

Shri Warier: Then I will continue now. The experience that we have gained by this time as far as the service co-operatives are concerned,—

Mr. Speaker: He can give his experiences next time when he may continue his speech. The House will now proceed to the next item—half-an-hour discussion.

18 hrs.

***VERIFICATION OF CHARACTER
AND ANTECEDENTS OF GOV-
ERNMENT EMPLOYEES**

The Minister of Home Affairs (Shri Lal Bahadur Shastri): Before Shri Gopalan speaks, I would like to correct what I have said before. The other day on 1st May 1962 I said that police verification is generally done after the appointment. I want to make it clear that verification of character and antecedents of the candidate selected for appointment is done generally prior to the offer of appointment, though in exceptional cases, where the appointments are on a short-term basis and have to be made without any delay, the verification is undertaken immediately after the appointment is made. So, I want to make this correction to what I had said before so that he might know the correct position.

Shri A. K. Gopalan (Kasergod): I request the Home Minister to consider this aspect of the question, because in Kerala Assembly as well as in the West Bengal Assembly, there had been discussions about police verification by which there is denial of employment to some category of Government servants. Before that I want to point out the code of conduct that has been accepted in the first meeting of the National Integration Committee here. There is an item No. 6 in which it is agreed that political power at any level should not be used for furthering the personal interest of members of one's own party or harming the interest of the members of the other

parties. The parties which took part in that conference have accepted that code of conduct. On the basis of that also, it is necessary today that the G.O. that is already there saying that there must be verification of antecedents and character should be looked into. How it is worked in the States today must be looked into and power must be given to an autonomous body like the Public Service Commission to go into the question of character and antecedents and see that there is absolutely nothing as far as political parties or organisations are concerned.

After my question was answered here, the Prime Minister, in the course of his reply in the other House to the debate on the President's Address, said:

"One hon. Member raised the question of police verification of persons joining Government service. I do not exactly know what he was referring to. But I gather there is no police verification of that type. Some kind of verification takes place, which is an old practice, not about political opinions, but about other matters. We are trying to put an end to this. Of course, if there is some patent factor against the person, it is a different matter; but not for political reasons."

This is what the Prime Minister said in the Rajya Sabha the other day. But the Home Minister of Kerala and the Chief Minister, replying to this question in the Kerala Assembly have definitely said that this is an all-India pattern and they are following this pattern of police verification. They have given figures saying, so many persons were denied Government employment. As far as the Prime Minister is concerned, he has said, "We do not know; it is not political opinion; it is some other thing."

I have got certain examples. So far as character and antecedents are concerned, if things like whether he is a bad man, a rogue, thief or of bad

*Half an hour discussion.

moral character, etc. are looked into, certain things that have happened will not happen. I want to point out the utterances of the Home Minister of Kerala and of the Chief Minister before that. I want to point out the exact order that is there, as far as police verification is concerned: Appendix to G.O. No. M.S. 711 (Home) dated 23rd January 1961, Trivandrum. I have got the whole copy of the order, but as I have no time I do not want to read the whole thing. It is said here as to who must do it, how it must be done and all that. It is said here:

"Illustrative grounds for action under this rule for taking action against persons suspected of subversive activities or membership or association with members of the following parties:"

It is not only membership, it is also association with members of some parties. That means, if I am not a Member of Parliament and if Shri Kaul and myself walk together on the road side, he may be considered to be a Communist having association with me and he may be dismissed. The parties listed are: CPI, RCPI, RSP, Marxist section of the Forward Bloc, Kisan Sabha, RSS and Muslim National Guards. I understand that the Muslim National Guards and RSS in Kerala have been removed from the list because Shri Mannath Padmanabhan recommended it. The order definitely gives the names of the organisations. If persons are members of those organisations or they are in association with members of those organisations, then action will be taken against such persons.

The State Home Minister, Mr. Chacko, told the Assembly in reply to a question that 76 persons who were provisionally appointed on the basis of selection made by the Public Service Commission were subsequently dismissed on this ground. Just now the Home Minister said that it was only before the appointments that police verification was done. But the State Home Minister has definitely

said that after appointment 76 persons were dismissed on police verifications being done. That means after six months, one year or two years they were dismissed. I have a case here with me where after 11 years a person was dismissed. The State Home Minister did not disclose how many were denied even provisional appointment, but according to some sources the number would not be less than 500.

Far from denying the existence of such secret instruction from the Central Home Ministry, the State Home Minister said that his Government was falling in line with all-India practice. He meant to say: "Why do you blame us? We are asked by the Central Home Ministry to do so. It is not only we who do it, it is an all-India practice". Dr. B. C. Roy, Chief Minister of Bengal, speaking on a resolution moved by the Opposition pointed out that this system was prevalent all over the country and there was no reason why he should not use it. He said that out of 40,000 cases sent up for verification within the last year only in 77 cases were the candidates found unsuitable for Government services. He did not say how many were dismissed, but he definitely said that there were verification reports from the police and there were 77 cases where employment was denied.

Therefore, what is it that the Home Minister of Kerala and the Chief Minister of Bengal have said? What is it that the Prime Minister has said, that there is absolutely nothing like police verification and if there is any verification it has nothing to do with any political opinion or anything of that kind? Here is in existence a G.O. I want to know from the Home Minister whether the G.O. that I mentioned is still there. If it is there, what does "association with members of party" mean, and how is it that the police verification is done?

Sir, I want to point out a few cases to show how it is implemented. Two young advocates were properly select-

[Shri A. K. Gopalan]

ed by a selection body including a Judge of the High Court for the post of Munsiff to be filled in Kerala. One was Mr. Bhatt who stood first in the test, and the other man, a practising advocate, was the fourth. There were 26 persons who appeared for the test, and these two persons were denied appointment. What is the reason? If there is anything objectionable in their character or antecedents, the judge, the members of the bar association and others also will know it. As you know very well, Sir, if there is the slightest blemish in their moral character, or anything similar to that, they can be dismissed from the bar association itself. So, it cannot have anything to do with their conduct, character or antecedents. Here we must remember that a judge of the High Court was also present in the meeting of the Public Service Commission to make the choice. Then some persons were selected. But one person is taken, and his name is Shri U. L. Bhat, because he had some association with the Communists before applying for the post. In the case of the other, his brother had stood for election in 1957 on a different party ticket. This is the reason why these two people have been denied selection. There are no other reasons why they should not be given selection. They were not given the reason because in the circular it is mentioned that no reason should be given, because there is no reason.

Now a person is employed for five years and then he is given a notice saying that the services are no longer required. There is no machinery for him to appeal to any higher authority and say that no reasons have been given for his dismissal or removal from service. It is simply stated that his services are no longer required. There are so many letters with me to prove my case. There are records in the Government by the superiors of the persons concerned saying that the officer is very good or very efficient. He is given a good chit by his super-

riors and yet, at the same time, he is dismissed from service. For what reasons? No reasons are given. Then, there is no authority to go into and decide whether the reasons given are correct or not.

I have with me a letter written by one Surendran. He says that after 11 years of service he has been dismissed from service because, firstly, a local leader of the opposition party is his relative and, secondly, his uncle is a born Congressman and his father-in-law is a Congressman but all the members of the family are Communists. The third reason is he has constructed a house. In his letter he says: "I am very much pained to see that one reason is that I have built a house in Kerala". How can that be a reason for dismissing a Government servant?

Then I want to refer to the G.O. If the Home Minister says that the G.O. is not in existence, it is cancelled, I have nothing to say. But if that G.O. is in existence, it definitely says that any association with members of certain parties can be a reason for which a Government servant can be dismissed. What do you mean by character and antecedent here? There is the fundamental right guaranteed by the Constitution. A private employer can say "I will not give you a job and I will not give you the reason". But, as far as the Government is concerned, it can never tell a person "you will not be employed and neither will we give the reasons". If the Government cannot employ a person, it must give the reasons. The reason can be inefficiency, want of educational qualification or committing some mistakes.

We do not say that a person who is disqualified on these grounds should be recruited and should not be dismissed from service. If a person has put in three or four years of service and you find that he is inefficient, he is behaving badly or he is indisciplined, Government can very well tell him "these are the charges against you and

so we dismiss you". But here it is not a question of want of efficiency or ability. Certain fundamental rights are guaranteed by the Constitution and even those rights are now trampled under the feet of the Government. A person has no opportunity to get an appointment. After two or three years on the basis of some police verification he can be dismissed from service. And that police verification need not be by the Circle Inspector or the Inspector of Police. It can be by an ordinary policeman, as mentioned in the circular, residing in his area. That policeman can make an enquiry and report something adverse on the basis of which that poor Government servant will lose his appointment. There is the State Public Service Commission and the Union Public Service Commission.

Mr. Speaker: He has already taken 15 minutes. How much more does he want out of the 30 minutes and how much does he want to spare for the Minister?

Shri A. K. Gopalan: I will finish within two minutes, so that he may answer all my points.

There is the UPSC and the State Public Service Commission. Why not give them the authority to discharge this work? If a person is not selected, why not we give him the reasons? After a person is appointed, after he has put in a service of about ten years, if you want to state "your services are no longer required" it can only be on the basis of inefficiency, on the basis of indiscipline, and that too after sending it to the proper machinery.

He must be given an opportunity and a machinery, not those under whom he is working but an autonomous body. So, the Public Service Commission must be given in my opinion a right to see that as far as his character and antecedents are concerned they may not be political. That may be looked into. Once that man is appointed there is no reason

why he should be dismissed without giving him any reasons by saying, "Your services are no longer required".

I would request the hon. Home Minister to see that if this order is in existence it is cancelled today. As I have said before, when we have got a National Integration Committee and when it is definitely said that political power should not be used to harm the members of other parties and other people, certainly this Government Order that is there should be cancelled and all those things that are there should be examined by the Government. They must be given an opportunity. They must be told the reasons because they are not political reasons. Then, a machinery must be found by which innocent people may not lose their jobs on the report of the Police. Many of them say, their fathers and relations say, "We have nothing to do with any political party, but because somebody has reported we have lost our jobs." There is not one or two cases. As Shri Chacko has said, there have been 76 cases of dismissal after appointment. I request the hon. Minister to see that this is not done because it only creates a bad impression in the minds of the people as well as of the political parties and it goes against the very spirit of the resolution that has been passed by the National Integration Committee.

Shri Sinhasan Singh (Gorakhpur): Sir, may I ask a question?

Shri Inder J. Malhotra (Jammu and Kashmir): Sir, may I also ask a question?

Mr. Speaker: The hon. Mover has taken 17 or 18 minutes. If I allow three or four hon. Members to ask questions, the hon. Minister will have no time to reply at all.

Shri S. M. Banerjee (Kanpur): We can sit for five minutes more.

Mr. Speaker: Half an hour means 30 minutes only.

Shri Lal Bahadur Shastri: Sir, I had made it clear the other day that in so far as appointment or recruitment is concerned there is no restriction imposed on anyone who belongs to any political party or holds a particular political opinion. I would still emphasise the same. I think, Shri Namboodripad has made some confusion in this matter. I hope the hon. Member, Shri Gopalan, will be good enough to understand it clearly that at the time of selection by the Union Public Service Commission there are no such restrictions. There is no ban imposed. When the selection has been made then certain verifications are made in all cases whosoever is selected. Before the appointment those verifications are made and no one is disallowed to join Government service only because he held certain political opinions or belonged to any political party.

But there is the other thing to which I also made a reference the other day in the House. Under article 311(2) (c) it is provided:

“where the President or Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to give to that person such an opportunity.”

Under the provision of the Constitution, the CCS (Safeguarding of National Security) Rules were framed and under these Rules if a person working in Government is found associating with any political party, whichever the party might be....

An Hon. Member: Including the Congress.

Shri Lal Bahadur Shastri: Most certainly, Congress, PSP, Socialist..

Shri S. M. Banerjee: Can he give one instance where a man has been discharged or dismissed because he is in the Congress?

Shri Lal Bahadur Shastri: If he gives me any such name, I would be

the first person to remove him. Of course, he will be given a proper opportunity to explain his case. But I am quite clear on that point. Anyone who is in Government employment has no business to associate himself with any political party. So we are quite clear on that. And if during the course of his service it is found that any government servant is doing that . . .

Shri A. K. Gopalan: May I have a clarification as regards this ‘association’? Suppose the father and the son live in the same house. The father is a Communist and the son is a government servant. Does that mean ‘association’ also?

Shri Lal Bahadur Shastri: I do not think so. Every case has to be properly looked into and all the aspects gone into. We should not take action against any employee without fully going into the case and investigating the charges. We should be absolutely fair to each and every government employee.

Shri A. V. Raghavan (Badagara): What about the Kerala circular which says “association with the Communist Party”?

Shri Lal Bahadur Shastri: I shall say a few words on that also.

So, this is under the National Security Rules, as I said, that action has to be taken. But, as far as I am aware, in the Central Government rarely has such action been taken.

But in certain cases, as I said the other day, we have found certain employees working in communal organisations—not actually working—but they have taken part in activities which might as well be called subversive. As far as I know, there have been two or three such cases which were brought to the notice of the Government of India. And they had to make enquiries, and after proper enquiry, the needful was done.

So I hope the hon. Member will agree with me that any one employed in government service should not be entitled to take part in any such activity. I might also inform the hon. Member that these Rules were challenged in law court, and the Supreme Court, the highest judiciary in the country, has upheld these Rules. So we are doing nothing which goes against the Constitution.

Shri A. K. Gopalan: I can quote something against also.

Shri Lal Bahadur Shastri: Those are different things. Those things to which Shri A. K. Gopalan is making a reference are somewhat different. They have, again, made it clear, and the Supreme Court have said that political parties are not as such mentioned in the cases of those persons against whom action was taken, and therefore they felt that if it was proved that they were indulging in a subversive activity, action could be taken and was justified. I have seen the judgement of the Supreme Court in regard to a particular case. I do not know whether Shri A. K. Gopalan is referring to that. But I have seen that judgment in which they have fully justified the action taken by Government.

In regard to Kerala it is difficult for me to discuss those specific cases. Of course, it is entirely for the State Government to deal with this matter and the Central Government cannot intervene. But yet I am prepared to make enquiries for my satisfaction, and I can say that if there is any kind of hardship in the compliance of these rules, we will certainly be prepared to look into them. I do not want that in the compliance of the rules we should cause any kind of harassment or special difficulties to the employees. Well, I would also like to add that the Members of the Communist Party, who are in fairly good number in the Kerala Assembly, should take it up in the Kerala Legislature.

Shri A. K. Gopalan: They have taken it up.

Shri A. V. Raghavan: They take shelter under the Home Ministry's circular.

Shri Lal Bahadur Shastri: I have explained it. The Home Ministry's point of view, approach, I have explained and I have shown the distinction. Just now Shri A. K. Gopalan was reading out something. There are one or two things in that circular which find no place in the circular issued by us. The State Government is free to formulate its own rules on the basis of the advice given by us.

Shri A. K. Gopalan: At the same time, in the discussion that I pointed out here, Shri Chacko, the Home Minister, said that this is the all-India pattern and so we do. When they take any action, they fall back upon the Home Ministry and say that this is the all-India pattern, we have not done it, why do you blame us, we are bound to have it.

Mr. Speaker: Now, the Members in that legislature would take this statement of the Home Minister and fight that this is the statement of the Home Minister.

Shri S. M. Banerjee: The hon. Home Minister says that it differed. What is the real circular?

Shri Lal Bahadur Shastri: It is not necessary to disclose the contents of the circular to Shri S. M. Banerjee or to this House. If that is not so, I would have said it earlier.

Shri S. M. Banerjee: How does it differ, to what extent?

Shri Lal Bahadur Shastri: On the point that Shri S. M. Banerjee has raised, I would like to say a word, I am somewhat surprised that a wise and balanced man like Shri Namboodiripad should have referred to that circular and made a statement on that. He knew this circular while he was functioning as the Chief

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Münster of Kerala. He was under an oath of secrecy.

Shri A. V. Raghavan: This came only after Shri Namboodiripad.

Shri Lal Bahadur Shastri: Let me finish. It would really be dangerous if Chief Ministers of different political parties, who held office at any particular time, later on referred to secret documents publicly or even privately. Of course, I do not want and I am not here to accuse anybody. I would leave it to Shri Namboodiripad himself, because I respect him very much. Therefore, I would leave it to Shri Namboodiripad to consider its propriety.

Shri A. K. Gopalan: Shri Namboodiripad is not here. May I make a clarification, because I know certain things? Shri Namboodiripad is not here.

Shri Lal Bahadur Shastri: I will finish in half a second. It is already getting half past six. The whole thing is based on the statement he made. Shri A. K. Gopalan also referred to Shri Namboodiripad's statement last time. Therefore I say that I entirely leave it to him to decide about the propriety of making reference to these Government orders or circulars. Somehow, I do not know how he got confused in not distinguishing between the two things to which I have made reference just now. I hope, in these circumstances, Shri A. K. Gopalan will understand the position of the Government. But, once again, I would say that if there is any hardship in the compliance of these rules, I would be the first person to do the needful and take necessary action.

Shri A. K. Gopalan: I want to make a clarification. When Shri Namboodiripad became the Chief Minister of Kerala, the rule was there. What the Communist Ministry did was, they gave a directive to the Public Service Commission that, if there is police

verification and it is only on that basis that appointment is made, that should not be there. Till the Communist Government was there, the Public Service Commission looked into the cases and saw that if a man is fit, when he is efficient, when he has the qualification, he is appointed. The G.O. that I referred to is of 1961, after Shri Namboodiripad. When he was in the Assembly, as a Member of the Assembly, when he was asked, he explained in the Assembly and it was published. He said, we did not do it, we only said that when we will come to power, we will not see what is the antecedent character of a man, is he a Congressman, is he one who has worked among the Communists, do not look into that. The police report may be like that. Do not take that into consideration. Do not look whatever the political party. He gave an order and said to the Public Service Commission, do not look into the political character, but only see that appointment is made on this basis. He said this because in the Assembly, as opposition leader in the Assembly, he was asked and it is on the basis of that that he made the statement.

One question I want to ask.

Mr. Speaker: There will be no opportunity for him to answer.

Shri A. K. Gopalan: If the hon. Home Minister will be kind enough to answer, what is the objection? If you want to dismiss a man, give him the reason and give him an opportunity to explain that he is innocent. At least, can that not be done? At least give him an opportunity and tell him 'You are dismissed because of this reason', so that he may understand and the country also may understand.

Shri Lal Bahadur Shastri: It is generally done. But only in very exceptional cases, when the question of the security of the State is involved.

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Shri S. M. Banerjee: It is never done.

Mr. Speaker: Now, the half-an-hour discussion is over.

Shri Lal Bahadur Shastri:... action may have to be taken without giving them full opportunity.

18.31 hrs.

Shri A. K. Gopalan: May I just say one thing?

The Lok Sabha then adjourned till Eleven of the Clock on Monday, May 21, 1962/Vaisakha 31, 1884 (Saka).
