

12.07 hrs.

**COMMITTEE ON PAPERS LAID ON THE TABLE**

**THIRD REPORT**

**SHRI NATHU RAM MIRDHA** (Nagaur): I beg to present the Third Report of the Committee on Papers Laid on the Table.

12.7½ hrs.

**JOINT COMMITTEE ON OFFICES OF PROFIT**

**NINETEENTH REPORT**

**SHRI PATTABHI RAMA RAO** (Rajamundry): I beg to present the Nineteenth Report of the Joint Committee on Offices of Profit

12.08 hrs

**CONSTITUTION (THIRTY-SECOND AMENDMENT) BILL**

**EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE**

**DR HENRY AUSTIN** (Ernakulam)  
Sir, I beg to move

"That this House do further extend upto the last day of the next session, the time for the presentation of the Report of the Joint Committee on the Bill further to amend the Constitution of India"

**MR SPEAKER** The question is

"That this House do further extend upto the last day of the next session the time for the presentation of the Report of the Joint Committee on the Bill further to amend the Constitution of India"

*The motion was adopted.*

12.8½ hrs.

**CONSTITUTION (FOURTY-THIRD AMENDMENT) BILL**

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA):** Sir, I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

Sir, under Article 316(2) of the Constitution, the Chairman and Member of a State Public Service Commission or a Joint Commission shall retire at the age of sixty years or hold office for a term of six years from the date on which they enter office, whichever is earlier. This has been the position ever since the Constitution came into force

As Hon Members are aware, in view of the status and functions assigned to Public Service Commissions under the Constitution, these Commissions have to be manned by persons of high calibre and integrity. To a great extent, this is possible only if the conditions of service of the members are made sufficiently attractive. One of these conditions is that persons who are offered the posts should have an opportunity to serve for reasonably long periods.

It is obligatory under the Constitution to appoint on these Public Service Commissions, to the extent of one-half of the members, persons who have served under the Government of India or the Government of a State. Eminent persons belonging to the academic sphere have also to be taken on the Commissions

In this context it is pertinent to note that the age of retirement of Government officers both at the Centre and in many States, has been raised from 55 to 58 years. Thus, the Government servants appointed on these

Public Service Commissions would have only a tenure of two years after their retirement. Similarly, the age of retirement of University Professors etc., has been raised to 60 years and it is difficult to attract them for being appointed as Members of the Public Service Commissions. Article 319 of the Constitution prohibits Members of Public Service Commissions from any employment under Government after retirement. This is a factor which renders the office somewhat unattractive unless one can hold the office up to a reasonable age. In order, therefore, to attract eminent persons both from Government service as well as academicians, it is proposed that the age of retirement of the Chairman and Members of the State Public Service Commissions may be raised from 60 to 62 years. The Bill seeks to provide for this by an amendment of Article 316(2) of the Constitution.

The Bill seeks to provide for this by an amendment to article 316(2) of the Constitution.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India be taken into consideration."

This being a Constitution (Amendment) Bill, we require a special majority. I want to fix the time of voting.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): 1 hour is allotted. We will not be able to finish it before lunch. I agree that members should know when the voting will take place. I suggest that 2.30 P.M. may be fixed as the time for voting.

MR. SPEAKER: So, the first voting will be at 2.30 P.M.

श्री राजाबख्शार शास्त्री (पटना) अध्यक्ष जी, मैंने आपसे कुछ बिरोधन किया था।

अध्यक्ष महोदय : वह तो मन का रहा है।

श्री राजाबख्शार शास्त्री कल तो मैं रहूंगा नहीं। मैंने बहुत बैलीड सबान उठाया है। यह जो संसदसदस्यों को पेशान देने आ रहे हैं उसके सम्बन्ध में मन्त्री जी से कुछ तो बलवाइये।

अध्यक्ष महोदय : श्री सोखी।

सरदार स्वर्ण सिंह सोखी (जमशेदपुर) स्पीकर साहब, यह जो यहाँ पर कांस्टीट्यूशन (अमेन्डमेंट) बिल लाया गया है वह बहुत अच्छा है। इसके सिलसिले में मैं कुछ सुझाव देना चाहता हूँ, मेहरबानी करके मिनिस्टर साहब उन पर ध्यान दें। कांस्टीट्यूशन काफ इंडिया का जो एक्सट्रैक्ट दिया गया है, आर्टिकल 316(2) उसके पहले जो क्लॉज (1) है उसमें लिखा हुआ है :

Half of the members of every Public Service Commission must have held Government offices for at least ten years.

यह जो है इसका मझे पता है कि मेम्बरों को नामिनेट करने के लिए दस साल तक गवर्नमेंट आफिस होल्ड करने की जो बात है वह सभी जगह लागू नहीं की जाती है। बिहार का मुझे पता है कि स्टेट पब्लिक सर्विस कमीशन में ऐसे भी नाम आये हैं जिनकी कोई गवर्नमेंट सर्विस नहीं थी।

इसके अलावा इस बिल में एक बड़ी भारी चीज कही गई है। एकेडेमीशियन्स, एमिनेंट परसन्स और एडमिनिस्ट्रेटर्स के एट्रिब्यूट्स के लिए यह बिल लाया गया है। एट्रिब्यूशन के लिए यह बिल लाया गया है। एट्रिब्यूशन के लिए आप टम बढा रहे हैं। बिहार स्टेट में पहले 55 साल की उम्र कर दी गई थी अजेज की जिसको फिर 58 करना पडा। एट्रिब्यूशन की जो बात है मैं सबकता हूँ वह अच्छी नहीं है। इसका मतलब है किसी के दो साल ही रह गए हों तो वह काम ही न करे। एट्रिब्यूशन की

### [अध्याय स्वर्ण सिंह सीजी]

बनह से कोई काम करे, वह ठीक नहीं है। मैं समझता हूँ कि आखिरी दिन तक उसको एक काम करना चाहिए। इसमें कहा गया है—

श्री राम सहाय पाण्डे (राजनन्द गाँव) : इसमें नौकरी ही तो एट्रिक्शन है, तुम्हारे लिये एट्रिक्शन नहीं है।

सरदार स्वर्ण सिंह सीजी : मुझे इस बारे एक अर्थ करनी है, जब आपने हाई कोर्ट जजेज के लिये 62 साल की उम्र कर दी थी और इनके लिये भी 62 साल करना चाहते हैं, आप इनकी उम्र 65 साल क्यों नहीं कर देते हैं। आपने सेक्टरल कमीशन में 65 की उम्र रखी है, तो आप इन सबके लिए 65 साल उम्र कर दें, इससे एट्रिक्शन ज्यादा हो जायगी और सबके लिये उम्र एकता हो जायगी। इसलिये मेरा सुझाव है कि स्टेट कमीशन और हाईकोर्ट जजेज की उम्र को भी सेक्टरल कमीशन के मेम्बरों की तरह 65 साल कर दी जाय।

इन्हीं शर्तों के साथ मैं इस बिल को सपोर्ट करता हूँ।

SHRI S. M. BANERJEE (Kanpur): Mr. Speaker, this is a Bill, which is not very controversial, except what the hon. Minister, Shri Om Mehta, said while introducing the Bill. He said that an extension of two years has been given to get more matured persons. But the age is not the deciding factor, so far as maturity is concerned. We have seen people of 80 years who are not mature, while there are people of 40 or 45 who are very mature. Normally, we accept it that people become more experienced because of their age and maturity comes after a particular age. But, in this case, the extension is only by two years from 60 to 62. What is the difference between 60 and 62? I can understand it, if you say that

you want to give the Chairman and Members of the State Service Commission two more years of service. But if you start increasing the age from 58 to 60, from 60 to 62 and from 62 to 65, there will hardly be a chance for the younger generation. The slogan that is now correctly given is that the old men should retire in favour of the young. I welcome this slogan, even though I am old. It is not correct that every post should be held by old men, some of whom have reached even senility. I know that in this country there are people who are at the age of 90 and still very clear in their minds, but such cases are very few. Such exceptions should not make us decide on a policy.

Para 2 of the Statement of Objects and Reasons says:

"The same article provides that one-half of the members of every Public Service Commission shall be employees of the Government of India or the Government of a State. The age of retirement of Government employees was 55 originally but was later raised to 58 in the case of All-India Services, Central Government servants and the Government servants of several States. Membership of the Commission is no attraction, therefore, to them, as they will have only two years to serve on the Commission which position is not desirable from the point of view of the efficient functioning of the Commission."

In that case, why not make it 65? Why raise it only to 62? Why not make it uniform at 65 for both the State and Union Public Service Commission? Why should there be any discrimination? I cannot understand this logic behind 62.

While raising the age limit, we should expect more of efficiency from those persons. I do not want to attribute any motives to those people, who are excellent men. In fact, the members of the State and Union

Public Service Commission could not be criticised.

We cannot say anything about them, but I still say that the quality of the Members of the UPSC and the State Commissions is going down day by day. We want that these Members should not be influenced by any one, but I am surprised that people come to us sometimes asking us to approach the Chairman or Members of the UPSC. I tell them they are not approachable. Suppose I want to influence a Member, I will be put behind bars, they can report against me. But they think that it can be done. If there is an iota of truth in it, it should be properly investigated by Government, because formerly, whether in the State or the Union Public Service Commission, nobody could touch them. People were virtually afraid. Only those boys could succeed who were in the merit list. But if this impression goes about in the country that without having any merit, if the boy can possibly approach an MP. or a Minister, he can get selected by the UPSC or the State Commission, then the question of competition will not arise, and that will be a very sad day for this country because efficiency will suffer at the hands of nepotism and favouritism. I say this without casting any aspersion on or imputing any motive to the Members, that such things have come to light.

A man retiring from a particular job is made a Member of a particular Commission, the UPSC or the State Commission. What happens is that the gentleman was serving in a particular department or Ministry and he has a link with that department or Ministry, with the result that some sort of favouritism might be shown.

We have got an excellent Chairman here, and it is the first time that the Government realised that a technocrat, not actually a bureaucrat, should be the head of the Commission, and in the States also this is being done. Public men with integrity,

knowledge and intellect should be brought as Members of these Commissions, and those who retire should not be generally accepted unless there are exceptional circumstances. There may be a scientific officer having a very good record of service. If he retires and he is known for his integrity and ability, his services may be used, but normally immediately after a person retires, he should not be made a Member of the Commission, either at the Centre or in the States.

I feel that raising the age to 62 should not mean that only the aged persons are the most efficient ones. That impression must be removed. I plead for the younger generation because I feel that they are coming up very well. We find in this House that the young Ministers are so very efficient. Do we want the old men to continue? I should not be so.

While supporting the Bill, I request that the basis for the difference in the age limits of the Members of the UPSC and the State Commissions must be clarified. There should be no difference between the one and the other.

श्री मूल चन्द डागा (पाली) : मैं इस बिल का स्वागत करता हूँ। लेकिन आपने स्टेट पब्लिक सर्विस कमिशन के लोगों के लिए तो 62 साल की उम्र रखी है और यू पी एस सी के मेम्बरों के लिए 65 साल रखी है। यह फर्क आपने क्यों रखा है? यह डिस्-पैरिटी क्यों की है? कमीशन का काम बहुत बढ़ गया है यह मैं मानता हूँ। अब उनको ज्यादा काम करना पड़ता है यह ठीक है। ज्यादा काम होने के कारण आपने स्टेट कमिशन के मेम्बरों के लिए 62 साल किया है। कांस्टीट्यूशन में 65 साल दी हुई है कि उनकी एज भाफ रिटायरमेंट 65 साल होगी। यह तीन साल का फर्क क्यों रखा गया है यह मैं अपने जानना चाहता हूँ।

दूसरी बात यह है कि एक सिद्धान्त बनना चाहिये। हिन्दुस्तान में कोई धातवी प्राई प्राइ

### [श्री मूल बन्द डामा]

लिखित जानता हूँ अच्छा स्वास्थ्य है अच्छा दिमाग रखता है उसका उपयोग करना चाहिये। लेकिन अभी कोई एक सिद्धान्त नहीं है। किसी को आप 58 पर रिटायर कर देते हैं प्रोफ़ेसर को 60 साल पर रिटायर करते हैं और अधुर्भ अधी के कर्मचारी को 55 पर रिटायर कर देते हैं। तो यह तरह तरह की बात क्यों है? सरकारी काम करने वाला जो अच्छा है उसको आप 58 में रिटायर कर देंगे अपराधी को 55 साल में प्रोफ़ेसर को 60 साल में और हाईको के जज को 62 में रिटायर कर देंगे। तो यह क्या काइटीरिया है? और सुप्रीम कोर्ट के जज को 65 साल में रिटायर करेंगे। आप चाहते हैं कि जो लोग अच्छा काम करते हैं उनसे काम लेने के लिये हमें उन्हें रिटायर नहीं करना चाहिये। ठीक है एक सिद्धान्त बनाइये कि जो फ़िजिकली फ़िट हों और अच्छी सेवा कर सकते हों उनको और मौका दीजिये ताकि आपका पेशन न देनी पड़े। लोगों को पूरा मौका दीजिये।

सविधान में एक इ टिकल है जिनके अनुसार जो आदमी अनफिट होता है उसको रिटायर कर सकते हैं। आर्टिकल 317 के अन्धर प्रोजेडेट या गवर्नर जब किसी की सेवा की उपयोगिता न हो तो उस आदमी को रिटायर कर सकते हैं।

श्री श्रीम मेहता : पब्लिक सर्विस कमीशन के मेम्बरो को नहीं, बाकी को कर सकते हैं।

श्री मूल बन्द डामा : ठीक है। मेरा तो कहना है कि आप एक सिद्धान्त लागू कीजिये। एक आपका एडुकेशनलिस्ट 60 साल में रिटायर हुआ, उसको आपने दो साल के लिये फ़िर रख लिया। मेरा कहना है कि उसको कम से कम 5 साल का मौका दीजिए।

"The age of retirement of University Professors has been recently raised to 60."

आपने 60 साल की उम्र पर किसी को अफ़िकर सर्विस कमीशन का सदस्य नियुक्त किया तो वह केवल दो साल ही रह पायेगा।

श्री श्रीम मेहता : रिटायर होने के पहले अपीइन्ट कर सकते हैं।

श्री मूल बन्द डामा : लेकिन आप उन को ही लेंगे जो 60 पर रिटायर होंगे। वह केवल दो साल ही सर्विस कर सकेंगे। इसलिये मेरा कहना है कि एक आधार होना चाहिये।

एक बात और कहनी है कि पब्लिक सर्विस कमीशन के जो मेम्बर्स हैं आजकल वह भी दूध के घूले हुए नहीं रहे। पब्लिक सर्विस कमीशन के मेम्बर का अपीइन्टमेंट उनकी इंट्रिटी और अग्निस्टी पर होना चाहिये। राज्यों में और केन्द्र में जो भी यू० पी० एस० सी० के मेम्बर नियुक्त हो उनकी ईमानदारी, इंट्रिटी और क्वालिटीज का कोई क्राइटीरिया होना चाहिये। यूनियन पब्लिक सर्विस कमीशन में बहुत षपला चल रहा है। एक साल के बाद इन्तहान के नतीजे निकलते हैं। यूनियन पब्लिक सर्विस कमीशन के लोगों पर दोष लगाये गये हैं कि वह पक्षपात करते हैं। इनके लिये भी कोई क्राइटीरिया है कि नहीं? आप की सर्विसेज के नतीजे समय पर नहीं निकलते हैं, उनका निर्णय इनपामियल नहीं होता। प्रिवलेज क्लास को बनाने का जो तरीका है यह ठीक नहीं है। सर्विसेज क्लास को प्रिवलेज क्लास न बनाइये। एच तरफ़ आप सोशलिस्ट पैटर्न आक्र सोसायटी बनाना चाहते हैं लेकिन दूसरी तरफ़ आप प्रिवलेज क्लास बना रहे हैं। जज्ज के लिये 62 साल रखा है, और सुप्रीम कोर्ट के जज्ज के लिये 65 साल रखा है। जज्ज के काम की भी निगरानी होनी चाहिए और गृह मन्त्रालय को इस और ज्यादा ध्यान देना चाहिये कि अच्छे आदमी किसी सर्विस को बनायें। राज्यों में पब्लिक सर्विस कमीशन के नियर्भन और मेम्बर्स के गलत अपीइन्टमेंट हुए हैं। राजकीय

को लेकर प्रपोजिटिव किये जाते हैं। इसको भी विचारपूर्वक करना चाहिये।

यह एक अच्छा बिल है और मैं इसको सपोर्ट करता हूँ और इस का स्वागत करता हूँ। लेकिन रिटायरमेंट की एज के बारे में एक ही सिद्धान्त रखा जाना चाहिए। इसके प्रलाभा पब्लिक सर्विस कमीशन में सही और ईमानदार लोग रखे जाने चाहिए।

**SHRI DINESH JOARDER (Malda):**  
Mr. Speaker, Sir, this Bill has been brought forward to extend the age of retirement of the Chairman and Members of a State Public Service Commission from 60 to 62 years. We do not actually understand what is the policy of the Government in regard to the fixation of the retirement age for the different categories of employees in the Central Government as well as in the State Government, in Public undertakings, in various other organizations of the States and the Union and also for the Members of the Public Service Commission. Now-a-days very often we hear that the age of retirement of the employees of the Union Government or State Government will be 55 years or 58 years. During the early months of the Emergency, we were told that the age limit for the retirement of the government employees would be revised. Even a few days back in West Bengal we have heard that the age limit for the retirement of the employees of the Municipality will be 50 years; after 50 years; it will be left to the discretion of the State Government or the Municipal Board to retire any employee or group of employees from the Municipality. Here again we have heard that the age of retirement of the Central Government employees will be 58 years and sometimes we hear that it will be revised to 55 years. The Ministers say in the Houses in different languages about the age of retirement of the government employees, and we hear something else in the newspaper. Every time these anomalies are coming up. So, we want that the Ministry of

Home Affairs and the Administrative Reforms unit should declare a policy as to the retirement age of the employees as a whole, the government employees, the judges, the Members of the Public Service Commission and also the other people engaged in employment.

This is also a policy that we fail to understand that a particular person, if found efficient, should be kept in employment till he has the capability to work or to live on, i.e., till the last day of his life. Actually we do not like to support this policy. Once a person having the opportunity and facility of getting better education because of his family environment and the privileges that his parents were enjoying at his early age, is able to get into a good job through the Public Service Commission, he is considered a very efficient person. That seems to be the measurement of efficiency, now-a-days, of the people, i.e., whether a person has the facility and the opportunity at the early age to get better education and to appear in the competitive examination, and once he has entered that privileged section of the few people getting chances here and there and holding good offices in the Government, he is declared as efficient, and these people belonging to this privileged section are declared as the only efficient persons and they are to hold office for the whole of their life.

This is not actually a policy which would encourage other people and the students, those who have not had that facility or opportunity to exhibit or demonstrate their intelligence and efficiency. There should be a decentralisation of this sort of system of recruitment. Only a few persons have their influence or enjoy the facility of holding high offices and good offices in the government and they are declared as the only efficient persons. This cannot go on for long. Because he has earned that efficiency this way or that way, he should be kept in the employment for the whole of his life? He will not face the realities of the

[Shri Dinesh Jaisankar]

life when out of employment, what other people are facing and how they are facing the keen competition of existence for their life in the open market, and these people will go on to hold office for the whole of their lives? From 62 to 65 and then even after 65 years, they will be given opportunities here and there, to help this commission or that commission drawing honorarium. Though it has been stated that after retirement, they will not be eligible for any other office or employment, still we find that in the name of drawing only an honorarium they have been sent to many commissions

This monopoly of enjoying facilities, opportunities and benefits only by a particular few persons of a privileged class should go for ever and efficiency and merit should be judged from among the young people. Give them a chance. There may be some mistakes or there may be some default on their part, but let them become experts also. Let them acquire efficiency by their practice, by their struggle every day. They should also be given a chance of holding these offices. Only young people should be recruited for this purpose.

The other thing is with regard to recruitment and employment under the Public Service Commissions, now-a-days we find that a large number of employees, even in government departments as also in semi-government organizations, are being recruited by the organizations themselves and their recruitment has been kept outside the purview of the Public Service Commissions. In most of the public undertakings we find that the individual public undertakings recruit their own personnel and the Public Service Commissions make recruitment only for a few selected posts for employment in the government service. So, there should be a standard of measurement and a standard of recruitment policy whether it be in government service or

in public sector undertakings. There are several institutions for recruitment of the employees. For the Government only a few posts are being recruited through the Public Service Commissions and a large number of them are recruited either departmentally or through other machinery. The different undertakings make their own recruitment, and various other organizations, independently and individually go on recruiting their employees. So, I would suggest that there should be one co-ordinated body that will go on and verify the lists available from the Employment Exchanges and that co-ordinated organization should make recruitment both for the central services as well as for the State services. They can assess from the lists as to what are the resources and merits available throughout the country from amongst those who are still unemployed. They can have an assessment of that and from amongst them, they may prepare a Panel for employment. And from that Panel, they can send the persons of merit and efficiency required for the post to different organisations. In that way, I think a larger number of people will get the opportunities and justice in the matter of employment or recruitment to posts.

So, I would request the Department of Administrative Reforms Commission and the Minister of Home Affairs to consider this aspect also for having a coordinated body for the recruitment of employees throughout the country for all organisations either in Central Government or in the public undertakings and other institutions. A panel may be prepared and the vacancies should be filled up from that panel.

In that way, I think the large number of boys and those who are waiting for getting employment will get justice.

With these words, I request the hon. Minister that while enhancing

the age limit of a Member, he keeps in mind the opportunity for getting it for the younger generation also.

**SHRI JAGANNATH RAO** (Chattrapur): Mr. Speaker, Sir, I welcome this Bill. In doing so, I wish to offer a few remarks about Art. 316 of the Constitution. Originally, as it stood, a Member of the Public Service Commission has to retire at the age of 60 or on completion of six years' term whichever is earlier.

Now, the age-limit is being extended to 62 to bring it in line with the retirement age of the high court judges. Their age-limit was raised to 62 by the Fifteenth amendment of the Constitution in 1963. Since then the Members of the P.S.Cs. have been naturally wanting that their age-limit too should be raised to 62. Government, after a lapse of years, have agreed to that. I do not think that it will serve any purpose if a Member is appointed at the age of 54 or so as a Member because they have to retire after the six year term. And so the enhancement of age limit will not help them at all. It will help only those officers who are appointed on the eve of retirement. That is, if an officer, at the age of 58, is appointed, he will get four years. Therefore, I would suggest that since the age limit is raised to 62, the term 6 years or at the age of 62, whichever is earlier may not be there and that may be removed. Every Member should retire at the age of 62. Suppose a person is considered to be very good and he is appointed at the age of 52 or 54. After six years, he should retire. He cannot have the benefit of enhancement of the age-limit for them. My submission is this. The High Court judges, on retirement, can practise—not in the same high court—in other high courts. Similarly, a Supreme Court judge cannot practise in the Supreme Court. But he can be appointed as a Chairman of the Commission.

He can also become an arbitrator, whereas the Members of the P.S.C.

after having accepted the membership of the Commission, is debarred and cannot serve anywhere either in the States or in the Union Government. Therefore, this condition of six years should be removed.

I agree with the hon. Member when he said that there should not be any disparity as between members of the P.S.Cs. and the U.P.S.C. Sixty-two is the limit fixed for the Members of the P.S.C. and sixty-five for the Members of U.P.S.C. Why not you fix 65 for everybody? After all, a Member of the P.S.C. can be promoted or transferred to the UPSC as a Member. Another submission of mine on this Bill is this.

Article 316 says:—

“Provided that as nearly as may be one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years..”

That means if there are three Members in P.S.C, one at least should be a Government officer of not less than ten years. The qualification of the two other Members is not laid down. I think nothing is said about the academicians. Therefore, I submit that of the other two Members, one member should be either from the Scheduled Castes or from the Scheduled Tribes.

If you read Art. 164 of the Constitution, you will find that in the States of Bihar, Madhya Pradesh and Orissa, there should be a Minister separately in charge of tribal welfare who will also look after the welfare of the scheduled castes and other backward classes. Like that, why not we think of having one Member where the tribal population is preponderant from the scheduled tribes and from the scheduled castes where the scheduled castes are preponderant—in the other states? This will allay the fears of the weaker sections and the member can also keep a watch over the recruitment.

[Shri Jagannath Rao]

In Orissa, we got a Member from the scheduled tribes. He is a Law Graduate. He was a member of this House for 10 years and then he was the Minister in the State for five years. He was appointed as a Member of Orissa Public Service Commission two or three years ago. The Chairman of the Orissa Public Service Commission died. But, this member, who is a S.T., was not appointed as Chairman but some one else was appointed as Chairman. I am not holding a brief for him. I am only stating the facts as to how the weaker sections' claim is being ignored.

It is for the consideration of the Government. I do not expect the Minister to reply off-hand but I have placed these suggestions to be considered by the Government at an appropriate time.

Sir, I would also like to suggest that one member out of the three members of a Public Service Commission should be from another State. This will bring a certain amount of objectivity in appointments and selections.

Sir, Railways have their own Service Commission. Now, the nationalised banks are asking for a separate Service Commission. This duplication of commissions, in my view, will not add to the efficiency of the recruitment policy. In the reports submitted by the Scheduled Castes and Scheduled Tribes Committee we find certain grievances having been mentioned about the recruitment of weaker sections. The Government should have an integrated outlook on all these matters. With these suggestions, I support this Bill.

SHRI K. MAYATHEVAR (Dindigul): Mr. Speaker, Sir, although I support this Bill yet I want to make certain suggestions to be considered

by the Government and the hon. Minister before the passing of this Bill.

Now we are raising the age of these members from 60 to 62. The Central and State Government servants were allowed to work up to 55 years of age previously. Now, the age has been raised to 58 years. Similarly, the High Court judges' age has been raised from 60 to 62. As such, it is better to have an identical rise in the retirement age of these public service commission members. But, Sir, in the recent years we are talking much for younger generations. So far as my personal opinion is concerned, the directly appointed or selected IAS, IPS and IFS officers are more efficient in serving the public without fear and favour. I do not blame the elderly people. They may be more wise and experienced but we must not cut the opportunities to be provided to the younger generations. Take for instance, the younger Ministers are more efficient and energetic. I do not say the elder Ministers are not working but the younger Ministers can afford to work more and more. They have the energy to work. Sir, we must consider that more chances and opportunities should be provided to younger generations but I do not object to this raising of age.

Then I want to say a few words about the Tamil Nadu Public Service Commission. I do not blame any member presently functioning there; I do not blame anybody directly, because we are not at all aware whether these things are going on even now. As the hon. Minister knows fully, under the previous regime, Group I posts, Deputy Collector, Deputy Superintendent etc., were sold in the open market for Rs. 25,000 each, Group II for Rs. 15,000 each, Group III for Rs. 10,000 each and Group IV—clerical posts—were sold for Rs. 5,000 each. The present Chairman and members were serving under the previous regime. I do not bring any charge against them. They were dancing and acting to the tune of the previous regime. They were

not at all allowed to function independently. The previous regime was directing the Tamil Nadu Public Service Commission Chairman and members to select their own people not on merits, not on the basis of education, not on the consideration of the candidates being of the Backward Classes or Scheduled Castes, but on the basis of some consideration. I would ask the Minister to verify how many Scheduled Caste people were selected for Group I, II, III and IV in Tamil Nadu from 1969 to 1976. They were selected not on merit but on some other consideration we all know what that consideration was. So, I would request the hon. Minister to look into the matter and see whether the present Commission is working independently, honestly, purely and in a straightforward manner without interference from any political party including our parties, the ADMK, Congress Party or the Communist Party. Politicians should not overpower them by recommending unqualified persons to be selected for responsible services like Group I, Group II and other posts.

So far as the present state of affairs is concerned, we do not know what is happening. But the people of Tamil Nadu strongly, reasonably and reliably suspect that the old thing may continue and educated people cannot get chance as they did not get chance from 1969 to 1976. I would, therefore, request the Minister to verify from the present Chairman and members whether they are making their selections purely on the ground of merits of the applicants and candidates or otherwise.

One word more about the Tamil Nadu Public Service Commission. They are doing the work mechanically and very slowly. They held written test or examination three years ago. Students and candidates had appeared long ago. They have passed the examination and results are announced. But the appointments are made after five years, three years or

two years. Appointments are made on the basis of payment of money to so many people inside and outside.

So I request the Minister to see that corruption and corrupt practices in Tamil Nadu are completely rooted out at least at this stage.

I also request the hon. Minister, who is very famous in Tamil Nadu, who is a very appreciated personality in Tamil Nadu, to look into these matters and take remedial steps and also to purify the Public Service Commission. With these words, I support the Bill.

**SHRI B. R. SHUKLA (Bahraich):** I extend my support to this Constitution Amendment Bill. Many of the members are perhaps under the mistaken belief that this Amendment Bill will debar or discourage the recruitment of young, talented persons from becoming members of the Public Service Commission. There is nothing either in the amendment or in the original Constitution which prevents the Governor or the President from recruiting younger persons. What it says is that half of the strength of the Public Service Commission shall be of those persons who have served at least for ten years either under the State Service or under the Central Service.

Shri Daga today has suddenly emerged as a new advocate of socialist pattern and equality. In all the other spheres he has been advocating the cause of class interest. Now, complete equality is impossible not only in governmental structure which is based on mixed economy. It is also not possible in socialist countries. The limited object of this Bill is only one; the age of chairmen and members of the public service commission should be raised from 60 to 62, that is the age of retirement. The reason is that when they cease to hold the office in the public service commission according to the constitution they are ineligible to be employed on any governmental posts. After retirement other categories of gov-

[Shri B. R. Shukla]

ernment servants can be appointed to various jobs. A district judge can be re-employed as a judge of an industrial tribunal or a labour tribunal. A High Court judge is eligible to practise in the Supreme Court after retirement; he can also be made a judge of the Supreme Court. Those who retire as members of the public service commission will not get any job. In order to attract talented people, it is thought necessary to raise the age from 60 to 62. I think it is a salutary provision; it should have been provided much earlier. However, better late than never. I therefore welcome this provision.

This occasion has been utilised for criticising the functioning of the state public service commissions. I am in a position neither to refute nor to affirm what they had said. It must be said to the credit of the Public Service Commission of India that it has stood the test of time and if lapses or deviations or defections from the right type of conduct have occurred our share in the matter is none the less because if the state governments themselves have indulged in indiscriminate jobbery and nepotism without caring for public interest what else could be expected of the members of the public service commission who are nobody else than the creature of the government itself? Therefore, all should combine—the politicians, ministers, members of the legislature, to ensure fair and efficient functioning of the public service commissions.

Smooth, efficient and impartial running of government does require maintenance of independent, impartial and efficient service cadres and that can be ensured only when we ensure the right type of persons to be included as members of the public service commission. This is a limited Bill and I do not want to take more of your time; I finish by extending once more my wholehearted support to this Bill.

MR. SPEAKER: Shri B. R. Sharma:

SHRI B. R. SHARMA (Banda):  
rose—

MR. SPEAKER: He can start after lunch. The House stands adjourned for lunch till 14.00 hours.

12.01 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Four Minutes past fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

CONSTITUTION (FORTY-THIRD AMENDMENT) BILL—Contd.

MR. DEPUTY-SPEAKER: Shri B. R. Sharma.

श्री राम रतन शर्मा (बाँदा): उपाध्यक्ष महोदय, प्रस्तुत विधेयक बहुत छोटा सा है। इस का स्कोप बहुत सूक्ष्म है। मैं इस का समर्थन करता हूँ। अभी मुझ से पहले श्री शुक्ल जी बोल रहे थे और उन्होंने कहा था कि हर क्षेत्र में समानता नहीं लायी जा सकती। सिद्धांततः यह बात ठीक हो सकती है। परन्तु प्रस्तुत विधेयक के संदर्भ में मेरा निवेदन है कि मंत्री महोदय यह देखें कि राज्य सरकारों के जो पब्लिक सर्विस कमिशन हैं उन के अध्यक्ष तथा सदस्यों की सेवा नियुक्ति की आयु को बढ़ा कर 62 वर्ष प्राप्य कर रहे हैं और जो सब लोक सेवा प्रायोग हैं उस के सदस्यों और अध्यक्ष की आयु 65 वर्ष पहले से है अर्थात् 65 वर्ष की आयु प्राप्त होने तक वह कार्य कर सकता है। मेरा निवेदन है कि राज्य लोक सेवा प्रायोग और सब लोक सेवा प्रायोग में कोई अंतर न रहे, दोनों के अन्दर 65 वर्ष की आयु करने की तरफ प्राप्य न्याय है।

पब्लिक सर्विस कमिशन के बारे में बहुत ही बातें कही गई हैं, उसकी कार्य-प्रणाली के बारे में मैं इस समय कोई प्रकाश डालना नहीं

वहीं समाप्तता है। यह भी कहा गया कि उसने सम्बन्धक लोग ज्यादा धाने चाहिए तो उसके बिना पहले से ही हमारे संविधान में प्रावधान है कि भाषा संसद राज्य सरकारों और केन्द्रीय सरकार की सेवाओं से धारणें और भाषा संसद संघे प्रा सकते हैं। उसके सम्बन्ध में भी मुझे कुछ नहीं कहना है। मुझे केवल एक ही बात कहनी है और वह है उस के बारे में। केन्द्र और राज्य सरकार दोनों के कमीशन के सदस्यों और चेयरमैन की सेवा नियुक्ति तिथि 25 वर्ष करने की तरफ ध्यान दें। इन शब्दों के साथ मैं इसका समर्थन करता हूँ।

MR. DEPUTY-SPEAKER: It has been announced that the voting will take place at 2.30. Still, a large number of speakers have given their names. I will go by the serial number here. How long will the hon. Minister take?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): Fifteen minutes

MR. DEPUTY-SPEAKER: Now, I have barely seven or eight minutes. I can at the most accommodate two more, not more than that. I will go by the serial number here.

श्री हरी सिंह (जुर्जा) माननीय उपाध्यक्ष जी, यह जो सरकार द्वारा संविधान (संशोधन) विधेयक लाया गया है वह बहुत ही उचित है। हाई कोर्ट के जजेज की तरह से पब्लिक कमीशन्स के चेयरमैन और मेम्बर्स को सभ के सम्बन्ध में यह प्रमेन्डमेंट लाया गया है। अभी तक एक बड़ी डिफिकल्टी यह हो रही थी कि एकेडेमीशियन्स और प्रोफेसर्स कमीशन का मेम्बर या चेयरमैन बनने के लिये तैयार नहीं होते थे क्योंकि वे सज्जते थे कि अगर वे मेम्बर बन जायेंगे तो पहले रिटायर हो जायेंगे। इसके कारण सभे लोग नहीं जाने थे कतराते

थे। ऐसा स्थिति में यह भी संशोधन लाया गया है वह बड़ा सार्थक है। मैं यह कहना चाहता हूँ जिसने एम्पाईमेंट्स हों वह स्टेट भी एस सी वा यू पी एस सी के जरिए ही होने चाहिए। रजिस्ट्रार के लिये प्रलग से कमीशन हो यह मुनासिब नहीं है। बैंकों के लिये प्रलग से कमीशन बने वह भी ठीक नहीं है। मेरा बिचार है कि जिसने भी रिफूटमेंट्स हों, कम से कम गवर्नेट आफिसर्स और इयार पोस्ट्स के लिये, चाहे वे किसी भी विभाग के लिये क्यों न हों वह पब्लिक सर्विस कमीशन के द्वारा ही होने चाहिये। इससे द्वारा मैं सम्मता हूँ देश में भावात्मक एकता भी बढ़ेगी और दूसरी तरफ जो पक्षपात की बातें होती हैं वह भी नहीं हो पायेंगे। कमीशन्स में टैलेन्टेड आदमी रखे जाते हैं, वहा पर सेलेक्शन्स में इमानदारी बरती जाती है इसलिये मैं मांग करता हूँ कि सारी भरती कमीशन्स के द्वारा ही होनी चाहिये और इसके लिये प्रलग से बिल घाना चाहिए, कि गवर्नेट आफिसर्स और दूसरे उच्च स्थानों की सभी पब्लिक सर्विस कमीशन्स के द्वारा ही की जायेंगी। इन प्रस्ताव के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI B. V. NAIK (Kanara): I feel that the Constitution (Amendment) Bill extends by two more years the age limit of the Members of the State Service Commissions, as has been said, to make the post more attractive, but I think that the hon. Minister should kindly see that the Members of the Public Service Commission must also be attractive enough for adorning that post, then only will they be in a position to deserve it

One of the things that the public service commissions have got to be made more effective, because they control the vital services, is that, at present, the functioning of most of the public service commissions at the State level has been having very many things to be desired. It is a fact that when it comes to the consideration of

[Shri B. V. Naik]

merit, leaving aside other considerations, even within the reserved seats, there has got to be the consideration of merit. If you want to find out meritorious candidates among the candidates who have to select a group of persons for a number of jobs, it means that the most meritorious people should be there and they should constitute the public service commissions. We are not at all certain that in selecting the selectors, the various State Governments have done their job. So, until and unless, the composition of the public service commission is improved mere making the service conditions for these members more attractive is not going to serve the purpose.

The time has come when it is not a question whether merit alone is concerned, all other factors being equal. It is now the percentage of merit of the candidates, how many of the candidates who have been selected are selected on the basis of merit and how many of them on considerations other than merit.

**MR. DEPUTY-SPEAKER** Which candidates? Candidates for the membership of the public service commission?

**SHRI B V NAIK:** I am saying about the candidates who are selected for the various services.

**MR DEPUTY SPEAKER:** We are talking of the extension of age of the members of the public service commission. We are not talking of other services.

**SHRI B V NAIK:** All these things come up on account of the fact that public service commissions at the various levels have not been performing according to the desires of the Constitution makers. It is in order to improve their functioning that we are saying today that the people who are

once there should be in a position to be there till the age of 62 or six years of service, whichever is less.

When we come to the functioning of various service commissions, as was suggested by some of the hon. Members, there is the railway service commission; there is the banking service commission and there are separate recruitments for various posts. As long as our requirements for the governance of our country are limited, we can welcome a measure of non-specialisation in regard to the services. Now, the requirements of banking are different; the requirements of public sector agencies are different; the requirements of the railways are different. So, under the circumstances, even in spite of the fact of the integration and such other lofty ideals, the clubbing together of the functions in one singular agency, might, at the present juncture, create more of difficulties in as much as the specialised requirements of the various sectors are not looked into.

In brief in the management terminology, the recruitment is a function essentially of the management. In the management of the government, therefore, to have recruitment in the hands of a group of people who are ultimately not responsible for the management of the government may be called actually as bad management. I would say, in the broader perspective and in the historical perspective, the public service commissions both at the Centre and in the States are the left-over and the hangover of the colonial type of administration and, for the current needs of the public, private and other sectors of our economy as well as the service, the functions of the service commissions *per se* would be extremely limited.

I hope at the time when we take up modernisation of the Government and the services, some more thought will be applied in regard to the Service Commissions and their composition.

**SHRI OM MEHTA:** Mr. Deputy-Speaker, Sir, I am thankful to the hon. Members on both sides of the House who have supported this Bill.

A few points have been raised. Mr. Sokhi said that it should be made more attractive or something like that. I must tell him that we are raising the retirement age of the Members of the Public Service Commission from 60 years to 62 years, only to make the job more attractive. We have found that in the Universities they have raised the retirement age to 60 years and, therefore, it is very difficult to get academicians from Universities for appointment to the Public Service Commission, and when we do not get them, it becomes difficult to get proper persons for the proper job. It was only keeping that in view that we thought that the retirement age of the Members of the Public Service Commission should be raised to 62 years, so that we can get more and more people from the academic circle and these appointments are made more and more attractive.

It has been asked as to why we should not raise it to 65 years equivalent to the age of retirement of the Members of the Union Public Service Commission. I must say here that the judges of the State High Courts retire at the age of 62 years, and when we come to the Supreme Court, we find that the retirement age of the Supreme Court judges is 65 years. This has been kept only for this purpose; when the judges are in the State High Courts, they get some experience of trying cases, and if some of them prove themselves to be very good, they can be selected for the Supreme Court. Like that, in the case of state public service Commission Members also, when they retire at the age of 62 years—with the passing of this Constitution Amendment Bill—if Government find that some of them have done exceptionally good work, they can be taken in the Union Service Commission where they can go upto

65 years. So, this difference in the retirement age is there between the judges of the High Courts and the judges of the Supreme Court. Similarly, we have kept this difference in the retirement age between the Members of the State public service Commission and the Members of the U. P. S. C.

It has been said that some younger people should be attracted to it. There are two difficulties in the younger people coming to this. One is that the Constitution has put a bar that those who enter the public Service Commission and the Union Public Service Commission cannot take any other service after that. If a younger person comes there, the condition is that he has to retire either after completing six years so that he does not monopolise it or when he has completed the age of 62 years in the case of PSC—if this Constitution Amendment Bill is passed. Article 319 of the Constitution prohibits Members of the Public Service Commissions from taking up any employment under Government after their retirement. This provision has been made to ensure impartiality and independence of Members of PSCs. This restriction being there, it is very difficult to...

**SHRI VASANT SATHE (Akola):** Can a professor not go back in the University after working in the Public Service Commission?

**SHRI OM MEHTA:** The age of retirement there is 60 years. Naturally if he retired at the age of 62 or 65 here....

**SHRI AMRIT NAHATA (Barmer):** If you take a young professor in the Commission, after working in the Commission, can he go back to the university?

**SHRI OM MEHTA:** We shall examine that; I am not definite whether he can go back to that service or not. But he cannot take up any service under the Government.

[Shri Om Mehta]

A suggestion has been made by Mr. Banerjee: why not give extension of one or two years if we find that a particular person is doing his job very well. I would like to point out that this is a Constitutional provision. Government cannot give extension of one or two years after 62 years—after the House decides that the age of retirement will be raised to 62 years.

Shri Jaganatha Rao suggested that a Scheduled Caste and Scheduled Tribe Member should also be on the Service Commissions. I have got the figures which have been given by the Scheduled Castes and Scheduled Tribes Commissioner in his report, that upto 1973-74, the total number of Public Service Commission Members is 80 out of which 9 belong to Scheduled Castes and 9 belong to Scheduled Tribes. That comes to 22.25 per cent. And in the Union Public Service Commission also we are keeping this in view so that at any time there is a member from the Scheduled Castes and one from the Scheduled Tribes, ....

SHRI R. V. SWAMINATHAN (Madurai): Mr Singaravelu is a Scheduled Caste man.

SHRI OM MEHTA: Until recently Shri A. K. Dhan had been a member. He comes from Scheduled Tribes. Therefore, we are keeping this in view that our friends from Scheduled Castes and Scheduled Tribes get due representation.

Another matter has been raised about the Banking Service Commission and the Railways Services Commission. I think there is some misapprehension and I must make it clear that through the Railway Service Commission only recruitment to Class III posts is done. For Class I and II posts in the railways it is the UPSC which makes the recruitment.

About the Banking Service Commission, because the jobs are of a technical nature, recently the House has passed a Bill that there should be a separate Banking Services Commission. So, naturally being a service of specialised nature, it is kept out of the purview of the UPSC.

A point has been raised about recruitment in the public undertakings also. This was one of the recommendations of the Administrative Reforms Commission false but earlier the Government did not accept it. As there has been a demand raised that the UPSC should recruit for public sector also, we will examine it and find out whether it is possible to make recruitment through the Public Service Commission and take the proposal to the Cabinet.

Shri Maya Thevar has raised a very important point and that is that in Tamil Nadu the Members of the Public Service Commission who are there, are recruiting persons by getting bribes and taking money and other things. We do not know the veracity of this charge but this charge has been made on the floor of the House that the people recruited are not the best people or the fittest people but people who can pay more. Our Constitution-makers kept such contingencies in view and they have said that corrupt practices and irregularities amongst the Public Service Commission Members shall be dealt with under Article 317. Under Art 317 there is a provision for the President to remove the Chairman and Members of the UPSC as well as the State Service Commissions after making a reference to the Supreme Court or holding an inquiry and sending its report. Specific allegations against individual Chairmen and Members can be processed in this manner. In the Constitution there is a provision—Art 317 which says:

“(1) Subject to the provisions of clause (3), the Chairman or any

other member of a Public Service Commission shall only be removed from his office by order of the President on the ground of misbehaviour after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf under article 145, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.

(3) Notwithstanding anything in clause (1), the President may by order remove from office the Chairman or any other member of a Public Service Commission if the Chairman or such other member, as the case may be—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body."

So, Sir, our Constitution makers, the founding fathers of our Constitution, have already kept a provision in the Constitution. If there are specific charges, those charges are brought before the President who refers them to the Supreme Court. Then, on the advice of the Supreme Court, the Member of the UPSC or PSC can be removed from office.

These are the few points which have been raised. I think I have tried to cover all the points. The other matter which has been raised is why not retire everyone at the age of 62. It is not feasible. When we have fixed the age at 65 for UPSC members, how can we bring it down to 62. This sixty-five has been fixed under the Constitution.

**SHRI VASANT SATHE:** By amending the Constitution, this can be done.

**SHRI OM METHA:** Why should it be brought down? I have already said that if Mr. Sathe is experienced and if he is appointed in the Public Service Commission, he may continue there till he attains the age of 62. There is no question of making any provision of half the members from the service and half from the experts in the field. The Member of Parliament has a right to be a member of the P. S. C. if he is selected by the State Governments or by the Union Government. There is no question that he is debarred from being appointed. The only thing is that up to the age of 62, he can remain in Public Service Commission of the State; if he proves that he is competent and very intelligent, then he can be taken in the U. P. S. C. and he can remain there and retire at the age of 65. There is no bar for a Member of Parliament to be a Member of the U. P. S. C.

**SHRI VASANT SATHE:** In our country younger people are now demanding that the age should be lowered down. Older people must retire and make room for younger people. You are making room for the older people.

**SHRI OM MEHTA:** There is a provision that he can continue in the Public Service Commission only for a period of six years. If a younger person is taken at the age of forty, he can continue upto forty-six and then he will retire from the Public Service Commission. Younger people won't like to go to Public Service Commission because they won't be able to take any other job after 46. It would be difficult for the people to retire from service at the age of forty-six. (Interruptions). At least they cannot go and join any government service.

Shri Hari Singh said that all gazetted officers should be recruited through

[Shri Om Mehta]

the U.P.S.C. That is being done. In all services, whether it is in the IAS or IPS Indian Forest Service, or other Central Services, they are being recruited through the U.P.S.C. Similarly, in the States also, all the gazetted officers are being recruited through their respective Public Service Commissions.

About selecting the selectors, Mr Naik said that we have to be careful about selecting the selectors I can assure him that to the best of our ability, we are trying to select the most competent people

श्री राम सहाय पाण्डेय : किसी राज्य में अनुसूचित जातियों की जितनी जनसंख्या हो, उच्च के अनुपात से ही पब्लिक सर्विस कमिशन में सदस्य नियुक्त किये जाने चाहिये ।

The persons appointed in the Public Service Commission should be according to the percentage of population in Madhya Pradesh, what is the population? That ratio should be taken into consideration

SHRI OM MEHTA I have already clarified that point which was raised by the hon Member That was about the 18 Members of the scheduled castes and scheduled tribes Their percentage comes to 25 We do not take the percentage of an individual state but we go by the percentage of the population of the whole country

श्री वसन्त साठे : सदी महोदय यह भी बतायें कि वह इस बिल को इस तरह जल्दी क्यों लाये । क्या कोई 60 वर्ष की एज में रिटायर होने वाला है ?

श्री शोम मेहता : किसी के रिटायर होने का सवाल नहीं है । जब कैबिनेट किसी बिल को एकरूप कर ले, तो

It is our duty to bring it before Parliament and get it passed. The others are minor things. With these words....

SHRI D. BASUMATARI (Kokrajhar): Sir, it is an accepted principle of the Government that there should be one scheduled caste and scheduled tribe member in every Public Service Commission and Union Public Service Commission. To start with, Government have appointed one scheduled caste member in the UPSC. I congratulate the Government for that

SHRI OM MEHTA: There is not an agreed principle but it is by convention

SHRIMATI SAVITRI SHYAM (Aonla) Is there any lady member in these commissions?

SHRI OM MEHTA Sir, nobody raised this point when the debate was going on I will have to find out about this The other day some public service commission member met me and told me that in the Punjab Public Service Commission there is a lady member and also a scheduled caste member

SHRI R V SWAMINATHAN Sir, the hon Minister mentioned in his reply that one hon Member, Shri Mayathevar made a remark that the Chairman and the members of the Madras Public Service Commission are taking bribes This is an unfortunate remark

MR DEPUTY SPEAKER You are not to make a speech

SHRI VASANT SATHE Sir, the point made by Savitri ji is very relevant because member after member has suggested that the term of the member in the Public Service Commission should be made more attractive. I believe it is from that point of view that she suggested that in

each public service commission if you have a policy of having a scheduled caste and also a lady member that will make the term more attractive.

श्री विभूति मिश्र (मोतीहार): उपाध्यक्ष महोदय, अनुभव को आधार पर मैं बतलाना चाहता हूँ कि पब्लिक सर्विस कमीशन के संयोजन और सदस्य जो रहे हैं उन का शरीर भी हाइक्लास का बना हुआ है और इस सरकार के पास क्या कोई बेंच आज तक का है और क्या सरकार इस तथ्य को फेस करने के लिये तैयार है कि जिस जगह का जो मेम्बर होता है पब्लिक सर्विस कमीशन में, वह अपनी ही तरफ के आदमी को खींचता है इसलिये बहुत सी स्टेट्स ऐसी है कि जहाँ के आदमियों को पब्लिक सर्विस कमीशन में पापुलेशन के बेंसिस पर इन्विटेबल रैजिजेंटेशन नहीं मिला तो क्या सरकार इस बात को सोचने जा रही है कि सारे देश को इन्विटेबल डिस्ट्रिब्यूशन मिले ?

**SHRI OM MEHTA:** It is the policy of the Government that the fittest and the most efficient person should be selected. We do not proceed on caste and creed basis.

**MR. DEPUTY SPEAKER:** Before I put the motion for consideration to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be by Division.

Let the lobbies be cleared.

The lobbies have been cleared. The question is:

"That the Bill further to amend the Constitution of India, be taken into consideration."

The Lok Sabha divided:

Division No. 3]

[14.40 hrs.

AYES

Agrawal, Shri Shrikrishna  
Ahirwar, Shri Nathu Ram  
Alagesan, Shri O. V.  
Ambesh, Shri  
Anand Singh, Shri  
Ankineedu, Shri Maganti  
Ansari, Shri Ziaur Rahman  
Appalanaidu, Shri  
Arvind Netam, Shri  
Austin, Dr. Henry  
Awdhesh Chandra Singh Shri  
  
Babunath Singh, Shri  
Bajpai, Shri Vidya Dhar  
Balakrishnaiah, Shri T.  
Banera, Shri Hamendra Singh  
Banerjee, Shrimati Mukul  
Barman, Shri R. N.  
Barua, Shri Bedabrata  
Basappa, Shri K.  
Basumatari, Shri D.  
Bhagat, Shri H. K. L.  
Bhargave, Shri Basheswar Nath  
Bhatia, Shri Raghunandan Lal  
Bhattacharyya, Shri Chapalendu  
Bhaura, Shri B. S.  
Bheeshmadev, Shri M.  
Bhuvarahan, Shri G.  
Bist, Shri Narendra Singh  
Brahmanandji, Shri Swami  
Brij Raj Singh—Kotah, Shri  
Buta Singh, Shri  
  
Chakleshwar Singh, Shri  
Chandra Gowda, Shri D. B.  
Chandrashekarappa Veerabasappa,  
Shri T. V.  
Chaturvedi, Shri Rohan Lal  
Chaudhari, Shri Amarsinh  
Chaudhary, Shri Nitraj Singh  
Chavan, Shri Yeshwantrao

Chellschami, Shri A M  
 Chhotey Lal, Shri  
 Chhutton Lal, Shri  
 Chikkalingaiah, Shri K  
 Choudhary, Shri B E  
 Daga, Shri M C  
 Dalbir Singh, Shri  
 Dalip Singh, Shri  
 Damani, Shri S R  
 Darbara Singh, Shri  
 Das, Shri Anadi Charan  
 Daschowdhury, Shri B K  
 Deb, Shri Dasaratha  
 Deo, Shri S N Singh  
 Desai, Shri D D  
 Deshmukh, Shri K G  
 Deshmukh, Shri Shivaji Rao S  
 Dhamankar, Shri  
 Dharamraj Singh, Shri  
 Dhillon, Dr G S  
 Dhusia, Shri Anant Prasad  
 Dinesh Singh, Shri  
 Dixit, Shri G C  
 Dixit, Shri Jagdish Chandra  
 Dube, Shri J P  
 Dwivedi, Shri Nageshwar  
 Engti, Shri Biren  
 Gaekwad, Shri Fatehsingh  
 Gandhi, Shrimati Indira  
 Ganesh, Shri K R  
 Ganga Devi, Shrimati  
 Gangadeb, Shri P  
 Garcha, Shri Devinder Singh  
 Gavli, Shri T H  
 Ghosh, Shri P K  
 Giri, Shri S B  
 Giri, Shri V Shanker  
 Godara, Shri Mani Ram  
 Godfrey, Shrimati M  
 Bokhale, Shri H R  
 Gomango, Shri Giridhar  
 Gopal, Shri E  
 Goswami, Shri Dinesh Chandra  
 Gotkhinde, Shri Annasaheb  
 Gowda, Shri Pampen  
 Hansda, Shri Subodh  
 Hari Kishore Singh, Shri  
 Hari Singh, Shri  
 Hasham, Shri M M  
 Ishaque, Shri A K M  
 Jadeja, Shri D P  
 Jamilurrahman, Shri Md  
 Joshi, Shri Popatlal M  
 Joshi, Shrimati Subhadra  
 Kadam, Shri Dattajirao  
 Kadam Shri J C  
 Kadannappalli, Shri Ramachandran  
 Kader, Shri S A  
 Kailas, Dr  
 Kakodkar, Shri Purushottam  
 Kakoli Shri Robin  
 Kamakshaiiah Shri D  
 Kamala Prasad, Shri  
 Kamble, Shri T D  
 Kamla Kumari, Kumari  
 Kapur, Shri Sat Pal  
 Kaul, Shrimati Shella  
 Kavde, Shri B R  
 Khadilkar, Shri R K  
 Khan, Shri L H  
 Kinder Lal, Shri  
 Kisku, Shri A K  
 Kotaki, Shri Lihadhar  
 Kotrashetti, Shri A K  
 Koya, Shri C H Mohamed  
 Krishnan, Shri B R  
 Krishnan, Shri G. Y.  
 Krishnan, Shrimati Parvathi  
 Kulkarni, Shri Raja  
 Kureei, Shri B M

Lakshappa, Shri K.  
 Lambodar Boliyar, Shri  
 Laskar, Shri Nihar  
 Lutfal Haque, Shri  
 'Madhukar', Shri K. M.  
 Mahajan, Shri Vikram  
 Mahajan, Shri Y. S.  
 Maharaj Singh, Shri  
 Mahishi, Dr. Sarojini  
 Majhi, Shri Gajadhar  
 Majhi, Shri Kumar  
 Malaviya, Shri K. D.  
 Malhotra, Shri Inder J.  
 Mallikarjun, Shri  
 Mandal, Shri Jagdish Narain  
 Mandal, Shri Yamuna Prasad  
 Manhar, Shri Bhagatram  
 Maurya, Shri B. P.  
 Mayathevar, Shri K.  
 Mehta, Dr. Mahipatray  
 Melkote, Dr. G. S.  
 Mirdha, Shri Nathu Ram  
 Mishra, Shri Bibhuti  
 Mishra, Shri G. S.  
 Mishra, Shri Jagannath  
 Mohammad Tahir, Shri  
 Mohammad Yusuf, Shri  
 Mohan Swarup, Shri  
 Mohapatra, Shri Shyam Sunder  
 Mohan, Shri F. H.  
 Munsal, Shri Priya Ranjan Das  
 Murthy, Shri B. S.  
 Nahata, Shri Amrit  
 Naik, Shri B. V.  
 Nanda, Shri G. L.  
 Negi, Shri Pratap Singh  
 Nimbalkar, Shri  
 Oraon, Shri Tuna  
 Painuli, Shri Paripoornanand  
 Palodkar, Shri Manikrao  
 Pandey, Shri Damodar

Pandey, Shri Krishna Chandra  
 Pandey, Shri Narasingh Nerain  
 Pandey, Shri R. S.  
 Pandit, Shri S. T.  
 Panigrahi, Shri Chintamani  
 Pant, Shri K. C.  
 Paokai Haokip, Shri  
 Parashar, Prof. Narain Chand  
 Parikh, Shri Rasiklal  
 Parthasarathy, Shri P.  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Arvind M.  
 Patel, Shri Natwarlal  
 Patel, Shri Prabhudas  
 Patil, Shri Anantra  
 Patil, Shri C. A.  
 Patil, Shri E. V. Vikhe  
 Patil, Shri Krishnarao  
 Patil, Shri T. A.  
 Patnaik, Shri Banamall  
 Patnaik, Shri J. B.  
 Peje, Shri S. L.  
 Pradhan, Shri Dhan Shah  
 Pradhani, Shri K.  
 Purty, Shri M. S.  
 Raghu Ramasah, Shri K.  
 Rai, Shri S. K.  
 Rai, Shrimati Sahodrabai  
 Raj Bahadur, Shri  
 Rajdeo Singh, Shri  
 Raju, Shri P. V. G.  
 Ram Prakash, Shri  
 Ram Sewak, Ch.  
 Ram Singh Bhai, Shri  
 Ram Surat Prasad, Shri  
 Ram Swarup, Shri  
 Ramji Ram, Shri  
 Ramabekhar Prasad Singh, Shri  
 Ranabhadur Singh, Shri  
 Rao, Shrimati B. Radhabai A.  
 Rao, Shri J. Rameshwar

Rao, Shri Jagannath  
 Rao, Shri M. S. Sanjeevi  
 Rao, Shri M. Satyanarayan  
 Rao, Shri Nageswara  
 Rao, Shri P. Ankinedu Prasada  
 Rao, Shri Pattabhi Rama  
 Rao, Shri Rajagopala  
 Rao, Dr. V. K. R. Varadaraja  
 Rathia, Shri Umed Singh  
 Raut, Shri Bhola  
 Ravi, Shri Vayalar  
 Ray, Shrimati Maya  
 Reddi, Shri P. Antony  
 Reddy, Shri K. Ramakrishna  
 Reddy, Shri P. Ganga  
 Reddy, Shri P. Narasimha  
 Reddy, Shri P. V.  
 Reddy, Shri Sidram  
 Richhariya, Dr. Govind Das  
 Rohatgi, Shrimati Sushila  
 Roy, Shri Bishwanath  
 Rudra Pratap Singh, Dr.  
 Saini, Shri Mulki Raj  
 Sambhal, Shri Ishaque  
 Sanghi, Shri N. K.  
 Sangliana, Shri  
 Sankata Prasad, Dr.  
 Sant Bux Singh, Shri  
 Sathe, Shri Vasant  
 Satish Chandra, Shri  
 Satpathy, Shri Devendra  
 Savant, Shri Shankerrao  
 Savitri Shyam, Shrimati  
 Sayeed, Shri P. M.  
 Sen, Dr. Ranen  
 Sethi, Shri Arjun  
 Shafee, Shri A.  
 Shafoquat Jung, Shri  
 Shaulani, Shri Chandra  
 Shambhu Nath, Shri  
 Shankar Dev, Shri  
 Shankaranand, Shri B.

Sharma, Shri A. P.  
 Sharma, Dr. H. P.  
 Sharma, Shri Madhoram  
 Sharma, Shri Nawal Kishore  
 Sharma, Shri R. N.  
 Sharma, Shri R. R.  
 Sharma, Dr. Shanker Dayal  
 Shastri, Shri Biswanarayan  
 Shastri, Shri Raja Ram  
 Shastri, Shri Sheopujan  
 Shenoy, Shri P. R.  
 Shinde, Shri Annasaheb P.  
 Shivappa, Shri N.  
 Shivnath Singh, Shri  
 Shukla, Shri B. R.  
 Siddayya, Shri S. M.  
 Siddheshwar Prasad, Prof.  
 Sinha, Shri Dharam Bir  
 Sinha, Shri Nawal Kishore  
 Sinha, Shri R. K.  
 Sohan Lal, Shri T.  
 Sokhi, Sardar Swaran Singh  
 Stephen, Shri C. M.  
 Subramaniam, Shri C.  
 Sudarsanam, Shri M.  
 Sunder Lal, Shri  
 Supendra Pal Singh, Shri  
 Swaminathan, Shri R. V.  
 Swamy, Shri Sadrameshwar  
 Swaran Singh, Shri  
 Tarodekar, Shri V. B.  
 Tayyab Hussain, Shri  
 Tewari, Shri Shankar  
 Thakre, Shri S. B.  
 Thakur, Shri Krishnarao  
 Tiwari, Shri Chandra Bhal Mani  
 Tiwari, Shri R. G.  
 Tombi Singh, Shri N.  
 Tula Ram, Shri  
 Tulsiaram, Shri V.  
 Ulkey, Shri M. G.  
 Unnikrishnan, Shri K. P.

Division No. 4] [14.42 hrs.

AYES

Vekaria, Shri  
Venkatasubbalah, Shri P.  
Verma, Shri Balgovind  
Verma, Shri Sukhdeo Prasad  
Virbhadra Singh, Shri  
Viswanathan, Shri G.

Yadav, Shri Karan Singh  
Yadav, Shri N. P.  
Yadav, Shri R. P.

Zulfiquar Ali Khan, Shri

NOES

\*Chandrika Prasad, Shri

\*Jha, Shri Chiranjib

\*Krishnappa, Shri M. V.

MR. DEPUTY-SPEAKER: The result\* of the division is:

Ayes: 294; Noes: 3.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

*The motion was adopted.*

MR. DEPUTY-SPEAKER: We take up clause by clause consideration.

Clause 2. This also has to be voted upon by division. The Lobbies are already cleared. The question is:

"That clause 2 stand part of the Bill".

*The Lok Sabha divided.*

Agrawal, Shri Shrikrishna  
Ahirwar, Shri Nathu Ram  
Alagesan, Shri O. V.  
Ambesh, Shri  
Anand Snigh, Shri  
Ankineedu, Shri Maganti  
Ansari, Shri Ziaur Rahman  
Appalanaidu, Shri  
Arvind Netam, Shri  
Austin, Dr. Henry  
Awdhesh Chandra Singh, Shri  
Bahunath Singh, Shri  
Bajpai, Shri Vidya Dhar  
Balakrishmah, Shri T.  
Banera, Shri Hamendra Singh  
Banerjee, Shrimati Mukul  
Barman, Shri R. N.  
Barua, Shri Bedabrata  
Basumatari, Shri D.  
Bhagat, Shri H. K. L.  
Bhargava, Shri Basheshwar Nath  
Bhatia, Shri Raghunandan Lal  
Bhattacharyya, Shri Chapalendu  
Bhaura, Shri B. S.  
Bheeshmadev, Shri M.  
Bhuvarahan, Shri G.  
Bist, Shri Narendra Singh  
Brahmanandji, Shri Swami  
Brij Raj Singh—Kotah, Shri  
Buta Singh, Shri  
Chakleshwar Singh, Shri  
Chandra Gowda, Shri D. B.  
Chandrashekharaappa Veerabasappa,  
Shri T. V.  
Chandrika Prasad, Shri  
Chaturvedi, Shri Rohan Lal  
Chaudhari, Shri Amarsinh

\*Wrongly voted for NOES.

\*\*The following Members also recorded their votes for AYES:—

Sarvasari Dharnidhar Das, Tarun Gogoi, M. Ram Gopal Reddy, Ram. Dayal, Genda Singh, Birander Singh Rao and Dr. K. L. Rao.

Chaudhary, Shri Nitiraj Singh  
 Chavan, Shri Yeshwantrao  
 Chellachami, Shri A. M.  
 Chhotey Lal, Shri  
 Chhuttan Lal, Shri  
 Chikkalingaiah, Shri K.  
 Choudhary, Shri B. E.  
 Daga, Shri M. C.  
 Dalbir Singh, Shri  
 Dalip Singh, Shri  
 Damani, Shri S. R.  
 Darbara Singh, Shri  
 Das, Shri Anadi Charan  
 Das, Shri Dharnidhar  
 Daschowdhury, Shri B. K.  
 Deb, Shri Dasaratha  
 Deo, Shri S. N. Singh  
 Desai, Shri D. D.  
 Deshmukh, Shri K. G.  
 Deshmukh, Shri Shivaji Rao S.  
 Dhamankar, Shri  
 Dharamraj Singh, Shri  
 Dhillon, Dr. G. S.  
 Dhusia, Shri Anant Prasad  
 Dinesh Singh, Shri  
 Dixit, SRI G. C.  
 Dixit, Shri Jagdish Chandra  
 Dube, Shri J. P.  
 Dwivedi, Shri Nageshwar  
 Engti, Shri Biren  
 Gakewad, Shri Fatesinghraj  
 Gandhi, Shrimati Indira  
 Ganesh, Shri K. K.  
 Ganga Devi, Shrimati  
 Gangadeb, Shri P.  
 Garcha, Shri Devinder Singh  
 Gavit, Shri T. H.  
 Ghosh, Shri P. K.  
 Giri, Shri S. B.  
 Giri, Shri V. Shanker  
 Godara, Shri Mani Ram

Godfrey, Shrimati M.  
 Gogoi, Shri Tarun  
 Gokhale, Shri H. R.  
 Gomango, Shri Giridhar  
 Gopal, Shri K.  
 Goswami, Shri Dinesh Chandra  
 Gotkhinde, Shri Annasabeb  
 Gowda, Shri Pampun  
 Hansda, Shri Subodh  
 Hari Kishore Singh, Shri  
 Hari Singh, Shri  
 Hashim, Shri M. M.  
 Ishaque, Shri A. K. M.  
 Jadeja, Shri D. P.  
 Jamilurrahman, Shri Md.  
 Jha, Shri Chiranjib.  
 Joshi, Shri Popotlal M.  
 Joshi, Shrimati Subhadra  
 Kadam, Shri Dattajirao  
 Kadam, Shri J. G.  
 Kadannappalli, Shri Ramachandran  
 Kader, Shri S. A.  
 Kallias, Dr.  
 Kakodkar, Shri Purushottam  
 Kakoti, Shri Robin  
 KamaKshaiah, Shri D.  
 Kamala Prasad, Shri  
 Kamble, Shri T. D.  
 Kamla Kumari, Kumari  
 Kapur, Shri Sat Pal  
 Kaul, Shrimati Sheila  
 Kavde, Shri B. R.  
 Khadlikar, Shri R. K.  
 Khan, Shri I. H.  
 Kinder Lal, Shri  
 Klaku, Shri A. K.  
 Kotaki, Shri Laladhar  
 Kotrasheetti, Shri A. K.  
 Koya, Shri C. H. Mohamed  
 Krishnan, Shri B. R.

Krishnan, Shri G. Y.  
 Krishnan, Shrimati Parvathi  
 Krishnappa, Shri M. V.  
 Kulkarni, Shri Raja  
 Kureel, Shri B. N.  
 Lakappa, Shri K.  
 Lambodar Baliyar, Shri  
 Laskar, Shri Nihar  
 Lutfal Haque, Shri  
 'Madhukar', Shri K. M.  
 Mahajan, Shri Vikram  
 Mahajan, Shri Y. S.  
 Maharaj Singh, Shri  
 Mahishi, Dr. Sarojini  
 Majhi, Shri Gajadhar  
 Majhi, Shri Kumar  
 Malaviya, Shri K. D.  
 Malhotra, Shri Inder J.  
 Mallikarjun, Shri  
 Mandal, Shri Jagdish Narain  
 Mandal, Shri Yamuna Prasad  
 Manhar, Shri Bhagatram  
 Marak, Shri K.  
 Maurya, Shri B. P.  
 Mehta, Dr. Mahipatray  
 Melkote, Dr. G. S.  
 Mirdha, Shri Nathu Bam  
 Mishra, Shri Bibhuti  
 Mishra, Shri G. S.  
 Mishra, Shri Jagannath  
 Mohammad Tahir, Shri  
 Mohammad Yusuf, Shri  
 Mohan Swarup, Shri  
 Mohapatra, Shri Shyam Sunder  
 Mohsin, Shri F. H.  
 Munal, Shri Priya Ranjan Das  
 Murthy, Shri B. S.  
 Nehata, Shri Amrit  
 Naik, Shri B. V.  
 Nanda, Shri G. L.  
 Negi, Shri Pratap Singh

Nimbalkar, Shri  
 Oraon, Shri Tuna  
 Patnuli, Shri Paripoornanand  
 Palodkar, Shri Manikrao  
 Pandey, Shri Damodar  
 Pandey, Shri Krishna Chandra  
 Pandey, Shri Narangh Narain  
 Pandey, Shri R. S.  
 Pandit, Shri S. T.  
 Panigrahi, Shri Chintamani  
 Pant, Shri K. C.  
 Paokai Haokip, Shri  
 Parashar, Prof. Narain Chand  
 Parikh, Shri Rasiklal  
 Parthasarathy, Shri P.  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Arvind M.  
 Patel, Shri Natwarlal  
 Patel, Shri Prabhudas  
 Patil, Shri Anantra  
 Patil, Shri C. A.  
 Patil, Shri E. V. Vikhe  
 Patil, Shri Krishnarao  
 Patil, Shri T. A.  
 Patnaik, Shri Banamali  
 Patnaik, Shri J. B.  
 Peje, Shri S. L.  
 Pradhan, Shri Dhan Shah  
 Pradhani, Shri K.  
 Purty, Shri M. S.  
 Raghu Ramajiah, Shri K.  
 Rai, Shri S. K.  
 Rai, Shrimati Sahodrabai  
 Raj Bahadur, Shri  
 Rajdeo Singh, Shri  
 Raju, Shri P. V. G.  
 Ram Dayal, Shri  
 Ram Prakash, Shri  
 Ram Sewak, Ch.  
 Ram Singh Bhai, Shri  
 Ram Surat Prasad, Shri

Ram Swarup, Shri  
 Ramji Ram, Shri  
 Ramshekhar Prasad Singh, Shri  
 Ranabahadur Singh, Shri  
 Rao, Shrimati B Radhabai A  
 Rao, Shri J Rameshwar  
 Rao, Shri Jagannath  
 Rao, Dr K L  
 Rao, Shri M S Sanjeevi  
 Rao Shri M Satyanarayan  
 Rao, Shri Nageswara  
 Rao, Shri P Anknuedu Prasada  
 Rao, Shri Pattabhu Rama  
 Rao, Shri Rajagopala  
 Rao, Dr V K R Varadaraja  
 Rathia, Shri Umed Singh  
 Raut, Shri Bhola  
 Ravi, Shri Vayalar  
 Ray Shrimati Maya  
 Reddi Shri P Antony  
 Reddy, Shri K Ramakrishna  
 Beddy, Shri M Ram Gopal  
 Reddy, Shri P Gang  
 Reddy, Shri P Narasimha  
 Reddy, Shri P V  
 Reddy, Shri Sidram  
 Richhariya, Dr Govind Das  
 Rohatgi, Shrimati Sushila  
 Roy, Shri Bishwanath  
 Rudra Pratap Singh, Dr  
 Saini, Shri Mulki Raj  
 Sambhall, Shri Ishaque  
 Sanghi, Shri N K  
 Sangliana, Shri  
 Sankata Prasad Dr  
 Sanf Bux Singh, Shri  
 Sathe, Shri Vasant  
 Satish Chandra, Shri  
 Satpathy, Shri Devendra  
 Savant, Shri Shankerrao  
 Savitri Shyam, Shrimati  
 Sen, Dr. Ranen

Sethi, Shri Arjun  
 Shafee, Shri A  
 Shafquat Jung, Shri  
 Shallani, Shri Chandra  
 Shambhu Nath, Shri  
 Shankar Dev, Shri  
 Shankaranand, Shri B  
 Sharma, Shri A P  
 Sharma, Dr H P  
 Sharma, Shri Nawal Kishore  
 Sharma, Shri R N  
 Sharma, Dr Shanker Dayal  
 Shastri, Shri Biswanarayan  
 Shastri, Shri Raja Ram  
 Shastri, Shri Sheopujan  
 Shenoy Shri P R  
 Shinde, Shri Annasaheb P  
 Shuvappa, Shri N  
 Shuvnath Singh Shri  
 Shukla, Shri B R.  
 Siddayya Shri S M  
 Siddheshwar Prasad, Prof  
 Sinha Shri Dharam Bir  
 Sinha, Shri Nawal Kishore  
 Sinha Shri R K  
 Sohan Lal Shri T  
 Sokhi, Sardar Swaran Singh  
 Stephen, Shri C M  
 Subramaniam, Shri C  
 Sudarsanam Shri M  
 Sunder Lal, Shri  
 Surendra Pal Singh, Shri  
 Swaminathan, Shri R V  
 Swamy, Shri Sidrameshwar  
 Swaran Singh, Shri  
 Tarodekar, Shri V B  
 Tayyab Hussain, Shri  
 Tewari, Shri Shankar  
 Thakre, Shri S B  
 Thakur, Shri Krishnarao  
 Tiwari, Shri Chandra Bhal Mani

Tiwari, Shri R. G.  
 Tombl Singh, Shri N.  
 Tula Ram, Shri  
 Tulsiaram, Shri V.  
 Uikey, Shri M. G.  
 Unnikrishnan, Shri K. P.  
 Vekaria, Shri  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Balgovind  
 Verma, Shri Sukhdeo Prasad  
 Virbhadra Singh, Shri  
 Viswanathan, Shri G.  
 Yadav, Shri Karan Singh  
 Yadav, Shri N. P.  
 Yadav, Shri R. P.  
 Zuifquar Afi Khan, Shri

NOES

NIL

MR. DEPUTY-SPEAKER: The result\* of the division is:

Ayes: 298; Noes: Nil

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

*The motion was adopted.*

Clause 1 (Amendment of article 316)

Amendment made:

Page 1, line 3,—

for "(Forty-third Amendment)"  
 substitute "(Forty-first Amendment)"  
 (1)

(Shri Om Mehta)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 1, as amended, was added to the Bill.

*The Enacting Formula and the Title were added to the Bill.*

Shri Om Mehta: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill, as amended, be passed."

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Deputy-Speaker, Sir, I have heard with great attention the opening remarks and the concluding remarks by way of reply by my hon. friend Shri Om Mehta when he gave his arguments for bringing up this piece of constitutional change. It had a limited purpose and I do not know why it could not have waited for the general constitution amending Bill which we are told is coming before the House. I feel that this habit of doing constitutional changes constantly and piecemeal is not a habit worth developing. I am sorry that many hon. Members from both sides when they spoke, spoke about either who should be Members and said that one of them should belong to Scheduled Caste and one of them should be a woman, and they said this partly seriously and partly humorously. I do not know, of course, I appreciated their argument. But the main point is that the function of the public service commissions in our country since the

\*The following Members also recorded their votes for AYES:—

Shrimati Premalabai Chavan and Sarvashri Madhoram Sharma, P.M. Sayeed and Genda Singh.

[Shri P. G. Maivalankar]

beginning of the Republic has been very important and its importance has been enshrined in the Constitution by making them independent through a constitutional provision. Therefore it is important that those who are members of the public service commissions are attracted not only in terms of waiting to be there for two years more but also in terms of wanting to be there to serve and do one of the highest duties. The role of the state is increasing rapidly; we are in a welfare state situation all over the world, and those of us who believe in the right kind of socialist order, just and egalitarian order, feel that the state's role will have to be more active and more assertive. That means that the administration has to be expanded and it is to be manned by people who are competent. Any administration has four hall-marks: integrity, impartiality, incorruptibility and anonymity, these are four pillars of any administration. Obviously, recruitment which takes place through open competitive examination. . . . .

MR. DEPUTY-SPEAKER: Are you supporting or opposing the Bill?

SHRI P. G. MAVALANKAR: I want to say two points very briefly but I am sorry for the long preface

If the holding of public competitive examinations and the task of selection and recruitment have to be done by the public service commissions, then these commissions must be manned by people who are experienced, mature and wise in their judgment. Mr. Sathe said that younger people should have entry into them. Everything is not for younger people. There are jobs requiring experience, wisdom and maturity.

SHRI VASANT SATHE: Maturity and wisdom do not go only with age.

SHRI P. G. MAVALANKAR: True, but age adds to wisdom and maturity.

Then, Sir, I do not know why the Minister has not made it uniformly 65 years of age for all. Why should the state Public Service Commission Members retire at what is now proposed at 62 years and the Union Public Service Commission Members at 65?

MR. DEPUTY-SPEAKER: He has already explained it. You were not present then. You know the scope of the third reading. No new point should be brought in at this time.

SHRI P. G. MAVALANKAR: My last point is that service conditions must be made more honourable and the atmosphere of their work should be made more independent. If that happens, the job will be more attractive, not merely by lengthening it by 2 more years.

SHRI OM MEHTA: Sir, I have replied to most of the points he raised. He said, these jobs have to be made more attractive. Recently we have raised the salaries of the UPSC members. Previously it was Rs 3000 Now it is Rs 3250. We have also improved the pension scheme for them. Then, he said, this Bill could have waited for inclusion in the comprehensive Constitution (Amendment) Bill which is coming. Sir, he is too late in raising this objection. He should have raised it when the Bill was sought to be introduced. When we are in the third reading, this objection is meaningless.

MR. DEPUTY-SPEAKER: The question is

"That the Bill, as amended, be passed"

Let the lobbies be cleared.

The question is:

"That the bill as amended be passed"

*The Lok Sabha divided;*

Division No. 5]

Aga, Shri Syed Ahmed  
 Agarwal, Shri Shrikrishna  
 Ahirwar, Shri Nathu Ram  
 Alagesan, Shri O. V.  
 Ambesh, Shri  
 Anand Singh, Shri  
 Ankineedu, Shri Maganti  
 Ansari, Shri Ziaur Rahman  
 Appalanaidu, Shri  
 Arvind Netam, Shri  
 Austin, Dr. Henry  
 Awdhesh Chandra Singh, Shri  
 Aziz Imam, Shri

Babhunath Singh, Shri  
 Bejpal, Shri Vidya Dhar  
 Balakrishnaiah, Shri T.  
 Banamali Babu, Shri  
 Banera, Shri Hamendra Singh  
 Banerjee, Shrimati Mukul  
 Barman, Shri R. N.  
 Barua, Shri Bedabrata  
 Basappa, Shri K.  
 Basumatari, Shri D.  
 Bhagat, Shri H. K. L.  
 Bhargava, Shri Bhasheshwar Nath  
 Bhatia, Shri Raghunandan Lal  
 Bhattacharyya, Shri Chapalendu  
 Bhaura, Shri B. S.  
 Bheeshmadav, Shri M.  
 Bhuvanahan, Shri G.  
 Birender Singh Rao, Shri  
 Bist, Shri Narendra Singh  
 Brahmanandji, Shri Swami  
 Brij Raj Singh—Kotah, Shri  
 Buta Singh, Shri

Chakleshwar Singh, Shri  
 Chandra Gowda, Shri D. B.  
 Chandrashekharappa Veerabasappa,  
 Shri T. V.  
 Chandrika Prasad, Shri  
 Chaturvedi, Shri Rohan Lal

[14.54 hrs.

AYES

Chaudhari, Shri Amarendra  
 Chaudhary, Shri Nitinaj Singh  
 Chavan, Shri Yashwantrao  
 Chellachami, Shri A. M.  
 Chhotey Lal, Shri  
 Chhuttan Lal, Shri  
 Chikkalingaiah, Shri K.  
 Choudhary, Shri B. E.  
 Daga, Shri M. C.  
 Dalbir Singh, Shri  
 Dalip Singh, Shri  
 Damani, Shri S. R.  
 Darbara Singh, Shri  
 Das, Shri Anadi Charan  
 Das, Shri Dharnidhar  
 Daschowdhury, Shri B. K.  
 Deb, Shri Dasaratha  
 Deo, Shri S. N. Singh  
 Desai, Shri D. D.  
 Deshmukh, Shri K. G.  
 Deshmukh, Shri Shivaji Rao S.  
 Dhamankar, Shri  
 Dharamgaj Singh, Shri  
 Dhillon, Dr. G. S.  
 Dhusia, Shri Anant Prasad  
 Dinesh Singh, Shri  
 Dixit, Shri G. C.  
 Dixit, Shri Jagdish Chandra  
 Dube, Shri J. P.  
 Dwivedi, Shri Nageshwar  
 Engti, Shri Biren  
 Gaekwad, Shri Fatesingh Rao  
 Gandhi, Shrimati Indira  
 Ganesh, Shri K. R.  
 Ganga Devi, Shrimati  
 Gangadeb, Shri P.  
 Garcha, Shri Devinder Singh  
 Gavit, Shri T. H.  
 Ghosh, Shri P. K.  
 Giri, Shri S. B.

Giri, Shri V Shanker  
 Godara, Shri Mani Ram  
 Godfrey, Shrimati M.  
 Gokhale, Shri H R  
 Gomango, Shri Giridhar  
 Gopal, Shri K  
 Goswami, Shri Dmesh Chandra  
 Gotkhinde, Shri Annasaheb  
 Gowda, Shri Pampan  
 Hanada, Shri Subodh  
 Hari Kishore Singh, Shri  
 Hari Singh, Shri  
 Hashim Shri M M  
  
 Ishaque, Shri A K M  
 Jadeja Shri D P  
 Jamulurrahman Shri Md  
 Jha, Shri Chiranjib  
 Joshi, Shri Popatlal M  
 Joshi, Shrimati, Subhadra  
  
 Kadam, Shri Dattajirao  
 Kadam Shri J G  
 Kadannappalli Shri Ramachandran  
 Kader Shri S A  
 Kailas, Dr  
 Kakodkar, Shri Purushottam  
 Kakoti Shri Robin  
 Kamakshaiah Shri D  
 Kamala Prasad, Shri  
 Kamble, Shri T D  
 Kamla Kumari Kumari  
 Kapur, Shri Sat Pal  
 Kaul Shrimati Sheila  
 Kavde Shri B R  
 Khadilkar Shri R K  
 Khan, Shri I H  
 Kinder Lal, Shri  
 Kisku, Shri A K  
 Kotoki, Shri Liladhar  
 Kotrashetti, Shri A K  
 Koya, Shri C H Mohammed

Krishnan, Shri E. R.  
 Krishnan, Shri G Y.  
 Krishnan, Shrimati Parvathi  
 Krishnappa, Shri M V  
 Kulkarni, Shri Raja  
 Kureel, Shri B N  
  
 Lakkappa, Shri K  
 Lambodar Ballyar, Shri  
 Laskar, Shri Nihar  
 Lutfaj Haque, Shri  
  
 'Madhukar' Shri K M.  
 Mahajan, Shri Vikram  
 Mahajan Shri Y S  
 Maharaaj Singh, Shri  
 Mahishi, Dr Sarojim  
 Majhi, Shri Gajadhar  
 Majhi Shri Kumar  
 Malaviya Shri K D  
 Malhotra Shri Inder J  
 Mallikarjun, Shri  
 Mandal Shri Jagdish Narain  
 Mandal Shri Yamuna Prasad  
 Manhar, Shri Bhagatram  
 Marak Shri K  
 Maurya, Shri B P  
 Mavathevar Shri K  
 Mehta Dr Mahapatray  
 Melkote Dr G S  
 Mirdha Shri Nathu Ram  
 Mishra, Shri Bibhuti  
 Mishra Shri G S  
 Mishra, Shri Jagannath  
 Mohammad Tahir Shri  
 Mohammad Yusuf, Shri  
 Mohan Swarup Shri  
 Mohapatra, Shri Shyam Sunde  
 Mohsin Shri F H  
 Munsri Shri Priya Ranjan Das  
 Murthy, Shri B S.  
  
 Nahata Shri Amrit  
 Naik, Shri B V

Nanda, Shri G. L.  
 Negi, Shri Pratap Singh  
 Nimbalkar, Shri  
 Oraon, Shri Kartik  
 Oraon, Shri Tuna  
 Painuli, Shri Paripoornanand  
 Palodkar, Shri Manikrao  
 Pandey, Shri Damodar  
 Pandey, Shri Krishna Chandra  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri R. S.  
 Pandit, Shri S. T.  
 Panigrahi, Shri Chintamani  
 Pant, Shri K. C.  
 Paokar Haakip, Shri  
 Parashar, Prof. Narain Chand  
 Parikh, Shri Rasiklal  
 Parthasarathy, Shri P.  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Arvind M.  
 Patej, Shri Natwarlal  
 Patel, Shri Prabhudas  
 Patil, Shri Anantra  
 Patil, Shri C. A.  
 Patil, Shri E. V. Vikhe  
 Patil, Shri Krishnarao  
 Patil, Shri T. A.  
 Patnaik, Shri Banamali  
 Patnaik, Shri J. B.  
 Peje, Shri S. L.  
 Pradhan, Shri Dhan Shah  
 Pradhani, Shri K.  
 Purty, Shri M. S.  
 Raghu Ramaiah, Shri K.  
 Rai, Shri S. K.  
 Rai, Shrimati Sahodrabai  
 Raj Bahadur, Shri  
 Rajdeo Singh, Shri  
 Raju, Shri P. V. G.  
 Ram Daval, Shri  
 Ram Prakash, Shri

Ram Sewak, Ch.  
 Ram Singh Bhai, Shri  
 Ram Surat Prasad, Shri  
 Ram Swarup, Shri  
 Ramji Ram, Shri  
 Ramshekhar Prasad Singh, Shri  
 Ranabahadur Singh, Shri  
 Rao, Shrimati B. Radhabai A.  
 Rao, Shri J. Rameshwar  
 Rao, Shri Jagannath  
 Rao, Dr. K. L.  
 Rao, Shri M. S. Sanjeevi  
 Rao, Shri M. Satyanarayan  
 Rao, Shri Nageswara  
 Rao, Shri P. Ankineedu Prasada  
 Rao, Shri Pattabhi Rama  
 Rao, Shri Rajagopala  
 Rao, Dr. V. K. R. Varadaraja  
 Rathia, Shri Umed Singh  
 Raut, Shri Bhola  
 Ravi, Shri Vayalar  
 Ray, Shrimati Maya  
 Reddi, Shri P. Antony  
 Reddy, Shri K. Ramakrishna  
 Reddy, Shri M. Ram Gopal  
 Reddy, Shri P. Ganga  
 Reddy, Shri P. Narasimha  
 Reddy, Shri P. V.  
 Reddy, Shri Sidram  
 Richhariya, Dr. Govind Das  
 Rohatgi, Shrimati Sushila  
 Roy, Shri Bishwanath  
 Rudra Pratap Singh, Dr.  
 Saini, Shri Mulki Raj  
 Sambhali, Shri Ishaque  
 Sanghi, Shri N. K.  
 Sangliana, Shri  
 Sankata Prasad, Dr.  
 Sant Bux Singh, Shri  
 Sathe, Shri Vasant  
 Satish Chandra, Shri  
 Satpathy, Shri Devendra

Savant, Shri Shankerrao  
 Savitri Shyam, Shrimati  
 Sayeed, Shri P. M.  
 Sethi, Shri Arjun  
 Shafee, Shri A.  
 Shafquat Jung, Shri  
 Shahnawaz Khan, Shri  
 Shailani, Shri Chandra  
 Shambhu Nath, Shri  
 Shankar Dev, Shri  
 Shankaranand, Shri B.  
 Sharma, Shri A. P.  
 Sharma, Dr. H. P.  
 Sharma, Shri Madhoram  
 Sharma, Shri Nawal Kishore  
 Sharma, Shri B. N.  
 Sharma, Shri R. R.  
 Sharma, Dr. Shanker Dayal  
 Shashi Bhushan, Shri  
 Shastri, Shri Biswanarayan  
 Shastri, Shri Raja Ram  
 Shastri, Shri Sheopujan  
 Shenoy, Shri P. R.  
 Shinde, Shri Annasaheb P.  
 Shivappa, Shri N.  
 Shivnath Singh, Shri  
 Siddayya, Shri S. M.  
 Siddheshwar Prasad, Prof.  
 Sinha, Shri Dharam Bir  
 Sinha, Shri Nawal Kishore  
 Sinha, Shri R. K.  
 Sohan Lal, Shri T.  
 Sokhi, Sardar Swaran Singh  
 Stephen, Shri C. M.  
 Subramaniam, Shri C.  
 Sudarsanam, Shri M.  
 Sunder Lal, Shri  
 Surendra Pal Singh, Shri

Swaminathan, Shri R. V.  
 Swamy, Shri Sidrameshwar  
 Swaran Singh, Shri  
 Tarodekar, Shri V. B.  
 Tayyab Hussain, Shri  
 Tewari, Shri Shankar  
 Thakre, Shri S. B.  
 Thakur, Shri Krishnarao  
 Tiwari, Shri Chandra Bhal Mani  
 Tiwari, Shri R. G.  
 Tombi Singh, Shri N.  
 Tula Ram, Shri  
 Tulsiram, Shri V.  
 Ukey, Shri M. G.  
 Unnikrishnan, Shri K. P.  
 Vekaria, Shri  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Balgovind  
 Verma, Shri Sukhdeo Prasad  
 Vidyalankar, Shri Amarnath  
 Virbhadra Singh, Shri  
 Viswanathan, Shri G.  
 Yadav, Shri Karan Singh  
 Yadav, Shri N. P.  
 Yadav, Shri R. P.  
 Zulfiqar Ali Khan, Shri

## NOES

NIL

MR. DEPUTY-SPEAKER: The result\* of the division is Ayes: 303; Noes: Nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

\*The following Members also recorded their votes for AYES:—  
 Shrimati Premalabai Chavan and Sarvashri Tarun Gogoi, B. R. Shukla and Genda Singh.