

[Mr. Speaker]

Amarsinh Chaudhari, Shri R. G. Tiwari, Shri Krishnarao Patil, Shri E. V. Vikhe Patil, Shri K. K. Shetty, Shri Prabodh Chandra, Shri Amarnath Vidyalkar, Shri Chandra Bhal Mani 'Tewari', Shri Jagdish Chandra Dixit, Dr. Govind Das Richhariya, Shri Sudhakar Pandey, Shrimati Maya Ray, Shrimati Subhadra Joshi, Chaudhry Dalip Singh, Shrimati Mukul Banerji, Shri H. K. L. Bhagat, Shri T. Sohan Lal, Shri Jagdish Bhattacharyya, Shri C. K. Chandrappan, Shri E. R. Krishnan, Shri Virendra Agarwala, Shri Satyendra Narayan Sinha, Shri R. R. Singh Deo, Shri Frank Anthony, Shri Samar Guha,

and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

12.25 hrs.

FORMER SECRETARY OF STATE SERVICE OFFICERS (CONDITIONS OF SERVICE) BILL. contd.

MR. SPEAKER : Mr. Daga to continue.

श्री मूल इ. डागा (पार्षी) : अध्यक्ष महोदय, मैं कल कह रहा था 31वें सविधान संशोधन विधेयक के अन्दर आर्टिकल 314 को अमेंड करने समय यह कहा गया था कि :

"Art 314 of the Constitution guarantees to persons who were appointed by the Secretary of State or Secretary of State in Council to a civil

service of the Crown in India and who continued to serve after the commencement of the Constitution under the Government of India or of a State the same conditions of service as respects remuneration, leave and pension and the same rights as respects disciplinary matters or rights as similar thereto as changed circumstances may permit, as such persons were entitled to immediately such commencement. The concept of a class of officers with immutable conditions of service is incompatible with the changed social order."

यह आप्रके अब्जैक्ट्स और रीजन्स थे जब आपने अमेंडमेंट किया, और आप ने आर्टिकल 314 को अमेंड किया। उस के बाद आप ने कल सरदार पटेल के कोटेशन पेश किया और बतलाया कि आई० सी० ए० सविसेज को हमें रखना था इसलिये ऐसा व्यवहार करना जरूरी था। मैं ने कल कहा था कि सविसेज के मामले में हमारी सरकार कुछ दयालु सी है और अपने कर्तव्य के प्रति सतर्क नहीं है। पंडित जवाहर लाल नेहरू ने उस समय भी इन आई० सी० ए० आफिसर्स के लिए यह कहा था कि :

Of one thing I am quite sure that no new order can be built up in India so long as the spirit of the ICS pervades our administration and our public services. That spirit of authoritarianism is the ally of imperialism and it cannot co-exist with freedom. It will either succeed in crushing freedom or will be swept away itself. Only with one type of State it is likely to fit in, and that is the Fascist type. Therefore, it seems to me quite essential, that the ICS and similar services must disappear completely as such, before we can start real work on a new order.

लेकिन 1972 में आप ने जो भूत पूर्व सेक्रेट्री आफ स्टेट सेवा अधिकारी (सेवा की शर्तों) विधेयक पेश किया है उस में आप ने कोई खास परिवर्तन नहीं किया है। अब्जबाओं में जो कुछ निकलना इस से ऐसा मानूँ हुआ कि आप उस म बड़ी रद्दोपदल कर रहे हैं और बहुत बड़ा फर्क पड़ने जा रहा है। आप सविसेज की डिपेरिटी का काम कर रहे हैं और उन को विगेष सुविधाओं

से वंचित कर रहे हैं, लेकिन सारे विलपढ़ने को के बाद मालूम होता है कि कुछ नहीं किया गया है।

It is also proposed to make it clear that no former Secretary of State Service Officer shall be entitled or be deemed ever to have been entitled to claim pension in or on terms of sterling or that his pension shall be paid outside India.

और कोई भी परिवर्तन नहीं है इस एक्ट के अन्दर जैसा एक्ट इंडियन सर्विसेज का पहले था वैसा ही लगभग अभी भी है जो अन्तर था आई० सी० एस० और आई० ए० एस० आफिसर्स के बीच में वह आज भी बना हुआ है आप इन दोनों के बीच में जो डिस्पैरिटी है उस को कम करना चाहते थे लेकिन आपने क्लाज 5 यह किया कि:

Clauses (3) and (4) says that subject to other provisions of the Act 'on and from the appointed day the conditions of service as respects remuneration, leave, pension rights as respects disciplinary matters and conditions of service and rights'. Clause 5 says 'Notwithstanding anything contained in Sec. (3) and (4) an ICS Member of the Indian Administrative Service or an I.P. Member of the Indian Police Service as the case may be, holding a post specified in the schedule or a post declared by the Central Govt. to be equivalent of such post, shall for so long as he holds that post, be entitled to that pay as indicated in the Schedule'.

इस बिल के अनुसार अब भी आई० सी० एस० आफिसर की तन्ख्वाह 4,000 रु० ही रहेगी, ऐडीशनल सेक्रेटरी की 3,500 रु० होगी, ज्वॉयंट सेक्रेटरी की 3,000 रु० होगी। इसके अलावा भी यहाँ तक कह दिया गया कि सरकार जब चाहेगी तब वह किसी भी पोस्ट को इक्वि-वैलेंट पोस्ट डिक्लेयर कर सकती है। A post declared by the Central Government to be equivalent to such a post.

मेरा कहना यह है कि क्लाज 5 रख कर उन्होंने जो क्लाज 3 और 4 रखा है उस का कोई परपज सर्व नहीं होता है। उन के रेयूमरेशन के बारे में, उन के शर्ट्स के बारे में, उन की लीव के बारे में या पेंशन के बारे में जो यह नया बिल पेश

किया गया है उस से उन की लीव, उनका रेयूमरेशन उनकी पेंशन ज्यों की त्यों रहेगी। क्लाज 5 रखने के बाद आप ने क्लाज, 9 और 11 भी रख दिये। मैं कहना चाहता हूँ कि अब तक यही ऐक्ट है आल-इंडिया सर्विसेज ऐक्ट, 1951 जिस में अब तक कोई संशोधन नहीं हुआ है। आल इंडिया सर्विसेज ऐक्ट 1951 में दो या चार क्लाज हैं और सारे रूल्स और रेगुलेशन्स चलते हैं। जो भी स्टेट चाहती है उस तरह के रूल्स और रेगुलेशन्स बनते हैं। आप ने कहा कि 1951 में जो रूल्स और रेगुलेशन्स बनाये गये इंडियन ऐडमिनिस्ट्रेटिव सर्विसेज के लिये वही इन पर लागू होंगे। लेकिन आपने इस बिल के क्लाज 9 और 11 में यह सुविधायें भी दे दी हैं:

"For the purpose of bringing the provisions in any rules and regulations made or deemed to have been made under the All India Services Act, 1951 or any rules, regulations or orders applicable immediately before the appointed day in relation to former Secretary of State Services Officers into accord with the provisions of the Act, the Central Government may, before the expiry of two years from the appointed day by order published in the Official Gazette make such adaptations or modifications of such rules, regulations and orders, whether by way of repeal or amendment or as may be necessary."

क्लाज 11 में आपने एक नई बात रख दी:

"If any difficulty arises in giving effect to the provisions of this Act, the Central Government may by general or special order published in the Official Gazette for the purpose of removing the difficulty make such provisions not inconsistent with the provisions of this Act as appear to be necessary or expedient."

क्लाज 11 के अन्दर कोई डेलिगेशन नहीं है

"If there is any difficulty, the Central Government can issue any order in order to remove that difficulty."

इस तरह से क्लाज 9 और 11 तथा क्लाज 5 और 6 को रखने के बाद आप यह चाहते हैं कि आई० सी० एस० आफिसर्स की जो सुवि-

(श्री मूल चन्द्र डागा)

घायें हैं, प्रिविलेजें हैं उन में कोई केटलमेंट न हो। हां, केवल एक बात की गई है कि जो पेंशन है वह स्टॉलिंग में नहीं मिलेगी। इस के अलावा कोई और बात इस बिल में नहीं की गई है। आज कल जो कानून हमारे यहां बन रहे हैं उन की मंशा यह नहीं हुआ करती। आज कल जो कानून बनते हैं वह आज के जमाने के अनुसार और आज की स्थिति जिस बात की मांग करती है उस के अनुसार बनते हैं। इसके लिये मैं जूरिस्ट्स के इंटरनैशनल कमिशन के क्या विचार हैं वह आपके सामने रखना चाहता हूं :

"When the International Commission of Jurists met at Delhi in 1959, they agreed on the declaration that the intention was undoubtedly to make it clear that the rule of law is not tied to any nineteenth century *laissez-faire*, theory of proper rule by the State, particularly in regard to making social and cultural matters, but on the contrary that of the rule of law, far from being opposed to the welfare State is an essential instrument of its purposes."

आज का जो कानून बनते हैं उन को देश की हालत को देखते हुए और जो हम समाजवाद की नीति में विश्वास करते हैं उस के अनुसार बनने चाहिये। लेकिन इतने साल बाद हमने आई० सी० एस० आफिसर्स के बारे में कह दिया कि हम उनकी पारस में कोई कमी नहीं करते। न प में, न लीव में। केवल एक बात कह दी कि उनकी कंडिशन में हम जब चाहें अमेंडमेंट कर सकते हैं। इस के अलावा हम जो पारस डेलिगेट करते हैं वह भी क्लाज 9 और 11 में नहीं हो सकता। इसमें कोई स्पैसिफिक क्लाज इसके लिये नहीं रखा गया है।

This was the opinion of the committee:

"We doubt whether Parliament itself has fully realised how extensive the practice of delegation has become and the extent to which it has surrendered its own functions in the process and how easily the practice might be abused."

कोई भी पावज़ आपके एक्ट में नहीं है यह जो बल है।

"The Former Secretary of State Services Officers Bill, 1972."

यह आज के जमाने के अनुसार बिल्कुल नहीं है। केवल आपने एमेंडमेंट कर दिया है कि स्टॉलिंग में पेंशन नहीं होगा। इसके अलावा आई० सी० एस० आफिसर्स की जो सुविधायें हैं वे कायम रहेंगी, जो लाभ उनको मिल रहे हैं, मिलते रहेंगे।

SHRI C. C. DESAI (Sabarkantha): Mr. Speaker, it is the right of a Senior member of a family to deliver what is known as the funeral oration. As the senior-most ex-ICS member of this House, I propose to perform this painful duty. To allay any flutter in the House, I would say straightway that I have not got up to oppose the passage of this Bill. If you want, I am even prepared to cast my vote in favour of the Bill. But the indecent haste with which the constitutional amendment was rushed in both Houses pertaining to the so-called privileges of the ICS and that with which the substantive Bill is being rushed through now makes me somewhat sad.

The number of ICS officers has dwindled considerably and we would have seen the last of them by 1977 at the latest. No ICS officer has exercised a privilege which may even remotely be said to be detrimental to public policy or in conflict with the self-respect of the nation during the past 25 years of the post-independence era. The record of the ICS has been worthy of the highest praise, judging from the speeches made by our leaders like the late Prime Minister, Jawaharlal Nehru, and the late Deputy Prime Minister, Sardar Vallabhbhai Patel and the present Prime Minister, Shrimati Indira Gandhi.

There may have been a case where some member of the ICS may have pressed the privilege of obtaining pension in pounds sterling, but he has not won in the Supreme Court, and therefore it cannot be said that the privilege has been exercised contrary to public policy. With all that, if Government want to abolish the privileges of the ICS, I can have no objection. All I want to say on this occasion is that you may abolish the so-called privileges of the ICS, but you cannot abolish the brains of the ICS; you may take away their pension, if you like, but you cannot take away their capacity to live and to earn; you may retire them earlier and you will be sorry for it later; you may cut short their leave, but no ICS officer has been known to take leave at the cost of his work. Ministers may wax eloquent against the ICS on the floor of

this House, but they are known to eat from their hands in the closed cabins of the Secretariat.

SHRI INDRAJIT GUPTA: This is the truest thing.

SHRI C. C. DESAI: I know of many men who criticise them in public and cringe before them in private. This is obviously a case, if I may say so, of legislation in haste and repentance at leisure. When the history of this country comes to be written, the ICS will find a place of honour therein. When the history of the ICS is written, I have no doubt—I am proud to say so—it will be recorded in letters of gold.

There may have been a black sheep here and there. But by and large—I repeat, by and large—it has been a service known for its integrity, known for its devotion to duty, known for its independent expression of views, known for its fearlessness in the matter of giving advice to Ministers, known for its high efficiency and known also for its unquestioned loyalty to the government of the day. The much-maligned ICS has been the finest instrument of public administration that the world has ever seen, and this country, being its thome, has every reason to be proud of this record.

Before I close, I would say that the ICS is dead, but the memory of the ICS will live for ever. Every member of the ICS has every reason to be proud of the service to he has belonged and the high record of its service to the nation. The body of the ICS may be consigned to the ashes, but the soul of the ICS shall burn for ever.

I am not going into the merits of the different provisions of the Bill. I could do so, but, as my hon. friend Shri Daga said just now, there have been several changes in the terms and conditions of the service. But that is not my intention at this moment. I am merely saying that the way in which this Bill has been rushed has been not fair to the services whose brains have been used to draft this Bill and who have been used to prepare this Bill for Parliament. You may pass this Bill but, as I said before, the ICS will live for ever.

MR. SPEAKER: I think the second ICS gentleman also may add his views. Shri H. M. Patel.

SHRI H. M. PATEL (Dhandhuka): Sir, I wish to make a few observations on this Bill, not so much with reference to the ICS as such.

MR. SPEAKER: Not a funeral oration but a speech.

SHRI H. M. PATEL: Not a funeral oration—but merely to say that the Government would do well go into this question of services or the organisation of the services more thoroughly and in a more comprehensive manner. It is not enough just to take away certain privileges, etc., of a major service, and think that you have done your task. You are taking away those privileges may be because you feel this is a socialistic age and there should not be any privileges. But I think what is important in a democracy, and above all, in a welfare State, is that you should have an efficient civil service, an efficient civil service which is capable of giving not loyal service but an independent service. At a certain level, the level at which the ICS officers were functioning, it was expected of them to give independent, fearless advice. I hope that that same spirit will continue.

But how can it continue? Only if you really call a halt to this continuous sniping at the civil service day in and day out. There is no attempt even to consider who is at fault. It is almost always assumed, whenever anything goes wrong, that it is the civil service, it is the bureaucracy which is at fault. Almost every party seems to think that that is a good thing to do. Undoubtedly, democracy in a welfare State has to run with a bureaucracy. There is nothing wrong in a bureaucracy. You can not run an administration without a bureaucracy. Bureaucracy is an essential instrument for a democracy. Therefore, I say that this kind of denigration of the civil services should stop, because otherwise, you will not have the kind of efficient civil service that is absolutely essential for the satisfactory functioning of the Government.

Why is it that so many of the projects of Government are going wrong today? They may be all right on paper. But it is at the implementation stage that they go wrong. I would like to make some observations regarding the numerous services that are in existence today. There are something like 40 Central services, besides the IAS and the Indian Audit and Accounts Service. It is interesting to see that except in regard to the IAS and possibly the IPS, the other services have not been drawn up from a career point of view. You have, for instance, today the head of the Geological Service—the only senior post in that service—whose pay is Rs. 2,500, I think. Yet it would be admitted that the geological service has a very vital role to play in our future development. It is desirable that you recruit to this service able and efficient men. But you will attract such men only if you give them the prospect of a

[Shri H. M. Patel]

proper, satisfactory career. You have in the Central services, medical service, Central engineers service, etc. People in such services have nothing to hope for than perhaps Rs. 1300 at the end of 20 years service. Is that the kind of pay structure which will enable you to get a satisfied service? They may come in this service because there is nowhere else for them to go.

Take for instance an officer who enters the Central Health Service. It will take 20 or perhaps 25 years for him to come into the grade of 1300—1800 whereas an IAS officer gets this grade in perhaps 8 or 9 years. I do not suggest that there is anything wrong with the pay structure of the IAS but I do suggest that something needs to be done about the pay structures of other services.

Similarly, see the engineers in the Central Water and Power Commission. You have first class engineers who even after 20 years of service do not get into the 1300—1800 grade. Do we want really first class engineers to get into that service. If you need them and if you want to have them satisfied and not look for outside sources of income, I think it is desirable that you give some more and urgent thought to the pay structure for these services.

I shall not go into the position in other services. One could refer to the Central statistical service. It is the same thing. I do not want to multiply these examples. But I should urge upon the Government that it is very necessary for them to look at the structure of these services in a comprehensive manner and see to it that all the services do have proper career prospects.

Even in regard to the IAS, there is a certain carelessness in the way in which the IAS service is organised. When the IAS was organised there was hope that it would be brought up in the same way as the ICS, partly. It was felt that they would have considerable district experience, considerable field experience which would be of value when they go to the Secretariat in the States and later when they come to the Government of India. Today hardly any IAS officer works in the districts for more than a couple of years. That is not satisfactory, either from his point of view or from the point of view of the country, it is very necessary for him to have, for the kind of the work he is going to be called upon to do later, a somewhat longer spell in the districts because it is at the district level that he really learns what obstacles there are to be overcome or hurdles to be removed and so on. This is all I would once again like to urge on impress on the Government: do not rest

satisfied with the abolition of the ICS which of course had been abolished already, look to the satisfactory career planning in all other services. What they call privileges were nothing more than certain conditions of service, which had been assured to them as part of the agreement with the British Government with whom these officers were covenanted. In fact, the conditions of service of the IAS today are hardly less satisfactory than those conditions. Indeed, the conditions of service should always be satisfactory. They merely give a certain sense of security to those serving in the IAS and other services. That sense of security should be available to all the services, whichever they are.

Finally, I would reiterate that if you want the services to give good service, if you want to give them a certain sense of security and a feeling that they are wanted, it is very necessary that Government makes up its mind to stand up for them and prevent their being sniped at in season and out of season. If they are at fault, by all means there is a machinery for enquiring into their activities. But let them not be sniped at by persons who have no knowledge or no full knowledge, who may have heard of something that has gone wrong. This, I think, is a very necessary piece of advice which I think I am entitled to give.

SHRI INDRAJIT GUPTA (Alipore): Sir, my friend, Mr C. C. Desai, has let the cat out of the bag. I will leave it to Mr. Pant to reply to him when he charges the Government, quite rightly in my opinion, with putting up a brave front against the ICS in public and cringing to them in private. I have some things to say which may be taken only as a sort of political speech, but though I do not belong myself to the family. . .

SHRI C. C. DESAI: You belong to that family.

SHRI INDRAJIT GUPTA: I was going to say, though I myself do not belong to the family. I come from a family in which there have been a good number of people who were very proud of belonging to this steel frame of the British administration. I have got nothing personal against any individual member of the ICS, but I would like to know from Government what exactly is their purpose in bringing this particular Bill. After all, it is not something which involves a very large amount of money. There are a very few officers left and in the normal course, they would all be retired within a few years. Why so much hubb is being created about doing away with their privileges, when in fact we find that the Bill does nothing of the sort? I.

do not know why Mr. Desai is talking of funeral orations. As Mr. Daga rightly pointed out, nothing is being done away with. The only privilege that is being done away with is to claim pension in sterling. Otherwise, everything is preserved lock, stock and barrel. Every possible loophole has been provided.

13 hrs.

SHRI C. C. DESAI: The pension is fixed at Rs. 13,000 a year.

SHRI INDRAJIT GUPTA: Shri Desai is saying that pension is confined only to Rs. 13,000. A very painful thing, at least in the 25th year of our independence. This country in its wisdom, after 25 years, decided only the other day to sanction a pension of Rs. 200 per month to freedom fighters. Within fifteen days of that, a Bill is brought here guaranteeing the old pension of Rs. 13,000 a year for these few gentlemen of the ICS. I do not understand what is the outlook of the government. If you are not serious about doing away with privileges, do not bring the Bill; I can understand that. Say that these few people should be allowed to continue so long as they are in service and let them enjoy their privileges and so on. But here is a great, big propaganda machine let loose that we were doing away with some terrific privileges.

If you read the provisions of the Bill, nothing of the kind is there. Shri Chatterjee and Shri Daga have correctly pointed them out and I do not wish to labour that point. But I will just remind the House that in clause 6 of this Bill ample scope has been provided whereby even after this Bill is passed in both Houses, before it comes into force on the appointed day, extension of service can be given to any of the existing ICS officers. So that, when it comes into operation it will not apply to all those who have reached the age of 58 years, because that proviso has been put in here. Under that proviso, the service of any of them can be extended before the appointed date on which the Bill will come into force.

Secondly, in clause 6(a)(i) the language is so clumsy and cumbersome—I hope he will clarify it when he replies—I cannot understand the meaning; it looks to me as if there is some camouflage whereby a further grace period of six months is being given to all these officers, even though they have attained the age of 58. They can carry on for another six months after attaining the age of 58 years also. If that is the meaning of this clause, I would seek a clarification from him as to why this is being done. Why cannot a straightforward provision be made that anybody who attains the age of 58 will be compulsorily retired? Of course, you can have a period of notice; three

months' notice can be given to those who have reached the age of 58. But why not state clearly that they will be compulsorily retired at the age of 58 instead of all these camouflages, subterfuges and loopholes being provided here?

Secondly, as regards emoluments the Statement of Objects and Reasons says:

“It is proposed to continue the existing terms since the Government do not as a matter of policy favour adverse changes in the conditions of service of Government servants as respects pay and pensions during their service.”

Then, what about this discrimination between the ICS and the IAS, which is causing so much heart-burning and so much feeling of grievance among the IAS officers, which is precisely what promoted many people to make this suggestion for the abolition of these privileges? But here the Statement of Objects and Reasons says that the Government as a matter of policy does not want to make any adverse change in the conditions of service of these ICS officers as respects pay and pension during their service. What is the meaning of this? We are only concerned with them during their service; we are not concerned with them after that. It is their pay and pensions we are concerned with in this case.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): Pension comes afterwards.

SHRI INDRAJIT GUPTA: You are preserving that also. I do not suggest for a moment that nobody should have his existing salary or, if he has already retired, his existing pension, and that it should be cut immediately. I am not advocating any such thing. Let them continue to get it. But, suppose an ICS Joint Secretary is promoted as Secretary. Why should he not get the salary which an IAS Joint Secretary will get when he is promoted as Secretary? For the present, if he is in the post of a Joint Secretary, let him get the salary he is getting. Tomorrow, if he is promoted to the post of Secretary, according to this Bill, he will get Rs. 4,000 as an ICS Secretary should get. My suggestion is, no, tomorrow, if he is promoted, he should be entitled to that salary which an IAS officer when he becomes Secretary is entitled to. Not more than that. The difference is not much. The difference is Rs. 500. It is not a question of money. It is a question of the principle behind it. In service, let him get the pay he is drawing at the moment. Tomorrow, if he retires, let him get the pension which an IAS gets on retirement. Why should he get a guaranteed pension

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of Rs. 13,000 a year? If you do not do that, why are you talking about removal of privileges?

In that case, I can understand Mr. Patel's argument that unless you maintain all these emoluments and pensions, and so on, you cannot get the right class of officers and that, you must pay them well so that they work well. I do not know whether that is the reasoning of the Government also. But certainly, I think, this Bill has been very ill-timed also in the sense that the people of this country will see that freedom fighters who are recognised after 25 years of independence and are now given Rs. 200 as pension and, at the same time, on the occasion of the silver jubilee of independence, this Bill is brought here guaranteeing these few ICS officers will continue to get a pension of Rs. 13,000 per year.

They say, they have rendered great service to the country and so on. Many of them may have, I do not doubt, as administrators rendered great service. But are their services to be put on a higher plane than the services rendered by freedom fighters who gave all for their country? These freedom fighters are now rewarded with a pension of Rs. 200. I am not saying that they should be given the same. But there is no proper proportion. What will be the outlook?

This steel-frame has really put our Ministers, our Government, also in a psychological straight-jacket and they are mesmerised by these ICS people. Otherwise, we would not have witnessed the spectacle at the function at *Diwan-I-Aam* on the 15th August when *Tamra Patras* were being given to freedom fighters. There was a gentleman standing at the mike, making announcements and calling on the freedom fighters from each State to stand up in their places and to come and receive *Tamra Patras*. The gentleman who was selected to do that job on that day was a member of the holy family of ICS, the Secretary of the Home Ministry, Mr. Govind Narain. They could not think of finding anybody else. I think, probably, none of those freedom fighters recognised him or knew him as to who he was. Otherwise, I do not doubt the fact that some of them might have taken it very badly. These people had given all their lives fighting against British imperialism for freedom of the country. They were at *Diwan-I-Aam* to give them *Tamra Patras* and they could not find anybody else other than Mr. Govind Narain, ICS, to stand before the mike and give instructions to them. "Stand up in your seats; now advance and receive your *Tamra Patras* and all that."

I am told, in many States also, when similar functions are being organised with the District Magistrate performing the role which was performed here by Mr. Govind Narain, some old freedom fighters have refused to participate in this kind of function. Somebody else could easily have been selected for it. But it does not occur to our Government because they are mesmerised, hypnotised, by the influence of ICS people. I know what I am talking about because my grand-father, my three maternal uncles and my elder brother are all members of this holy family....

SHRI K. C. PANT: You escaped being mesmerised by them.

SHRI INDRAJIT GUPTA: I escaped narrowly.

Then, a reference has been made to the Scheduled in which these four posts have been guaranteed scales of pay. Where is the removal of privileges? I do not understand. If we are trying to bring about administrative services on par, I do not understand all this. You have argued whether they are adequately paid or not, whether you could attract the right type of people or not. But at least there should not be discrimination of this type between them. That does not make for good administration. It is causing all sorts of problems.

Here is another provision which, of course, I welcome on paper, but my complaint is that it is never implemented. Clause 6(b) says:

"the Central Government shall have and shall be deemed always to have had the power to require an I.C.S. member of the Indian Administrative Service or an I.P. member of the Indian Police Service, in consultation with the Government of the State on whose cadre he is borne....." etc., etc.

To do what?

"... to retire in public interest from service on the date on which such member completes thirty years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice;"

That is very good--if necessary, he should be asked to retire in public interest. But I would like to know whether this power has ever been used. He may tell us that it may be used in future. Here it says that this power has always been held by the Central Government. I would like to know from him he may please tell us when he replies the name of one, single, ICS officer who has been asked to retire in public interest before he reached his retirement age.

Mr. Desai waxed eloquent about the high standards, the brains and so on of the ICS cadre. I do not know what sort of record every one of them had in the old days of British. They can say that they had to serve the Government which was employing them. But this much I do know that in those days at least there was some reputation of this service for personal integrity. In the old days nobody could think of alleging that an ICS officer had stooped down to things like corruption or other undesirable methods. A certain standard of personal integrity was observed, whatever their outlook might have been on the problems of the nation's independence and so on. But it is a regrettable fact—I have to say this—that those standards do not exist any more; may be, along with everything else whose standards have deteriorated in this country, the standards of the ICS have also deteriorated. And today I would like to know, when so many cases have been brought to the notice of this House in which high ICS officers are involved—I am not going to name any of them; I will refer to one or two of these—in which these high officers had been given the responsibility of negotiating contracts worth crores of rupees with foreigners for various development projects and so on in our country and which have led to huge scandals, whether any action has been taken against any ICS officer. How can it be taken when Mr. Desai says that you talk about them bravely in public but in private you cringe before them, you to not have the courage to do? He is saying, the senior most member of ICS is saying this; I am not saying; he is making that admission.

Take, for instance, the pipeline inquiry which is going on before the Takru Commission. Every day public allegations are made that they are refusing to produce records before the Commission; ICS officers are involved; I do not want to name them; Secretaries of Ministries are involved who are members of ICS . . .

AN HON. MEMBER : With the orders of their Ministers.

SHRI INDRAJIT GUPTA: May be; it is for the Minister to say. This wonderful cross-bar telephone equipment, the cross-bar equipment which has been installed—the Minister on the floor of the House has admitted—is grossly defective. Please find out how this deal was negotiated, who was the ICS officer who was involved. Please find out who negotiated the contracts with G.E.C. and Bectels for the atomic power plant at Tarapur and all the things which have come to light subsequently about them. You will remember, Sir, the motion of privilege which I had raised, which you

were kind enough to send to the Privileges Committee, which is still pending before them, about those remarks made before the Takru Commission—disparaging remarks as I consider them—about the observations of the Public Undertakings Committee in its 66th Report.

That brief given to that Counsel who made those disparaging remarks who appeared before the Takru Commission, tried to belittle the finding of the Public Undertakings Committee, that this is nothing, this is an emotional feeling they have expressed which should not be taken seriously. The gentleman who is active behind that whole thing is the Secretary of that Ministry who belongs to this holy family. Has any action been taken? Departmental findings are on record about these people, but nothing is done and nothing will be done. I know nothing will be done. They enjoy the privilege. Once they have retired from service, you cannot take any disciplinary action against him for any offence he might have committed while in service. This was the biggest privilege they enjoy. Many of them are trying to run away and escape because of this loophole. But I do not find anything about that in this Bill. I do not find it. You please point it out and assure us. I remember one gentleman whom I am sure Mr. Desai used to know—I can name him because he is not in this country any more—Mr. Bam had managed to retire just in time and left this country and got away and got a job in some foreign agency abroad. If he had remained in this country, most serious charges were pending against him. But, perhaps, as he had retired, nothing could have been taken against him and you would not be able to touch him even.

This is the type of privileges they have. These privileges give them the power which they have wielded behind the scenes both at the time of the British and, regrettably, after the Independence also.

Therefore, it is not the quantitative aspect of this Bill that we are worried about, as to what is the number of officers, how much money is involved, etc. etc. Those are petty things. The main point was the spirit behind this and the Government had proclaimed that they were going to take such a big step in keeping with all their new professions and socialist professions and so on and, therefore, they wanted to do away with this privileged class of officers. But in each and every provision of the Bill you will find nothing has been taken away, only they can longer claim their pension in sterling abroad. Everything else is preserved intact.

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Therefore, all I wish to say in conclusion is that we are always supporting the proclaimed principle behind this Bill but when it has come before us in black and white, it has turned out to be an anti-climax. The Government has retreated. It is a case of one step forward and two steps backward.

When it is the time to make an announcement, they make one step forward and when it is the time to implement it, they take two steps backwards. And that is only for this reason which has been stated here by my good friend, Mr. Desai, nothing else, that Ministers, he says, are completely dependent on their ICS Secretaries. They cannot do anything without them. They are dictated to by them.

They cringe before them. They have got an inferiority complex before them and my friend, Mr. Desai, quite justifiably from his point of view, has rubbed it in saying, 'You can do away with us. But, where will you find people with brains like ours? Where will you find people with capacity like ours?'. This kind of psychological atmosphere is over awing the Ministers here and in the States also we have a similar experience and, therefore, this Bill, I am afraid...

I know, I am irritating the Minister a bit.

**THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND SHIPPING AND
TRANSPORT (SHRI RAJ BAHADUR):**
I said he is not challenging...

(Interruptions)

SHRI INDRAJIT GUPTA: He cannot shut me out. What do you mean by that he is allowing me to speak. He cannot shut me out. Only the Speaker can shut me out... *(Interruptions)*.

I may say you do not agree. How can you agree? How can you agree publicly?

SHRI RAJ BAHADUR: We dispute it. We challenge it.

SHRI INDRAJIT GUPTA: Sir, any way, we are very sorry really at the shape of the Bill. A very good principle has been announced and put forward, but it is being scuttled in the provisions of the Bill itself and that is all I would like to say.

RE. BUSINESS OF THE HOUSE—*contd.*

**THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND SHIPPING AND
TRANSPORT (SHRI RAJ BAHADUR):**
May I just say this is the wish of our friends from the Scheduled Castes and

Scheduled Tribes also—that in view of the fact that the implementation report has also got to be obtained and another report may also be expected, that item may be taken in the first week of the next session. That is their unanimous wish and I would request you to kindly accept it.

MR. SPEAKER: Please do remember it.

SHRI RAJ BAHADUR: But you know also, Sir, I am always expected to take the entire thing on my own. Therefore, I was suggesting that certain items in the List of Business tabled yesterday—I am referring particularly Mr. Chandrappan's half-an-hour discussion on the voting age to be reduced from 21 to 18, that was in today. As for yesterday's List of Business which we may take up the second motion on the Direct Taxes Enquiry Committee's report, that we may take up on Monday because Mr. Ganesh is not here unfortunately.

SHRI JYOTIRMOY BOSU: (Diamond Harbour): Mr. Chavan is here...

SHRI RAJ BAHADUR: May I make a submission? Another demand was made which was of course not on the list of business; we had to accept it. *(Interruption)*... Just a minute more please. Another demand was from Mr. Samar Guha that we should discuss the Indo-Pak communique. That can be taken after the Half-an-Hour discussion.

MR. SPEAKER: After the Bill is finished...

SHRI RAJ BAHADUR: Yes, after the Bill is finished. There is this Half-an-hour discussion and then discussion on Indo-Pak Communique.

SHRI SHYAMANANDAN MISHRA (Begusarai): Why not take it over till the next day?

SHRI RAJ BAHADUR: On Monday we shall have two motions. We have got time available today. One thing more. We were being asked whether we can accept a discussion on the Indo-Pak Communique. The External Affairs Ministry is agreeable so that the hon. Minister will be here in time today.

MR. SPEAKER: That can be there, but what about the previous one?

SHRI RAJ BAHADUR: That was on the Agenda, Mr. Chandrappan's Half-an-hour discussion. The second one was Mr. Jyotirmoy Bosu's discussion on Direct Taxes Committee Report, and then there was the discussion on F.C.I. Now, Sir, F.C.I. discussion and Direct Taxes Committee discussion can be put on Monday.