

Shri Humayun Kabir: I beg to move:

"That the Bill be passed".

Mr. Chairman: The question is:

"That the Bill be passed".

The motion was adopted.

14-26 hrs.

ALL-INDIA SERVICES (AMENDMENT) BILL.

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to move:

"That the Bill to amend the All-India Services Act, 1951, be taken into consideration."

This is a very short measure and it is not necessary for me to go into details about it. Under article 312, it was open to Parliament to institute services known as the Indian Administrative Service and the Indian Police Service. Subsequently an Act was passed by Parliament on 29th October, 1951 (Act 61 of 1951), according to which it was open to the Indian Government to make rules so far as the IAS and IPS were concerned. But as you are aware, this Act did not apply to the State of Jammu and Kashmir. Subsequently, under article 370, there was an agreement and that agreement has been included in a notification which has been published in the Central Government Gazette dated February 27, 1958, according to which article 312 has been made applicable to the State of Jammu and Kashmir.

Thereafter this question was discussed with the Government of Jammu and Kashmir and then it was agreed that that State also should participate in the scheme of All-India Services, namely IAS and IPS. After this agreement, as a result of the above notification, it has been considered necessary that there ought to be an amendment of the All-India Services

Act. So, the operative portion is clause 2 of the amending Bill which says:

"In sub-section (1) of section 3 of the All-India Services Act, 1951, after the words "the States concerned", the words "including the State of Jammu and Kashmir" shall be inserted."

After this Bill has been passed, there will be a regular participation by the State of Jammu and Kashmir in the two All-India Services, namely, IAS and IPS and subsequently a cadre will be formed. As a result of the All-India Services Act, we have got various cadres so far as the other States are concerned. After this Bill is accepted by the House, it would be open to constitute cadre of the IAS and IPS. This is the purpose of this amending Bill and I hope it will commend itself to the approval of this House.

Mr. Chairman: Motion moved:

"That the Bill to amend the All-India Services Act, 1951, be taken into consideration."

Shri C. R. Pattabhi Raman (Kumbakonam): I am obsessed with one difficulty so far as this Bill is concerned. I find that it is stated in Part XIV, article 308 of the Constitution that:

"In this Part, unless the context otherwise requires, the expression "State" does not include the State of Jammu and Kashmir."

Therefore, so long as we have this article in the Constitution which excludes the application of the provisions in Part XIV to Jammu and Kashmir, I do not know whether a Bill like this can be introduced without amending article 308 of the Constitution or an order under article 370. I do not claim originality for this, but I am obliged to Shri S. N. Das.

We both discussed it and since he is not here, I feel it my duty to raise it in his absence.

Shri Datar: Now may I point out in reply to the hon. Member's suggestion that here in article 308 the words used are "unless the context otherwise requires"? Then, in the proclamation that has been issued after an agreement with the State Government—that was called The Constitution (Application to Jammu and Kashmir) Second Amendment Order, 1958—it has been stated in clause 2(6) of the Notification, that "in sub-clause (9) (relating to Part XIV) the existing modification relating to article 308 shall be omitted". A reference has been made to article 308 itself and in lieu thereof the following modifications shall be inserted, namely:

"In article 312, after the words 'the States' the brackets and words '(including the State of Jammu and Kashmir)' shall be inserted."

Therefore, that objection has already been met.

Shri Harish Chandra Mathur (Pali): Mr. Chairman, of course very little discussion is possibly expected because of the very innocent nature of the Bill before us. I myself very much congratulate the Government of Jammu and Kashmir for their wise decision to have the all-India Services and we certainly welcome the extension of those services to that State, not only because it is a right step and a big step forward in the process of integration but because it will bring in line to a very great extent that State with the other units of the Republic. Apart from this process of integration, the very nature of the services, we know, will give many advantages to that State. The standard of administration will improve. It will broad-base the services and it will improve the efficiency.

When I wanted to speak on this Bill, it was not my intention to deal with the many advantages which are understood and accepted to flow from the extension of the services to this State. We all know, understand and accept these advantages. But there are certain other points which I would like to stress. While I am conscious of these advantages—as a matter of fact, I have never missed an opportunity on the floor of this House to plead for the constitution of All-India services in the sphere of engineering, economic development and all that—I am conscious also of certain difficulties and disadvantages. This experience is denied to what used to be previously called "Part A States". We, who sometime before were called "Part B States" have gone through the process, and I hope the Union Government, the Government of Jammu and Kashmir and the Union Public Service Commission will benefit from the experience which we have gained and the advice which will flow from the experience of the constitution of a new cadre at the All India level.

When the State of Rajasthan was formed, we were first given the benefit of the services of the all-India cadre and it first came in the shape of deputation of certain officers from here. You will be surprised to know that one of our Chief Ministers lost all the tenure of his office simply trying to adjust himself with the services. He was all the time trying to send away the officers who were sent to the State of Rajasthan. That process has continued; officer after officer has gone from the Centre on deputation to the State of Rajasthan and they have come back disgruntled, sometimes full of certain complaints, because there has been no adjustment. I know that they are really very good officers. Particularly, we had very recently an officer who was almost the head of the executive side, an honest and well-meaning officer, so far as I can understand. But he did more harm to that State than good. These

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people go with certain pre-conceived notions of those States—pre-conceived notions about their own self and pre-conceived notions about the state of affairs of those States. They go to those States and sometimes create more difficulties than they try to solve. That is why I want to give a little warning to the Central Government in this matter as to how they should handle the constitution of the new All India Services in the State of Jammu and Kashmir. I know that many of the officers at the highest level have done exceedingly well. But it is also a fact that quite a few of the officers have not been able to adjust themselves to the changing times and demands, particularly in those States where no such services existed before.

Personally, I have been extremely fortunate that my relationship with the officer class has always been cordial, because I had my own adjustment. But I feel that at the highest level we have still a certain type or class of officers who have not yet adjusted themselves to democracy. If you go to a Minister of the Central Government, you are treated with the utmost courtesy. I have had occasions to visit the Vice-President, who has got the second place in the Warrant of Precedence in the whole of India. He welcomes you with a smile and he will invariably come out to see you off. On the other side, there are certain senior officers. If you go to them you feel as if they are glued to their chair. Sometimes they will graciously extend their arms, sitting in the chair, to shake hands with you. So I want to warn the Home Minister that it is very necessary for him to give a little re-orientation to this type of officers, because I do not want the experience of Rajasthan to be repeated in the State of Jammu and Kashmir.

The deputation of senior officers will be inevitable in the nature of

things, because if we are going to constitute a new service, that service will not spring up all of a sudden. It is necessary that they ask the existing officers from the various States to opt for the State of Jammu and Kashmir. You have to ask the officers to opt for the Jammu and Kashmir State. If no such option comes, what will happen is that some of the officers will be sent on deputation. I have given to you my experience regarding deputation as to how it had resulted in a lot of conflict and clash and how it gave a jolt to the democratic working of those States. But that will be only half the picture if I do not say that there are also really efficient officers who have done admirably well, particularly of late. During the last few months I have come across our young men in the I.A.S. cadre who have put in 10-11 years of service who were refreshingly robust in their outlook. It was really very heartening to find how they look at the problems in a much better manner than most of the senior officers. This much about the deputations.

Then another feature which I visualise, another step which the State Government will have to take possibly with the assistance of the Union Public Service Commission—if the All-India Service is to be constituted that will have to come in—for constituting the cadre for that State is that they will have to promote quite a number of officers from the existing State cadre of that State. They will also possibly have certain fresh recruits at the All-India level.

Now, again our experience has been extremely sad regarding this promotion business. I know of cases of officers who had been blacklisted for bad reputation and for whom we wanted to take an opportunity to discharge their services, have somehow managed to go to the I.A.S. cadre. I cannot imagine in spite of the fact that there is a spate of able officers

with all the qualifications necessary certain matriculates managing to go into the I.A.S. cadre. I am not going to name individuals here—it would be unfair—but if the hon. Home Minister would wish me to quote, I am prepared to quote even the names of the persons who had no qualifications beyond that and also certain persons who had been demoted in the past.

Shri Braj Raj Singh (Ferozabad): They must have had certain higher-ups to support them.

Shri Harish Chandra Mathur: I am afraid the hon. Minister will tell me just now what procedure they adopt and how foolproof their procedure is in giving these promotions and in making these selections. I know that procedure. I had a long correspondence with the hon. Home Minister on this subject two years back. I have tried to study it. I have tried to follow it and I know that procedure. But what I wish to maintain is that it is in spite of this foolproof procedure of our friends that we find such things happening. It has a very bad effect. Why I thought it necessary and fit to mention this is that it has—I do not care if a particular A, B or C has been favoured—a serious adverse effect on the morale of the entire services because those very people now will go and boss over a vast number of other officers under whose subordination they had been working. Until and unless there is general confidence in the minds of the officers as well as in the minds of the people that the selection is absolutely on the basis of merit and that the selection is to inspire confidence in the services and the people, it creates a lot of discontent among the services and the race for promotion through manoeuvring starts. It has a very demoralising effect.

Sometimes what has happened is that simply because quite a number of officers whom the State Government itself felt as highly deserving have not been taken in the I.A.S. New

special cadres had to be created just to satisfy them. It has happened. I am only stating facts. I know of certain cases where the officer was getting hardly Rs. 400/- or Rs. 500/- quite a few years back and he would not have gone beyond Rs. 800/- or Rs. 900/- all his life, but today what we find is that that particular officer is in the super-scale—he is not in the ordinary I.A.S. scale, but he is in the super-scale—getting Rs. 2,250/-. What a demoralising effect it has? What a discontent it creates? It is a matter which demands the serious attention of the hon. Home Minister. I wish the hon. Home Minister as well as the Union Public Service Commission will take note of these facts and will see that in the constitution of the All-India cadre in the State of Jammu & Kashmir nothing of the like happens. It will have a demoralising effect on the services.

As I stated in the very beginning, we welcome this measure, but we welcome it only because it is likely to give a better tone to the administration, because it will give a wider outlook to the administration and because it helps the process of integration to which we attach a very great significance. We welcome it because it not only brings in line this State with the other States of India, but because we all want the people of Jammu & Kashmir to come here and serve in the higher posts and people from all over India to go to Kashmir and serve in the best of posts there. It gives a great sense of integration and that is particularly important in the context of the State of Jammu & Kashmir. Because of certain inherent difficulties Kashmir had many laws which made it an absolutely exclusive place. They had to adopt certain measures in respect of property, also in respect of services and this exclusiveness will now be broken. And it will be broken to the advantage of that State and of the whole of this country. Therefore I wish that.....

Shri Vasappa (Bangalore): There have been provincial officers who have

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not had their due just because of integration.

Shri Harish Chandra Mathur: Yes, that is what I mentioned. There are provincial officers who not only did not have their due because of this but who also created a problem by itself in the State and the State had to give special consideration to that matter and create a new cadre just to give contentment to those officers. That has happened in my State and that is why I wanted that this should not happen in that State. It creates a lot of discontent. After all by giving a better salary to a few people if you create a sort of discontent in a vast scale or in a larger scale and that sort of feeling is there it makes the administration difficult. That is why I have invited the attention of the hon. Minister to both these aspects in the constitution of this cadre by promotion and by selection on the one hand and by deputation of senior officers on the other hand.

Our experience of these deputations has been very sad. I must tell you that it would be much better, if you want to send a Chief Secretary to the State of Rajasthan because of this All-India Service, to send somebody who has been a Chief Secretary say in the State of U.P. or somewhere, who has the real rub of it and who knows the district life instead of sending some Joint Secretary from the Ministry here. They take a peculiar outlook. Officer after officer who has gone has proved a failure there. I do not blame the officers only. I do not wish it to go on record that I am blaming the officers. I do not say that the entire blame lies on the door of the officers and that the Ministers have not created a problem. But it is not the scope of the Bill to comment on the working of the Ministers of that particular State. Therefore I have confined my remarks exclusively to the extent so far as it concerns the All-India officers.

I wish to repeat that it is very necessary for you to give a re-orientation course to your senior officers. You give a re-orientation course to our students who go to America but a much better purpose would be served if you give a re-orientation course to your senior officers who are to handle difficult and responsible jobs. I wish you give proper attention to the selection and promotion of officers so that we have a contented service and the purpose of this Bill is fulfilled to our satisfaction.

Shri Narayanankutty Menon (Mukandapuram): Even though, Sir, the hon. Home Minister has suggested that this is a small measure where controversies were not expected, I submit that certain aspects of the introduction of the bigger administrative services to the States should draw the attention of the House at this moment. Right from the beginning when the Constitution was introduced, the Constitution itself was based upon a federal nature and rightly in the Constitution a difference has been made between the Indian Administrative Service and also the Union Services.

In view of the fact that each State in the Union Republic is to a certain extent, subject to the Constitution, autonomous in itself and the question of general administration is vested in the States, the very creation of an Indian Administrative Service whose disciplinary control is in a Central authority, created a sort of anomaly in the minds of people in the beginning. But because the Constitution itself had to be developed by a series of conventions by practice, it was the expectation of everybody that in the utilisation of these services and also in the division of the services a sort of convention will be developed which will be in consonance with the spirit of the federal nature of the Constitution. A step was made with the attitude taken by the Central Government from the very beginning and also the

views expressed by the responsible Ministers at that time, especially in 1951 when the original Bill was introduced, that the Administrative Service especially and the civil services in general should be beyond politics and their main responsibility should be to carry on the administration in consonance with the principles and policies laid down by the Ministries.

Quite lately we were very much disturbed to find in the Press certain pronouncements made by very responsible Central Ministers which directly cut at the root of this proposal as far as the duties and responsibilities of the civil service are concerned. On the 4th July I listened to a speech by the Minister of Scientific Research and Cultural Affairs at Trivandrum. He was speaking about his own conception of the duties of the civil servant. Elaborating the point, the Minister first said that the civil servant should be non-political and he should be neutral as far as his approach is concerned. But later on he said that when an order is passed by a particular Minister according to his discretion and it is found to be anti-social or anti-national, the only alternative left to the civil servant is to resign and go away. It may be a casual statement made by a Minister either at the spur of the moment or on a casual visit. But an utterance, very authoritative, coming from a Union Minister is certainly capable of bringing alarm as far as our entire approach to the civil service is concerned. It might be any State or, as a matter of fact, it might be in the Centre. When the Union Cabinet decides on a question of policy, it is for the Cabinet and for the House to decide what is anti-national and what is anti-social. Suppose the Home Minister decides that a particular individual employed in the Secretariat, just because he is a communist, should be sent away by using the extraordinary.....

Mr. Chakravarti: Order, order. May I remind the hon. Member that this is only an amending Bill and the entire policy relating to the All-India Ser-

vices cannot be gone into minutely at this stage? He must confine himself to the Bill before the House. This is the accepted principle. Though he has touched the point I will not allow him to go very minutely into it. Since he has touched the point he may finish it, but in an amending Bill this kind of roving into all the affairs relating to the All-India Services Act is not allowable.

Shri Narayanankutty Menon: I agree with you, Sir. I wish to point out only this aspect; and I was not even elaborating that aspect but only the implication of that statement and I thought I could utilise this opportunity of doing so especially when the amending Bill is before the House.

I therefore submit that this statement made by the Minister is very alarming, and I hope that the hon. the Home Minister who is piloting this Bill will clear the position so that no more doubt may remain in the minds of the I.A.S. officers that they are at liberty to use their own discretion when orders are passed by the Government, by responsible Ministers.

The second point is directly relevant to this, and that is the position of States as far as I.A.S. officers are concerned. In certain States it has been found that because of the presence of the I.A.S. officers and because their grades of salaries have been pre-fixed, the States are finding it impossible to proceed with the rationalisation of their pay structure. Certain posts are reserved for the I.A.S. cadre. Those posts were previously managed by non-I.A.S. people and those non-I.A.S. people were getting a certain grade of pay. But immediately when the post is taken over by an I.A.S. officer the salary multiplies—it doubles or trebles. Usually, when in one Secretariat and in one State administrative cadre you superimpose a set of I.A.S. officers on a very fabulous salary—I dare to call it fabulous—and in comparison thereto officers doing similar work in the same Secretariat and the same administration are drawing far less salaries, it gives room for growing discontent. And when a State Government wants

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to rationalise the pay structure and fix a maximum and an absolute minimum, it finds it impossible to do so because of the high salaries of these officers. I am not now going into the merits of the high salaries of these officers, but I am speaking only from the point of view of the States in deference to your ruling. So far as the I.A.S. cadre is concerned, when a certain quota is allotted to certain States, either the Central Government should be prepared to give a subsidy or suffer the loss as far as the excess salary of the I. A. S. officer is concerned, or the quota should be completely cut down. Otherwise it is found by experience that the lower-salaried officer of the State certainly feels a righteous grievance against his opposite number who comes from the I.A.S. cadre. For this purpose also some remedy should be found by the Central Government so that the State Governments are not burdened with the high, fabulous salaries of the I.A.S. officers. And if at all the salary grades of the I.A.S. officers are to be maintained at the present levels the Central Government which wants those grades to be maintained should suffer the responsibility and the financial burden to that extent.

The third aspect, when the Act is being extended to a new State, also is in direct relevance to the point which I made in the beginning. The I.A.S. officers with disciplinary control in the Centre are given to the States. It may be that the policies of one State and the Centre may come into collision without the constitutional aspect coming into collision at all, that is in the policy aspect. The I.A.S. officer, whose disciplinary control is with the Central Government, under the Central authority, should not be left to decide his policies in consonance with the policy of the Central Government. He should have complete liberty to carry on the administration of that particular State according to the policies laid down by the government of that particular State. Otherwise there is the con-

stant danger, so far as the I.A.S. officer is concerned whose disciplinary jurisdiction is under a Central authority, of his own conscience being pricked. Sometimes he may go on deciding which, according to his conscience, is the right policy or the wrong policy. And there is the constant danger of the administration itself coming into trouble. I hope that the hon. the Home Minister will also give a clear answer to this point, so that on these questions doubts shall not remain and the administration may go on peacefully.

श्री बजराल सिंह : सभापति महोदय, मैं इस बिल इंडिया सर्विसेज (एमेंडमेंट) बिल का स्वागत करता हूँ। इस विधेयक में एमेंडमेंट द्वारा जम्मू और काश्मीर रियासत को जो शामिल किया जा रहा है वह एक सही दिशा की ओर कदम है और स्वागत योग्य है लेकिन स्वागत करने के साथ ही साथ मैं मंत्री महोदय और गृह-मंत्री का ध्यान कुछ खतरों की ओर दिलाना चाहता हूँ जो कि इस तरह का बिल पास करने और कानून लागू करने में पैदा हो सकते हैं।

बिल इंडिया सर्विसेज अर्थात् अखिल भारतीय सेवाओं को काश्मीर में लागू करने से एक खतरा तो सबसे बड़ा यह हो सकता है कि हमेशा जैसे कि अन्य राज्यों में होता है अगर आप काश्मीर राज्य में केन्द्र से इस तरह के अधिक रीगन डेपुटेशन पर भ्रष्ट होते हैं जो कि एक खास तरह के और खास वर्ग के लोग होते हैं और वह अपने इंग से एक खास तरीके से काम करते हैं तो इससे काश्मीर जो कि एक तरीके से आर्थिक रूप से पिछड़ा हुआ इलाका माना जायेगा वहाँ पर अगर आपके उन अधिकारियों ने वहाँ की परिस्थितियों को समझ कर उनके अनुकूल कार्य नहीं किया और अपने को नहीं डाँटा और यदि इस दृष्टिकोण का ध्यान नहीं रखा गया तो उसके जो प्रभाव होंगे वे आश्चर्य हैं वह आश्चर्यों में बस सकती हैं और मान्यवर्तन के स्थान पर नुकसान हो सकते हैं।

है। इसलिये मैं निवेदन करूंगा कि यह चीज ध्यान में रखी जानी चाहिये।

जैसे कि अन्य राज्यों में होता है कि जित्त तरह की सरकार चलती है तो सरकार में खास वर्ग के जो लोग होते हैं वह लोग अपनी पसन्द के लोगों को प्रशासन में ऊंचे पदों पर बिठाते हैं और इस चीज को लेकर जो दूसरे तरीके के लोग होते हैं उनमें असन्तोष उत्पन्न होता है। इसलिये मैं चाहूंगा कि काश्मीर के लिये जब हम अखिल भारतीय सेवाओं को लागू कर रहे हैं तो यह दृष्टिकोण सामने रक्खा जाना चाहिये।

दूसरी चीज जिसकी ओर मेरे से पूर्व वक्ता महोदय ने ध्यान दिलाया है मैं भी गृह-मंत्रालय का ध्यान उस की ओर पुनः दिलाना चाहता हूँ। वह समस्या यह है कि राज्यों में जो अधिकारी होते हैं उनका वेतन अखिल भारतीय सेवा के अधिकारियों से कम होता है और जब उसी काम को करने वाले राज्य सरकार के कर्मचारी का वेतन अखिल भारतीय सेवा के अधिकारी से कम होता है हालांकि काम दोनों एक सा करेंगे तो इस को लेकर घ्रापस में एक असन्तोष का भाव रहा करता है और इस तरह से गुटबन्दी चला करती है। इसलिये आज राज्य सरकारों के कर्मचारियों और केन्द्रीय सेवाओं के वेतन-क्रम में जो अन्तर है उस अन्तर को यदि दूर करने की कोशिश की जाय तो बहुत अच्छा होगा। दोनों का वेतनक्रम एक सा करने की कोशिश की जाय।

15 hrs.

मैं जानता हूँ कि अभी घ्राप वह चीज नहीं करने जा रहे हैं जो कि हम करना चाहते हैं और वह यह है कि किसी भी सरकारी कर्मचारी का ऊंचे से ऊंचा वेतन १००० रुपये से ज्यादा न हो विशेष करके काश्मीर के लिये अगर इस तरह की बात कर सकें तो बहुत अच्छी बात होगी। एक तरीके

के पदों के लिये, एक तरह के काम के लिये चाहे वह राजकीय सेवा के अधिकारी हों चाहे वे केन्द्रीय सेवा के अधिकारी हों उनको एक सा वेतन मिले और यदि ऐसा किया जा सके तो वह असन्तोष जिसके कि भड़कने की भासंका है कम हो सकता है। मुझे भाशा है कि घ्राप भविष्य में यह कोशिश करेंगे कि राज्यों और केन्द्र की सेवाओं के वेतनक्रमों में घ्राज जो असमानता है वह न रहे उनके वेतन क्रम एक से रहे खास तौर से उन राज्यों में जो कि आधिकार रूप से पिछड़े हुये हैं। घ्राज केन्द्र से घ्राप उन राज्यों पर अधिकारी थोप कर यह चाहते हैं कि उनको एक खास वेतन पर वहां रक्खा जाय और उससे तो वहां की आधिकार व्यवस्था टूट ही सकती है और जो रुपया उन राज्यों में विकास कार्यों और दूसरे कार्यों में खर्च होना चाहिये वह वेतनों में चला जाता है।

मैं सरकार का ध्यान दिलाना चाहता हूँ कि हमारे उन उच्च अधिकारियों का दृष्टिकोण यह न रहे कि वे सिर्फ ऐयर कंडिशनड हाउस में बैठ सकते हैं या ऐयर कंडिशनड कमरे में ही बैठ कर काम कर सकते हैं। हमारे उन अधिकारियों को जब वे राज्यों में जाना चाहते हैं तो उन्हें शौंपड़े में भी रहने को तैयार रहना चाहिये, टूटे फूटे मकान और कच्चे मकान में भी रहने को तैयार होना चाहिये और उन्हें यह चीज समझनी चाहिये कि आखिर हिन्दुस्तान का हर हिस्सा नई दिल्ली तो नहीं है और नई दिल्ली में जो शान शौकत और ठाट बाट वे कायम किये हुये हैं वह ठाट बाट और शानशौकत हिन्दुस्तान के हर अन्य हिस्से में तो नहीं हो सकती। हिन्दुस्तान के हर एक हिस्से को घ्राप नई दिल्ली नहीं बना सकते हैं। इसलिये घ्रापको सोचना पड़ेगा कि जिन अधिकारियों को घ्राप विभिन्न राज्यों में डेपुटेशन पर भेजते हैं,

[श्री ब्रजराज सिंह]

उनका दृष्टिकोण इस तरह का बनाया जाय कि जब वे नई दिल्ली में हो तो भले ही वे नई दिल्ली के वातावरण के अनुसार अपने जीवन को ढलें लेकिन जिस वक्त कि वे काश्मीर में जाते हैं या अन्य दूसरे राज्यों में जाते हैं जिनकी कि प्राथमिक भ्रवस्था पिछड़ी हुई है तो उनको अपने जीवन को उन राज्यों की परिस्थितियों के अनुरूप ढालना चाहिये। आखिर आज जब हम इस देश में जनतंत्र को चला रहे हैं तो हमारा हर अधिकारी जनता का सेवक है भले ही वह कितना बड़ा हो। आज के युग में एक मिनिस्टर भी जनता का सेवक है और यह वाछनीय है कि उसी के अनुसार हमारे अधिकारी वर्ग को भी अपने जीवन को ढालना चाहिये और जनता और उनके बीच में कोई ऐसा फर्क न रहे जिससे कि जनता को यह मानने पर मजबूर होना पड़े कि आज भी वही पुरानी नौकरशाही चली आ रही है और आज भी वही पुरानी नौकरशाही के लोग शासन काय चला रहे हैं जा कि हाथ मिलाने के लिये नहीं उटते हैं। माथुर माहब ने ठीक ही मुझ से पूर्व मनी महोदय और मदन का ध्यान इस ओर दिलाते हुये बतलाया है कि अब भी अखिल भारतीय सेवाओं में ऐसे लोग विद्यमान हैं जो कि यह सोचते हैं कि राज्य सरकारें या राज्य के जो प्रशासन हैं वे उनको कुछ नुकसान नहीं पहुंचा सकते भन ही वे राज्य सरकारों द्वारा निर्धारित नीति के अनुसार काम करते हैं लेकिन उनका जो एक दृष्टिकोण होता है वह इस तरह का होता है जिससे कि जनता यह महसूस करती है कि वह सन् १९४७ के पिछले जमाने में ही रह रहे हैं। आज जब हम अखिल भारतीय सेवाओं को काश्मीर में लागू करने जा रहे हैं तो यह भी ध्यान में रहे कि जो अधिकारी हमारे वहां पर जाते हैं उनका दृष्टिकोण कुछ इस तरह का हो जिससे कि वे वहां के जीवन में बुल मिला सकें और वहां के जीवन में वृत्त मिल सकें।

अन्तिम बात जो मैं कहना चाहता हूँ वह यह है कि अक्सर देखा गया है कि राज्यों में राजकीय सेवा वाले और खास तौर से केन्द्रीय सेवा के लोग उस वक्त की सरकार की जो नीति होगी उस निर्धारित नीति को भ्रमल में लायेगे लेकिन होता यह है कि कुछ लोग अपने स्वाम २ लोगों को रक्ते हैं और उनकी अपनी जो नीति होती है उस नीति को चलाने के लिये इस तरह के स्वाम अधिकारी रव लेते हैं। इस संबंध में मैं खास तौर में काश्मीर रियासत की ओर ध्यान दिलाना चाहता हूँ और काश्मीर की अपनी एक विशेष स्थिति होने के कारण वह हमारे लिये एक बहुत नाजुक सवाल रहा है कोमल बिन्दु रहा है। हिन्दुस्तान के आजाद होने के बाद में आज तक काश्मीर के मामले पर हिन्दुस्तान की हर एक राजनैतिक विचारधारा के आदमी बहुत ही कंट्रोल के साथ अपनी बात कहते रहे हैं। आज जब आप वहां पर यह अखिल भारतीय सेवाएं लागू करने जा रहे हैं तो मैं आपसे कहूंगा कि आप वहां पर ऐसे अधिकारी भेजें जो कि उस समय की वहां की सरकार द्वारा निर्धारित नीति को पूरी तरह भ्रमल में लायें और खास तौर में दिल्ली के किमी गिट्ट की नीति का वहां पर पुष्टपोषण न किया जाय। इन शब्दों के साथ मैं इस विषयक का स्वागत करता हूँ।

Shri Datar. Sir I am happy to find that this Bill has been welcomed from all quarters. The hon. Members who have taken part in the debate, while welcoming the provisions of this Bill, have made certain observations which deal with the Services in general or with their experiences in certain States. Therefore I would refer to these points only in a general way.

My hon. friend Shri Harish Chandra Mathur had some difficulties in respect of certain officers. But, even he had to agree that, on the whole, the officers borne on the cadre of the particular State to which he belongs as

also the officers who have been sent on deputation to his State have been working very satisfactorily. There are certain cases where, according to him, the officers have not come up to his expectation. But, on the whole, may I point out, that so far as these officers are concerned, they have already taken to a full experience of the democratic set up and therefore, if at all here and there an officer acts in a manner in respect of which he found some ground for complaint, it is a matter for the State Government to take that particular thing into account.

Shri Harish Chandra Mathur: May I respectfully remind the hon. Minister that it is not any complaint against any individual officer that I made. What I say is about the process of your constitution of the All India services, how it should be done. I ask him what are the difficulties experienced. I ask him to benefit from the experience and see that these things do not occur there so that there is no discontent among the services. I am not at all concerned with any individual officer. It is a general process and procedure which should be adopted in the constitution of the services in a manner that they have not got to repeat the experience of Rajasthan there, on the one hand. I further mentioned about deputation and asked for re-orientation of such officers whom they want to send on deputation.

Shri Datar: It appears that my hon. friend has no particular complaint against any particular officer.

Shri Harish Chandra Mathur: I do not want him to go into that.

Shri Datar: So far as the All India Services are concerned, as you are aware, they were constituted long ago for the purpose of having a uniform administrative set up for the districts in all the States of India. That was the special purpose for which the All India Services were constituted and the All India Services Act was passed in 1951. Also I may point out inci-

dentally that the pay structure was based after taking into account the recommendations of the First Central Pay Commission. Therein also you will find that the pay scales of the ICS and IPS officers were brought down by 25 per cent. That was accepted, and when the All-India Services Rules were framed, those very pay scales have been accepted.

An hon. friend suggested that there would be some diversity between the pay scales of these all-India services officers and the pay scales of the State officers. This question arises more or less in a prominent manner in those States where there had been an integration of the former States. There, naturally, pay scales were not what they ought to have been, and therefore the pay scales that we have fixed are after a rationalisation of the pay scales, and if in certain States there were pay scales which were certainly very low, then it is for the State Government to bring them up. The pay scales of the IAS and the IPS officers are to be common because we have placed before ourselves a common structure not only in regard to pay but in regard to the general conduct and performance of the duties of all these officers. That is the reason why there ought to be a common structure of service that would ultimately benefit the administration, because these are expected to be very important officers at district levels, and therefore the administration would be uniform and would be satisfactory. That is the reason why this Act was passed in 1951, and the rules have been made in respect of the various conditions of service and they have been placed on the Table of the House.

My friend contended that there ought to be a re-orientation of outlook. I fully agree with that general expression. We have taken steps to see that even the course of instruction for the probationers includes certain items regarding social services, and everywhere, as you are aware, there

[Shri Datar]

has been a greater emphasis on the developmental than on the merely administrative work. Therefore, these officers have to carry out their duties with a new orientated outlook which is in full consonance with the democratic set up. That is the reason why I am quite confident that these officers would come up to the level that we had in view when this particular Act was passed

It was contended by my friend Shri Menon that the final control so far as these all-India services are concerned rests with the Government of India. That is not correct.

Shri Narayanankutty Menon: I said disciplinary control and not administrative control.

Shri Datar: All these officers, when they are borne on State cadres, are under the administrative control of the State concerned, and only when an occasion arises for a disciplinary proceeding against them, are they referred to us. Then we take the opinion of the UPSC and then final orders are passed. Therefore, even the IAS and IPS officers working in connection with the affairs of the States have to be under the control of the State concerned, and therefore there can be no question of the Central Government taking powers to themselves.

I am glad that the provisions of this Bill in their application especially to the State of Jammu and Kashmir have been accepted with acclamation by all the Members of all the parties.

Mr. Chairman: The question is:

"That the Bill to amend the All-India Services Act, 1951, be taken into consideration."

The motion was adopted.

Mr. Chairman: There is no amendment.

The question is:

"That clauses 1 and 2, the Enacting Formula and the Title

stand part of the Bill".

The motion was adopted.

Clauses 1 and 2, the Enacting Formula and the Title were added to the Bill.

Shri Datar: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed".

The motion was adopted.

15.16 hrs.

DEMANDS FOR EXCESS GRANTS (RAILWAYS)—1954-55

Mr. Chairman: I shall first place the Demands before the House.

DEMAND No. 4—REVENUE WORKING EXPENSES—ADMINISTRATION

Mr. Chairman: Motion moved:

"That a sum of Rs. 9,79,263 be granted to the President to make good an excess of the grant in respect of 'Revenue Working Expenses—Administration' for the year ended the 31st day of March, 1955"

DEMAND No. 5—REVENUE WORKING EXPENSES—REPAIRS AND MAINTENANCE

Mr. Chairman: Motion moved:

"That a sum of Rs. 1,67,37,177 be granted to the President to make good an excess of the grant in respect of 'Revenue Working Expenses—Repairs and Maintenance' for the year ended the 31st day of March, 1955".

DEMAND No. 6—REVENUE WORKING EXPENSES—OPERATING STAFF

Mr. Chairman: Motion moved:

"That a sum of Rs. 53,01,078 be granted to the President to make good an excess of the grant in respect of 'Revenue Working Expenses—Operating Staff' for the year ended the 31st day of March, 1955".