

Bill

and although the Minister of Commerce is busy in conversation with his friend, the Deputy Minister of Planning, I must say that I am raising a very important issue which must be faced by our Government right now, if we are going not to barter away our economy to foreign interests. We are also contemplating to put up big steel plants. Thank God, in the steel industry, Indian interests are there, and future steel plants will also be under the full control of the Government of India. But I must warn Government that wherever there is any question of participation or domination by foreign interests—maybe in one or more of the steel companies—it must take a lesson from this report of the Tariff Commission and develop the steel industry in such a way that we have not to face this situation.

Now, this report has made a definite recommendation about setting up a pilot project for the manufacture of tyres and tubes, and giving special assistance to Indian enterprise wishing to enter this field. I would like to know from the Minister of Commerce what step Government is taking in regard to this recommendation—b(1)—of the Tariff Commission.

Now, I have taken so much time on this report because in two more reports which are now before the House in the form of these Bills, the Tariff Commission has been at pains to mention that in respect of these industries, Government will have to take special measures for the proper development of these industries. One is the aluminium industry and the other is the alloy, tool and special steels industry. What surprises me most is

Mr. Chairman: Order, order. The hon. Member has dealt with two industries. Now he is going to touch upon a new industry. I am very doubtful if the House will agree to sit more than five minutes after 6 P.M.

Shri Karmarkar: I think he will finish in two minutes.

Shri Bansal: I will try. Or I will come tomorrow, if I can.

Mr. Chairman: Is the hon. Member coming tomorrow?

Shri Bansal: I cannot say. I am busy in another place.

Mr. Chairman: If he is in a position to come tomorrow, he will continue his speech tomorrow.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FORTY-FIRST REPORT

Shri Altekar (North Satara): I beg to move:

“That this House agrees with the Forty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 6th December, 1955”.

Shri M. L. Dwivedi has got 2 hours and 26 minutes for his Resolution. In the remaining 4 minutes, **Shri Raghubir Sahai** will be on his legs after moving the second Resolution on the order paper. As for the other Resolutions, the allocation of time is mentioned in the Report. I request that the House accept this motion.

Mr. Chairman: The question is:

“That this House agrees with the Forty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 6th December, 1955”.

The motion was adopted.

Shri M. L. Dwivedi: We have taken 7 minutes already. The balance of time for my Resolution is 2 hours and 26 minutes.

Mr. Chairman: He will have the full time.

RESOLUTION RE INDUSTRIAL SERVICE COMMISSION—contd.

Mr. Chairman: The House will now resume further discussion of the following Resolution moved by **Shri M. L. Dwivedi** on the 25th November 1955:

“This House is of opinion that an Industrial Service Commission on the lines of the Unon Public Service Commission be established

[Mr. Chairman]

for the purpose of recruiting qualified and suitable persons for Government works, industries and other institutions."

श्री एम० एल० द्विवेदी : (जिला हमीर पुर) : पिछले शुकवार के दिन जिस दिन कि गैर-सरकारी प्रस्तावों का दिन था, मैं ने एक प्रस्ताव पेश किया था जो कि सरकारी उद्योगों और घंघों और अन्य कामों में और संस्थाओं में इस बात की जरूरत पर जोर डालता है कि इस बात की आवश्यकता है कि एक पब्लिक सर्विस कमीशन स्थापित किया जाय देश में जिस में अच्छे अच्छे कार्यकर्ता और कर्मचारी उस के लिये प्राप्त किये जा सकें। मुझे सदन को बतलाने की आवश्यकता नहीं है क्योंकि सदन ने इस सम्बन्ध में बड़ी दिलचस्पी दिखाई है कि पब्लिक सैक्टर जो दिन प्रति दिन बढ़ता चला जा रहा है अभी पंचवर्षीय योजना का जो प्रतिवेदन है या प्राप्ति रिपोर्ट है उस से ही मालूम पड़ता है कि इन घंघों में सरकार ने करीब ६०० करोड़ से ले कर १००० करोड़ रुपये के करीब लगा दिये हैं। अब आप देखिये कि जहां तक हमारी सरकार की पूरी आमदनी और खर्च का हिसाब है वह ४०० करोड़ रुपये तक की जाती है। ४०० करोड़ रुपये के खर्च के लिये हम वहां पर ३ महीने बैठते हैं और बजट पर वाद विवाद करते हैं और एक एक विषय पर विचार करते हैं और तब कहीं खर्च की मंजूरी देते हैं। और वहां पर एक पब्लिक सर्विस कमीशन भी है जिस के जरिये सरकारी नौकरों को भर्ती होती है और वह कायदे से और एक पैमाने से कर्मचारियों को भर्ती करता है। अगर आप कुल धंधे जोड़ें तो उन को तादाद बहुत काफी निकलेगी। जहां तक पोस्ट एंड टेलीग्राफ का सवाल है वह सरकारी महकमा है लेकिन वह व्यापारिक ढंग पर चल रहा है और इसी तरह रेलवेज भी एक उद्योग है जो कि व्यापारिक ढंग पर चल रही है। आल इंडिया रेडियो भी एक किस्म का उद्योग ही है। इस किस्म के को सरकारी उद्योग हैं, वे तो हैं ही, लेकिन अभी

जो नये किस्म के उद्योग चल रहे हैं जिन पर कि आज हम बहस करने जा रहे हैं, इस पर मैं ने पिछले अधिवेशन में एक विधेयक भी रक्खा था कि उस को कायदे से किया जाय और उस के लिये एक बोर्ड बनाया जाय

Shri K. K. Basu (Diamond Harbour): This is a subject which vitally concerns the Ministry of Production. We have here neither the Minister of Production, nor the Deputy Minister nor the Parliamentary Secretary. I find only the Deputy Minister of Home Affairs present here.

The Deputy Minister of Home Affairs (Shri Datar): I represent the Production Ministry as well.

Dr. Lanka Sundaram (Visakhapatnam): How do you represent?

Shri T. E. Vittal Rao (Khammam): There must be at least one Cabinet Minister present when discussion on Private Members' Business goes on. This is now going on for practically every session.

Mr. Chairman: I am very sorry, I do not appreciate why the hon. Member requires one Cabinet Minister. At the same time, it has been emphasised over and over again in this House that as many Ministers as possible must be here, because the activities of departments of Government are inter-related. One subject dealing with Home Affairs may also be related to other subjects. If as many Ministers as possible were here to listen to the points made in this House, it would be better for the House and for the Ministers themselves, because various suggestions are given here which certainly will be useful if they are followed. I would, therefore, expect that on all these occasions as many Ministers as possible should be here.

The Minister of Commerce (Shri Karmarkar): As many as possible we are here.

Mr. Chairman: There are three Ministers here, though the Minister of Production is not here now.

Shri K. K. Basu: Not even the Parliamentary Secretary to the Minister of Production is here.

श्री एम० एल० द्विवेदी : इस के पूर्व कि मैं आगे बोलूँ, मैं कहना चाहता हूँ कि यह प्रस्ताव इतना महत्वपूर्ण है कि इस पर डा० लंका सुन्दरम् ने सन् १९५३ में भी यह बतलाया था कि इस विषय से सम्बन्धित अनेक मिनिसट्रियाँ हैं। उन्होंने बताया था कि प्रोडक्शन मिनिसट्री, फाइनेन्स मिनिसट्री, ट्रांसपोर्ट मिनिसट्री, कम्युनिकेशन्स मिनिसट्री, नैचुरल रिसोर्सेज और साइंटिफिक रिसर्च मिनिसट्री, रिहैबिलिटेशन मिनिसट्री सब का इस से सम्बन्ध है। इस अवसर पर इस बात का आवश्यकता थी कि हम सभी मिनिसट्रियों के मंत्री यहाँ होते और समझते कि आज देश में किस चीज पर जोर दिया जा रहा है और पब्लिक की तरफ से जो प्राइवेट मैनेजर्स के प्रस्ताव आते हैं वह कितने महत्वपूर्ण हैं। किन्तु मुझे दुःख है कि वह यहाँ पर नहीं हैं। मैं आशा करता हूँ कि जो हमारे गृह मंत्रालय के उपमंत्री महोदय हैं वह उन सब मंत्रियों को बतलायेंगे और भरी बातों पर पूरापूरा ध्यान देंगे। मैं चाहता हूँ कि आइन्दा ऐसा हो कि जब कभी ऐसे विषय आयें तो जिन मंत्रियों का उन से सम्बन्ध हो वह सभी उपस्थित रहें।

मैं प्रस्ताव के सम्बन्ध में कह रहा था कि हमारी सरकार व्यवसायों में दो हजार करोड़ रुपया अभी तक लगा चुकी है और राष्ट्रीकरण की प्रगति को आगे ही बढ़ाती ही जा रही है। मैं ने पिछले दिन भाषण करते हुए यह बतलाया था कि किस प्रकार से विभिन्न उद्योगों में बड़ी बड़ी गड़बड़ियाँ चल रही हैं। जहाँ कहीं भी हम उनके प्रबन्ध की व्यवस्था करते हैं तो मंत्रालयों के सेक्रेटरी उन के मैनेजमेंट के अग्रमैन होते हैं। उन को सरकारी कामों से ही इतना अवकाश ही नहीं मिलता कि वह जा कर उन की देख भाल करें। वहाँ जो मैनेजिंग डाइरेक्टर इत्यादि मुकर्रर किये

जाते हैं उन के द्वारा सरकारी कारपोरेशन्स में और सरकारी उद्योगों में फेवरिज्म यानी आपसी दोस्ती के इतने ज्यादा फायदे उठाये जाते हैं कि वहाँ तरह तरह की बुराइयाँ पैदा हो जाती हैं। मैंने पिछली सप्ताह जिक्र किया था कि इंडियन टेलीफोन इंडस्ट्रीज के मैनेजिंग डाइरेक्टर ने यह किया कि अपने एक रिक्तेदार को खरीद फरोस्त के काम पर मुकर्रर कर दिया। वहाँ पर यह होता था कि लोकल पब्लिसिटी से जितनी चीजों की आवश्यकता होती थी उन के इन्डेंट्स दबा दिये जाते थे, टेन्डर्स मांगे जाते थे तो उन टेन्डर्स को भी दबा दिया जाता था। बाद में जब इमर्जेन्सी आती थी तो कहा जाता था कि चीज है ही नहीं। उन को यह अधिकार दिया जाता था कि वह लोकल पब्लिसिटी कर सकते हैं। नतीजा यह होता था कि वह किसी भी दामों पर चीजों को खरीदते थे। गल्ला बगैरह के लिये भी मनमाने दाम दिया करते थे। इस तरह से सामान खरीदने में सरकार को बहुत बड़ी मात्रा में नुकसान उठाना पड़ता था। सरकार के पास इस की रिपोर्ट आई होगी और सरकार को इस का पूरा पता होगा। अगर नहीं है तो उस को इस का पता लगाना चाहिये और ऐसी व्यवस्था करनी चाहिये कि जहाँ जहाँ उद्योग चल रहे हैं और सरकारी कर्मचारी काम कर रहे हैं वह देखें कि वहाँ किस किस के आदमी लगे हुए हैं और वहाँ फैली हुई दुर्व्यवस्था को दूर करना चाहिये।

लेकिन मैं यहाँ पर कमीशन के ऊपर इसलिये जोर देता हूँ कि उन उद्योगों में जो आदमी काम कर रहे हैं उन की योग्यता और काम करने की क्षमता जैसी तमाम बातों पर जोर देने की बहुत ज्यादा आवश्यकता है। उन के चुनाव का काम पब्लिक सर्विस कमिशन के जरिये या किसी किसम के इन्डस्ट्रियल सर्विस का डर या जो भी चीज इस के लिये उचित हो और जिस को सरकार मुनासिब समझती हो, उस के जरिये होना चाहिये। मैं सरकार का ध्यान उस प्रस्ताव की ओर

[श्री एम० एल० द्विवेदी]

दिलाना चाहता हूँ जो इकानामिक पालिसी पर उस ने पेश किया था। १९४९-१९५० की जो फिस्कल कमीशन की रिपोर्ट पेश हुई थी उस में लिखा था :

"Now that the Government of India are committed to policies of economic development and there is to be also a nationalised sector in industries, the creation of a specialised service visualised in the statement of Industrial Policy of 1948 has become urgent. In this the Government of India said:

"Such a service is needed for providing suitable personnel for (i) the departments of the Central and State Governments dealing with economic matters, and (ii) the nationalised industries."

We recommend that early steps be taken to constitute such an Economic Service. Selection may have to be made in the first instance from the existing services on the basis of specialised academic training and administrative experience; also if possible from the ranks of business and trade, provided that suitable men with the requisite basic training and experience can be found."

मेरे कहने का मतलब यह है कि सन् १९४९-१९५० में फिस्कल कमीशन की रिपोर्ट में भी इस बात की सिफारिश की गई थी। आप के सामने एस्टिमेट्स कमिटी की रिपोर्टें भी पेश हुईं। पांचवीं रिपोर्ट, नवीं रिपोर्ट और सोलहवीं रिपोर्ट में भी इस बात पर जोर दिया गया है कि जहां तक इंडस्ट्रियल यानी औद्योगिक व्यवसायों के सेक्रेटरी आदि का सम्बन्ध है उन के बारे में जो व्यवस्था है उस को ठीक करने का प्रबन्ध किया जाय। एस्टिमेट्स कमिटी ने एक जगह यह लिखा है :

"For the management of State undertakings, recruitment should be made from people experienced in business, commerce, indus-

try and trade so that these undertakings may be run on efficient business principles and practices. The Committee had also suggested that a common cadre of officers for the management of these undertakings should be constituted with the designation of "The Indian Commercial and Industrial Service". As the State Industrial Undertakings are being constituted in large numbers and fairly rapidly, the Committee consider that a decision should be taken by Government in this matter very early and that the recommendation should be implemented without further delay."

हमारी एस्टिमेट्स कमिटी ने भी इस बात पर काफी जोर दिया है, इस सम्बन्ध हमारे बहुत से सदस्यगण हैं जो इस पर बोलेंगे वह एस्टिमेट्स कमिटी और दूसरे स्थानों से जो सिफारिशें आई हैं और जो दूसरी बातें इस के सम्बन्ध में हैं, उन के बारे में बोलेंगे। मैं तो सिर्फ आप का ध्यान इस तरफ आकर्षित कराना चाहता हूँ कि हर तरफ से इस बात पर जोर दिया जा रहा है.

Shri K. K. Basu: It seems that the Ministers are quarrelling among themselves.

Sardar Hukam Singh (Kapurthala-Bhatinda): Now, you have got production, consumption, distribution, etc.

An Hon. Member: There is now an invasion of Ministers!

Mr. Chairman: The hon. Member may proceed.

श्री एम० एल० द्विवेदी : मुझे प्रसन्नता है कि कुछ वह मंत्रिगण आ गये हैं जिन तक विभागों का यहां जिक्र किया जा रहा है।

जहां तक हमारे सरकारी कमीशन का बवाल है एस्टिमेट्स कमिटी का स्थान है, पब्लिक एकाउंट्स कमिटी का स्थान है कि यह बहुत जरूरी है तथा इस पर सरकार ध्यान देगी। पिछली मर्तबा शायद मेरा प्रस्ताव न आ पाता लेकिन सदन ने इस बात पर बड़ा बल दिया कि

यह प्रस्ताव पास हो, और इसी लिये जो दूसरे प्रस्तावों के मूवर्स थे उन्होंने अपना समय दे कर इस को पेश होने दिया। इसी लिये मैं कहता हूँ कि जहाँ तक पब्लिक का सवाल है इस बात पर बड़ा जोर दिया जा रहा है कि जो सरकारी उद्योग हैं उन के लिये कोई विधेयक सरकार की ओर से पेश किया जाये और उस में साफ तौर से कोई न कोई सार्वदेशिक प्रबन्ध होना चाहिये, विभिन्न प्रकार की जो इंडस्ट्रीज हैं उन के जितने नोकर हैं उन की अलग अलग किस्में हैं उन में कोई यूनिफार्मिटी नहीं है और उन के साथ अलग अलग व्यवहार किया जाता है, उन की सर्विसेज के रूल्स और कंडीशन्स एक नहीं हैं। आप किसी भी उद्योग को ले लीजिये। आप टेलीफोन इंडस्ट्री को लीजिये यह संचार मंत्रालय से सम्बन्धित है। डिफेन्स मिनिस्ट्री से ऐलाक्ट्रानिक्स फैक्टरी का सम्बन्ध है, रेलवे मिनिस्ट्री का सम्बन्ध हिन्दुस्तान कोच फैक्टरी से है, डिफेन्स मिनिस्ट्री का सम्बन्ध हिन्दुस्तान एयरक्राफ्ट से है। कहने का मतलब यह है कि अगर आप देखने जाइये तो इंडस्ट्री मिनिस्ट्री में स्केल और ग्रेड कोई दूसरे होंगे, प्लानिंग मिनिस्ट्री में कोई दूसरे होंगे। ऐलेक्ट्रानिक्स इंडस्ट्री में और हिन्दुस्तान एयरक्राफ्ट में दूसरे दूसरे होंगे। हर जगह से इस किस्म की शिकायतें आ रही हैं कि उन की कंडीशन्स आप सर्विस ठीक नहीं हैं। नतीजा यह होता है कि जिन के टर्म्स और कंडीशन्स आप सर्विस दूसरों से अच्छी हैं उन से दूसरे लोग प्रतिस्पर्धा करने लगते हैं और अपने कामों में मन नहीं लगाते हैं। इसलिये आप को इन बातों का प्रबन्ध करना चाहिये कि सब बातों में आप एकरूपता सा सकें। आप कहते हैं कि यह भिन्न भिन्न मंत्रालयों से सम्बन्धित हैं। लेकिन आप को इस बात को समझना चाहिये कि भले ही मंत्रालय भिन्न भिन्न हों, लेकिन सरकार तो एक ही है, मंत्रिमंडल में जब आप एक साथ बैठ सकते हैं तो क्या ऐसी व्यवस्था आप नहीं बना सकते हैं कि एक समिति मंत्रिमंडल की ऐसी बनाई जाये जिस में कि पब्लिक

सेक्टर के जितने कारखाने हैं उन के मंत्रिगण इकट्ठे हो कर बैठें और इस बात के लिये एक प्रयत्न करें, या कोई कमेटी नियुक्त करें या कमिशन नियुक्त करें। जिससे इन सर्विसेस में यूनिफार्मिटी आ सके, सारे देश की सर्विसेस में एकरूपता आ सके और एक से कायदे लागू हो सकें।

मैं रेलवे मंत्री महोदय को मुबारकवाद देता हूँ कि उन्होंने एक पब्लिक सर्विस कमिशन रखा है और आज आपने देखा होगा कि रेलवे में जो पब्लिक सर्विसिस हैं अपना काम ठीक तरह से चला रही हैं और वहां से बहुत कम शिकायतें आती हैं। भर्ती के सम्बन्ध में बहुत कम शिकायतें आती हैं और आम तौर पर राइट टाइप के ब्रादर रखे जाते हैं। तमाम रेलवे अडरटैकिंग में कोई ८०० करोड़ के करीब रुपया लगा होगा या इससे कुछ अधिक होगा और इनका काम भी ठीक ढंग से चल रहा है। आपके चार्ज में देश की नदी घाटी प्रोजेक्ट्स भी आती हैं, जितन नये नये कारखाने खुल रहे हैं जैसे सिघरी फटिलाइजर फैक्टरी है जो कि प्रोडक्शन मिनिस्ट्री के अन्डर है, ग्राइरन ऐंड स्टील के नये नये कारखाने खुल रहे हैं और कुछ खुल भी चुके हैं, दूसरे उद्योग भी हैं, जैसे पैनिसिलीन फैक्टरी है, डी० डी० टी० फैक्टरी, चित्तंजन लोकोमोटिव का कारखाना है और इस तरह से जब इन उद्योगों की एक शृंखला सी बनती जा रही है और इन उद्योगों पर बहुत ज्यादा जोर भी दिया जा रहा है तो मैं समझता हूँ कि इनको सुचारू ढंग से चलाने के लिये यह जरूरी है कि जो कर्मचारी इन में भर्ता किये जायें वह किस प्रकार से भर्ती किये जायें और इसके बारे में सरकार को कोई उपाय ढूँढ निकालना चाहिये था। फिसकल कमिशन की जो रिपोर्ट है उस में भी इस बात पर जोर दिया है, जो सदस्य यहाँ पर उपस्थित हैं वह भी इससे सहमत हैं और मंत्रिगण

[श्री एम० एल० द्विवेदी]

भी करोब करोब सहमत ही हैं तो क्या कारण है कि इसमें विलम्ब किया जा रहा है। मैं मानता हूँ कि कुछ कठिनाइयाँ हो सकती हैं लेकिन वह तो अब तक दूर हो जानो चाहिये थीं। अब बड़ी मुश्किल से यह विधेयक इस सदन में आया है और इसको आपकी मान लेना चाहिये। हमारा जो पिछला विधेयक था जिस में कि पब्लिक मैनेजमेंट बोर्ड बनाने का सुझाव दिया गया था वह इसलिये नहीं आ सका कि इस सदन में वाद विवाद के लिये क्यों उसमें फीस की बात कही गई थी। मेरा कहना है कि फीस की बात ठीक हो सकती थी। कुछ भी हो, आज यह मौका मिला है और मैं चाहता हूँ कि अब जब कि मंत्रिगण भी यहाँ पर मौजूद हैं वे सब इस बात पर पूरा प्रकाश डालें और हमें बतायें कि क्या कारण है कि बिलम्ब हो रहा है।

इसके साथ ही साथ मेरा एक और भी सुझाव है और वह यह कि जब किसी आदमी को भर्ती किया जाय तो उससे एक फार्म भरवाया जाय जिसमें उससे यह वायदा करवाया जाय कि वह भ्रष्टाचार को रोकने के लिये भरसक प्रयत्न करेगा और खुद भी रिश्वत नहीं लेगा।

उससे यह लिखवा लिया जाय कि वह ईमानदारी से अपना काम करेगा और अगर किसी दूसरे आदमी को रिश्वत लेते हुये देखेगा उसकी रिपोर्ट दूसरे ऊँचे अधिकारी के पास करेगा और साथ ही न तो वह रिश्वत लेगा और नहीं किसी को रिश्वत देगा। साथ ही वह यह भी लिख कर दे कि अगर मैं रिश्वत लेता हुआ पकड़ा जाऊँगा तो जो भी सजा उचित समझी जाय मुझे दी जाय। यह काम उसको नौकरी में आने से पहले ही दिन कर देना चाहिये और इस फार्म को भर कर हस्ताक्षर कर देने चाहिये।

जहाँ तक हमारी पब्लिक कार्पोरेशनस का सञ्चाल है, जहाँ तक पब्लिक इंडस्ट्रीज का सञ्चाल है, हमारे मंत्रिगण समझते हैं

कि हमारे जो सैक्रेटरी लोग हैं वह बहुत काबिल हैं। मैं उनकी काबिलियत की दाद देता हूँ और मैं मानता कि वह अपना काम ठीक तरह से कर रहे हैं और कोई दिक्कत पैदा नहीं हो रही है। लेकिन उनके पास इतना काम होता है कि वह उसको कर भी नहीं पाते। उनका काफी समय तो पार्लियामेंट से सम्बन्धित काम में हो जाता है और सवालों इत्यादि के उत्तर तैयार करने में चला जाता है जिसका नतीजा यह होता है कि वे लोग पब्लिक कार्पोरेशंस जो कि बहुत दूर दूर हैं उनको देख रेख नहीं कर सकते। साथ ही साथ जो कर्मचारी भर्ती होते हैं वह भी ठीक तरह से भर्ती नहीं किये जाते हैं और काफी फेवरिटीज्म होता है। इस वास्ते इस बात की आवश्यकता है कि इन पब्लिक कार्पोरेशंस की देख रेख के लिये एक आप उचित व्यवस्था करे जो कि अपने काम काज के बारे में पार्लियामेंट के सामने अपनी रिपोर्ट पेश करे और हमें भी बताये कि फलां उद्योग में यह कुछ हो रहा है और फलां उद्योग में यह गड़बड़ी थी और इस गड़बड़ी को इस तरह से दूर किया गया। इस किस्म की व्यवस्था में आपको पार्लियामेंट के मेम्बरों को और आम लोगों को भी उचित मात्रा में लेना होगा। मैं भी चाहता हूँ कि उसमें सरकारी अफसर भी हों और काफी संख्या में हों लेकिन दूसरे लोग भी काफी संख्या में लिये जाने चाहिये।

अन्त में मैं इतना ही कहना चाहता हूँ कि इस कमिशन की स्थापना शीघ्र ही कर दी जाय ताकि काम सुचारु रूप से चले। मेरा विचार है कि दूसरे माननीय सदस्य भी इस सम्बन्ध में दिलचस्पी रखते हैं और वह भी बोलने के इच्छुक हैं, इस वास्ते मैं सदन का और अधिक समय नहीं लेना चाहता। अन्त में जब बहस खत्म हो जायेगी मैं फिर कुछ बातें कहूँगा। इन शब्दों के साथ मैं अपना प्रस्ताव इस सदन के सम्मुख रखता हूँ।

Mr. Chairman: Resolution moved:

"This House is of opinion that an Industrial Service Commission on the lines of the Union Public Service Commission be established for the purpose of recruiting qualified and suitable persons for Government works, industries and other institutions."

I would like to know which of the amendments are going to be moved.

Shri Shree Narayan Das (Darbhanga Central): I beg to move:

That for the original Resolution, the following be substituted:

"This House is of opinion that a Committee be immediately appointed to examine and consider the necessity, desirability and feasibility of having separate Industrial Service Commission on the line of the Union Public Service Commission for the purpose of recruiting qualified and suitable persons for government industrial undertaking together with the question of creating an all India Economic Service."

Shri B. K. Das (Contai): I beg to move:

That for the original Resolution, the following be substituted:

"This House is of opinion that with a view to recruiting qualified personnel for Government Industrial undertakings and such other institutions early steps be taken for implementing a programme of proper education and training."

Mr. Chairman: There is an amendment in the name of Shri Bogawat but he is not here. Is Shri K. K. Basu moving his amendment?

Shri K. K. Basu: I want to move my amendment with a slight alteration.

Mr. Chairman: What is the alteration?

Shri K. K. Basu: It is almost nothing. Because I wrote in a bad hand the office could not perhaps decipher it. I want the words 'technical problems' to be added after the words '...'

composed of persons having experience in the field of business management

Mr. Chairman: These words are to be added after the words '...business management.' The rest of it stands as it is.

Shri K. K. Basu: I beg to move:

That for the original Resolution, the following be substituted:

"This House is of opinion that an Industrial Service Cadre should be established and therefore an Industrial Service Commission on the lines of the Union Public Service Commission, composed of persons having experience in the field of business management, technical problems and industrial labour but, not members of permanent Administrative Service, be established for the purpose of recruiting qualified and suitable persons of different categories for Government works, industries and other institutions."

Mr. Chairman: Is Shri Chowdhury moving his amendment? I find that his amendment is just the same as the Resolution.

Shri N. B. Chowdhury (Ghatal): There is a slight modification. In the original Resolution it has been suggested that the Commission be established on the lines of the Union Public Service Commission; I want a Commission of the same status and not exactly on the same lines. There is another alteration towards the end also. In the original Resolution it is '...recruiting qualified and suitable persons.....' whereas I want it to be....recruiting suitable persons.....'. The idea may be to recruit persons—students or graduates—for the purpose of training etc. as suggested in the amendment moved by Shri B. K. Das.

Mr. Chairman: I do not find any difference whatsoever. The word 'qualified' has been deleted. I do not think the hon. Member wants that qualified persons should not be recruited and that unqualified persons should be recruited. All that it says is this. Those who are not qualified

[Mr. Chairman]

but who are suitable—they may also be there. The words 'qualified and suitable' are there. So, suitable persons are also included. Supposing a person is not qualified yet suitable, he can certainly be recruited. The amendment is out of order. I presume he wants to speak, and I shall see that he gets his chance. The other three amendments are now before the House along with the Resolution.

Dr. Lanka Sundram rose—

Shri Shree Narayan Das: On a point of order. This Resolution is against the constitutional provision.

An Hon. Member: Then it affects the amendment also.

Shri Shree Narayan Das: Yes. If the Resolution falls, the amendment also will go. Under article 309 of the Constitution the powers are given. It reads:

"Subject to the provision of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State....."

Although the Parliament is entitled to make provisions subject to the provisions of the Constitution, under article 315, there is some restriction. It reads:

"Subject to the provisions of this article, there shall be a Public Service Commission for the Union and a Public Service Commission for each State."

This Resolution suggests the appointment of another Public Service Commission and as such it is against this provision. We may amend the Constitution and have a third Commission and that will be in order but so long as this stands I think its consideration is against this provision.

An Hon. Member: What about the Railway Public Service Commissions?

Mr. Chairman: Order, order. The point of objection seems to be this. There can be two kinds of Public Ser-

vice Commissions—not one for each State and one for the Union.

Shri Shree Narayan Das: So far as the Central Government is concerned there is one UPSC for the recruitment of officers, etc.

An Hon. Member: Not for the railways.

Shri Shree Narayan Das: I do not know whether the Service Commission for the Railways has been constituted under any law or not.

Mr. Chairman: Order, order. If the hon. Member will look into the resolution he will find that there is no mention as to whether there will be one commission or two commissions or as to what will be the nature of the commission; whether that will go into the matter of State Services also or only the Union Services alone and all that. There is absolutely no mention about that point. It is only a general commission and its services may be confined to the Union. If the commission is to be on the lines of the Union Public Service Commission it may only apply to the Union. So far as the resolution goes it does not differentiate between the State Governments and the Union. There is no mention made by the mover of the resolution. This may apply only to the Union. It does not say that the States will not be able to have their own commissions or that this commission will go into the qualifications or the suitability of persons employed in the States.

Sardar Hukam Singh: That is not the hon. Member's objection. It seems he has not understood it rightly. He is not objecting to having only one Union Public Service Commission and not having State Service Commissions. He is not asking for two service commissions, one for the Union, and one for the States. What objection he has taken is that there could only be one Union Public Service Commission and not two. This resolution is moved with the object of establishing another Union Public Service Commission.

Shri M. L. Dwivedi: It is not "Union".

Sardar Hukam Singh: But, this is the objection of the hon. Member.

Mr. Chairman: The hon. Member, perhaps, better understands his own objection. He says: "No". At the same time....

Shri M. L. Dwivedi: Sir, the hon. Member is perhaps not aware that there is already another Public Service Commission under the Railways and the word "A" grammatically does not mean "only one".

Shri Datar: Sir, I would like to submit that there is no Public Service Commission under the Railways and it is only a departmental selection committee popularly called The Railway Service Commission.

Shri Shree Narayan Das: So far as this Parliament is concerned, under the Constitution there is a Union Public Service Commission and there are separate State Public Service Commissions as also Joint Service Commissions where some State Governments agree to have one. Here, what the hon. Member wants—although he is not explaining it, I gathered from his speech—is an Economic Service Commission as has been supported by many persons and so many committees. In his resolution he has sought for the establishment of a Public Service Commission. I think that is against the Constitution. The Constitution envisages that there shall be only one Public Service Commission and under that provision the Parliament is entitled to lay down by laws certain procedure for recruitment, conditions of service etc. Therefore, the Parliament is entitled to create a Service just like the All India Administrative Service, All India Police Service etc. We can also create an All India Economic and Social Service like that but so long as this provision in the Constitution stands we cannot create another Union Public Service Commission for the recruitment of officers, examinations and other purposes. Therefore, my submission is that under the present provisions of the Constitution this resolution goes against the Constitution.

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Shri Datar: May I point out that, unfortunately, the wording is not very clear. The resolution says:

"This House is of opinion that an Industrial Service Commission on the lines of the Union Public Service Commission...."

So, you would find that here he wants another Union Service Commission.

Some Hon. Members: No, no.

Shri Datar: "On the lines of the Union Public Service Commission" means what?

Shri K. K. Basu: "On the lines" means "On the lines".

Mr. Chairman: Why should there be so much interruption? Let the hon. Minister proceed.

Shri Datar: My submission is that on the lines of the Union Public Service Commission he wants another commission, naturally, for the Central Services of the Government undertakings. It is not for States. Let us be very clear that so far as this resolution is concerned it does not deal with the States at all nor the State industries or other concerns because the Parliament can deal only with the concerns of the Government of India or in which the Government of India are interested directly or indirectly. Therefore, so far as we are concerned we have got the Union Public Service Commission and article 315 clearly says that "there shall be a Public Service Commission". The word "a" means one Public Service Commission. My friend Sardar Hukam Singh, is right in saying that we cannot have more than one Union Public Service Commission. We have already got one Union Public Service Commission and, therefore, the question that arises is whether this particular resolution which desires the institution of another Service Commission on the lines of the Union Public Service Commission goes against the provisions of the Constitution. So far as the expression "on the lines" is concerned, it relates to the structure of the Commission. But, it does not in any way mean that there should be only one Public Service

[Shri Datar]

Commission. The resolution clearly wants two commissions—one is naturally the Union Public Service Commission and the other is an Industrial Service Commission. You will find, Sir, that here the words have been used in such a vague way, unfortunately, that thereby I do not know what the hon. Member has in his view. But, taking the words as they are they show that he desires an additional Service Commission and if there is an additional Service Commission it means two commissions. Therefore, the objection that has been taken by my hon. friend is to this effect that so long as article 315 remains as it is we cannot have more than one Union Public Service Commission at all.

Dr. Suresh Chandra (Aurangabad): Mr. Chairman, the hon. Deputy Minister for Home Affairs has raised objection citing the Constitution of India and pointed out that according to the Constitution only one Public Service Commission should be established. But, I really do not find any conflict with the terms of the Constitution as far as this resolution is concerned. The provision in the Constitution refers to the Union Public Service Commission whereas if the hon. Deputy Minister cares to read the resolution before the House he will find that it is very clearly stated therein:

“This House is of opinion that an Industrial Service Commission etc. etc.”

There is no mention of “Public” or “Union”.

Shri Datar: Is it a private commission then?

Dr. Suresh Chandra: “On the lines of the Union Public Service Commission” does not mean that it will be another Union Public Service Commission. It will only be an Industrial Service Commission which will deal with all the industries which matter has already been explained by the hon. Member who moved the resolution. There is, therefore, absolutely no conflict with the provisions of the

Constitution at all.

Shri M. L. Dwivedi: As I mentioned in my speech—and I just now told the Minister also—my resolution relates only to the public projects like Nagal, Bhakra and various other river valley projects which are directly under the States as well as the Centre. I visualise that the commission which I contemplate under the resolution shall not be another commission just as the Union Public Service Commission. I have clearly stated that it shall be an Industrial Service Commission on the pattern of the Union Public Service Commission.

Dr. Lanka Sundaram (Visakhapatnam): You mean a high power commission?

Shri M. L. Dwivedi: Yes. Secondly, the corporations through which the industries are being run throughout India belong to States as well as the Centre. I contemplate a commission for the recruitment of personnel for both categories of industries whether they are under the States or under the Centre. Therefore, this is for the recruitment of personnel for various kinds of industries which are run by public corporations and not directly Government departments. So this resolution does not come in conflict with the Constitution and is not against the provisions contained therein.

Shri Datar: May I point out one thing? So far as this resolution is concerned I was surprised to hear my friend's argument that it is not a Public Service Commission nor is it a Union Public Service Commission. You will kindly read the last portion of the resolution, Sir, where it is stated:

“... established for the purpose of recruiting qualified and suitable persons for Government works, industries and other institutions.”

Therefore, I submit it is a Public Service Commission.

Shri K. K. Basu: The resolution, as drafted, offends against article 315

of the Constitution, if it is construed that this Industrial Service Commission is going to recruit for the Union Services. Perhaps, the wording of the resolution might have been modified. The intention obviously is that there are Government undertakings which are mostly either private limited companies or are under the general control of Government. Take, for instance, the Telephone Factory or the Hindustan Shipyard or Sindri Fertilisers and Chemicals. Service under those companies is not construed as service under the Union Government. They are independent autonomous bodies and their conditions of service are not the same as in other Government departments. This Industrial Service Commission is intended for the recruitment of personnel to those undertakings which are owned by the Union. If it is construed like that then the resolution, as it is worded, can offend article 315 of the Constitution. But I do not think there is anything which can be construed as going against the Constitution. The maximum objection that can be taken against the resolution is that the words "Government works" have been used. But those Government works are under the Government and they are either a statutory corporation or a private limited company owned in the name of the President. The Industrial Service Commission can be formed for those undertakings which are not owned by the Government and for which people are not recruited by the Union Public Service Commission directly. Therefore, as I said, the maximum objection that can be taken is to the words "Government works". If the hon. Member could amend those words so as to apply to the D.V.C. or Bhakra-Nangal or other autonomous corporations, there may not be objection. The only objection is to recruit to the departmental things. If that modification is allowed in the resolution, there will be no objection by way of offending the Constitutional provision.

The Minister of Production (Shri K. C. Reddy): May I point out another aspect of this resolution? The

hon. Member, Shri K. K. Basu, who spoke just now, was referring to the Government industries for which companies have been constituted under the Company Law. I understood him to say that the intention of the Member is to concentrate or confine himself to such of those undertakings and to recommend that an Industrial Public Service Commission should be set up in order to recruit proper personnel for such undertakings. But this resolution is unfortunately so worded that it refers to Government works, apart from industries and other institutions. The resolution has application, as it is worded, to such of those works of the Government which are departmentally managed. I shall give two instances from the Ministry of which I am in charge, namely, the Government Salt Works or the Government collieries. Government collieries and the Government Salt Works are departmentally managed and the recruitment thereto is even now being made by the Union Public Service Commission. So, if you accept this resolution as it is, such of the recruitment as is now being made by the Union Public Service Commission to those Government works will have to be made by the proposed Industrial Service Commission. Then there will be a conflict and duplication of agencies and there will be Constitutional difficulties. So, this aspect has also to be borne in mind. I imagine that the intention of the Member is that some agency should be created—of the type that he has recommended to recruit proper personnel to man those industrial undertakings which have been constituted as companies under the Company Law or those that have been constituted as statutory corporations. If the resolution had confined itself to those categories, it would have had some meaning. Because it is very widely worded, there is this constitutional aspect which has to be considered.

Shri Shree Narayan Das: The resolution has been moved and Members have also moved their amendments and I have also moved an

[Shri Shree Narayan Dass]

amendment. My amendment is to substitute the resolution by the one that I have moved. It may be accepted.

Mr. Chairman: The amendments are there. No amendment has been accepted or rejected. We are considering the resolution, and not the amendments. We have to see whether the resolution, as framed, is constitutionally correct. When any amendment is taken up, and when there is any objection, that will be the occasion to go into those amendments. Further, I have to see whether the amended resolution, if it is adopted at all, is also justifiable or not.

Shri S. C. Samanta (Tamluk): There is mention of "All-India Services" in article 312 of the Constitution. It runs thus:

"Notwithstanding anything in Part XI, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation of one or more all-India services common to the Union and the States, and, subject to the other provisions of this Chapter, regulate the recruitment, and the conditions of service of persons appointed, to any such service".

There is provision for a similar Union service. I wish to draw your attention to this provision.

Shri Datar: May I point out other difficulties also? I am not going into the merits of the resolution, but I would, with your permission, point out how the acceptance of this resolution would land Government in difficulties, and would come into conflict with the actual Acts passed by Parliament.

Mr. Chairman: So far as the difficulties are concerned, unless he feels that the resolution is barred by the Constitution, that is a different matter. The fact that there will be

difficulties for the Government in accepting the resolution is a point in favour of not accepting it. But the question that there will be difficulties is a point which I cannot consider. The point of order is confined to the sole fact whether it is constitutionally possible to have more than one Public Service Commission or not.

Shri Datar: I was pointing out that, assuming that this resolution is accepted, it would go against the provisions of the various statutory Acts according to which certain bodies have been established. It would also go against the Companies Act, because a number of companies have been started under the Companies Act. This aspect will also have to be borne in mind.

Mr. Chairman: The resolution, in effect, has the same background as article 315 of the Constitution where it is stated that there should be a Union Public Service Commission. That is the central idea. Today, all the services have to go to the Union Public Service Commission in matters of recruitment, etc. Therefore, the provision in the Constitution is of paramount importance and we cannot go against it. At the same time, the central idea behind this resolution was not to have two Public Service Commissions. The main idea, as it appears from the arguments of the hon. Member, is, as a matter of fact, there may be a separate cadre for industrial services and qualified men will have to be selected to this cadre. But, at the same time, the resolution is so worded that it is very wide. It covers not only Government works but other industries, corporations, etc. From that I conclude that the main idea was not to have another all-India Union Public Service Commission as we have under the Constitution but a Commission "on the lines" of the Union Public Service Commission. That goes to show that the mover of the resolution does not want that there should be a rival Public Service Commission. However, I see the difficulty which

has been expressed by the two hon. Ministers who have just now spoken. The point is quite clear. What would happen if there was an Industrial Service Commission? How will the recruitment be made in regard to Government-managed factories? That means there will be two authorities. One will be the Union Public Service Commission with its own scope and jurisdiction and another body known as the Industrial Service Commission, as proposed in the resolution. So, I think there is a clear disparity and conflict between the resolution and the provisions in the Constitution. The central idea may be anything, but the provision that he wants to make is certainly opposed to the provisions of the Constitution, namely, article 315. At the same time, it is a very important resolution. I do not want to give a ruling. I want to hear the Law Minister on this point whether it is possible to have some sort of Commission, which may not act in rivalry to the Union Public Service Commission, but which may be something like the Railway Service Commission—a departmental Commission—as has been pointed out earlier.

My attention has been called to article 312 of the Constitution by Shri S. C. Samanta. There also, it is within the contemplation of the Constitution that such an organisation relating to the selection of personnel for these public services may be constituted by the Government. It will not be the Union Public Service Commission, but something between the Union Public Service Commission and departmental heads. I do not know what is actually in the mind of the hon. Member. The Resolution provides for two things; one is against the provision in the Constitution, but the other part which says that it is for the purpose of recruiting qualified and suitable persons for other industries and institutions is all right. I would like to hear the hon. Law Minister on this point before decid-

ing finally. Meanwhile, if the hon. Member is convinced by the arguments that have been advanced in the House, he may just make a suitable change in the wording of the Resolution.

Shri M. L. Dwivedi: I am prepared to make a change.

Mr. Chairman: He can frame his Resolution in a way which does not conflict with the provisions of article 315 of the Constitution.

Shri Datar: I suggest that further consideration may be postponed in order to enable the Law Minister to give his opinion.

Mr. Chairman: I am coming to that.

Shri M. L. Dwivedi: I want to know whether it will automatically come up next time or will I lose the right?

Mr. Chairman: I am coming to that, with the consent of the House, I postpone further consideration of this Resolution until I have heard the hon. Minister of Law or until the hon. Member himself has amended or modified his Resolution. So far as this Resolution is concerned, the hon. Member does not lose his right. It will be put down as a part-heard Resolution and will have precedence over all the other Resolutions. This will be a part-heard Resolution and will top the list on the next day.

We now proceed to the next Resolution.

RESOLUTION RE: APPOINTMENT OF A COMMITTEE TO EXAMINE COMMUNITY PROJECTS AND NATIONAL EXTENSION SERVICE SCHEMES

Shri Raghunir Sahai (Etah Distt — North-East cum Budaun Distt.—East): I beg to move:

“This House is of opinion that Government may constitute a Committee or Committees consisting mainly of members of Parliament to examine the work of