

[Mr. Speaker]

Ministry as well as to the Ministry of Parliamentary Affairs but it should be known to the Members.

Shri Surendranath Dwivedy (Kendrapara): On Saturday, there is a no day-yet-named motion. That will be all right

13.15 hrs.

MOTION RE: REPORT OF UNION PUBLIC SERVICE COMMISSION-
contd.

Shri R. Barua (Jorhat): Mr. Speaker, Sir, the U. P. S. C. consists of very eminent persons from different walks of life and their report should be given due weight. I feel, that some matters which have been pinpointed by the Public Service Commission have been answered in the memorandum submitted by the Home Ministry. Unfortunately, we do not find that. A reading of the report will convince us that there are certain glaring lapses on the part of the Government which need rectification. For instance, rules are framed by the U. P. S. C. with regard to temporary appointments. In that regard paragraph 29 of the report and also the appendix are to be seen; it would be apparent that some appointments are made which are *ab initio* irregular and according to the Commission's opinion, it should not have been so. If things are allowed to go on like this it will create an impression in the administrative machinery which after all would not be very congenial for efficient working. One is led to the inference that there must have been some indolence or some sort of extraneous considerations for delaying the references or making regular appointments; in both the cases it does not redound to the credit of the Government. The Ministry of Home Affairs has to see that a clean administration is given to the country and also that rules are framed not to disobey but to be observed in order to maintain a cleaner administration.

Then I may refer to the disagreement of the Government with regard to four cases. I feel that in regard to two appointments the reasons advanced by the Government are not at all convincing, because these two appointments are not in relation to any particular, specialised training. They were normal and ordinary appointments of the Public Service Commission, and after due consideration they came to their decision and gave their opinion. It is not understood why, with such insufficient reasons, the Government should disagree. There might have been cases in which the Government can or should disagree, and there may be cases where the Government may have occasion to disagree, but in order to disagree with the opinion of such a respectable body there must be very solid grounds for the Government, but here the Government's reasoning with regard to the two appointments cannot be said to be very convincing.

With regard to the Commission's remark about promotion in the Central services, the wording of the Commission is rather cryptic. It is not understood what rules they mean; it is not understood whether they mean that the Government do not recruit properly. It is not clear what rules are intended to be framed for the purpose of efficient functioning of the Commission. Therefore, in this respect, I think the Home Minister should give us a clear answer and say what rules the Commission actually mean.

With regard to the Chairman's going about foreign countries in search of students for recruitment to the country's administrative service, I submit that that is a practice which my hon. friend Shri Harish Chandra Mathur rightly objected to. The tour of the Chairman of the Public Service Commission, giving interviews to prospective candidates does not ensure either to the credit or to the benefit of the country. If really these persons are necessary for the country's administration, if really they are anxious to come and serve the country, let

them apply for the posts. Let some facilities be given to them to come over here and meet the Public Service Commission as a whole. This itinerant way of the Public Service Commission selecting the candidates cannot be said to be very helpful towards finding the right men for the right place.

Lastly, I would like to say a few words with regard to the composition of the Public Service Commission. At the time of framing the Constitution, naturally we inherited the tradition of the British times. At that time, there was no clear concept of the economic set-up of the country. Therefore, the framers of the Constitution must have had the political needs of the country in mind. The composition of the UPSC was such that it would just fill up the gap in the needs of the country as they prevailed at that time. But as time passed, the country took up an economic policy and became wedded to the establishment of a socialist pattern of society. Therefore, many of the departments came to be handled by the Government. In view of the increasing demands and a widening of the scope, the UPSC as it was previously composed, cannot be supposed to be competent enough to cater to the present-day needs. I do not mean the least disrespect to the present body. What I mean to say is, as the country is advancing and as the technical know how is more necessary to the country in the departments of industry and trade, a re-thinking as to the composition of the UPSC is very much necessary. Otherwise we shall be drifting towards a state of affairs in which the selection of the UPSC will be simply meaningless.

Even now, from the report as can be gathered, the departmental promotion committees are there, because the Public Service Commission is not able to cope with its work. Therefore, I submit that this is a very important question which has to be seriously considered by the Government and the Parliament as well, because in view of the new undertakings that the Government has taken up in the public

sector, the old meaning that the words "public service" conveyed is no longer there. The meaning of the words "public service" is of much wider content now. Therefore, in the light of that, the Government should think very seriously whether it should continue with the present composition of the Public Service Commission or should also expand the composition or somehow or other alter the composition in order to meet the present-day needs.

There is another matter to which due attention has been paid by my hon. friend Shri Harish Chandra Mathur, and that is the personality test. So far as I am concerned, I feel that when the Public Service Commission comes to their own decision, they do not come to a decision merely basing their conclusions on the personality test. They also take into consideration the result of the written and other tests or examinations. To separate the one from the other will lead to a very confusing state. I do not think the Home Ministry will in anyway be helpful in giving us a statement as to whether the personality test was worth-while or not. To divide the examination or the result of the examination in this way will not in anyway be helpful. This test has been accepted after due consideration and experience not only in our country but in other countries as well. The personality test and the written test are not to be taken apart from each other. It is the resultant of all the examinations that the Public Service Commission generally relies upon. Therefore, to avoid or give up this personality test will not be very helpful and is not warranted in these circumstances. With these words, I close.

Shri Datar: Mr. Speaker, Sir, we had since yesterday fairly lengthy debate on the different aspects of the questions touched by the UPSC. Some hon. Members traversed beyond the points that are covered by the UPSC and they dealt with certain matters which could not arise in the course of a legitimate discussion on the UPSC's report. A number of hon. Members

[Shri Datar]

believed that a general debate on the type of services that we have and all their defects or omissions, as they call, could also be discussed.

My first submission is that it is beyond the purview of the present discussion which is limited to the points suggested either for or against the Government in the course of the UPSC's report. Secondly, certain suggestions can also be offered so far as a greater utility of the UPSC is concerned. I would not like to deal with the general question about the services so far as the Central Government are concerned. Some hon. Members went to the extent of dealing with the State services also. I would be excused if I do not reply to those aspects.

Incidentally, another point was raised, namely, the chairmen of the State Public Service Commissions should be appointed by the President. That was a point which was once considered when the States Reorganisation Commission had made the report and a suggestion in this respect. That could not be accepted, because the State Governments were not in favour. Under these circumstances, this question of giving the authority to the Centre to appoint either the Chairman or the members of the Public Service Commissions could not be raised here.

Then, there is some misconception so far as the functions of the UPSC are concerned. For that purpose, I would invite the attention of the House to the provisions of the Constitution. If we look into those provisions, we find that the UPSC are an advisory body in character. It is the duty of Government to place before the UPSC certain matters dealing with the services directly or indirectly for their advice. After their advice is received, it is the duty of Government to consider it fully and the policy generally is to accept the advice. But that cannot rule out the possibility of Government departing from policy in extreme cases.

The hon. Member on this side yesterday gave us some information, which has to be checked. He stated that the Public Service Commission in England tender advice and the advices tendered by them were accepted by the U. K. Government unanimously during the last 255 years. I do not know whether it is a statement of fact. But here we are governed by the Constitution, which has made provision for the contingency of a departure from the UPSC's advice. Article 323(1) clearly says that when, after the receipt of the UPSC's report, the Government find it necessary to depart from their advices then, the Government of India have to furnish the grounds or to give a memorandum and mention the reasons as to why they dissented from the advice of the UPSC.

Therefore, in substance, the position is that the UPSC are an advisory body of a supreme character. I am prepared to accept this position, because it is a very important body which has to be given the greatest importance and respect. But if the Government, which is responsible to the Parliament, find that in public interest or for the purpose of efficient administration it has to depart from the advice, then the Government, in the interests of the administration, is entitled to depart from this advice. In exceptional cases, the last word has to remain with the Government itself, though as I have pointed out in my opening speech, the Government give the greatest measure of respect to the UPSC's advice and have generally been accepting it to the fullest extent possible. So, it is not possible for me to accept the extreme position that the hon. Member on this side suggested, namely, that the advices of the UPSC ought to be completely accepted.

13.34 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

It would not be possible to go to that extent, because ultimately the Government of India are responsible for the administration and they are

responsible primarily to the Parliament for carrying on the governance of the country in as best a manner as possible. So, if on account of certain high considerations, the Government come to the conclusion that in a very small number of cases they have to depart from the advice, they ought to have that power, as given by the Constitution, of departing, but explaining the reasons as to why they have departed.

An hon. Member brought in the Courts of law in a rather vague manner and put the courts of law and the UPSC on the same footing. May I say with all respect that courts have to administer laws as they are passed by the Parliament or State Legislatures or recognised by customs. Normally the judgments of the courts of law will have to be accepted, especially those of the High Court or the Supreme Court, but there also, the Parliament or State Legislatures, as sovereign bodies, have a right to make a change in the law itself. In certain cases, on account of the sovereignty of their position, the amendments have been made even retrospectively. But this is not the position, so far as the UPSC are concerned. While courts are highest judicial bodies, UPSC are only an advisory body advising the Government in service matters. So, it would not be proper to place the courts and the UPSC on the same footing and say the Government are bound to accept the UPSC's advice on the ground that the UPSC are a judicial body. That is not correct. All the same, I am prepared to say on behalf of the Government of India that it has been our policy to accept the advice of the UPSC to the fullest extent possible, consistent with their duties to Parliament. That was why, as I pointed out yesterday, out of 12,800 cases only in respect of 4 cases the Government considered it necessary not to accept the UPSC's advice.

I have no desire to labour further on this point, but I should like to make a short reference to one case, in respect of which we had to depart from the advice of the UPSC. I am also very happy to find that in respect of two

other matters, regarding the interpretation of the law relating to the All India Services Examination and the extension of the period of probation, a number of hon. Members on this side as well as on the other agreed that the stand taken by Government was the correct one. On page 5 of the memorandum submitted by the Government along with the UPSC's recent report, there is a reference to the UPSC regarding the appointment to the post of Director (Women's Programme), Ministry of Community Development and Co-operation. This was a very important post requiring acquaintance with field work and contacts with the villagers in general. On two grounds, Government could not accept the UPSC's advice, which are mentioned on page 5:

"The candidate selected by the Commission was never associated with any scheme for training women workers while one of the main functions of the incumbent of the post was to provide training facilities to all functionaries engaged in the Community Development programme.

(ii) The reports on her work, while employed under a State Government, showed that she had no background in village work and liked to sit in office and issue orders rather than go into the villages for doing work herself by giving directions on the spot. The reports also showed that she lacked sense of responsibility and never cared for efficiency and work. In 1955 she was censured for an irregular posting which caused loss to the Government. Her subsequent performance was also not considered satisfactory."

Under these fairly revealing circumstances, I would request the House to consider whether on account of these defects or irregularities or deficiencies on the part of this lady who had been recommended by the UPSC, it was or it was not proper for the Government of India to depart from this particular recommendation.

An Hon. Member: The Government are fully justified.

Shrimati Sarojini Mahishi (Dharwar North): May I know whether the U.P.S.C. was not made acquainted with the nature of the post for which it was making the selection?

Shri Datar: There is no reason to presume such a thing. The U.P.S.C. are expected to know all these things. They know how the work is being carried on and they are in possession of all the facts. Whatever may be the reason—it is not for us to go into the reasons—in the light of the revealing circumstances that I have placed before the House, would it or would it not be proper for Government to accept this appointment merely because it was recommended by the U.P.S.C.? Such circumstances, generally, are very rare. But when they are there the Government ought to have a right to depart from the advice, with all respect, on account of the exigencies of the circumstances, on account of public interest and on account of heightening the efficiency of administration. This is so far as the constitutional position that was raised by certain hon. Members is concerned.

Then, certain hon. Members, unfortunately, brought in certain questions regarding reservations in services. I know, when my hon. friend Shri Saraf made a reference to it, there could be absolutely nothing objectionable so far as his suggestion is concerned. He said that we should fix up a particular time limit during which such reservations ought to operate in such an effective manner as to place these weaker sections also on a proper footing. An hon. Member opposite made certain remarks which were of a very ungracious character, with due deference to him, and that provoked a number of hon. Members, not only representing the Scheduled Castes and Scheduled Tribes but others also, to raise the question in a general way so far as the reservations are concerned. Under the Constitu-

tion, especially under article 335 read with others, the Government of India are bound to see that there ought to be reservations so far as the Scheduled Castes and Scheduled Tribes are concerned. There also it has been pointed out by way of a precautionary measure that it should be consistently with the efficiency of administration.

Shri K. C. Sharma (Sardhana): Will the hon. Minister cite any parallel, from anywhere in the world to this reservation business?

Shri Sonavane (Pandharpur): Can the hon. Member cite any other country where untouchability exists?

Shri Datar: I need not go to the world at all. So long as I have got the most precious Constitution here to guide me—and the Constitution in this country has been extremely fair—and it is stated that the weaker sections have to be brought up by giving them opportunities in all matters including the right of entry into service, I need not take into account the case of any other country. We have a Constitution which has been tested by experience. I may point out to my hon. friend that on account of this reservation in services a number of young men and women are getting opportunities. Though they require some training on account of, as I said, lack of environmental positions, they are coming up, and it is in the interests of the nation that these young people from the Scheduled Castes and Scheduled Tribes are also encouraged in as large a measure as possible to join the services consistently, as I stated, with the maintenance of high standards of efficiency.

Shri Sham Lal Saraf (Jammu and Kashmir): I would like to submit, Sir, through you, that what I said the other day was that we certainly welcome the reservations for the weaker sections of the Community. But for how long are we to continue this? We should fix some D-day when they will be brought on a par with the rest of the people so far as efficiency is concerned.

Shri Datar: I appreciated the hon. Member's point.

An Hon. Member: He agreed with what you said.

Shri Datar: I would like to point out that so far as the Constitution is concerned it has not laid down any such period for the reason that we cannot at present, in view of the highly backward character of these communities, think of a time, at least today, in the foreseeable future, when it could be done away with. Let some time go. Let the people of these communities come up. Then, in the interests of the nation, they themselves will come forward to scrap all these reservations.

Shri Sonavane: The Constitution makes provision for evaluation of the conditions of these people.

Shri Datar: That is what we are doing. Therefore, I should have liked hon. Members not to have made a reference to these constitutional provisions regarding the reservation in services which have on the whole worked very well. I know that there are certain critics who believe that this is not proper, but we have to take into account the conditions in India and the disparities of conditions obtaining in the different communities. That is the reason why, taking the realities into account, the Constitution rightly provided it and the Central Government have made reservations so far as the Scheduled Castes and Scheduled Tribes are concerned.

Shri Sham Lal Saraf: What shall we do till then in order to bring them up on a par with other people. Would it simply mean that getting a few men here and there in the services would bring up their standard on a par with other people?

Shri Datar: May I invite the hon. Member's attention to the fact that side by side with the reservations which are to be entirely in keeping with the efficiency of administration,

we have been taking a number of steps. Certain hon. Members do not fully realise that year after year the Government are spending crores of rupees on the improvement and on the welfare of these communities. The hon. Member, Shri Swell, made a suggestion the other day that what we have been doing is not sufficient at all. In fact, Shri Swell made a speech which, to say the least, was very unfortunate. He did not appreciate what we have done. That is the reason why I am pointing out now how much we are doing for the Scheduled Castes and Scheduled Tribes.

Sir, in the First Five Year Plan period we spent Rs. 15 crores for the Scheduled Tribes. In the Second Five Year Plan period we spent Rs. 50 crores. Now, in the Third Five Year Plan period we propose to spend Rs. 60.11 crores over the Scheduled Tribes. I am extremely sorry that my hon. friend, Shri Swell, is not here. He, I understood, thought that the conditions of these people living far away from the other people was extremely unsatisfactory. Even the Constitution has made some provisions in this respect. That is the reason why we shall have spent more than Rs. 100 crores over the Scheduled Tribes alone. So far as the Scheduled Castes are concerned, we shall be spending at least Rs. 60 crores to Rs. 65 crores in the Second and Third Plan periods. In the matter of education of the tribal people, we are spending crores of rupees.

Dr. M. S. Aney (Nagpur): What is the target that the Government of India has fixed as regards the exact percentage of literacy among the Scheduled Castes and Scheduled Tribes during the Third, Fourth and the Fifth Plan periods?

Shri Datar: I understand the hon. Member's question. It is very difficult to settle the period within which the whole thing has to be done. Because the problem is enormous.

Dr. M. S. Aney: Have you no method to calculate it? You are

[Dr. M. S. Aney]

spending money. What do you get at the end of that period as a result of your spending money?

Shri Datar: So far as the Scheduled Tribes are concerned, we are spending money on (1) the spread of education, (2) their economic upliftment and (3) health, housing and other schemes. We have completed two Five Year Plans and one year of the Third Plan. It is true that to a certain extent the progress is slow, but I am not prepared to admit that the progress is not considerable when we consider all the various enormous difficulties that we have in the way. So far as the Scheduled Castes are concerned, they had been suffering from social disabilities for a number of centuries. So far as the Scheduled Tribes are concerned, they have been suffering from isolation, far away from the modern society. It is these people that have to be brought up. Therefore, it would not be proper to set up a time-limit but it is absolutely essential that we get the best results as soon as possible, especially when we are spending crores of rupees for the welfare of these unfortunate communities. That is the reason why I would request hon. Members not to call in question, even indirectly, the propriety of the very wise and salutary provisions that have been made in our Constitution.

Then I would refer to a few problems briefly because I have to finish early. I am obliged to a few hon. Members, and I should like to mention particularly the names of Shri Saraf, Shri Mathur and Shrimati Renuka Ray for their very valuable contribution to this debate. They made out certain points which I may or may not accept but my task has been considerably lightened, so far as my main approach to this problem is concerned.

Shri Prabhat Kar (Hooghly): What is their contribution if you do not agree with them?

Shri Datar: With all respect to them, I may disagree with them but the question is whether they appreciate the difficulties with which we are confronted.....

Shri Sham Lal Saraf: The hon. Member does not want him to give us even that consolation.

Shri Datar: The next question that I want to deal with is the composition of the UPSC. A certain hon. Member, again on account of a misapprehension, thought that this was an ordinary body in which any person can work. The Constitution itself has made a provision that so far as the composition of the UPSC is concerned, "one half of the members or as nearly as may be" that is the expression used) ought to be Government servants who have an experience of ten years' service. This is a body which has very directly to deal with service matters and tender very important advice. So, in the case of composition of the UPSC it has been specially laid down that there ought to be men of experience, so far as public service is concerned, for advising correctly. In order that others can also bring a fresh view to bear on this question, what has been done is others also, persons of great eminence in public life, are taken in the UPSC. At present, so far as its composition is concerned, half the number consists of Government servants and the other half of non-officials, public men including a retired High Court Judge, one who had formerly been dealing with engineering and other technical subjects and another who was a Vice-Chancellor of the Delhi University. In this way, we are trying our best to see that this statutory organisation becomes an eminent body to advise us as best as possible.

In addition to this, whenever they consider highly technical subjects like recruitment to engineering or other technical services, they have the right to take the help of a number of

experts. An hon. Member was needlessly furious that a Government servant also attended the meetings of the UPSC. Now, attendance is entirely different from having an effective voice in the decision of the UPSC. It is absolutely essential that he points out the difficulties of the administration but he has no right to vote. So, these government servants act only as helpers of the UPSC and given them all assistance.

An hon. Member suggested that a businessman should also be in the UPSC. Here I may state that Government is an administrative body, a welfare organisation. Therefore, the question whether at all a businessman should be on the body is one that has to be considered in all its aspects.

Shri Prabhat Kar: For what purpose?

Shri Datar: Then, my esteemed friend, Shri Mathur, always raised some general questions and puts them in, what I should say, a vague manner. He has stated that the UPSC is an out-moded body. The UPSC can never be an out-moded body because it is governed by the rules and regulations made by us in accordance with the directions of Parliament. Therefore, we laid down the rules and the rules are in consonance with the spirit of the times.

Shri Harish Chandra Mathur: Please do not misquote me at least.

Shri Datar: Then, so far as our young officers are concerned, we are trying our best to see that they are imbued with the modern spirit. I shall point out when I deal with the courses of study that we have got special courses extending over five months for IAS, IPS and Central Services (Class I) wherein we teach them the cultural history of India and the Gandhian ideology, the spirit of Sarvodaya and the modern doctrines which we are developing. Then these people have to go through a very intensive training, so far as field work

is concerned. So, it would not be proper for him to say that the UPSC is an out-moded body.

Shri Narendra Singh Mahida (Anand): According to the Gandhian ideology the maximum salary is Rs. 500.

Shri Datar: Therefore, hon. Members will see that if our officers are imbued with those ideas, they are bound to act in a manner far different from the way the former Government servants acted. So, it is absolutely out of place to mention here that the old ICS mentality is there or the IAS people are out-moded. These are all questions which have to be considered in the light of what we have been doing. I would request Shri Mathur and other hon. Members to visit the National Academy of Administration at Mussorie and see how we are in keeping with the times. Perhaps, in some respects we are better than the actual educational institutions themselves.

Shri Prabhat Kar: He was talking of the products, not of the training.

Shri Datar: Then I would make a reference to certain specific matters that have been raised. So far as probationary period is concerned, IAS officers have got only one Year's probation. I am happy that a number of hon. Members, including my hon. friend, Shri Reddy, agreed that there ought to be a longer period than one year. As a matter of fact, as soon as he passes his examination, he is entitled to confirmation. Now, in addition to their studies from an ideological and theoretical point of view, they have to go round the country and study things for themselves, engage themselves in field work and then their performance for a period of two years is considered and either they are confirmed or not confirmed, depending upon their performance.

14 hrs.

About the verification of character something was stated by an hon.

[Shri Datar]

Member. On an earlier occasion also this question was raised. It is entirely irrelevant here, but the hon. Member, Shri Reddy, made a reference to Dr. B. C. Roy's speech. In that very speech Dr. B. C. Roy had also given certain figures which are extremely useful to show that the verification of character is not used by us or by the State Governments for weeding out certain persons. Shri Reddy believed that the Communists were singled out for exclusion. That is not correct at all. In fact, some other man says something to which I would not make a reference.

A similar resolution had been brought forward in the West Bengal legislature and Dr. B. C. Roy made a very important speech to which the hon. Member has made a reference. There he had pointed out how in a very small number of cases on account of the unsuitability of the candidate he had to be rejected and the number was so small. He had said:—

“During the last year, that is, 1961 40,000 cases of verification were dealt with by the Police and only in 76 cases the candidates were found to be unsuitable, that is, a ratio of .0019 per cent. Similarly, the Police in Bengal also verified cases of appointment under the Central Government and Corporations and organisations under the control of the Central Government. About 30,000 cases were dealt with in 1961 and only in 41 cases.....”

The figure may be noted.

“...that is, .0014 per cent of cases, the candidates were found to be unsuitable.”

Therefore, so far as the this verification is concerned, it would not be proper to raise a general question and make an allegation that candidates belonging to certain parties are pur-

posely excluded. That is not correct at all. No man is penalised for holding any opinion. But once a person enters Government service he cannot take part in the activities of any political organisation.

Shri Dinesh Bhattacharya (Serampore): Including the Congress.

Shri Datar: Our Government Servants Conduct Rules make it very clear. Therefore, a Government servant has to be above parties and has to carry on the work in as efficient and objective a manner as possible.

Then a question was raised as to whether pensions should not be given to the non-official members of the UPSC. That is a question which is under consideration and I would not like to say more on it. So far as the officials are concerned, it is taken into account because it is added on to the period of service under Government. But so far as the non-officials are concerned, as you are aware, the longest period that they can be there would be about six years. Under these circumstances, this question raises certain complications and the matter is under consideration.

So far as the prohibition of Government servants taking up employment in private companies after retirement is concerned, it is a very large question. It does not directly deal with the UPSC at all.

Shri Harish Chandra Matlur: Have you consulted the UPSC?

Shri Datar: But the policy that the Government follow is this. A Government servant who had been concerned with a particular department is not allowed for a period of two years without express permission to take up service in a private concern which had something to do with his official duties before retirement. That rule has been laid down in the Government Servants Conduct Rules and

he has to take specific permission for a period of two years.

Some hon. Members made a suggestion that this provision should be permanent. It is very difficult to do like this, because after all when his income comes down as he gets only a fraction of his former pay as pension, as a private citizen he is entitled to enhance his earning capacity. Therefore we were advised that it would not be proper to extend the period of such prohibition beyond two years. Their number is very small.

Shri S. M. Banerjee rose—

Shri Datar: He made a reference to one case to which I am going to reply. So far as one case from Bihar was concerned, I had the matter looked into. He is an IAS officer. At the time his services were requisitioned in 1958 he had been ripe for appointment as a Commissioner in the Bihar State and he would have been had he been in Government service entitled to the highest pay that he could have obtained as a member of the IAS with this experience. His services were lent to the Tata Iron and Steel Company by the State Government. Under our rules though he is an IAS officer he is under the administrative control of the Bihar Government. It was perfectly open to them to have allowed him to join private service on deputation. The terms were the usual terms so far as an agent was concerned and nothing out of the way was done so far as the deputation of this officer was concerned. His period is likely to expire in February 1963.

Then my hon. friend wanted to know as to whether the Government were consulted. Under the rules such consultation was not necessary. Secondly, this is a matter which does not come within the purview of the UPSC at all. It is not a correct notion that all these matters ought to be referred to the UPSC. We got the information when we made enquiries and they told us that on account of a request from the Tata Iron and Steel

Company they lent the services of this officer for a particular period according to the terms usually associated with an agent's remuneration. Therefore, there was nothing wrong so far as that matter is concerned.

Shri S. M. Banerjee (Kanpur): I only wanted to confirm one thing from you.

Mr. Deputy-Speaker: Order, order. The hon. Member cannot go on interrupting.

Shri Datar: As to the question about Hindi and English, only the day before yesterday the hon. Prime Minister has made the position clear. In the other House also I had pointed out in connection with the debate what the position of English would be after 1965 and what the President's Order is so far as Hindi is concerned. At present English is the only medium of examination so far as competitive examinations are concerned. The President's Order of 1960 makes it possible that Hindi should be introduced as an alternative medium of examination on a date that the Central Government has to settle. The Government have not yet taken a decision so far as this question is concerned.

Then, I am glad to note that the personality test has been found to be beneficial by a number of hon. Members. But there was one small question. Shri Mathur wanted to know as to why they did so ill or so poorly there when they did well in the written examination.

Shri Harish Chandra Mathur: I never raised this question.

Shri Datar: Then I need not refer to this question.

An hon. Member stated that recruitment rules ought to have been made in all cases. It is true that in certain cases they were not made but we are taking steps to see that they are made as early as possible.

[Shri Datar]

Shri Saraf made a reference to the conference of members of the Public Service Commissions including the UPSC at Delhi. The UPSC had called this conference for finding out a uniform procedure and it is not a matter with which we are concerned.

It was contended that Indian students living abroad and qualified there were not properly employed. May I point out that on account of the interviews which the Chairman and other members had abroad, 43 candidates were recommended by the UPSC? We have already issued orders for 13 and for the others they would be issued as soon as preliminary formalities are over. In addition to this we have offered appointments to ten more Indian candidates who have qualified abroad and they will be taken into service as soon as they return to India.

Sir, I am obliged to the hon. House for the very detailed discussion that has taken place.

Shri Harish Chandra Mathur: Sir, the hon. Minister has referred only to the points raised in the debate yesterday for which he has notes. Though he has paid me a compliment all right, he has not referred to a single point which I had raised.

Shri Datar: It is because it did not deserve any answer.

Shri Harish Chandra Mathur: I raised general as well as specific questions.

Shri Datar: He raised a question about the unmoded nature of the UPSC. That was not raised by any other hon. Member and I replied to that. Regarding the selection grade in the States, the UPSC had nothing to do with that.

Shri Harish Chandra Mathur: I never said that the UPSC was an unmoded body. I do not know how the hon. Minister has got this idea; he is putting just the wrong thing in my mouth. I never said that.

Mr. Deputy-Speaker: Order, order. Now, I shall put the motion to vote.

The question is:

"That this House takes note of the Eleventh Report of the Union Public Service Commission for the period 1st April, 1960 to 31st March, 1961, together with the Government's Memorandum thereon, laid on the Table of the House on the 18th June, 1962."

The motion was adopted.

14.11 hrs.

MOTION RE: STATEMENT ON RAILWAY ACCIDENTS

The Minister of Railways (Shri Swaran Singh): I beg to move:

"That the statement regarding Railway accidents, laid on the Table of the House on the 9th August, 1962, be taken into consideration."

It may be recalled that there was a useful debate during the last session, in the course of which the position with regard to railway accidents was reviewed. Some general questions were raised, and some specific cases were also mentioned, and the House had an opportunity to examine the various factors that were involved in this important question of railway accidents.

Thereafter, a very unfortunate and tragic accident took place at Dumraon, and naturally the House feels agitated over that, and there is such a similar feeling in the country also. As I have already mentioned in the House, a regular judicial inquiry under the Commissions of Inquiry Act, has been instituted, and a retired High Court judge is presiding over that commission of inquiry. An hon. Member of this House is also a member of that commission of inquiry, and there is a technical member as well on that commission. As is customary and proper, it will perhaps be not proper