

[Shri V. P. Nayyar]

every highly technical, chemical industry such as calcium carbide is owned by a jute manufacturing mill. Apart from this, I would like to mention one thing. The other day, I confronted the hon. Minister of Food and Agriculture with a specific question for which he gave an answer which confounds me now. In the last report of the Tariff Commission it was said that for an economic production of calcium carbide, a fertiliser known as calcium cyanamide was necessary. I would ask the hon. Minister what is the result of the researches made in the Indian Institute of Agricultural Research or at any other place about the use of calcium cyanamide as a fertiliser. The hon. Minister warned the peasants not to use it. He said it was dangerous to say that it should be used. It is said that our peasants have not acquired that standard of education regarding fertilisers and calcium cyanamide. Now, I want to ask the other question of the hon. Minister who knows everything about it. If he wants to have the chemical industry, what exactly is the programme for the manufacture of polyvinyl chloride, vinyl acetate, acetylene, butane, etc? Calcium carbide must necessarily be produced if we want to develop our plastic industry, and so what help do they give to the existing units? There is a unit in Kerala. The report of the Tariff Commission says that in relation to this unit and the unit at Calcutta, the locational advantage of a factory in Kerala is such that because of the cheapness of electricity alone, the production of the capacity of 10,000 tons unit in Kerala will have a clean profit of Rs. 8 lakhs, the production being through the use of electro-thermal heating of lime with a carbonaceous material. That is the process, and that process is not different in Calcutta from that of Kerala. But Kerala's electricity is so cheap that we can have a saving of Rs. 8 lakhs on 10,000 tons of the material. But I understand that although this is a protected industry, and though they have given all assurances, even

the mere request to have a bigger capital sanctioned has not been favourably considered. If the factory has to be installed, it can only be a public limited concern. The paid-up capital is Rs. 7½ lakhs. The Government have accepted a scheme which will cost Rs. 45 lakhs, and they asked for a capital sanction of Rs. 50 lakhs to Rs. 60 lakhs. Therefore, I want to submit that it is not enough to say that this industry is protected.

I have something more to say. Can I continue tomorrow?

Mr. Chairman: He can continue next time.

16 hrs.

DISCUSSION RE. EMPLOYMENT OF RETIRED OFFICIALS IN PRIVATE COMPANIES

The Minister of Railways (Shri Jagjivan Ram): Mr Chairman, before the House proceeds with the discussion on this issue, as a sequel to questions and answers given in reply to Starred question No 405, I feel it would be better if I clarify the position in advance in regard to the ex-Chairman, so that the discussion may be based on a full knowledge of the facts.

I would request the House to recall the statement made by my predecessor, Shri Lal Bahadur Shastri, on the 24th September, 1954, when he had announced some important changes in the constitution of the Railway Board, which were to take effect from 1st October, 1954.

This officer's tenure in the Railway Board was consequently not renewed after the 30th September, 1954 and he, therefore, relinquished the charge of the office of the Chairman of the Railway Board on that date which was nearly a year before he was due to superannuate. From 1st October, 1954 he proceeded on leave and thereafter was not connected with the working of the Railway Board or any railway

administration in India. Had he not gone on leave, he would have reverted as the General Manager of a Zonal Railway.

While he was on leave, a call came from the Ceylon Government requesting that his services may be placed at their disposal under the Colombo Plan. This was agreed to and he was recalled and deputed to Ceylon to advise them regarding improvements in their railway working and organisation. During his deputation, he drew the salary of a General Manager and not that of a Member of the Railway Board.

He completed his assignment in Ceylon and again proceeded on leave from 28th April, 1955. While on leave he addressed on 3rd May, 1955, a letter to the then Chairman, Railway Board and I think it would interest the House if I read out extracts from this letter

"I mentioned to the Railway Minister, and also to you that I intended to work outside the public sector for a few years in connection with increasing the pace of industrialisation in the country. I have also informed the Prime Minister and some other Ministers of this intention and have reason to believe that they approve of my plans. Also, under the rules applicable to me, I am entitled to 'drop' this course after retiring from Government Service. For my own guidance, however, I have fixed the following criteria in respect of my future employment:—

- (a) I would not accept a post for which suitable Indian younger than me was available
- (b) My future work must help in creating more gamful employment for Indians
- (c) My activities must be directed towards increasing the productivity of engineering industries

(d) The organisation I join should enjoy the highest reputation and preferably be one with which I had not had direct dealings in my official capacity while on the Railway Board

(e) If possible, I should replace a high level non-Indian national in an industrial organisation

After examining requests to join them from half a dozen reputable organisations, I have decided to accept an offer from Messrs Bird & Co to join their Board of Directors in August, 1955

I have not, of course, at any time during my official service had any official dealings with this firm and my choice is mainly influenced by the five factors referred to above."

This letter on receipt, was put up to the Railway Minister who asked the Chairman Railway Board to convey his approval to the ex-Chairman

I should now like to refer to the historical background of the Sakrigalighat and Maniharighat handling contract. The House may be aware that Sakrigalighat and Maniharighat are the two rivering transshipment points on the right and the left banks of the river Ganga, the former being under the charge of the Eastern Railway and the latter under the North-East Frontier Railway. The handling contracts for these transshipment points were given by the respective Railway Administrations under separate agreements to Messrs Ballabhdas Aggarwal. The contract at Sakrigalighat was given to them with effect from 1st August, 1949 and that at Maniharighat with effect from 15th August, 1947, and were originally valid for three years and five years respectively.

Consequent on the construction of the Assam Rail Link and the difficulties which arose in regard to transport of goods through Pakistan, the

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Sakrighat-Mantharighat route assumed special importance and the traffic grew tremendously. The contracts to Messrs Ballabhdas Aggarwal were extended by the respective Railway Administrations from time to time and suitable adjustments were made in the handling charges after negotiations with the contractor. Since these contracts had continued for a fairly long time, it was felt that the market might be tested by inviting open tenders from 1st April, 1954, but on further consideration this action was deferred for the time being. Finally, the then Deputy Minister decided on 20th April 1954 that the old contracts which had been in vogue for a very long time should be terminated and that the market should be tested towards the end of 1955 by the issue of a joint tender notice by the two Railways so as to appoint a single contractor for these points. Accordingly six months' notices of termination were served on Messrs Ballabhdas Aggarwal in September 1955 and tender notices were issued on 21st January, 1956 and the tenders opened on 2nd March 1956.

I hope this information will be helpful to the House for discussion.

Shri A. C. Guha (Barasat) Before initiating the discussion, I may just point out that whatever information the hon. Railway Minister has been pleased to place before the House now should have been circulated to us earlier, so that we might have prepared our points based on the information contained in the statement made just now. Anyhow, that is a thing of the past.

Sir, I raise a discussion on the policy of Government with regard to ex-Chairman and other ex-Members of the Railway Board, as also retired high officials of Government, seeking employment in companies which have extensive dealings and contracts with

the Ministries, in particular with reference to the employment in M/s. Birla & Co., of an ex-Chairman of the Railway Board from the date of his retirement. Here also, I would like to mention that when I gave the notice, I did not put in my notice any name of any particular individual or of any particular firm. My intention is not to discuss a particular case or the appointment of any particular individual. But my intention was to discuss the general policy of the Government and its implementation.

I know there is a general policy that officials on retirement at least for two or three years should not join any private service without the permission of the Government of India. We should consider what is the implication of this rule. It is apprehended naturally that officers in different Ministries have to deal with so many private firms in their capacity as officials of the Government. They might have to dispense some patronage, they might have given some contracts—and their subsequent appointment on retirement may not be influenced by any consideration of what the officers might have done at the time they were employed in the Government. The intention of this rule is to maintain the integrity of the services and to keep the services beyond any doubt or suspicion, so that the public may have full confidence in the integrity of the services. But what is it that has been happening now?

In the note which the Railway Ministry has given, I think they have mentioned only about four or five cases. But the Speaker directed that all the cases should be given. One hon. Member suggested from this side that all cases starting from the appointment of Mr Bakhle should be given. But the Speaker intervened and said that a list should be supplied from a date even earlier than the appointment of Mr Bakhle, of those who have taken private employment after retire-

ment from Government departments. All those lists should have been supplied. Even from the Railway side the list that has been supplied is not exhaustive. I know of several other cases of high railway officials on retirement having been appointed in private firms. But their names have not been published in this list.

Shri Jagjivan Ram: We have no information.

Shri A. C. Guha: As I have stated, I am not interested in any particular case. So, I do not like to mention those names. I am concerned with the general policy of the Government and the implementation of that policy. If the hon. Railway Minister so desires, I can give those names in private.

Shri Jagjivan Ram: I do not mean in private. Once a railway official retires, we do not know his whereabouts. We have no information at all. That is why I said we have no information.

Shri Sreendranath Dwivedy: Then it is better to give it in public.

Shri C. R. Pattabhi Raman (Kumbakonam): I take it that what the hon. Minister said applies only to people who come under the provident fund rules and not under the pension rules.

Shri A. C. Guha: Again, there is some confusion on that point. On 6th August, 1957 during the question time there was some heated debate over a similar matter. Then also several hon. Members rose and a number of supplementaries were put—I think near about 20 or something like that,—and the Speaker had to intervene to stop the Members from putting more supplementary questions on that particular issue on 6th August 1957. I also had to put some supplementaries on that day, and in reply to certain supplementaries of mine the Railway Minister stated

“I have no information at present. I shall look into the matter.”

I think this is an assurance to Parliament. I do not know whether the Railway Minister has implemented this assurance. The Minister of Parliamentary Affairs should look into this matter and see that any assurance given to Parliament is properly implemented.

Shri Jagjivan Ram: What was the assurance?

Shri A. C. Guha: On that day the Railway Minister stated: (*Interruptions*) I think I should be allowed to speak. Now you are simply taking my time. On that day, the Railway Minister stated

“I am not quite sure. But when they join a private firm they have to take permission, I think from the Railway Board, during the leave preparatory to retirement.”

But on the other day 1st December, the Railway Minister said that no such permission under the existing rules was necessary.

Shri Jagjivan Ram: Again I will clarify that I said that permission was necessary during the period the officer is on leave preparatory to retirement, and I say that is correct.

Shri A. C. Guha: Yes, permission for joining a private firm is necessary. But on 1st December of this year the hon. Minister has stated that under the existing rules the members of the Railway Board, being not under the pension rules, are not required to take any permission from the Government for appointment in any private firm.

Shri Jagjivan Ram: Here again, I said after retirement no permission is necessary. But during the period they are on leave preparatory to retirement permission is necessary.

Shri A. C. Guha: Then, we have not got any list from other Ministries. There may be similar cases in other Ministries also. There was a demand in the House on that day, on 1st

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December this year, that the full list should be submitted I think Shri Feroze Gandhi made some demand like that But we have not got lists from other Ministries. So, we cannot say anything about them

Shri Braj Raj Singh (Firozabad)
We have got it from Commerce and Industry Ministry.

Shri Feroze Gandhi (Rai Bareilly)
Shri C C Desai has joined the Birlas But no information has been given

Shri A. C. Guha: I think for the benefit of the House other Ministries also should have supplied the list of retired officials who have joined private firms, so that there might be a fuller and more useful debate in this matter As I have stated, I am not concerned with any particular appointment I am only concerned with the general policy and the implementation of that policy If the Government has formulated any policy, it is expected that that policy will be fully implemented in spirit But what do we find?

It is really regrettable that on a previous occasion the then Railway Minister rather extolled and congratulated the retired official and congratulated the private firm which appointed him just on the next day after his retirement Such congratulations from the Minister in charge of the Department will serve as an encouragement for the private firms to recruit officers when they are already in service and to negotiate with them and also will act as an encouragement for the officials to try to secure some other job after retirement in firms with which they might have dealt with in their official capacities I wish such congratulations from the hon Minister was not forthcoming on an occasion like that

Another regrettable feature is this According to the note that has been given to us, in practically all the cases these officials joined the private firms almost the next day after retirement This shows that while they

were in service they were negotiating with those private firms. I think my hon friend, Shri Tyagi raised the question whether it is permissible under the Government Servants' Conduct Rules for an official already in employment under the Government to negotiate for employment in private companies Even for seeking better employment in other Government departments an official has to go through the proper channel with the permission of the department concerned But in all these cases it seems these officials were given free scope to negotiate with private firms while they were holding responsible posts in the railways

I do not like to mention much about the particular handling contract. But yet I should say one thing. It has been said by the Railway Minister that the tender of Messrs Bird & Company was the lowest tender and so it was accepted But I am sorry this is not the correct position I have got here a copy of an affidavit filed by one Shri Anand Mohan—I think he is the Chief Commercial Superintendent of the Eastern Railway—in the Calcutta High Court There it is stated

“Subsequently monthly money value of the tenders were calculated on the basis of traffic figures shown in the tender papers and were found to be as follows:

Messrs Ballabhadas Agrawal
Rs 55,973-6-0

Messrs Bird & Co Ltd
Rs 57,858-2-0

Messrs Eshwardas & Sons
Rs 58,041-6-0

Sri Debj Prosad Tulsian
Rs 59,704-15-0

H C De and G K Agrawalla
Rs 61,815-2-0”

So, even according to this affidavit filed by the Chief Commercial Superintendent, Eastern Railway, Bird & Co's tender was the second lowest It was not the lowest tender.

There is one thing in the form of calling for tenders. There are some items in which the traffic is very heavy or in case of supply of articles some articles to be supplied are rather heavy, but there are certain items in which the supply or traffic would be negligible or nil. Here there is one item, No. 14, in which the traffic was shown to be nil. There Bird & Co., played the trick. They put their tender lowest. For the last few years there was no traffic under this item No. 14 and the traffic was shown as nil also in the Railway Board's papers. Bird & Co. put a very low figure for that. So calculating on that basis, their tender might have appeared to be lower, but in reality their tender was not lower if we considered this item No. 14 in which there would not be any traffic and so no payment would have to be made on that account. That is the trick which is sometimes played by the departments and also by the tenderers. Through that trick the tender of Bird & Co. might have appeared to be the lowest but in reality it was not the lowest as shown by the affidavit filed by the Chief Commercial Superintendent of Eastern Railway.

There is another thing. Both the Eastern Railway and the North Eastern Railway agreed to accept the tender of the other firm. I feel somewhat embarrassed to plead the case of another firm. In fact, when I gave notice, I did not know which was the firm interested or which were the firms who submitted tenders. I had nothing to do with it. But when certain things came to my notice, I thought it better that I should place them before the House. I am not pleading for any particular firm. The other tender was accepted by both the Railways and the Tender Committee of the two Railways also recommended the acceptance of the tender of the other firm and not of Bird & Co. But, suddenly one gentleman, Shri Kalyanaraman, Director (Traffic) of the Railway Board accepted this tender without assigning any reason and also without having the concurrence of the Department

concerned of the two Railways or of the Railway Board. I am afraid no financial concurrence was procured for the acceptance of this tender and just one gentleman of the Railway Board accepted this tender without assigning any reason.

The hon. Railway Minister has just now stated that this other firm which had this handling contract before Bird & Co., had been doing this job without proper tender and without the Railway Board having sounded the market. But why was this notice served only four days before the retirement of that gentleman. Shri Badhwar? Only four days before his retirement this notice was served on the existing contractor. To terminate their contract, six months' notice was necessary. This date is also somewhat intriguing.

As I have stated I do not like to mention any particular firm or any particular officer.

Mr. Chairman: None should be mentioned.

Shri A. C. Guha: I am not interested in that, but I shall like to mention some other things. When a policy has been enunciated, it is expected that the policy will be respected in spirit and not in letter. When it has been laid down that any officer after retirement should not seek employment in any private firm without the permission of the Government, it is expected that the Government will not issue permission without proper scrutiny. At the same time, it is also expected that when officers are in employment they are not to be under any obligation of any private firm in some other way. The officer may not be appointed after retirement, but his son or his daughter or his wife may be appointed in a high salaried post, almost sinecure post, which would put him under some obligation of that private firm. There have been several cases like this in the Government of India. I expect the hon. Home Minister will make a

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proper enquiry into this as to how many of the daughters, sons, wives and other near relatives of high officials of the Government of India have been employed by different private firms in high salaried posts, which can be called almost sinecure posts, such as consultants and the like

Shri Braj Raj Singh: Will you include Ministers in it?

Shri Surendranath Dwivedy (Kendrapara): Officials should include Ministers

Shri Feroze Gandhi: Son-in-law also

Shri A. C. Guha: I have mentioned near relatives. These cases also go contrary to the spirit of the rule which has been enunciated and I expect that there would be a proper enquiry into all these things. It has been laid down, I think, that officers should disclose their private fortunes and the private funds that they have accumulated

Shri Jaipal Singh: Ministers, also

Shri A. C. Guha: Yes. If there are such cases, there should be some enquiry

Shri Surendranath Dwivedy: There must be some rule about it

Shri A. C. Guha: If this has gone into the highest level of administration, surely there should be some enquiry. When a responsible hon Member like Shri Jaipal Singh and others have been suggesting that, I think, the hon Home Minister may initiate an enquiry into such cases, also

I have nothing more to say. I only wish that that rule may be respected not in letter but in spirit and permission should not be given lightly. Without a proper enquiry no permission should be given. If the members of the Railway Board or those who

are on the provident fund scheme, are not covered by this rule, I think that rule should be extended to cover such cases also

Mr Chairman: This is a discussion for 2½ hours

Shri Feroze Gandhi: It is too much. Two hours will be enough

Shri C. D. Fander: Two hours will be enough

Mr Chairman: It is for 2½ hours. Half-an-hour is gone. Two hours remain. I would first like to know as to how much time will the hon Minister take

Shri Feroze Gandhi: The hon Home Minister will be replying to it

Shri C. D. Fander: I think, six o'clock should be the limit

Shri Jagjivan Ram: I will not take long

Mr. Chairman: In the meantime I have got as many as nine names on the list, apart from others who will be thinking of speaking

Shri Keshava (Bangalore City): There are 23 names on the list

Mr. Chairman: I think ten minutes for each speaker will do

Shri Joachim Alva (Kanara): Preference may be given to people who asked questions on the last occasion

Shri Feroze Gandhi: May I know why the hon Home Minister is going to reply to it?

Shri Jagjivan Ram: I am going to reply to it. He may intervene if necessary

Shri Tangamani (Madurai): Sir, this discussion arose as a result of the reply given by the hon Deputy Minister of Railways on the 1st December, 1958, in that that the policy

of the Government with respect to ex-Chairmen and other members of the Railway Board as also the retired high officials of the Government seeking employment in companies enjoying Government patronage be taken into consideration.

I would like to say that soon after this discussion was raised, in the "Personal" column (Page 6) of *The Statesman* of December 13, 1958, an advertisement appeared. It read

"Ex-Indian Foreign Service Official, Economist, sound knowledge of International Trade, market surveys, company law, travelled abroad, secretarial experience, effective Government contacts seeks change "

This kind of an advertisement is now being legally allowed. There are several advertisements like this, but I would only mention this to give as a sample. We were given a list of four Railway Board Members and also six members from the Commerce and Industry Ministry. I shall come to them later.

Vigil a weekly which is published in Calcutta, in Volume IX No 44, dated December 6, 1958, had something to say about this. This is what it says

"This matter raises an important question of policy which, however not restricted to the re-employment of retired railway officials. It touches off many broader aspects. Not only officials of the Railways but those in other Ministries also handle transactions involving lacs of rupees."

It continues to say

"It has been found that many of such persons frequently accepted post-retirement employment with private firms. As a matter of fact, a leading political weekly had sometime ago listed the names of high-ranking Government servants

and their sons who had been employed in prize posts in private firms. The Government service Conduct Regulations require the previous permission of the Government when Government servants or their sons desire to take up such employment."

This is being adopted strictly only in the case of officials in the lowest rung. The Weekly which is referred to in this, I believe, is the *New Age* of 22nd June, 1958. I will come to this. On page 2, it gives a list of nearly nine persons, sons and sons-in-law of the Secretary General, External Affairs or ICS officers, etc. I won't read the names. I would only refer to that particular issue of the *New Age* of 22nd June 1958 page 2. It clearly gives the names of the officers, sons and sons-in-law, and where they are employed. It also gives a list of certain retired ICS officers who are now employed in those companies enjoying the patronage of the Government of India. I would mention certain names because it is published

Shri A D Gorwala who is employed in the Bombay Dyeing, Shri N Dandekar who is now in the Associated Cement Co. Having been a servant of the Government, after retirement, he writes a series of articles in the *Forum* for free enterprise, attacking the State Trading Corporation, and attacking the very policy of the Government through the State Trading Corporation. Then, of course, Mr F C Badhwar of whom much has been said by the previous speaker, Shri K C Bakhle of the Tatas; Shri D S Bhakle who is now associated with the Bombay Mill Owners Association, Shri L P Mishra—somehow his name is not given in the list of Railway Board Members who have secured employment in private companies—he is in the Hindustan Motors.

An Hon. Member Not in the Railway Board.

Shri Tangamani: He was in the Railway Board, he changed subsequently. Originally he started with

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the Railway Board. He is in the Hindustan Motors. You know how the Hindustan Motors is concerned in launching a big attack on the Defence Ministry for entering into contracts with other countries for the production of trucks. Then, Shri S. K. Sinha of Martin Burns, which is having the Light Railway also. Somehow, the nationalisation of the Light Railway is being delayed. Shri H S. Malik, Shri S. N. Mazumdar Shri N Dandekar, an I.C.S. officer, who retired at the age of 43, is the best adviser of the Ahmedabad Mill Owners' Association.

I know that the Government of India, through the Home Ministry has sent a circular that Government permission is necessary for employment of near relatives of Class I officers of the Union Government, in private firms enjoying Government patronage. I would request the hon Home Minister to see whether these 9 or 10 persons who have been listed out have got the requisite permission. This practice started, not after Independence, it had started even before Independence. I would mention one or two instances to show how this practice had started much earlier. There was Mr V S Sundaram, Indian Audit and Accounts Service, a retired man, who had done a lot of practice then—of course my hon friend Shri C R Pattabhi Raman is laughing—he is a very big man in the Delhi Cloth Mills and through him some people are able to get some employment also. Then, Shri T Bhaskara Rao Naidu, I.C.S., retired and joined the Birlas, Shri L P Mishra—he was also a Member of the Rajya Sabha—Shri M. A Srinivasan, my friends from Mysore may know, a Mysore Civilian and the part he played in really securing a very inflated compensation for John Taylors. I know from Madras, a Secretary of the Industry and Labour Ministry, Shri C G, Reddy. He is now the Secretary of the South India Mill Owners' Association.

One important thing. Shri C. C. Desai, an I.C.S. officer, who represented

us not only in Pakistan but also in Ceylon, has now joined the Birlas and he is one of the Members of the L.I.C., as a nominee of the Birlas, not as a nominee of the Government of India. Such instances can be multiplied. One more point, which I would like to make is on the question of these four persons who have been mentioned by the hon. Minister of Railways. I believe Shri Vasist is one of them. He has been associated with Khambattas. What I would like to know is whether it is a fact that he has been receiving any representatives from the Khambattas when he was the Adviser of the Railway Board during 1956 and 1957. I request the hon Minister to go into the Visitors books which are kept in the North Block and find out on how many occasions any representative or nominee of the Khambattas have been meeting him, before, of course, he left and ultimately joined the Khambattas. I would certainly beg of the hon. Minister of Railways and also the Home Minister also to go a little more into this matter. Because, I find that the present employee in the Railway Board the present Adviser of the Railway Board also has very much to do and is still having a lot to do with Khambattas. If details are wanted, I have got information and also I will be only very glad to supply it to the hon Railway Minister. I find a certain person comes from America, who had nothing to do with Khambattas. Suddenly in a special chartered plane Khambatta comes right from Bombay to Delhi. A party is held where some of these ex-Members of the Railway Board and also the person who is now very much associated with the Railway Board also takes a very active interest.

Shri Jaipal Singh: Dry party?

Shri Tangamani: Dry party or wet party; anyway it was a party in which I do not know how Khambatta is interested. I know how persons who are associated with the Railway Board were interested.

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I would like to know another point about the contracts which he has mentioned and the affidavit which was filed in the Calcutta High Court. I find on going through the records and proceedings of the Calcutta High Court that there was a view given by the General Manager. The General Manager's view was one thing and the Financial Adviser—his name I think, he also referred to—his advice is something different. Why has this difference of opinion arisen? That is what I would like to know. There is also a directive from the Judge of the High Court who says that in future cases, at least take the case of 3 or 4 people, go into them in some detail before you accept a particular tender. I would like to know why a particular person is left out and why Bird and Co or Peacock & Co, or whatever the Company is chosen or preferred in its place. Why I am saying this is, not in any way in derogation of these officials. What we find is this. Even in the first session of Parliament, our leader Shri S. A. Dange referred to this question how ICS officers, people who are high-ranking Governments have always an eye to a private firm where they secure their job for what the private firm will get in the future or for services rendered. This is something which probably God only knows. We would also like to say that when the Government, particularly when they entrust a particular officer with a responsibility, they must also see that that officer is responsible to the Government and the Government policy and not easily accessible to those powerful vested interests. That is very easy. Can an ordinary employer be in a position to hire these men? Of course, not. When we find that they are hired by persons, who had always had links with the Government, who were certainly monetarily benefited from the Government it raises a serious question of policy.

What I have said about certain individuals is not probably exhaustive. There are many more. As my hon friend Shri Guha has pointed out, sometimes the wives of big officials

suddenly get certain appointments, and the announcement appears in the papers.

So, I request in all humility that this matter may be looked into and an assurance given that they will see to it that the department is really toned up, and that Government servants do not look for remunerative jobs after their retirement.

16.41 hrs

Shri Jaipal Singh: I regret I cannot be self-righteous like my hon friend from Barasat and my hon friend from Madurai. I have been a service man, yes, an imperial serviceman in this country and abroad. I have served in Princely India, I have served with great credit in the private sector also. I feel this discussion is most unfortunate because this is not merely a question of the Railway Board. This discussion should have been a full-dress debate lasting about 20 hours. I do hope that my hon friend the Minister of Parliamentary Affairs will see to it, see to it from his proper seat, and if he cannot do it from his proper seat, then let him do it from the Prime Minister's place. I will have no objection so long as he succeeds, that next session we have at least a full-dress debate lasting 20 hours, because this is a national problem.

This is something that does affect merely the Railway Ministry. It affects the Ministers, it affects, may I remind Members of Parliament, Members of Parliament and their behaviour, it affects M.L.As, provincial servants everybody else. We are raising a matter of policy, a question of principle, and let us not be loose-tongued in our utterances.

Shri Feroze Gandhi: We have never been in imperial service.

Shri Jaipal Singh: No. I wish my hon friend would participate in that 20-hour debate. I can give him an

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information or two that would be educative as to the dangers a discussion of this sort might lead to

I am in a way welcoming this discussion because I do hope it will lead to a further, bigger and more extensive discussion of this very very vital problem

I have been a Member of Parliament for a good few years. I hear stories in the lobby, in the streets of New Delhi and elsewhere about our own conduct or misconduct, behaviour or misbehaviour. I hear plenty when I go back to my own State of Bihar about Ministers and others. I hear about Central Ministers. I think it is high time we faced facts.

The point is this, it is very easy for us to throw mud. In this particular case certain names have been involved. All of them I know intimately. They were my comrades during their university career. I have known them through their service career. There are plenty in the Railway Board in other services whom I know intimately well. Now the Railway Ministry have given dates as to when they had to leave whether they had the permission of Government or not what they did what they wanted to do. I ask hon Members of Parliament to show a greater sense of responsibility in criticising others. Service conditions being what they are do we expect in all honesty, in all fairness that a Government servant getting the meagre pension that he does should be honest that he should sit idle.

Shri Mahantv (Dhenkanal) What about a High Court Judge?

Shri Jaipal Singh Some thing I know of a High Court Judge in my own State who is practising today. He is allowed to practice. There is the famous case of Shri P R Das who is today practising in the Patna High Court and everywhere else.

An Hon. Member: Not now

Shri Jaipal Singh: I am not concerned with High Court Judges. What about Governors, what about anybody else? Now that I have been challenged on this point, how do I know that I am not feathering my nest for something in the future, lest I do not get returned in 1962? I am glad I am doing it. I shall do it honestly. I shall be honest about it and not be self-righteous in trying to think that nobody else should do it. That is my whole point.

We must remember that we in this country are committed to a mixed economy. Here, today, in this particular discussion we have been talking of a one-way traffic of Government service men government servants going to the private sector. I would like to point out to Government and to this House that there must be two-way traffic. At the present moment in this country we are confronted with a very serious problem and that is the other-way traffic.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha) The hon Member is not speaking from his seat.

Mr Chairman: The hon Member in his enthusiasm was standing in the aisle leaving his seat.

Shri Jaipal Singh: May I humbly submit this for the education of my hon friend, the Minister of Parliamentary Affairs, that under the House of Commons convention, I am entitled to go there and address the House? I can do that. He may not know it. That is another matter. But if you ask me to speak from my seat I am willing to do it.

Mr Chairman: Let us follow our convention.

Shri Jaipal Singh: The point is this. Under our pattern of mixed economy there has to be a two-way traffic.

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Now, Government servants with their experience have to retire, and we have to retire them; otherwise, we cannot absorb the traffic of our younger men to get to the higher places, hence the necessity of their having to be retired. It is not because we want to get rid of them but because younger men cannot be held back and they must come up that these senior people have to be retired. If they have to be so retired, and if they are technical men, as in these particular instances are they going to be a dead loss to the country? Is that the intention of Members of Parliament, or of this House or of this country? Is that what we want?

Shri Bimal Ghose (Barrackpore)
Do not give them pension

Shri Jaipal Singh. Very well. Pension is of no consideration to the particular instances that have been mentioned here.

I want to warn my hon. friends over there in the Treasury Benches that there is an instance—only one instance I shall quote—where the traffic has been the other way round where from a private concern, Government have taken over one particular individual. I shall not mention his name. In this country, if my hon. friends are not very careful over there, if they listen kindly to his advice, I do not know what will happen.

Before he left the private concern he came forward to our Ministers there and told them 'Look, I know all about this tremendous international concern. I can give you all the secrets. I can save you millions and crores of rupees' and so on and so forth, and he got employment. Today he is enjoying the rank of a Joint Secretary.

From time to time, we in this House are taken into confidence and told, 'Look, we are discussing gas here, a little bit of oil there and the like.' So, the hazard is not only on one side. In

this particular discussion, unfortunately, we have been thinking merely of our senior service men wanting to work when they come to the end of their service. Well, we know what it is *Aaraam haraam hai*: I can think of many of my friends who would agree that *Aaraam haraam hai*. This House would be well advised really to congratulate our senior people that when they leave service, they are available in the private sector just as we want people to come to the public sector because the public sector today is starved of technical personnel. I am tired of getting more and more nationalised concerns which cannot run by the normal type of service men. And why?

An Hon. Member. Get rid of them.

Shri Jaipal Singh. You may go anywhere you like, whether it be the DVC or the Hindustan Steel or anything else. Why are they not being run on commercial principles? We should have imported more personnel from the private sector.

As I say, I do hope this House will insist on my hon. friend the Minister of Parliamentary Affairs that next session there should be a serious debate on this point. But today, I am only concerned with the fact that we are attacking people who have followed all the rules and regulations of Government service. They are not here to defend themselves, and not only the hon. Minister here, but his predecessor and his predecessor—there are so many of them—are not in a position to satisfy this House whatever explanations they may give. Many Members here seem to have made up their minds that officers while they are in service do nothing but prepare for their future. If we want to get any service from our government servants, this is an attitude we must give up.

An Hon. Member. It is not our attitude.

Shri Jaipal Singh: It is the attitude. The essence of this discussion is that government servants all the time are

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[Shri Jaipal Singh]

unpatriotic, that they are letting us down while they are sitting in their god's and they are helping themselves

Some Hon. Members: No, no

Shri Jaipal Singh: helping private firms with a view to get some *quid pro quo* I say, far better men are available I want to say that as far as the private sector is concerned, it is run on commercial principles and a man has a price, a market price It is not like government service where a man sticks to his job, whether he is good, bad or indifferent He hangs on by sheer seniority he has over others That is not the case in the private sector

Now, I come to the question of contracts As I said in the TTK controversy, it is wrong for us to drag in any officers Drag in the Minister, if you find him at fault, hang him here on the floor of the House (*Interruption*)

Some Hon. Members: No, no

Shri Braj Raj Singh: They are committed to non-violence

Shri Jaipal Singh: The point is that this is not the appropriate forum for discussing individuals This is the forum where the Ministry is responsible I stressed this when the TTK business was being debated on the floor of the House I said that we cannot discuss individual officers It is just not right It is not the parliamentary convention Here we must go for the Ministry as such But what have we done?

My hon friend, the hon Member for Barasat, did not bring in names But in the agenda, the name of the firm is mentioned My hon friend, the Member for Kanara, the other day in the external affairs debate in his usual verbose exuberance, told us that he had been to Bird and Company in Calcutta—I hope he had been there—

and found a huge list with so many names Evidently, he was searching for Indian names and he found couple of them by some

Shri Joachim Alva: I saw with my own eyes the list in Bird and Company I do not make a statement which is not true

Shri Jaipal Singh: Unfortunately, he belongs to Kanara and I belong to a place nearer Calcutta I can assure him that if he had examined the list of Indian employees who are now holding senior posts—whether their name-plates are at the doors or not is immaterial to my point—he would have found out the facts The point is that when we make an irresponsible statement like that, I feel we are not doing our duty by the private sector, which in its performance, may I remind this House has to its credit—something greater than what the public sector has (*Interruptions*)

Shri C. D. Pande: Why why?

Shri Tangamani: Can an hon Member refer to another hon Member's statement as irresponsible?

Shri Joachim Alva: Before you call upon the next speaker may I point out, with your permission, that here is an hon Member saying 'I do not know whether the hon Member for Kanara has ever been to Calcutta?' The other day I made the statement that I went to the office of Bird and Company and in the huge board there, there were not enough names of Indians mentioned therein

Mr. Chairman: He has already said that

Shri Vidya Charan Shukla (Baloda Bazar): I thank you for having given us an opportunity to discuss this question of high government servants joining private firms after retirement, private firm with whom they have

been dealing while in government service and giving large orders

I will not try to say anything about the lame defence put up by Shri Jaipal Singh of such officers, nor will I be apologetic about mentioning the particular contract out of which this discussion arose. As my hon friend, Shri A C Guha, has said, almost all the government officials on retirement and in average good health would definitely like to join some good company to be busy to do something to earn their livelihood. But why all the competent and good officers of the Railway Board do not find employment but only a few of them find employment with big firms? Can it be assumed that only such officers as have been mentioned in the statement—four officers of the Railway Board—who have joined big companies like Martin Burn, Bird & Co, Cambatta Industries and the Tata Industries are the only efficient officers who have retired from the Railway Board. Were all the other officers of the Railway Board who have retired not competent and efficient enough to be taken up by these companies?

Shri Jagjivan Ram. How does the hon Member know that other persons have not found places in business?

Shri Vidya Charan Shukla: There are lots of competent and efficient government servants who have retired. Not all of them have been provided with jobs in firms. Probably, their integrity and honesty during their term of office comes in the way of their getting employment with these big firms. (Interruption) Even to a man of ordinary common sense it would be clear that these government servants who got employment with the private firms got them by favouring these private firms while in service.

The Deputy Minister of Railways (Shri Shahawar Khan): They got service because they were efficient.

Shri Vidya Charan Shukla: Do you mean to say that all the other retired government servants who did not get jobs are not efficient?

An Hon. Member: The converse is not always true.

Shri Vidya Charan Shukla: Let me come to the contract about which this question arose and the bigger question is being discussed in this House. First of all, I seriously object to the way in which information has been supplied to the House, the technical data, the technical prices about maundage and the various figures regarding maundage, haulage etc to Sakrigali Ghat and Manihari Ghat. They have been given as though we would work out the whole thing and come to our own conclusions. It is not possible for an average Member—for myself or some others—to work them out and find out what the real facts are.

My hon friend Shri Guha mentioned that the Railways are in possession of the worked figures which show that the lowest contract was of the particular contractor who was asking for Rs 55 000 and the next bid was that of Bird & Co for Rs 57,000. Those are the monthly figures.

Apart from that, there was item 14 in the tender list which was not taken up for consideration while working out these figures. That particular item was used later on to make the bid of Bird & Co, less.

Shri Jagjivan Ram: I would like to know what he means by "later on". I would like to have a clarification. Does he mean after the opening of the tender?

Shri Vidya Charan Shukla: Yes. In the tender it was shown as nil. Later on while calculations were made by the Tender Committee it was not considered. Even the General Manager of the North Eastern Railway suggested that the railway administration should negotiate with the lowest tenderer and then they should come

[Shri Vidya Charan Shukla]

to a conclusion. The General Manager of the Eastern Railway recommended that the lowest tender should be accepted. When these recommendations came to the Railway Board at Delhi and when these figures were demanded from the administrations of the North Eastern Railway and the Eastern Railway, the Eastern Railway administration refused to give the figures because they did not have any figures compiled for Sakrigali Ghat and Manihari Ghat. But the North Eastern Railway gave some figures. I do not know from where they got the figures and how the figures were obtained because..

Shri Jagjivan Ram: From the claims of Vallabhdas Aggarwal.

Shri Vidya Charan Shukla: These figures were not maintained at the ghats. That is borne out by the document in my possession. They were supplied later on. I do not know what is the basis of that information. I will be obliged to the hon. Minister in charge if he gives me the basis on which these figures were obtained and calculations made by which very calculations this particular tender of Bird & Co., was said to be the lowest.

17 hrs.

Sir, it is for anybody to judge how all these things came about, and I would definitely like the hon. Minister to place on the Table of the House the considerations he promised to give us while replying to a question. In the paper that has been circulated to us I do not find any mention of those considerations or the basis on which these figures of the tenders were calculated.

Shri Jagjivan Ram: Sir, again I am being mis-quoted. On that occasion I said that the only consideration was that it was given to the lowest tenderer.

Shri Vidya Charan Shukla: According to the affidavit filed by the Chief

Commercial Superintendent the lowest tender appears to be that of Vallabhdas Aggarwal. Later on these calculations were made. I want to know how these calculations were made and how these figures were obtained.

Then, the Tender Committee negotiates with various tenderers whenever there is doubt about any particular tender being the lowest or not being lowest. Whenever there are chances of the lowest tender being accepted and the lowest tenderer has not quoted for one item or the other, the Tender Committee recommends negotiation. As a matter of fact, the Tender Committee did recommend this for negotiation. No negotiation took place in this case.

I may mention that there were other lowest tenders opened more or less during that time and which were negotiated by the railway authorities. In those cases the tenders were not given to the highest or the lowest, but after negotiation they were given to the person who gave the most reasonable figures after negotiation. I may say, Sir, that such tenders which were negotiated related to the goods handling contract at Howrah Station.

Another very pertinent point about this is, recently I asked a question in reply to which Shri S. V. Ramaswamy said that it has come to the Government's notice that this contract of Manihari Ghat, Sakrigali Ghat and Sahib Ganj has been sub-let by Messrs. Bird & Co., to another firm and this sub-letting is absolutely against the terms of the handling contract. He said that they were making investigations and after completing the investigations we shall be told about that.

The Deputy Minister of Railways (Shri S. V. Ramaswamy): I never said that. I said that it was under consideration and investigation.

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Shri Vidya Charan Shukla: I can quote his very words. This is what he said "It has come to notice that labour for the work is to be supplied on a piece-rate basis while the firm will provide for necessary staff for supervision etc. The action of the contractor in relation to the agreement and what further action is to be taken by the Railway Administration are under examination."

Shri S. V. Ramaswamy: That is right—do not mis-quote me

Shri Vidya Charan Shukla: This was said in answer to an unstarred question. This sort of sub-letting is not in consonance with the terms of the contract, and it is not possible for such a huge foreign concern as Messrs Bird & Co to supervise all the work that they take. They are managing agents to 40 concerns in India and secretaries and agents to over 37 concerns.

Shri Shahnawaz Khan: Is that any argument why the contract should be given to Vallabhdas?

Shri Feroze Gandhi: Is he the same as Ishardas Vallabhdas? Throw him out.

Shri Vidya Charan Shukla: I am sorry I object to the insinuation because I have nothing to do with anybody in this matter. I am only speaking on the facts.

Mr. Chairman: That matter is being investigated. I think the hon Member should conclude.

Shri Vidya Charan Shukla: There has been another complaint by the labourers who are working under this contract by Bird & Co. They complained that although Bird & Co has been charging extra money for the extra lead which they are handling, the company has not been paying a single pie to the labourers. Not a single pie has been paid to the labourers working there, for the extra lead, while the company has been charging extra money for that.

Mr. Chairman: That relates to the contract of Bird & Co.

Shri Vidya Charan Shukla: I am saying that this complaint has been made to the Railway administration, and the Labour Department of the Railway made investigations into the matter. I say that a copy of that investigation report should be placed on the Table of the House, because the labourers are being cheated. They are not being given what is due to them, although the contractors charge for all the things.

Mr. Chairman: I think I should call the next Member.

Shri Vidya Charan Shukla: I just want to appeal to you that some enquiry must be made into these matters so that these things are not repeated in future.

Shri Harish Chandra Mathur (Palt): I am one of the signatories to this motion and as such I wish to make it absolutely clear that when we tabled this motion, there was no intention to condemn any particular officer or to discuss the merits or demerits of this particular contract in which we are bogged down unnecessarily. As a matter of fact, there are only two parties to this contract, though, as a matter of fact, there are four or five or six names which have been put in—Bird & Co, Ballabhdas Aggarwal etc in one shape or the other.

We here are not concerned at all as to whether this contract has been properly given or not. We are only concerned with the general policy of the Government which should guide the Government and the conduct of the Government officers. But because a lot has been said about this, I wish that all the hon. Members of this House would take all that has been circulated to us with a little pinch of salt.

[Shri Harish Chandra Mathur]

I got a bulk of papers last evening, giving all the details as to how this contract has been or has not been properly given. As a matter of fact, I was carried away by that impression initially, but here, I had an occasion to discuss with other Members of Parliament and as I got down to it, I found that I must say my views on the matter. I do not want to take much time of the House. The hon. Minister will be in a better position to explain the matter and he will be able to tell us that the contract could not have been given anybody else but to the firm to which it has been given and if it had been given to Ballabhdas or the other fellow

Shri Punnoose (Ambalapuzha) Sir, on a point of order. Is it proper that the name of a contractor should be brought in? Valuable time of the House is taken by saying that instead of one particular contract some other contract must be given. All that may be done outside the House, not inside.

Shri Harish Chandra Mathur That is exactly what I started upon, and that is exactly my point. We should not get bogged into the merits or demerits of the individual contract. Because it has been mentioned and an impression has been created in this House, I shall make it clear that the picture is not as has been painted before us. I hope I will not myself go into it very much. I would like to leave it to the hon. Minister and he will be able to tell the House how, if the contract had not been given as it had been given, the Government would have lost round about Rs. 5 lakhs. But that is absolutely beside the point.

My complaint as a matter of fact is against the Government. I would like to invite the attention of the Chair and particularly of the Home Minister to a recommendation made by the Estimates Committee in 1954—paragraph 41—where they have said in connection with the employment of

retired government servants in business and have pointedly drawn the attention of the Government, to a particular aspect of this question which we are discussing today. The Estimates Committee wanted the Government to frame certain rules which would apply not only to the Government servants who are pensioners but also to those who get only gratuity as in the railways. If that had been done, it would not have been possible for the hon. Minister of Railways to say that he has got no information. As a matter of fact, further to this recommendation of the Estimates Committee in the Rajya Sabha, a question was asked of the hon. Home Minister as to what he was doing to give consideration to this recommendation and the hon. Home Minister assured us in 1954 that he was looking into the matter and that they might revise the rules. I do not know if since 1954 these rules have been revised and made applicable also to those persons who retire with gratuity instead of pension as in the case of the railways.

Apart from that, Government have already certain very good rules in this particular matter as to what is the criterion before the Government in granting permission to such retiring employees who seek private employment. These rules lay down the policy perfectly well. All that has got to be done is that they should be made applicable also to the other services. In these rules which were there and which have been possibly renewed on 19th January 1951, it is clearly laid down:

Criteria for grant of permission to accept private or commercial employment. It may be noted that requests for permission to accept commercial employment after retirement or other private employment during leave preparatory to retirement are ordinarily decided by the application of the following criteria:"

There are five sets of criteria which have been laid down properly and I do not think we can very much improve upon them. One is:

"Will his commercial duties be such that his official knowledge and experience would be used to give the employer an unfair advantage? Will his duties be such as might bring him into conflict with Government?"

Certain cases are pointed out in which it is said that there will be conflict. Here is a case where we might say that these concerns in which they are employed are such that they are the regular contractors of the Government and the Railway Ministry in particular. I do not think it is advisable for the Railway Ministry to give permission to their officers to get into those firms particularly which have constant dealings with the Railway Ministry, because one might not have anything to do with a particular contract, but his indirect influence is always there.

We find that these officers are headquartered at Delhi all the time. I think the present officer also is headquartered at Delhi. Bird & Co.'s office is not in De'hi; their main office is in Calcutta. But these high-salaried officers are kept in Delhi, so that it is much easier for them to get in touch with the Ministries, obtain information and unconsciously, sub-consciously, without any intention to help that particular firm, an officer who is dealing with his ex-chief boss will certainly be influenced to that extent.

I think the hon. Home Minister would do well to amplify these criteria which he has set for the guidance of the Ministries, so that when we accord permission, we would take care to see that permission is given for re-employment only in such firms which have no dealings with the Ministries, where the officer might have influence.

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17.14 hrs.

[Mr. DEPUTY-SPEAKER in the Chair]

Nobody would have any objection if this gentleman was employed by a textile mill, because they have not got very much to do with the railways. It is only on these principles that we have thought it necessary to bring this motion. We wish that the rules should be further extended to apply to all employees retiring with pension or gratuity. This should have been done much earlier. We wish that the Cabinet discusses the application of these rules. My main complaint against Government is that there has been great indiscretion in granting this permission to these officers. As we go through this list of railway officers before us, I find that most of them have been employed particularly in such firms which have direct dealings with the Railway Ministry itself. I think it would be advisable, because this discussion is not only intended to raise the moral conduct of our officers but also to see that the Government servants and our administration inspire greater confidence in the public mind. Otherwise, there is no other purpose. It would be certainly unwise to quote the incidents here; it would be unwise and unfair to both parties and to the officers, if we quote ten incidents and say we have got more sketchy information about them, I think it is bound to have a great demoralising effect. It would not be proper to quote them. It would be unwise and unfair to quote particular instances about which we have ourselves not got the fullest information and about which the Ministry has not got the fullest information.

But this is a very important subject and it does require greater attention from the Home Minister as well as the entire Cabinet. They should look into the entire matter and see that permission is given only in such cases and in such manner that it is above suspicion.

At the same time, I would like to say that we cannot ignore the other

[Shri Harish Chandra Mathur]

aspect of the question. As a matter of fact, this discussion particularly forcefully brings us the burning question regarding the superannuation age. A very good friend of mine just now mentioned about High Court Judges. The High Court Judges, let us remember, retire at the age of 60. The High Court Judges also can practice in other High Courts.

An Hon. Member: Now they cannot.

Shri Harish Chandra Mathur: As a matter of fact, there is a big agitation that the officers should be permitted to go up to 58. In fact, one Government has done it in spite of the opposition of the Central Government—for instance, Uttar Pradesh. But if for certain reasons we cannot raise the superannuation age, in spite of the advantage of the mature experience of the officers, if we cannot utilize their ability for the developing economy in the national interest, I wish to emphasise the other point, and that is the individual's own right to work. How can you deny a healthy person his right to work? How can you enforce upon him idleness and staleness? I think this aspect can never be ignored and we must see that the officers with their mature experience are allowed to work and are given permission very freely, but when we give the permission very freely this criterion has got to be tightened in the direction in which I have indicated.

Shri Mahanty: Mr Deputy-Speaker, I do not find my hon friend from Ranchi here. I admire him for many of his qualities, one of which being to confuse the issue. We have so thoroughly confused the issues involved that it will be my first effort to extricate those issues from the debris of confusion to which it has been consigned. The issues are clear. No 1, the propriety of railway officials joining a private firm, No 2, the propriety of the contracts which the Railway Ministry had entered into with Messrs

Bird and Company, and No 3, the larger question, the propriety of high retired officials seeking employment in private firms. These three issues have to be considered on their own merits without importing extraneous considerations, instead of trying to go to one side, as it was sought to be done by my hon friend from Ranchi.

When we come to the propriety of the railway officials joining the firms, it is inter-linked with the latter question, the propriety of the contracts. The documents which have been circulated to us by the Railway Ministry showing the comparative rates quoted for various tenders for handling works in Manihari Ghat and Sakrigali Ghat indicate, according to my opinion, that there was no propriety in this matter. For instance, 16 items have been enumerated in this list and for these 16 items of work as many as 5 tenderers had submitted their tenders. I find from an analysis that for 11 items of work there was a firm, Sri Devi Prosad Tulsian which had given the lowest tender.

If we go by this document which has been circulated to us, on eleven items of work Debiprosad Tulsian had submitted a tender which was lower than that of Messrs Bird & Co. Only on six items Messrs Bird & Co had given lower tenders. Therefore, the hon Railway Minister owes us a reply as to why on those eleven items of work, Messrs Bird & Co have been given the contract. That forces us to infer that because these two railway officials, members of the Railway Board, after their retirement had joined Messrs Bird & Co, they could get these contracts easily even though their tenders were higher than that of the firm which I had just now mentioned.

Then we come to the larger question of retired Government officials seeking private employment. It has been said that they are very capable officers. They cannot contain themselves with the paltry pension that

they might be getting. What are we going to do about it? What about the High Court judges? It is well known that High Court judges at least are more competent than many of the public servants, who today adorn the secretarial offices. Here are the High Court judges, who cannot practice after retirement and willy nilly have to fall back upon the meagre pension that the Constitution guarantees. I maintain—and I very strongly maintain—that unless our ICS and IAS officers—they occupy a very special position even under our Constitution in view of the fact that there are so many provisions to guarantee their service—maintain a propriety—it entails on them—both while they are serving and after their retirement, it cannot be one-way traffic. It must be a two-way traffic. I have got any number of instances to quote how the wives, daughters, sons and son-in-laws of the officers even while they are present incumbents, have been getting any number of jobs under the private concerns.

I have got a statement of the Commerce Ministry. I would like to ask the hon. Home Minister. What about officers belonging to the Commerce Ministry, who were subsequently taken away to the External Affairs Ministry and as soon as they retired from the External Affairs Ministry were taken away by the leading business houses of this country? This is nothing short of a scandal. We are almost faced with a scandal. Why do I say so? I say so because of the fact that these high officers have got a fraternity of their own. As soon as these private business houses get hold of the services of these officers they can jolly well manipulate to get all their business interests satisfied through them. This House will know that at the beginning of the Second Five-Year Plan the foreign exchange allocations went more into the private sector than in the public sector. Why? The reason for that is that these high officers, who were Secretaries in the Commerce and Industry Ministry and were subsequently taken away to the

External Affairs Ministry, as soon as some suspicion was thrown around them, as they retired from the External Affairs Ministry subsequently joined these private firms. Therefore, I am of the opinion that a code of conduct must be laid down here and now. It is high time that we drew up a code of conduct wherein we ensure that such officers who enjoy special positions under the Constitution and for whom special provisions have been made in the Constitution, who enjoy many such other facilities, after their retirement do not join any private firm. Let us not be told about the private sector and the public sector. That controversy is irrelevant and immaterial. I am not prepared to believe that this country is so denuded of intelligence that it cannot be run without retired Government officials.

When I come to Messrs Bird & Co., I say so with a sense of responsibility to expose merely the *modus operandi* of these firms, particularly of Messrs Bird & Co. Messrs Bird & Co. not only employ retired Government officials but also hon. Ministers' sons. In my State Bird & Co., because they have got large mining interests, first appointed the son of a Minister. As soon as that Minister was thrown away in the election that officer was also thrown out. He was the Public Relations Officer. He was thrown out. Then who was appointed? Another person, who is now, of course, an hon. Minister in the Centre. Why I am saying so is not with any sense of irresponsibility or to make any broadsides against my political opponents, but to see that administrative purity is maintained and that these kind of things in the private firms do not go on at the cost of administrative purity. We can cite many such instances. But, you will immediately pull me up to order because they will not be relevant at this moment.

Mr Deputy-Speaker: I am doubtful about what has been said also.

Shri Mahanty: Even though I disagreed with what Shri Jaipal Singh

[Shri Mahanty]

said, I am referring to the *modus operandi* of Messrs Bird and Co. It is not merely confined to the appointment of retired Government officials in the Railways. It goes still further and that should be stopped. I would not take more time of the House. Before I conclude, once again, I repeat, let not the hon. Home Minister try to defend that which is indefensible. If we look at the statement of the Commerce and Industry Ministry, you will find that one Mr. Malhotra has been discharged from service, because he did not seek permission. May I ask the hon. Home Minister to state if one particular officer, whom I have obliquely mentioned as belonging to the External Affairs Ministry, who on retirement, joined Bird & Co. obtained the permission of the Government. If it is not so, I would like to know from the hon. Home Minister why go on penalising the small fries, these babies of corruption, while the grandfathers of corruption are carrying on jolly well. Therefore in all humility, I once again plead, let there be a code of conduct laid down by Parliament so that no high Government official after retirement joins a private firm, which vitiates and which perverts the administrative purity in the position in which we are placed today.

Mr. Deputy-Speaker: Is it possible for me to call all those names that are there, more than 20?

Shri Braj Raj Singh: Anybody, you choose.

Shri Joachim Alva: The issue is a very narrow one. I do not know whether we can bolt the stable after the horse has run away. The retired officials have taken their present jobs with the full permission of the Government. Whether Parliament can go behind this permission is a matter to be debated. However, there are many large considerations, human and otherwise, and it is on these considerations that we must judge future issues. What has happened about the

past is a thing which perhaps we will have to ignore. What the Government could do is to draw up a questionnaire and ask the officers concerned, what connection they have had in the past with these firms, what decisions they have passed in their favour in the past. If such a questionnaire were drawn up and then permission was given, then, we could not blame either the Government or the officers who joined private firms. We have on the one hand small people drawing Rs 100, Rs 200, Rs 300 or Rs 400 as salaries, who cannot buy fruits for their children who are living in one room—a family of seven persons—who cannot get extension of service. Why should, on the other hand, people drawing Rs 3 000 and Rs 4 000, not only get extension of service, but ready with jobs going abegging for them?

Here is Bird & Co. whose accredited representative Sir Edward Benthall gave any amount of trouble to Mahatma Gandhi at the Round Table Conference. He demanded the pound of flesh. I shall have 30 per cent. representation for my European community.

Mr. Deputy-Speaker: Why say that which is irrelevant?

Shri Joachim Alva: Why I am saying this is the plums of our contracts are going to these firms when there are Indian firms. I take no part about Vallabhdas or this or that. I join no contractors' quarrel. It is a contractors' paradise outside this House. What I mean to say, is, the Government owes a duty to this Parliament that these contracts may be only given to Indian firms, under Indian control, with Indian money, under Indian management and not to firms who have hundreds of years of standing, not to firms who are colliery owners, who have the might of the British Raj behind them. This is the problem. We pass away these contracts to Bird & Co. who have big machinery. Why are Bird & Co.

interested in ordinary coolies for transshipment? Why not give the work to Indian firms and save them from the mouth of starvation? You will forgive me if I narrate a small episode. I have made it a point, with the permission of the drivers of railways, to travel with engine drivers in the Northern, Southern, Eastern and Western Railway. I am not merely satisfied with that, but on account of my interest in civil aviation, I sit in the cockpit of big aeroplanes in India and foreign lands.

Shri Nath Pal (Rajapur): That is very dangerous, you should not do it.

Shri Joachim Alva: I am coming to my point, please hear me. Even in Soviet Russia, when permission was first refused to me, I somehow or other managed on a smaller route to go into the cockpit. That I do because I want to know what are the difficulties of the engine driver. If you give me a lakh of rupees, I shall not be able to be an engine driver, or to dig coal from the pit. I would like all MPs to get permission and sit with the engine driver and know his difficulties.

Take the Frontier Mail. One thousand passengers and their safety are in the hands of the driver. I asked the driver: what are your difficulties? He said: I want warm clothes in the cold season, I want something else for winter. There was the Indian naval exercise from Cochin to Bombay and there were big officials from the Railway Board. It was in October 1953 and I told one of them about the difficulties of the Frontier Mail driver and said: give him an overcoat. He said: I cannot give it, it is not available, it is not given in England. That gentleman was no other than Shri Badhwar. Today I would not have participated in this debate but for that reply, which I have neither forgotten nor forgiven.

We want our officials to have a human outlook, to understand the difficulties of workers. If others'

daughters are considered as their own daughters, if others' children are considered as their own children, then there will be a better world.

Here is Bird & Co., I had gone down to Bird & Co. in 1951. I was the first Member of Parliament to raise the matter of Indian executives in foreign firms. I black listed 13 firms, and one of them was Bird & Co. I go down to this Bird & Co., and what do I see? I see a big board of 100 names, and out of the 100 names only two Indians were there. One was a retired ICS officer and another was someone else. Now I find Shri Badhwar suddenly becomes, subject to correction, the first Indian managing director of Bird & Co. How does Shri Badhwar become the first Indian managing director of the company? What were the inducements held out, and what were the past associations? I shall make no comment, but I want to know why Bird & Co. could not find a competent man like, say Shri Lal who has been made Chairman of Imperial Chemicals. He was an accountant. An accountant is always a good man, a competent man, and he has been made Chairman of the company. The British magnates have not got today a sub-manager or an accountant as an Indian. The New York City Bank has got one Indian as a sub-manager. You must go into all these points, why these firms do not entertain Indians, why dogs and other things and Indians also are treated alike and only some Indians are admitted. Then an Indian gets out of his big office, and he is admitted.

Shri Shahnawaz Khan: Hon. Member ought to be happy about it.

Shri Joachim Alva: Then there is one larger question about the services, about other officials. I want to know, since we attained independence how many ICS officers have retired, and how many of them have offered to do public service. If they want to do public service, they want to become Ministers straightaway, they do not want to come up the hard way. I

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want to know whether even five per cent of the retired ICS, with all their great training, ability, courage and character, have devoted themselves to public service. We have heard of the great Netaji Bose and we have heard of four gallant friend Shri Kamath, who have flung away their careers and taken to public service. I take my hat off to them, but I want to know how many retired ICS men have tried to serve the Government in a free capacity. Here are the Railway Board Members travelling in saloons, in the highest luxury, inspecting the lines, and we MPs have to go to our constituencies taking lunch at 4 o'clock and dinner at 2 o'clock in the morning. We are asked to do *pad yatra*. We are also officials with the credit of national service. Officials have no place in our public life unless they are attuned to the needs of national service, unless they are attuned to the needs of the new India, but if officials go along with us, we shall achieve the best, we shall take them as partners.

The days of the past service are gone, the days of the big service, with servants quarters and everything else are gone. We want people to serve the public. The House should know the figures as to how many ICS men have retired, how many are working for public service. One ICS man retired and took a very good job in the Bharat Sewak Samaj, as if there were not enough others. Congressmen, to do it. These are important matters which should be conveyed to this House.

There is another point I wanted to know from the hon. Minister what the amount of provident fund drawn by each of these officers was. Now, if I retire from Parliament, or if you retire from Parliament, I wonder whether we are fit for Rs. 20 pension, or whether we will even get Rs. 20 pension. Even when we are asking for bare amenities which are essential for your convenience and for my convenience, they are denied. I am one of

those who have been saying—I am speaking as a very impartial man—that Members should be given the bare amenities, otherwise, they cannot fulfil a national job. It does not matter if four hundred Members misuse them, but one hundred Members, if they are given the amenities, will do a good job.

I had demanded figures as to the provident fund drawn by these officers. If, after having drawn several lakhs of rupees, these officials are not satisfied, God save us. The figures supplied to me by the Ministry are as follows. In the case of Shri I. S. Puri, pensioner, his account has not been settled. In the case of Shri K. C. Bakhle, he drew Government contribution or bonus of Rs. 62,915, then, he drew special contribution to provident fund or gratuity of Rs. 25,000. Shri F. C. Badhwar drew Rs. 81,507-9-0 as Government contribution or bonus, and Rs. 25,000 as special contribution to provident fund or gratuity. Shri Vasist drew Rs. 87,921-58 as Government contribution and Rs. 35,000 as special contribution to provident fund or gratuity. Their own contribution to provident fund has not been included in this item. I do not grudge their being paid. They can have as much as they like. But what I grudge is that all the plums are going to them as a result of policy settled outside this Parliament. I submit that in that case, it is time that we took stock of this situation. It is time that we lay down healthy rules. It is time that those rules were applied to them and to ourselves, and not that as Shri Jaipal Singh says we draw a line between MPs and Ministers, let all the rules apply to us. We shall be parties to them also. But it is time that Government drew up rules about their prized officers carrying away the plums of office in foreign firms which have in the past strangled Indian nationalism.

The Minister of Home Affairs (Pandit G. B. Pant): I do not think

it is necessary for me to deal with the merits of the particular case, out of which this discussion has arisen. I may, however, mention briefly that the officer concerned served the Government loyally and honestly for more than thirty years.

Shri Braj Raj Singh: The British Government?

Shri C. D. Pande: The Government of India.

Mr. Deputy-Speaker: Whatever it was. He served the Government for thirty years.

Pandit G. B. Pant: The Government that was connected with the railway system in this country, and that was in charge of the transport system. He served the Government with integrity and honesty. He was, so far as I am aware, recognised by all as a very efficient and able officer. This Government also, in recognition of his services, gave him a special award.

Before his taking up this job, many months before that, perhaps, a year before that, he wrote a letter I would like just to refer to some of the words which he has used in his own letter. I would quote them. "I mentioned to the Railway Minister . .

Shri Braj Raj Singh: That has been quoted already.

Pandit G. B. Pant: If that has been quoted already, then I should have thought that that would have proved to every Member of this House that so far as this particular officer is concerned, his conduct had been perfectly honourable, that he had taken more than due care to inform the Government and others concerned, of his intention of taking up private employment; and though the letter has been quoted, I would like to remind the hon. Members of some of the conditions which he had imposed for himself.

"My future work must help in creating more gainful employment

for Indians. My activities must be directed towards increasing the productivity of engineering industry".

"The organisation I join should enjoy the highest reputation and preferably be one with which I had not had direct dealings in my official capacity while on the Railway Board. If possible, I would replace a high-level non-Indian national in an industrial organisation".

Then he follows it up by saying:

"After examining requests to join them from half a dozen reputable organisations, I have decided to accept an offer from Messrs. Bird and Co. to join their board of directors in August 1955".

So many months before he joined this firm, he gave due notice to Government about his intentions and he also informed the Government as to the principles which he had kept in mind in making his choice. It was many months, perhaps nearly a year or more, thereafter that the question of the contract that was given to Bird and Co. arose and tenders were invited. So, so far as this particular officer is concerned, I hope the House will agree that there has been nothing to which any reasonable man can take any objection. He has not only behaved scrupulously but throughout acted with a very high sense of honour, decency and dignity. (*Inter-ruption*) I have no desire to enter into unnecessary controversy. But I do not want officers, through whom this Parliament has to function, to get the impression that however scrupulous and careful they may be, there will be no word of appreciation for them and whether they are good or bad, whether they have performed their duties honestly, efficiently, loyally or otherwise, Parliament will condemn all indiscriminately. I do not want the officers outside to get that impression. For after all, we have to

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function, whichever Government be in power, through some agency, and that agency will consist of paid, salaried officers and men. And they all belong to our country and will continue to belong to our country.

So we are here not merely to find fault wherever anything wrong has been done. Of course, Government can be taken to task and they should be taken to task when they do anything wrong. But where the agents of Parliament are concerned, who function as well as any other individual could have done, they should be encouraged and heartened by what Parliament says about them. So far as this particular case is concerned, in fact I had no intention of dealing with it even as briefly as I have.

I would like to invite the attention of hon. Members to some of the wider and larger aspects of the question which have to be borne in mind when we consider matters of this character. Here we are concerned only with officers whose connection with Government has come to an end. So long as an officer is serving directly under Government, he is governed by a code which has been prescribed—and I think a sufficiently strict code of conduct for him. But so far as that goes, we are not at the present stage considering that question or making any reference to the very serious restrictions and conditions that have been imposed for the due and efficient and honest discharge of duty by government servants.

The point is this. How far are we going to interfere with and restrict the liberty of a government servant after he retires from service? A government servant is just like any other citizen. He is not disqualified simply because he had the privilege of serving under the patronage of Parliament. That is an additional qualification for him; but it should not be his disqualification.

Similarly, we have to keep in view this fact too that in our country we want to make the best and fullest use of all available talent, experience and knowledge. So far as government servants are concerned, they have opportunities of studying public problems throughout their life. When they retire, should they have some opportunity or not of giving the community the benefit of their knowledge and experience?

So far as this question goes, I hope there will be no two opinions that, whether a person has been an official or whether he has been a non-official, the country especially when it is trying to forge ahead and to march forward in economic advancement and in building society of a socialist pattern should have the co-operation of all who can be of help to the public and who can assist the Government after retirement or who can assist other persons who are engaged in productive agencies, then full use should be made of them.

As I said, government servants are just like other citizens.

Shri Mahanty: May I know about the High Court Judges? Are they not also public servants?

Pandit G. B. Pant: The High Court Judges, I think, after retirement do practice.

An Hon. Member: No.

Mr. Deputy-Speaker: They are forbidden to practise only in the High Courts where they have been judges and not in other High Courts.

Pandit G. B. Pant: I do not know if the hon. Member wants to place commercial firms on the same footing as High Courts. If that be so, then, he should have lesser objection to their joining such firms, because the pedestals of justice cannot be sullied by people who may be even a little

below the standard, and if they are up to the standard, then, they would raise the standards of justice too. But, that is by the way

I think they are free to do what they like. They cannot take part in politics so long as they are in government service. But, after retirement they can take part in politics.

Shri Braj Raj Singh: Let them take part.

Pandit G. B. Pant: I am glad you have no objection.

Shri Braj Raj Singh: But how many are they who have taken part in politics?

Pandit G. B. Pant: If they are to take part in politics, then, they can criticise the policies of government and they can also support the activities of those who are engaged in industry, trade or commerce. There would be no bar, they would not be asked to say ill of us and ill of everyone though it seems to be the rule with some of us here.

The point reduces itself to this, whether government servants, after retirement in this country, should or should not be allowed to do some good and useful work.

Well, so far as other countries are concerned, as hon. Members are aware, in the United States, for example, there is a regular inter-change between the industrial concerns and the branches and wings of government service. Men from the industry are appointed as government servants and those from government are appointed in industries. Also, so far as Russia goes there is no distinction between the two, they are expected to do everything. *(Interruption)* I have no quarrel about that. As I was reminded, I thought that I may be accused of partiality if I did not refer to Russia. Well, in England too people are allowed to join private service. To give some of the recent examples,

Sir John Woods who has permanent Secretary to the Board of Trade a few years ago was allowed to retire prematurely and join the Boards of an English electric company and of certain other companies, Sir James Halimore, Secretary in the Ministry of Supply was allowed to join a banking firm, Sir Lesly Rowin, one of the ablest officers of the Treasury, joined Vickers only last month. So, other countries do trust their men.

What sometimes makes me sad is the feeling that every person in this country is lacking in honesty and integrity, and much more so if he happens to be associated with public service. We are sometimes told that there is a crisis of democracy, I say it is often a crisis of confidence. I think we must have greater faith in our people. When a man has worked honestly for 30 years, and after that he with the permission of Government joins a firm, then to condemn him for doing something as if it is mean and ignoble is hardly correct.

Then, you have also to see other aspects. You want the foreigners in the foreign-owned firms to be replaced by Indians. Well, there are men in all grades in these foreign firms. There are managers at the top who have been in the firm for 30 years, there are others who have been there for 20 years. If they are to be replaced rapidly, other people must be available to replace them.

An Hon. Member: Government servants alone have experience.

Pandit G. B. Pant: Government servants have experience. They have a good reputation. Even foreigners believe that they can be of assistance to them. What of foreign firms alone, we are receiving requests for our men from U.N.O., from UNESCO and from various other international bodies. Our services have earned a reputation which has spread even beyond the borders of our own country. I do not thereby mean that all of them are white without any spot anywhere, nor

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that there are no blacksheep in the fold. But generally, I think, we should all agree that our high placed and responsible servants and officers have earned a good name for themselves. So, if other firms wish to employ them that is but natural, we should appreciate that.

What we have to take care about is this, that the highest standards of morality are maintained in our services and, if possible, in our country. We should also see that government servants perform their duty impartially, honestly, without fear or favour. That is what we should all try to ensure. If a Government servant tries to show some favours to a firm in order that he may thereafter be given some job there, he is conducting himself in a dishonest way, and he does not deserve any sort of sympathy. But, if a Government servant discharges his duties well and impartially, and after that he seeks the permission of Government, what is to be done? And you also know that the health standards are going up. The average longevity is going up. In other countries, the age of retirement is very high, in our country it is mostly 55 only. They are quite in vigour of mind and body when they retire in most cases and after that, they should not remain idle. They should do some work. I would welcome those who throw themselves into public service selflessly and do not want any remuneration whatsoever. But that would be, I think, not a hope which would be realized fully in the case of everyone who retires, some may do so, but all cannot. So, there is a rule already that Government servants of the Central Services, the All-India Services, cannot join any firm within two years of their retirement except with the permission of Government.

That is a safeguard, but so far as this particular case is concerned, the officer had not earned any pension, because in the Railways, they did not at least grant any pension. He got his gratuity and provident fund, and he

was not required to seek any permission from Government. But he did. So, so far as that goes, there is already a rule.

My friend Shri Mathur was pleased to observe that so far as the rules go, they are all right. So, the question is, of the administration and application of those rules. If there is anything wrong in any case, then I am to blame, the Minister concerned may be to blame, but the officer concerned is not. He has had my permission and I have given him permission to join the firm, and I look into the matter as fairly as I can. If a man of 55 wants to render further service and also to help himself, then, unless something comes in his way which would conduce to the raising of the standard, we should tell him that he should keep aloof, but, if otherwise there is no objection, I do not see why his talents should not be utilised.

As to the advice given by the Estimates Committee, action was taken on it, and these hon. Members who have seen the report of the Estimates Committee for 1956-57 must have noticed that the Estimates Committee have themselves said that several steps had been taken. Then, on the advice of the Estimates Committee, we have imposed a similar restriction on all engineers. Firstly, it was confined to Class I alone, and on the advice of the Estimates Committee that it should be extended to Class II also, we have imposed that ban on Class II,—that all engineers need not join any contractor and they should not act as contractors to Government except with the special sanction of Government.

18 hrs.

Similarly, for income-tax officers, we have the rule which I hope will be issued shortly, that they will not be allowed to practise before income-tax officers, so that having served in the same department, they may not

again practise before the people who have been perhaps their subordinates and who may have had dealings with them previously. It is also a rule that permission should be given to officers to serve only in firms with which they had no dealings in their official capacity. So, that is another safeguard and it is now applicable not only to those officers who get pension, but also to those officers who do not get any pension, such as the railway officers, who get only gratuity and provident fund. That was another recommendation of the Estimates Committee that those officers who get only gratuity and provident fund also should be brought within the purview of this.

For them it has been provided that while we have no control over them because they do not get any pension, they should be asked to give an undertaking that after they have retired, they will not join any commercial or industrial firm for two years without the permission of the Government.

Then, certain other observations have been made by the Estimates Committee and we have again addressed the Ministries here in order to find out if anything more can be done. I am just reading out from a memorandum which we have circulated to the various Ministries:

"A review should be made by all the Ministries to determine to which of the Class II posts under their control orders similar to this Ministry's Office Memorandum No should be extended keeping in view the need to maintain a high reputation for moral standards; and, whether non-pensionable officers holding all such posts would also be asked to give a suitable undertaking when they are paid their gratuity or provident fund."

There are also certain other suggestions made. So, these questions are constantly under review and we are

as anxious as any hon. Member of this House can possibly be that our public standards should not deteriorate. If possible, we should raise them still further. And, that is but natural. In a free country we have to trust our people and we have to see that they are also given opportunities for work and at the same time that the present great undertaking in which we are engaged, of raising our production still higher and higher, does not suffer because of any artificial handicaps want only introduced or imposed. That too is one of the considerations which we have to keep in view.

So, while I would welcome any suggestions for achieving the common objective, for enabling us to work better and in a more efficient way, and to see that not only integrity, honesty but not a shadow of any suspicion about any Government servant's incorruptibility can ever arise, I would also like hon. Members to be a little generous to them and also to those of us who have to act in association with them.

Shri S. M. Banerjee: I want to ask one question. The hon. Home Minister has stated that the retirement age is only 55. May I know whether there are no instructions under which re-employment can be given to these officers when they are physically fit in the public sector itself?

श्री स. म. बानेर्जी : अध्यक्ष महोदय, इस वाद-विवाद के लिये मैं उन माननीय सदस्य का जो कि रांची से आये हैं श्रीर गृह मंत्री जो दो बातों के लिये बन्धुवाद देना चाहना हैं। जो माननीय सदस्य रांची से आये हैं उन्होंने सुझाव दिया कि इस समस्या पर २० बंटे तक वाद-विवाद हो। कम से कम मैं जो उन का समर्थन करता हूँ कि इस पर २० बंटे तक वाद-विवाद हो। उस उद्देश्य के लिये नहीं जिस

[श्री ब्रज राज सिंह]

मेरे बारे में श्री जयपाल सिंह जी ने कहा बल्कि दूसरे उद्देश्य के बिना कि हम यह जानें कि हमारे मुल्क में जो हमारी स्थायी सेवा हैं उन में श्रीर जो हमारी जनता परा चुकी हुई सरकार है, जो हमारी जनता के चुने हुए प्रतिनिधि हैं, दोनों में क्या सम्बन्ध हो। श्रीर अपने गृह मंत्री जी को मैं इस लिखित धन्यवाद देना चाहता हूँ कि वह चाहते हैं कि हम अपने देश की सर्विसेज में विश्वास करें, उन के लिये अपने अन्दर विश्वास पैदा करें। मैं उन को विश्वास दिलाना चाहता हूँ कि इस देश का कोई नागरिक, जिसका पब्लिक की सेवा के कुछ भी सम्बन्ध है, कभी यह नहीं चाहता है कि देश की जो मंशाएँ हैं, जो सर्विसेज के लोग हैं उनके लिये कोई अविश्वास पैदा हो। हमारी कतई यह मंशा नहीं है। लेकिन मैं अपने गृह मंत्री जी को इस खतरे से आगाह करना चाहता हूँ कि जिस तरह से वे हर उस कार्रवाई का, जो कि पब्लिक सर्विसेज की तरफ से हुई है, चाहे वह गलत ही क्यों न हो, समर्थन करते हैं, वह ठीक नहीं है। वह तरीका नहीं है जिस से देश की जनता में इन सर्विसेज के प्रति कोई विश्वास पैदा हो सके। बल्कि यह तो बिल्कुल उल्टा ही तरीका है। जब भी कोई ऐसी बात आये तो यह कहा जाय कि देश के लोग क्या यह नहीं चाहेंगे कि जो अनुभव प्राप्त लोग जो तजुर्बेकार हैं, उन की सेवाओं का फायदा उठाया जाय, यह ठीक नहीं है। ऐसी बात नहीं है, कोई नहीं कहता कि उन से फायदा न उठाया जाय। हम चाहते हैं कि उन के अनुभव से फायदा उठाया जाय। लेकिन फायदा तब ही उठाया जा सकता है जब उन को ४,००० रुपये की तन्खाह मिले, उसके बाद पेंशन हो, वह कोई देश में आगे बढ़ने का तरीका नहीं है। हम देश में समाजवादी ढंग का समाज बनाना चाहते हैं, इस तरह का ढाँचा बनाना चाहते हैं जिस की दुहाई बार बार सरकारी बेंच की तरफ से दी जाती है कि हम देश का निर्माण कर रहे हैं और देश के नव निर्माण के लिये हमें उन के

तजुर्बे की जरूरत है। मैं मानता हूँ कि हमें उन के तजुर्बे की जरूरत है, लेकिन क्या उन में से ऐसे कोई साहब नहीं हैं जो सिर्फ अपनी पेंशन लेकर ही देश की सेवा करने को तैयार हों? निर्माण करने और उत्पादन को बढ़ाने में हमें योग्य सके? मैं निवेदन करना चाहता हूँ कि ऐसी बात नहीं है।

Shri Harish Chandra Mathur: Might I inform the hon. Member that last month an officer has retired, who was offered Rs. 8,000 from two countries outside and a firm from here another Rs. 8,000 and still he has accepted the job for Rs. 2,900 for the benefit of Rajasthan.

Shri Braj Raj Singh: He must be appreciated.

मैंने शुरू में कहा कि हमारी कोई मंशा नहीं है। अब भी हमारी तरफ से कोई ऐसी मंशा नहीं है कि हम पूरी सर्विसेज को डिनाउस करे, उनको बदनाम करे। जब भी यहाँ कहा जाता है कि हमारी सर्विसेज के लोगों की मांग यू० एन० प्रो० से आती है, बाहर के दूसरे मुल्कों से आती है, तो हमारा सिर चाँहा हो जाता है। हम चाहते हैं कि इस तरह की मांग बराबर आये जो कि इससे हमारी प्रतिष्ठा बढ़ती है। लेकिन जो इस प्रकार के लोग हैं, उन के लिये हम नियम भी बनाने के लिये तैयार न हों, यह बहुत अफसोस की बात है। मैं निवेदन करना चाहता हूँ कि यहाँ दिल्ली में ही कुछ ऐसे लोग हैं जो कि सी० पी० डब्ल्यू० डी० में काम करते थे और उन्होंने रिटायर होने के बाद रिटायरमेंट लिया। बी० एल० एफ० यानी दिल्ली लैड फाइनेंस

में। इसी तरह से एक साहब हैं, मैं उन का नाम नहीं लूंगा, वह भी सी० पी० डब्ल्यू० डी० में एक आफिसर थे, लेकिन उन्होंने रिप्लेसमेंट लिया तीरथ राम एंड सन्स में, जो कि एक कंस्ट्रक्शन कम्पनी है और गवर्नमेंट बिल्डिंग के ठेके का काम करती है। उन्होंने एक बिल्डिंग ऐसी बनाई कि दूसरे साल ही उसका एक बड़ा भाग कमरा गिर गया।

इसी तरह की और भी बातें कही जा सकती हैं। मैं पूछना चाहता हूँ कि क्या इस तरह की बातों को सुधारने की हमें जरूरत नहीं है। क्या यह नियम बनाने की जरूरत नहीं है कि जिन लोगों का सम्बन्ध उस विभाग से हो जिसमें कि उन्होंने सर्विस की हो उस में उन को न जाने दिया जाय। उसी विभाग से संबंध रहे होने के कारण उन को ही काम दिया जायेगा। मैं कहना चाहता हूँ कि यह कोई निर्माण का तरीका नहीं है। उत्पादन का काम इस तरह नहीं होगा कि ६ औरंगजेब रोड़ में एक बड़ा भारी दफ्तर रक्खा जाय और उस पर हजारों रुपये खर्च किये जायें बहुत शान के साथ। हाई गवर्नमेंट आफिशल्स जो हैं, उन से उनका सम्बन्ध हो और उन लोगों में सम्बन्ध कम हो जो दूसरे लोग हैं, यह उचित नहीं है। मैं इस लिये अपने गृह मंत्री से निवेदन करना चाहता हूँ कि जो आशय वह व्यक्त करना चाहते हैं अपने भाषण में वह आशय उन के भाषण से पूरा होने वाला नहीं है। उन्हें ऐसे लोगों से आगाह रहना चाहिये जो इस उद्देश्य को पूरा नहीं करना चाहते, बल्कि उस की पीठ में छूरी भोंकना चाहते हैं। उसे असफल करना चाहते हैं। यहां पर इस तरह से बहस करने के लिये हमारा यह मंशा नहीं है कि हम हर एक व्यक्ति को बदनाम करना चाहते हैं, हर एक को डिनाउंस करना चाहते हैं और ऐसी राय पंदा करना चाहते हैं कि इस जनता में ऐसी सेवाओं के लिये कोई स्थान नहीं है। स्थान है। मैं यह मानता हूँ कि कोई भी सरकार हो, इन सेवाओं की

जरूरत पड़ेगी, हमें उन की जरूरत पड़ेगी। लेकिन जहां पर कोई सैप्टेज होती है, कमियां होती हैं तो क्या हमें उनकी तरफ सरकार का ध्यान दिलाने का अधिकार नहीं है और यह कहने का अधिकार नहीं है कि उन गलतियों को द्रुस्त किया जाना चाहिये? मैं निवेदन करना चाहता हूँ कि इस तरह उस उद्देश्य की पूर्ति नहीं हो सकती जिसकी पूर्ति हमारे गृह मंत्री महोदय चाहते हैं। गृह मंत्री महोदय अपने सुन्दर भाषण में उद्देश्यों और प्रश्नों को, समस्याओं को मिश्रित करके कहना चाहते हैं कि जहां बाहर हमारे लोगों की प्रतिष्ठा होती है, वहां हम उनकी प्रतिष्ठा नहीं करना चाहते। ऐसी बात नहीं है। मेरे निवेदन करने की मंशा तो यह है कि हम इस तरह के नियम बनायें जिसमें सब कुछ विस्कुल साफ तौर पर हो। गृह मंत्री जी ने कहा कि वे लोग दो साल तक कहीं काम नहीं कर सकते। यहां दो साल का तो सवाल ही नहीं है, जैसे हाई कोर्ट के जजों के लिये किया गया है, वैसे ही इन लोगों के वास्ते भी होना चाहिये कि जिस डिपार्टमेंट या विभाग से वे लोग सम्बन्धित रहें, जिसमें उन्होंने सेवार्थ की हों, कम से कम उनमें वे कोई सेवा बाद में न ले। हिन्दुस्तान में निर्माण का काम चल रहा है, बहुत बड़ा क्षेत्र पड़ा हुआ है, उसमें वे काम कर सकते हैं। जो चाहें करे। यह नहीं भूलना चाहिये कि हमारे देश में सेवा की बड़ी भ्रष्टाचार परम्परा रही है। सविसेज से कहना चाहिये कि रिटायरमेंट के बाद वाणप्रस्थ धार्मिक शुरु हो जाता है, आप उसके बाद प्राइवेट और मुल्क की सेवा कीजिये। हमारे यहां हमेशा से बिना पैसे के सेवा करने की परम्परा रही है और उनको भी ऐसा ही करना चाहिये। सेवा करने के लिये कहा जाय कि पेंशन दीजिये, फिर ऊंची तन्काह दीजिये, उसके बाद सेवा हो, यह हमारे मुल्क की परम्परा नहीं है। इस लिये मेरा निवेदन है कि इस

[श्री ब्रज राज सिंह]

समस्या पर हमें गम्भीरतापूर्वक विचार करना है। अगर किसी शास्त्र का किसी विभाग से सम्बन्ध रहा है तो वह उस विभाग में सेवा नहीं करेगा, दूसरी जगह करेगा।

जहाँ तक निर्माण का सवाल है, निर्माण में योगदान, उत्पादन में योगदान, बड़ी खुशी की बात होगी, लेकिन जिन धादमियों के सम्बन्ध में बार बार चर्चा की गई है, जिन का सम्बन्ध बड़े एंड कम्पनी से था, वह मंत्री जी ने भी कहा, रेलवे मंत्री महोदय ने भी कहा कि वे उत्पादन बढ़ाने के काम में लगना चाहते हैं, मैं जानना चाहूँगा कि इस बड़े कम्पनी के द्वारा कितना उत्पादन बढ़ा है उनके बहा जाने से। बड़े कम्पनी का उत्पादन कितना बढ़ा है जिससे मुक्त की बहवूदी हुई हो? मैं किसी खास व्यक्ति का नाम नहीं लेना चाहता, मेरी मंशा यही है कि जिस उद्देश्य को प्राप्त करना चाहते हैं, उसकी पूर्ति के लिये जो भी आवश्यक हो वह काम करना चाहिये। अगर उसके लिये रिटायर्ड धादमियों की जरूरत पड़ती है तो ऐसा नियम किया जाना चाहिये कि जिस विभाग में उन्होंने काम किया हो, प्राइवेट एन्ड्राइज में जा कर उससे सम्बन्धित कार्य वे न करें। इस चीज में हमें बड़ा साहसा विचार पड़ता है कि ऐसे लोग जितनी सेवाएँ करते हैं, वे सब दिल्ली में करते हैं। अगर वे कोई आफिस कायम करेंगे तो दिल्ली में कायम करेंगे। यह लोग दिल्ली में इसलिये रहते हैं कि दिल्ली में रह कर उनके कुछ पुराने सम्पर्क चलते हैं और उनके जरिये वे ऐसे काम करा लेते हैं, जो शायद वैसे न हो पाते। यह साबित करना कि वह नाजायज काम थे, यह हमेशा आसान नहीं होता। लेकिन अगर ऐसे काम किये जाते हैं तो लोगों में दुर्भावना पैदा होती है। इसको खत्म करने की कोशिश की जानी चाहिये।

अगर यह कहा जाय कि सिर्फ बड़ी लोग रखे गये हैं, जिनके पास अनुभव है, जिनको ऐसे कामों का तजुर्बा है, जो अच्छा काम कर सकते हैं तो मैं निवेदन करूँगा कि प्रायः देश में ६६ फी सदी ऐसे लोग हैं जिनका राज्य से सम्बन्धित किसी कार्य से सम्बन्ध नहीं है। कोशिश कर के उन ६६ फी सदी धादमियों में से चाहे वे राजीतिज्ञ हों, चाहे वे सेवा करने के लिये धाये हों, चाहे जिस क्षेत्र से धाये हों, धाय धादमियों को ले सकते हैं। हमारे मुक्त में धादमियों का कोई अकाल नहीं हो गया है। हमारी बीरों को पैदा करने वाली भूमि है। उसमें दूसरे भी अच्छे लोग निकल सकते हैं। हम उनको भौका न दें और कहें कि हम उन लोगों से फायदा नहीं उठा सकते, यह ठीक बात नहीं है। अगर वे सेवा करना ही चाहें तो सेवा करने के और तरीके हो सकते हैं, सेवा का एक यही तरीका नहीं है।

मैं धाया करता हू कि सरकार इस वाद-विवाद से कम से कम यह सबक लेगी कि जो गलत बातें हो रही हैं उन पर ध्यान रखेंगी और यह भी प्रयत्न करेगी कि जो नियम हाईकोर्ट के जजों क लिये लागू हो सकते हैं वह नियम कम से कम आई० सी० एस० और ऊँचे केंद्र के लोगों पर भी लागू हो और इस तरह के काम न हों, जिससे लोगों में दुर्भावना फैलता है और सरकार की बदनामी होती है।

Shri Jagjivan Ram: Sir, I have not much to say now, after what has been said by the hon. Home Minister. Most of our officers in the Railways are serving the Railways according to an agreement executed between the officers and the Government and in the case of officers who are serving for the past so many years, the agreements were executed on behalf of the Secretary of State and the officers. The basic difference between other

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Government officers and the officers in the Railways is this Whereas in the other departments, the officers hold pensionable posts, on the Railways, the services of an officer can be terminated by six months' notice given to him by the Government, or he can give up his work by giving six months notice to the Government of his intention to give up the Railway job, and do something as he likes I am sure, at least my hon friend Shri A C Guha is aware of these rules, because he had to deal with these matters first He cannot claim that he has no knowledge of these things After having firsthand knowledge of these things, to raise these objections was not quite charitable to the officers or to the Government He was repeating whether in their case a two year period or a three year period was necessary or not I am afraid he was himself confused when he was trying to confuse what I had said on a previous occasion in this connection The matter is quite clear and quite simple Once a Railway officer or official completes his period of work or superannuates, and once his provident fund and gratuity has been finally settled, we have no hold on him He is as good a citizen as any other citizen and he is free to engage himself in any avocation that he likes

In the case of this particular officer, as I have stated, before the discussion started, he took ample precaution to inform the Government well in advance and to seek the permission of the Minister concerned and the permission was given So, there was no lapse on his part though he went out of his way to seek permission where it was not necessary even to seek We cannot blame him

I need not go into the question whether after retirement, a man's administrative or technical experience should be utilised in the country or not That has been very ably and very illuminatingly dealt with by the hon. Home Minister himself We are short of manpower, especially of experienced administrative and

technical manpower and their service has to be utilised If the Government do not, due to certain considerations that come in the way, grant them extension or re-employ them, the question is whether their talent should be wasted or it should be utilised in the private sector There are occasions where we extend the service of the officers or give them re-employment But, there are other occasions when we could not do so, not because we do not find the officer efficient, but we feel that there are officers below him who can reasonably fill the gap and if we do not retire the person concerned and promote the people below him, perhaps, discontent may be caused in a number of officers who may look for promotion in the chain of one retirement These considerations come in our way Where an officer may deserve extension on account of his ability and efficiency, these considerations make us retire him If these persons are to be utilised either in the private sector or in the public sector, I think it will be good for the country and to the benefit of the country And it is to the credit of the Railway Board and Railway officials that practically all the Members or Chairmen of the Railway Board who have retired have been taken for running commercial or industrial undertakings either in the private sector or in the public sector None of them today is sitting idle They have been taken either by the public sector or by the private sector

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): Perhaps we have to ask for one more

Shri Jagjivan Ram: The Minister of Commerce and Industry says that he has to ask for one more from the Railways That goes to the credit, efficiency ability and technical skill of the officers who have been in the Railway Board either as Members or as Chairmen.

Shri Braj Raj Singh: What about past contacts?

Shri Harish Chandra Mathur: Will you not recognise their right to work?

Companies

Shri Jagjivan Ram: As regards their past contacts, the Railway Ministry or the Railway Board does not function in a vacuum. It has to deal with businessmen in this country. They have to come in contact with them, not only because they are our contractors or suppliers, but I say that any person who deals with anything in this country either in the matter of trade or commerce or industry has to deal with railways. They have to deal with the railways, and if hon. Members think that there will be parties available in this country who will have no dealings with the railways, I am afraid they are not appreciating the reality. Everybody in this country who counts in trade, commerce or industry has to deal with the railways in one way or the other. They cannot function without the railways, and therefore they have to see high officers, either the General Manager or the Commercial Superintendent or the Chief Operating Superintendent who in time may come to the Railway Board as Member, Transportation or Commercial, and they have occasionally to see the Members. To see the high officers, contracts or some supplies, but in connection with their own difficulties

Shri T. B. Vittal Rao (Khammam): For adequate supply of wagons

Shri Jagjivan Ram: May be for adequate supply of wagons, may be for quick transport of certain goods which may affect certain industries in Hyderabad or even Kerala. So, they have to have their contacts, and if my hon. friend Shri Braj Raj Singh thinks they will not have their contacts, I am afraid that he is not appreciating the real working of the railways

Shri Braj Raj Singh: They must have contacts.

Shri Jagjivan Ram: Then it will be wrong to connect the question of contract with the officer concerned. It will be unfair. I have placed before the House the sequence of the dates when the Officer relinquished office and when the contract was awarded.

In addition to that I may say that at no stage had this officer anything to do with any contract of this sort. In the Railway Board we have different portfolios for different Members. It functions on a functional basis, and this particular officer had not to deal with the commercial side in the Railway Board. That was to be dealt with by the Member, Transportation and, of course, the Financial Commissioner.

As has been said, tenders were invited. Certain extracts have been quoted by my hon. friend Shri Guha from some affidavit given by the Chief Commercial Superintendent of the Eastern Railway. The figures which he has quoted were on the basis of the basic rates given by the various contractors or tenderers. When the calculations were made on that basis, of course Vallabhdas Agarwal's was the lowest. That is what he wanted to make out. Then, my hon. friend Shri Mahanty has also quoted certain particulars to show that the quotations for certain items in the tender from other tenders were lower than Bird & Co. That is correct. But calculations were made on the basis of all the items taken together, and on the quantity of goods to be handled. When that calculation was made, the figures quoted by Ballabhdas Agarwal were the lowest, and those of Bird & Co were the second lowest; and those of the three other parties were much higher than they. When the question of lead factor was taken into consideration,—that was a very important factor, it is true that for the past years on the Eastern Railway, they had not figures of the lead factor, but on the North-Eastern Railway, they had the figures of lead factors of the previous years; and after examination in the light of that—it was found, as it is clear from the statement that was placed on the Table of the House and also circulated to the hon. Members, that the rate of lead given by Bird & Co was considerably lower than that of Ballabhdas Agarwal's. When the lead factor in the light of the previous figures was taken into consideration and examined.....

Shri A. C. Guha: What payment has been made on the lead factor during these last two years, under the contract of Bird & Co?

Shri Jagjivan Ram: I am coming to that also. It was found that Bird & Co's was the lowest.

Shri Sinhasan Singh (Gorakhpur): In the specification of the tenders invited, was the lead factor given any quantum? Was any quantum of property taken on the lead factor?

Shri Harish Chandra Mathur: It was shown as nil.

Shri Jagjivan Ram: I must admit that it was, by mistake that in the tender they had shown it as nil, because under no contingency was the lead factor going to be nil.

Shri Sinhasan Singh: If it had been given as nil, then fresh tenders should have been invited giving that lead factor to the other contractors also.

Shri Jagjivan Ram: As I said, it was a mistake. But the tenderers were wiser than the administration, and they knew that there was going to be lead, and therefore, they quoted for the lead.

Shri Vidya Charan Shukla: In the tender.

Shri Jagjivan Ram: I am not yielding.

Mr Deputy-Speaker: If the hon. Minister is not yielding, then the hon. Member must yield.

At 6-30 p.m. we have another discussion. If the hon. Minister's statement is not complete, then he may lay it on the Table.

Shri Jagjivan Ram: No, I have no statement to lay on the Table.

I was saying that when the lead was taken into consideration, it was found that Bird & Co's was the lowest, but it has been substantiated further in the light of the experience for the past two years, after the contract has been given. Calculation has been made that on this basis, for the last 29 months, on the traffic handled, taking

into consideration the lead factor also, the amount paid to Bird & Co is Rs. 23 lakhs. If the Ballabhdas Agarwal's tender had been accepted, taking the lead factor into consideration, the amount that would have been payable to them would have been Rs. 28 lakhs. So, there is no doubt that the lowest tender was accepted after due consideration in the Railway Board.

My hon. friend Shri A. C. Guha was not properly informed when he said that it was decided by one officer only, namely by Shri Kalyanasaman. Of course, he deals with that. But it was decided with the concurrence of the Director of Finance and with the approval of the then Deputy Minister.

About Ballabhdas Agarwal, I shall not say much. Perhaps, many Members are aware of his credentials. So the less said the better.

Shri T. B. Vittal Rao (Khammam): The less said the better.

Shri Jagjivan Ram: Many Members are aware of his credentials.

Shri A. C. Guha: I have never pleaded for any particular firm.

Shri Jagjivan Ram: I do not mean that Shri A. C. Guha spoke about any particular firm.

Shri Narayanankutty Menon (Mukandapuram): Anybody who has travelled by trains will remember him for his life-time.

Shri Jagjivan Ram: Then, my hon. friend Shri Vidya Charan Shukla raised a point about certain sub-letting and labour troubles. I may inform him that I have received certain complaints about Sakrigali and Manihari ghats, and about Shalimar. I am looking into both of them. The fate of both contracts will be decided in the same way. I may assure him that it will not in any way be discriminatory.

I think I have covered all the points. As regards this officer, I will repeat,

[Shri Jagjivan Ram]

in addition to what has been said by the Home Minister, that he has served the railways and the country with honesty, integrity and efficiency.

Shri T. B. Vittal Rao: Let us take him into Hindustan Steel.

Shri Jagjivan Ram: At no stage had he to deal with this contract at any time. It will be unfair or uncharitable to connect him in any way with this contract. This contract was decided purely on merits and was given to the lowest tenderer.

Mr. Deputy-Speaker: The discussion is over.

Shri S. M. Banerjee: My question has not been answered.

Mr. Deputy-Speaker: It has been answered as far as it was possible to answer.

Shri S. M. Banerjee: It has not been answered.

*TUNGABHADRA HIGH LEVEL CANAL

Shri Nagi Reddy (Anantapur): I rise to discuss a problem which is a life and death problem to millions of people in Andhra Pradesh. It is the problem of the Tungabhadra High Level Canal which has been included in the Second Five Year Plan, but which even after three years has not yet been sanctioned. It mainly covers the most famine-affected areas of Rayalaseema—Bellary, Anantapur and Cuddapah districts—and it is for that reason that the Project has been undertaken, even though it does not come up to the standards of general irrigation projects.

After three years of the Second Five Year Plan, we were told by the Central Government that the project was not being taken up in full for two reasons. One, of course, is the reason given to me in October when I was told the Project was not being taken

up in full because it did not come up to the standards of productivity generally accepted by the Irrigation Ministry. Last month, we were told that the project was not being taken up for immediate construction for the reason that there are not enough funds. They say that it is for this reason that they have planned a self-contained Project which is smaller and which will naturally irrigate not even half the acreage originally planned. I hope within the ten minutes I hope to have, I will be able to convince Government of the necessity of this Project in the interests of the Government themselves and the people.

To say that the Project is not productive enough, and, therefore, it is not being taken up in full, is an argument which reminds me of one thing. If the Government go through the history of Rayalaseema, especially of these three districts, they will find that this is a tract which is subject to famines very often. As a matter of fact, the monograph of rural problems in Madras published in 1947 by the Government of Madras says of this tract

“One good year is being followed by two or three bad ones. The principal famine area of this province is this area. Nowhere is it more true that agriculture is a gamble”.

It was for this reason that the people of that area have been fighting for this Project for the past 50 years, and it is unfortunate that even after independence—ten years of independence—we have not yet got this High Level Canal. The Project itself was started in 1945. The dam is constructed, the Low Level Canal is there. But the High Level Canal which is necessary for this particular famine area, which is characterised as an area where agriculture is a gamble, is being refused sanction. It is said that in 16 out of 23 years, rainfall in

*Half-an-hour discussion.