary examination some

time in April, results coming out in June-July, and then main examination in November and then the final results of the main examination, in March-April, it takes virtually more than one year. So, the candidate appearing for this examination has to spend more than one year. It is not only time-consuming but it is also a strain on the physical and mental abilities of the candidate. Also, many students will not be able to wait for so many months, because there is no certainty whether they will pass or whether they should switch over to other choices. Therefore, this process of time-consuming examination should be looked into. We may suggest that the time should be cut at least by half.

Another thing we can mention is about the reduction of the age limit from 28 to 26. The reduction was done with proper justification. But this reduction was implemented, and no proper notice was given, even though a notice of at least three years could have been legitimately given. A second chance has to be given for 28-year old candidates. It is good if it is given, it is in the fitness of things that another chance, should be given so that those students who were supposed to get their chances, and whose chances were reduced to two, could have another chance. If this is done, I think many of the grievances of the candidates will be removed.

SHRI SUDHIR ROY (Burdwan) : The 32nd and 33rd Reports of the Commission reveal what a stupendous task they have to perform. And they have done their task in a most appreciable way. We are also happy to note that the Commission could recommend all the candidates for the posts reserved for the Scheduled Castes and the Sche-

duled Tribes. It is also a fact that examination reforms and introduction of regional languages as medium of examination have induced more and more young men from rural areas to sit for the UPSC examinations and come out successful. But there are certain disturbing factors which I would like to raise.

First of all, it is found that the Government of India is still continuing with the practice of making *ad hoc* or irregular appointments on a large scale. This is violation of the rule of law because in a democratic country public appointments are public property and they should be filled up only on the basis of merit and experience. Such *ad hoc* and irregular appointments are often made with political patronage. Hence Government should do away with this practice.

Secondly, it is found that often offer of appointments are made to candidates after inordinate delay. Naturally, successful candidates, when they are offered appointments, cannot join Government services. Meanwhile they seek employment elsewhere and find a job elsewhere. As a result, efforts and huge expenditure involved in their selection become infructuous. Often the excuse given is that the verification of character and antecedents have not been completed. We hope that such verification of character and antecedents should be completed in time.

It is also found that the Government do not notify the recruitment rules. Though the instructions given by the Department of Personnel and Administrative Reforms on 13th August, 1969 and again on 22nd May, 1979, clearly laid down that within four weeks of the advice received from the Commission

recruitment rules should be notified, cases are rare where notification was made with such expedition.

Let me quote from the Commission's report :

"Out of 720 cases pending notification, in 92 cases recruitment rules have not been notified even after five years, in 22 cases over 4 years, in 33 cases after three years, in 81 cases after two years, in 102 cases after one year and in 95 cases after 6 months."

Absence of recruitment rules induces the Government to make irregular and *ad hoc* appointments. Hence Government should notify recruitment rules as early as possible.

We find that a large number of students from metropolitan universities such as Delhi University, JNU, Bangalore University, Rajasthan University, Jaipur, come out successful in the UPSC examinations. This indicates that even now majority of the successful candidates have urban upper middle class background. But the nation lives in villages. The services should represent the cross-sections of the people. Especially more and more young men from rural areas, more and more Scheduled Castes and Scheduled Tribes candidates, candidates from racial and linguistic minorities should have representation in the services. Otherwise, the services would be dominated by the urban elite. These urban elites does not cater to the needs of the rural people. Hence it would be good if coaching centres are started under the auspices of all the state universities. Financial assistance should be made available to the State Universities by the Government of India. It is also found that cases of promotion, seniority, punishment, etc.

are often shelved and the Commission is not informed in time. Naturally the Commission cannot take decisions swiftly. As a result members of the public services suffer from a sense of frustration. Hence such cases of promotion, discipline, etc. should be referred to the Commission as early as possible.

The Government is keeping a large number of services outside the purview of the Commission. This erosion of the UPSC's authority is not good. Nothing should be done by the Government to undermine the authority of the Public Service Commission. At the end I would like to reiterate the views expressed by some learned friends that only those people who have unimpeachable integrity, should be made Members of the Commission. With these words I conclude.

SHRI RAM SINGH YADAV (Alwar) :
Mr. Chairman, Sir, I congratulate the Minister who presented these two Reports to the House. It is a matter of gratification that the Commission has expressed its satisfaction about the working of the Government regarding the *ad hoc* appointments because the complaints from the Commission's side have regularly been that *ad hoc* appointments are made by the Government without consultation of the Commission and without informing the Commission about the existing vacancies. But in the present Report, the Commission have expressed its satisfaction. On page 5 of the Thirty-third Report they say :

"The Commission are happy to note that during the year under report, there has been some reduction in *ad hoc* appointments in Government. The Ministries/Depart-

ments are now more circumspect in resorting to *ad hoc* appointments. Refusal of the Appointments Committee of the Cabinet to allow *ad hoc* appointments to be made or continued against regular vacancies, has a very heartening impact in putting almost a total stop to *ad hoc* in higher posts."

So, this is one of the very good signs so far as the selection of the candidates for higher posts is concerned. But I wish to bring to the notice of the hon. Minister that the upper age limit which was 28 years, has been reduced to 26 years, perhaps on the recommendation of the Kothari Committee. But, at the same time, in some cases the Commission itself has recommended that the upper age limit should be 28 years. On page 11 of the Thirty-third Report, they have said :

"The upper age limit prescribed for the Engineering Services Examination was 27 years till 1982. On a proposal received from the Government, the Commission agreed to raise the upper age limit for this examination to 28 years to bring it at par with the upper age limit prescribed for the Civil Services Examination. The revised upper age limit will be effective from the Engineering Services Examination, 1983."

So, the Commission also, in its own wisdom, thought it fit that the upper age limit for the Indian Engineering Service should be 28 years. I do not know the logic behind this because it was for the Committee to consider this matter and there might have been many reasons for doing this. The Minister also, when he was expressing Government's views on the matter, was under the impression that it will help the rural population if the urban popu-

lation does not get more chances by resorting to this upper age limit. But this is not the case because generally after passing the 10+2+3 examinations and after doing post-graduation or LLB, the age of the person who becomes competent to appear in the civil service examination is near about 23 and he must be given two or three chances at least. The Kothari Commission has introduced the preliminary examination also in which the result is that out of one lakh candidates, nearly 15,000 candidates who get through and only those candidates who get through in the preliminary examination, get a chance to appear in the main examination. So, keeping in view all these things, there should not be any reduction in the age limit and I would request the hon. Minister to see that the age limit is raised from 26 to 28 years, so that more and more people of calibre may get a chance to appear in the examination.

Now, there are two examinations—the Preliminary, and the Main. If a candidate gets through the Preliminary, but not the Main, next year he has again to appear for the Preliminary first. Once a candidate has cleared the Preliminary, why should he again be asked to appear for it? Why do you not allow him to appear for the Main examination? This view should be considered.

It is the general feeling that engineers, doctor and other professional people prefer to enter the IAS. We can get over this problem by the creation of All India Engineering Service, All India Health and Medical Service and All India Educational Service. The question of the creation of these three cadres has been raised from time to time since 1963. It is time that Government consider this proposal seriously and sympathetically.

The Estimates Committee has recommended that some more benefits should be given to these services. It is necessary because the IAS officers are getting the same emoluments, which they were getting since 1960, in the super-time scale of five years. Government should look into the matter and consider raising their emoluments, as recommended by the Estimates Committee of Parliament.

Some of the IAS officers are employed by foreign governments after their retirement. In fact, some of these officers have held crucial posts before they were appointed by the foreign governments. I am quoting from *The Patriot* of 24th April 1984 :

“When the Government considers the material rewards for the All India Services, it should bear in mind that the salaries of judges have also remained unchanged for years and inflation has eroded their incomes. Furthermore, it is time the Government consider whether it should not be regulating the post-retirement benefits many civil servants draw from foreign governments and private business firms. Former Foreign Secretaries of India have been employed by foreign governments. One is said to be currently an officer of the Pentagon. Aside from the propriety dignity, is this practice compatible with the requirements and consistent with national security? How can India match the material benefits to the senior civil servants which the future foreign governments and private employers can shower to purchase information and influence these officials have gained in their capacity as senior civil servants?”

This aspect should also be considered. A person who has served as Defence

Secretary or Foreign Secretary should not be allowed to accept any foreign assignment. One officer, who was the Foreign Secretary here, has taken up a high executive post in the United States. These things should be stopped. It should be incorporated as one of the service conditions that they will not be allowed to take up such assignments after retirement.

The House is happy to note that the Government of India has taken a decision that 50 per cent of the persons recruited in these services should be posted in States different from their home States. But at the same time I will request the Minister to look into another aspect. The promoted officers are hand in glove with the local State or the home State. Therefore, this formula should be applied to the promoted officers also. That is 50 per cent of the promoted Officers should also be allocated to the States other than their home States.

Though these national services were created by the Secretary of State for India during the British regime, they have also given some good service to the country. One is national integration. Another is that these IAS Officers are not only the executive functionaries, but sometimes they influence the policy-making of the country. Therefore, it needs re-orientation. We have gone through these reports and there is no programme like that. There should be change in the outlook of the officers. There should be change in the approach of the officers so far as the present policies of the Government are concerned. As a matter of fact, he is not only a bureaucrat today, but, when he comes to the status of a Secretary or an Advisor to the Government of India, he assumes another role, a role of an adviser to the Ministry or to the Minister. In that capacity the nature and approach

of the officer is of very material value. Therefore, it needs orientation.

I would also say that there should be mixed cadre. This will help promote national integration because unity in diversity is the theme of the Indian culture and the Indian nation. Therefore, it is very necessary that this culture should be imbibed in our officers, who are in the highest cadre in the bureaucracy.

Lastly when we consider Section 311, some of the officers have behaved in a way which is a slur upon this Cadre. Recently there have been some cases in my State—Rajasthan—about one IPS officer. Prior to that there was a case about another IPS Officer. So, as a matter of fact, under the garb of Article 311 they should not be exempted if they are found committing such atrocities or mal-practices or an act which is unbecoming of the Officer of that Cadre. Therefore, should be some mechanism to get rid of such handicaps because till they get the approval from the Union Public Service Commission, no action can be initiated against them. Therefore, the Government should think over it and see that prompt action can be taken against such officers who commit errors or who are found guilty. As a matter of fact at present it takes a very long time to take action against them. First of all there should be an inquiry and after that, if he is found guilty, a prompt action against him should be initiated. So, this needs to be looked into.

With these words I thank the Minister for the new directions which he has initiated and for the commendation of the Commission to improve the performance of the Government services.

[Translation]

SHRI RAM PYARE PANIKA (Robertsganj) : Mr, Chairman, Sir, I am grateful to you for giving me an opportunity to speak. First of all, I would like to draw your attention to the letter written to various State Governments by our Prime Minister, Shri Rajiv Gandhi, two days ago, wherein he has said that only persons with undisputed integrity and efficiency should be appointed on the Public Service Commissions. Sir, it indicates the policy of our Government and our new Prime Minister particularly in respect of this important matter.

SHRI NARAYAN CHOUBEY : It was not so earlier.

SHRI RAM PYARE PANIKA : It was the policy earlier also. (Interruptions)...

[English]

MR. CHAIRMAN : Please go on. Don't pay any attention to them.

SHRI RAM PYARE PANIKA : I am not at all perturbed.

MR. CHAIRMAN : Not perturbed. Please don't pay any attention.

SHRI RAM PYARE PANIKA : Not at all. I will see only the Chair. (Interruptions)

[Translation]

Sir, first of all I would like to congratulate our young Prime Minister for the views expressed by him yesterday which deserve to be commended.

Our Public Service Commissions have

a glorious history. They have discharged their responsibilities with great honesty and devotion. Till today the people in the country have a very good impression about the Public Service Commissions. The People are of the view that one can get his work done at other places through underhand means but it is not possible to do so in the case of Public Service Commissions. I would, therefore, like to congratulate the Public Service Commission people also. In this connection I would like to give some suggestions also.

Sir, we have seen this report. There is no doubt that after independence there has been an increase in the number of persons belonging to scheduled castes, scheduled tribes and the weaker sections in Government services. Although their number in Government services has been increasing constantly, yet it has not yet reached the desired level. I would like to say that the training and coaching schemes undertaken by various universities for these sections of our society should be encouraged and extended to all the 40 to 50 universities. Special attention should be paid in this regard in the backward areas so that their standard could be raised.

Sir, the Constitution confers on us the Right to Equality, but nobody follows it. On the one hand, there are no buildings for even primary schools in remote adivasi areas in the country; there are no suitable seating arrangements for their children, but on the other hand, public schools are being set up in big cities. The graduates coming out of the colleges in the adivasi areas cannot compete with the graduates coming out of the colleges in the urban areas.

I would like to make a mention about the preliminary test which is called by

you as objective test. A large number of candidates are eliminated in such tests. Its very purpose is to eliminate candidates. But who are eliminated? Generally, they are from remote villages where modern educational facilities are not available. Today, we should follow a policy under which the thousands of brilliant students from these areas also could be given modern educational facilities so that they could compete with the candidates from urban areas. You shall have to adopt a new thinking in this regard.

Besides, you should not restrict the training to certain cadres only. It should be extended to other fields also. You have entrusted certain services to the Public Service Commissions. You want to bring about integration in the country. The power position in the country is very bad. The working of the Electricity Boards is not improving despite all the reforms undertaken and directions given by the Centre, the reason being that the service conditions of the engineers are not uniform. If the service conditions of the engineers are made uniform throughout the country and there is a single service commission for them, then there will not be any agitation by them in support of their demands. Similarly, there are many other services at State level. If these services are made all India level services, for which a demand is also being made, like medical and engineering services, a lot of improvement can be made. You have done something in respect of Forest Service, but much more is yet to be done. You should try to do the needful so that the country may develop and the problem of regional imbalance and national integration may be solved.

I would to make a mention about the conflict between IAS and IPS, which is observed in actual working. It vitiates

the entire administration. The Superintendent of police says that he is higher in Status than the Collector while the Collector says that his status is higher. Sometimes, an old I.P.S. Officer is posted under a young Collector. Something must be done to rectify these things.

Just now an hon. Member was referring to promotions being made in State services. I consider it a right thing. But in some States, the salary of an officer of the provincial service is higher than that of an I.A.S. officer due to which there is great resentment among the I.A.S. officers. When I.A.S. has been deemed the topmost service and they constitute the cream of the society, then you will have to ensure that they do not get less pay than the personnel of State services. In my view, it is not good to create resentment among I.A.S. officers throughout the country in this manner. My next suggestion is that when the personnel belonging to State Services are accorded the same status as that of an I.A.S. officer then it should not be restricted to executive services only; it should be extended to engineering and agricultural services also. Some percentage may be 25, 30, 35 or 40 per cent, should be fixed for them in the States other than their home States. All these things will have to be done at the basic level.

I would like to say one thing more. Sometimes, Government do not accept the recommendations of the Commission. Attention should be paid towards it. A perusal of the last year's report reveals that you did not accept a recommendation when high officers were involved, but you immediately accepted it if lower employees were involved. It indicates your policy that you want to protect the high officers. It is not a good policy. This policy will have to be changed.

I am very thankful to the Commission that it has detected an irregularity after a thorough scrutiny. A doctor had got himself appointed in Dr. Ram Manohar Lohia Hospital or some other hospital by producing a fake Scheduled Caste certificate. As there is reservation for Scheduled Castes, he would naturally demand promotion also. Certain doctors brought this case to our notice. I am very thankful to the Public Service Commission that it had conducted an inquiry in the matter and communicated to the Government that some irregularity had been committed and a job had been secured by producing a fake certificate. The Home Ministry or the Medical department should take up this case. It pains me that the Government have not accepted the recommendation of the Commission and the Doctor is still being considered a Scheduled Caste. (Interruptions) I think for raising the morale of the Officers of Commission and to show that they are working in an unbiased manner, it is necessary that their recommendations should be accepted and action be taken against the officers who are facing charges. The Vigilance department has given adverse reports against several I.A.S. Officers in Uttar Pradesh but no action has been taken against them. The Association of I.A.S. Officers may be good for other purposes but I would like to point out that it is the general feeling in the country that no punishment can be awarded to an I.A.S. Officer and ultimately he is let off.

In the end, I commend the efforts made by the hon. Minister. A separate Ministry has been created. I hope that my suggestions will be kept in view.

[English]

SHRI GIRIDHAR GOMANGO
(Koraput) : Mr. Chairman, Sir, this

U.P.S.C. Report is an important one. The Department of Personnel and Administrative Reforms which was tagged on with the Home Ministry is now under the direct control of the Prime Minister. The intention of this separation from the Home Ministry is to put emphasis on the administrative machinery which is to run the country and which is to give an accelerated tempo to the development of the country as desired by the people.

What is democracy? The definition of democracy is: It is by the people, for the people and of the people. What is bureaucracy? The bureaucracy is by the Government, for the Government and of the Government. What is Government? The Government is a Government which is made by the people, which works for the people and which is answerable to the people. If we take these three definitions together, then the essence of these definitions will be that both the politicians and the personnel are for the development of the country and for giving justice, legal, developmental, social and political, to the people.

Yesterday, while the hon. Minister was initiating the debate, he said that they have given reservations to the Scheduled Castes and Scheduled Tribes in order to bring them to the mainstream of national life. I agree with him. But this is not actual intention of giving reservations to these people. The actual intention is to have the participation of these people in the development of the country so that they are able to give justice to their own people. If they are given an appropriate training as well as education, then only it will be possible to achieve the desired result.

After Independence, we have got a number of Scheduled Castes people in

the IAS, IPS and in other all-India services as well as in State services. The question is whether the Scheduled Tribes people have at last come to the level of Scheduled Castes people, or not. The educational opportunities in the tribal areas are very much less with the result that very few tribal people join the administrative services. So, I would ask the hon. Minister what are the steps that the Government propose to take to give appropriate education to these people so that they come up to the level by which the tribal people can at least join the administrative services to administer their areas.

Another thing which is important today is administrative reforms. There was the Administrative Reforms Commission. The report of this Commission covers nearly 30,000 pages. In that report, nowhere rights there any mentioned relating to the backward or tribal area administration. There was no emphasis on any aspect relating to tribal administration. It means no investigation was made at all about the administration of the backward and tribal areas. According to the Government, administrative reforms for the country means the reforms for the entire country excepting the tribal and backward areas. Is it not a fact that the North Eastern region and the tribal belt of Central India and other backward areas of the country require a separate administrative set-up for the sake of their economic development and for meting out social and legal justice to those people?

It is generally presumed that administration is meant for the developed areas and the implementation of certain rules and procedures in such areas. But this is not administration in actual terms. If the attitude and approach of the

administrator towards that development of backward areas and backward people is negative, that cannot be called true administration and we do not want that type of administration.

It is very interesting to find that we formulate the plan and allocate money and by implementing the plans, we want to achieve certain objectives. In the implementation of the Plan, the representatives of the people, the Ministers and the officials, all the three, have their respective roles to play. The representatives of the people have to make the policies and the officials have to implement those policies and the people must get the results. But, unfortunately, there is no coordination between the representatives of people, the Ministers and the officials. Before we interpret the plans, we suddenly jump into the aspect of implementation. If the plans are not implemented properly and if there is a failure, then only we will analyse the causes for our failure. Then only we will try to find out whether the exact intention behind the plan or scheme is properly interpreted or not.

I would, therefore, suggest that first of all you must be clear what precisely is the policy you want to follow and then you must implement your policies.

Earlier, everybody had an interest in implementing the Plan. At that time, there was no personal interest or vested interest and there were no clashes of interests. But now, there is only one interest and that is vested interest. That is why, the Plans are not being properly implemented.

Government is now proposing to delink degrees from jobs. This was conceived long before by our late Prime Minister Shri Jawaharlal Nehru. While

speaking at the opening session of the Scheduled Tribes and Scheduled Areas Conference in New Delhi on June 7, 1952, Shri Jawaharlal Nehru said :

“It is better to send a totally uneducated man who has passed no examination, so long as he goes to these people with friendship and affection and lives as one of them. Such a man will produce better results than the brilliant intellectual who has no human understanding of the problem.”

This is the intention, this is the approach, that we want, whether in tribal areas or in backward areas or in any other area.

I would make this request to the hon. Minister.

Now there should be no question of another Commission. He should constitute a Committee in his own Department to study the problems of the backward areas, tribal areas and other areas to see what difficulties are there and how far these difficulties can be removed and what type of officials should be appointed in these areas.

I would suggest that you create a separate cadre called the Scheduled Areas Administrative Service. 'Scheduled Areas' means those areas covered under the Fifth and Sixth Schedules. The Sixth Schedule covers the north-eastern areas while the Fifth Schedule covers the other tribal areas. The officials should be given the option whether they would like to serve in the hill areas or in the plains or in any other area.

I conclude my submissions with the hope that our new Minister will inject a new thinking in the administration and that we will get the desired results.

SHRI K.R. NATARAJAN (Dindigul):
Sir, the Central Government has provided for reservation of appointments or posts in favour of the Scheduled Castes and Scheduled Tribes as per Articles 15(4) and 16(4) of the Constitution of India with reference to their population. The reservation is not adequate. Even the reserved posts have not been filled by Scheduled Caste and Scheduled Tribe candidates. So, their due share should be given in the matter of appointments.

Under Articles 15(4) and 16(4) of the Constitution, reservation should also have been made in favour of the backward classes in the matter of appointments under the Central Government and public sector undertakings with reference to their population. The population of backward classes is about 75 per cent. At least 30 per cent of appointments must be reserved for the backward classes.

Denotified tribe, nomadic tribe and semi-nomadic tribe candidates should have been given special treatment. Fifteen per cent of appointments should be reserved for them. During the British days, denotified tribe people were treated as criminals: they were not allowed to move about without passport from one village to another village.

Piramalai Kallar community in Tamil Nadu belongs to martial race. Their population is about 35 lakhs. During the British days, they were treated as the worst criminals; however rich the individuals may be, however great the individuals may be and however good the individuals may be, they were considered as criminals under the Criminal Tribes Act. The only offence they committed was that they supported the

Indian National Congress wholeheartedly and sacrificed their lives for the sake of the Congress in those days. So, the Britishers imposed the Criminal Tribes Act on them in 1917. This imposition was opposed tooth and nail by the Piramalai Kallars. 21 persons were shot dead. The then Congress leaders in Tamil Nadu, namely, George Joseph, Vaidyanatha Iyer, Satya-murthy, Mothuramalinga Thevar, Rajaji, Kamaraj and N.M.R. Subbaraman fought against the victimisation and imposition of the Criminal Tribes Act on Piramalai Kallars and Maravars in Tamil Nadu. Piramalai Kallars were treated as the worst criminals because of their wholehearted support to the Indian National Congress. A special police officer in the rank of District Superintendent of Police with designation as Kallar Superintendent of Police was appointed with a number of subordinate police officers to assist him. Inspectors of Police and Sub-Inspectors and other police officers used to visit Piramalai Kallars during nights. They maintained attendance registers in respect of Piramalai Kallars in each village. The Sub-Inspector or Inspector or any other officer police used to take attendance during the dead of night.

If anybody was found absent he will be subsequently arrested and produced before magistrates. The absentees were punished and sent to jail. Piramalai Kallars were prevented from moving about from one village to another village without passports. So, they were effectively prevented from doing business. Their economic status was completely shattered. They were completely ruined and pushed five centuries behind. So much they were crippled economically, educationally and socially. They were branded as criminals. So, it is the duty of the Central Government to see that they are rehabilitated and

brought up. So at least three per cent of the posts should be reserved for them out of the posts within the purview of the UPSC and under the public sector undertakings, Reserve Bank of India and other nationalised banks.

Selection of candidates to the posts is mainly on the ground of marks obtained in the written examinations and interviews. Competition is between unequals. The backward classes and denotified tribes come generally from rural areas. Most of them are living below poverty line. They study in village schools and colleges in the rural atmosphere. The teachers are not brilliant and not of high calibre. Libraries worth the name are not available there. They are not receiving good education there. Socially they do not get encouragement. Economically they are at the bottom. So they cannot think of making preparation for competitive examination so well. Therefore, the competition should be among the candidates who come from the same or similar classes of people. Once a person from the backward classes or D.N.T. or P.K. is selected to a post he will match anybody in discharge of duties pertaining to his job. So opportunity should be given to them to render public service. Such opportunity should not be denied. So, the mode or method of selection to the posts should be changed and the method of selection should be formulated in such a way that they are also selected to the posts.

I would like to bring to the notice of the hon. Prime Minister that not only the poor and downtrodden scheduled castes, scheduled tribes, backward classes, D.N.T. people have been sincerely exercising their franchise in favour of the Indian National Congress all these years but also their forefathers fought and died for Independence. So,

they are also entitled as citizens of this country to have their due and equal share in the matter of appointments. Their keeping away from public service on any ground whatever is immoral, unethical and undemocratic. I am sure the hon. Prime Minister as a disciple of Śwami Vivekananda and Gandhiji and as a son of divine mother Indiraji will definitely bestow his personal attention on this matter and help the poor and downtrodden backward classes and D.N.T. people to have their due share in the appointments with reference to their population and with reference to their educational and social backwardness. So, it is the duty of the Central Government to see that they are rehabilitated and provided with their due share of appointments under the Central Government and their undertakings.

[*Translation*]

SHRI MOOL CHAND DAGA
 (Pali) : Mr. Deputy Speaker, Sir, there is a judgement of the Supreme Court delivered in 1984—

[*English*]

The establishment of an independent body like Public Service Commission is to ensure selection of best available persons for appointment in a post to avoid arbitrariness and nepotism in the matter of appointment. It is constituted by persons of high ability, varied experience and of undisputed integrity and further assisted by experts on the subject.

[*Translation*]

The main question is to administer the country in a proper manner and for this purpose people are

appointed as members of the Public Service Commission. A small article had appeared in the Economic Times of 9th July, 1983. I would like to give excerpts from it.

[English]

The Bane of Public Service Commissions : 9-7-84. One of the major causes of deterioration in civil administration in Punjab and Haryana is the politicalisation of public service commissions resulting in appointment of favourites as Chairman and members of these august bodies which are supposed to select the right type of civil servants and establish healthy conventions.

A study on 'Public Service Commissions' in Punjab and Haryana—Organisations, functions and role, reveals that academic qualifications were not at all kept in view while making the appointments of selectors. For instance, a politician, a favourite of the then Chief Minister, who had no formal education at all, remained a member of the Public Service Commission in Punjab for 5 years and later on as Chairman of the Haryana Public Service Commission for 6 years. Referring to the academic and socio economic background of the Chairman, the study says that in Punjab only one Chairman possessed the degree of Master of Arts one had the degree of LL.B one had the degree of Bachelor of Education while three others were graduates only. Out of 23 members appointed during the period from 1966 to 1982 one was undermatriculate, one was intermediate in science, five were graduates, one was a trained graduate, five were post-graduates, five were law graduates, one was M.Sc (Engg) and one was B.Sc (Engg).

[Translation]

The appointments made in the Public

Service Commission will reveal the types of persons appointed therein—

[English]

An officer belonging to a State Government was appointed by the Ministry of Railways to the post of Asst. Director Official Languages, in the Railway Board on *ad hoc* basis with effect from May 1, 1975. On September 1, 1976 the Ministry of Railways sought the concurrence of the Commission in the continuance of the *ad hoc* appointment of the officer upto November 30, 1976. In reply to the Commission's letter dated September 30, 1976 in which certain information was called for, the Ministry stated that the draft recruitment rules for the post were being finalised and would be sent to the Commission for their approval.

[Translation]

Secondly, the Government do not make an appointment when they do not get men of their choice and instead *ad hoc* appointments are made. For years together, no rules, policy and bye-laws are framed. The Public Service Commission writes to the Government to frame bye-laws and apprises it about them but the Government do not bother. Thereafter, *ad hoc* appointments are made. If you look into it you will find that cases keep on pending for as long as two years.

[English]

Those draft rules were never sent. The appointment of the Officer on *ad hoc* basis was continuing upto 31st December, 1977. This is the condition.

[Translation]

You do not want to make the Public

Service Commission honest. In the first instance, you should appoint persons of integrity and dedicated persons. What has led to deterioration in the Public Service Commissions ? They tender their advice umpteen times and quote from the rules but you simply do not care. The policy of the Government to make *ad hoc* appointments is wrong. You do not frame rules of recruitment. They are not laid on the Table of the House. There is a mandatory provision that rules and regulations should be framed within six months and laid on the Table of the House. But you want to appoint your own people in the service and so you make *ad hoc* appointments. There are instances where such appointments continued for as long as ten years. A perusal of the Report reveals how appointments are made and no period is fixed for them. You keep on extending the *ad hoc* appointments. The Public Service Commission repeatedly reminds that such things should be avoided, but you do not care. You may see the answer page 32. I would like that every Report should be discussed every year. Today, we are discussing two Reports. I would like to know why this Report has been laid on the Table today? Why is it being discussed after a period of two years ? The Report for 1982 should have been discussed in 1982 itself or at the most in 1983, but today the Report for 1982 is being discussed. You should have laid it on the Table of the House, but here Reports of two years are being discussed. This way the Reports do not serve any purpose. You do not give the required attention towards it.

[English]

It is mentioned under 'Shortage of candidates' in the Report. I will read out that portion.

"As stated in sub-para (i) above, Commission could not find suitable candidates for 352 posts at different levels requiring specialisation in different fields. Of these, 112 posts were reserved for Scheduled Castes, and 117 for Scheduled Tribes and 18 for either Scheduled Castes or Scheduled Tribes. The remaining 105 posts were unreserved. The details of these posts are given in Appendix IX to this Report."

PROE. N.G. RANGA : It requires special training. Is it not so ?

SHRI MOOL CHAND DAGA : Nothing. The report says that this is the condition.

[Translation]

Now tell us what the mode of recruitment is. Some are made Collectors forthwith, some are made so after some months and some are retained on the same posts. The Public Service Commission says that it seeks clarification from the Government but no reply is received for months. In giving a reply 6, 8 or 12 months are taken. The Public Service Commission is an independent body whose decision is binding on them. But they do not accept it. The Government do not appoint a person if he is not of their choice. There are innumerable complaints mentioned in the Reports. Even a U.D.C. turns down the Report and the recommendations of the Public Service Commission. He simply points out some lacunae. If corruption is to be eliminated from the administration, then we shall have to see whether the person to be appointed is honest and dedicated or not. What are the criteria and how are they verified? Is it possible

to find out within the 2 to 4 minutes for which the Public Service Commission holds the interview? It is generally said today that recommendation is needed to get a job through the Public Service Commission. You can get a job only if you have the pull. This is the conditions. It is written in the Report of the Public Service Commission that the Government also do not give their clearance and they (the Commission) also do not agree with the Government. There is no coordination between them. Members cannot go through the Report thoroughly. This Report shows that the Government are not serious about the performance. This way the administration of the country cannot become efficient, honest and dedicated. If you want progress in the country, then honest and dedicated persons would have to be brought to streamline the administration, otherwise things will not improve. Now we have a law Minister. He should bring honest persons here.

[English]

SHRI VIJAY N. PATIL (Erandol) : Mr Deputy Speaker, Sir, in the first place, I would like to suggest that the number of members on the Public Service Commission should be increased because of tremendous task before the Commission. Secondly, in my opinion, reference of cases for disciplinary action to the Commission is an additional burden on it. With the formation of a separate Ministry, certain machinery can be provided there to whom cases for disciplinary action against persons recruited through the Commission could be referred.

We find that the formation of departmental promotion committees is delayed because of the heavy burden on the

Commission. Secondly, as my hon. friend Shri Daga mentioned, ad hoc appointments are made in many cases and they continue for years. This is more so in cases of medical and engineering departments.

Lately, we find that the selection in the main Services by the Union Public Service Commission shows a trend that majority of the people in Delhi or around Delhi get selected and it appears as if the Central Services are the monopoly of some privileged classes. Like monopoly houses, business houses, there are monopoly services houses also. In some families, the father and mother are retired IAS officers, son and daughter-in-law as also daughter and son-in-law are IAS officers or in some Central Service.

The entire family is in the Central Service.

PROF. N. G. RANGA : But they are selected. Is it not so?

SHRI VIJAY N. PATIL : Yes. But it becomes a monopoly service. That is why I want to maintain, as my friends on the other side have said that the majority that gets selected comes from Delhi, Rajasthan, Punjab and mostly from Allahabad University also. Sir, if we take the figure of persons who have appeared in the examinations.

MR. DEPUTY SPEAKER : Only one minute is left. Will the hon. member like to finish or continue some other time? You see, we have to take up the Private Members' Business.

SHRI VIJAY N. PATIL : I will continue on Monday, Sir.

MR. DEPUTY SPEAKER : Now we will take up Private Members Business. First, Bills for introduction.

SHRI NARAYAN CHOUBEY : Other things can be taken afterwards. Why not ? It is the practice.

(Interruptions)

15.32 hrs.

CONSTITUTION (AMENDMENT)
BILL.

(Insertion of new article 16A etc.)

[English]

SHRI G. M. BANATWALLA (Ponnani) : Sir, I beg to move that leave be granted to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

The motion was adopted.

SHRI G. M. BANATWALLA : Sir, I introduce the Bill.

MR. DEPUTY SPEAKER : If you do not want to discuss, I will call the Minister to reply. If you want to discuss, I will extend the time. I leave it to the House to decide. I want to seek the opinion of the House.

SHRI SURESH KURUP : There are certain practices. Members who have given their names to participate in the Debate, can participate.

MR. DEPUTY SPEAKER : That is why I am seeking the opinion. One member says he is interested in extension. But the other says ‘no’.

SHRI NARAYAN CHOUBEY : You apply your mind.

MR. DEPUTY SPEAKER : I can do that. But I want to seek your opinion, I told you.

SHRI E. AYYAPU REDDY : Sir, you know that Private Members Business is too long. Most of those members who have tabled their Bills, should be given a chance to speak something.

(Interruptions)

MR. DEPUTY SPEAKER : Please sit down. The problem is, nobody is restricting his time. I restrict them to ten or five minutes, but everybody takes half an hour and so on. They go on talking.

AN HON. MEMBER : You regulate the House.

SHRI C. MADHAV REDDY : But then the other business will suffer.

MR. DEPUTY SPEAKER : I am ready to do it. I want to help the