3.5 D. G. (Min Defence)

moved by Shri Beni Shanker Sharma to the vote of the House-

> Cut motions Nos. 139 to 156 were put and negatived.

MR. DEPUTY-SPEAKER : Now the question is :

"That the respective sums not exceeding the amounts shown in the fourth column of the order paper, be granted to the President to *complete* the sums necessary to defray the charges that will come in cousre of payment during the year ending the 31st day of March, 1971, in respect of the heads of demands entered in thesecond column thereof against Demands Nos. 1 to 5 and 105 relating to the Ministry of Defence."

The motion was adopted.

[The motion for Demands for Grants, which were adopted by the Lok Sabha, are reproduced below Ed.]

Demand No. 1 Ministry of Defence

"That a sum not exceeding Rs. 1,54.73,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Ministry of Defence'."

Demand No. 2/ Defence Services, Effective/Army

"That a sum not exceeding Rs. 6,55,74,17,000 be granted to the President to complete the sum nccessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Defence Services/Effective-Army'."

Demand No 3/ Defence Services, Effective-Navy

"That a sum not exceeding Rs. 48,57,50,000 be granted to the President to complete the sum necessary to defray the charges which will come in course

Constitution (Amendment) Bill

of payment during the year ending the 31st day of March, 1971, in respect of 'Defence Services/Effective-Navy'."

Demand No. 4/ Defence Services, Effective/Air Force

"That a sum not exceeding Rs. 1,76,25,00,000 be granted to the President to complete the sum necessary to defray the changes which will come in course of payment during the year ending the 31st day of March, 1971. in respect of 'Defence Services/Effective-Air Force.'"

Demand No. 5 Defence Services/ Non-Effective.

"That a sum not exceeding Rs. 38,31,67,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Defence Services/Non-Effective'."

Demand No. 105-Defence Capital Outlay.

"That a sum not exceeding Rs. 1,15,83,33,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1971, in respect of 'Defence Capital Outlay'."

18.28 hrs

CONSTITUTION (AMENDMENT) BILL-Contd.

(Omission of article 315) by Shri Madhu Limaye.

MR. DEPUTY-SPEAKER : Mr. Hanumanthaiya.

SHRI HANUMANTHAIYA (Bangalore): The Bill that has been brought before this House by Mr. Madhu Limaye is a welcome measure. He has the distinction of converting the Treasury Benches to his views. This is one of the rare occasions when 307 Constitution

[Shri Hanumanthaiya]

Government comes forward to support a non-official Bill on such an important matter. In fact, such a Bill should have been brought by the Government itself for consideration. May be they were considering In the mcanwhile the services of Mr. Madhu L'maye to the cause of social justice are commendable.

18-29 brs.

[MR: SPEAKER in the chair]

Sir, in our anxiety to abolish these privileges we should not go to the other extreme of denegrating the service itself, the service rendered by the ICS.

Sir, any Service under the Government of India will have to carry out the orders of the then existing Ministry. They are not the final authority. The provisions of the Constitution, which give certain rights to the official class are not such as to prevent punishment in cases of indiscipline. inefficiency or corruption. Therefore, there is no point in designating any particular service whether it is I. C. S. or any other service. If we take an impartial view of the matter and the distribution of powers under the Constitution, it is impossible to hold any particular service as guilty of this offence or that deficiency. Because, as soon as this deficiency is found, there is enough power in Government, and in the Ministry, to remove such persons, to punish them, to transfer them.

Therefore, we should not, say or do anything to hurt the feelings of a Service. I must say, it has done its duty properly, and efficiently and bas earned the approbation of many of our leaders. If civil service does not fulfil our expectations in regard to social justice or economic policy, it is not the fault of theirs. The function of the civil service is to advise, to assist and to serve. It is the Parliament, it is the Ministry that is responsible to Parliament that lay down new policies, change the pattern of even the services, and so on. Aving that responsibility and power, and to blame someone clse, who has not

got that power and responsibility is merely an exhibition of anionsity which, many a time, afflicts us. The I. C. S. is a Service. We have to understand the fundamentals. We cannot blame them if they have not become socialists.

The judiciary and the bureaucracy are by their very nature conservative. A court will decide cases on laws already passed; on case law already made. No court will take ihe risk of imagining certain future contingency and making decisions in consonance with it. Likewise bureaucracy work on files, they go by rule of law, they go by precedents. The basis of impartiality and they have to see what has been done previously. Therefore, the working of the judiciary and the bureaucracy, by its very nature, tends to be conservative. We have to remember this. If there is to be advancement, if there is to be progress, it is the responsibility of the Parliament, it is the responsibility of the Ministry. No thinking man will find fault with the Services or with the Judiciary. It is not their work or their job. These two services cannot take upon themselves the role of doing something progressive in the field of administration or economy.

The Indian Civil Service was built by the British It was called 'the steel-frame' in those days. This service continued to render Service to independent India also On the whole we can say that the I. C. S was free from courruption.

It has been as efficient as it is humenly possible to be. They have done their work with distinction. Bureaucracy, under the Constitution that we have adopted is exrected to be neutral between party and party and ideology and ideology. We should not give a modern twist and say that the civil servant must be committed to a political ideology. If this twist is given, Parliamentary democracy becomes very difficult to work and maybe impossible to work.

So, Sir, the I. C. S. men having done their job, I am sure, will take the verdict of Parliament and the decision of the Government with good grace. I have no doubt about that, I do not see that any of them will go to the extent of resigning, if this article is deleted. They are, as we understand, as patriotic as any one of us. Whether their remuneration is reduced or their conditions of service are altered, I have no doubt in my mind that they will not entertain any grievance on that account.

The reform of our administration, and especially four burcaucracy, has to be done on a bigger scale. What Shri Madhu Limaye has done is only a portion-an infinitely small portion of the work. The Administrative Reforms Commission has submitted to Government a report on Personnel Administraton. There we have tackled this issue in a much bigger way and in consonance with the Preamble to the Constitution. The Preamble of the Constitution is the essenceit is the soul of our Constitution. All the other articles are merely various limbs of that Constitution. The words embedded in the Preamble are such that they hold good for all time irrespective of the party in power. Social justice-also economic and political-has to infirm all our legislation, administrative measures and doings. It was not possible for the Constituent Assembly in thense days to frame a Constitution purely and perfectly on that basis. We had that to take into account the historical background, the difficulties that then existed. So we made certain transitional provisions. In fact, it is an anomaly to have maharajas in a Republic. Likewise to guarantee extra privileges to any particular service is another anomaly, in the facee the Preemble guaranteeing social, political and economic Justice, and equality of opportunity. The Direotive Principles of the State policy also state that no monopoly or privilege should be given to anybody in particular. But, the Constituent Assembly, could not be blamed. It had to work under the conditions that existed at that time No man will be able to work beyond the limitations of his times and opportunities. Therefore there is no point in blaming thethen leaders as conservatives. In those days they were the most progressive. To day, it may be some others. Times change, politics also change. They have do ie their work. I wish the Government and the Parliament, will take into considerations at some time or the other, the various recommendations made by the Administrative Reforms Commission in its Report on Personnel Administration.

Sir, the Prime Minister is also of the same view. It may be before long that her ideas get implemented. She says : 'It is odd that the greatest doctors and engineers in the country who would be rated as leader of the profession, who save lives or add to the assets of the nation, can carely hope to receive the pay or enjoy the status of Secretaries to Ministries. If the brightest of our young men and women in the fields of engineering and medicine come into Government, they are very soon overtaken by the general administrator. This, must change and I am going to chage it The administrative system must reflect the individual's contribution to human welfre and economic gain" In the constitutioual set-up we have with equality of opportunity, it is not possible to sustain monopoly and reservation for one or the other class of government servants. The road to the top must be open to every competent and quali ied government servant. This is the view the Commission has taken quite in keeping and in harmony with preamble to the Constitution. I have great pleasure in supporting the Bill moved by Shri Limave. I also offer him thanks for moving in the direction in which the ARC wants the whole administrative nachinery to be reformed.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : I would not make a long speach because the. House has debated this Bill for a long time. I would merely refer to the points of principle involved in this.

Let me say at the outset that, government support the Bill as moved by Shri Limaye, We will have to make that position very clear. I may be asked, if that is so, why did not Government bring a Bill forward ?

This article may have had its historical necessity. It-was incorporated in the Constitution and it has to be looked at from the point of view of the conditions that existed then. Our national leaders thought it necessary but times are changing and we have to review matters from time to time. That is why we are now supporting the Bill. The reason why we did not move in this particular matter is that the size of the problem was, in a sense, very small. According to infor-

[Shri Y. B. Chavan]

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mation given earlie, there are only about 106 persons in the ICS in active service today, 11 of them in the IFS and of the remaining 95, 25 are in the States and 70 in the Centre. We thought that since all these officers were going to reture in a period of 8-9 years and it might not be necessary to move a Bill for the purpose.

But as Shri Limaye has said. the principale is very important, because whatever the conditions of service that we agree tothat is a separate matter that can certainly be considered on merits- it is very difficult to understand why there should be restriction on the right of Parliament even to legislate. This is not merely a question of recognising the Services of a group of peoplei it is a question of restricting the right of a sovereign body like Parliament to change the conditions of service.

SHRI LOBO PRABHU (Udipi): Why did he not think of it before ?

SHRI Y. B. CHAVAN : If I were there then, probably I would have thought of it. But now we are thinking of it.

SHRI LOBO PRABHU : Too late.

SHRI Y. B. CHAVAN : Our approach in this matter is not to denigrate any class of service. I think it is my duty to put on record our appreciation of the contribution made and services rendered by the people who belong to the ICS. There may be black sheep here and there. I know; I have been in administration for the last 20 years. I have come in contact with more than two dozen ICS officers in different capacities and I can say that without exception all the officers with whom I had an opportunity to work had done excellent work. It will be ungratefulness not to recognise the good work that they have done. That does not mean that when we appreciate the service of somebody, we should make them more powerful than Parliament itself. Let us be balanced in this matter.

I know that there are agreements with them, and these agreements certainly are very important. By merely removing this article, those agreements do not go away. It will be necessary to have a law of Parliament to revise them, and at that time Government will consider those conditions on merits. When we accept this Bill, it does not mean that we are going to do away with all the conditions of service that we agreed to. I have circulated a note for the information of the hon. Members and I do not want to take time in repeating the same thing. There are certainly some differences about pension, leave, pay scales, and many other things. So, each condition will be considered on merits and Government will take a decision on merits.

As I said, it is not our intention to denigrate any particular service, we want to recognise and recognise possitively the good work done by the ICS who have served the country for the last 22 years, and there are certainly a large number of ICS officers who are serving the country even today. What we are agreeing to is not out of ungratefulness to this service, but it is a question of accepting a principle that no class of people in India should have a special privilege to the extent of excluding the power of Parliament. It is on this account that I whole heartedly support the Bill.

श्री मध् लिमये : ग्रध्यक्ष महोदय, मैं बिलकुल लम्बा भाषगा नहीं करना चाहता। जैसाकि मैंने ग्रपने प्रारम्भिक भाषरण में ही कहा था, मैंने आई० सी० एस० वर्ग के खिलाफ या कुछ व्यक्तियों के खिलाफ 4हां बहस खेड़ने का प्रयास नहीं किया। मैं दो मुद्दों की भ्रोर सरकार का ध्यान और सदन का खींचना चाहता था। (1) किसी एक सेवा को विशेषाधिकार संविधान के द्वारा प्राप्त न हो । इसका नतीजा यह होगा कि भ्राप नियम बनाएं, कानून बनाएं, वह ग्रसंविधानिक घोषित किया जाएगा । सुप्रीम कोर्ट के दो निर्एयों का मैंने हवाला दिया। यह कांस्टीटयशनल गारन्टी जब हट जायेगी तो सरकार ग्रीर सदन इसके बारे में सोच समभ कर नियम ग्रीर कानून वना सकेगा। एक तो यह विशेषाधिकार और कांस्टीट्यूशनल गारन्टी हटाने की बात है। ग्रीर दूसरा जो मैंने व्यापक सवाल उठाया वह प्रशासनिक सुधार का था

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ग्रौर इसके बारे में ग्रभी प्रशासनिक ग्रायोग के चेयरमैन साहब ने जो वाते कहीं हैं उनसे मैं बहत कुछ हद तक सहमत हं। क्लास वन में इस समय 24 हजार झकसर हैं और उसमें 12 हजार टेकनिकल ग्राफिसर्स है लेतिन सरकार में जितने बडे पद हैं, जिसके लिए थिशेव ज्ञान की. प्रवीसता की स्रोर निप्रसता की जरूरत होती है यह पद भी म्राई०सी०एस० ग्रीर उसका जो नया ग्रवतार है ग्राई०ए०एस०, उसको मिलता है। बाकी जो टेक्नीशियन, इन्जीनियर, बिज-नेसमैन, साइंटिस्ट ग्रादि हैं उनको बिल्कू र मौकानहीं मिलताहै। इसका कारग्ए यह है कि ग्रापका जो सारा प्रसासनिक ढांचा है उसकी वजह से यह हो रहा है। इसलिए इस विल के दारा मैं इस समस्या की म्रोर जनता का, सरकार का झौर सदन का घ्यान खींचना चाहता था कि केवल यह बिल पास करने से काम नहीं चलेगा, परा प्रशासनिक ढांचा सुधारने के लिये ग्रौर जो प्रवीस ग्रौर निपूस लोग हैं, विशेषज्ञ हैं उनको ग्रागे बढाने का मौका देने के लिये ग्रापको काम करना चाहिये। सेद की बात है कि इनकी कमेटी की जितनी रपट आई हैं उस पर विचार करने के लिये चव्हाए। साहब ने एक डिपार्टमेन्ट ग्राप एडमिनिस्ट्रेटिव रिफार्म्स कायम किया है लेकिन उसका भी प्रमुख एक म्राई०सी० एस० ग्राफिसर है, मुकर्जी साहब है। ग्रब पूरा प्रशासनिक ढांचा सुधारने का जो काम है वह भी ग्राई०सी०एस० ग्राफिसर के तहत जायेगा ***

श्री लोबो प्रभुः क्यों न जाये ?

श्री मधु लिमये : क्योंकि भाप लोग सर्वज्ञ नहीं है, ग्राल नोइंग नहीं हैं।

इसलिये क्राध्यक्ष महोदय, मैं याशा करता हूं कि सरकार जल्दी ही एडमिनिस्ट्रेटिव रिफार्म्स के बारे में क्रीर कमीशन की जो रपट है उसके बारे में 10–12 घंटे की बहस यहां पर उठायेगी जिसमें हम विस्तार से ये सारी बातें कहेंगे। फिर एक दफा मैं इस सदन में इस बिल का जिन जिन लोगों ने समर्थन किया है और सरकार ने किया है, उनको धन्यवाद देकर इप्रपना भाषग्ग खत्म करताहूं।

(Amendment) Bill

SEVERAL HON MEMBERS : rose-

MR. SPEAKER : Order, order. No more questions after he has replied. Now that this is a Bill for constitutional amendment, before I put the motion and the clauses to the vote, I may inform the Members that division will have to be taken. So, let the lobbies be cleared.

The question is :

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

The Lok Sabha divided :

Division No. 30] AYES

(18.57 hrs.

Abraham, Shir K. M Achal Singh, Shri Adichan, Shri P. C. Aga, Shri Ahmed Abirwar, Shri Nathu Ram Ahmad, Dr. I. Ahmed, Shri F. A. Anbazhagan, Shri Ankineedu, Shri Asghar Husain, Shri Awadesh Chandra Singh, Shri Azad, Shri Bhagwat Jha Babunath Singh, Shri Bajpai, Shri Vidya Dhar Banerjee, Shri S. M. Barua, Shri Bedabrata Basumatari, Shri **Baswant Shri** Besra, Shri S. C. Bhadoria, Shri Arjun Singh Bhagat, Shri B. R. Bhandare, Shri R. D. Bharati, Shri Maharaj Singh Bhattacharyya. Shri C. K. Bist, Shri J. B. S. Bohra, Shri Onkar Lal Brahmanandji, Shri Swami Chakrapani, Shri C. K. Chanda, Shri Anil K. Chandra Shekhar Singh, Shri Chandrika Prasad, Shri Chaudhuri, Shri Tridib Kumar Chavan, Shri D. R. Chavan, Shri Y. B.

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Choudhury, Shri J. K. Dalbir Singh, Shri Dar, Shri Abdul Ghani Dass. Shri C. Deoghare, Shri N. R. Deshmukh, Shri B. D. Deshmukh, Shri K. G. Dhandapani, Shri Dinesh Singh, Shri Durairasu, Shri Dwivedy, Shri Surendranath Esthose, Shri P. P. Fernandes, Shri George Gairai Singh Rao, Shri Gandhi, Shrimati Indira Ganesh, Shri K. R. Ganga Devi, Shrimati Gautam, Shri C. D. Gavit, Shri Tukaram Ghosh, Shri Bimalkanti Ghosh, Shri Parimal Girja Kumari, Shrimati Gapalan, Shri P. Gopalan, Shrimati Suseela Gounder, Shri Muthu Gowda, Shri M. H. Gudadinni, Shri B. K. Guha, Shri Samar Gupta, Shri Indrajit Hanumanthaiya, Shri Heerji Bhai, Shri Jadhav, Shri Tulshidas Jadhav, Shri V. N. Jagjiwan Ram, Shri Janardhanan, Shri C. Jha, Shri Shiva Chandra Jharkhande Rai, Shri Joshi, Shri S. M. Kahandole, Shri Z. M. Kalita, Shri Dhireshwar Kamalanathan, Shri Kamble, Shri Kameshwar Singh, Shri Kandappan, Shri S. Kapoor, Shri Lakhan Lal Karan Singh, Dr. Kavade, Shri B. R. Kesri, Shri Sitaram Khadilkar, Shri Khan, Shri Ghayoor Ali Khanna, Shri P. K. Kiruttinan, Shri Kotoki, Shri Liladhar Krishna, Shri M. R. Krishna, Shri S. M. Kuchelar, Shri G. Kundu, Shri S.

Kurcel, Shri B. N. Lakkappa, Shri K. Lalit Sen, Shri Laskar, Shri N/R. Limaye, Shri Madhu Lutfal Haque, Shri Madhukar, Shri K. M. Mahadeva Prasad, Dr. Maharaj Singh, Shri Mahishi, Dr. Sarojini Malhotra, Shri Inder J. Mandal, Shri Yamuna Prasad Mangalathumadam, Shri Master, Shri Bhola Nath Masuriya Din Shri Mayavan, Shri Meghachandra, Shri M. Menon, Shri Govinda Menon, Shri Vishwanatha Minimata Agam Dass Guru, Shrimati Mishra, Shri G. S. Misra, Shri Janeshwar Misra, Shri Srinibas Molahu Prasad, Shri Mukerjee, Shrimati Sharda Murthy, Shri B. S. Nahata, Shri Amrit Nair Shri Vasudeven Nambir, Shri Nanda, Shri Narayanan, Shri Nayanar, Shri E. K. Nihal Singh, Shri Oraon, Shri Kartik Panigrahi, Shri Chintamani Pant, Shri K. C Paokai Haokip, Shri Parmar, Shri Bhaljibhai Parthasarathy, Shri Paswan, Shri Kedar Patel, Shri J. H. Patil, Shri Anantrao Patil, Shri C. A. Patil, Shri Deorao Patil, Shri S. B. Patil, Shri S. D Pradhani, Shri K. Qureshi, Shri Mohd, Shaffi Radhabai, Shrimati B. ·Raghu Ramaiah, Shri Rajaram, Shri Raju, Shri D. B. Ram Dhan, Shri Ram Sewak, Shri Ram Subhag Singh, Dr. Ram Swarup, Shri Rana, Shri M. B.

Rändhir Singh, Shri Rao, Shri Jaganath Rao, Dr. K. L. Rao, Shri J. Ramapathi Rao, Shri Thirumala Rao, Dr. V. K. R. V. Raut, Shri Bhola Ray, Shri Rabi Reddi, Shri M. N. Rohatgi, Shrimati Sushila Saboo, Shri Shri Gopal Sadhu Ram, Shri Saha, Dr. S. K. Saigal, Shri A. S. Saleem, Shri M. Yunus Salve, Shri N. K. P. Samanta, Shri S. C. Sambhali, Shri Ishaq Sankata Prasad, Dr. Sarma, Shri A. T. Satya Narain Singh, Shri Savitri Shyam, Shrimati Sen, Shri Deven Sen, Shri Dwaipayan Sethi, Shri P. C. Sezhiyan, Shri Shambhu Nath, Shri Shankaranand, Shri B. Sharma, Shri Madhoram Sharma, Shri Naval Kishore Sharma, Shri Yogendra Shashi Bhushan, Shri Shastri, Shri Rashuvir Singh Shastri, Shri Ramavatar Shastri, Shri Ramanand Shastri Shri Sheopujan Sheo Narain, Shri Sher Singh, Shri Shinde, Shri Annasahib Shiv Chandika Prasad, Shri-Shukla, Shri Vidya Charan Siddheshwar Prasad, Shri Sinha, Shri R. K. Snatak, Shri Nar Deo Sonar, Dr. A. G.

Sonavane, Shri Subravelu. Shri Sunder Lal Shri Supakar Shri Sradhakar Suryanarayana, Shri K. Swaran Singh. Shri Swell, Shri Thakur, Shri Gunanabd Tiwary, Shri D. N. Uikey, Shri M. G. Ulaka, Shri Ramachandra Umanath, Shri Venkatswamy, Shri G. Verma, Shri Balgovind Verma, Shri Prem Chand Viswambharan, Shri P. Viswanathan, Shri G. Yadab, Shri N. P. Yaday, Shri Chandra Jeet Yadav, Shri Ram Sewak

NOES

Amin, Shri R. K. Deb, Shri D. N. Deo. Shri K. P. Singh Deo, Shri P. K. Deo, Shri R. R. Singh Dhrangadhra, Shri Sriraj Meghrajji *Ghosh Shri P. K. *Khan, Shri Zulfiquar Ali Lobo Prabhu, Shri Majhi, Shri Mahendra Masani, Shri M. R. Meena, Shri Meetha Lal Mirza, Shri Bakar Ali Mody, Shri Piloo Muthusami, Shri C. Naik, Shri R. V. Patodia, Shri D. N. Ramamoorthy, Shri S, P. Ranga, Shri Tapuriash, Shri S. K. Viswanatham, Shri Tenneti

* Wrongly voted for Noes

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SHRI RANGA (Srikakulam) : The Government should resign. ((Interruptions),

MR. SPEAKER : The result ****** of the division is Ayes 213; Noes 21.

I think the Ayes have it. (Interruptions).

SOME HON. MEMBERS : The Noes have it.

MR. SPEAKER : I am sorry. This is not an ordinary Bill. It is a Constitution (Amendment) Bill There is no requisite majority. Hence the motion is not 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.

(Amendment) Bill

The motion was negatived.

MR. SPEAKER : The House stands adjourned till 11 A. M. tomorrow.

18.58 hrs.

The Lok Sabha then adjourned til. Eleven of the Clock on Wednesday, April 29, 1970/ Vaisakha 9, 1892 (Saka).

** The Following members also recorded their votes.

- AYES : (i) Sarvashri Ramesh Chandra Vyas. Mudrika Sinha, Mohammad yusuf, G. S. Reddi, P. L. Barupal, P. K. Ghosh, Zalfiquar Ali Khan, B. Arjanappa and Shrimati Tarkeshwari Sinha.
 - (ii) Shrimati Ila Palchoudhuri's vote has been recorded for 'AYES' in pursuance of her letter dated 29. 4. 70 to the Speaker explaining that the voting machine had failed to register her vote.

NOES : Sarvashri K. M. Koushik, J. Mohamad Imam and N. K. Somani.