

[Secretary]

passed by the Lok Sabha at its sitting held on the 20th December, 1956, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 22nd December, 1956, agreed without any amendment to the Territorial Councils Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 20th December, 1956."

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir, I lay on the Table the following Bills passed by the Houses of Parliament during the current session and assented to by the President during this week:

- (1) Central Sales Tax Bill, 1956.
- (2) Kerala State Legislature (Delegation of Powers) Bill, 1956.
- (3) Finance (No. 2) Bill, 1956.
- (4) Finance (No. 3) Bill, 1956.
- (5) Hindu Adoptions and Maintenance Bill, 1956.

MOTION RE REPORT OF U. P. S. C.

Shri Kamath (Hoshangabad): I beg to move:

"That the Report of the U. P. S. C. for 1955-56 and Government's memorandum thereon be taken into consideration".

Mr. Chairman it is in the fitness of things that this Parliament, the first Parliament elected under the Constitution, should come practically to its close with the discussion of a matter

which has not so far been discussed in this Parliament. The U.P.S.C., as the House is well aware, is a body established by the Constitution under article 320. I do not wish to go into the provisions of the article, but I would invite attention to the fact that under article 323, the Government is bound to place annual reports on the working of the Commission before both Houses of Parliament. It is unfortunate that this House has never had the opportunity so far of discussing the previous reports of the U. P. S. C.

May I invite your attention and the attention of my honourable colleagues to the observations made by the Commission in their last year's report—the Fifth Report of the U. P. S. C.:

"The Commission feel that it is highly desirable that their annual reports should receive such a consideration at the hands of the Parliament and the attention of the legislature should be focussed on important issues. In their previous reports, the Commission have urged the desirability of some statutory safeguards (this is an important point which the Government has not paid any heed to) being provided by Parliament to minimise the possibility of increase in the number of cases in which Government may seek to depart from the advice of the Commission. The Commission also feel that pending some such provision, a regular discussion of their reports on the floor of the legislature will be the best and effective means of consolidating the convention that there should be no departure from the Commission's advice."

It is regrettable that in spite of the motion being tabled in the last session, Government could not afford us time amidst their other business for discussing the previous report—the fifth report—of the Commission. That shows the cavalier attitude which the Government accords to the U. P. S. C. The senior Home Minis-

ter, not the junior, referring to this matter when I raised this point a couple of days ago, said that the Government has been dealing with the Public Service Commission in an excellent way. Very good words, but today we have got an opportunity to show to the House what the excellence is like. It is fortunate that, at least at the fag-end of this Parliament, we have got this first opportunity to discuss this report. This session will come to a close today and the next session is a lame duck session, as it is called; whoever has made it lame is not our concern today.

The Commission has reiterated in their sixth report certain observations which they made in their fifth report. In the fifth report, the Commission had complained that they never had, and do not even now have, staff of the quality and strength required for getting through their work. In this year's report again, they have referred to this matter saying that the need for more members in the Commission is evident from the phenomenal increase in the recruitment of personnel required for the vastly expanded activities of the State under the Five Year Plans. I do not know why the Government has not been able to provide the necessary staff of the requisite quality for the Commission's work. The Government will have to consider seriously the question of increasing the strength of the Commission also to cope with the increased work. This House recently passed a Bill increasing the strength of the Supreme Court, I believe, from 8 to 11, because the work-load of the Supreme Court has increased. The U. P. S. C., I venture to say, is no less important a body, because it has been established under the Constitution itself. So, Government, I think, should take more interest in it, seeing to it that the number and quality of the staff are increased to the required extent. The Government and the Chairman and the members of the Commission can settle this matter

amicably. I hope they will do so before the next Parliament comes into being.

Another matter which the Commission has stressed is what has now become the inveterate habit of the various Ministries making temporary *ad hoc* appointments. This was referred to by the Commission in their last year's report and again in this year's report. Bearing in mind that it is the Commission, it has used fairly strong language, though we might use much stronger language here. Reference has been made in the last year's report to a case in which the Commission are blamed for delay.

Mr. Chairman: I hope he is speaking on his amendment also.

Shri Kamath: Yes; on both. I beg to move:

That in the motion moved by me—

for "Report of the U.P.S.C. for 1955-56"

substitute "Reports of the U.P.S.C. for 1954-55 and 1955-56".

In the fifth report, the Commission have said:

"The Commission often receive proposals for concurring in an appointment already made provisionally by Ministries and/or departments on the plea that it was of immediate urgency and that going through the usual procedure of the Commission would cause further delay. On examining the case further it is, however, revealed that the Ministry and/or department knew, or should have known, long ago—in some cases one or two years ago—that personnel of this type would be required and should have made an immediate reference to the Commission. Had they done so, the Commission would have, more often than not, completed all formalities and would either have found the personnel or kept everything ready for finding it without

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undue delay. Instead of seeking the Commission's advice well in time however the Ministries go about making their own enquiries (they have got their own machinery) and pitching on somebody (the word 'pitching' is a strong word) and then urging the Commission to recommend him."

This is a farcical way of making appointments; if not reprehensible, a farcical way.

Mr. Chairman: It was open to the Commission not to recommend him.

Shri Kamath: I wish, Sir, personally that the Chairman of the Commission should be a retired Supreme Court Judge and not a member of the permanent services. In passing, I will mention that.

Mr. Chairman: We shall not go into the composition of the Commission and all that.

Shri Kamath: I was provoked into making this remark. I hope, therefore, this inveterate habit of making *ad hoc* appointments by Ministries on their own will cease. There have been no satisfactory reasons given in this House. The matter has been raised so many times by hon. Members not only on this side of the House, but also on the other, and Government has always been trying to evade this matter. By trying to evade it they are inviting the charge of nepotism, and favouritism. Therefore, Government should thank themselves if they invite this charge upon themselves.

There is another matter to which the Commission has referred. There are even today in the Central Secretariat hundreds, if not thousands, of temporary employees who, in spite of ten years' service, twelve years' service and fifteen years' service, are still kept on a temporary footing and the Commission referring to this

matter have said that the process is still continuing. During the World War II the number of posts increased by leaps and bounds, but the posts were temporary and owing to the exigencies of war, the Government of India hastily recruited men according to requirements, in many cases without consultation with the Commission. The process of regularisation of such of these appointments as have survived the war period started only in 1950 and is still continuing. You can imagine that the men who were recruited during the war and who have survived the war, are still continuing in a temporary capacity. It is high time the Government completed the process of regularisation with the least possible delay by referring the matter to the U.P.S.C. and seeing that the temporary hands are made permanent so that they may put their minds to their work. How can you expect them to put their heart into the work as long as they are temporary? It is, therefore, imperative, that these people should be made permanent. Those who cannot be provided for in the Secretariat itself should be found an opening elsewhere.

Then, Sir, the Public Service Commission have referred to complaints of delay made by the public. They have put the blame squarely on the shoulders of the Government. The Commission say that there is considerable delay on the part of Government in making actual offers of appointments to candidates who qualify in the examinations. The Commission declare them qualified; but the Government does not send them orders. The Commission has to bear the odium for it vicariously, while in fairness Government must bear the odium for it.

"The complaint of delay relate primarily to the time taken on obtaining personnel."

And then they go on to say that they select the candidates and on the

part of Government there is inordinate delay in making offer of appointments.

I hope that Government will make it a point first to stop this practice of making temporary appointments to the barest minimum, if they cannot eliminate it completely.

I would in this connection like to refer to one instance. I understand that the Secretary of the University Grants Commission—I do not vouch for the information I have got.....

Mr. Chairman: Is it necessary to mention it?

Shri Kamath: I do not want to mention the name of the person. He is not highly qualified. I do not know whether that post was filled by reference to U.P.S.C. *ad hoc*. The Secretary of the University Grants Commission should be a University trained person. I hope he is and if he has not got a degree, I think Government will take early action to rectify the anomaly. This is only one of the instances I would like to mention here. There are many more in various Ministries, but I have not got the time to go into them. We will get a further opportunity in the next Parliament, of speaking about this matter.

Before I conclude I wish to refer to an important matter, which is of immediate public interest, of topical interest. There is a special recruitment to the I.A.S. and the examination I understand is due on the 28th of this month, if my memory does not betray me. There has again been delay in this matter because the date was first postponed by two months, again by another two months till at last it has come to December. That is perhaps because the machinery of the Public Service Commission cannot adequately cope with the number of applications running into 20,000 or 30,000. Anyway, whatever it is, at last the candidates have been summoned to appear on the 28th of December.

540 L.S.D.—

In regard to this particular matter the notification for recruitment specified clearly that the candidates must hold a degree in Arts, Science, Commerce, Agriculture or in Civil, Mechanical or Electrical Engineering. Then of course came the LL.B. degree of certain universities. Now I understand that nearly 80 applicants who had an Industrial Chemistry B.Sc. degree, and about 30 M.Sc. (Tech.) candidates have been rejected by the U.P.S.C. and this rejection, I hold, is unjust and arbitrary.

One of the applicants who was rejected moved the Punjab High Court early this week and the Punjab High Court has promptly moved in the matter. The Minister is a lawyer. One of the candidates filed a petition under article 226 of the Constitution of India praying that a writ of Mandamus may be granted ordering the respondents to allow him to sit at the ensuing I.A.S. (Special Recruitment Examination) to be held on the 28th December 1956 and to grant writ *certiorari* by quashing the orders of the respondents (U.P.S.C.) or to grant any other appropriate writ or writs. The Circuit Bench of the Punjab High Court at Delhi consisting of hon. Mr. Justice Khosla and hon. Mr. Justice Falshaw has been pleased to issue notice to the U.P.S.C. and order that in the meantime the petitioner may sit for the examination for the special recruitment to the I.A.S. I am glad the judiciary has moved promptly and hope that the order passed by the High Court will apply automatically to the other candidates whose applications were rejected. The High Court cannot itself do so, but I am sure Government would advise the U.P.S.C. to take notice of this and issue notice to all those applicants 110 applicants—eighty B.Sc. (Industrial Chemistry) and thirty M.Sc. (Tech.)—were rejected. On the strength of this I hope the U.P.S.C. will now give them a chance. It was very wrong in the first place to have informed these applicants, who had applied as long ago as July or August, 8th of August perhaps, it was very wrong for the U.P.S.C. to inform the

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candidates as late as on the 2nd December or later, on the 12th of December perhaps...

Mr. Chairman: The hon. Member is going too much into details.

Shri Kamath: It is important, because 110 young men are affected by this. I hope the U.P.S.C. would see that all these rejected applicants are given a chance, on the basis of the High Court interim order, to appear in the examination which is about to commence on the 28th, that is in less than a week's time.

I think I have covered most of the points. I do not want to take any more of the time of the House, because many hon. colleagues are anxious to speak. If, however, one or two controversial points arise as a result of the speech of the hon. Minister, I may have, under rule 338(3) of the Rules of Procedure, to reply to those points later.

Mr. Chairman: Motion moved:

"That the Report of the U.P.S.C. for 1955-56 and Government's memorandum thereon be taken into consideration."

Shri Kamath has also moved an amendment to the effect that in the motion moved by him for "Report of the U.P.S.C. for 1955-56" the words "Reports of the U.P.S.C. for 1954-55 and 1955-56" be substituted.

There are two amendments notice of which has already been given, one by Shri Velayudhan and the other by Shri Kamath himself, to which I have just referred. There is a third one, from Sardar A. S. Saigal, which has come just now.

Sardar A. S. Saigal (Bilaspur): I could not give notice earlier on account of the shortness of time.

Mr. Chairman: It was on the order paper.

Sardar A. S. Saigal: I could not give proper notice. I would request you to accept it.

Mr. Chairman: The hon. Member will appreciate that if it is at least twenty-four hours earlier it is something. And no doubt the notice may be waived and all that. In the case of Government amendments that is usually permitted. But is it on behalf of the party in power that he has done it? Because, I find the amendment is:

"That for the original resolution the following be substituted, namely:

"The House, having considered the Report of the U.P.S.C. for 1955-56" (and now it will be Reports of the U.P.S.C. for 1954-55 and 1955-56) 'and Government's memorandum thereon, approves of the action taken so far by Government'."

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): It is the opposite of it.

Mr. Chairman: It is open to the House to decide as it likes. If the House is so inclined I shall allow it.

Several Hon. Members: Yes, yes.

Mr. Chairman: So the original resolution, together with the amendment moved by Shri Kamath to the same, is before the House. And those who want to move amendments I shall call first, and then the other hon. Members.

Sardar A. S. Saigal: I beg to move:

"That for the original motion, the following be substituted:

"This house having considered the Reports of the U.P.S.C. for 1954-55 and 1955-56 and Government's memoranda thereon, approves of the action taken so far by the Government.""

Mr. Chairman: Amendment moved:

"That for the original motion,

the following be substituted:

"This house having considered the Reports of the U.P.S.C. for 1954-55 and 1955-56 and Government's memoranda thereon, approves of the action taken so far by the Government".'

Shri Velayudhan, he must be very brief. It is the last day.

Shri Velayudhan: Sir, I beg to move:

"That for the original motion, the following be substituted:

"This House having considered the Report of the U.P.S.C. for 1955-56 and Government's memorandum thereon, is of opinion that the report be scrutinised by a Parliamentary Committee consisting of members of both the Houses".'

Sir, I am very glad that his resolution has been moved by my friend and colleague, Shri Kamath. As he has already said, this is the first time that this report or the functions of the U.P.S.C. are discussed in this House. If the Treasury Bench is a sinner in any matter concerned with its administration, I think it is more a sinner in this matter of appointments as well as of promotions and recruitment of personnel in the administration. When I read the report, which is a skeleton one and which does not reveal many of the dirty things that were undercurrent in the appointment of personnel, I wish to tell you that Government have done a grievous injustice not only to the Constitution but also to the practice and the rules that were laid down by the Government itself.

18-55 hrs.

[SHRI BARMAN *in the Chair.*]

How is the administration or how are the appointments of the personnel done by Government? What are the ways of evading the rules? What are the methods of going in through the back-door to get people admitted? Government have claimed, the other day the Home Minister himself has

said, that it is done excellently, that there is fairness and justice in the appointment of its personnel. But I shall tell you, from the time we got independence, if you take the personnel appointed in government service after independence, you will find that a very large number of personnel will be belonging to the relatives, to the friends, or the 'in-laws' of either the Ministers or the officials or the senior persons concerned in the party in power.

The Minister in the Ministry of Home Affairs (Shri Datar): Will the hon. Member confine himself to the points arising out of the Report? Let there be no roving criticism of the Government.

Shri Velayudhan: I can understand the timidity of the hon. Minister to protest against or to oppose my views or the points I have brought here. But if you want examples, I can give examples after examples where sinecure appointments were made with the knowledge of the Service Commission and regularised. What are the appointments made in the Planning Commission? A Member of the Planning Commission. (*Interruption.*) I do not want any interruption.

Shri Feroze Gandhi (Pratapgarh Distt.—West cum Rae Bareli Distt.—East): We want to know one.

Shri Velayudhan: I can tell you that a Member of the Planning Commission—I do not want to tell the name...

Shri Kane (Bhusaval): Vague generalisation won't do.

Shri Velayudhan: The Deputy Chairman had a son who is employed in the government service today. And the Government have appointed a Special Recruitment Board to recruit him in the government service, whereas he was rejected by the U.P.S.C.

An Hon. Member: When he is qualified?

Shri Velayudhan: What else do you want? I will give you another example now. Take the brother of the General Secretary of the Indian National Congress who has become a Member of the Railway Service Commission only two or three weeks ago. There is no need...

Shri Feroze Gandhi: Which one? There are three.

Shri Velayudhan: You can enquire.

I wish to make one or two more important points about appointments relating to Scheduled Castes and Scheduled Tribes. I am very sorry to say that ever since we got independence, if the Government have failed in fulfilling their duties, it is in the case of representation of the untouchables or Harijans in the services. We had got many Under Secretaries; even before independence we had. After the coming of independence I would like to ask the hon. Minister to indicate to me how many Under Secretaries or Deputy Secretaries were appointed. I know there was a post advertised for a Scheduled Caste as Under Secretary in the Law Ministry. There was a post for a Scheduled Tribe Under Secretary also. I know very well. I got a letter from the Home Minister himself about it. Of course, a sinecure appointment was made, and a non-Scheduled Caste was appointed in the Law Ministry, in spite of there being qualified candidates among Scheduled Castes who fulfilled all the conditions there. But after rejecting them the Government have taken a non-Scheduled Caste and a sinecure appointment was made. A man related to some of the officials was taken. I do not know whether the Minister is also related to that person. I think it is so. Then, it is said:

"Despite six official and eight demi-official reminders to the Railway Board, it took almost three years to supply complete confidential reports and in the meantime all but three of the superseded officers were promoted.

thereby giving room for a wrong impression that all this delay and promotions were intended to clear the hurdles in the way of the proposed appointment."

19 hrs.

These things are being evaded from the U.P.S.C. Regarding the appointment of an Adviser, there is no need to inform the U.P.S.C. Officer on Special Duty, Additional Secretaries, Assistant Deputy Advisers, in this way, so many things are evaded from the Union Public Service Commission.

In the expanded industrial concerns of the Government of India, have they given any representation to the Scheduled Castes? Have they followed the rules laid down by the Constitution in these appointments? Can the Government of India show a single Deputy Secretary, Joint Secretary in the service of the Government of India, appointed by the Congress Government? I know there is a senior I.C.S. officer who is a Joint Secretary. He was selected, of course, during the British regime.

Shri Datar: I again bring to your notice, Sir, that the whole speech is entirely irrelevant and it has nothing to do with the Union Public Service Commission.

Shri Velayudhan: It has everything to do with the Union Public Service Commission. But, you do not consult them. That is my point.

Mr. Chairman: His point is that the Government without consulting the Union Public Service Commission, are making appointments, evading the U.P.S.C.

Shri Datar: That is the case you make out. He has not stated at all.

Shri Velayudhan: I must say that the hon. Minister has a chance to reply. He can reply at that time and contradict my statements.

What I would like to emphasise is we have got certain statutory safeguards as regards representation in the services, in the major services, in the I.A.S., in the I.P.S., as well as in others, even in the I.F.S. How many people are there from among the Scheduled Castes? I know how many relatives of the Ambassadors are there in service. If you travel throughout the globe, you can see in every Embassy in one corner or the other one relative of an Ambassador or Ambassadress or something like that. This is the position. I know it is very difficult for the Minister to digest these open criticisms. Why are these nasty, shameless things being done if the Government have not got the courage to withstand? For example, there are appointments made in the industrial establishments of the Government. There was criticism here about the appointments made in the newly started Insurance Corporation. In this way, if there is in the Government more *ism* in any matter, it is in the appointment of personnel: favouritism, nepotism. In fact, the relatives of wives, nieces or in-laws find places. When I went to London, I saw about some appointments. Not about appointment alone. There is one more point. About two-thirds of the scholars, who have gone abroad, who have been given scholarships by the Government, are related to a Congress M.P. or a Minister or a Congress M.L.A.

The Deputy Minister of Education (Dr. M. M. Das): I repudiate the charge. It is a lie, an incorrect statement that the hon. Member is making.

Shri V. P. Nayar: On a point of order, Sir, can a Member, especially a Minister say that it is an open lie?

Sardar A. S. Saigal: That is parliamentary.

Dr. M. M. Das: If the word is objectionable, I withdraw.

Shri Velayudhan: I am sorry, I did not hear my hon. friend Dr. M. M. Das. He is experienced in lying one after another in Parliament.

Mr. Chairman: Order, order.

Shri Velayudhan: Yes.

Mr. Chairman: This is not right on the last day of the session. This sort of accusation which is becoming mutual or reciprocal, is not correct. Today is the last day of the session. The hon. Member was also making accusations; he must be very definite about facts. I think such sort of observations should not occur any more. I think the hon. Member should finish now.

Shri Velayudhan: I shall tell him.....

Shri Feroze Gandhi: On point of order. The Member must also keep in mind one thing. When listening to him, we are also co-operating. If we non-co-operate, he would not be able to speak.

Mr. Chairman: The hon. Member must finish now.

Shri Velayudhan: I should tell him that a Parliamentary Committee should scrutinise this matter. That is my amendment here. It is very essential. I challenge the hon. Minister if he is willing to have Parliamentary scrutiny over this question of appointments made by the Government since we got Independence. If they make an enquiry, certainly it will expose many many thing. I will say that it will expose all the dirty, nasty things that this Government, the Treasury Benches, have done.

Mr. Chairman: Amendment moved:

"That for the original motion, the following be substituted:

"This House having considered the Report of the U.P.S.C. for 1955-56 and Government's memorandum thereon, is of opinion that the report be scrutinised by a Parliamentary Committee consisting of members of both of the Houses".

Shri Raghavachari (Penukonda): Sir, I have listened to the speeches and I wish just to voice my support

[Shri Raghavachari]

to the motion by quoting my own experience, which I am not saying, for the first time, on the floor of the House. I said this in as dignified and gentle a manner as possible in the Budget session, on the cut motions to the Home Ministry. I brought this as a very serious case of inordinate delay in calling for appointment after the Ministry had made *ad hoc* appointment, and the permanent injury that was done to a particular individual who was duly qualified. Because, the man who had been *ad hoc* appointed continued and the continuing itself constituted an experience which he had gained, which tilted the whole balance in his favour, to the prejudice of a qualified individual, who permanently lost his life opportunity of being judged fairly. These things I brought to the notice of the Home Ministry. I wrote a letter and subsequently I got a reply saying, you please appreciate this, you please appreciate that and so on. Of course, the whole thing is over. There is nothing more to appreciate or depreciate. The real point is, this disease or defect is not one individual case. It is almost a continuous disease. It is a kind of new processing of appointments. As the U.P.S.C. has rightly said, they pitch an individual and then, the pitching becomes completely fitting. That is the danger to the other people. I do not wish to go into details, except to say this. What happened was delay. A man had gone on leave to a foreign country to get himself qualified better. Before he returned, some temporary appointment was made of a man of much less qualifications. After he returned, he asked that he must be appointed to the place. He said that the lower man had been promoted, and now that he has returned, he must at least then get his legitimate place and the lower man should go back. They took 8 months, 10 months and continued that man. Then, the case was referred to the U.P.S.C. That took one year. It was said, now that we have called for, there is no need to make a change. The same lower man conti-

nued. Finally the U.P.S.C. selected, the temporary occupant only. I very much wish that the U.P.S.C. people had struck to the spirit of the criticism that they had made in their report and not recommended the pitched man for permanent occupation.

Apart from that, I only say that this is not an individual case. It is almost a regular processing of appointments. Therefore, we must mention on the floor of the House how we wish that these things are put a stop to. Apart from that, the poor people, who have the misfortune, suffer and they must suffer throughout their life.

Shri V. P. Nayar: (Chirayinkil): I shall be very brief and I promise you that I shall not indulge in merely attacking the Government this time.

It will be conceded even by my friend the Home Minister that the Union Public Service Commission is not adequately staffed to meet the present-day requirements of recruitment. The obvious result is that on various pleas, whether it is exigency or urgency or whatever it is, the Ministries have an opportunity of making *ad hoc* special recruitments. This has come up for criticism in this House very often, and the Commission has not been able to do anything about it because they do not have the staff.

In very many appointments I know as a matter of fact that the Commission invites specialist members. I was amazed one day to hear that one of these members in an interview put a question on certain details given in Vatsyayana's great work which we all know. Such questions are also being asked. I want this Government to understand that we must infuse confidence. Government must certainly create the impression that they are not giving any chance for favouritism or nepotism.

Shri Heda (Nizambada): Does the hon. Member refer to Vatsyayana's *Kama Sutra*?

Shri V. P. Nayar: I thought all Members knew it. I know personally questions on that were put in interviews in examining candidates by the so-called specialist members.

I was saying that the Government must give the impression to the country that they have tried their utmost in preventing venality or graft or anything like that. I can give any number of examples, but I do not want to go into it because the occasion does not demand that.

There is also this aspect which Government has to consider, and that is that the Commission's activities should not be merely confined to recruiting cadres for the Government. We have got cent per cent. Government undertakings in the commercial field. We have got ever so many public companies. I have had a little more opportunity to know things than most of the Members, having had the honour to serve in the Public Accounts Committee and the Estimates Committee, and at some places and in some factories nobody can say that things have been all right. I do not want to wash any dirty linen here especially when in a few minutes we shall all part and part as friends, but I want Government to consider seriously this proposition, that the Commission should be given the staff which it requires, because it will not be a waste. Of course, I do not say that the Commission has done everything cent per cent. right. They are likely to err. They are human beings. But why do you not give them opportunities, why do you not give them enough staff?

Take for example the recruitment in the matter of I.A.S. from the States. This recruitment to one of the topmost cadres in Government service has been—I am struggling to find a mild word—far beyond criticism.

Shri Feroze Gandhi: Ask Velayudhan.

Shri Velayudhan: Yes, I know it. I know it very correctly.

Shri V. P. Nayar: I think the hon. Member, Shri Feroze Gandhi, would not think that I have to borrow such words from Shri Velayudhan.

I therefore want the Government to bring within the scope of the Commission such appointments in public undertakings also to see that when there is recruitment by the Commission, the Government do not interfere in the manner in which they do, because very often Deputy Secretaries go as specialist members. It is written in this report that for the precise requirements of the Ministry an officer has to go. What is the precise requirement? The precise requirement unfortunately happens to be, as Shri Velayudhan put it in strong language, some back-door method of taking in some relative. I think Government, like Caesar's wife, must be above suspicion, and must not give any opportunity for criticism of this kind.

Shri B. K. Das (Contai): A perusal of the report of the Public Service Commission gives us enough proof that the Commission has done very substantial and satisfactory work.

Shri V. P. Nayar: Nobody denies it.

Shri Raghavachari: Nobody criticises the Commission.

Shri B. K. Das: I am also not criticising the Commission. I am only praising it. I agree with the friends who have brought this matter to the notice of the House that they want more staff.

Shri Datar: Let this point not be laboured. We have already given them adequate staff.

Shri B. K. Das: We do not know, but it is in their report.

Shri Datar: This was for the last year. Thereafter we have given them full staff.

Shri B. K. Das: So far so good.

Shri Raghavachari: The Minister refers to the present position.

Shri Datar: That is what I am telling them.

Shri B. K. Das: Another matter of satisfaction is that there has been an amount of co-operation between the Government and the Commission which is noteworthy. There is only one case in which there has been a difference of opinion, and it is on the remarks of the Public Accounts Committee and the view of the High Court etc., that the Government have been compelled to take a different view from the Commission, and they have not accepted the recommendation of the Commission. So, it is very gratifying that the co-operation that the Commission requires has been forthcoming from the Government also. But there is one point to which I should draw the attention of the Government, about the reference to temporary appointments. There have been delays. If we look to Appendix III, we find that in some Ministries where many appointments have been made, there has been delay in referring them to the Commission. I hope Government will take note of this, and bring those appointments to the notice of the Commission as early as possible.

There is another matter also. If we look to the number of appointments given in Appendix X, we find there have been as many as 64 cases in which in spite of advertisements suitable candidates have not been found. That is one defect which the Government should try to remove, because if proper personnel are not trained and educated and steps are not taken in the universities or technical institutions to educate proper persons, the Commission will be helpless in the matter, and as they are entrusted with the very responsible duty of procuring the human material for the vast machinery of Government, if such persons are not available the machinery cannot work well. So, I hope the Government will take every

step so that the policy of education in our educational institutions will be such that such people in numbers will not be found wanting.

I need not go further into these matters. On the whole the work of the Commission is satisfactory and the co-operation of the Government is also very gratifying. I hope this will continue further and that we will have no case for complaint against the actions of Government.

Shri M. K. Moltra (Calcutta North-West): I will take only five minutes.

श्री विभूति मिश्र : (सारन व चम्पारन) : हाउस साढ़े सात बजे तक बैठ रहा है। अब कितना और बोला जायेगा।

श्री कामत : कल से नहीं बैठेगा।

Shri M. K. Moltra: I have been allowed by the Chair to speak.

The whole report of the Union Public Service Commission is a record of attempts by the Government to by-pass the Commission. Everywhere an attempt has been made to by-pass this institution.

The Commission has complained about paucity of staff, and the Minister has just now said that adequate staff has been supplied to them. But that is not the question. The question is this: are you going to refer the cases of appointments to the UPSC or not? There are instances, and such instances have been cited also, where cases have not been referred to the UPSC and *ad hoc* appointments have been made which are not justified.

I would refer to one concrete instance. A question was asked last session in this House, which elicited the reply that the Assistant Secretary of the University Grants Commission was only a matriculate. There are many people with high academic qualifications, including doctorates, who work under him.

The Assistant Secretary has already passed the age of superannuation. But his case was never referred to the UPSC and he still continues in the service.

Now I shall refer to starred question No. 2058 of 12th September, 1956. In that question it was asked:

"(a) whether it is a fact that an inquiry into certain charges of corruption against a former Director of Inspection, Calcutta Inspection Circle, under the Directorate-General of Supplies and Disposals has been completed and the report submitted to Government ;

(c) whether it is also a fact that the said officer is actually working as Director of Inspection New Delhi, under the same Directorate-General?"

Shri V. P. Nayar: Thank God. He is not promoted.

Shri M. K. Moitra: The reply of Government was as follows :

"(a) Yes, Sir, the inquiry was held into the various charges including some relating to corruption.

(c) Yes, Sir."

So, that Director has only been transferred to Delhi as Director of Inspection, and he is continuing in that post.

I may now refer to another strange incident. The UPSC held the IAS examination at different centres. In one of the centres in Delhi, namely the M.B. Higher Secondary School, Rouse Avenue, an examination was held on the 24th September last, and the supervisor of the examination was found absent. He was given Rs. 25 per examination day for supervising the examination, but he was found absent. He went to the All India Radio to broadcast a speech and earn another Rs. 25.

Shri Feroze Gandhi: He must have been a journalist.

Shri M. K. Moitra: Unfortunately, at that time, a Deputy Secretary of the UPSC went there and found that the supervisor was absent. I can give the name of the supervisor also. He was Mr. G. N. Kaul, the headmaster of the institution. He was absent, and he had gone to earn more money, and the examination had to take care of itself. Here, I have before me a photostat copy of the letter of the UPSC. So, I am speaking from facts. Up till now, no step has been taken either to recover the money or to disqualify him from acting as supervisor in future. These are some of the instances. I can add instances after instances to show that Government's intention is to bypass the UPSC in some way or the other.

Shri Datar: At the outset, the hon. Mover of the motion had contended that sufficient time had not been found for a debate on the reports submitted by the UPSC from time to time. So far as that matter is concerned, I would like to say that when the reports are received, copies of the reports are presented to this House as also furnished to the hon. Members, and if any hon. Member desires to have a debate thereupon, Government would never come in the way at all. I should also like to point out in this connection that in the Rajya Sabha, if I mistake not, at least once, this question was debated upon. Therefore, if the matter has not been debated upon here, it would not be proper to hold Government liable for it.

Certain other points had been traversed, and I shall try to reply to them as briefly as possible. In the first place, it was stated that there was not an adequate or sufficient number of members on the UPSC, and secondly that there were not adequate staff. So far as the first point is concerned, the membership of the UPSC is now full. In addition to this, Government have also sanctioned the creation of two

[Shri Datar]

more memberships. So far as the UPSC is concerned, Government are aware of the increasing volume of work, and, therefore, whenever they require any additional strength, that will always be considered and is being considered with sympathy. So far as the staff is concerned, an adequate number of staff has already been given to them, and it would be found that in addition to this staff, certain mechanical devices also have been introduced; so, it may not be necessary to have more human staff when we have got these mechanical devices.

Shri V. P. Nayar: I would like to know whether there are any calculating machines.

Shri Datar: There are various machines. That is the reason why I put it in a general way. These mechanical devices go a long way in dispensing with the human material or the human portion of the staff. So, on this question, let not the hon. Members be under any misgivings that Government have been withholding the necessary staff to the UPSC.

Then, I would pass on to the other points raised by the hon. Members. It may kindly be understood that a very large number of cases are referred to the UPSC. Nearly 7,000 cases are referred to them. Formerly, the number was in the neighbourhood of 4,500. It has now increased to about 7,000. In spite of this, the House will kindly understand that the highest number of departures from the UPSC's advice was only six in 1950-51 when the Constitution came into vogue. From that figure, it has dwindled down; only in one year it was four. Now, we have got hardly two or three cases. In the year under review, so far as the present debate is concerned, out of these 7,000 odd cases, it was only in one case that Government considered it advisable to depart from the advice of the UPSC. There also, as the memorandum filed by Government

will point out, the UPSC desired to take a lenient view, so far as the loss of money due to the irregularities on the part of a Government officer was concerned; the UPSC somehow was of the view that a token amount of Rs. 1,000 should be taken from the officer. But Government did not accept this. They desired that this particular officer should suffer and make good the loss to the extent that he can make good the loss under the rules that are now prevalent, and, therefore, Rs. 12,000 is the amount which the man has been directed under the Government's orders to pay. In fact, I would also point out that, in that case, Government were anxious to have this man removed from service, because his whole conduct was highly irregular. And even in respect of the two charges which were inquired into, it was found that his conduct was not above suspicion at all. In fact, his conduct was very strongly criticised and the Public Accounts Committee of this hon. House had stated that Government should take strong action and the man must be visited deterrent punishment. This is the first point which has to be understood.

Secondly, there was also a case filed by the contractors. That case was dismissed. In the course of the judgment, it has been stated that there was collusion between this officer and the contractors. The Government were put to great loss on account of this collusion. This conduct of the man was far from *bona fide*. Under the circumstances, you will agree—and the House will agree—that in this particular case, not a mild punishment, not a lenient view, was called for but a deterrent punishment and strong view was necessary. That is what Government have done.

So you will find that this is the only case where Government considered it necessary, in the interest of justice, to depart from the views of the UPSC.

Then considerable criticism was offered so far as the temporary appointments were concerned and also so far as delays were concerned. Now, it has to be understood very clearly that ours is an expanding Government. Activities are being added on. Therefore, whenever new activities are added on, naturally Government have to consider whether the staff that is necessary should immediately be made permanent. That is a point which Shri Kamath will kindly understand on the one hand, Government are blamed for increasing their staff and for increasing the financial commitments; on the other, the criticism is to the effect that temporary hands are not made permanent at all. It has to be understood very clearly that a certain quota of our officer personnel has to remain temporary, because when Government undertake new ventures, Government desire to have some more experience before these posts are made permanent. Therefore, a certain quota of temporary personnel has got to remain. Even there, also, it is not possible for me, during the short time that I have, to go through the various steps that Government have taken. They have reorganised the whole Central Secretariat Service. They are also giving to the temporary persons rights of what is known as quasi-permanent, which is almost equal to permanency except in a way or two. Therefore, better conditions are being given even to temporary hands.

Under these circumstances, it would not be proper merely to criticise Government on the ground that they keep all these temporary hands without confirmation. It would be entirely wrong to confirm them unless there is absolute necessity for it, and to the extent that the necessity is there, they are being confirmed—confirmations are being offered. Would the hon Member like that the Government should discharge all these temporary servants? Then naturally, my hon. friends opposite would come round and fall upon Government for the great injustice that

Government are doing in suddenly discharging these temporary personnel.

Therefore, we have to choose the mean. We have to take into account the conditions. We have also to take into account the experiments that the Government have to carry on. We have to understand that the Government have to carry on with new departments or new activities. Therefore, confirmation has to come gradually after full experience has been gained. All the same, Government are all anxious that they have to give as good conditions of service to their people as possible and confirm them. That is the reason why I want to dispel the feeling that Government are not in any way taking care of the temporary staff. The temporary staff is being looked after in as good a manner as possible, and whenever it becomes necessary, and Government come to the conclusion that these temporary personnel should be confirmed, they are being confirmed.

In fact, I have told this House on a number of occasions that in certain cases Government passed orders that about 80 per cent. of the temporary staff should be considered for confirmation. That is what is being done and, therefore, I would like to point out that the interests of the temporary Government personnel also are quite safe in our hands.

Then, it was contended that cases were not referred to the U.P.S.C. in time and that there was delay. Incidentally, I may say that Shri Velayudhan who possibly knows very little of relevancy brought in certain other matters as well.

Shri Velayudhan: I challenge the hon. Minister. It is all relevant. Be honest.

Shri Datar: There was no relevancy in the hon. Member's speech. I repeat it again.

Shri Velayudhan: Be honest. Appoint a Parliamentary Committee.

Shri Datar: In all these cases, there is one single answer so far as the delay in making references or the question of non-reference is concerned. I should point out to the hon. Members of this House.....

Shri Velayudhan: On a point of order, Sir. Let me ask him why hundreds of applications are going to the Ministers.

Mr. Chairman: The hon. Member is saying nothing new. Let the hon. Minister reply.

Shri Datar: So far as this question of delay etc. is concerned, the only answer which I should like to give the House is this. Certain cases of delays in reference or non-reference have been referred to. In all these cases, hon. Members will note that though there was some delay on account of valid reasons, on account of inevitable reasons, ultimately, all *ad hoc* appointments that the Government have made, they had made them on an *ad hoc* basis in the interests of the exigencies of service and all of them have been concurred in not because Government have made these appointments but because they found that in all these cases the appointments were of good people.

There are certain sections of the Government machinery where technical personnel is required. As one hon. Member has pointed out—Shri Das, if I mistake not—we have agreed to evolve a machinery, we have agreed to have full university and other courses under which we shall have the trained staff, that is lacking. Under these circumstances, often-times Government have to make an appointment just on the spot in an *ad hoc* manner. In this case, let hon. Members understand that so far as Government are concerned, they are not in a mood to go on making appointments without reference to the U.P.S.C. In all these cases, Government are anxious not to make long-term appointments unless they are justified. Government have to assess

the situation and while assessing the situation, Government starts with the minimum period. In one of the 7 cases referred to in the U.P.S.C. Report, it will be obvious that Government wanted to make the appointment only for 3 months. Subsequently, other questions came in and, so far as the particular man was concerned, when he was found useful in one branch of the Government departments, his services because useful for other branches also. Certain committees are appointed and their reports are under scrutiny and action has to be taken and certain Bills have to be prepared. Under these circumstances this highly technical and efficient expert personnel is necessary. In all these cases Government are anxious to see that appointments on a long-term basis involving Government in commitments are not made. In all these cases, though there might have been some delay here and there on account of the *bona fide* belief on the part of Government that these appointments would not last beyond a particular period, they have always taken steps to see that a reference is made to the U.P.S.C. I repeat this particular statement which fully justified the Government's stand. In almost all these *ad hoc* appointments, when a reference was made—though there was some delay—and when the delay was explained, the U.P.S.C. have concurred in these appointments not because of the inevitability of the circumstances but on account of the merits of the persons concerned. Therefore, I would submit to the House that the U.P.S.C. have also not made serious charges or complaints. They have pointed out certain circumstances and the reply is this.

Shri Feroze Gandhi: Is there quorum, Sir?

Shri Datar: In all cases Government have to move slowly and cautiously.

Shri Feroze Gandhi: Shri Velayudhan is totally irrelevant, there is no doubt about it. But what about

Shri Raghavachari, who mentioned some very specific cases?

Shri Datar: So far as that case is concerned, I cannot remember exactly what that particular case is. I speak subject to correction, subject to recalling to my memory as far as I can. If, for example, there is an officer under the Government of India in a particular department, and if he desires to go out of India, say, to an embassy or elsewhere, hon. Members will understand that he wants to go because he would like to have more benefits. If he wants to go there and take benefits, then he cannot have a permanent lien on his post here. If he wants to have more benefits there, let him have them, but he cannot have a lien on promotion and advancements in India. He must take the position as it is. If you go out, then naturally you are obliged also to undergo certain inconveniences or hardships, which are inevitable. A post cannot be kept as it is, and promotions cannot be kept in waiting for you when you go out. This is what I wish to say.

Shri Raghavachari: I would like to correct the hon. Minister. It was not a case where he went out to an embassy or other appointment as stated. He went on study leave to equip himself better and return to the service better qualified. If he comes back better qualified,

Pandit Thakur Das Bhargava: Was he given an assurance that when he returned after his studies, he would be given this post? Then the argument stands. Otherwise, another suitable person may have been found and the argument does not stand.

Mr. Chairman: Without knowing the facts from both sides, what is the use of discussing this case? The hon. Minister says he does not know it at present.

Shri Raghavachari: But I expect that the Minister in many instances has made.....

Shri Datar: I have made a general observation, not with references to a particular case.

Mr. Chairman: Unless the Minister is posted with the facts, he cannot reply to that case, but he is giving a general idea on the cases where such things occur.

Shri Raghavachari: I only wanted to correct his remarks.

Shri Datar: A charge was made of nepotism. So far as nepotism or favouritism is concerned, they are words which are current coin and are used without understanding the implications of these things. Now, I am putting it to Shri Velayudhan as to whether the U.P.S.C. have made any grievance of Government's conduct in this respect.

Shri Velayudhan: * * *

Shri Datar: If they have not made, then that subject cannot be a matter of debate here. It would be open to him to criticise us to his heart's content. But so far as this question is concerned, we are bound by certain rules. If the U.P.S.C. have not complained, if the U.P.S.C. have not made any grievance of serious irregularities, then I presume that the absence of a complaint means that Government's stand is perfectly vindicated.

Mr. Chairman: I think the House feels tired now. I noticed Shri Velayudhan made certain observations and I do not think they should go on record.

We cannot make any observations against a body which is independent. That will be expunged.

Shri Feroze Gandhi: His whole speech should be expunged.

***Expunged, as ordered by the Chair.

Sardar A. S. Saigal: Yes, the whole speech of Shri Velayudhan should be expunged.

Shri Kamath: I have got the right of reply under rule 338. The Minister has left a very misleading impression on the House. He has said that it was our fault that no discussion was raised in the earlier sessions. (*Interruptions*)

Mr. Chairman: That kind of debate can go on for ever.

Shri Kamath: Under rule 338, I am replying to the Minister. Myself along with some other colleagues had sought to move a motion to discuss the earlier report last session, it was admitted and put down in the Bulletin as 'no-day-yet-named' motion. It appeared in the Bulletin not once, but twice. The Government could not find time for its discussion. That is all on record and if the hon. Minister will find time to see the records, he will see these things. (*Interruptions*)

Sir, I am entitled, by your leave, under the rules, to reply.

श्री विभूति मिश्र : इस काम के लिये एक घंटे का समय निश्चित था । उससे अधिक समय हो चुका है ।

Mr. Chairman: He has the right of reply.

Shri Bhagwat Jha Azad (Purnea cum Santal Parganas): How many minutes?

Shri Kamath: I will not take more minutes than you can sit here. As regards the Minister's statement that the Government has appointed adequate staff, I would invite your attention, to what the Commission has itself stated. They have felt that there should be improvement in the quality and strength of the higher secretarial staff so that they may be able to discharge their functions more efficiently and more expeditiously. (*Interruptions*)

Shri Feroze Gandhi: Shri Kamath is very particular that there should be quorum in the House. There is no quorum.

Shri V. P. Nayar: There is no decorum..... (*Interruptions*)

Shri Kamath: As regards the Minister's plea that temporary appointments have got to be made in the given circumstance, I am wholly unconvinced and the House also is not convinced that the reasons he had adduced are valid or adequate.

Lastly, he has said that the U.P.S.C. has not made any charge of nepotism and favouritism. I can quote what the U.P.S.C. had said. It speaks of the irregularities that Government has committed. I am quite sure that the Commission would not use a stronger word than irregularities". I do not wish to add anything more. If the Government still say that they are not guilty of nepotism, corruption or favouritism let them say so. It is a matter of opinion. Because the temporary and *ad hoc* appointments made—there were hundreds of them—invite the charge. It is not that the U.P.S.C. should say so. They invite the charge from the public at large that there is nepotism and corruption. The U.P.S.C. may not say so. See the newspapers. Look at the newspapers. See what a Bombay paper has said recently. (*Interruptions*).

That is all I want to say in reply.

Mr. Chairman: There are certain amendments.

Shri M. K. Moitra: On a point of order, Sir, there is no quorum. Without a quorum they cannot be put to vote.

Mr. Chairman: The bell is being rung.

Shri Feroze Gandhi: Why is the bell being rung now?

Mr. Chairman: There is no quorum.

Shri Feroze Gandhi: But, when I pointed out that there was no quorum, you did not do anything.

Mr. Chairman: We can speak without a quorum but we cannot vote without a quorum. I find that there is no

quorum. So the House cannot, without quorum, go on transacting any further business. The House now stands adjourned *sine die*.

19.52 hrs.

The Lok Sabha then adjourned sine die.
