

**Dr. Gohokar (Yeotmal):** The hon. Minister has also shown that the present system of examination is defective. It puts a lot of emphasis on memorisation. I also think that this system should be changed and with that in view I had brought this Resolution before the House. My main objection to the present system of examination is that our courses for the final examination are very bulky. It is beyond the power of students in general to study the whole bulky courses; they are most unmanageable. That was why I wanted that the whole courses should be split up into units, and for that purpose I had given out a scheme last time. But now since the hon. Minister has given a promise to introduce certain changes in the present system of education, I would ask for leave of the House to withdraw my Resolution.

**Mr. Deputy-Speaker:** Shri Bibhuti Mishra is not present in the House. I shall have to put his amendment to vote.

The question is:

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

"This House is of opinion that a sub-Committee be constituted for devising methods of imparting education in various subjects in the country and for evolving a system for assessing the progress and merit of students as have received education through these methods and to submit its recommendations after fully examining the system of examinations prevalent in different countries of world."

*The motion was negatived.*

**Mr. Deputy-Speaker:** Has the hon. the Mover the permission of the House to withdraw his Resolution?

**Several Hon. Members:** Yes.

*The Resolution was, by leave, withdrawn.*

## RESOLUTION RE: MODIFICATION OF SERVICE RULES

**Shri P. S. Daulta (Jhajjar):** I beg to move:

"This House is of opinion that all Service Rules of the Government of India be examined by a joint committee of both Houses of Parliament in order to make recommendations to the appropriate authorities for modification and improvement of such Rules."

**Shrimati Renu Chakravartty (Basirhat):** May I point out that none of the Ministers of Home Affairs is present?

**Dr. K. L. Shrimali:** I represent the Government.

**Shri Narayanankutty Menon (Mukundapuram):** He cannot.

**Dr. K. L. Shrimali:** The Home Minister is expected here in a few minutes.

**Mr. Deputy-Speaker:** Perhaps it was not expected that this Resolution would be reached so soon.

**Dr. K. L. Shrimali:** That is the position.

**Mr. Deputy-Speaker:** We had arranged that we should continue with the present Bill some minutes beyond 15:00 hours. But then there was no hon. Member to speak. I hope the Whips will make arrangements for some representation.

**Shri Rane (Buldana):** I have already communicated to the Home Minister.

**Mr. Deputy-Speaker:** He ought to be present.

**Shri P. S. Daulta:** I have come to know that many Members are interested in this Resolution, and very senior Members at that. They want to participate in its discussion. So I will confine myself at this stage only to a few points, of course reserving my right of reply.

The importance of Government servants cannot be over-emphasised. We, the members of this sovereign body, Parliament, may lay down policies. But the application of these laws or the implementation of the policies is in the hands of those whom we call Government servants. If they do it faithfully, if they do it with a full heart, then we go ahead. But if they do it with a reluctant heart and a trembling hand, then howsoever the legislation may be good, it is of no use. The hard reality is that if a man feels that he is not paid in the proper manner, if he is asked to work under service rule conditions which give him the impression that he is not a free citizen of India but is a half-slave, his mind and heart will feel reluctant to put in his best.

So my Party in the first session of this Parliament moved the first non-official Resolution asking for the appointment of a new Pay Commission to revise the pay. This second important Resolution asks for the revision of rules pertaining to Government servants.

We have got many categories of services in the Government of India. We have got the higher categories, the heavenly posts of ICS and IAS, and on the Defence side, we have what was formerly known as KCOs—I do not know what they are termed now. Then we have got the subordinate services. Then we have more than 14 lakh Government employees who draw less than Rs. 100 a month. There are many sets of rules pertaining to their services, but one thing is quite clear, that all deserve to be revised immediately.

These rules were framed by the Britishers who expected their *babus*, as they used to think of them, to work as a typing machine before them, without heart and without feeling. The days of Lord Clive are gone, but the approach is the same. These rules stand basically as they were. If there was any amendment, if there

was any change, it was not for the better; it was for the worse. We still remember the Essential Services Act passed by this House, but still not approved by the Rajya Sabha and so hanging there. Then there are two amendments that I will refer to later. The right of trade union, the right of organisation and the right of expression are still being curtailed rather than being given.

With your permission, I would like to make a few references to the rules as they stand today. First, I would draw the attention of the House to the Indian Administrative Service Recruitment Rules, 1954. Rule No. 14 deals with recruiting—I am, for the time being, dealing with those services which are known as the heavenly services, though I am not much concerned with them. I will deal with this in a few points. This is about the IAS and IPS. Here, 75 per cent. recruitment is through direct competition and 25 per cent. through promotion. The hard fact is that these top, higher services have been the monopoly of a few. When the Britishers were there, they were the monopoly of the few. 75 per cent. recruitment is through competition. I am in favour of competition—I may not be misunderstood in this respect—but competition presupposes equal opportunities to all citizens to get themselves mentally and intellectually equipped. I know from experience that a son of a present born in a village, studies for four years under a tree sometimes without a teacher and sometimes with a teacher having no knowledge of what to teach. Then he goes to the town and comes back during vacation to the atmosphere which has nothing academic in it. After passing B.A., he is asked to sit in these competitive examinations, with whom? With the son of a big bureaucrat or of a prosperous merchant or of some other man living in a fine locality in a town, who reads English still, the medium from the first primary stage. The son of a peasant is asked to

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compete with one whose mental equipment is far superior to his. This is no competition.

I may refer to the book, *Glimpses of World History*, by the Leader of the House. He says this competition is a most illusory thing. People think that in open and free competition all people can be represented. Certainly not. Even today, these higher posts are the monopoly of the few.

**Mr. Deputy-Speaker:** Order, order; one minute.

In the beginning, perhaps, the Home Minister might not have had any notice that it would be taken up so soon. But, this much notice ought to have been sufficient. By this time some representative of the Home Ministry ought to have reached here. This is the main speech of the hon. Mover. Somebody ought to be here.

**Shri Rane:** So far as the Minister of State of Home Affairs is concerned, he is in the hospital and the Deputy Minister is in the Rajya Sabha because a resolution that relates to the Home Ministry is going on there. As regards the Home Minister, unfortunately, I am told that there is a Conference between the journalists and himself and it is going on. However, I have communicated to him that he may come over here.

**Shri Narayanankutty Menon:** As far as an explanation is concerned, something could be found out.

**Mr. Deputy-Speaker:** I am sorry. I have made my observations. Some hon. Minister of the Ministry must have been here.

**Shri P. S. Daulta:** I have been making my observations about recruitment. There should be a change in this rule. Either the competition should be among equals or make still more reservations. Reservations are there. I am glad that my Scheduled Caste friends have got some reservations. But, I am afraid that the reser-

vations have been made for classes which are too poor.

**Shri B. K. Galkwad (Nasik):** There are no reservations; it is only a farce.

**Mr. Deputy-Speaker:** Let the hon. Member be allowed to speak what he has in mind; let him give his views.

**Shri B. K. Galkwad:** There are no reservations.

**Mr. Deputy-Speaker:** The hon. Member will have his chance when he may be ready to express his views.

**Shri P. S. Daulta:** I am thankful for what the hon. Member said. But what I am submitting is this. All these reservations to the Scheduled Castes in these matters are useless because they are too poor to avail the reservation. They cannot afford, in spite of Government support, to have their sons educated up to the B.A. standard. But, there are other poorer classes who can, with the efforts of their relatives, hope to get their sons graduated; they have no reservations for them, in Government service. I mean the landless peasants and the peasant proprietors. The reservations are not made for those who can avail such reservations; they have been made for the poorest sections who cannot avail of them. And, under the plea of this reservation, the higher classes get these higher jobs and the poorer classes, the peasant proprietors and the landless peasants in the rural areas—classes other than the moneylending classes are poorer—remain far far away from these posts. The hard fact is there today.

I come now to the next thing, the disqualifications for appointment. I was talking about the village people and now I will talk about the weaker sex, the women. It is provided that no married women shall be entitled as of right to be appointed to the services and where a woman appointed

to the services subsequently marries, the Central Government may, if it thinks necessary, call upon her to resign. I fail to understand that if a married man can enter Government service, why not a married woman. The rule relating to this cadre, rule 18 of 1954, provides for maternity leave. They do not allow married women to enter or those who have entered to marry but they are prepared to give them maternity leave. What for? What do they expect?

Then, I come to the conduct rules of this higher category. They have provided many penalties—even the penalty of dismissal without giving a chance again for employment. They say that they cannot appeal to the court. My humble submission is that the rule should be changed. If Government intends inflicting this punishment, they should be allowed to go to the judiciary because the Board and other rights of appeal are illusory as the appeal is heard by those who are in service.

There are other things also which deserve to be changed, but with these few words regarding the higher categories, I will now come to the subordinate services.

Mr. Deputy-Speaker, there is rule 4, taking part in policies and elections. I need not go into the whole of it. I will refer only to that part which says that it shall be the duty of every Government servant to endeavour to prevent any member of the family—and the definition of the family is given before—from taking part in or subscribing any aid or of assisting in any other manner any movement or activity which is or tends directly or indirectly to be subversive—that means opposition to the ruling party—of the Government by law established and where a Government servant is unable to prevent a member of his family from taking part or in subscribing any aid or assisting in any other manner any such movement or any activity, he

shall make a report to that effect to the Government.

I cannot understand how in this enlightened age a Government servant can be held responsible for the activities of his family members. I am reminded of the feudal days when the entire village was held responsible, being considered one unit, for a crime committed in the village. When the Mayor of Delhi, Shri Asaf Ali's Wife, can be a socialist while Shri Asaf Ali was a Congressman, I fail to understand why a Government servant's wife cannot hold a different view. For that he will be reduced to the humiliating position as to tell his authority, 'Sir, I am unable to control my wife; so, under the sub-rule, I may be excused.' Is this free India?

**Shrimati Renu Chakravarty:** Kripalaniji too.

**Shri P. S. Daulta:** I do not say that Government servants should be given a free hand.

**Mr. Deputy-Speaker:** In the case of Kripalaniji, Shrimati Kripalani has not to ask for that.

**Shri P. S. Daulta:** I am not in favour of giving a free hand to Government servants to indulge in whatsoever politics they like. But still these are not the days of Lord Clive; these are the days of our Home Minister who was a fighter in the struggle for freedom. These are days of Pandit Pant; these are different from the days of Clive and the hon. Minister should prove it.

Then I come to the criticism of Government's clause 6. It is a very funny clause. It says that no Government servant in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the Press or in any public utterance make any statement of fact or opinion which has the effect of an adverse criticism on any current or recent policy or action of the Central Government or the State Government.

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Secondly, it is capable of, etc.—I am not referring to this.

Then, thirdly, a statement which is capable of embarrassing the relationship between the Central Government and the Government of a Foreign State provided that nothing in this rule shall apply, etc.

About this I do not want to speak. Let my Lord Justice Sinha of the Calcutta High Court speak. Mr. Justice Sinha of the Calcutta High Court made absolute the rule obtained by the petitioner B. C. Chatterjee, an employee of the Posts and Telegraphs Department dismissed from service on the charge that he had published a leaflet attacking the Government and thereby violated the rule. His Lordship held that the dismissal order was bad in law as the Government Servants Conduct Rules was *ultra vires* the Constitution. That was so contended on behalf of the petitioner and his Lordship upheld this contention; and set aside the order of dismissal observing that it was entirely vague and uncertain to say that the Government servant could not say anything or write anything which was capable of embarrassing . . .

Shri Narayanankutty Menon (Mukandapuram): At least some of the points made may be noted. What is the use of the Mover speaking?

Shri S. M. Banerjee (Kanpur): They are noted at least by three or four persons.

Mr. Deputy-Speaker: They are noted.

Shri P. S. Daulta: Criticism of the Government even without letting out the name is so undesirable to the Government. What the learned High Courts have pointed out, you have heard.

The next point is still more strange. It is about evidence before any authority. According to that rule, save as provided in sub-rule 8, no Govern-

ment servant shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority. That is what one rule says. The second rule says that where any sanction has been accorded under sub-rule (1) no Government servant giving such evidence shall criticise the policy or any action of the Central Government or the State Government. That is to say, you are not allowed to give evidence to begin with. If allowed, you shall have to speak a lie. Government wants it and it gives direction to give evidence in a particular way. What sort of an enquiry would that be and what sort of an evidence would that be? That is to be seen.

There are many other provisions of these rules which deserve your attention. But I do not want to go into all those details. I would refer to the last amendment. The latest amendment deals with the recognition of union. It says that no Government servant shall join or continue to be a member of any service association of the Government servants which has not been affiliated within six months from its formation or obtained the recognition—this is in the hands of the Government—under the rules prescribed in that behalf or a union the recognition in respect of which has been refused or withdrawn by the Government under the said rules. No Government servant, it further says, shall participate in any demonstration or strike in connection with any matter pertaining to the conditions of service. He is not allowed to demonstrate; he is not allowed to be a member of any trade union because that trade union would not be recognised by them and would not be allowed to function. These are the sort of changes that they make. After Independence people thought that they would make a change for the better but these are the changes which they are making, depriving the Government servants of their union rights, of their right to demonstration.

Then, if they come to the Members of Parliament telling their story, how are they looked upon? Let me show you one letter from the Deputy Minister to the General Secretary of the Congress Party. They are so touchy. They feel why these Government servants go and tell these things to the Members of Parliament—the sovereign body. This sort of letters are a contempt to this sovereign body. Sir, I shall refer to that letter while I reply. With these words I commend my Resolution.

**Mr. Deputy-Speaker:** Motion moved:

“This House is of opinion that all Service Rules of the Government of India be examined by a Joint Committee of both Houses of Parliament in order to make recommendations to the appropriate authorities for modification and improvement of such Rules.”

**Shri Tangamani (Madurai):** Sir, I am moving my amendment No. 1. I beg to move:

That in the Resolution,—  
add at the end—

“and for suitable legislation as envisaged under Article 309 of the Constitution of India.”

**Shri S. M. Banerjee:** I am moving amendment No. 2. I beg to move:

That in the Resolution,—  
add at the end—

“and to submit a report latest by the 31st July, 1958.”

**Mr. Deputy-Speaker:** The motion and the amendments are before the House. The hon. Mover has taken about half an hour and still he says that he will make certain replies at the end and so he must have some time then also. He will take away about 3/4 of an hour, 3/4 hour is left. I hope the hon. Members who participate will not get more than ten minutes each.

**Shri S. M. Banerjee:** This is a very important Resolution and so the time

may be extended at least by about 10—20 minutes.

**Mr. Deputy-Speaker:** When did the hon. Member discover that it was a very important one and so time should be extended. I put the motion only half an hour ago and he did not take any objection to that. He did not object at that time.

**Shri S. M. Banerjee:** We have saved sometime today.

**Mr. Deputy-Speaker:** Shri Tangamani.

**Shri Tangamani:** Mr. Deputy-Speaker, if my amendment is taken, as part of this Resolution, the amended Resolution will read as follows:

“This House is of opinion that all Service Rules of the Government of India be examined by a Joint Committee of both Houses of Parliament in order to make recommendations to the appropriate authorities for modification and improvement of such Rules and for suitable legislation as envisaged under article 309 of the Constitution of India.”

My main purpose in moving this amendment is this. There has been a provision in the Constitution which has not been respected although the Constitution came into force more than eight years ago. Article 309 of the Constitution is as follows:

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

Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the case of services and:

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posts in connection with the affairs of the State, to make rules regulating the recruitment and the conditions of service of persons appointed to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act."

The Constitution clearly contemplates a legislation by this House which will certainly go into the question of regulating the conditions of service and framing rules. Till such time such a legislation is passed in this House, any person who may be directed by the President will have the powers to make these rules. The Home Ministry has been authorised by the President to make these rules and regulations. The rules were first framed in 1926 and they were later on amended when the Government of India Act, 1935, was passed. Even after Independence these rules are being amended and amended and ultimately we are having certain rules in 1955. Are we really respecting the spirit of the Constitution? How is it that this Government is afraid to come before this House with a legislation. Under that legislation, we will be given the powers to make those rules. It is time this matter is taken up seriously, if we really want to have democracy in administration. Shri R. K. Nehru, who has been our Ambassador in the People's Republic of China and who returned to Delhi, when asked about his impressions, said that there was administrative democracy in China. I am not going into the other things now. It is because the people who run the administration feel that they are part of the people and they have got as much right as the others are enjoying, if not more in certain cases. So there is a certain coherence and co-ordination between the people and the administration. Here we want to keep the administration as a separate entity. If tomorrow a legislation is passed that the administration must be

kept away from the people, that they must be given much more stringent powers as we are giving to the Armed Forces, then we can understand it. Why should we perpetuate and continue the practice which was introduced by the Britishers in 1926, and followed even after 1947, I ask the Members of this House in all seriousness. It is about time a suitable legislation is passed, otherwise more abuse is likely.

Another point I would like to mention is, some people say that the people in the permanent staff should not have all the political liberty. What is the political freedom, political liberty that they are having, except that they have got the right to vote? How it can be exercised under all these restrictions, we know. Actually political freedom is practically nil so far as Government servants are concerned. So far as trade union rights are concerned, the trade union rights which have been fought and won as a result of continued battles ever since 1917, the trade union rights which ultimately culminated in the Trade Union Act of 1926—and we have been able to get more and more concessions from the private employers—are denied to the Government employees. Sir, in the *Employment News Vol. III, No. 8 of April, 1958* the figures of employment in the Central Government establishments are given. According to those figures the present number of employees in the Central Government establishments is 7,54,130—of course, that does not include the 11 lakhs railway employees. In 1951 December there were 5,90,000. Therefore, according to these figures there are nearly two million Central Government employees. And, two million Central Government employees are to be denied these trade union rights.

One instance was pointed out by the Mover of this Resolution. Here is *The Central Civil Services (Conduct) Rules 1955*—of course, the name changes because sometimes it becomes

The All India Civil Services, but this is the latest name. Under these, rule No. 4 deals with "taking part in politics and elections". "Taking part in politics" is such a wide phrase, because this point was really raised in one of the cases before the Madras High Court. I think I had occasion to mention this case before in this House. In that case Mr. Justice Balakrishna Iyer held that so long as a political party is not banned you cannot prevent a man from becoming a member of that party. You can restrict his movements where he takes part in the political affairs of that particular party, but to prevent a man from becoming a member of a political party so long as it is a legal organisation is taking away of the little right which can be conceived of by an individual. This was the observation of Justice Balakrishna Iyer. A writ appeal was preferred by the Railway Board. In that writ appeal also the original finding of Justice Balakrishna Iyer was confirmed by Chief Justice Rajamannar and Justice A.S.P. Ayyar. They made a more caustic observation that, if that is the sort of finding in which any Government servant is to be employed no man worth his self-respect will be able to continue in service for more than seven days.

Sir, added to 4 is 4A, which my friend read out, but for the sake of giving a complete picture I would like to read out 4A. It says:

"No Government servant shall participate in any demonstration or strike in connection with any matter pertaining to the conditions of service."

This is the offspring of August, 1957 when they saw the real patriotism of the Central Government employees. The Central Government employees did threaten the Government with a strike. They said that their conditions were bad. They said that the First Pay Commission was appointed in 1947 and ten years have now elapsed but still their conditions have not changed. They really required an increase in their wages. They

demand a Central Pay Commission to be constituted. They were united as one in their demand. All people rallied behind them; even this House also rallied behind them. They really showed that they are very patriotic by withdrawing the strike notice. What is it that they got? They got 4A saying, please do not take part in any demonstration, do not take part in any strikes. I have received reports, Sir, to show that in several departments persons have been suspended because they have contravened 4A. I came before this House with a question—I tabled a question to that effect—asking whether any employees of the Civil Aviation Department have been penalised under rule 4A. Promptly came the reply that it is an administrative matter. This House has no power to go into any of the matters even where the rules are *ultra vires* of the Constitution. We cannot go into any of these things.

Then there is 4B which really prevents a person from joining any organisation of his choice. If he joins a particular organisation and the Government says that they are not going to recognise it, he will come within the ambit of this rule—probably, dismissal will be the next thing. Again, he may be a member of a particular recognised organisation and the Government may say that they do not like the organisation and they are going to withdraw its recognition, then once the recognition is withdrawn he will immediately come under the mischief of this rule.

How is a particular organisation recognised? It is not because the man who recognises it likes that organisation. The organisation is so strong, it is able to speak on behalf of all the employees, its collective bargaining power is such that it can speak on behalf of all the employees, that is how recognition is wrested from the employer whether Government or private. How can this Government or any other employer say that he does not like a particular organisation and he is going to withdraw its recognition? For an analogy I will say this. The people of India were represented by Mahatma Gandhi. Mahatma



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Gandhi went and spoke to the Viceroy. If next day the Viceroy did not like the way Mahatma Gandhi talked or the way in which some other people behaved, how can he say: "I do not recognise you"? It is more or less in the same way as UNO is not recognising the People's Republic of China. The people will recognise the leader. The organisation is recognised by the employees. The spirit of recognition is there. Therefore, the entire spirit of recognition of trade union formation, which was fought and won after so many years, is now sought to be negated by 4B. It is a complete negation of trade union rights.

There is a third right. It may be called human right, or personal right, or a right infringing into the rights of one's own day to day life. There is a rule which deals with bigamous marriages. It says:

"No Government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him."

I am referring to rule 18. Supposing a Government servant wants to marry a girl, if he had married somebody else but has had a judicial separation or divorce, in such a case there is no ban under law for him to marry that girl. But, because he happens to be a Government servant, if it is known that this particular man was already married, he must get the permission from the Government. If this is the sort of regulations which we are going to have, I wonder how these Government servants have not so far protested against them.

In this connection, I would like to mention one Privy Council case. There was a school teacher. He was probably in the habit of committing adultery. Adultery is not an offence in England, only the civil right lies with the husband or the wife who has been the victim to claim damages

from the adulterer. In this case damages were claimed from the school teacher and it was proved that he had committed adultery. The school authorities said that they cannot have an adulterer in their school. This matter went up to the Privy Council. The Privy Council said that the school teacher was teaching small children, he was really giving good education to children and his private life had nothing to do with it. "How are the children interested in his private life?" They asked, unless he was telling them to become adulterers. They held that he was doing his duty, his personal life was one thing and his official life was another thing. In *Great Expectations*, Mr. Jaggers always has two personalities, one official and the other private. So long as he does his duty in the office it is not necessary for the Government to see where he is staying, whether he has got a wife, whether he has got children. It is not at all in their interest. All that we are interested to know, is whether he is able to really do his job properly. So long as he is able to do his job properly, this kind of interference first in his political freedom, next in his trade union freedom and next in his personal freedom—I do not know what more freedom they are going to infringe upon—is uncalled for. Government is going to be the model employer and in the second Plan the model employer must show the way and not infringe upon the rights.

With these words, I support this resolution and also commend to the acceptance of the House the amendments which really make an appeal to this House and to the country as a whole that it is about time that we respect the Constitution and article 309 thereof.

Shri S. M. Banerjee: I rise to support this resolution moved by my hon. friend Shri Daulta, along with the amendments. The Central Services Government Servants' Conduct Rules has a history as old as 1926, as had been stated by my hon. friend Shri Tangamani. May I submit that in 1926 the Trade Unions Act

was passed. It was passed due to the pressure from the organised labour and even the Central Government employees formed themselves into unions. I may tell the hon. Minister and the House that the Central Government employees, the defence employees especially, formed themselves into unions in 1924. That was their first union, formed in the South, —the labour union of the ordnance factory workers, Aravankadu. Then the Britishers were ruling our country and they bled our country white and they never wanted the Central Government employees, who were supposed to be trusted lieutenants and whom they thought should act as something like Mir Jaffar and his family members, to unite. When they found that these workers were already organised and they were also forming unions, they found it difficult. With the introduction of the Trade Unions Act, 1926, the employees had the same rights and privileges under that Act. So, the authorities immediately brought this much-hated rule which is to curb the trade union activities of the Central Government employees. In 1926 these rules were brought into effect.

Then I wish to say who brought these rules. It is the Home Department. There was no legislation at that time, and I would try to impress upon you and through you upon the hon. Members that there has been no change in the rules framed as early as in 1937. The rules which were made in 1937 exist even today and I shall establish by giving facts that the rules, if they have been changed, have been changed for the worse. In 1935, these rules were given this name, that is, the Government Servants' Conduct Rules. When the Government servants wanted recognition of their union they demanded a recognition. They said "We have formed our union, and it has been registered under the Indian Trade Unions Act, 1926. We fulfil all conditions. Why not recognise us?" To demand recognition they had to demonstrate and in some places they held mass meetings. Then the Britishers who were ruling the country came forward with

another letter. This letter is as old as 1937—25th August, 1937, Paragraph 4 of that letter says:

"This practice is detrimental to discipline and incompatible with the purpose for which the recognition is accorded to such bodies. The Government of India, therefore, has decided to make clear the instructions, the purpose for which the recognition is granted, and to convey a warning that it may be withdrawn if an association adopts methods other than communications of request to Government or Government officers".

May I submit that these rules or rather this letter was brought to curb the trade union activities of the Central Government employees, which were guaranteed to them under the Indian Trade Unions Act which was a piece of legislation. This does not end there. What were the methods that the British rulers wanted us to adopt for running our unions? They are contained in a letter which says:

"They—

that is, the Government,

"have considered the question specifying the activities which are considered objectionable and have come to the conclusion that there is a certain advantage in framing merely a general instruction of the nature of instruction 6. I am at the same time to explain the intention underlying that instruction. It is to discourage recognised association of the Government servants from furthering the interest of their members by such objectionable means as seeking the help of the members of the legislatures, holding of public meetings, ventilation of the grievances in the Press, approach to the political parties or political candidates during election. It is not intended that legitimate activities of such associations such as correspondence with Municipalities and with Railway authorities on matters affecting their interest should be penalised. The

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exercise of power to withdraw recognition by the authority granting it is discretionary and not mandatory and it is hoped that this will secure that unobjectionable activities of the nature described above are not penalised".

May I submit that in 1937 the British rulers who bled our country white and who fattened themselves on our soil and who ruled us, brought this piece of rule or Government order. I shall compare this 1937 rule framed by the Britishers or this letter issued by the Britishers through the then Home Department with our rule 4B which has been brought up by our national leaders who are in power today in the year 1957. After 20 years from 1937 and after 10 years of freedom what is it that we expected? We expected that the old hated Government Servants' Conduct Rules would be revised, but what do we find? I am referring to the latest rules regarding recognition of unions of Government employees; the Government do not want to recognise any union which is represented by the legislature, whom the members of the unions elected, the union which ventilates its grievances through the Press and public meetings. For, what does rule 4B say? First, what does Rule 4A of the Government Servants' Conduct Rules which had been recently amended, only in August, 1957, say? It says:

"No Government servant shall participate in any demonstration or strike in connection with any matter pertaining to the conditions of the service".

Rule 4B goes a step further. It says:

"No Government servant shall join or continue to be a member of any service Association of Government servant—

- (a) which has not within a period of six months from its formation obtained the recognition of the Government under the

rules prescribed in that behalf, or

- (b) recognition in respect of which has been refused or withdrawn by the Government under the said rules."

These amendments clearly show that even after a lapse of 20 years, the trade union rights of the Government employees not only remain where they were under the British rule but have even further been curbed by the introduction of the amendments which I read. I am happy that at the time of his reply to the debate on Demands for Grants under the Ministry of Home Affairs, Pandit G. B. Pant said, that he is doing something to revise or reconsider these orders. I am happy to mention that. But again, I would like to tell the hon. Minister the other aspect of the whole thing. There is a restriction that outsiders should not become office-bearers of these unions. The House knows that in 1950, a Trade Union (Amendment) Bill was brought before Parliament. It was objected to. It was protested against by lakhs of Central Government employees saying that "we cannot possibly exclude outsiders, because you will discharge one man today and tell him that he is an outsider." He is victimised. He is discharged or disciplinary action may be taken against him. So the Government then said, "We shall not include this man in the union, and as long as you include this man we shall not grant you recognition". These rules were protested against throughout the country. Trade union movement in the country, whether in the public sector or the private sector today has not secured a place, it is not so much mature that the employees themselves will guide the whole show. So the existence of outsiders is absolutely essential. This particular Bill of 1950, which was to have been enacted, was withdrawn, was shelved, because there were vehement protests. What happened afterwards? The Home Ministry, notorious as ever, brought something in the form of a letter. What does that letter say?

"It is now accepted position that no persons who are not Government servants should be elected as members or office-bearers of Unions and Associations of Civil Government servants i.e. Government servants other than industrial employees of Government...."

Who are the "other than industrial employees"? They are the ministerial staff, the supervisory staff. They cannot have any outsider. That is what this order says. It says further:

"Such Government servants are well able to look after their interest and manage the affairs of their unions without the assistance of outsiders as office-bearers."

Then, note the next particular sentence:

"This proviso in the Bill (1950) represents the considered policy of the Government and although that Bill lapsed on dissolution of the last Parliament, there is no intention to depart from the accepted policy on this point."

Now, this is the Bill which could not be brought before Parliament, because it was a hated Bill and people did not like the provisions of that Bill. Here in this letter it is stated that it is the "considered policy of the Government". This is how the members of this House have been ignored. When the rules were framed, no member was consulted. In 1952 when these rules did not come before Parliament, the Ministry of Home Affairs and their officers, without caring the least for us, showed their utter disrespect to the Members of Parliament. So, I would request the hon. Members to consider the letter which I have just now read in that context.

Then there is the question of recognition of trade unions under section 4(b). Unless this section 4(b) is withdrawn, it is impossible to get recognition. A question came before Parliament whether a trade union can apply to the Labour Court for recog-

ognition. This matter was discussed by a Select Committee of Parliament and the following amendments, as put forward by the Select Committee, were accepted for incorporation in the Trade Union Act of 1926. May I read out just a few lines from the Statement of Objects and Reasons to this Bill, which was discussed very thoroughly in this House in 1946? This Bill was known as the "Indian Trade Unions (Amendment) Bill". In the Statement of Objects and Reasons it is stated:

"It has long been felt that with existing conditions in India, there should be some obligation on the part of employers to recognise Trade Unions provided they are truly representative. The Trade Unions Act, 1926, provides for registration of the unions, but there is no obligation on the employer to recognise any registered trade unions. The Royal Commission on Labour, pleading for recognition in the spirit as well as in the letter, deprecated obligatory recognition feeling that it would not secure genuine and full recognition which the Commission desired to seek .... The Bill therefore, provides for obligatory recognition of representative trade unions. The question as to whether a trade union is representative or not will, in the event of dispute, be considered by an Industrial Court to be set up for the purpose."

Even this particular Bill, which was passed by this House, has been ignored. This was never brought before the workers, fearing that they may ask for recognition and they may go to the Industrial Court. May I now point out the outcome of it and how it has been flouted? The relevant provision reads:

"Where a registered trade union having applied for recognition to an employer failed to obtain recognition within a period of three months from the date of making such application, it may

[Shri S. M. Banerjee ]

apply in writing, setting out such particulars as may be prescribed to the Labour Court for recognition by that employer."

**Mr. Deputy-Speaker:** The honourable Member should conclude.

**Shri S. M. Banerjee:** I will finish within a minute.

Then, I will refer to victimisation. We are even now told that there is no victimisation. But the Classification, Control and Appeal Rules are there, which is the charter of liberty for the Central Government employees. What does that rule say? It says that the employees will get some chance to appear before the court. Here I will read an extract from the Surveyor-General of India, Dehra Dun, where it is stated:

"It should be appreciated that reversal of orders on appeal is bound to affect adversely the discipline amongst the personnel, the good name of the department in the eyes of the Government. All the Officers Commanding Units should, therefore, be advised to conduct such cases with meticulous care and attention to detail and whenever in doubt, refer the case, if necessary, to the next senior in the chain of command for advice before promulgating the orders of punishment."

The Surveyor-General is the appellate authority. So, knowing full well that he is the appellate authority, he has issued these orders. A person to whom such cases shall be brought in appeal for justice issues such orders.

In the end, I will refer to rule 5 of the Central Civil Services (Temporary Service) Rules, 1949. I have already referred to this rule earlier. This rule does not give any chance to any employee to defend himself. Any employee can be discharged under this rule without any reason being assigned. I would humbly request the hon. Home Minister and the House to

consider how, when we have guaranteed certain fundamental rights to the citizens of India, can we discharge a man without giving him an opportunity to defend himself? In the end I will only say one word....

**Mr. Deputy-Speaker:** The "end" has come more than once!

**Shri S. M. Banerjee:** After going through the rules, I find that the Fundamental Rights guaranteed under the Constitution have been mortgaged in the Ministry of Home Affairs and I submit that it should not be done. So, I request the hon. Home Minister to consider this matter sympathetically and compassionately and not to inflict a political speech on us in this particular resolution.

**Shri Harish Chandra Mathur (Pah):** Mr. Deputy-Speaker, I was really surprised at the wording of this resolution and the omnibus character of this resolution. It is, obviously, ill-informed and ill-conceived. I am sure, the hon. Member who moved this resolution is aware that all important service rules and regulations we have framed under certain articles of the Constitution, particularly so far as they are related to the All India Services, are placed on the Table of this House and this House has always had an opportunity to move motions of amendment to these rules. Surprisingly enough, during these six years when I have been in Parliament, I have found that very little interest is being taken in these rules and very little is being said about them. Hardly a motion has been moved to amend any rule.

**Shri Narayanankutty Menon:** Which are the rules that are placed on the Table of the House regarding subordinate services?

**Shri Harish Chandra Mathur:** If my hon. friend would look at the resolution, he will find that the resolution is not restricted to the subordinate services.

**Shri S. M. Banerjee:** It is omnibus

**Shri Harish Chandra Mathur:** I have, at the very outset, draw the attention to the omnibus character of the resolution. They are interested in a particular set of rules and regulations, as I found from the few speeches to which I have listened. They are interested not even in a particular set of rules but in a particular rule, over which they have certain political interest. I can understand a resolution coming up in this House with specific reference to a particular rule with specific recommendations or something of that nature. But the resolution, as it stands, is of such a nature that it makes one think that the hon. Member who has moved the resolution is ill-informed.

If the hon. Member goes through the rules and regulations relating to Government servants he will find that there are volumes and volumes of rules and regulations. If any committee is appointed to go through all the rules and regulations, it will sit over these rules for years on end. You will remember that only the day before I asked a question to the hon. Minister of Home Affairs about the pension rules regarding the newly-constituted IAS. It is now 6 to 7 years since that cadre has been constituted. Still, they have not been able to frame the pension rules for the IAS, because, as the hon. Minister has explained to us, they have to consult the various States and they have to straighten up matters. They have to consult the Comptroller and Auditor-General. Now the resolution suggests that not only these rules, which have taken the Ministry and its paraphernalia six to seven years, but also a variety of other rules relating to various categories should be gone into by the Members of Parliament. What would be the sources of the Members of Parliament? How are they going to have the opinion and views of the State Governments? The State Governments are vitally concerned. The Members of Parliament, of course, have their jurisdiction and the rights and responsibilities. But the State Governments cannot be ignored. That is why I said at the very outset that

unfortunately the resolution is ill-conceived.

In regard to certain particular points I wish that a specific sort of resolution might be brought before this House. It has been my feeling that there has been very little adjustment, since independence, between the government services and the people's representatives. There is yet a proper adjustment to come.

16 hrs.

[**SHRIMATI RENU CHAKRAVARTY** in the Chair]

And sometimes one feels amazed at the criticism which is being given vent to against government servants at one end, and one is amazed when at the other end certain rights and responsibilities are being supported. This particular resolution, as I said, is absolutely unacceptable as it stands. But even if we go into certain specific questions, I would wish to draw your particular attention to the fact that the best thing for the services is to be left alone. I think the less the politicians meddle with the affairs of the services, the better the administration would be and the better the country would be. As a matter of fact even in the rules which have been referred to, it has been stated that so far as industrial labour is concerned, even the outside guidance has been permitted. It is only in respect of the ministerial and other services where the employees themselves have to elect from among themselves the office-bearers. I do not see what is wrong about it.

Why is it that we all feel that the employees are not in a position, that they are not educated enough, those employees who are educated and who belong to the ministerial cadre, are not able to look after themselves? It is really an amazing sort of proposition and thesis which is propounded. On the one hand when we talk about certain other matters we ask for a sense of responsibility. We say that the country should be considered mature. This country has been

[Shri Harish Chandra Mathur]

considered to be mature, adult franchise has been given effect to, and we find that by means of adult franchise the entire population of the country is fit enough to exercise its faiths, its rights and responsibilities. We were, as a matter of fact, accusing the Britishers that they were bringing false and lame excuses, saying that the country is not ripe and mature enough to have independence, to have self-rule and self-government. They advanced all sorts of arguments and we said, "It is none of your business". The country is mature, and it has proved that it is mature enough to sustain a stable democracy, and a democracy of which not only this country but the entire world is proud. Is it the contention of my hon. friend that though we could give adult franchise and though the illiterate masses can take care of themselves, the literate public servants are not good enough, are not literate enough or are not responsible enough to take care of themselves?

**Shri S. M. Banerjee:** I think my hon. friend did not hear the entire speech. It is better that they should have it. But the whole difficulty is that they are not properly protected. That is why outsiders are necessary. Otherwise the working classes can have the whole thing.

**Shri Harish Chandra Mathur:** Let them stand on their own legs. They will be protected and they will be able to ask for their proper rights. Why need my hon. friends go and assist them? (*Interruptions*). They do so only to take political advantage out of it only to create certain difficulties. It can be said about all other people in the country. Why can't we feel that the services can look after themselves, and particularly those who are literate, who are fully and properly educated, people who know what their own rights are and who have received university education? But it is said that they are not fit enough, they cannot

secure their own rights and responsibilities. Leave them to themselves and they will stand on their own legs. I have a robust faith, much greater than my hon. friend, in the services and in their integrity and in their responsibility and capacity to protect their own rights. I think it would be much better if the outside influence is kept out, if their efficiency and integrity is to be maintained. That has been my experience.

Only the other day I was discussing this matter with some of the highest officials and the representatives of the people. This point has also been raised before the Pay Commission. And strangely enough, when I was talking to the Pay Commission—I had a long talk with them, one hour's talk—though the Pay Commission were dealing with certain other important matters, they posed this question and we had an interesting discussion on this matter.

I think it is time that we realised and recognised what is the important problem before the country today. If my hon. friends were present in the Central Hall listening to the brilliant speech which a distinguished visitor made the other day, they will agree that the question before the country is productivity.

**Shri Narayanankutty Menon (Mukandapuram):** Do you agree with him first, before we agree?

**An Hon. Member:** Do not yield.

**Shri Harish Chandra Mathur:** Madam, I do not need this advice either from this side or from that side.

I feel it is now time when, if the unionists want to do something good for themselves, some respect for themselves and for the country, let us all concentrate on one important matter. And that matter is the productivity of the labour and nothing else. It is really unfortunate that we have to hang our heads in shame when we find that the productivity of labour in this country is abnormally low.

**Shri S. M. Bamerjee:** It has increased.

**Shri Harish Chandra Mathur:** It has increased. That is all right, and it will increase with Independence; it is not on account of the trade union movement. Unfortunately that is not so.

**Mr. Chairman:** I am afraid I will have to reduce the productivity of the hon. Member also! His time is up.

**Shri Harish Chandra Mathur:** Madam, I think it is much better that we produce a little more here, a little more sense, which will result in better productivity.

I will refer in a minute to another point which was referred to by another hon. Member here. He talked about the private life of the persons in the services, that we should not take any note of it whatsoever. I entirely agree that to a certain extent the private life of the person has to be respected and Government should have no intrusions into the private life of the individuals. But there cannot be a split personality. That must be recognised. And all the present authorities who have given any consideration to this important matter have come to a conclusion different from what my hon. friend has suggested. Private life does have a tremendous effect, particularly in the higher services. The private life of the person, if it is really abnormal, is bound to have an effect, not only because the private life is such but it affects the personality of the individual himself. It affects the conduct of his work in more than one way. Nobody can deny that. If the private life of the person is abnormal, it cannot but have a psychological effect on the personality of the individual. It cannot but have a very unhealthy effect on the way he conducts himself in the office. And it is only in such matters that such abnormal traits of character, which abnormally affect the conduct of one's life and which are likely to have an effect in his public life, must be taken

note of by the employer and by the Government.

**Mr. Chairman:** The hon. the Home Minister.

**The Minister of Home Affairs (Pandit G. B. Pant):** Is the debate coming to an end?

**Mr. Chairman:** Yes, I think. After the Minister has spoken, the Mover of the Resolution will reply.

**Pandit G. B. Pant:** Madam Chairman, first of all I have to express my regret for my absence at the moment when the resolution was moved. Well, when two Houses are sitting, it is not always easy to be present in both. But while I was present in the Upper House for the major part of the morning, I happened to be busy with some other important and urgent work afterwards. But, all the same, I think, as a rule the ministers concerned with the subject of the debate should be here. So, so far as my absence at that particular moment is concerned, I am sorry.

So far as this particular Resolution goes, I really fail to understand its implications. The Resolution covers very wide and almost limitless ground. We have got not one, not two, but hundreds of services of different types in our country. The rules of recruitment, of promotion, of the determination of seniority, of disciplinary proceedings and so on are different for different services. Any attempt to revise all these rules would call for an extreme amount of industry and also perhaps sustained study for a very long period.

The rules are also somewhat technical in character. The rules are of a varied type. As I said, the rules govern recruitment. They govern every phase of the activity of public servants almost from the time of their recruitment and probation to that of their retirement and even in some respects the period that follows their retirement. The rules are, in some cases, of a character which



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affect not only the Centre but also the States. The All-India services, such as, the Indian Administrative Service and the Indian Police Service, as the House knows, are not of a purely Central character. In fact, primarily the members belonging to these services are allotted to the respective States and those, who serve here at the Centre, are actually lent by them for the benefit of the Centre. So, even when ordinary rules have to be framed, as Shri Mathur just now reminded us, it takes a pretty long time to consult the States, the Comptroller and Auditor General, the various ministries concerned, the Law Ministry and so on. So, even if one were to revise a set of rules regarding a particular service it would be a pretty stiff job. But to think of a Parliamentary committee to revise all sets of rules relating to all classes of services is, I think, to say the least, not a feasible proposition, whatever be its merits or demerits. It cannot possibly be put into operation.

16-15 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The rules, as I indicated a moment before, have also a technical aspect. Unless a person has been in service himself or has administered the rules or has had some share in framing them, it would be difficult for one, who takes up this intricate work, to handle it to his own satisfaction. In the circumstances, I feel that so far as the general proposition goes it has no legs to stand upon. From the brief notes of the speeches that I have seen and the remarks that have been made during my presence in this House today I infer that that was really not the intention or the object of the Mover while placing his Resolution in general terms. He had in view one or two rules, which had in view one or two rules, which have been mainly emphasised in the course of the discussions so far.

Some reference has been made to married women, to bigamy and all these things. We do not want to inter-

ferre with the private life of any person but there are also certain principles to be observed. When the State stands for a certain policy, the public servants should be expected to abide by that policy to the extent it is feasible for them to do so. Now, we do not want to perpetuate the system of bigamy or of marrying two, three, four or half a dozen wives in our country. I think all schools of thought are agreed on that. It is not a point over which there is any difference between the political parties nor between those who stand for social reform or for a healthy society. If that is so, it is obviously desirable that the members of public services should not do what others are asked to refrain from because they have to enforce these laws, they have to issue instructions and orders and if they themselves behaved contrarily, in a different manner, then there is no moral force in the orders issued by them.

Suppose, we have the policy of prohibition in a particular State. If anyone belonging to the public services drinks heavily in that State, it would be difficult for him to enforce the policy of prohibition. So, so far as the general accepted policies of the State are concerned, even if they be in a way impinging upon the private life of a public servant, those have to be observed by him, otherwise he will become ineffective. I do not know what happens in other countries, but in our own luckily people attach importance to character and to practical behaviour and it is desirable, as we have also been told by the hon. Members sitting opposite, that the members of the services should behave and maintain very high standards of decency and dignity.

Some reference has also been made to the employment of married women. The employment of married women is nowhere prohibited. In fact, under our Constitution, no one can be debarred on the ground of sex. But some-

times a woman, who has been married, cannot efficiently discharge certain duties. A Lady Superintendent of Police, who has been married and may be in the family way, cannot go and face a riot and take the risk which such duty would inevitably involve. We have to see that every person, be he a public servant or be she a public servant or otherwise, is protected against any wrong that may be done to him or her by others or also by him or herself. In these circumstances, there is only an option or discretion, but there is no prohibition anywhere. If there is any misunderstanding on that score, I hope that will not continue after I have explained the position.

Then, reference was made to the Rules that were framed some time ago about strikes, I think, and about public servants joining the unions. So far as these are concerned, I had occasion to refer to them in the course of my speech on the Home Ministry's Demands. Even before that, so far as the fundamentals are concerned, hon. Members might be remembering the discussion that we had in the House when the Maintenance of Essential Services Bill was passed by this House. They may be remembering also the circumstances which led to the introduction of that Bill. The essential services in the country were going to be paralysed with the result that the entire economy of the country was in jeopardy. We all have accepted, at least we profess that we have accepted the Second Five Year Plan. We all want to concentrate on production. We have, in the circumstances, to create an atmosphere which will foster the spirit of construction and production. If that is borne in mind, then we have to avoid unnecessary commotions and excitement. That would apply generally to all. In fact, even suggestions have been made that wages, prices and also profits should all be frozen, that there should be no room for any sort of disturbance in

undertakings whether private or public which contribute towards the production of wealth in the country. Even for normal private citizens, suggestions are often made that the freedom that they enjoy should be restricted and curbed so that the higher objective may be achieved and insured.

So far as public servants are concerned, they have to realise and the system under which they are working. There should be no misunderstanding about that. We have a democratic system in our country. The Government and the Ministers concerned are responsible for the acts and omissions of the services with which they happen to be associated. They are answerable for their misdeeds and they take the credit for the good work done by them. It is through their agency that democracy functions. Now, democracy also involves a change in the political views of the party that may be in charge of the administration. So, while the Ministries may change, the public services are to function permanently and to carry out their duty impartially, efficiently and honestly. Is it or is it not desirable that they must be allowed and required to function in a manner which will not create any prejudice or bias against them? It is essential if they are to carry out their difficult duty in a satisfactory way that their approach towards problems should be non-controversial. We have to see to it that they perform their part in a manner which does not in any way betray any sort of malice, prejudice or bias. Association with politics or propagation of political views necessarily brings the persons concerned into the arena of conflict. We do not want our services to fritter away their energies in this manner. We do not want their outlook to be vitiated. We do not want them to be involved in controversies which will interfere with their normal work. So, it is essential that they should not become the tools of any political party; nor should they identify themselves with any political party. It is

[Pandit G. B. Pant]

essential that they should work as servants of the public in the fuller sense of the term, the public and its members, regardless of the political views or convictions of any particular citizen or individual. It is only then that they can be trusted by the democratic Government. Governments may change; but public servants do not change. They are permanent. In the circumstances it would be against the very basic principles to involve them in political controversies.

It is also desirable that they should have the opportunity to render their part in a peaceful, quiet atmosphere. In order that they may be able to do so, it is the duty of the Government to see that they are given all such facilities, and, if necessary, all such privileges as the resources of the country and of the State permit. So, while their welfare should be the responsibility of the Government, it is necessary that they should not enter the arena of conflict and controversy. We have established Staff councils for the different services. We have also appointed Welfare officers so that they may look after their welfare. We have referred the question of pay and emoluments, etc., to the Pay Commission. In these circumstances, I do not see where there is any room or any occasion for any sort of agitation or excitement. It is necessary that we should function in a reasonable way. This Parliament is the ultimate sovereign authority. And we must also make a distinction between public servants and the private employees. Public servants have got the guardians of their interests in the Parliament. Of course, the Parliament is expected to look after the interests of the people in general, to see that there is an adjustment between the needs of the country, between the resources that we have and between the amenities and the emoluments that are granted and guaranteed for the public servants. For that, we have the Parliament here. In the case of a private undertaking, there is a motive to earn pro-

fit. The man in charge is interested in doing something which will bring him dividends. But in the case of public servants, the Parliament is not interested in doing an injustice; Government naturally are interested in keeping the services contented to the maximum extent. So, why should there be recourse to methods which may be legitimate where there is an inevitable conflict, but which should be out of place where there is nothing but the need for complete co-operation, goodwill and concerted endeavour? In the circumstances, there is no reason why the normal method should not be followed; and a public servant has the right to approach the superior officer above him, whenever he has any difficulty. Then, an appeal lies in most of the cases, and then, before anything can be done to his prejudice, the Public Service Commission has also to be consulted. In the circumstances, to place the public servants on a par with the workmen serving in a factory is not fair.

So far as industrial employees are concerned, even in Government undertakings, I am not referring to them. For them, we are going to frame a different set of rules, and as I indicated last time, we are giving thought to the question. But so far as civil servants are concerned, I see no reason why—and I am not going to tolerate it—for any sort of unnecessary excitement being created by them for the redress of any imaginary grievances or even for any real ones. Here is the Parliament, and I am receiving letters almost every day, several of them, from the Members of Parliament about public servants. I try to look into everyone of them even though the rules may not require me to do so. I, regardless of anything that may be in the rules, consider it my duty to pay respectful attention to everything emanating from Members of Parliament. So, they have, wherever general questions are concerned, the right to raise them. Even individual questions do come under their

review and survey. In the circumstances, I do not see why public servants should go on strike or why there should be any threat of strike. That is, to me, subversive of the elementary discipline that should be observed in public services, because it is not through such sort of pressure that public services should secure what is right. There are so many Members of Parliament, and they are interested in all general questions. Everything can be discussed here, and everything can be, I think, also settled in a reasonable way. So, no occasion should arise for that, and such sort of activities should not be encouraged. It is not only for the Central services. As hon. Members may be knowing, there was in the South, some time ago, a sort of ultimatum given at one time by the non-gazetted officers, not of one but of several States, that if certain demands were not fulfilled, they would have to resort to direct action. Well, even in the southern States today, in some of them—I shall not name them—such sort of threats are being held out.

I do not think that it is proper that the energy of public servants should be frittered away in this manner. They should concentrate on the work which they have to do, and we should see to it that, consistently with our regard for public interests, and within the limit of the resources that we possess, all reasonable facilities and privileges are given to them. There is nothing novel in it. There are other countries—you may have U.S.A. or you may have Australia, or you may have Japan and other countries—where there are rules even more stringent than here, and they do not allow public servants to indulge in such sort of activities. But ours is an infant democracy. We are just starting on our career. We have luckily made a good start and I imagine we have also succeeded in making some progress. But it is necessary that public servants should concentrate on the duties that are allotted to them. We have in the services also, in certain

sectors at least, to raise the per capita standard, and we have to see that everyone does the most that he is capable of, for the good of the people. If, in the circumstances, the mind is warped, and the attention is drawn away from the real legitimate task, then public interests do suffer, and they must suffer; but we have to see to it that every man who is paid by the State, that is, by the people in general, should give back to the people the full value of what he gets from them.

So, let us not encourage methods which do not suit them, which are not consistent with the decency of standards or with the dignity which we expect from our servants. So, so far as that goes, I think I need not say more.

I may also say that so far as the unions are concerned, there is no objection to their forming a union, but the unions must behave in a responsible manner; and if a union is affiliated to any other union, that union too must be of a responsible type. Government should recognise unions which are meant for the benefit of the public servants, but if unions by whomsoever formed have an ulterior objective, then they should not be encouraged, because public servants have to serve the people. They can create very difficult situations in the country if they do not discharge their duties not only efficiently but also smoothly and continuously. Any interruption even for a little while, for a few days, leads to tremendous complications. Letters get piled up and then it becomes difficult to sort them and to distribute them. It takes time, weeks and weeks, to distribute the letters received, perhaps some of them on important matters. In the circumstances, if the unions behave in a proper and satisfactory way, they can certainly function. There is no objection to that. But it is necessary that the unions should do their part in a responsible way.

[Pandit G. B. Pant]

In this matter, we should all realise the duty that the public servants owe to the country, the duty that Government owe to the people, and it is desirable that all Members of Parliament should appreciate these fundamental principles and should help Government in getting the best from the Services and in ensuring that the success of the Plan, on which we all have now staked our future, is fully achieved and that all who are in a position to contribute to it do so without any interruption, without any excitement and without the peace and order in the country being disturbed in any way.

**Shri S. M. Banerjee:** On a point of clarification. The hon. Minister has kindly said that unions will be recognised if they function properly or behave properly. May I read out for the information of the hon. Minister, amendment 4(B)? It reads:

"No Government servant shall join or continue to be a member of any service association of Government servants—

"(a) which has not within a period of six months from its formation obtained the recognition of the Government under the rules prescribed in that behalf".

When there is no rule for recognition, how can this be done? That was exactly what I said, that with the introduction of this amendment, when there is absolutely no law for recognition, when the Indian Trade Union Act does not provide for recognition, recognition becomes just a discretionary matter. I say that with this amendment, all our unions will be smashed. I tell you in the CSIR, NPL and Survey Department, signatures are being obtained....

**Mr. Deputy-Speaker:** Only clarifications could be sought. Shri Narayanankutty Menon may also seek clarification.

**Shri Narayanankutty Menon:** The hon. Minister has said that the service rules in all other countries are stricter than here.

**Pandit G. B. Pant:** I did not say, 'in all countries'. I said, 'in some countries'.

**Mr. Deputy-Speaker:** He mentioned three or four countries.

**Shri Narayanankutty Menon:** Is the hon. Minister aware that the British Houses of Parliament appointed a joint Committee called the Masterman Committee, and that Committee recommended that out of the total number of civil servants, 62 per cent could have compete political rights, and Government have accepted and implemented that recommendation?

**Pandit G. B. Pant:** So far as I am aware, public servants in U.K. keep aloof from politics completely, and even if in private undertakings persons who are employed there are found to be indulging in politics, which are not quite liked by the Government there, they too cannot continue to serve in such undertakings.

**Shri Narayanankutty Menon:** Here is the Report of that Parliamentary Committee.

**Pandit G. B. Pant:** I do not know about that.

**Shri S. M. Banerjee:** My question which is very important, has not been answered.

**Pandit G. B. Pant:** I did not follow the question in fact. Anyway, we can discuss it between us later.

**Shri S. M. Banerjee:** All right. But we want a reply.

**Pandit G. B. Pant:** So far as this matter is concerned, I am more than pretty clear in my mind.

16.44 hrs.

**Shri F. S. Daulta:** I have heard with great attention the hon. Members and the hon. Minister. I am sorry to say that I could comprehend only two arguments, one argument by an hon. Member and a vague threat from the hon. the Home Minister.

The Resolution has been assailed as being vague. The reason given for its being vague is that it includes all sorts of Central services. Certainly, a Resolution cannot be vague simply because it is all comprehensive. Strangely enough, they say it is vague, but neither the hon. Minister nor the hon. Members with the exception of one with those point I will deal presently make any effort to meet my specific observations on specific rules and provisions. They could not, because they were not prepared for it. This shows what concern they have, what regard they have, for those with whose labour, with whose hard task, these people rule. They were not present here. They do not care what this Resolution means to them.

One argument from my hon. friend Mr. Mathur—a strange philosophical argument—is that trade unions should not be allowed to be influenced by outsiders. He means to say that he who suffers only has the right to speak. It is not so. Had it been the case, you might not have been here. I do not compare labourers with animals, but certainly to prove this, we have got the animal protection Acts. Could the cows and horses come over here to plead for legislation being passed for them? It is always the outside people who have feeling, who have been talking, who have been doing work for those who suffer, I mean well-intentioned persons even from the higher classes, the big persons themselves. They are barristers. Some of them are from the top class; they de-class. They suffer all sorts of hardship. They live with them, they suffer lathi blows with them; they suffer with them. Such people go in there. They suffer all sorts of hardship. That is benevolent influence without

which labour cannot organise itself. That is benevolent outside influence.

Only one argument has been met, and that is that married women are not allowed to enter the higher cadre because sometimes they cannot perform their duties efficiently. That is not true in the case of the IAS. About the police, you can say that. But it does not matter; maternity leave is there. They can go on leave.

None of the other arguments has been met. So far as this threat is concerned, that the hon. the Home Minister not going to tolerate this and that. He says he cannot understand why people think of striking. So it is not unnatural. We know as students of sociology that many times rulers cannot think many things, and as regards tolerance, it depends upon this: how much we can make him tolerant? I want to say nothing more.

**Mr. Deputy-Speaker:** I shall now put amendment No. 1 to the vote of the House.

The question is—

add at the end—

"and for suitable legislation as envisaged under Article 309 of the Constitution of India."

*The amendment was negatived.*

**Mr. Deputy-Speaker:** I shall now put amendment No. 2 to the vote of the House.

The question is:

add at the end—

"and to submit a report latest by the 31st July, 1958."

*The amendment was negatived.*

**Mr. Deputy-Speaker:** The question is:

"This House is of opinion that all Service Rules of the Government of India be examined by a joint committee of both Houses of Parliament in order to make recommendations to the appropriate authorities for modification and improvement of such Rules".

*The motion was negatived.*