

Mr. Speaker: Those who support this motion, those who are in favour of giving this leave, may kindly stand in their places.

Some Hon. Members rose—

Mr. Speaker: There are 72 Members. As the number is more than 50, leave is granted to the Member.

Now, I will have to fix sometime. Can the Government give me any indication when it is convenient to the Government to have this matter discussed?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I do not mind, Sir. As it pleases you and suits the convenience of the House, we can have it early next week.

Mr. Speaker: The Minister of Parliamentary Affairs, I think, will consult the Opposition as well as know the mind of the Government and give me an indication.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Yes, Sir. I will.

Shri Hari Vishnu Kamath (Hoshangabad): In view of the importance of the motion, may I earnestly request that at least a whole week should be allotted for discussion of this motion? I mean five working days.

Mr. Speaker: It cannot be decided here and now. We shall take up the next business.

श्री बागड़ी : कम से कम पन्द्रह दिन चाहिए। पन्द्रह साल के बाद यह मौका मिला है।

12.28 hrs.

ALL INDIA SERVICES (AMENDMENT) BILL

Mr. Speaker: We shall take up Bills for consideration and passing.

Shri Frank Anthony (Nominated—Anglo Indians): How much time will we have for this Bill?

Mr. Speaker: One hour, I am told.

The Minister of State in the Ministry of Home Affairs (Shri Hajar-navis): I beg to move:

"That the Bill further to amend the All India Services Act, 1951, be taken into consideration."

As provided by article 312 of the Constitution, a Resolution was passed in the Rajya Sabha on the 6th December 1961 approving of the proposal to constitute three All India Services. One is the Indian Service of Engineers, (Irrigation, and Power, building and roads); the second, Indian Forest Service and the third, the Indian Medical and Health Service. This is sought to be done by amending section 2 of the All India Services Act by introducing the words "any other service specified in section 2A" after the words 'Indian Police Service' contained in section 2 of the All India Services Act. According to that Act, only two services were All India Services: namely, the Indian Administrative Service and the Indian Police Service. To this three other services are sought to be added by introducing section 2(A) which is as follows:

"With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted the following All-India Services and different dates may be appointed for different services, namely:—

1. The Indian Service of Engineers (Irrigation, Power, Buildings and Roads);
2. The Indian Forest Service;
3. The Indian Medical and Health Service."

..[Shri Hajarnavis]

Coming back to the parent Act, the pattern of the new services will be the same for regulation and recruitment shall be provided by the rules, because section 3 will apply to the newly-constituted service, so that the recruitment and the conditions of service shall be regulated by the rules and regulations.

Under section 3 (2) all the rules, made under this section shall be laid before Parliament and shall be liable to be modified in accordance with the amendments made by Parliament. This is the simple structure of the Bill.

For the administration of these services considerable co-operation will be necessary from the State Governments. As a matter of fact, so far as the Indian Forest Service is concerned, almost all the cadres shall be the State cadres, but we will require a central cadre, a substantial central cadre, for the Indian Service of Engineers, because we have a large number of posts in the Central Government under the CPWD. Similarly we also will require a central cadre for the other services, also, namely, the Indian Medical Service and Health Service, but mostly, as in the case of the Indian Administrative Service or the Indian Police Service, there shall be provincial cadres to which recruitment, as usual in the case of the Indian Administrative Service or the Indian Police Service, shall be made by competitive examination and also from the State services. What the proportion should be is a matter of discussion and consultation with the State Governments. Various views have been expressed. One view is that it should be the same percentage as in the case of the Indian Administrative Service of the Indian Police Service, namely, 25 percent; the other view is, it should be a higher percentage. All these matters are being discussed with the State Governments, and after we obtain their concurrence, rules and regulations shall be framed,

and after they are completed, these services shall come into existence.

Shri Tyagi (Dehra Dun): Have you in view the Indian Judicial Service as well?

Shri Hajarnavis: The position about the Indian Judicial Service is this: there was a decision taken in the Law Ministers' conference. The law Ministers generally disapproved of this proposal. But it has found favour with the Chief Justices' Conference.

Shri Tyagi: What is the progress going to be made? Are you going to build it up or is it given up?

Shri Hajarnavis: One thing at a time; generally the Government favour the constitution of all-India services. A service which we are considering and in which we have made a good deal of progress, but our efforts have not reached anywhere near the end, the fruition, is the All-India Educational Service. But there are certain States which still have certain objections.

This is a very short Bill and I commend it to the acceptance of the House.

Mr. Speaker: Motion moved:

"That the Bill further to amend the All-India Service Act, 1951 be taken into consideration."

Shri Frank Anthony (Nominated—Anglo-Indians): Mr. Speaker, Sir, I wish to speak very briefly on this Bill. Actually it is a long-overdue measure. Hon. Members of the House may recall that the States Reorganisation Commission had recommended specifically the constitution or reconstitution of these three services, that is, the Indian Service of Engineers, the Indian Forest Service and the Indian Medical and Health Service. The States Reorganisation Commission had underlined the need for these All-India ser-

vices because they felt the need for co-operation with regard to the important development projects, the need for having services with uniform conditions of service and a sense of unity that they would belong to important common cadres. Quite frankly, I was a little distressed at the rather uncertain approach of the Minister with regard to the conditions which will govern recruitment.

Now, Sir, I do not know how many **Members** of this House will recall that the States Reorganisation Commission had in recommending these services placed tremendous emphasis on certain conditions of service. They underlined the fact that in order to check what they referred to as "particularist trends" towards regional chauvinism it was necessary to lay down that at least 50 per cent of the new entrants—allowing for 25 per cent by promotion presumably from the State cadres—would be from outside the State.

Now, what I find is this typical vacillating, halting, weak attitude of the Central Government. My fear is this, that because of the pressures of regionalism from their own Congress Chief Ministers the whole integrating effect of these services is going to be stultified. My fear is that the intention of the States Reorganisation Commission is going to be completely emasculated. My fear is that this Bill in its implementation will be nothing more than a sham, that you will have, because of this regional pressure, in effect, State services under the misleading label of All-India services. That is why I say I am not reassured by the irresolute, halting approach of the Central Government.

I recognise the need for making every reasonable concession to State autonomy, but I have been one of those who have been completely unqualified in resisting concessions to State chauvinism. And, I say this, that today the greatest danger to integration of the country is regional, State chauvin-

ism. And the whole time the Centre keeps beating a retreat before this new form of communalism. I do not know how many Members of this House were present at the National Integration Conference. I was there. I was in the smaller body,—one of the Prime Minister's nominees—the National Integration Council. Before the National Integration Conference Dr. Zakir Hussain made a very lucid speech, and one sentence stuck in my memory. He said Indian history has shown one thing; while there has been a sense of Indianism, equally there has never been a sense of Indian State, never been a sense of a single Indian State, a single Indian nationality. That position I have canvassed. I canvassed it before the National Integration Conference, I canvassed it before the National Integration Council. I said if we are going to reverse this trend of Indian history, then your prior, supreme need is an All-India Educational Service. That is the first service. If you want to give any meaning to this question of integration, your first service is the All-India Educational Service.

What has happened? I read a news item that this was remitted to the State Chief Ministers. A vital matter like this was remitted to the State Chief Ministers. The result was a foregone conclusion. Obviously, they have scotched it. As I said, I just do not understand what the policy of the Central Government is. I do not understand what this is. How can there be any semblance of educational, from that emotional and from that cultural, integration unless you have first an All-India Educational Service?

What is happening today? I have not a little to do with education. There is absolute, utter, increasing chaos in education. There is not a semblance of a pattern in education. I recognise the need for having instructions through the regional media, and the State Governments will prescribe up to what level it should be. But how can there be any semblance of education or emotional integration without

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some way of communion at least in the highest reaches, some common link? Apart from that, there is no uniformity even in the formal pattern of education. I am chairman of two All-India educational boards. We are absolutely bogged down because of this utter chaos. In one State there is the ten-year secondary pattern and in other States the eleven-year higher secondary pattern. And the more dangerous manifestation is this, because education is falling increasingly into regional, into parochial patterns, because of that history is being given a dangerous regional slant. Regional communalism has become the bias in history books written under this pattern. And the more unfortunate thing is this taint of regionalism is projecting itself into the university pattern. There is corresponding chaos in university education. There is the pre-university course and three year course, there is the only three-year course and there is the old four-year course with the result that even today when you have still the link language, English, students, teachers and professors cannot cross from one regional border to another. This is an invitation to the balkanisation of the country. I say that what we are doing is, we are conniving at fragmentation educationally, that it is going to lead inevitably not only to educational, emotional and cultural fragmentation because the next inevitable stage is the balkanisation of the country.

And I say this to the Central Government. Surely, we want some purpose and direction. If we leave it to the States, nothing will happen; even when there is a single ruling party, nothing will happen. Later on, when there are splinter groups in the States, as represented by the opposition here on this side, there will be no semblance of even formal unity in the educational pattern.

I want the Minister to tell me about two things. Is he going to subscribe to the recommendations made by the States Reorganisation Commission that

at least 50 per cent of the new entrants must be from outside the State? If he compromises here, then I think the sooner he throws this Bill into the waste paper basket the better. What I want is not a sham, but a real implementation of the recommendations of the States Reorganisation Commission. And I want him to tell us what they are doing with regard to this All India Educational Service.

Shri Vasudevan Nair (Ambalapuzha): Sir, I am prepared to appreciate the good intentions of the speaker who preceded me, as well as that of Government which have brought this piece of legislation. But I am afraid, I cannot at all support the way and the method by which they hope to integrate the country, they hope to achieve national integration. I believe that this kind of a measure will not at all help in achieving the kind of integration that we all hope for.

For a long time we were feeling that the present government has given the go-by to the very idea and the very spirit of our Constitution. We all know that unless we earnestly try to preserve the idea of federalism in India, the spirit of the federal Constitution that we have got, we will not be able to achieve real integration of the country. One by one, the Government had been trying to take over the real powers of the State Governments and the authorities below. My complaint and my criticism about the Central Government is that they are on the look out for more of centralisation, instead of preserving provincial or State autonomy for which the Constitution has given definite guarantees.

I do not at all understand how All-India Services of engineers, or forest or health or medical services are really going to supply talents, real talents that we need for the various parts of the country. With the formation of these services what is going to happen is that eminent people in all these fields will be entrusted with the

task of looking into the files, with the task of administering the services, which is not what we need in this country today. If, for example, you can supply some of the best engineers in Bombay or Calcutta or Delhi to some States in the South or if you can supply some of the best doctors in the South to the North, that will be helpful to this country and to the people. But the creation of these all-India services which are more administrative in character will not at all help this objective. Instead, what they will be doing is to become prominent people in all these fields and entrust them with the routine task of administration. That is going to be the net result of these kinds of all-India services. So, one cannot advance that argument, namely, that by this method we are going to exchange the talent in our country so that the talent can be used in all the parts of India.

Another point on which I want to oppose this piece of legislation is that you are trying to create an upper class among the officials. Actually the result will be that you will be creating an aristocracy in the bureaucracy. Already people who know the Services are aware of the fact that these cadres in the all-India Services are considered to be the privileged class and you want to create more and more of such privileged classes in the Services. I know in many places—I do not want to quote the names of places or names—the relationship between the so-called unfortunates who are not in the All-India Services and the bosses or the aristocrats in the bureaucracy is not at all very good and the creating of more and more such services will not help integration—not national integration but even an integration in the services.

So, on these two counts, namely, that the creation of more and more all-India Services will be resulting in taking away the real powers of the States or in depriving the States of real power and, secondly, a new aris-

tocracy will be created among officialdom which will also create new problems, I believe that it is not at all advisable for the Government to go in for more and more all-India Services. They have already got two Services, namely, the Administrative and the Police Services. I believe, for the time being they should be content with that and they should at least take more time for pondering over this question and should not hasten with this measure.

Shri D. C. Sharma (Gurdaspur): Mr. Speaker, Sir, I think, the speeches that have already been made on this Bill show that the balance of advantage rests with this Bill. Here was an hon. friend of mine who talked about regional chauvinism and there was another hon. friend of mine who said that by passing this Bill we would be curtailing the autonomy of the States. I think, the fear and the doubts of both these hon. friends are not justified. This Bill is not going to take away the powers of the States and this Bill is also not going to create that feeling of chauvinism to which my hon. friend referred.

The hon. Member who spoke first of all on this Bill, I think, did not understand democratic ways and procedures and methods of getting things implemented. The Central Government cannot wield a big stick with which it can beat the State Governments. It cannot bludgeon them into accepting whatever it wants. Democracy is the art of persuasion; it is the art of compromise and of getting on together. That is exactly what the Central Government has been doing even in the context of these all-India Services. They do not want to impose anything upon the State Governments; but they want that whatever objectives are in view should be attained with the least amount of friction and with the utmost amount of goodwill and friendliness. I think that this Bill is the result of a long series of negotiations which have been going on between the State Governments and the

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Central Government. This Bill is the result of so many kinds of weighing of the pros and cons of a measure such as this. This Bill is the result of taking note of all the factors that are inherent in the situation. I, therefore, think that it is a step in the right direction.

It may be a halting measure, but I do not think that there is any wavering about it. There is no vacillation about it. I think that from this Bill we come to know what the Government of India want to do with the help and active consent of the State Governments.

It may be that we need more all-India services. I am one of those who would like that the Indian Educational Service should be put on the map of administration as early as possible. I am at one with the hon. Member who made that proposition. We do want that. But to think that these services are going to bring about the paradise of emotional integration in this country is to claim for them something which they cannot bring about. If the administrative services could have done that, then I would say that we had such a big integration in the sense of the English people, the Scotch people, the Welsh people and the Irish people and the Indian people working together in this country, and yet there was no emotional integration. This kind of integration can only be a step, and I think that it is a step in the right direction.

I would request the Central Government not to give up those democratic methods of consultation and negotiation which they have adopted so far. I would also like that they should not force anything on unwilling States. I would also like that they should try to see to it that whatever is done is done without any friction between the Centre and the States. The States should not think that this is something which is being enforced against their will.

I welcome this Bill, and I feel that it has been brought forward in this House in accordance with the democratic traditions which our country is practising, and in accordance with the democratic procedures which we have adopted. Of course, it may not go as far as some of my hon. friends want it to go, but it goes quite far.

There is also one other point to which I want to refer and it is this. An hon. Member asked: "Why are you creating all-India services? The all-India services are a badge of privilege. The all-India services are a kind of symbol of an upper class". If we adopt that point of view then I think that we shall have to abolish so many things in this country, which somebody can construe as a symbol of privilege. I think that human life as it is constituted all over the world does make room for things of this kind. I do not think that there is any privilege which attaches itself to a service. After all, the latest theory that India is practising about these services is this, that a public servant, whether he belongs to class IV or class III or class II or class I, has to look upon himself essentially as a public servant. This is the new angle that we are having upon the services. These services have ceased to be those preserves of privilege, of hereditary privilege, or of aristocratic privilege etc. which they used to be at one time. We have now abolished those privileges. After all, people come into these services by means of competitive examinations. They are subjected to all those kinds of tests and then they come into these services. Therefore, to think that these services are going to constitute some kind of class is, I think, wide of the mark. I myself do not like to have any classes, and I want to have as few classes as possible. But I believe that for the proper administration of our country, we must have different cadres and different categories of public servants. The best people should be in one

cadre. Those persons who have imagination, creative ability and dynamic power should be in one cadre. I believe that when recruitment for the all-India services takes place, it will be seen to that these persons are not the normal run of administrators that we have got, but that they show some exceptional merit, that they can tackle the problems of this country in a much better and in a more constructive manner than others can do. In other words, we want persons of better calibre so far as intellect, administrative ability, and qualities of character and personality are concerned.

I hope India is not wanting in talents of any kind. I am sure that here we will find an ample number of persons who can man these services. After all irrigation and power is now one subject. We are thinking of State grids; we are thinking of all-India grids. Power is becoming one single unified subject in this country. Irrigation may be a State subject, but it is also assuming such proportions as to enable it to become an all-India thing. We hear of the Krishna-Godavari waters dispute. We are hearing of the Rajasthan Canal. All these things are there. They are assuming not a regional character but an all-India character.

Coming to the forest services, I believe India has been rich in forests. But we have neglected these forests since the days of our freedom. We have not done our duty by these forests. Forests are the life-breath of India. They have given not only material wealth to us; they have also given a spiritual stimulus to my countrymen, as was shown by the great Bengali poet Rabindranath Tagore.

I believe that in regard to forests, we should have one plan. Why should we import teak from Burma? Why should we import other kinds of wood from other countries? We are forced to do so only because we have not looked at the forest map from a single point of view. We can do that only

when we have an Indian Forest Service.

The same is the case with medical and health services. Medicine, of course, knows no barriers of country. Medicine is becoming one. I believe that for the eradication of malaria and leprosy and some other diseases which are coming into India—some diseases which are there in Africa now will one day travel to this country also—we want a correct perspective, a perspective which is national. I believe that the proposed Service will tackle these problems from the national perspective without sacrificing the regional demands of those States where they serve. After all, we have got to make a happy combination of both and I believe we will be able to do so.

To return to one thing which I touched in the beginning—Educational Service. I agree with my hon. friend that the educational map of my country is not as clear and firm as it should be. He is quite right when he asks: what are we doing so far as the higher secondary system of education is concerned? What are we doing so far as university education is concerned? What is the picture that we present? One State presents one picture and another State another picture. I do not say it is chaos; I do not say it is confusion; but I think regional considerations have taken precedence in the field of education in many ways over national considerations. People have tried to build up a fabric of education in the light of their resources, needs and necessities, but they have not tried to have an integrated outlook on education as it should be in a big country like India. I believe that there are many meetings held of Directors of Education of State Ministers of Education. There are other meetings also, but without much good. I must admit very humbly that our future generation will suffer from many handicaps if we do not set our house of education in order as early

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as possible. I do not bother about the language in which the student is taught. I think the regional language is there, and he should be taught in the mother tongue, but I think the student should also have some modicum of knowledge of Hindi. He should also know English. That is the three language formula, but while the formula is there, the practice differs from one State to another, and nobody knows where he stands. At the same time, we are living in such a state of flux that we do not know what is going to happen tomorrow or the day after.

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Take the higher secondary school system. We changed from 10 to 11 years and now there are some educationists, very able educationists, very good friends of mine, who say that they do not want ten plus one, but ten plus two.

At the same time, take the case of universities. We are also not running our universities very properly. I would therefore say that this all-India educational service should also be there, so that a national perspective is evolved in this matter.

I remember I put a question to the Minister of Education some time back about this All India Educational Service, and he said that most of the States had agreed, so far as I remember. If most of the States do want this kind of thing, I do not know why they are being deprived of this thing. I believe that we should have this service as early as possible. Our experience of the Indian Administrative Service, the Indian Police Service and the Indian Statistical Service has been on balance to our advantage. I do not think the Indian Civil Service man goes about flaunting his cadre to the detriment of anybody else. I have found that the Indian Civil Service and the Indian Police Service people are as good ser-

vants of the nation as the people who belong to the provincial cadres. I do not think they throw their weight about. I do not think they strut about in the dignity which the All India Service gives them. Since our experience of these services has been on balance very happy, I am sure our experience of these services will also be happy. But I would say that the Government should see to it that some other services which we need of an all-India character are brought into being as early as possible. I have referred to one of these services, the All India Educational Service. There are others also, and I hope that the day will not be far off when we will have an amending Bill which will bring into being these services.

With this hope I commend this Bill to the attention of the House, and I hope the House will support it.

■ श्री यशपाल सिंह (कैराना) : अध्यक्ष महोदय, अगर मैं भूलता नहीं हूँ तो ६ सितम्बर १९६१ को चेदियार साहब का प्रश्न था और उस सवाल के जवाब में माननीय गृह मंत्री जी ने कहा था कि इसके लिये हम एक अलग बिल ला रहे हैं। इससे हम लोग मुतमयिन थे कि कोई नया बिल आयेगा। लेकिन इस अमेंडमेंट को देख कर यह ख्याल हुआ कि वही पुरानी शराब है जो नई बोतलों में भर दी गयी है। कोई अधिक फायदे का यह बिल नहीं आया है।

आज तक तो सरकार यह चिल्लाती रही है कि हम डिसेंट्रलाइजेशन करेंगे, विकेन्द्रीकरण करेंगे, और इस बिल से, जो कि सामने आया है, यह जाहिर होता है कि और ज्यादा सेंट्रलाइजेशन किया जा रहा है। आज के बदलते हुये युग में, जनतंत्र के युग में पुराने एडमिनिस्ट्रेटिव सर्विस के जितने लोग थे, आई० ए० एस० या आई० पी० एस०, वे उपयोगी सिद्ध नहीं हो रहे हैं। आई० पी० एस० तो नाकारा साबित हो चुके हैं इसलिये कि भारत की ६० फीसदी गरीब जनता की

आवाज उन तक नहीं पहुँचती। जो इंडियन एडमिनिस्ट्रेटिव सर्विस के लोग हैं, चाहे वे डिप्टी कमिश्नर हों, कलक्टर हों या ए० डी० एम० हों, उनका एक ही काम रह गया है। जब मिनिस्टर लोग पहुँचते हैं तो वे उनको रिसीव करने के लिये रेलवे स्टेशन पर पहुँच जाते हैं। कोई काम उनका नहीं रह गया है। अपनी जगह इंजिनियर काम करते हैं, अपनी जगह ओवर सियर काम करते हैं, लेकिन इंडियन एडमिनिस्ट्रेटिव सर्विस का कोई आदमी सिवाय आराम तलवी के कोई काम नहीं करता। दो चार एक्सेप्शनस को छोड़ कर वे काम नहीं करते। मैंने इस चीज को खुद देखा है। मैंने उत्तर प्रदेश के ५२ जिलों का दौरा किया है और मैं लोगों से मिला हूँ। मैंने देखा है कि जितने ऊँची सर्विसेज के आदमी हैं उतने ही वे ज्यादा आराम तलब हैं।

हमसे यह वायदा किया गया था कि एडमिनिस्ट्रेटिव सर्विसेज को बढ़ाया नहीं जायेगा बल्कि कटेल किया जायेगा। जब डिमेंट्रलाइजेशन हो रहा है तो हर राज्य में अपनी भाषा में काम होगा और हर राज्य की अपनी अलग रीजनल लैंग्वेज है। मान लीजिये उत्तर प्रदेश का एक नवयुवक आंध्र प्रदेश में भेजा जाता है और आंध्र प्रदेश वाले उसकी भाषा को नहीं समझते और आंध्र प्रदेश वाले भी उसकी भाषा को वह नहीं समझता। तो इसका नतीजा यह होगा कि वहाँ पर एक डिक्टेटरशिप कायम हो जायेगी। इसलिये जरूरत इस बात की है कि एडमिनिस्ट्रेटिव सर्विसेज को कम करके राज्य सरकारों को ज्यादा अधिकार दिये जायें। लेकिन यह तो उल्टा कम हो रहा है।

मुझे क्षमा किया जाय जब मैं यह कहूँ कि नेफा से हमारा एक सिपाही भाग कर नहीं आया, एक सबदार भाग कर नहीं आया। लेकिन भाग कर आया तो कौन? वहाँ का डिप्टी कमिश्नर भाग कर आया। इंडियन एडमिनिस्ट्रेटिव सर्विस का एक आदमी जो 755 (A) LSD—8.

वहाँ इतिजाम के लिये था वह भाग कर आया तो जरूरत इस बात की है कि राज्य सरकारों को ज्यादा से ज्यादा अधिकार दिये जायें और खास तौर से एजुकेशन और फारेस्ट की ओर ध्यान दिया जाय हम से वायदा किया गया था कि हम देश को निःशुल्क शिक्षा देंगे लेकिन अभी तक हिन्दुस्तान की एक चौथाई आबादी को फ्री एजुकेशन नहीं गयी है इसलिये जरूरत इस बात की है कि इस बिल को रोक कर राज्य सरकारों के हाथ मजबूत किय जायें।

मैं कहता हूँ कि प्राइम मिनिस्टर को छोड़ कर—क्योंकि अबामुलनास उनकी शक्ल से वाकिफ हैं—कैबिनेट का कोई मिनिस्टर किसी डिप्टी कमिश्नर के यहाँ जाय और उसको पता न चले कि यह यूनिन गवर्नमेंट के मिनिस्टर हैं, फिर देखिये उनके चपरासियों के नखरे और देखिये उन अफसरों की आराम तलबी का आलम। मैंने उसको अपनी आँखों से देखा है। एक बार देहात के हजारों लोग इकट्ठा हो कर डिप्टी कमिश्नर के दरवाजे पर गये और कहा कि चालीस मील में जो हमने फल्ल बोयी थी वह भोले की वजह से मारी गयी है लेकिन डिप्टी कमिश्नर साहब ने कहा कि तुम बिना एपाइंटमेंट किय हुय मेरे मकान पर आ गये हो और तुमने मेरे आराम में खलल डाला है, इसलिये मैं तुम सबको जेल में डलवा दूंगा यह नौकरशाही जनता का खून पीती रही है। इसको कम किया जाये। जरूरत इस बात की है कि इस बिल को खत्म किया जाये। यह नौकर शाही जनता को सरकार से दूर कर देगी। यह आज जनता और सरकार के बीच एक बहुत बड़ी खाई है।

मैंने जो अपनी आँखों से देखा है वह बतलाता हूँ, अखबार की खबर पर राम कायम नहीं करता। एक आई० सी० एस० के आफिसर शिकार खेलने गये। मैंने उनको तीन दिन तक सी० आई० डी० बन कर देखा

[श्री यशपाल सिंह]

क्योंकि यह मेरा कर्तव्य था। उन तीन दिन तक तमाम रास्ते बंद कर दिए गये। गन्ना काटने वालों का आना जाना बन्द कर दिया, फसल बोने वालों और काटने वालों का आना-जाना बन्द कर दिया गया। सब लाइसेंसदारों को बुलाया गया कि साहब शिकार खेलेंगे। तीन दिन में ३७ हजार रुपया खर्च हुआ। जब डिप्टी कमिश्नर साहब खड़े हुए तो वह हिलते थे उनको मुनाई भी कम देता था और दिखाई भी कम देता था। उनको सहारा दे कर खड़ा किया गया। एक एस० डी० ओ० ने उनको बन्दूक को पकड़ा और उनके हिलने को रोका। तब उन्होंने बन्दूक से छर्रा चला कर एक तीतर को घायल किया। एक तीतर को जखमी करने के लिये ३७ हजार रुपया खर्च किया गया। आज जरूरत इस बात की है कि ग्रंथों के वक्त की इस नौकरशाही को खत्म किया जाय। आज जनता का राज है, जनता के बेटे आये। आज जो आई० ए० एस० और दूसरी सर्विसेज में अफसर आते हैं व लखपति और करोड़ पतियों के लड़के होते हैं जो कि जनता की आवाज को नहीं समझते। मेरी दरखास्त है कि इस बिल को वापस लिया जाय और राज्य सरकारों के हाथों को मजबूत किया जाय और उन लोगों को सर्विसेज में लिया जाय जो कि जनता की बात को सुनें। मैं मानता हूँ कि आज सर्विसेज में दो चार ऐसे लोग हैं जो जनता की आवाज सुनते हैं लेकिन उनमें से अधिकांश ऐसे लोग हैं जो कि जनता से बात करना पसन्द नहीं करते। इनको यह ट्रेनिंग दी गई है कि जनता से अपने को अलग रखो "नो" कहना सिखलाया गया है, जनता के लिये "यस" कहना सिखलाया ही नहीं गया है। उनको काले आदमी से बात न करने की ट्रेनिंग दी गई है। इन सर्विसेज में ऐसे लोग लिये जाने चाहियें जो जनता के साथ सच्चे दिल से मिल सकें। जो जनता के साथ मिल न सकें उनको इन में न लिया जाय। जो हंसते हुये चेहरे से जनता के साथ नहीं मिलते हैं वे इन नौकरियों के

लिये डिसक्वालिफाईड समझे जायें। संसार की यह सबसे बड़ी डिसक्वालिफिकेशन है कि वे अशिष्टाचारी हैं, बदअखलाक हैं और डिसकॉर्टिस हैं।

"न हो जिसमें अदब और हो किताबों
से लदा फिरता,
"जफर" उस आदमी को हम तसव्वुर
बैल करते हैं।"

अब यह साबित हो चुका है कि ऐड-मिनिस्ट्रिटिव सर्विस के लोग जनता के साथ कंधे से कंधा मिला कर चलना पसन्द नहीं करते इसलिये आपके द्वारा मेरी मंत्री जी से यह दरखास्त है कि इस बिल को खत्म करके स्टेट गवर्नमेंट्स के हाथ मजबूत किये जायें।

Shri Sham Lal Saraf (Jammu and Kashmir): Mr. Speaker, Sir, while welcoming this Bill I would make certain observations and express the feelings with regard to the services as they are obtaining till now. As far as the States are concerned, the two services have to some extent been integrated, namely, the persons who have been selected for the IAS and the persons who have been selected for the IPS. As far as the intentions for the starting of these new services are concerned, they are pious and are very welcome. But when we come to the functioning of these services, I feel—and I am sure that my hon. friend the Minister who has moved this Bill will also agree with me—that there is a lot of improvement needed in a number of directions which I will mention item-wise.

As far as the creating of integrated atmosphere in the country is concerned, I personally feel that a move like this will be welcome. Firstly, they have started with the administrative service and Police Services and now other services also. These proposed three services will also create a good atmosphere in the country.

There are two things which my hon. friend will kindly take note of. The persons who come through competitive examinations or for whatever reasons, have got opportunities of being admitted into the IAS or the IPS, and as far as the public servants belonging to those very cadres in the very States are concerned, they are what they are. The Government know it; the States know it; everybody should know it; that even today, the pay scales and the amenities that those in the States get are not the same as those in the Centre; and the scales and the amenities are not the same as between the States themselves.

I will mention with regard to the States from which I come, and I have equally to make some observations about some other States also. At a certain time, some officers are selected for the IAS and some for the IPS. Now, what I have found from a number of questions and from the speeches I have heard from some hon. friends and hon. Members from different parties of this House is that mostly people have been complaining that the Centre has not returned the officers who have been drawn to the IAS or the IPS. But our complaint is that, up to now, perhaps not a single person who has been brought into these two cadres has been brought over to the Centre or transferred to any of the States in the country. Therefore, it is a question that needs to be looked into. I request the hon. Minister to go into it very kindly and see what has happened. I would welcome senior, capable officers to continue in the State, but then it has created certain other problems. For instance, somehow, luckily, or due to some reasons—whatever they are—a few persons have been selected in the IAS; in that very service, there have been dozens of other servants also. But due to some reasons, whether they are senior or junior, those who are selected get a higher start in the higher services. But the others are still there. While persons who have been senior to them are there, drawing lesser pay and hav-

ing lesser importance than the others, the others get a higher pay. It has created a lot of heartburning in the States. That is the second point with regard to salaries and other amenities.

Thirdly, the purpose of creating these services is that the officers who are to run the administration in different branches should know the country's mind as a whole and should be aware of what is happening in the country all over. Naturally, therefore, it is important that the officers who are recruited to these all-India services should be given an opportunity to go round the States, to go to the Centre and vice versa. By doing so it will certainly help the purpose that is behind creating these services.

13.16 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Shri Frank Anthony referred to one aspect of education. My hon. friend Shri Sharma also referred to it. Till now the Government has not come to a decision as to whether they should include education also in the list of all-India services they are going to create and create an all-India educational service. I personally feel that it is of pressing importance that this should also be integrated in the same way as it is being done now in the case of other services. Though I do not agree with the other aspect which Shri Frank Anthony mentioned, as far as this aspect of the matter is concerned I think it is very important. In this very session I had tabled a question to which I got a written reply yesterday and perhaps it would not come up before the House. I had asked whether the Government is aware that there is an intense feeling growing all over the country that in the different universities the budgets that are being prepared are mostly lopsided; and, whether, because of this the people have a feeling that most of the money that is allotted for expenditure is either over administration or for construction of buildings

[Shri Sham Lai Saraf]

and services, and as far as the question of creating an academic fervour is concerned very little is being spent on that. There is such a feeling all over the country. I may tell you that only a few weeks back the students' Unions of almost all the universities had a meeting of their representatives somewhere and this was one of the feelings expressed in one of their resolutions where they have said that in almost all the universities in the country the budgets that are being prepared are mostly lopsided, more attention is being paid towards expenditure over administration, construction of buildings and other things, and comparatively less attention is being paid to academic matters.

There are other reasons also why I say that this service also should be integrated. Some of our States are having top level educationists. Even within their own States where they have made proposals or submitted schemes, nobody seems to have cared for them. The time has come, therefore, for these services also to be integrated. By doing so it may be possible to pool the talent and expert advice in the country so that we may be able to make a concerted effort to solve our educational problems. Personally I feel, in spite of the fact that schools are coming up in greater numbers every year, for creating an educational fervour in the country many things are lacking. Therefore, the Government should pay attention to this matter and see that these services are also integrated.

My hon. friend Shri Yashpal Singh has opposed this Bill as a matter of principle. I would submit that the move to create, for instance, these three all-India services through his Bill has a purpose behind it. Take the Forest Service, for instance. In spite of the fact that we have a National Forest Policy very well written, very well laid down, as far as its implementation is concerned I

should say the result is very very insignificant. Therefore, if these services are created, it will help all these matters that are of very great national importance to the country. Once these services are created with the idea that officers will be transferred from State to State, from State to Centre and Centre to State, I am absolutely sure that people will be able to derive much benefit out of our services.

Similar is the case with our engineering services. Today it is not possible for the States to exist individually. The States have to be connected through highways and other modes of communication. Therefore, if our engineers and experts get an opportunity to work in the different States, I am absolutely sure it will benefit our people and help our cause in the best manner possible.

Coming to irrigation, one of the very great problems facing our country today is land erosion and soil conservation and floods. I had occasion to see the schemes prepared by different States. I have gone into the details of this question. Personally speaking, even today I am not satisfied that they are in a position to forge ahead and place integrated schemes before the country. Therefore, once these services are integrated I am absolutely sure, whether it is Assam, Punjab or Uttar Pradesh or any other State, our engineers will be in a position to pool their knowledge of the particular States and river basins and prepare integrated schemes which will serve the country as a whole.

Therefore, I give my full support to this Bill. I again draw the attention of the hon. Minister—I am glad that the Minister of Home Affairs is also here—to the fact that while there are complaints from different States that their officers have not been returned to the States, my complaint is that not a single officer from my State

has been transferred to any other State so that he may learn things and come back to my State. I hope the hon. Minister will kindly look into this aspect of the question. If that is done, the effects of this move will be more beneficial, more helpful and it will create a good psychological impression all over.

Dr. M. S. Aney (Nagpur): Sir, this is a small Bill but it deals with an important aspect of Indian administration. It is well known to us and to everybody that recently—it is a matter of regret—a kind of regionalism is growing in the country. India is a federation consisting of autonomous States. The Constitution has laid down provisions by which the functions and powers of the States and the Centre have been well demarcated. But gradually we find that with the growing sense of autonomy of the States this feeling is growing among the provincial people as well as those who are appointed as administrators in such a way that they look at their provinces as if they were something independent of the whole nation. It is not very much talked of in the public, but generally we find whenever there is a dispute between two provinces those two provinces or States are unable to settle their dispute between themselves. What does it mean? It means that both the States are wanting in one common thing, namely the feeling that they both have to serve a common State and therefore there is the need for their understanding the common points of each other, coming to a compromise and evolving a formula. I do not want to name any particular State. In the last two years I have found that whenever any dispute between two States arise, due to economic reasons or due to any other reason, it has not been found possible for the two leaders of the two States and the administrative officers of the two States to come together, settle their differences and find out a way to evolve a formula. I feel this is one of the root causes for in present situation of which a serious view has to be

taken by the Central Government this time.

Secondly, it is very well-known to the people outside that a few days before the Chinese danger had come, almost all the people were agreed that we must do something to integrate, to have a sense of integration among the people and bring them together and various suggestions were made, conferences were held and so on. So, when we look at all these things, I want the Members of this House to bear in mind, we, as members of the Central Legislature, as part of the Union Government, have a duty not only to the constituencies which we represent but to the nation as a whole to put an end to this tendency of disintegration, which is a corroding and deteriorating process, and introduce some healthy process by which the forces of integration can gain moral support. One may legitimately ask how a small Bill like this can achieve this purpose. In spite of its smallness, I feel that by introducing a Bill and placing some services into the sphere of All-India Services, Central Services, we create a new nucleus through which the process of creating integration in the States can be materially and substantially carried out. That is how I look at it.

Secondly, we must also bear in mind that the conditions under which we framed our Constitution and the conditions under which we are working that Constitution today are somewhat different. The reason is this. When we framed the Constitution, we had no idea of having any such body as the national planning body; we had an idea of administering the country in a particular way, and we made arrangements for that. Since then, we thought it not only desirable but necessary to have a national Planning Commission, whose sphere of work has now so widened that almost all the important departments of the Government, whether they belong to the

[Dr. M. S. Aney]

State or the Union, their administration, expenditure all these matters are being considered by that commission, including scope for improvement, reforms. We have to carry out those reforms.

It has been very often stated in the speeches made by our friends in the opposition, as well as in the speeches of Ministers, that one of the difficulties or main reasons for not reaching our target, or not keeping up to the programmes is that we have not got the proper services to administer the laws to enthuse the people and make them co-operate with the administration, which alone can help to create this atmosphere. These are the lacunae which should be remedied, by looking at the problems from a broad national point of view in a very intelligent and careful way. Having taken into consideration these things, I believe in the need for creating at least some more All-India Services, which will help to enthuse the creation of a national outlook among those who administer the departments, which is absolutely necessary today. So, this is the first step that has been taken in that regard and I believe it is a step in the right direction.

For example, take the case of irrigation. Several schemes have been taken up and carried out which have created all kinds of difficulties which we have found it difficult to solve. If there had been All-India Services of that kind, the heads of those departments would have discussed those questions from the national point of view so that the interest of none of the States will suffer. They will always prepare and carry out the schemes from that point of view and spirit. We find it lacking today. Suppose there is an irrigation project in Bombay State. The representatives of the Bombay Government and the officers of the irrigation department of that Government will bring in only

those arguments and reasons which are in favour of that State, saying that no injustice has been done to any other State. At the same time, the representatives of a neighbouring State, which feels as being adversely affected by that scheme, will put forward only those arguments which are favourable to that particular State. So, there will be no common ground for agreement or compromise. Such a contingency will not arise if there is a service which is brought up with the high ideals of nationalism and one nation and it is called upon to work in that particular spirit.

So far as the present services are concerned, they feel it their duty only to look to their Chief Minister and other Ministers and carry out their orders or instructions: nothing more than that. So far as the Chief Ministers are concerned, while I do not want to say anything which is disparageable to them, they have got a particular kind of narrow outlook limited to the interests of their own States, feeling at the same time that their conscience is clear because they are serving their States. Unfortunately, very few Chief Ministers are really imbued with a national outlook and are really qualified to look at questions from that point of view. In such a situation it is the duty of the Union Government to step in and give guidance to the officers in the States. They have to try to take a bold step without infringing on the rights of the States so that they can have a service which will not only carry out what is contained in the Constitution but will infuse into the working of the Constitution that national outlook without which no progress can be made.

I look at this Bill from that point of view. I would have added many more remarks but I am sorry I have not enough strength to make a long speech. Though this is a small Bill, it is very important. There should

be not only two or three services, but I can mention several others also, like educational service, which should be made all-India Services and added to the list as soon as possible. There is every need for that.

The absence of common standards of morality, common standards of public service, common standards of national integration are some of the reasons why we find so many complaints are being made so frequently of corruption of an intolerable nature. All these things can be treated only if we can have a national spirit through which these common standards can be made to filter down into the actual work of administration of the country. If you fail in that, then nothing can help you. Therefore, without making a long speech, I give my whole-hearted support to the measure brought forward by the Home Minister.

Shri V. B. Gandhi (Bombay Central South): Mr. Deputy-Speaker, Sir, I welcome this Bill. It has come none too soon. None too soon because we have all come to recognise the value of national integration and the urgency of national integration. This Bill is going to help, among other things, our aim of national integration. I also compliment the Minister for the patience with which he has worked for this Bill. We know that this Bill has come after it has been considered by the other House, the Rajya Sabha by way of resolution. Under article 312 the Rajya Sabha has to declare the constitution of the new services expedient and necessary in the national interest. We know that it has not been a very easy task for the Home Ministry, but we are glad to see that only that part of the proceedings of the Rajya Sabha has been successfully gone through but also the consent of the States has also been secured for the creation of these new Services.

Actually I think, the Ministry has done good and quick work because,

as we see it, it was on the 6th December 1961 that the Rajya Sabha made its declaration and passed the Resolution and on the 19th November, that is, within almost eleven months, the Bill had been introduced in this House. I say again that it was really commendably quick work done.

I am glad to see that there has been a consensus of opinion in this House in favour of the proposal contained in this Bill, namely, the proposal for constituting or providing these three new all-India Services, that is, the Indian Service of Engineers (Irrigation, Power, Buildings and Roads), the Indian Forest Service and the Indian Medical and Health Service. Although at present we are dealing only with these three Services that are to be brought within the category of all-India Services, I know that it was not possible in the case of any other services. These three Services could be immediately considered because the recommendations of the States Reorganisation Commission had confined themselves to these three Services only and at that time they did not think that it would be possible for the Central Government to accept recommendations for including any other service in it. We all know that one of the first services, after these three had been constituted, that should be considered for inclusion in the all-India list should be the Education Service. Its importance has been duly emphasized by Professor Sharma and others who have spoken before me.

The constitution of these three all-India services does not involve any new principles, but it does raise certain questions which we have to answer. For instance, there are questions like the question of States' rights or autonomy, the question of decentralisation and our attitude towards decentralisation, the question whether this kind of a constitution of an all-India service would help or hinder the process of integration and,

[Shri V. B. Gandhi]

finally, whether there are any intangible gains to be had by the presence of outsiders, like of members of these Services. They would be coming from outside the State in which they would be serving. These are rather very important questions and I shall try to deal with some of them.

Here in this House it need not be repeated that we have made a deep commitment and a deep allegiance to the principle of the States' rights and autonomy. We should also remember here that the States are very sensitive on this point of their autonomy and their rights. Our Constitution is so framed, as we know, that we have almost taken this as a kind of a philosophy for us that we shall work with our States as independent in the fields in which their rights have been reserved for them. Actually the behaviour of the Central Government towards the States can be appreciated when we see that very often when there has been a conflict of views between, let us say, the view held by the Union Public Service Commission on certain staff questions or staff matters and the view held by the States, the experience of all of us has been for several years that the Centre has been inclined to accept the view of the States. When we give such a large amount of consideration to the autonomy and rights of the States, we should also remind the States that what we are trying to do by way of constituting these three new all-India Services is not intended to take away any of their powers. Actually when we constitute an all-India service with regard to any particular subject, that should not mean that that subject is transferred from the State List to the Central List. The State can still retain control on questions of policy. Also, the State can still have full operational control over the particular cadres serving in the State.

Now, before I pass on to another

subject, I would passingly say that the words with which one hon. Member, Mr. Frank Antony, expressed himself here were really not called for. As I have said, the States are very jealous and sensitive about their own rights and autonomy and this kind of expression of views in this House does not help. Expressions like chauvinism and balkanization, I suppose, are unduly harsh. I do not think that there is anything communal in our States wanting to guard their rights given to them under the Constitution. Once again, I will say, this whole philosophy of our Constitution and our faith in decentralisation and all these things, if they indicate any thing, they indicate that we are genuine in our desire to have a decentralised autonomous functioning of States.

I need not elaborate the point of advantages that we can get by the way the Constitution of these three new services will help integration. There are, of course, other advantages in the proposal, such as, that there can be common recruitment, common conditions of service and there can be a provision for rotation between the Centre and the States and all that. In the long run, all this is bound to reflect in higher efficiency of our services.

One word before I close. It is about the advantage that we expect to arise from these members of All-India Services being present in the various States as members of their cadres. We know something of the very unfortunate happenings that can and do take place in the States and it has been the experience of all of us that the presence at the time of such outsiders like the members of these Services in certain very delicate situations in the State is very helpful. These outsiders can handle some of these situations more dispassionately and it has been the experience that they have handled them more successfully than members of the staff belonging to particular States.

(Amendment) Bill

With these words, I commend the Bill for acceptance by the House.

Mr. Deputy-Speaker: One hour was the time allotted for this Bill. We have already exceeded 25 minutes. So, I would allow 5 minutes to each hon. Member.

Shri Priya Gupta (Katihar): Sir, the amendment of the All-India Services Act, 1951 is before the House. Unfortunately, if I am not misconstrued by the hon. Minister for Home Affairs, I may say that I always get a scent other than what he has expressed as the object of such amendments. They give something as a reason, as a pretext, for bringing an amendment and there might be something else in their minds. Unfortunately, that is what I feel.

Now, in the Financial Memorandum, there is a remark as under:

"As the details of the cadre strengths of the various State Governments and the Central deputation quota are still being worked out, it is not possible to give an estimate of the expenditure involved at this stage".

So, my submission is that there must be some extra expenditure involved and I want to know whether it is worthwhile at least at this stage of our national emergency to incur this extra expenditure. If this Bill had come a few years ago—this Government did not say that there was Chinese aggression then, but our party said so—even then this was not necessary to bring this Bill then. I would like to know whether this is at all necessary in the perspective of national emergency when there is a cry for cut short expenditure.

Another point that I would like to say is this. Much prior to the introduction of this Bill, some of these services, the Indian Medical Service, the Indian Foreign Service and the like

were just given up by the Government of India itself. Why was it given up? That has got to be looked into. And it was given up by one of the most competent Governments, the British Government. They were foreigners, but at least there are some things to learn from them, i.e., how to run the administration. Why did they give up? That point has also to be gone into.

Then, there is another thing. There are three services which the hon. Minister proposes to bring in under the purview of the All-India Services Act, 1951. They are: the Indian Service of Engineers (Irrigation, Power, Buildings and Roads); the Indian Forest Service and the Indian Medical and Health Service. I would request the hon. Minister to clarify as to qualifications and the eligibility of this combined service, the Indian Medical and Health Service. Is it the same MBBS qualification, or are there additional subjects to be studied in All-India public health institutions and the like? What are the demarcations? About the first one, the Indian Service of Engineers (Irrigation, Power, Buildings and Roads), there is the combination of civil electrical and mechanical engineering. I want to know what shall be the criteria of competition and the syllabi for all these subjects. How will they be demarcated? What will be the demarcation between the mechanical side electrical side and the civil side? How will you determine the seniority and other things? How they are to be recast? That is also a point.

Now, the existing cadres in the States and at the Centre, at some stage or the other, are going to be tagged on to these three services. I want to know what will be the position of the existing people working in these cadres against any of these All-India Services. What protection of pay and seniority will be given to the existing people when they are interpolated together?

[Shri Priya Gupta]

I would like to point out another substantial point there are direct recruitment posts. In the medical line—it is not like IAS—people require experience after passing MBBS. The departmental quota for promotion to the All-India Service be increased. We have seen it in the Railways. There are Class II officers, they are rotting. Class III Officer is promoted to Class II post but he does the work on par with those of Class I officer. Class II Officers should be treated on par with Class I Officers. Class II posts should be abolished. I would submit that all these are very salient features which have to be noted, and that the quota for departmental promotion to Class I should be increased, and all protection should be given to the departmental staff in respect of promotion.

A point has been made that emotional integration will be increased if these all-India services are constituted. I do not agree to that. After all, whether these services are there or not, integration is some fundamental element which has to be there among the forty-five crores of Indian people. Whether you call them all-India services or provincial or State services or any other, that fundamental element has to come from the Indian people. So, integration, and other things are to be inculcated in the people, and revitalised and brought about by the behaviour of the people who are at the top of Government and not by creating any cadres. It is not by the creation of any new services or cadres that integration can be improved.

I would not like to exceed the five minutes' time that has been allotted to me. So, in conclusion, I would again submit only three things. Firstly, I would like to know whether the objects specified by the hon. Minister in the Statement of Objects and Reasons have been correctly given or there is something else in the back-

ground which he has kept in his mind. Secondly, I would like to know whether in the perspective of this emergency, this Bill should be allowed to be passed now or it should be kept pending. Thirdly, regarding the protection to the departmental employees, I would like to submit this; if by a majority Government pass this Bill, then there should be protection in respect of departmental promotion to the people who will be debarred from promotion to the existing cadre which will dwindle as a result of this. I would like this Bill to be judged from this point of view also, namely in the past also we had these all-India services, and they were given up afterwards. I would like to know why they are being revived again now. The need for this Bill should be seen in the context of that also.

Dr. L. M. Singhvi (Jodhpur): I rise to welcome this Bill which is under discussion this afternoon. I do so because I feel that this would streamline the efficiency and strengthen the considerations of merit in the selection of personnel and in the constitution of these services. A perspective analysis has been made by one of the speakers who preceded me, of the reasons for and the consequences of a Bill such as this, and I should like to endorse his remarks by and large.

I think that this Bill is a measure of the far-reaching transformation which our federal structure is undergoing. Whether we like it or not, we must concede that these institutions and these institutional innovations are, as a matter of fact, an expression of a deeper urge to create greater unification in our national institutions including the services, and I think that the unifying impact of a Bill such as this is bound to be very substantial indeed.

I should like however, to express my sense of regret and disappointment at the fact that this Bill does not go far enough in including some

(Amendment) Bill

of the other services also under the purview of all-India services. I should name in particular the need for Indian Educational Service. We would have been very glad to see the emergence and the creation of an All India Educational Service. We would have been very glad to witness the creation of something like an All India Extension Service and an all-India Business Management Service. The creation of these services would go a long way in streamlining the procedures of management and of extension work which have fallen in a bad way in some of the States of the Union. It is with a deep sense of regret that we witness the deterioration of the standards of management and of execution of works under the various State Governments, and it is no secret today that the efficiency in the execution of works is very low under the State Governments than it is under the Union Government.

If the conditions of service are uniform, merit would get greater recognition in the all-India services. I feel, however, that by creating these services only and not going ahead with the constitution of the other services in the field of education, extension and business management, Government have shown a remarkable failure to appreciate the exigencies of our situation. I feel that Government should review this matter, and instead of adopting an *ad hoc* approach to the federalisation of these services, they should come forward with a more comprehensive Bill so that it would also bring about the emergence of services in the field of education, extension and business management, to name only three.

I feel that the cry that is raised by some in the name of State rights is entirely illusory. Our federal structure has come to have a very visible unitary bias, and I, for one, think that it is all for the good. Not only is it good for the institutional pre-conditions for creating greater integration or greater unification, but also, as I have said earlier, it would

be conducive to efficiency and recognition of merit. There is no doubt that the State rights have suffered a steady and sizable diminution, and that insistence on State rights and autonomy of State institutions have fallen into what may be approximated to disrepute, partly because they are not as efficient as the Union Services are and partly because the control of various State legislatures is perhaps not as effective as it is here.

I was very sorry to find that the financial memorandum appended to this Bill was very inadequate and gave the go-by, if I may say so, to the requirements of the Constitution and of legislative process in this House. The financial memorandum is, as usual, very casual, very perfunctory and very inadequate. My hon. friend Shri Priya Gupta referred to paragraph 2 of the financial memorandum, and without reciting it before the House, I should like to draw your attention to the fact that in November, 1962, it was averred that the details of the cadre strength of the various State Governments and the Central deputation quota were still being worked out, and, therefore, that was used as a defence for not giving a proper estimate of the expenditure involved as a result of the creation of these services. Something like ten months have elapsed already. The details must have been worked out, and we would expect this House to be fully taken into confidence as to the extent of expenditure that is likely to be incurred as a consequence of the creation of these services. In these matters I think that Government have to be a little more careful and a little more responsive in meeting the demands for giving adequate information regarding the financial consequences of Bills. This has been uniformly ignored and neglected, and I hope that Government would see to it that this information is uniformly and invariably given in all Bills brought before this House, because this has been an important privilege of this House and I know that the House, as one, without any

[Dr. L. M. Singhvi]

party lines and differences, would not like to suffer any abatement of the requirement in the exercise of these privileges.

With these words, I commend this Bill and express the hope that Government would proceed to create all-India services in the field of education, extension and business management also.

श्री श्रीनारायण दास (दरभंगा) :
उपाध्यक्ष महोदय, अखिल भारतीय सेवा संशोधन विधेयक १९६२ आज हमारे सामने है। उसका मुख्य उद्देश्य तीन नई अखिल भारतीय सेवाओं का निर्माण करना है।

जैसा कि हम सभी जानते हैं कि हमने जब संविधान बनाया और अपने देश में संघीय शासन, संघात्मक शासन का निर्माण किया तो विभिन्न राज्यों के संवैधानिक अधिकार निर्धारित कर दिये गये। केन्द्रीय सरकार के अधिकार व कार्यक्षेत्र और विभिन्न राज्यों के कार्यों की सीमाएं निर्धारित कर दी गईं।

जिस समय हमने अपना संविधान बनाया उस समय दो अखिल भारतवर्षीय सेवाएँ थीं, इंडियन ऐडमिनिस्ट्रेटिव सर्विस और इंडियन पुलिस सर्विस। अब संविधान बनाने वालों ने यह सोचा कि एक समय आ सकता है जब और भी अखिल भारतीय सेवाओं का निर्माण जरूरी हो जायगा इसीलिए उन्होंने संविधान में इस बात का भी निर्णय कर दिया कि जब कभी इस बात की जरूरत हो तो इसकी व्यवस्था की जा सकती है। राज्य सरकारों का तो ख़ास कर निर्णय नहीं है लेकिन राज्य सरकारों की जो प्रतिनिधि राज्य सभा हैं, उसमें जब बहुमत से अर्थात् दो तिहाई से अधिक सदस्यों द्वारा इस तरह का प्रस्ताव पास किया जायगा तब नई सेवाओं का निर्माण हो सकता है। जैसा कि अभी कई माननीय सदस्यों ने कहा है कि अभी देश की आवश्यकता है और देश की आवश्यकता की पूर्ति के लिए कई आल इंडिया

सर्विसेज के निर्माण करने की आवश्यकता है, इसीलिए तो राज्य सभा, जो विभिन्न राज्यों के प्रतिनिधि के रूप में केन्द्रीय व्यवस्थापिका में निर्मित है, उसने यह करीब करीब बहुमत से ही इस बात को पास किया है कि तीन नई अखिल भारतीय सेवाएं बनाई जायें। वे तीन सेवाएं हैं :—

1. The Indian Service of Engineers (Irrigation, Power, Buildings and Roads),
2. The Indian Forest Service, and
3. The Indian Medical and Health Services.

जैसा कि हम सभी जानते हैं सरकार के तीन मुख्य अंगों में एक मुख्य अंग एक्जीक्यूटिव है। प्रजातन्त्र में यद्यपि व्यवस्थापिका का बहुत ज्यादा महत्व है फिर भी जिस तरीके के डेमोक्रेसी का संचालन हम कर रहे हैं उसमें हम देखते हैं कि जितने भी कानून बनते हैं, उन कानूनों के बनाने में भी अन्तिम तौर पर तो हमारा अधिकार है लेकिन आरम्भिक तौर पर हमारे पास का सारा अधिकार हमारी एक्जीक्यूटिव के हाथ में है। एक्जीक्यूटिव जिस रूप में हमारे सामने रखती है उसमें थोड़ा बहुत संशोधन करके उसको आगे पास करती है लेकिन जितने भी हम कानून बनाते हैं उन कानूनों के बनाने में कम हाथ हमारी एक्जीक्यूटिव का नहीं रहता है। प्रजातन्त्र की सफलता के लिए जरूरी है कि एक्जीक्यूटिव सक्षम हो, शासन योग्य हो और वह शासन को अच्छे पैमाने पर चलाये जिससे प्रजातन्त्र का जो जनता के अधिकार को सुरक्षित रखने का मकसद होता है वह पूरा हो सके। जनता के हित के लिए, जनता की भलाई के लिए काम हो सके। यह बीज ज्यादातर एक्जीक्यूटिव पर निर्भर करती है। जूडिशियरी और लेजिस्लेटिव का भी महत्वपूर्ण स्थान है। लेकिन जूडिशियरी और लेजिस्लेचर के मुकाबले में मैं समझता हूँ कि एक्जीक्यूटिव का अधिक महत्वपूर्ण स्थान है। एक्जीक्यूटिव जैसी सक्षम होगी जैसी बवालफाइड होगी

वैसे ही हमारा प्रजातन्त्र अच्छे तरीके से चलेगा।

इस बात को मद्देनजर रखते हुए और इस बात का भी ख्याल करते हुए कि हमने जो संविधान बनाया वह सघातमक संविधान है, हमने विभिन्न राज्यों को अधिकार दिये हैं और उनके अधिकारों में हम हस्तक्षेप नहीं करने जा रहे हैं और जैसा कि मैंने अभी बताया राज्य सभा ने इस प्रस्ताव को बहुमत से पास किया और सरकार ने विभिन्न राज्यों की राय ले ली तब जाकर इन तीन नई अखिल भारतीय सेवाओं का निर्माण किया जा रहा है। मैं समझता हूँ कि यह बहुत ही महत्वपूर्ण है। इसकी आवश्यकता पहले चाहे न भी रही हो लेकिन इसकी आवश्यकता अब है। लेकिन जैसा कि अभी कई माननीय सदस्यों ने कहा कि ऐसा मान लेना कि इन आल इंडिया सर्विसेज के निर्माण करने से ही राष्ट्रीय एकता को हम अपने समक्ष एक मूर्त रूप में सकेंगे, ठीक नहीं होगा। आल इंडिया एडमिनिस्ट्रेटिव सर्विस अभी भी है, इंडियन पुलिस सर्विस अभी भी है तो इस बात पर जोर देना कि आल इंडिया सर्विसेज के हो जाने से ही हमारे देश में राष्ट्रीय एकता कायम हो जायगी, मैं समझता हूँ कि यह बहुत फार फेंच बीज है। यह एक ऐसी कल्पना है जिसमें कोई सार नहीं है। अलबत्ता सार इस बात का है जैसा कि कई माननीय सदस्यों ने बताया कि सिंचाई, बिजली सड़क निर्माण या वन विभाग यह सब विषय ऐसे हैं जिन्हें कि हमें एक प्लांड तरीके से एक योजनाबद्ध तरीके से आगे बढ़ाना है। ऐसी हालत में इन विषयों की अगर प्रान्तीय सेवाएँ हों तो हमारी प्रान्तीय सेवाओं में जो काम करने वाले अधिकारी होंगे वे इन कामों को बड़े राष्ट्रीय पैमाने पर, राष्ट्रीय दृष्टिकोण से नहीं कर सकेंगे। इसलिए इस तरह का कदम उठाने की आवश्यकता महसूस की गई है। सरकार ने जो कदम उठाया है मैं समझता हूँ कि वह अभिनन्दन करने और स्वागत करने योग्य है।

जसा कि अभी एक माननीय सदस्य की छोड़ कर सबने इस कदम का स्वागत किया, हालाँकि मैं इससे इकार नहीं करता कि उनके कथन में कुछ सार नहीं है। कुछ सार अवश्य है लेकिन देश की वर्तमान आवश्यकता को देखते हुए अब इस बात से कोई ईकार नहीं कर सकता है कि इस तरह का कदम उठाना नहीं चाहिए। विभिन्न राज्यों के जो प्रतिनिधि हमारी राज्य सभा में बैठे हुए हैं उनकी अनुमति से राय इस तरह की अखिल भारतीय सेवाओं के निर्माण की है। उनकी राय है कि अगर मैं अखिल भारतीय सेवाओं का अधिक से अधिक निर्माण करें तो हमारे देश का प्रशासन सक्षम होगा, हमारे देश का प्रशासन योग्य होगा और वह अच्छी तरह से चलेगा।

अब जैसा कि कई माननीय सदस्यों ने बताया कि शिक्षा के लिए भी अखिल भारतीय सेवा का निर्माण होना चाहिए। जैसा कि माननीय सदस्य, डा० सिध्दी ने कहा है, देश में एक आल इंडिया इकानोमिक सर्विस का निर्माण करने का भी बहुत आवश्यकता है। इस के बारे में कई वर्ष पहले से बातचीत चलती रही है। हम देखते हैं कि राज्य सरकारें और केन्द्रीय सरकार औद्योगिक कामों को अपने हाथ में लेती जा रही हैं और हमने अपने देश के औद्योगीकरण का निर्णय कर लिया है। ऐसी हालत में देश में एक आल-इंडिया इकानोमिक सर्विस बनाना बहुत जरूरी है, जिसमें विजिनेस मैनेजमेंट वगैरह भी आते हैं। मैं चाहता हूँ कि सरकार इस बात पर विचार करे और यदि राज्य सरकारें राजी न भी हों, तो भी वह स्वयं आल इंडिया इकानोमिक सर्विस का निर्माण करे।

मैं ज्यादा समय नहीं लेना चाहता हूँ। मैं समझता हूँ कि संविधान में राज्यों को जो अधिकार दिये हुए हैं, उनका परिपालन करते हुए और उनकी राय से हम धीरे-धीरे सब महत्वपूर्ण विषयों के संचालन और प्रशासन के लिए अखिल भारतीय सेवाओं का

[श्री नारायण दास]

निर्माण करें, ताकि इस देश के विकास और प्रगति में सहायता मिले।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

Shri Hajarnavis: I express my profound gratitude to hon. Members who have extended their support to this measure. They have said all that could be said in support of the principle underlying this Bill.

There are, however, a few questions asked and I must answer them. First of all, Shri Frank Anthony asked whether the recommendation of the States Reorganisation Commission about allotting 50 per cent of the officers from outside is being implemented. I assure him it is being implemented to the full in the case of Indian Administrative Service and Indian Police Service. As far as our present thinking goes, we want to maintain the same proportion in the other services which will be constituted when this Bill comes into operation, unless of course some compelling reason has been adduced as to why it should not be done. So far we have not heard any.

Then he found fault with us for not coming out with a proposal to form an all-Indian educational service. That was also the wish expressed by other hon. Members. The matter is under constant discussion between the representatives of the State and Central Governments. We are also keen that together with the other services, an all-Indian educational service should also, if possible, be set up without delay. But there are formidable difficulties to be overcome. I think Shri Anthony was minimising those difficulties.

First of all, in the educational departments, there are two wings, the organisational wing and the teaching branch. It is difficult to adjust the rights between the organisational or

administrative branch and the teaching branch. In some States, there is a constant interchange between the two whereas in others a person starts on the administrative side of the education department goes right up to the highest administrative post in the department. But the real difficulty is in the case of universities. All of us who have anything to do with education know how jealous the universities are of preserving their autonomy. We in Government are also anxious that this autonomy should be preserved. If more and more universities are undertaking post-graduate education, then the question of fitting those teachers in the post-graduate department into the all-India educational service will also have to be considered. Will they be left out? If so, will the all-India educational service merely embrace the administrative side?

These are all difficult questions to which we are addressing ourselves. It does appear that we are nearing an agreement between all the States—a solution appears to be in sight. I must make it clear that whatever is done will be done with the willing consent of the States. There is no desire on the part of the Central Government to make any inroad into provincial autonomy.

Shri Priya Gupta said that because the British Government was very competent, we should follow their example. He mentioned that between 1920 and 1935 the existing all-India services were dismantled, and he asked: if the British Government dismantled them, why is it that we are trying to erect them again? I do not know the mind of the Government then, but I do know that between 1920 and 1935 what was aimed at was that there should be as much provincial autonomy as possible, and at that time it was not thought that a democratic set-up at the Centre was within practical possibility, but that there should be as much measure of

democratic control by the provinces as possible. That being so, the State Governments were anxious that the all-India services should operate in such a way that they were still subject to central control, and one way of doing that was to dismantle or discontinue the all-India services.

But now, since 1946, I would say almost unanimously opinion has been expressed in all responsible quarters that in as many branches as possible we ought to have all-India services.

When we have all-India services, it does not mean that there is any kind of centralisation. The main control is vested in the State Governments. It is only in respect of major punishments and hearing of the appeals that the Central Government shares that authority with an independent and competent body, the Union Public Service Commission. It is rarely that the Central Government declines to accept the advice of the Union Public Service Commission.

It will be found that these services which are constituted are mostly technical services. If good, competent technical advice is necessary, it is necessary that the services should have a certain amount of independence and security. If they profess to give technical and professional opinion, they ought not to be deterred from giving that opinion merely because they feel that their chances of promotion etc., will be jeopardised by the Government which they serve.

Then, there is the added advantage that with the constant interchange of service between one State and another, between the Centre and the States, there will be constant pooling of information, pooling of experience and constant exchange of information which will lead firstly to uniformity of standards and secondly enrichment of experience. All these points have already been mentioned. I need not repeat them.

Shri Priya Gupta asked certain questions about qualifications to enter the service, how the present staff is to be accommodated within the service

etc. This again is a matter of consultation between the States. As I said earlier in moving the Bill, the proposal is that 25 per cent of the posts should be reserved for the people from the State services, and there is also a proposal that this should be increased to about 50 per cent. We may have to agree to something between the two. As regards the qualifications, how they are to enter the service etc., all these have to be settled in consultation with the Union Public Service Commission who will bear the main burden of recruitment.

As regards the Financial Memorandum, I can only say that we gave anxious thought to it as to what information we could give to the House. The matter, if at all, is governed by article 117(3) which says that any measure involving expenditure from the consolidated revenue must receive the assent of the President, which we obtained, and that attracts also rule 69 which says that the Financial Memorandum should follow. I entirely agree that as far as possible, accurate estimate of the expenditure should be given. That is our obligation. But, giving our best thought to it, we could not estimate what expenditure would be incurred if this Bill became an Act. This Bill by itself does not involve any expenditure as Dr. Singhvi, distinguished lawyer that he is, will see. It is merely an enabling measure. It is only when the posts are created that the expenditure will fall to be met, and when that is to be met, that will be included in the Budget. I entirely agree with him that Government ought not to expend any money unless it has received the sanction of the legislature. I thought about this objection, because it is a very serious objection, that no executive ought to draw any money from the Consolidated Fund unless it has the imprimatur of the legislature. I entirely agree that is our obligation, but if this becomes law, it by itself does not involve any expenditure from the Consolidated Fund. How many posts

[Shri Hajarnavis]

will be created, how many persons of the State services we are going to recruit to the all-India service, what will be their pay and increments, all this will be worked out only when the details are settled and they shall form part of the Budget either of the State or of the Centre, and then that question will come before the legislature.

Thanking the Members again for their almost unanimous support, I move.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the All-India Service Act, 1951, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Amendment made:

Page 1, line 4,—

for "1962" substitute "1963".

(Shri Hajarnavis)

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

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

Amendment made:

Page 1, line 1,

for "Thirteenth Year" substitute "Fourteenth Year".

(Shri Hajarnavis).

Mr. Deputy-Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill".

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That the Title stand part of the Bill."

The motion was adopted.

The Title was added to the Bill.

Shri Hajarnavis: I beg to move:

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

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

14.25 hrs.

INSTITUTES OF TECHNOLOGY (AMENDMENT) BILL

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): I beg to move:

"That the Bill to amend the Institutes of Technology Act, 1961, be taken into consideration"

This is a Bill which proposes to add to the four higher institutions of technology which already exist in the country by upgrading the present Delhi College of Engineering and Technology.

The need for increasing and improving the facilities for technical education in the country does not require any special pleading before this House because this House has again and again stressed that we must both expand and improve these facilities.