

[Shri Tangamani]

Bills and whether certain things may or may not happen if they are not passed during this session.

Shri Manubhai Shah: As the House is aware this particular Bill has got to be passed before the 31st December of this year because many of the industries have to be either de-protected or protection has to be extended to some other industries. It is inevitable and that is why we requested the Minister of Parliamentary Affairs to request you to allow us to introduce this Bill.

Shri T. B. Vittal Rao: What about the other Bills?

Shri Ranga (Tenali): Were the Business Advisory Committee consulted about this matter? Was it before them when they decided in favour of shortening the duration of this session?

Mr. Speaker: The hon. Member is trying to expand the scope of the Business Advisory Committee. It is for the Government to put up sufficient work before the House. If Government feel that there is not sufficient work for a particular session, it is open to them to make a statement in the House and, if I agree, having regard to the work on hand, I make an announcement, which I have done in this case. There is no good forcing the Government to prolong the session if they feel that they have not got sufficient work. They may think that it is not necessary to pass all the Bills in this Session. All the same, they have got to introduce Bills which they think it is necessary for them to get passed in this session. The Business Advisory Committee deal only with allocation of time for the various items of work that come up before the House, either by way of Bills, resolutions or motions.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):

We will decide the priority within the time decided upon and whatever Bills, we think, are more important will be put through.

Mr. Speaker: Naturally, hon. Members are anxious to know the position of the various Bills etc. There is a rule in this House that whatever is part-heard will be taken up in preference to others. Are there any part-heard matters?

Shri Satya Narayan Sinha: No.

Mr. Speaker: It is for Government to decide what should be ignored and whether these should be given preference. I think now enough has been said regarding these two Bills.

Shri T. B. Vittal Rao: Every day they are doing it.

Mr. Speaker: It is for the Government to decide what to bring before the House and when. If the hon. Member is in the Government, he will bring a Bill every day.

Shri T. B. Vittal Rao: I would not. I will think twice before I call off the session.

Mr. Speaker: Very good. Now the question is:

“That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934.”

The motion was adopted.

Shri Manubhai Shah: I introduce* the Bill.

12-36 hrs.

MOTION RE: TENTH REPORT OF
THE UNION PUBLIC SERVICE
COMMISSION—contd.

Mr. Speaker: The House will now take up further consideration of the

*Introduced with the recommendation of the President.

following motion moved by Shri B. N. Batar on the 29th November, 1961, namely:—

“That this House takes note of the Tenth Report of the Union Public Service Commission for the period 1st April, 1959 to 31st March, 1960, together with the Government Memorandum thereon, laid on the Table of the House on the 21st December, 1960.”

No time has been allotted for this discussion. The time already taken is one hour and fifty minutes. I think we can have two more hours. The next items are Supplementary Demands for Grants (Railways) and Supplementary Demands for Grants (General). Are they to be passed today?

The Deputy Minister of Railway (Shri S. V. Ramaswamy): Yes.

Mr. Speaker: Very well. They will all be passed to day. Now it is 12.30. we will have two more hours and this will conclude by 2.30.

Shri D. C. Sharma (Gurdaspur): Now it is 12.35.

Mr. Speaker: I said that it is approximately 12.30.

Shri T. B. Vittal Rao (Khammam): What is the time allotted for the Demands for Grants?

Mr. Speaker: One hour each.

Shri T. B. Vittal Rao: We will require more.

Mr. Speaker: Let us see. We will finish this motion early. Now Shri N. R. Muniswamy will continue his speech.

Shri N. R. Muniswamy (Vellore): Mr. Speaker, I wish to bring to the notice of the House some of the very important points to which this House, as well as the Ministry, should give some thought. At the outset, I wish to congratulate the Commission. The

trend of the debate has happened to be one of very severe criticism of the working of the Commission and the implementation of their recommendations by the Government. All the same, I feel that the work that they have been pursuing is a very arduous one and they deserve our appreciation and thanks for doing their job so well. It has been stated that they are doing a thankless job, but they do it with a view to create efficiency in the administration. In order to run the Government, we must have efficient people and the Commission have been asked to recruit persons suitable to the duties assigned to them.

12.39 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Yesterday, my hon. friend, Shri Mathur, was suggesting that there must be a high-powered committee to go into the question of the way in which the work of the Commission is being carried on. I am not going to oppose or support this suggestion, but I wish to make certain suggestions which might be considered by the Government. Instead of having a high-powered committee to go into the work of the Commission, which makes recommendations for various appointments which are decided by the Government, I think it is better that we have a small committee appointed by the Members of Parliament, which will go into the actual working, their functions and the way in which they conduct their office work.

Much has been said about the interview and the way in which questions are asked of the various candidates and answers given by them. Last time when the hon. Speaker was in the Chair I raised the question that in the interviews sometimes questions were asked which were not relevant to the subject for which the candidates were to be recruited. Sometimes irrelevant questions are put to the candidates and to the best of their ability they answer them. I wanted some record of the questions

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put to the candidate by the member and the answer given by the candidate to be maintained so that we could assess the marks given to each candidate at the time of the interview consistent. With the nature of the question and the purpose for which the question was asked. The hon. Minister was pleased to state then that such a procedure was not obtaining in any part of the country, much less in the Centre and members put questions as they pleased. No record was being maintained. The hon. Speaker was pleased to observe that it would be better and in the interest of the integrity of appointments that we make to have a certain record of that type. I only wish that they pursue this matter and take this into consideration.

From the Report I find that the Chairman of the Commission goes every year to various parts of the world with a view to select candidates. I find that he has gone very recently also. He does make an enormous effort to make good selection in the foreign countries with the assistance of experts and officers of the embassies. I want to know whether it is at all necessary for the Chairman to make a huge round of the world to select about 30 to 35 candidates. Is it commensurate with the expense that we incur in this connection? It would be better if they only call for applications from candidates in foreign countries, screen them here at a distance and make the selection. They can find out their suitability from the recommendation that they get from the embassies. I am not aware as to what expenditure they have incurred in this respect. They are having an economy board also. But they not only not give appointments to people here who deserve out, at the same time, spend money unnecessarily. This tour all over the world can be minimised. They can even eliminate it altogether if they pursue some other method of recruitment. I wish that this aspect is considered by the Government in the year to come.

I find that it is very difficult to get candidates specially those having technical knowledge, that is, of science or engineering. Even if people are asked to apply, many of them do not apply either because the emoluments are not attractive or because the job which they have to undertake is at a distant place like Tripura, Manipura, Pondicherry and other places. In this connection what I want to submit is that it is better to have a plan for recruitment of such category of persons beforehand and at the same time to train existing persons or to initiate some other programme with a view to give training to the graduates. That has been mentioned even in the Report. They may expand the existing research institutions so that that can have a pool of scientists and engineering experts and as and when vacancies arise they can look to this pool and make an appointment to that post.

The other aspect which I wish to bring to the notice of the House is the delays offers of appointments to candidates recommended by the Commission. They have given an appendix and from this I find that there are cases in which appointment orders are issued two or three years after they have been selected. There are cases where even after they have been selected for a period of two or three years they are still kept pending for issue of orders. It looks very strange.

They ask the Commission to advertise, interview and make the selection urgently. Then to keep the appointment in abeyance for a period of two or three years does not speak well of the Government. If such a thing had been done by the Commission, they would certainly have passed strictures against the Commission for not having advertised, interviewing and making the selection with speed. After having the list if they do not issue the orders, it means that they have got mental reservations. It would look that at one stage they wanted to fill these posts but later on due to certain other circumstances they have given up the idea of appointing people to

those posts and have not as yet decided whether to appoint them or not. Still, they are kept on the list and appointment orders are not being issued to them. I only want the Government to be sharp enough to see that those persons who have been selected two or three years earlier are not kept waiting every day to get the order. It would rather look strange and lead to disappointment and frustration. I only wish that they would look at it in a human way while dealing with these things.

As regards irregular appointments and delayed references, about 30 references have been given. There may be innumerable matters which they might not have been pleased to place before the House in this Report. I find that only two or three ministries, for example, the Railways, Commerce and Industry and Planning Commission, have been referred to. I do not want to repeat that here. When I read those three instances, I found it was not very happy reading. I only wish that Government will not do such things hereafter and give an occasion to the Commission to make a reference to these irregular appointments and delayed references.

In this Report I find there is one item, namely, the exclusion of certain appointments from the purview of the Commission. It is a very healthy convention, namely, that we make certain regulations with a view to see that consultation with the Commission is dispensed with and the Commission is free to give such exemptions. There are several departments, like the Secretariats of the President of India and of the Vice-President, the Official Liquidator appointed under the Companies Act, the Lok Sabha Secretariat, the Rajya Sabha Secretariat and various other departments which have been exempted. They have rightly been given the exemption. The autonomy of this House should not be tampered with by anybody as regards appointments and service conditions. I quite agree with that. Article 320 of the Constitution seems to be very

rigorous. I may be permitted to read only two clauses of that. Clause 3, sub-clauses (a) and (b) of article 320 reads as follows:

"The Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted—

- (a) on all matters relating to methods of recruitment to civil services and for civil posts;
- (b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers."

These are two aspects on which exemptions have always been granted, that is, firstly, with regard to the method of recruitment and, secondly, on the principles of appointments, service conditions and all that. There is also a proviso which, you will be pleased to see, says that the President and the Governor can make regulations specifying the matters in which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for the Public Service Commission to be consulted. It is a very healthy convention. I only want to say that in many appointments it looks as though the Commission has delegated its power of appointment to these institutions believing that they would discharge the duty that they would otherwise like to discharge. They have got their own rules and regulations for appointment, recruitment and every other thing. It is quite right. But I do not know whether the Commission is divested of its supervisory capacity or overall power.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri N. R. Muniswamy: I have just now started speaking. I may be given five minutes more.

Mr. Deputy-Speaker: Does he say that he has started just now? I remember Shri Sharma said, when the discussion started, that it was 12.35.

Shri N. R. Muniswamy: I actually started at 12.40. I will finish in five minutes.

Mr. Deputy-Speaker: It is a most regrettable thing that the hon. Member should challenge me.

Shri N. R. Muniswamy: I am not challenging you, Sir. I will finish in five minutes.

Shri D. C. Sharma: He spoke yesterday also.

Shri N. R. Muniswamy: I shall finish in five minutes.

The Public Service Commission cannot be divested of its powers for which it has got an obligation to discharge. That is a statutory obligation. It is to see whether the method of recruitment and the principles of making appointments are being carried out. It looks as though instead of themselves appointing they have delegated their power to certain institutions, for example, to the Lok Sabha Secretariat and others. They have to carry out these things. I understand that. But, what is the machinery they adopt or they have got in their possession to have a check over it to see whether they are really doing according to the fashion in which they like them to be done or they carry out their own principles, their own regulations and their own rules? There is no such thing. Except that they have delegated powers to these institutions to which exemption has been granted, I do not find from the record whether the Commission have any machinery or they have got any report from these institutions or from these Governments that recruitments have been made quite in order, that they are in consonance

with their own rules and they are in consonance with the rules which they themselves framed and they are happy and there is no complaint at all. I do not find any such thing in the report. I want that the Commission should not be divested of its powers, and its responsibilities should not be over no sooner than they give powers to these institutions to recruit. I only want that this should be done.

I found in one of the reports—subject to correction—about 3 or 4 years back, the hon. Speaker brought to the notice of the Commission article 98. I need not read that. When appointments are to be made in the Secretariat of the Lok Sabha or the Council of States, Parliament has to make certain laws. In the absence of the law, the President can make regulations in consultation with the Speaker and the Chairman. That is right. Pending that, the present rules are being carried out. Only my point is whether there is any check by the Commission. I wanted to know that. I find some sort of a report against recruitment. I do not feel very happy about it. I wish to bring to your notice that the Government must take some steps as regards these things also. Some sort of a law should be brought into existence.

The other point that I wish to bring to your notice is this. I shall finish in a minute.

Mr. Deputy-Speaker: The hon. Member can take another four minutes. I am sorry, I was wrong. The hon. Member was right. I have consulted the records. I find he began at 12.39. I was mistaken. I took the clue from Shri D. C. Sharma's observation. I am sorry.

Shri N. R. Muniswamy: In the recommendations, I find that the Government was not in a position to accept one for which they have also given a memorandum, that is about a Railway officer in which case they wanted to have a very severe punishment. I only want that the Govern-

ment place the Union Public Service Commission and the State Public Service Commissions on the same category as Court. They must give due regard to them. Their judgment and their verdict should not be challenged in any way. Supposing, for example, in a court, a particular man is acquitted and the Government think that the man must be punished. They only go in revision to the High Court. They plead for enhancement of punishment. If their plea is accepted, it is enhanced. Otherwise, they do not bother themselves. That is the way in which the Government should behave. The Government should not behave like an ordinary individual. The Government is something over and above all these things. They must have a human approach. The U.P.S.C. has recommended a particular type of punishment to be awarded to a particular man. They, in their wisdom thought that it is better to remit it back for reconsideration. When they remitted it back for reconsideration, they had not brought to the notice of the Commission any fresh points to be taken into consideration which they failed to agitate in the enquiry. They simply said, it is *ma'a fide*, just see whether it is so. When after reconsidering it, the Commission comes to the conclusion that no fresh point have been agitated to which they omitted to make reference at the time of passing the sentence, and they have only upheld their earlier decision. It is not right for the Government to pooh-pooh it and say, no, we are going to give a heavy punishment. I am not pleading for him. I am only saying that the *modus operandi* adopted by the Government is not correct. They must have a human approach. It is not as if there is an individual person and he should be punished. It seems to be vindictive. The punishment which is given by them may not be suitable with regard to the time and all that. It may be possible that he may be retired in a period of one year or it may not be able to satisfy the terms in which the punishment has been awarded by the Commission.

With all that, to take that step, I do not like personally. The Government should also see that a single case is not isolated in that way and treated with vindictiveness. That is the reason why I am saying that they should not have disagreed with the verdict given by the Commission.

There are now, two or three types of Commission, such State as well as Central. We are also having the Railway Service Commission. I have been agitating that instead of having all these things, it is better to have three or four types of Commissions: one for the Union public services, another for Scientific services, another for commercial services, like that, so that they can bifurcate and recruit persons well versed, instead of taking persons from other sources. The Members are there and whenever they want extra advice, they can seek the assistance of any Scientist or Engineer to come and sit as an Associate Member or as an expert to give advice. Mostly, they take advice. I only want to say that instead of having such things, it is better to divide the Commission into these categories so that the persons who compose the Commission have a better knowledge of the specialised subjects.

Mr. Deputy-Speaker: Now, the hon. Member must conclude.

Shri N. R. Muniswamy: It is better to have two or three types of Commission instead of one, in which we say the Members are not qualified to select.

The last point that I wish to place before you is a small matter. You may think that I am transgressing my limit. I find, mostly, if the Government wants to have a particular type of man to be given a particular chance, he is being recruited. After some time, what happens is, they intimate to the Commission. The intimation to the Commission is to be within a period of six months or one year. If it is above one year, they must requisition the Commission to advertise and select. But, there are

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cases where they do not do it. After having done it, they bring it to the Commission. They do it at a later stage. By that time, what happens is, either the man himself retires or he resigns or death takes place. These are things that happen. It looks as if these institutions which have been given permission to recruit candidates seems to adopt canons and principles which satisfy their own candidates. They do not satisfy the canons that have been laid down by the country. I only wanted to say that. Time is running against me, I am sorry; I conclude.

Mr. Deputy-Speaker: He is running against time; not time against him. Shri Bal Raj Madhok.

Shri Braj Raj Singh (Firozabad)
rose—

Mr. Deputy-Speaker: I called Shri Braj Raj Singh yesterday. He was not prepared to speak. Now, today, I find him rising again.

Shri Bal Raj Madhok (New Delhi): Mr. Deputy-Speaker, the Union Public Service Commission is the constitutional guarantee that we have for equality of opportunity and for fair and free recruitment to the services. Because the permanent service really run, the Government in a democracy, it is very important that the people who are recruited to the services are recruited in such a way that there should be no feeling of nepotism, no feeling of favouritism and that purely merit is taken as the main consideration for recruitment. It is the business of the U.P.S.C. to see that this criterion is maintained.

In a vast country like ours where the public services are expanding because of greater state control over many affairs, it is quite natural that the work and scope of the U.P.S.C. also is expanding. As we see in the report, the examinations they are holding and the appointments they are making are large in number. The

hon. Minister in charge said, that certain provisions about an examination hall and other things have been made to cope with the increase in work. That is all to the good. I want to draw the attention of the Government to one particular aspect which is causing a lot of not only irritation, but also a feeling of consternation among the people as to the future of the services and the future of our administration. That is, in making appointments, political considerations are being given greater importance than efficiency or anything else.

Mr. Deputy-Speaker: Where?

Shri Bal Raj Madhok: Everywhere.

Mr. Deputy-Speaker: Does the hon. Member mean to say in the U.P.S.C.?

Shri Bal Raj Madhok: No. What is happening is, in most States, first appointment.....

Mr. Deputy-Speaker: Political considerations are being given more weight: where? Appointments by the U.P.S.C. or by the Government?

Shri Balraj Madhok: By the Government.

Mr. Deputy-Speaker: We are discussing the U.P.S.C.

Shri Balraj Madhok: Appointments are made. What is happening is this. Appointments are made first and then they are referred to the U.P.S.C. All appointments are not made by the U.P.S.C.

We say that all selections for appointments are made by the U.P.S.C. but even where the U.P.S.C. makes the selections, Government as well as other bodies under Government attach more importance to political considerations in making actual appointments. We have a very concrete case in Delhi itself.

13 hrs.

The U.P.S.C. selected a person out of about 20 applicants for the post of senior legal counsel for the Delhi Corporation. But the Delhi Corporation refused to take him, and the leader of the majority party, namely the Congress Party said that he would not like to have any officer in the corporation who would not see eye to eye with the policies of the ruling party. This was the statement made by the leader of the Congress Party in the Delhi Corporation, and it is there on record. So, the person who had been selected by the U.P.S.C. as the most competent man was not taken, and the corporation decided to refer the matter back to the U.P.S.C. The U.P.S.C. again said that he was the only competent man, and, therefore, he should be taken. Again, the matter was shelved, and the corporation decided that they would not have this post at all.

If such a thing can happen under the very nose of the Government of India, in Delhi itself, you can just imagine what the position would be elsewhere. My submission is that if we want that people should have faith in the U.P.S.C., then we must see that the recommendations of the U.P.S.C. are accepted by the Government: Further, appointments should not be made irregularly by the Government first and then referred to the U.P.S.C. after one or two years for confirmation, because in such cases, very often the appointment is made first, and in the normal course, confirmation is obtained later on. This is the first point that I would like to submit.

The second point to which I would like to draw the attention of the authorities is this. There are a number of All India Services, like the I.A.S., I.P.S. etc. Now, we are going to have some more All India Services. There are also other kinds of services such as the Central Secretariat Service. In the British days, the I.C.S. used to be a privileged class, and all important posts were held by the I.C.S. people. But now,

the position has changed, and I.A.S. has taken its place. Of course, it is true that the people who are taken into the IAS are very qualified and competent men, and they should be given important posts. But in the Central Secretariat Service, there are hundreds of people who have put in twenty to thirty years' service, and who are competent and quite experienced, and we find that they are superseded by junior I.A.S. men in the matter of promotions etc. and almost all the high posts in the secretariat are now going to be monopolised by the I.A.S. or the people belonging to the other Central Services. My submission is that the people who are working in the Central Secretariat and who belong to the C.S.S. should also have chances of promotion. We can lay down quotas for this purpose; and say, for instance, that 25 per cent of the posts will be filled up by the C.S.S. people, and 75 per cent by persons from outside; some such basis should be laid down. Otherwise, the people who are working in the Central Secretariat and who belong to Class I in the C.S.S. and who have been working there for twenty to thirty years will have no chances of promotion, and all doors for further promotion would remain closed to them. We have seen how some of the senior officers of the Government, like Mr. V. P. Menon have been very competent; they were not I.A.S. or I.C.S. men, but by virtue of their merit and by dint of their ability, they were able to rise to the highest rung of the ladder and were able to discharge their duties very efficiently and competently. Similarly, even today, if there are competent and efficient men in the Secretariat, though they may not be so qualified as the IAS people, they should be given opportunity to rise to the highest rung in the ladder of administration.

The third point to which I would like to draw the attention of Government is this. In the matter of recruitment to the lower services also, a number of examinations are being held, as, for instance, for the recruitment of stenographers, lower division

[Shri Balraj Madhok]

clerks and upper division clerks. In the conditions and qualifications laid down for such examinations, we find that people from some States are given certain concessions; then, certain concessions are given to the Scheduled Castes and Scheduled Tribes, as also to displaced persons. But there is one particular class of employees for whom no such concession has been given, and that is a very important class, namely the class IV service in the Government of India. In Delhi itself, we have thousands of employees who are working as class IV employees. They were recruited as peons or as chowkidars and so on, but many of them, while working in the offices as peons or as chowkidars or as other class IV employees, have been trying to improve their qualifications by reading in the evening colleges; many of them had passed the middle school stage when they joined service, but by reading in the evening colleges, many of them have passed matriculation or intermediate or even BA; some of them have been passed typewriting and other tests.

The Minister of State in the Ministry of Home Affairs (Shri Datar): I do not want to interrupt the hon. Member, but then, we are not having a general discussion on the Services now. Class III and class IV employees have nothing to do with the U.P.S.C. So, let the discussion be confined to the report of the U.P.S.C.

Mr. Deputy-Speaker: Does the hon. Member mean to say that they should also be recruited by the U.P.S.C.?

Shri Balraj Madhok: That was not what I meant. What I meant was this, The U.P.S.C. holds examinations not only for recruitment to the higher services but also for recruitment to the posts of lower division clerks, upper division clerks and so on. So, this matter also comes within the purview of this discussion. It is not the report only which we are discussing. We are discussing actually the work of the U.P.S.C.

Mr. Deputy-Speaker: Really, it is the report that we are discussing.

Shri Balraj Madhok: I too am discussing the report, but the report deals only with certain activities; certain other activities may not have come into this report, but they also can be discussed.

Mr. Deputy-Speaker: But they must be connected with the report.

Shri Balraj Madhok: They will be connected. In the matter of recruitment, my submission is that class IV employees who are otherwise qualified but who are overaged as government employees should also be given an opportunity to appear in the examinations, and if they qualify, they should also be given promotion. We should not suppose that a man who was recruited as a peon must retire as a peon or that a man who was recruited as a daftry should retire as a daftry. The condition should be liberalised in their case, so that even though they are overaged, and they are 30 or 35, they should be able to appear in the examinations.

Mr. Deputy-Speaker: Again, the objection of the hon. Minister is quite relevant. The hon. Member is now discussing the method by which these class IV officers can be promoted or given opportunities to appear in examinations. But that has nothing to do with the present report on the working of the U.P.S.C.

Shri Balraj Madhok: All right. I shall leave that matter there.

There is another aspect of recruitment to which I should like to draw your attention. Recruitment to certain posts is done through examinations, and to certain other posts, it is done through the States. When the I.A.S. cadre was expanded, so many people from the Jammu and Kashmir State and other States were taken into the I.A.S. They had not to appear in any examination. Recom-

mendations were made by the State Governments, and on the basis of those recommendations, they were taken. I know from personal knowledge that the people who are so taken get higher emoluments and greater privileges. But, then, they are not really qualified people always. Sometimes, when the State Government finds that a particular officer has been useful to them, even though he may not be qualified, they recommend his name; while another officer who is better qualified is not recommended by them.

Mr. Deputy-Speaker: I think that even when the State recommends, the U.P.S.C. holds a special interview for them.

Shri Datar: What the hon. Member possibly means is the taking in of certain officers from the States under the promotion quota. That is what he is possibly referring to. Here is some inaccuracy in what he says.

Shri Balraj Madhok: No. I shall explain it. For example, I come from the Jammu and Kashmir State. In that State, we had no I.A.S. cadre or any other Central Service cadre. When the I.A.S. cadre was extended to that State, then so many officers from that State were taken into the I.A.S., and likewise, into the other Central Services as well. But what is the basis or criterion on which they have been taken? There were a number of officers, but only some of them were taken into these Central Services, and they were given higher emoluments.

Mr. Deputy-Speaker: They have been taken by the Central Government?

Shri Balraj Madhok: By the U.P.S.C.

Mr. Deputy-Speaker: What does the hon. Member imply by that? Does he imply that the U.P.S.C. has not been fair or that the State Government have not been fair in sending those names?

Shri Balraj Madhok: The State Government have not been fair.

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Mr. Deputy-Speaker: For that, is the U.P.S.C. to be blamed? The U.P.S.C. have to satisfy themselves that they are the best persons, and then only they can take them in. Whoever comes, irrespective of whether the State Government have been fair or not, if the U.P.S.C. finds the person up to the mark, they have to give him the qualifying certificate.

Shri Balraj Madhok: My submission is that recruitment to the All India Services should be done through the examinations held by the U.P.S.C. Only those who come out successful in those examinations should be taken in, and not those whom the State Governments just recommend, because the State Government's recommendations are very often coloured by political considerations rather than by merit.

Shri D. C. Sharma (Gurdaspur): Certainly not.

Mr. Deputy-Speaker: Even if those considerations are there in the minds of the State authorities, ultimately, the tests have to be applied by the U.P.S.C., and unless those persons qualify in those tests in the opinion of the U.P.S.C., they cannot be promoted to the I.A.S.

Shri Balraj Madhok: But when the State Governments make their recommendations, they are very often coloured by political considerations.

Mr. Deputy-Speaker: Then, it is a reflection against the State Government. What can be done by the U.P.S.C.? The U.P.S.C. is not to be blamed for that.

Shri Balraj Madhok: The U.P.S.C. is the body which has to recruit people to the Central Services and to other ordinary services, and they have to ensure that the persons are recruited on the basis of efficiency, integrity and merit. That is their main business. The Constitution has laid down that the U.P.S.C. is a body which had to be independent.

Mr. Deputy-Speaker: But the employer also has got the authority or option to allow any man under his

[Mr. Deputy Speaker]

employment to go and compete in those examinations or not, so long as he is under the employment of that authority. The employer has got that authority, unless it be that the employee leaves that employment and goes straight there.

Shri Balraj Madhok: Of course, the employer has got that authority, but what I am pointing out is that it reflects upon the services.

Mr. Deputy-Speaker: I would advise the hon. Member to spare the State Governments at this moment, in this discussion. What can we do now?

Shri Balraj Madhok: After all, I am not talking on the report in just an academic way. I am talking about the practical things.

Mr. Deputy-Speaker: The State Governments are not represented here. We cannot discuss their lapses and their faults. The Central Government can be taken to task and even that not at this moment unless it has done something vis a vis the U.P.S.C.

Shri Balraj Madhok: The work of the U.P.S.C. is expanding with more and more functions being taken over by the State; the nature of services is becoming multifarious, because more and more activities are being taken over by the Government. Therefore, it is necessary that the U.P.S.C. should be so constituted that there is proper personnel to select these services. For example, we have now to recruit technical personnel, scientific personnel, managerial personnel, as against purely administrative personnel. Therefore, people qualified to judge the merits of applicants or candidates to these services should be on the Commission. I have nothing to say against the members of the U.P.S.C. as it is constituted at present. They are all honourable people, respectable people, but they are people with purely academic qualifications. It is important now when the country is advancing technologically and scientifically that the

U.P.S.C. should have on it more and more Members, with different qualifications, so that they can be better judges of personnel required for technical and business undertakings of the Government.

Then there is the question of recruitment of Indian scientists or technicians who are abroad. There is a reference in this report about interviews that were made of technical personnel living in foreign countries. We find that a good many people who go outside the country for higher technical education do not return. They get good posts with decent salaries abroad and there is a general feeling among people who have returned from abroad that their talent is not properly utilised in the country. On the one side Government says that qualified people are not available; on the other side we find that there are so many qualified people in all branches of knowledge who are unemployed, and because of this many people choose to remain where they have gone for higher studies. This is a matter which needs to be looked into. Why is it that men who are sent abroad—I do not think they are unpatriotic—do not want to come back and serve the country? It is because they feel there is no scope for them here. In such cases the rigid conditions which are laid down for normal recruitment should be waived. For instance, you have prescribed minimum age of recruitment. There may be a man who has spent ten or twelve years abroad. In such cases, the rules should be made more flexible, so that we can make the best use of the talent available.

Another suggestion that I wish to make is about interchange of Secretariat and Administrative services. Formerly, in the British days, the practice used to be for the higher staff of the Central Secretariat to be brought on a tenure basis from the States and after a service of two or three years to be sent back to the States. Nowadays I find that there are a number of Secretaries, Joint

Secretaries and Deputy Secretaries who have been here for ten or fifteen years and have not been changed. This is not correct. In the Secretariat there is more of clerical type of work; but the practical side of administration is very important and for this purpose there should be interchange of Secretariat staff with administrative staff from the States. Officers who have served in the districts should be brought here and officers who have been here for some time should be sent to the districts.

Again, in the Defence Services, a number of jobs which civilians can do are done by military officers; a number of officers are holding purely secretarial jobs. In our country there is dearth of trained man-power. The Defence Minister very often says that we have not got an adequate number of good officers in the army. I think it is therefore proper that the civilian jobs in the Defence Services should be manned mainly by the civilians and those military personnel who are not absolutely indispensable should be taken away from secretariat jobs and put on active service.

13.05 hrs.

Shri D. C. Sharma (Gurdaspur): Mr. Deputy-Speaker, Sir, I think every Member of this House has nothing but respect for this Commission, nothing but respect for the Members of this Commission. They are called upon to do very generous duties and I think within the limitations imposed upon them by rules and by articles in the Constitution, they do these duties very well. They discharge their functions to the satisfaction of persons who demand such services.

Now, Sir, I spoke of the respect that I have got for this institution. My respect for this institution is of the same kind as I would have for some old archaeological things. It is because our country has undergone many radical changes; our country has been through a silent revolution, social, economic, political.

Mr. Deputy-Speaker: I do not know how he is going to develop his argument—that is to be seen of course. But if the hon. Member pays the same respect to the UPSC as to an archaeological object, it is rather strange and in itself would be objectionable.

Shri D. C. Sharma: I would submit very respectfully that the UPSC and the other Public Service Commissions in our country have been strangely out of touch with the new urges that have come about in this country, with the new demands that have been put forward in this country and with the new aspirations that are to be enshrined in the hearts and brains of those people who are going to man our services. Perhaps you are right; the word "archaeological" was not very appropriate; but I have for it the same kind of respect which one has for very very old things.

Mr. Deputy-Speaker: Once that thing was grand; it is no use now.

Shri D. C. Sharma: Now, Sir, look at the personnel of this Commission. I think the Members of this Commission are admirable people. I have great respect for them. But, Sir, the personnel of this Commission continues to be almost of the same variety, almost of the same complexion almost of the same character as it used to be when India was not free. No change has come over it. It is manned mostly by civil servants; a few technicians or one engineer may be there. Otherwise the whole of this Commission is run by those persons who are members of services and who are on the verge of retirement. What I want to say is this. We have to see that our Union Public Service Commission represents the needs of our country. We want civil servants, no doubt; we want Indian Police Service officers; we want Indian Administrative Service officers; we want all of them. But we are also in need of other types of personnel, technical personnel, technological experts and industrial and managerial personnel. Now, I think this Commission is very

[Shri D. C. Sharma]

good so far as it deals with the administrative services, but I would be failing in my duty if I do not say that this Commission cannot do justice to the new types of personnel that we need. I wish that the composition of this Commission should undergo a radical change so that it represents some kind of a balance between administrative personnel, managerial personnel, technological personnel and other types of personnel. Unless that is done, this Commission cannot do justice to the tasks it is called upon to discharge.

I find that this Commission has to recruit technical personnel in larger numbers than any other type of persons. I wonder if this Commission is capable of handling that kind of job. I know when the interviews take place, they call forth the heads of departments of the administration for which the people are to be recruited. I wonder how far those heads of departments influence the decisions of the Commission. I think they do not do so. Therefore, I want that the composition of this Commission should be so changed as to respond to the needs of the different types of personnel that we want in this country.

At lot has been said about *viva voce* test, personality test and other tests which the Commission has to conduct. A lot has been said about the examinations which the Commission has to conduct. The whole conception of examination is undergoing a change in this world. So many researches are being carried on all over the world in the USA, UK, the Soviet Union and other countries. So many new types of personality tests are being devised, so many new approaches are being made to assess the real worth of candidates. Has this Commission done anything to be in step with those changes and new developments that are taking place all over the world? If you look at the question papers set by this Commission, you will see that those questions could have been set

as well in the year 1860 though the candidate is appearing for examination in the year 1961. So far as personality tests are concerned, they continue to be outmoded tests. Therefore, I want some new orientation of the Commission so far as these things are concerned. Unless that is done, I think such tests are not going to be very fruitful. Of course, it is said that they watch the performance of the persons selected, and about 90 per cent or more of them are found to be fit. Who are the persons who judge after the selection? The same people who selected will judge the performance later. I do not think that has got any use. I want that this Commission should try to have all those new things, new developments which are taking place all over the world so that its approach is to the modern man, the 20th century man and not to the Victorian man or to the man who lived in the early part of the 20th century.

Shri Braj Raj Singh: From archaeology, he has gone to the Victorian era.

Shri D. C. Sharma: You cannot understand these things because you live in the middle ages.

Mr. Deputy-Speaker: As it goes in the record, that would be a reflection against the Chair.

Shri D. C. Sharma: No, Sir.

Mr. Deputy-Speaker: It is.

Shri D. C. Sharma: I was referring to the hon. Member who interrupted me. It will read in response to the interruption he made.

Mr. Deputy-Speaker: It will not.

Shri D. C. Sharma: There is one thing which made me unhappy while reading this Report. It is stated that there are unfair means practised at the examinations conducted by this Commission. My hon. friend, the

Minister, shakes his head. Look at the Appendix. Somebody is tampering with his age record, somebody is bringing some papers which he wants to make use of in the examinations. If these are not unfair means what else are such means? I think this is a very serious thing to be taken note of. I wish the Commission told us what they were going to do so that they could show a better record of integrity of the examinees than is shown by some other examining institutions. I think this is a very serious matter. Though it has been given in the Appendix, I feel it needs to be looked into very carefully. Why do people tamper with their age records? Why do candidates bring unauthorised papers to the examination hall? Why do they want to copy from this document or that? All these things show some kind of academic or social malady, and I think the Commission, which is the mentor of our services, should also look into this thing very carefully, so that this does not expand but is eradicated. This kind of thing is happening in other institutions. I want to strike a note of warning, that this thing should not be there so much.

There is another point. The case of the Scheduled Castes and Scheduled Tribes deserves to be looked into very carefully. Why is there so much of shortage when we come to the recruitment of personnel belonging to this category? After all, we have given these persons some concessions and certain advantages. Why is it that they are not able to make use of these things? Of course, this may be a question for the Commission; or it may be a question for the universities. But it is a question which has got to be tackled on a scientific basis. I would be told that they are conducting some kind of classes at the Allahabad University or some other university for these students or classes. I think that is not enough. We have got to step up the progress of certain sections of our society and we have to adopt all kinds of means to do so. But not much has been done in this res-

pect? Why is it that not much has been done to bring these people at par with the others?

Then again, how many technical personnel of all grades, skilled and unskilled, highly skilled and very very skilled and diploma-holders and university degree-holders do we need during the Third Plan period? Of course, it will be said that it is not the duty of the Public Service Commission to look into these matters. But I would say that it is its duty because it has to remind Government of the kind of shortage they may have to face. It has got to see that proper persons are appointed to proper jobs. A square man in a square post—that is what has to be done. Unless that is done, I think the UPSC will not be doing its duty very well by the nation.

There is another point and it is this.

I hear sometimes that advertisements are drafted in such a way that they suit some candidates whom some persons have in view. In other words, advertisements are not made in such a way that they suit persons qualified for the job, but to suit persons whom the department or agency has in view. I would like to know how these advertisements are drafted, and whether there is difference between one type of advertisement and another. I think the advertisements for the different posts should be more or less standardised so that the persons who apply in response do not suffer any disadvantage. I believe this has got to be done.

13.31 hrs.

(Shri Jaganatha Rao in the Chair)

As I said in the beginning, this Commission is doing very admirable work, but I would submit very respectfully that new blood should be infused into it. It should adjust itself to the new values that we have in Free India of today. Unless that is done, I think the work of the Commission will not be as fruitful as it deserves to be.

I would like to know what machinery this Commission has got

[Shri D. C. Sharma]

for dealing with disciplinary cases, and how they handle them, because they are very difficult cases and involve questions of appointment, seniority, promotion, negligence of duty, lapses from the code of conduct etc. I would like to know whether the same persons who are members of the Commission deal with them, or whether there are some persons with specialised knowledge who deal with them.

These are the observations I wanted to make.

श्री ब्रजराज सिंह : सभापति महोदय, संविधान की धारा ३१६ में लिखा हुआ है :

"The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Union Commission or a Joint Commission, by the President, and in the case of a State Commission, by the Governor of the State:

Provided that as nearly as may be one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years either under the Government of India . . .'

इसको पढ़ने से मेरा अभिप्राय यह है कि हमारे सामने जो रिपोर्ट रखी गई है उस को पढ़ने से यह पता नहीं लगता कि पिछले साल हमारे कमिशन के जो मेम्बर रहे उनमें से कितने लोग ऐसे थे जो गवर्नमेंट की सर्विसेज से आये और कितने लोग ऐसे थे जो बाहर से आये। सदस्यों के नाम देखने से जो पता लगता है उससे ऐसा प्रतीत होता है कि आटिकल ३१६ में जो व्यवस्था की गई है कि आधे से कम से कम होंगे, वह आधे नहीं ७५ फी सदी या सम्भवतः ६० फी सदी होंगे।

Shri Datar: Only half are from the services.

Shri Braj Raj Singh: Then who are the members who are not from the services?

Shri Datar: Four members are from the services, including the Chairman, and four are not.

Shri Braj Raj Singh: Shri Varma is not, Shri Zaheer is not. I have seen the list. Shri Hejmadi. Shri Sivashanmugam Pillai I think is from the services.

Mr. Chairman: No.

Shri Tangamani: He was the Speaker of the Madras Assembly.

Shri Datar: Half are from the services and half non-services.

Shri Braj Raj Singh: You are definite?

Shri Datar: Absolutely definite.

Shri Braj Raj Singh: That means four are from the services.

Shri Datar: One half, including the Chairman, is from the services.

श्री ब्रजराज सिंह : अच्छा यह होगा कि भविष्य में, चूंकि यह व्यवस्था कांस्टिट्यूशन के अन्तर्गत है, यह भी बतलाया जाय कि इसमें कितने फी सदी लोग ऐसे हैं जो सर्विसेज से आये हैं और कितने प्रतिशत ऐसे हैं जो कि बाहर से आये हैं। इसे लक्षित करने से मेरी मंशा यह है कि अब समय आ गया है जब हमें संविधान की इस व्यवस्था पर पुनर्विचार करना चाहिये। आखिर संविधान की व्यवस्थाओं के अन्तर्गत संसद् ने एक नीति वक्तव्य पास किया और वह नीति वक्तव्य ऐसा है जिसमें राजनीतिक दलबन्दी का कोई सम्बन्ध नहीं है। वह वक्तव्य यह है कि हिन्दुस्तान में हम समाजवादी समाज की रचना करना चाहते हैं, हिन्दुस्तान में हम इस तरह का समाज बनाना चाहते हैं जो कि सोशलिस्टिक पैटर्न आफ सोसायटी होगा, जो समाजवा

की तरफ देश को ले जायेगा। जो भी हिन्दु-स्तान की संज्ञा का निश्चय है, हिन्दुस्तान के संविधान की व्यवस्थाओं के अन्तर्गत उस निश्चय को पूरा करने में अगर कोई सबसे ज्यादा सहायक हो सकता है तो वह हिन्दु-स्तान की सर्विसेज हो सकती हैं और उस लक्ष्य की पूर्ति के लिये जोनों को भरती करने वाला जो कमीशन है, जो न सेवा आयोग है, यदि उस कमीशन को उद्देश्य या लक्ष्य नहीं रहा तो मैं समझता हूँ कि उस लक्ष्य को पूरा नहीं किया जा सकता, उस उद्देश्य को पूरा नहीं किया जा सकता।

मेरा किराँ पर कोई लांछन नहीं है, लेकिन सरकार के ऊपर यह लांछन जरूर है कि जो निश्चय संज्ञा के लिया है, जो उद्देश्य हमने सामने रखा है, उस उद्देश्य की पूर्ति के लिये सब जो न सेवा आयोग के सदस्यों की नियुक्ति नहीं हुई है। जब तक हम इस लक्ष्य को सामने रख कर काम नहीं करेंगे कि हम देखें कि जिन जोनों को हमने नियुक्तियाँ दी हुई हैं सर्विसेज में वे उनका दृष्टिकोण समाज-वादी बन चुका है या नहीं, तब तक समाज-वाद को देश में जाने का प्रश्न उठता ही नहीं। और इस लिये मैं कहना चाहता हूँ कि अब संविधान की व्यवस्थाओं पर पुनर्विचार करने का जरूरत है जिनमें लिखा हुआ है कि सदस्यों में से आवे लोग सर्विसेज से चले आयेंगे। मैं समझता हूँ कि अब समय आ गया है जबकि हमें इस निश्चय को बदलना चाहिये। हमें देखना चाहिये कि यदि हमें ५० प्रतिशत लोग सर्विसेज से इस तरह के नहीं मिल सकते जिन का दृष्टिकोण समाजवादी बन चुका हो, जिन्होंने अपना उद्देश्य समाजवादी समाज का बना लिया हो, तो हम अपने संविधान में इस तरह का परिवर्तन करें कि हम इस कमीशन के लिये १०० प्रतिशत लोग बाहर से ले सकते हैं।

आखिर इस कमीशन का उद्देश्य क्या है? इसका उद्देश्य यह है कि हमारी सर्विसेज में अच्छे लोगों की भरती हो, निष्पक्ष लोगों

की भरती हो, जो कि हमारे राष्ट्रिय लक्ष्य की पूर्ति करने में सहायक हो सकें। मैं यहाँ यह पूछना चाहता हूँ कि जो पिछले १३ या १४ साल हिन्दुस्तान में अपने राज्य के थे, उस में संज्ञा ने जो नति वक्तव्य पास किया था, जो लक्ष्य संज्ञा ने निर्धारित किया था, उसको पूरा करने में पब्लिक सर्विस कमिशन कहां तक सहायक हुआ है? उसका इस तरह का दृष्टिकोण बन चुका है या नहीं जो कि इस उद्देश्य की पूर्ति में सहायक हो? अब समय आ गया है जबकि हमें इस पर पुनर्विचार करना चाहिये और संविधान में संशोधन करने का प्रयत्न करना चाहिये जिस अन्त-सार वहाँ लोग कमीशन के चयन और सदस्य के हैसियत से ईश संको जिनका लक्ष्य समाजवादी समाज की स्थानता का बन चुका है। हमें इस सम्बन्ध में अपना दृष्टिकोण समाजवादी बनाना होगा और अगर आवश्यकता हो तो इस तरह कि १०० फीसदी आदमी कमीशन में बाहर से लिये जा सकते हैं।

एक माननीय सदस्य : इस की जांच कैसे हो ?

श्री बजरंग सिंह : जांच सम्भव है। हमारे संविधान में जो यह बात लिखी हुई है कि कम से कम आवे लोग ऐसे होंगे जो सर्विसेज से आयेंगे, मैं समझता हूँ कि हमारे संविधान निर्माताओं ने सम्भवतः आई० सं० एस० लोगों के दबाव में आकर इस तरह की व्यवस्था की, और इस में अचम्भे की कोई बात नहीं है। जो हिन्दुस्तान की सर्विसेज के लोग हैं वह चाहते हैं कि पुराना स्टील फ्रेम बना रहे, उस स्टील फ्रेम में कोई परिवर्तन नहीं होना चाहिये। चाहे हमारे श्री दातार होम मिनिस्टर हों या कोई दूसरा होम मिनिस्टर हो, लेकिन मैं कह सकता हूँ कि जब तक हम इस स्टील फ्रेम को बदलने की कोशिश नहीं करेंगे तब तक हमारी नीतियों पर अमल नहीं होगा। यह बड़े दुःख की बात है कि हमारे यहां नीतियां तो बनती हैं, लेकिन उन

[श्री ब्रजराज सिंह]

पर अमल नहीं होता। अमल न होने का मुख्य कारण यही है कि कि हमारे संविधान में इस तरह की व्यवस्था मौजूद है कि कर्म-शन में कम से कम ५० फी: सर्द: ऐसे लोग होंगे जो कि इस स्टाल फ्रेम से आयेंगे और वे हॉ: लोगों को भरती: करेंगे।

हमारे संविधान के अन्दर कहा गया है कि यह पब्लिक सर्विस कमीशन इम्तिहान की व्यवस्था करेगा, परीक्षा लेगा। लेकिन इस चीज को बिल्कुल गोल कर दिया गया है कि परीक्षाओं का आधार क्या होगा। किस तरह से परीक्षा ली जायेगी। इस का क्या नतीजा निकल रहा है? पब्लिक सर्विस कमीशन हिन्दुस्तान की आज की आवश्यकताओं को, आज के जो हिन्दुस्तान की जनता के ऐस्पिरेशन्स हैं, भावनायें हैं, उन को बिना ध्यान में रखे हुए इम्तिहान की व्यवस्था करता है, और इस इम्तिहान के अन्तर्गत जो भर्तियां होती हैं वह लोग निश्चित रूप से हिन्दुस्तान की जनता के प्रतिनिधि नहीं हैं। कम से कम वे हिन्दुस्तान की जनता की आकांक्षाओं को सामने रख कर नहीं आते हैं। हिन्दुस्तान की जनता को आगे बढ़ाने का कोई लक्ष्य उन के सामने नहीं रहता है। उनके सामने लक्ष्य होता है कि एक उच्च अफसर बन जाएं क्योंकि राजनीति में जाने से तो यह दिक्कत रहेगी कि आज अगर होम मिनिस्टर हैं तो कल गली में फेंके जा सकते हैं, अगर इस स्टील फ्रेम में पहुँच जाते हैं तो जिन्दगी भर के लिए अच्छा पद मिल जाएगा। तो यह इन लोगों का लक्ष्य होता है जनता की सेवा करना उनका लक्ष्य नहीं होता। इसलिए मैं चाहता हूँ कि संविधान में व्यवस्था की जाए कि इन लोगों की परीक्षा का आधार क्या होगा।

इस संदर्भ में बार बार इस सदन में आपत्तियां उठायी गयी हैं, कम से कम तीन चार साल से मैं यह आवाज उठा रहा हूँ कि वाइवा बोसी या परसनल टैस्ट का आपका

आधार क्या है। क्या जो अच्छे कपड़े पहनता है वही अच्छा अफसर बन सकता है या जो अच्छी टाई बाधता है वही अच्छा अफसर बन सकता है, या जो अच्छी अंग्रेजी बोल सकता है वही अच्छा अफसर बन सकता है, या जो छूरी कांटे से खाता है वही अच्छा अफसर बन सकता है और दूसरे लोग अच्छे अफसर नहीं बन सकते। मुझे अफसोस के साथ कहना पड़ता है कि पिछले १४ सालों से इसी प्रकार का परसनल टैस्ट होता रहा है और उसी के आधार पर भर्तियां होती रही हैं। मैं निवेदन करना चाहूँगा कि जब तक आप इस प्रकार का परसनलिटी टैस्ट रखेंगे आपको हिन्दुस्तान को आपकी आकांक्षा के अनुसार आगे बढ़ाने वाले लोग नहीं मिलेंगे।

Shri Tangamani (Madurai): Personality is from western standards.

Shri Braj Raj Singh: Personality is from western standards as Shri Tangamani says; but we are living in eastern standards.

और अगर वे लोग ईस्टर्न स्टैंडर्ड के मुताबिक नहीं रहेंगे तो वे हिन्दुस्तान की सेवा के योग्य नहीं हो सकते। इसलिए मेरा निवेदन है कि अब समय आ गया है जब हमें मौलिक रूप से इस पर विचार करना होगा कि हमारी सरविसेज की परीक्षाओं का आधार क्या हो, उनकी योग्यता का आधार क्या हो और वर्तमान आधार में क्या क्या परिवर्तन किया जाए।

कहा जाता है कि लोगों को मैरिट के आधार पर लिया जाता है। मैं चाहूँगा कि गृह मंत्री महोदय पिछले १४ साल का नक्शा सदन की मेज पर रखें ताकि देखा जा सके कि इस मैरिट के आधार पर क्या कुछ हुआ है। कल मेरे मित्र श्री जयपाल सिंह ने कहा कि रिपोर्ट में कहा गया है कि पिछले साल ८ आदमी आदिम जातियों के लिए गए। लेकिन केवल

इतना ही कहना काफी नहीं है कि आदिम जातियों के आठ आदमी लिए गए, आप देखें कि इन आठ आदिमियों में कौन कौन लिए गए हैं। इनमें एक तो वह थे जिनका जिक्र श्री जयपाल सिंह ने किया और बाकी सात आदमी खासी जाति के थे जो कि शिलांग के भासपास के लोग हैं और जो बाकी हिन्दुस्तान के तीन करोड़ आदिवासी हैं उनमें से कोई भी नहीं लिया गया। तो मैरिट के आधार पर यह सब कुछ होता है। अब वक्त आ गया है कि इनमें परिवर्तन होना चाहिए। क्या मैरिट सिर्फ यही है कि कोई कैसे कपड़े पहनता है, या अच्छे अंग्रेजी बोल लेता है, या किसी खास तरीके से खाना खाता है। क्या यह मैरिट नहीं है कि कोई कितनी अच्छी खेती कर सकता है, या कितना अच्छा व्यापार कर सकता है या कितनी अच्छी तरह उद्योग चला सकता है। आज हिन्दुस्तान को सरकार को अपने आदिमियों को भर्ती करते वक्त इन बातों का भी ध्यान रखना चाहिए। मुझे पूरा विश्वास है कि जब तक इन बातों का ध्यान नहीं रखा जाएगा और इस प्रकार की योग्यता के आदमी सरविसेज में नहीं लिए जायेंगे तब तक वे लक्ष्य जो कि हिन्दुस्तान की सरकार ने निर्धारित किए हुए हैं—मैं ने नहीं—उनको पूरा नहीं किया जा सकेगा। उस उद्देश्य को पूरा करने के लिए जरूरत इस बात की है कि हम सरविसेज में भर्ती के ऐसे तरीके काम में लाएं जिससे कि नीचे के लोग भी आ सकें। आखिर इन १४ सालों के अन्दर कितने किसानों, मजदूरों और मध्यम वर्ग के लोगों के बेटे इन सरविसेज में स्थान पा सके हैं? क्या यह नियम नहीं बन गया है कि कलक्टर का बेटा कमिश्नर बनने की आशा करता है, एस० डी० ओ० का बेटा कलक्टर बनने की आकांक्षा करता है, ज्वाइंट सेक्रेटरी का बेटा सेक्रेटरी बनने की आकांक्षा करता है? और इसके विपरीत क्या किसी रिक्शा पुलर का लड़का कभी डिप्टी बनने की आकांक्षा कर सकता है, किसी किसान का बेटा कलक्टर बनने की आकांक्षा कर सकता है, क्या किसी मजदूर का बेटा

कमिश्नर बनने की आकांक्षा कर सकता है? अगर ऐसा नहीं है तो हिन्दुस्तान में जनतंत्र कायम करने का और समाजवादी समाज की स्थापना करने का लक्ष्य किस तरह पूरा होगा। इस परिस्थिति में तो वह पूरा हो नहीं सकता। पिछले १४ साल का परिणाम आपके सामने है।

मैं यह सब पबलिक सर्विस कमीशन के पक्षपात के बारे में नहीं कह रहा हूँ। लेकिन मेरा निवेदन यह है कि हमको सरविसेज के लिये परीक्षा का और योग्यता का आधार बदलना चाहिये। इसके लिए हमने अपने संविधान में जो व्यवस्था की है वह गलत है, उसको बदलना चाहिए। जब तक ऐसा नहीं किया जाता तब तक देश में समाजवादी समाज की स्थापना का सरकार का लक्ष्य पूरा नहीं हो सकता। इसलिये मेरा निवेदन है और मैं श्री हरिश्चन्द्र माथुर के भाषण का जोरदार स्वागत करता हूँ कि सरकार को एक उच्चशक्ति प्राप्त कमेटी या कमीशन की स्थापना करनी चाहिए जो सारे मसले पर पुनर्विचार करे, जो हिन्दुस्तान के संविधान में व्यवस्थाएँ हैं उनके ऊपर पुनर्विचार करे और सिफारिश करे कि उच्च सेवाओं की परीक्षाओं के नियम क्या रहेंगे, उनकी परीक्षाओं का आधार क्या होगा, योग्यता का आधार क्या होगा और जो मेम्बर पबलिक सर्विस के लिए चुने जाएँ उनको चुनने का आधार क्या होगा? हमारे देश के एक बहुत उच्च आर्थिक विशेषज्ञ की राय इस सम्बन्ध में मैं दुहराना चाहता हूँ। उनका कहना है कि किसी भी देश में उस देश के लक्ष्य को तब तक पूरा नहीं किया जा सकता जब तक कि उस देश की सरविसेज में उस लक्ष्य को प्राप्त करने की भावना न भरी जाए। यह अफसोस की बात है कि आजाद होने के बाद हमने पचासों लक्ष्य तो तय किये लेकिन उनको पूरा करने का सही उपाय नहीं किया। जो सरकार के लक्ष्य हैं उनको पूरा करने की भावना उसकी सरविसेज में भरने की जरूरत है जो कि

[श्री ब्रजराज सिंह]

नहीं किया जा रहा है। इसलिये मैं निवेदन करना चाहूंगा कि एक इस तरह की कमेटी बनाई जाए, चाहे वह इस सदन के सदस्यों की हो या विशेषज्ञों की हो, जो देखे कि इस विषय में संविधान की व्यवस्थाओं में क्या परिवर्तन होना चाहिये, संघ लोक सेवा आयोग के सदस्यों को नियुक्ति के सम्बन्ध में संविधान की व्यवस्थाओं में क्या परिवर्तन होना चाहिये। और अगर इस उद्देश्य की पूर्ति के लिए सौ फी सदी ब्रादमी बाहर से लेने की आवश्यकता हो तो वैसा भी करना चाहिए। मैं मानता हूँ कि उस अवस्था में दातार साहब चाहे केवल ऐसे ब्रादमियों को ही रखें जिनका कांग्रेस से सम्बन्ध रहा हो, लेकिन उनमें जनता के प्रति हमदर्दी होगी और उनको वह एंटीट्यूड नहीं होगी जो कि उन अफसरों की होती है जो कि कुरसी पर बैठ कर हुकूमत करते रहे हैं। तो इस बात की जरूरत है।

दूसरी बात मैं यह निवेदन करना चाहता हूँ कि हमारी अपनी अर्थ व्यवस्था के मुताबिक और राज्य की नीति के मुताबिक हमारे राज्य कोष का अधिकाधिक रुपया राजकीय उद्योगों और व्यापारों में लगाया जा रहा है। मैं चाहूंगा कि गृह मंत्री महोदय सदन को बतला सकें कि अब तक राज्यकोष का कितना रुपया इस प्रकार के उद्योगों और व्यापार में लग चुका है। लेकिन मोटे तौर पर मैं कह सकता हूँ कि हमारे राज्यकोष का काफी रुपया इन उद्योगों और इस व्यापार में अभी तक लग चुका है। लेकिन हमारे संविधान की व्यवस्थाओं के मुताबिक इन उद्योगों और इस व्यापार का संचालन करने के लिये जिन लोगों को भरती किया जाता है वह काम पबलिक सर्विस के अधिकार क्षेत्र के बाहर है। इस बात की पबलिक सर्विस कमीशन देखभाल नहीं कर सकती कि उनमें कौन डाइरेक्टर होता है, कौन उनका एक्जीक्यूटिव होता है और किस

प्रकार उनको चलाया जाता है। मेरा निवेदन है कि इस प्रकार सरकारी धन को लगा कर एक चोर दरवाजा निवाल लिया है और इस मामले में पबलिक सर्विस कमीशन को खत्म कर दिया है।

मैं इस बात से सहमत हूँ कि राजकीय उद्योगों में राज्यकोष का धन लगाया जाये लेकिन मैं इस ओर ध्यान दिखाना चाहता हूँ कि सरकार को उस पर अपना कब्जा रखना चाहिए और देश को इस दिशा में सफल बनाना है। साथ ही साथ हमें अपनी कानूनी व्यवस्थाओं में भी परिवर्तन करना चाहिए और पबलिक सर्विस कमीशन का अधिकार इन उद्योगों में होने वाली भतियों पर भी लागू होना चाहिए। इन उद्योगों के लिए जो लोग भरती किए जाएं उनको पबलिक सर्विस कमीशन द्वारा भरती किया जाना चाहिए।

पबलिक सर्विस कमीशन की रिपोर्ट के बारे में अनेक बातों की ओर माननीय सदस्यों ने गृह मंत्री का ध्यान दिलाया है और उन बातों की तरफ उनका ध्यान गया होगा। एक खास बात की ओर मैं उनका ध्यान दिलाना चाहता हूँ। यह अफसोस की बात है कि चार चार पांच पांच साल तक लोग सेवाओं में बने रहें और पबलिक सर्विस कमीशन को कंसल्ट न किया जाए। इस तरफ काफी ध्यान देने की जरूरत है।

एक और खास बात की ओर मैं उनका ध्यान दिलाना चाहता हूँ। कुछ लोगों को चुन लिया जाता है लेकिन उनको नियुक्ति पत्र इतने देर से मिलता है कि उनकी नियुक्ति नहीं हो पाती। इस तरफ भी देखना चाहिए कि कहीं यह रेड टेपिज्म के कारण तो नहीं होता कि दफ्तर में बैठा कोई बाबू उसको देर से नियुक्ति पत्र भेजता है और इस कारण वह समय के अन्दर अपने को रिपोर्ट नहीं कर पाता। जो ब्रादमी चुन लिया जाता है उसकी नियुक्ति केवल इसी कारण नहीं हो पाती कि उसको नियुक्ति पत्र देर से

मिलता है। मैं चाहता हूँ कि सरकार इस और विशेष रूप से ध्यान दे।

सरकार ने एक मामले में एक अफसर के बारे में पबलिक सर्विस कमीशन के निर्णय से सहमति प्रकट न कर के उस अफसर को हटा दिया इसकी मैं सराहना करता हूँ, सरकार ने यह अचूका ही किया। मुझे अफसोस के साथ कहना पड़ता है कि इस मामले में पबलिक सर्विस कमीशन ने कानूनी बारीकियों में पड़ जाने के कारण अपना निर्णय दिया था और सरकार ने ठीक ही किया कि उस निर्णय का समर्थन नहीं किया और अपनी राय पर कायम रही और उस अफसर के खिलाफ कार्रवाई की। मेरा विश्वास है कि जब तक इस प्रकार की कार्रवाई नहीं की जायेगी तब तक हम हिन्दुस्तान में अपने उद्देश्यों को पूरा करने में समर्थ नहीं हो सकेगे।

अन्त में मैं आशा करता हूँ कि सरकार एक उच्च आयोग की स्थापना करेगी जो कि पबलिक सर्विस कमीशन के मेम्बरों के चुनाव, सेवाओं के लिए जो लॉग भरती किये जाते हैं उन की परीक्षा और योग्यता के आचारों पर विचार करेगा और हम अपने नियमों में ऐसा परिवर्तन करेंगे जिस से हिन्दुस्तान की बदली हुई परिस्थितियों में देश में समाजवादी समाज लाने के लक्ष्य को पूरा करने में पबलिक सर्विस कमीशन सहायक हो सकेगा।

Shri Ramesh Prasad Singh (Aurangabad): Mr. Chairman, the tenth report of the Union Public Service Commission and the Government Memorandum thereon are being discussed. I find from the report that out of 15,000 cases that were referred to the Commission, Government accepted in almost all cases the decision of the Commission, except in one case and that also in the case of a high official against whom there were serious charges of corruption.

From the report as well as the Government Memorandum appended

thereto, it will be clear that the Government did well in rejecting the opinion of the Commission. So, that shows that to a large extent the Commission has been left to work independently without any sort of interference by the Government. The non acceptance of that opinion in this particular case shows quite clearly that the Government is anxious to give us a very high standard of efficient administration and that it cannot tolerate any sort of corruption from any highly placed official. We are still citizens of an infant state and we have to evolve certain good and fundamental principles of Government and the progress that has been made in the years under review will show that we are proceeding in the right direction.

Some of my hon. friends here have made suggestions that a high-powered committee should be appointed to go into the whole question of recruitment to services and how appointments be made and efficiency achieved. I entirely agree with that suggestion. Any good suggestion offered by the House which will be conducive to finding out better ways of running the UPSC will be a very welcome thing. I give my approval to that suggestion. It is right that some technical expert should also find a place in that body. We are told that hitherto only persons from the administrative side are appointed to the UPSC and in the absence of any representative from engineers and scientists it becomes in certain cases difficult to come to right conclusion or give right opinion. In future, there should be some technical personnel on the Commission.

Our friends on the opposite have said a lot of things which I will say, were fine expression of sentiments. They have failed to give any concrete suggestion which will be helpful in the future set up of the Commission or any suitable guide to the Government. Much of their criticism had been directed with an eye to the coming elections. This should be avoided

[Shri Ramesh Prasad Singh]

and things should be said which will not only be barren criticism but which will be useful to the Government in formulating future policies. This report is a very fine document and I commend it to the House.

Shri Datar: Sir, I have been hearing very intently to the numerous points made by the hon. Members in the course of yesterday and today. The debate has covered a number of grounds, some of them more or less of even an elementary nature in the sense that the functions of the UPSC have to be understood properly: what their scope is and what their limitations are. Certain hon. Members have made a suggestion that the high powered commission should be appointed to go into what has been done during the last ten or eleven years after the inauguration of the Constitution. There has been further criticism that the UPSC has been out of date. It does not take into account what the exact position and function of a public service commission is. Article 316 of the Constitution points out that the position of the UPSC or even a State PSC is different. Let us understand that so far as the function of the UPSC is concerned, it has got to be administrative. They have to deal with the recommendations for the appointment of Government servants, to deal with the conduct or, in certain cases, misconduct of Government servants. The true task of a commission relates to the recruitment of public services. That has to be taken into account fully. If that is so, if we have to find out a machinery for the purpose of getting or securing proper recruitment, the persons who are called upon to do this work must have experience of administration. Let us not forget this important aspect, namely, that in all these cases those who are called upon to carry on the functions of the UPSC should understand what they have to do. They have to deal with recruitment to the public services and other matters dealing with the public servants. If

that is so, then certain criteria have to be fixed for the purpose of making appointments to the public service. That is the reason why when the framers of the Constitution framed a relevant section in this respect, they put it down very clearly as follows:

"Provided that as nearly as may be one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years either under the Government of India or under the Government of a State . . ."

Therefore, we come across this particular requirement, namely, that the persons who are called upon to make recommendations about recruitment ought to be persons who know what Government service is and who know what the problems of administrations are. That is the reason why in this case it was stated that the persons should have experience of Government work for at least ten years. The period of ten years has been purposely fixed, and that should be noted.

14 hrs.

With a view to have a representation of the public in general, it has been stated that so far as the other section is concerned, that should be drawn from the distinguished sons and daughters of the public. Here, we are dealing with the problems of administration, with the problems of recruitment to Government services. In such cases, the matter should not be looked at from any other point of view, nor from a point of view of a former prejudice. It was true that during the British administration, they used to say that the steel-frame was the bureaucracy which carried on the administration. But let us not forget the fact that after the transfer of power, the power has gone to the representatives of the people, and it is the representatives of the people

who are controlling all the officers, and all the acts of the officers. Therefore, it would not be proper to say that the steel-frame is still there. Ironically enough, one hon. Member went unfortunately to the extent of saying that the steel-frame has become the courtier's frame. Both these expressions are highly unfortunate and ought not to have been used.

The Government servant has to carry on the duties assigned to him in as free and independent a manner as possible. So far as the problems of administration are concerned, they have to be considered to a large extent as experts. Then they have to give their opinion and after a policy is decided upon, if the policy is accepted, it has to be implemented. If the policy makers of the Government do not accept the advice tendered by the Government servants, then naturally whatever the decision may be, the policy-makers take the risk of the decision, and the Government servants have loyally to carry out that policy. Let us understand this clearly. Whatever policy has been made, that has to be carried out fully and loyally by the Government servants. Under these circumstances, I fail to understand why certain general aspects were brought in.

The socialistic order of society was also referred to. But even in a socialistic form of administration, let us understand it very clearly that the policy has to be made by the representatives of the people, and the implementation of the policy, whatever it is, has to be carried out by our large army of Government servants, loyally and efficiently. If that is so, then it would be naturally wrong either to borrow the original description, that is, the "steel-frame" or further to condemn the whole system by calling it a courtier's frame. That is entirely wrong. I am here to point out that oftentimes very correct advice has been given by the officers. If, for example, in the larger interests of the nation, we do not accept

the advice, we are answerable to hon. Members of this House. That is entirely a different matter. But so far as the implementation of the policy is concerned, whatever the policy, whether it is right or wrong, whether it is palatable or unpalatable—it is our responsibility—it is carried out by our officers. Therefore, let us not bring in other extraneous considerations for a general condemnation or a harsh criticism of the officers as a class.

Turning now to the question of the Union Public Service Commission, what we require is a large amount of ripe experience, and that is the reason why the Constitution has laid down that about half the number should be persons drawn from the services. Yesterday, unfortunately, some reference was made to a person who is going to be appointed as Chairman, but you must understand that considerable experience is absolutely essential, and if that experience is there, naturally the work of the UPSC receives a particular form which would be of the greatest interest and benefit to the nation. That is the reason why officers of ripe wisdom are chosen. Let us not say that officers are appointed who are nearly on the eve of superannuation. That is not the correct position. Officers are appointed only when they have ripe wisdom and only when they have attained considerable experience, and only when they know the mind not merely of the Government but of the public at large. Therefore, if such officers are appointed, I wish that no harsh criticism had been made at all.

The next question is whether any high-power commission is at all necessary. So far as the functions of the UPSC are concerned, they are laid down by the Constitution. As I have said, the problems are mostly administrative. Indirectly some other questions might arise. For that, a provision has been made that in addition to half the number of members, the other half should be drawn from distinguished members of the public. That is the reason why in the present

[Shri Datar]

case, in the year under report, there have been four non-official members of the Public Service Commission at the centre. I need not mention them by name, but let my hon. friend, Shri D. C. Sharma, please understand that they are not out of touch with public life at all. They have been drawn from public life. One of them is a former Vice-Chancellor of the Delhi University.

Shri D. C. Sharma rose—

Shri Datar: Let him not interrupt me. Let it be noted that one of them is a scientist, and a scientist cannot afford to be out of touch with the trends in society.

Shri D. C. Sharma: He is a mathematician and not a scientist. His information is not up-to-date.

Shri Dattar: My hon. friend, after all—and I say it with due deference to him—is a thorough academician, and an academic man is often unrealistic also. What I was pointing out to my hon. friend was that there are four non-official members. One is a former Vice-Chancellor of the Delhi University and also of another university. He has a lot of educational experience in general. The second is a scientist. A point was made yesterday that a representative of technical personnel has not been taken on the Commission. That again is an absolutely inaccurate statement, because another member is a retired Chief Engineer. The fourth member who has since retired, was the Speaker of a State Legislative Assembly and he belongs to the Scheduled Caste as well. Thus, you will find that a proper proportion has been kept between general experience and also administrative experience. Under these circumstances, when they have been carrying on their work as efficiently and as conscientiously as possible, it would not be proper to say in a general and airy manner that they are out of touch with society. How can they afford to be out of touch with

society? After all, they are not here to give lectures on general subjects. They have to deal with the live problems of recruitment to public services.

Therefore, certain general standards have been laid down and they are not changed from season to season. So, I do not see any reason for some hon. Member's suggestion that there ought to be a high-powered commission. What is the commission to do?

Shri Braj Raj Singh: I have suggested very clearly the functions of the commission.

Shri Datar: I have replied to the hon. Member's points when he was absent.

The functions of the UPSC are absolutely clear, viz., to make recommendations about recruitment to public services. So, many other questions are absolutely irrelevant. I am not going to repeat my answers.

Yesterday, while paying tributes to the requirements of efficiency and also national integration, one hon. Member just went out of the way and stated that certain tribes and communities have not been represented at all. Thus, he tried to create walls between class and classes of people. Let us understand very clearly that the whole of India is one. National integration consists of the integration of all the castes and communities and tribes. So, it would be absolutely fallacious to say certain tribes and communities are to be represented exclusively, may I add monopolistically by only certain persons. That is not the correct approach at all.

About scheduled castes and tribes, my hon. friend did not understand clearly what I said, I said that on account of certain difficulties, they could not come up to the test as it was required. So, we took two steps in this matter. Let us understand that efficiency has got to be maintained, more so when it is not merely

ordinary administration, but administration of a Welfare State. So, I cannot accept my hon. friend's rather unfortunate statement that we can be rather misgoverned than be governed in a particular way. There is no question of misgovernance at all. Efficiency has to be given fullest value and those people who unfortunately are not properly situated have to be brought up.

So, we have laid down two rules. One is, consistent with minimum requirements of efficiency, we should give them relaxed standards. Secondly, with a view to bring them up, we have also started pre-examination courses or tuition classes. Shri D. C. Sharma asked why only one university has started it. We approached all the universities but it should be said to the credit of Allahabad University that they started the classes. Other universities were not ready to start the classes. In the south, we proposed to have a similar tuition class and one university has agreed to do so. The result has, on the whole been, very satisfactory. As I said, on account of a number of difficulties—environmental and other—they could not come up to proper expectations, not expectation with regard to the attire.....

Shri Braj Raj Singh: What is the personality test for?

Shri Datar: In addition to academic qualification, we should find out whether there is promising personality in the man. We have to find what is there in the man, whether he shows promise of becoming a proper full-fledged man who can be entrusted with the administration of a big district. So, naturally personality test has a certain value. It is not merely academic knowledge or bookish knowledge that is necessary. In actual life, we require other things also. When there is a difficult situation, he has to take immediate decisions. If the decisions are not taken immediately, it will lead to grave problems and harm may be done.

Shri Tangamani: Is it not a fact that sons of Secretaries, sons of Ministers and such people who have had foreign education invariably get more marks in the personality test?

Shri Datar: If the hon. Member had waited, I would have dealt with it myself. The objection has been raised that persons who belong to the so-called strata of society get better chances of getting into the central services than others. This objection has been examined.

On the question of personality test, oftentimes a certain measure of criticism has been made in this House. We accepted the position to a certain extent and laid down that marks in the personality test should not be considered exclusively in the sense of qualifying a man or not qualifying a man and they should be added to the other marks; then, let the candidate pass or fail. Still certain objections were raised. The whole question is under fullest enquiry. Government are considering, along with the UPSC the extent to which the personality test should be maintained and this objection has also been considered.

It is not correct that the successful candidates at these examinations are drawn only from certain classes belonging to the so-called higher strata in society. For that purpose, I am going to read out the result of a review made in this respect:—

“The Commission hold that the question discussed in the Ministry's letter raises an important issue and calls for a close and detailed study....As to whether the personality test gives undue weightage to candidates coming from well-to-do urban homes or those who have had the benefit of expensive education, on the contrary the Commission have to point out that according to a study recently made under the auspices of the National Academy of Administration....”

[Shri Datar]

This study was made neither by the UPSC nor by the Government, but by the National Academy of Administration, which is an independent body. It is said here:

"In respect of candidates recruited to the Indian Administrative Service on the results of the competitive examination from 1948—1960 the majority of successful candidates is found to hail from middle class families with incomes ranging between Rs. 300 to Rs. 800 per month."

Thus you will find that so far as the best candidates are concerned they do not come from the so-called higher strata, nor do they come from the absolutely lower strata so far as educational qualifications etc. are concerned. They come from what you may call the middle class families. Under the circumstances, it would not be proper to say that this particular system has failed. We have got full experience, and so far as the functions are concerned I may point out that they are being carried on very conscientiously by the members of the UPSC. And, as I have already pointed out, the Government have been following their advice almost cent per cent. Therefore, they have been carrying on their duties quite conscientiously, the work has been going on quite efficiently and on the whole we have been getting the best recruits from the various examinations (*An Hon. Member: Question*).

Some hon. Member complained yesterday that there was some deterioration in standards. Hon. Members put it in a general way. Sometimes what happens is that certain persons cannot get in on account of the rigid standards laid down. Naturally, they conceive of certain grievances. Those grievances are broadcast, we depend upon those grievances and ultimately we are led to believe that the thing is not as it ought to be.

The hon. Member from Rajasthan made a reference again yesterday to

the appointments through the promotion quota so far as the State services are concerned. Last time also he raised the same question. I have looked into the whole matter and I am satisfied that there is absolutely nothing so far as his observations of a general nature are concerned. Now, what happens is, sometimes—after all we are all human beings—some information is given which is either incomplete or wrong. But on account of that we should not believe that a thing is done purposely wrongly and then come to the general conclusion that the standards are falling down. That is not correct at all. In fact, as I pointed out, even in respect of appointments of the State officers to the IAS and IPS what we do is, a member of the Public Service Commission goes there, finds out all the information for himself, interviews the various candidates and then makes a report. It is not that every officer under the State Government is entitled to appear for an interview and get selected. He must have eight years' experience and he must occupy a certain position. Only then he is eligible. The member of the UPSC who goes into the whole matter makes a preliminary report which is considered by the whole U.P.S.C. Only then a particular officer is taken through the promotion quota or is rejected. Under these circumstances, it would be entirely wrong to call in question the *bona fides* either of the Home Ministry here or of the government officers there. Therefore, it is my submission that so far as this question is concerned there is nothing that we can do.

Then, I pointed out yesterday that the institution of a pre-training course for the Scheduled Castes and Scheduled Tribes candidates has succeeded in bringing out the best in the selected Scheduled Castes and Scheduled Tribes candidates. That is the reason why I said that the situation has shown some improvement. And, if, for example, from a particular State like, say, Assam, five Scheduled

Castes candidates get into the examination or are recommended by the UPSC, that is a matter to which no exception ought to have been taken at all. Assam is a State where there is a large congregation of Scheduled Castes and Scheduled Tribes. Therefore, if you have got candidates from different parts of India no exception at all should be taken, because this is an all-India examination and the standards are all-India standards. The standards are not laid down for any particular State.

As I said, there has been some improvement. I have not said "complete improvement", but there has been some improvement, on account of the constructive step that the Government of India have taken in taking the candidates through a pre-examination training course, and that is the reason why the number has almost more than doubled. You will find that in 1956 there were only five Scheduled Castes candidates and there was no Scheduled Tribe candidate. In 1957 there were only two. In 1958 there were two Scheduled Castes and two Scheduled Tribes candidates. In 1959 also there were two Scheduled Castes candidates and five Scheduled Tribes candidates. But after the training at Allahabad we find that the results for the 1960 examination are: 9 from Scheduled Castes and 5 from Scheduled Tribes so far as the IAS examination is concerned. Similarly, we have also got a good result so far as the IPS examination is concerned—7 Scheduled Castes candidates and one Scheduled Tribes candidate have been recommended.

Thus, Sir, you will find that so far as this particular question is concerned, Government are trying their best to bring up, what can be called, the general competency of these unfortunate communities that had not got the advantages which others had.

Shri Ranga (Tenali): What do you mean by "recommended"?

Shri Datar: Recommended and then accepted.

1508(Ai) LSD—7.

Shri Ranga: Do you mean to say that out of 9 candidates 7 were recommended?

Shri Datar: In 1960, 9 Scheduled Castes candidates and 5 Scheduled Tribes candidates were recommended for the IAS and 7 Scheduled Castes and 1 Scheduled Tribe candidate for the IPS.

Now, an objection was raised that there was some delay in making appointments after the recommendations were received. After the recommendations are received, certain preliminaries have to be gone into. The candidate has to undergo a medical examination. The general antecedents of the man have also to be found out. Verification of general character and medical examination naturally take some time. Then, first the State Governments tell us what their normal requirements are, what their estimated requirements are. We receive that list. We then tell them that so many candidates are available. After that, the moment it becomes possible for the State Governments to make appointments the appointments are immediately made. It would not be proper to say that there had been any inordinate delay so far as this question is concerned.

So far as re-employment is concerned, re-employments are made only in exceptional cases.

An Hon. Member: More than 600 is not a small number.

Shri Datar: I may tell my hon. friend that considering the large number of posts under Government which are in terms of millions—at least we have more than a million so far as Government of India are concerned—the number is small.

Shri Sinhasan Singh: One million posts of class I and class II?

Shri Datar: Here and there some re-employments are offered. We have not increased the age of superannua-

[Shri Datar].

tion. The Central Pay Commission's report is also available. But it was pointed out that in certain cases where it becomes difficult to find out a substitute immediately, especially in the case of technical and scientific personnel, it becomes necessary to grant their re-employment.

So far as re-employment is concerned, if it is for less than one year, then Government do it. But if it is likely to extend beyond one year, then UPSC advises the Government. Though there are experienced persons at the top, a situation may arise when it is likely that the next below man may not be suitable immediately for that post. In such circumstances, for a short period only—I emphasize the term 'short period'—such re-employments are made.

Lastly, my hon. friend, Shri Sinhasan Singh wanted that the age should be raised. In fact, the tendency now is to lower the ages. There is one recent report by the Government of India where it is stated that for lower levels the age should be 19-20 or 20-21. Now, assuming that the age is raised to 25, what is the guarantee that, in that particular case, no false certificates will be given or false statements will be made? Then he raised objection against the candidates being asked to certify that their statements are true. It is absolutely essential that such statements should be certified to be true as it is some measure or guarantee that the statements are true. Such statements are required because the UPSC or the Government have to proceed on the basis of the accuracy or truth of those statements. That is a usual requirement and there is nothing wrong in it.

I have dealt with almost all the cases except with regard to disciplinary cases.

Shri Braj Raj Singh: Have you dealt with re-employment? Are there not cases in which certain high

officers have been given three extensions against all canons of justice?

Shr. Datar: So far as that is concerned, let not my hon. friend go on making insinuations.

Shri Braj Raj Singh: I am not making insinuations but stating facts.

Shri Datar: Then I would like to know what the facts are.

Shri Braj Raj Singh: Mr. Chairman, shall I name the officer?

Mr. Chairman: No, not in the House.

Shri Datar: Let him give me the cases; I am prepared to look into them. What is the use of merely making general allegations?

Shri Braj Raj Singh: I am not making general allegations. I can cite examples.

Shri Datar: I submit, Sir, that it is a wrong approach.

Shri Braj Raj Singh: Why?

Shri Datar: I hope I am entitled to say that. If he has got any instances, let him give them to me and I shall have them fully looked into. If, for example, it is found that any particular officer has deliberately given a wrong age, I shall assure him, we shall proceed against that officer.

So far as this is concerned, we have laid down certain pieces of evidence which will be accepted. After this is done, the age is entered in the register, in the service records. After it is so entered, it is not allowed to be changed except when there is overriding evidentiary value to change it. Normally, we do not change it. I can assure my hon. friend that we are extremely particular to see that age records are not allowed to be changed from time to time; they are kept as they are. Therefore, so far as that is concerned, his charge is not proper.

He may have one or more instances in mind, and I am prepared to examine all the instances that he will give; but let us not make a sweeping or general charge that a large number of officers have their age changed. That is not a correct statement at all. Let us try to follow certain healthy trends. Let us believe that things are going on properly. If they are not going on properly, we are prepared to take the strongest action.

So far as disciplinary cases are concerned, certain rules have been provided and those rules are fully followed. Then an inquiry officer is appointed.

Shri T. B. Vittal Rao: May I know....

Shri Datar: Let me finish this point. So far as inquiry is concerned, a departmental inquiry is held after giving due opportunity to the officer concerned. After a report is received and after Government come to a provisional conclusion that some punishment is necessary, the matter is referred to the UPSC for their opinion. That is the stage where the UPSC come into the picture. The UPSC go into the whole evidence, the enquiry officer's report etc. and then advise us. As I have stated, we generally accept their advice, except in one case where we did not accept their advice. And, as two or three hon. Members rightly pointed out, Government were fully and perfectly justified in not accepting the advice of the UPSC and in removing that officer.

Shri Nath Pai (Rajapur): May I ask for one clarification? I would like to know from the hon. Minister of the position with regard to retired civil servants seeking employment in private firms, particularly those having dealings with the Government and, point No. 2—I will complete it—has there been any case reported to the Government where (a) a Secretary to a Department—I refrain from giving his name—and another Secretary-General, within three

months of their retirement, have taken employment with two leading firms in India which have a lot to do with the Government of India and (b) what are their repercussions to this when these two senior civil servants who joined the private firms are taken to represent as ambassadors of those vast industrial empires approach Government servants for favours when there is not a single Deputy Secretary who has not served under them and what will be the attitude of Deputy Secretaries who will be dealing with those files?

Shri Datar: So far as that is concerned, that has been answered on a number of times.

Shri Goray (Poona): Without any effect.

Shri Datar: We have got a rule according to which these high officers, when they retire, have to take the permission of the Government for accepting private employment in companies or undertakings. Now, beyond two years, it would not be possible for us to control them. If Government servants want to seek service immediately after retirement, they have to make a reference to the Government and Government will pass orders, either allowing them to accept the service or rejecting their request. Government will then consider whether while in service he has manoeuvred himself as to obtain such a post after retirement.

Shri Nath Pai: They are too clever to leave any loopholes.

Shri Morarka: How can anybody find it.

Shri Tangamani: That is a presumption.

Shri Datar: If there is a particular firm dealing with importing or exporting business and if a Government servant who occupies a very high office in connection with the import and export department tries to

[Shri Datar]

join that firm after his retirement then, naturally, there is some presumption.

Shri Nath Pai: Was permission given in these cases?

Shri Datar: I am prepared to answer Shri Nath Pai. We have got a rule according to which within two years after retirement if a government servant wants to join a private firm, he has to take the permission of the Government. If Government give him permission, he can accept it; otherwise, he cannot accept it.

Shri Nath Pai: May I know whether in the case of one Secretary to Government and another Secretary-General this permission was sought and given and whether the time between retirement and re-employment in the firms was as little as three months? The hon. Minister has not replied to this point.

Shri S. M. Banerjee (Kanpur): He has no reply.

Shri Datar: If he had brought it up earlier, I would have looked into it.

Shri Braj Raj Singh: A point was made yesterday to which the hon. Minister has not replied. He has been harping on the record that the standards have been improving. Mr. Justice A. N. Mulla of the Allahabad High Court was pleased to make certain remarks about the police administration in the country. What is the view of the hon. Minister in this matter?

Shri Datar: My reaction is this. I want to be discreet and not indiscreet. So far as these remarks are concerned, Government have their own views, but Government are refraining from expressing any views for the reason....

Shri Tangamani: Except the Chief Minister of Uttar Pradesh.

Shri Datar: ...that that State applied to the High Court for the expunction of those remarks. Though the High Court has not accepted the contention of the State Government, they are going to approach the Supreme Court. That is the very reason. Out of respect for the high office that a Judge holds, I did not express any opinion purposely. I would not express any opinion until the Supreme Court have given their opinion.

An Hon. Member: The Chief Minister of Uttar Pradesh has publicly stated something.

Shri Kodiyan (Quilon—Reserved—Sch. Castes): Which is the university in the south that has agreed to introduce tuition courses for the Scheduled Castes?

Shri Datar: We approached a number of universities and one of the universities in the south has agreed to it. We have asked for full particulars.

Mr. Chairman: Which is that university?

Shri Datar: Mysore University.

Shri T. B. Vittal Rao: The hon. Minister has stated in the course of his speech that the age of an officer could be altered if he produces evidence. So far we have been given to understand that the age which is put down in the school leaving certificate will be final.

Shri Datar: That is what I have stated. The hon. Member did not follow me. When once the age has been registered with the help of such documentary or other evidence he gives, it is not changed at all. I pointed out to him the most exceptional case of one in a thousand where there was a bona fide mistake; otherwise not.

An. Hon. Member: Which proves the rule.

Mr. Chairman: The question is.

"That this House takes note of the Tenth Report of the Union Public Service Commission for the period 1st April, 1959 to 31st March, 1960, together with the Government Memorandum thereon, laid on the Table of the House on the 21st December, 1960."

The motion was adopted.

14.41 hrs.

DEMANDS FOR SUPPLEMENTARY GRANTS (RAILWAYS), 1961-62

Mr. Chairman: The House will now take up discussion and voting on the Supplementary Demands for Grants in respect of the Budget (Railways) for 1961-62.

Mr. Chairman: Motion moved.

DEMAND No. 1—RAILWAY BOARD

"That a supplementary sum not exceeding Rs. 3,05,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1962, in respect of 'Railway Board'."

Mr. Chairman: Motion moved.

DEMAND No. 2—MISCELLANEOUS EXPENDITURE

"That a supplementary sum not exceeding Rs. 28,61,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1962, in respect of 'Miscellaneous Expenditure'."

Mr. Chairman: Motion moved.

DEMAND No. 7—ORDINARY WORKING EXPENSES—OPERATION (FUEL)

"That a supplementary sum not exceeding Rs. 4,91,32,000 be granted to the President to defray the charges which will come in course

of payment during the year ending the 31st day of March, 1962, in respect of 'Ordinary Working Expenses—Operation (Fuel)'."

Mr. Chairman: Motion moved.

DEMAND No. 9—ORDINARY WORKING EXPENSES—MISCELLANEOUS EXPENSES

"That a supplementary sum not exceeding Rs. 3,02,25,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1962, in respect of 'Ordinary Working Expenses—Miscellaneous Expenses'."

Mr. Chairman: Motion moved.

DEMAND No. 15—CONSTRUCTION OF NEW LINES

"That a supplementary sum not exceeding Rs. 3,00,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1962, in respect of 'Construction of New Lines'."

Mr. Chairman: Motion moved.

DEMAND No. 16—OPEN LINE WORKS—ADDITIONS

"That a supplementary sum not exceeding Rs. 1,00,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1962, in respect of 'Open Line Works—Additions'."

Shri T. B. Vittal Rao (Khammam): Sir, I have got a submission to make.

Shri Tangamani (Madurai): I have given notice of a number of motions.