

Bills and Resolutions presented to the House on the 11th February 1959, subject to the modification that the time allotted for the discussion of the Resolution regarding the second instalment of interim relief to Central Government employees be increased by one hour."

The motion was adopted.

RESOLUTION RE: CENTRAL CONTROL OF PUBLIC SERVICE COMMISSIONS IN THE COUNTRY—contd.

Mr. Deputy-Speaker: The House will now resume further discussion of the following Resolution moved by Shri Subiman Ghose on the 19th September, 1958 regarding Central Control of all Public Service Commissions in the country:

"This House is of opinion that all the Public Service Commissions, whether Union or State, should be under the Government of India holding analogous position like that of the Supreme Court and High Courts and suitable legislation be brought forward to amend the Constitution accordingly"

Out of two hours allotted for the discussion of the Resolution one minute has already been taken up and one hour and 59 minutes are left for its further discussion today. Shri Subiman Ghose may continue his speech

14.37 hrs.

Shri Subiman Ghose (Burdwan): I have already moved my Resolution. Regarding this resolution, my submissions will be two-fold—firstly, why I want it and, secondly, concrete suggestions as to what I want.

At the outset, let me make myself very clear. Not with a carping spirit but with the best of intentions, I am bringing forward this Resolution and

I expect, and I assure the Government, that if my Resolution is accepted, it will be conducive to the welfare of the much talked about Welfare State. I say this because in the course of my submission I may bring something of a little bit unsavoury character, much as I desire to avoid it I would have avoided it, had I known that the avoidance means escape. But now that is not the case and so in order to justify my contention, I have to bring important matters. Everybody will agree with me that if democracy—by democracy I mean pure and simple and unalloyed people's democracy, not advertised democracy is to function then the independence of two institutions must be kept unsullied and those institutions must be kept out of the pale of executive influence. By institutions I mean the judiciary and the public service commission. Though I am not concerned at present with the judiciary, nevertheless, for the better understanding of my Resolution, I make a passing reference to the judiciary

In our Constitution, the Governor has been given some sort of say in the selection of High Court judges. We find in the day to day administration that the executive is taking full advantage of it. In the appointment of judges, where executive has been given some say in the Constitution, we find sometimes that party considerations or political exigencies weigh more with the authorities than the merit of the person. We find that in selection of judges political considerations are taken in. We have seen that persons defeated in elections have been appointed judges. The authorities might say: "Well, we are within our rights, we are not violating our Constitution, he is an advocate of some years' standing; we have every right to appoint him". They might technically be correct. But what I submit is that technical correctness will not alone do. Because, if a man is unwanted by the people and you make him a judge of the people, then naturally that will shake the confi-

[Shri Subiman Ghose]

dence of the people in the administration of justice. This is also being done in the public service commission.

I will give one instance, and that is a very interesting one. In a State, where the Ministry is not in a comfortable majority, rather in a shaky position—I am not referring to Kerala State but some other State—one gentleman began his career as assistant sub-inspector of police. He rose to the position of sub-Inspector in the native State. Then that State was integrated. After the integration of the State, perhaps because of some soft corner for this gentleman or because of some error of judgment, he was given a ticket for standing for the State legislature election, not on Congress ticket but on some other ticket. That man got elected. The Chief Minister perhaps found this gentleman a very obliging man. He approached him and anyhow coaxed or cajoled him to resign the post in the hope that if there will be a by-election he will be able to get his own man returned. Of course, he was mistaken. But we are not at present concerned with that. After the resignation, the nicety of the whole thing is that he was made a member of the Public Service Commission and he is continuing in the Public Service Commission as such.

Mr. Deputy-Speaker: That would happen in a democracy because merit alone is to be considered.

Shri Subiman Ghose: It is for this reason that I began by saying that if it is a democracy, pure, genuine and unalloyed people's democracy, in that democracy it cannot happen because he is a non-matriculate. One thing that I have forgotten to say is that he is a non-matriculate.

Mr. Deputy-Speaker: Are any educational qualifications prescribed for being a member of the Public Service Commission?

Shri Subiman Ghose: But he will choose doctors. He will choose judges. He will choose engineers. Although no educational qualification is necessary, with what standard will he judge those persons?

Shri Hem Barua (Gauhati): Commonsense is enough, I think.

Shri Subiman Ghose: When he has to select a doctor, when he has to select a judge, when he has to select a professor and when he has to select an engineer, how he can do it? This is the way in which the Public Service Commission is being formed. This Resolution, if it is accepted, prevents such formation.

Then I come to the next point. What position or what status do they occupy in the State? I am speaking of another State in which the Public Service Commission's report for the year 1955-56 has been published in the year 1958 in the month of December. Although the Constitution says that it has to be published annually, in this case the report of the Public Service Commission for 1955-56 has been published in December 1958. That was kept up in sleeves by the Government most probably.

Mr. Deputy-Speaker: If the report for 1956-57 is published in 1959, then would it not become annual?

Shri Subiman Ghose: Perhaps when that will be submitted we shall not get the chance of discussing it. If at that rate it is published, I submit. . . .

Mr. Deputy-Speaker: I follow that.

Shri Subiman Ghose: My feeling is that there were some uncharitable remarks against the Government and perhaps for that reason it was kept up in sleeves. When Government found compelling reasons and when Government found that there was no opportunity for withholding it, then and then only was it published.

*Public Service Com-
missions in the Country*

Out of many instances in that report, I give only one or two. In one case there is a case of demotion. Certain allegations were made against a very high officer and the Government in its wisdom referred it to the Public Service Commission for taking action. The Public Service Commission recommended the demotion of the officer. Then perhaps through influence or through some underhand means, this officer was able to influence the Government and the Government sent back the report to the Public Service Commission for reconsideration. The Public Service Commission said that they had given a deep thinking to the matter and could not reconsider it. This officer remained in the same post and after 18 months Government said that their reference to the Public Service Commission regarding the allegations relating to this officer was misconceived and that they were withdrawing it.

Shri Hem Barua: Misconception came afterwards!

Shri Subiman Ghose: Yes. That was one of the instances.

The second instance is that the Government referred to the Public Service Commission for selection of three doctors and one pathologist. The response to the advertisement for these posts was very poor. So the Public Service Commission was only able to choose one man and asked the Government to re-advertise the other posts. That was in November, 1954. In June, 1955, the Government appointed all the persons against all the four posts including the pathologist. The person who was selected by the Public Service Commission was also rejected on the ground that he had asked for one month's time to join the post and, therefore, they could not entertain him. Although these appointments were being made after seven or eight months, the Government could not wait for one month because that man had asked for one month to join the post. In all the four posts, persons were appointed by the Government.

Then in that report, we find that there is one instrument for by-passing the Public Service Commission. The report says that out of the 13 posts, ten were temporary. That means that if it is a temporary post, Government is not to ask the man to appear before the Public Service Commission. When he shall have to appear before the Public Service Commission—it might be after one year or two years—his appointment naturally will come as a directive. As a matter of fact, it comes as a directive from the Government. In this way, the recommendations of the Public Service Commission are accepted!

I refer to one editorial of a 'paper' because it is interesting. The 'paper' belongs to the hon. Minister of a certain State. This is what it says in conclusion.

Shri Panigrahi (Puri): What is the name of the 'paper'?

Shri Subiman Ghose: *Amrit Bazar Patrika* of Calcutta. It reads:

"The Government does not seem to be alive to the necessity for not giving the slightest cause of suspicion that appointments and promotions go by influence and not by merit. Only a small fraction of the posts at the disposal of the Government are referred to the Public Service Commission and even in regard to those few the Commission's recommendations are not always respected. The public will naturally form their own conclusion."

That is the remark that was made.

Then, I come to our Government, that is, the Government functioning here.

An Hon. Member: Is it your Government?

Shri Subiman Ghose: I mean the Congress Government.

[Shri Subiman Ghose]

In one speech of the hon. Minister delivered on the 13th March, 1953—I read it with as much respect as it deserves—he has said that our employees should possess health. Nobody denies that. But, we see otherwise here. I know of the case of a person in a gazetted rank serving in one Ministry whose eye sight power is minus 14, a near blind man. He was rejected by the Willingdon hospital. The Medical Board was changed and he was passed as a fit candidate by the Safdarjang hospital. The background is, he happens to be a son of a High Court Judge. Then, I cite another case in a Ministry. Twice rejected by the Union Public Service Commission: but he is still continuing. He is a son of a Judge of another High Court. All these are going on.

Mr. Deputy-Speaker: These instances do not prove that the Public Service Commissions are not properly constituted. The Resolution is....

Shri Subiman Ghose: When I am coming to my concrete suggestions, I will say that the Public Service Commission's recommendation must be mandatory. The Government shall have no choice in making appointments except through Public Service Commissions.

Mr. Deputy-Speaker: Here it says that all the Public Service Commissions, whether Union or State, should be under the Government of India holding analogous position like that of the Supreme Court and High Courts and suitable legislation be brought forward to amend the Constitution accordingly.

Shri Subiman Ghose: I shall say that in matters of appointment, these Public Service Commissions have to be supreme.

Mr. Deputy-Speaker: But, he is taking instances where even some clerk was rejected by the Public Service Commission and the Government did something. We are not criticising the Government here. The Resolu-

tion does not contain anything about it.

Shri Subiman Ghose: I submit that the Government will not be entitled to take that man—that is my contention—once he is rejected by the Public Service Commission. If the Public Service Commission is given a status like this, if a man is rejected, the Government will not be entitled to appoint him. That would be my submission.

Mr. Deputy-Speaker: All right.

Shri Subiman Ghose: Then, again, I submit about the present position of the Public Service Commissions of the States. I submit without meaning any disrespect to anybody that they should not be made a pinjarapole, that is manning the Public Service Commissions with all the retired persons. I know that a retired Chief Presidency Magistrate is a member of a Public Service Commission. A retired Engineer is a member.

Shri Braj Raj Singh (Firozabad): No retired Minister?

An Hon. Member: Let them take their chance to be Governors.

Shri Subiman Ghose: There are other instances, I submit, where appointments should be made through the Public Service Commission. We have created a State within a State, that is these autonomous bodies. Our power to question regarding autonomous bodies lies within a very narrow compass. Perhaps they are now living in a sense of security. We are getting a taste of it everywhere and every day. Yesterday, I was speaking with a Secretary of a certain autonomous body regarding a boy who has been appointed in Bhilai, being a graduate in Chemical Engineering. I am told that boy has been appointed on the ground that he will be sent to U.S.S.R. for his training in Engineering. His subject being coke oven, I am told that that boy is being asked

to change his subject after five years if he wants to go to Russia. Naturally that boy is upset. Regarding that matter, I was speaking to the Secretary. There was no chance of misunderstanding between us because we both spoke the same mother tongue. That gentleman perhaps thought that being an autonomous body, he could take up a threatening attitude and gave me the impression that because this body has gone to an M.P., justice should be denied to him. The result was, I had to take a stiff attitude and then he came down. I submit that these autonomous bodies should not be allowed to be a State within State. If they want personnel, technical, clerical, anything, they must go through the Public Service Commission. They should not be allowed to make their own choice. Similarly in the Railways in the Port Commissioners' offices. In all these cases, I submit that the appointments should be made through the Public Service Commissions.

If that be the state of things, I submit, that in order to ensure purity in administration, what the Government should do is this. This is my suggestion. The Government should form an All-India body of Public Service Commission. The State Public Service Commissions will be under this supreme body just like the Supreme Court's relations with the High Courts. All appointments will be made by the President or by the Governors in consultation with the Chairman of the Supreme body. That should be done. This supreme body must have two functions. One is original, another is appellate. In its original functions this body will select candidates for the Government of India and in its appellate function, if there is any grievance against the State Public Service Commissions working in the States, that might be carried in appeal before this body. Detailed rules may be made for that. Secondly, this body of Public Service Commissions in the States or the All-India body must have a medical board of its own and that medical board will owe allegiance to this Public Service

Commission not to anybody else. It will be under this Public Service Commission.

Then, thirdly, the Government should fix which of the posts will go to the Public Service Commissions and which of the posts will remain outside them. A person who is sent as an Ambassador naturally cannot be asked to appear before the Public Service Commission. Neither can the Supreme Court Judges be asked to appear before a Public Service Commission. The Government must fix which of the posts will go to the Public Service Commissions and which will not. If that is once decided, thereafter, the Government will not be entitled to appoint a single man without reference to the Public Service Commission. If the Government wants persons for temporary posts, the Public Service Commission may be asked to prepare a list department-wise or according to convenience. You know one astounding thing that is being done. A list of High Court Judges is prepared. I do not know how that can be done. When that is being done by this Government naturally in other posts that can be done department-wise. If they want persons, they will ask the Public Service Commissions and the Public Service Commissions will supply personnel from the list prepared by them. If this is done in this way, I think much of the jobbery and nepotism or favouritism will vanish. I shall again refer to the hon. Minister's speech when he said that nepotism is a current coin and used without understanding. I hope the hon. Minister will not make understanding a monopoly of his. In a socialistic pattern of society, some understanding should be diffused to others.

15 hrs

In conclusion, I wish to make an appeal to the Government. Government is now sitting on the crest of a wave. Naturally it is human frailty to think that there is nobody to encounter. But if you find that there

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is a smoke of discontent, you must think that there is existence of a fire, and if this fire is not put down in ~~time~~, then the time will come when it will encircle the whole country, just as it has encircled our neighbouring countries. Therefore, we should take time by the forelock and I hope Government will do whatever lies with them to ensure purity in the administration.

Mr Deputy-Speaker. Resolution moved

"This House is of opinion that all the Public Service Commissions, whether Union or State, should be under the Government of India holding analogous position like that of the Supreme Court and High Courts and suitable legislation be brought forward to amend the Constitution accordingly."

Shri Shree Narayan Das (Dai-bhanga) I beg to move.

That for the original Resolution, the following be substituted, namely

"This House is of opinion that a Committee be appointed to consider the necessity, desirability and feasibility of having a unified Central Public Service Commission under the Union Government holding analogous position like that of the Supreme Court."

Shri Rajendra Singh (Chapra) I beg to move

That for the original Resolution, the following be substituted, namely

"This House is of opinion that all the Public Service Commissions whether of the States or of the Railway should work under the overall control of the Union Public Service Commission holding analogous position like that of the High Courts and Supreme Court respectively so that a unified system of services could be evolved for the entire country and

suitable legislation be brought forward to amend the Constitution accordingly."

Mr. Deputy-Speaker: Both these amendments and the resolution are before the House

Shri Shree Narayan Das When I read the resolution which my hon. friend moved that day, I tried to imagine the arguments which would be put forward by him, and though I appreciate the idea of the successful functioning of democracy, I am not convinced even now of the necessity for a legislation to amend the Constitution, after hearing what has been said by the hon. Member

I am also very anxious, and I agree with him that it is necessary that a pure and genuine democracy should function in our land. At the end of his speech he said that if we do not do this, the storms that are raging all round may overcome this country also. I cannot say whether, after the resolution and my amendment have been considered by the House, I shall be able to fully support my own amendment, because the arguments that have been put forward by the hon. Mover have not convinced me. Even so, I have moved my amendment.

15.04 hrs

[SHRI BARMAN *in the Chair*]

This resolution envisages two important things. One is that the public service commissions, both Central and State, should be brought under the control of the Central Government, and the second is that their powers should be just like the powers of the Supreme Court. He seems to suggest that they should be all independent in the matter of appointment of the various categories of services that may be entrusted to them.

He has said that it is for the successful functioning of democracy

that he has suggested this. In our Constitution powers have been divided. Our Government is not a unitary form of Government. It is practically a federal form of Government, and so the powers have not been Centralised. In some of the very important matters the States are quite independent, and the Centre has no power to interfere.

In the matter of the public service commissions also, every State has been given the right to have its own commission. And before the Constitution is amended as suggested by him, I think it might be necessary to have the opinions of the various States which are enjoying this power at the moment. It is not proper for this House to have its opinion alone. This House may be of some opinion, but because this is going to affect the various State Governments, it will be necessary to have the considered opinion both of the people residing in the States and the Members of the Legislature. Before eliciting their opinion, this House should not come to any conclusion.

I am not convinced at present, but if this House considers that this subject deserves consideration, then a committee might be appointed to enquire into the matter. It can go to the various States, take the opinion of the Governments and the general public in the States, and when those opinions are before us, we can come to a decision as to what should be our recommendation. Therefore, though the object of this resolution is laudable and I am attracted towards it, I have suggested this amendment.

There is no doubt that in matters of appointment there should be no nepotism, partiality or jobbery. No party should run away with the idea that because their party has come to power every Minister or Chief Minister who has got the power of appointment is always subject to these diseases. I do not throw any blame on anybody, but members of the public service

commissions and High Court Judges also come from the same society. The source is the same. A particular person maybe bad, but the whole lot cannot be bad.

Everything should not be done from Delhi. This is a huge country, and we have got this federal form of Government for the very purpose he has mentioned, the proper functioning of democracy. We cannot do everything from Delhi in a proper way. Therefore, some powers have been left to the various States. There are in the States also persons who are above everything and they can be appointed to the Commission. The Ministers also come from the same society. Why should we imply that every Minister will be guided by political and personal considerations?

Centralisation itself is against democracy. Persons sitting in Delhi cannot have an idea of what sort of persons are required in the particular State. Therefore, some powers have been left to the Union Commission and some to the State Commissions. You want to control everything from Delhi. This is quite against the functioning of a genuine and pure democracy.

That is against the spirit of democracy. If we have some standards and some principles in our minds, then we should try to decentralise the powers. We should not try to centralise the powers. Therefore, I am against centralisation of all the powers.

Reference is made to the Supreme Court in this connection. The Supreme Court is there, and we are very proud of it. But how many persons and how many litigants in a poor country like ours can come to the Supreme Court and have the pleasure or the fortune of engaging a barrister charging Rs 500 or Rs 1000 or Rs 2000 for a case? The Supreme Court is laudable, and there is no doubt about it, and we are proud of it, but we want that the power to decide should

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be vested in more bodies, and that it should be decentralised. Therefore, we have got the High Courts. And they are also functioning independently, and we are proud of them.

Similarly, in matters such as appointments etc., just as the judiciary is independent, so also the Public Service Commission should not be afraid of Government, that is to say, the members of the Public Service Commission should not be afraid of the Government by whom they are appointed. I know there are persons now, who, even if they have been appointed by Government, are just independent of the Government; they are not afraid of Government. There is no lack of such persons in our country either in the Centre or in the States. There are quite a number of them.

Shri Rajendra Singh: Has the hon. Member any idea of the percentage of such people?

Shri Shree Narayan Das: The hon. Member can carry out a census in his own State, or in any other State for that matter, and then come to a conclusion.

Shri S. M. Banerjee (Kanpur): Appoint a committee.

Shri Shree Narayan Das: As I have said, there are two things in this. My hon. friend wants, firstly, that every thing should be centralised and every thing should be brought to Delhi and there should be a branch office of the Public Service Commission in every State. I do not like this idea. I would like to have as many Public Service Commissions as possible, of course, constituted of independent and honest chairmen and members, and I see there is no lack of such persons.

Secondly, my hon. friend, although he wants the Public Service Commission to be under the control of the Central Government yet wants to make it just like the Supreme Court

In matters of appointment—I do not know, I am not just criticising, I have not got the experience of having appeared before any Public Service Commission for appointment—though the idea is good, yet the choice made by the Public Service Commission may not always be good. Therefore, after all, the members of the Public Service Commission are also some individuals and they are also guided by some ideas. Therefore, their choice may not always be good because, the task of appointing officers has been entrusted to the Government as well as to the Public Service Commission. In our Constitution, we have made provisions to the effect that where there is difference of opinion between the Government and the Public Service Commission, Government have to give reasons for the same and this Parliament, this august body, has the right to discuss the report of the Public Service Commission and where there is any difference between the Public Service Commission and Government that difference comes before the bar of this House. And in the face of the criticisms that are levelled against them no Government can just afford to ignore them and go on doing what they like without caring for the recommendations of the Public Service Commission. I think the keen eyes of the Members of this House are just on the report and during the period for which we have discussed the reports of the UPSC there has been no occasion here we have seen that the effective points made by the Opposition Members or any other hon. Members of this House have not been taken notice of by Government.

Therefore, although I appreciate the idea I have moved my amendment and I would like to hear the speeches of other hon. Members. After having appreciated the idea behind this resolution I have moved my amendment which reads thus:

"This House is of opinion that a Committee be appointed to consi-

der the necessity, desirability and feasibility of having a unified Central Public Service Commission under the Union Government holding analogous position like that of the Supreme Court".

That means that this committee, if appointed by Government, will go to the various States and gather opinions from the public as well as the members of Government, and then if this committee comes to certain conclusion, we might consider its report and then come to a conclusion whether this is feasible, whether this is necessary and whether this is desirable, and then only we shall be able to vote for this

Therefore, I move my amendment for the consideration of the House

श्री राजेन्द्रसिंह सभापति महोदय,
मेरा नम्बर २ सशोधन जो कि मैंने मूल प्रस्ताव को सबस्टीच्यूट करने के लिये मूव किया है, वह इस प्रकार है

"This House is of opinion that all the Public Service Commissions whether of the States or of the Railway should work under the overall control of the Union Public Service Commission holding analogous position like that of the High Courts and Supreme Court respectively so that a unified system of services could be evolved for the entire country and suitable legislation be brought forward to amend the Constitution accordingly"

उसमें मैंने यह छोड़ दिया है कि सुप्रीम कोर्ट की बराबरी का तो एक केन्द्रीय पब्लिक सर्विस कमिशन हो किन्तु पार्लियामेंट के मातहत उसका सारा काम होता रहे और जो उसके काम हो उन पर निगरानी करने के लिये पार्लियामेंट को अधिकार हो। बदकिस्मती से वह बातें उसमें नहीं आईं जिनको कि मैं चाहता था और जिनको कि जाना मेरा उद्देश्य था।

दूसरी बात जब मैंने यह सशोधन आपके सामने रक्खा तो उस समय मेरे दिमाग में यह बात थी कि यदि यह सशोधन मजूर हो या उस पर विचार भी हो तो एक सवैधानिक प्रश्न उठता है कि जो हमारा सविधान है उसमें हमें एक मौखिक परिवर्तन करना पड़ेगा। सविधान एक बहुत पवित्र निधि है और साधारण तौर पर उसमें हस्तक्षेप नहीं करना चाहिये। कि तु जिस समय इस सविधान की रचना हुई थी, उस समय और आज के समय के दौरान हमारे ख्यालात और जो हमारी आशाएँ हैं उनमें महान् परिवर्तन हुए हैं और उन परिवर्तनों को दृष्टि में रखते हुये हमें अपने सविधान के अन्दर आवश्यक परिवर्तन करना होगा।

सभापति महोदय मैं सदन के माननीय सदस्यों का ध्यान दूसरी पंचवर्षीय योजना में शासन और संगठन के मुतालिक जो बातें कही गई हैं उनकी ओर दिलाना चाहता हूँ। उसके चैप्टर ६ में जिनका कि श्रीपं० 'Administrative tasks and organisation' है उसके प्रथम वाक्य में यह कहा गया है

'At the present time the general social and economic outlook which has been evolved in India in dealing with problems of national development embodies a large measure of agreement both on the analysis of problems and on many of the basic questions of policy'

चैप्टर ६ के पैराग्राफ २ के अन्तिम वाक्य में उन्होंने यह कहा है

"Thus, in a very real sense, the second five year plan resolves itself into a series of well defined administrative tasks"

अब यह बात स्पष्ट हो जाती है कि यदि हमें इस देश का आर्थिक विकास करना है और आर्थिक ढांचा सुदृढ़ करना है तो जो शासन हमने ब्रिटिश हुकूमत से विरासत में लिया है, उस शासन के जो आधार हैं और जो उसका

[श्री राजेन्द्र सिंह]

डांचा है उसके अन्दर परिवर्तन करना होगा और उन परिवर्तनों को करने के लिये यदि हमें अपने मविधान में कही-कही पर परिवर्तन करना भी आवश्यक हो जाय तो उस परिवर्तन को हमें करने के लिये सहर्ष तैयार हो जाना चाहिये और उन परिवर्तनों को भगीकार कर लेना चाहिये ।

सभापति महोदय, देश के प्रशासन का जो मेरा अनुभव है, उसको सोच कर और देख कर मेरे मन में जो एक पीडा होती है, व्यथा होती है उसको मैं यहाँ सदन में व्यक्त करके इस सदन का समय बर्बाद नहीं करना चाहता हूँ । मगर मैं कांग्रेस के हर एक व्यक्ति से कहूँगा, चाहे वह मंत्री हो अथवा साधारण सदस्य, देश के किसी भी हिस्से में वे चले जायें अलबत्ता उस जगह को छोड़ कर जहाँ कि वे स्वयं शासन में हैं, सब जगहों पर घूम करके अगर वे यह कह सकें कि हमारे देश के अन्दर जो शासन है वह एक ईमानदार शासन है और उस शासन के ऊपर हमको भरोसा और विश्वास है तो मैं मान लूँगा । मैं सहर्ष स्वीकार कर लूँगा कि जो आप करते हैं वह सही है । किन्तु, सभापति जी, सारे देश में घूमने का मुझ को भी मौका मिला है और जिस मुहकमे में मैं गया, जिस व्यक्ति से मैं मिला, सबों ने एक जवान से, एक राय से कहा कि आज देश के अन्दर जितना शासन में भ्रष्टाचार है, जितना अनाचार है, और जितना दुराचारी आज हमारा शासन है उतना शायद ब्रिटिश हुकूमत के जमाने में भी नहीं था ।

हमारे कांग्रेस के मंत्री आयोजना की बात करेंगे, देश को आगे बढ़ाने की बात करेंगे, प्रगति की बात करेंगे, समाजवाद की बात करेंगे, राम राज्य की बात करेंगे, परन्तु देश में शासन सुधरे, शासन ईमानदार हो, शासन में देशभक्ति हो, इसकी उनको कोई परवाह नहीं है ।

सभापति जी, मैं उनकी इस राय से सहमत नहीं हूँ कि चूँकि एक आदमी पब्लिक सर्विस कमीशन का सदस्य या चेयरमैन है इसलिये वह बड़ा ईमानदार है । चूँकि वह ऊंची कुरसी पर बैठा गया है इसलिये उसका दिल और दिमाग ऊँचा हो गया है यह मैं नहीं मानता । जैसा कि हमारे भाई श्री श्रीनारायण दास जी ने कहा है, वह आदमी भी हमारे ही समाज से उत्पन्न हुआ है, जो हमारे समाज में व्याधियाँ हैं वे उसके अन्दर भी मौजूद हैं । और इनका इलाज होना चाहिये । आयोग ने कहा था । 'एनक्वोरिंग इन्वेस्टिगटिव एडमिनिस्ट्रेशन' । तीन वर्ष कल्ल यह निवेदन किया गया था कि देश के शासन के अन्दर सत्यता के वातावरण की उत्पत्ति होनी चाहिये । मगर, सभापति जी, आपको हमारा और सदन के सदस्यों का यह अनुभव है कि इन तीन वर्षों में देश का शासन और भी अधोमुखी हुआ है । इस शासन के अन्दर कोई विकास नहीं हुआ है । और मैं घोष साहब की इस बात का समर्थन करता हूँ कि आज देश के सामने एक तूफान है, और कभी भी हम इस तूफान के थपेड़े में पड़ सकेंगे । मैं कहता हूँ कि यह देश सिस्टर कंट्री पर खड़ा है भी भी ज्वालामुखी फट सकता है और देश का विनाश हो सकता है यदि शासन के अन्दर माकूल परिवर्तन न किया गया ।

मैं उस दिन को याद करता हूँ जब कि स्वतंत्रता संग्राम में एक बच्चे की हैसियत से मुझ को लडना पड़ा था । उस समय हमारा नारा था कि यह जेलर और दारोगा हमारे असुर और साने हैं, और जेल हमारी असुर ल है । मगर बड़ी जिम्मेदारी के साथ, जितनी जिम्मेदारी एक सदस्य में हो सकती है उस सारी जिम्मेदारी के साथ और इज्जत और मर्यादा का स्थल रखते हुये मैं यह निवेदन करना चाहता हूँ सदन के सामने कि आज के मंत्री, चाहे वह कैबिनेट की श्रेणी के हो, चाहे वह डिप्टी मिनिस्टर हो, या पार्लियामेंटरी

सेक्टरों हों, उनका एक ही काम रह गया है कि वह शासन का समर्थन करें। जिस तरह से एक नामांकन और गलत दामाद भी घर में आ जाता है तो उसकी खातिर की जाती है, उसी तरह से अगर कोई भ्रष्टाचारी अफसर होता है तो हमारे मंत्री उसका समर्थन करते हैं, बाहर ही नहीं सदन के भीतर भी। यह प्रजातंत्र का मखोल इस सदन के अंदर हो रहा है। कल की बात है कि मैंने मरे आम कहा, सदन में बड़ी जवाबदेही के साथ कहा, कि सोनपुर का डी० टी० एस० अपने घर में बेव्याधियों को बुलाता है, वे बिना टिकट आती हैं। उनके साथ जो बात होती हांगी वह तो मैं दुरबीन लगाकर नहीं देखता, सिर्फ सुनता हूँ और उससे अन्दाजा करता हूँ। इस पर डिप्टी मिनिस्टर साहब ने कहा कि यह मरासर गलत है। मैं कहता हूँ कि अगर गलत है तो आप इसकी तहकीकात कीजिये। एक लहमे में कह दिया गलत है। मैंने चुनौती दी कि तहकीकात होनी चाहिये और अगर यह बात सही हो तो उनको इस्तीफा देना चाहिये और अगर गलत होगी तो मैं इस्तीफा देने को तैयार हूँ। मैं नहीं समझता कि अगर मैं संसद का सदस्य हो गया तो मैं बहुत ऊंचा उठ गया हूँ। मैं इस पद को एक लहमे में छोड़ सकता हूँ। अगर वह मेरी बात पी गये। वह मेरे साथी हैं। उनको ऊंची कुरसी मिल गयी है। मुझे उनके साथ काम करने का मौका मिला है। लेकिन जब मैं एक अभियोग लगाता हूँ तो वह कहते हैं कि यह सरासर गलत है। क्या इसी के लिये वह उप-मंत्री हुये हैं? कोई आदमी सही है...

रेलवे उपमंत्री (श्री शाह नवाज खाँ) : मानरेबल मेम्बर ने कल भी एक दो दफा यही चीज कही और दुहराई। वह पेश कर रहे हैं कि इस चीज को साबित करेंगे। अगर वह इस चीज को साबित कर सकते हैं तो मैं उस अफसर को कड़ी से कड़ी सजा दे सकता हूँ।

श्री राजेन्द्र सिंह : धन्यवाद, बहुत बहुत धन्यवाद।

Mr. Chairman: We have some procedure. The general proposition before the House now is how to make better recruitment to the Public Services. That is the main point. Individual instances are not strictly relevant. I want hon. Members to remember what the resolution proposes and to confine their remarks to relevant matters. They can discuss the present system and try to improve it by the introduction of a new system. That is the main point. And, arguments should be directed towards that generally, though I would not disallow one or two instances here and there.

Shri Rajendra Singh: Sir, I respectfully submit that we are discussing something about the building up of an organisation which can recruit persons who have a healthy sense of patriotism and a sense of duty towards the country. I was respectfully submitting that wherever we go, whether in the Railways or in other Administrative Departments or in autonomous bodies, everywhere we find a messy atmosphere.

Mr. Chairman: So, what is the suggestion?

Shri Rajendra Singh: And that was by the way because I did not have the time yesterday to contact the hon. Deputy Minister of Railways. Now he has done one thing at least; he has given an assurance that the matter will be looked into. But, yesterday he said that I was thoroughly incorrect.

Shri Shah Nawaz Khan: I hope the hon. Member will not forget the offer about resignation also.

Shri S. M. Banerjee: It is on either side; there shall be two by-elections.

श्री शाह नवाज खाँ : अगर इजाजत हो तो मैं यह कहना चाहता हूँ कि मानरेबल मेम्बर ने यह कहा था कि उनके सैलून में बेव्यार्ये जाया करती है।

श्री राजेन्द्र सिंह : मैं ने सीकन नहीं कहा, मैं ने बर कहा था। मैंने कहा था कि सोनपुर का डी० टी० एस० छपरा से ३५ मील अलग के शहर से बेरयाघो को बुलाता है। मैं ने टी० टी० ई० से कहा कि जाकर चैक करो, तो उसने कहा कि इससे तो मेरी नौकरी जाती रहेगी तुम ही चैक करो। आखिर चूक मुक्त को भी वहा से बोट मिलते है इसलिए मैं ने भी छोड़ दिया।

Mr. Chairman: There was another system introduced by the Speaker Whenever any particular instance or allegation has to be mentioned against any officer, first of all, the hon Members should send it in writing to the Minister concerned and if he is not satisfied with the reply and he wants to mention it on the floor of the House, he should inform the Speaker That is a very good convention and we should stick to it

Shri Shahnawaz Khan They are such wild allegations

Mr Chairman: Because on the floor of the House any hon Member can raise any allegation against a particular officer, this convention has been formulated It is not possible for this House to enter into arguments or to come to any decision It is not good either So, we should stick to the convention introduced by the Speaker

Shri Rajendra Singh: Whatever you say, I will abide by it But I have a very painful experience and I am going to pursue the matter with the Speaker in course of time and the matter would come before the House I shall follow that procedure Anyway, I am not going to repeat what I have said and I am now coming to the point

Mr. Chairman: I shall simply ask the hon Members to look to rule 353

Shri Rajendra Singh: I have already followed it But I know that even

when I write to Shri Shahnawaz Khan, I have to wait for half a year for a reply (Interruptions).

सथापति जी, बहुत सा बक्त बेकार हो गया है। मैं यह कहना चाहता था कि पब्लिक सर्विस कमीशन में भी यही दोष वर्तमान है, जो कि किसी महकमे में या किसी मंत्री के साथ वर्तमान हैं। मैं यह नहीं मानता कि वह इन बातों से भ्रष्टता है। यह ठीक है कि सर्विषान के अधीन देश के हर एक प्रदेश में एक एक पब्लिक सर्विस कमीशन है। लेकिन मैं आपको बिहार की स्थिति के बारे में बताना चाहता हूँ। मेरे बिहार के दोस्तों को पता होगा। मैं बिहार की बात करता हूँ—दूसरे सूबों के बारे में मैं नहीं जानता हूँ। वहा पर पब्लिक सर्विस कमीशन के मायने ये है कि यदि किसी जाति विशेष के लोग मीरिषान के मेम्बर हैं तो वे अपनी जाति के उम्मीदवारों का खोजते हैं। हमारे यहा यदि कोई व्यक्ति आफिसर हो जाता है और वह अगर किसी मिनिस्टर की बिरादगी का हुआ, तो उसको अपने थाने में, अपने सब-डिविजन में या अपने जिले में रखा जाता है। मैं कहना चाहता हूँ कि आज बिहार में रोज-मर्रा की ज़िदमी बड़ी विषाक्त हो गई है। एक आदमी दूसरे से बात करने में सहमता है। वह डरता है कि कहीं इसके कोई दूसरे मायने न लगा लिए जाये। जब मैं एक केन्द्रीय पब्लिक सर्विस कमीशन की बात करता हूँ, तो उस का अर्थ यह नहीं है कि मैं प्रदेशों के स्वशासन के विरुद्ध हूँ और उस को खत्म करना चाहता हूँ। मैं यह चाहता हूँ कि सारे देश के लिए एक सेवा आयोग हो और उस के मातहत और लोग ही। मेरा ब्याल है कि ऐसा होने पर हम प्रदेश, जाति, धर्म और दूसरे छोटे छोटे झगडों से मुक्त हो सकते हैं, जिनमें हम इस बक्त फँसे हुए हैं।

Mr. Chairman: He has already taken more than fifteen minutes and he should finish now

Shri Rajendra Singh: Several minutes were consumed by the intervention of the hon. Minister.

Mr. Chairman: There are other Members who want to participate in this discussion and we should give them also a chance

Shri Rajendra Singh: I shall take two or three minutes only

मैं यह कह रहा था कि आज जो हालत है, उसको आप देखिए । हमारे सूबे में एक दिन वह समय था, जब कि यह लहर चली, यह वातावरण पैदा हुआ कि बिहार में दूसरे प्रदेश के आदमी को न लिया जाये और बिहार में ऊंचे पदों पर केवल बिहारियों को ही रखा जाये । वह लहर चली, आन्दोलन हुआ और उस के कुछ नतीजे भी निकले । लेकिन ग्यारह वर्ष के शासन के बाद आज स्थिति यह है कि यह भावना पैदा हो गई है कि ऊंचे पदों पर बिहारियों को न रखा जाए । राजपूतों, कायस्थों और ब्राह्मणों ने एक दूसरे का विश्वास खो दिया है । हमारे प्रदेश में १७ जिलों में १४ १५ जिलों में नान-बिहारी क्लेक्टर है । मुझे उन में कोई द्वेष नहीं है । उन में से काफी अच्छे लोग हैं—कुछ नाजायज लोग भी हैं लेकिन काफी अच्छे हैं । मेरा निवेदन यह है कि जो जिन प्रदेश का है, वह अपने प्रदेश में कम से कम नौकरी न करे, तभी कुछ न्याय हो सकता है । बिहार के लोग तादाद और एग्रीटा के मुताबिक सविस में जाये, लेकिन उन को मद्रास में रखा जाये और मद्रास के लोगों को बिहार में रखा जाए । इसी तरह बंगाल के लोगों को पंजाब में रखा जाए और पंजाब के लोगों को बंगाल में रखा जाए । इस का साथ यह होगा कि किसी प्रदेश के जो

शासक होंगे, उन को उस जमीन से कोई लगाव नहीं होगा और उन में कोई प्रेजुडिस—पूर्वाग्रह—भी नहीं होगा । वे स्ट्रिक्टली आबजेक्टिव प्वायंट आफ व्यु ने सब प्रश्नों को देखेंगे । इस दृष्टि से कि हमारी सेवाओं में सुधार हो, उन की दक्षता में वृद्धि हो, उन का चरित्र अच्छा हो और उन के व्यक्तित्व में सच्चाई झलके, किसी भी पार्टी या फिरके से उन का सम्बन्ध न हो, यह आवश्यक है कि एक यूनिफाइड सेंट्रल सर्विस कमीशन नियुक्त किया जाये और उस के मातहत हर महकमे के लिए नौकर रखने की व्यवस्था हो, लेकिन इट शुड बि एकाउटेबल टु दि पार्लियामेंट । मैं इस बात से बिल्कुल सहमत नहीं हू कि पब्लिक सर्विस कमीशन के लोग देश त्रा है और वे कभी गलती नहीं करेंगे । पार्लियामेंट हर वर्ष उन की रिपोर्ट पर विचार करे, उन के कार्यों पर नजर रखे और अगर उस को कोई गलती दिगवाई दे, तो उन का सुधार किया जाए ।

सभापति जी, मैं आपका बहुत अनग्रहीत हू कि आप ने कृपा कर के मुझे इतना वक्त दिया । धन्यवाद ।

श्री अजराज सिंह : सभापति महोदय, मैं बहुत संक्षेप में इस प्रस्ताव के विषय में अपने विचार रखना चाहता हू ।

Mr. Chairman: How much time will the hon. Mover require?

Shri Subiman Ghose: That depends upon the hon. Minister—the points that he will raise

The Minister of State in the Ministry of Home Affairs (Shri Datar): I shall take about 25 minutes

Mr. Chairman: It will end at 4 and the hon. Members should adjust accordingly. I must give sufficient time to the hon. Minister.

Shri Raghunath Singh (Varanasi):
So, we have got no chance.

Mr. Chairman: I do not know.

श्री बजरंग सिंह : विधान-निर्माताओं ने जब केन्द्र और राज्यों के लिए अलग अलग सर्विस कमीशन बनाने की व्यवस्था की, तो उद्देश्य उन का यह था कि राज्यों को अपने दायरे में पूरी स्वतंत्रता रहे और वे अपनी सर्विसिज में लोगों को भर्ती कर सकें और जहां तक केन्द्रीय सेवाओं का सम्बन्ध है, उस में केन्द्र की भी पूरी स्वतंत्रता रहे। जहां तक श्री घोष के प्रस्ताव का सम्बन्ध है, श्री श्रीनारायण दास और श्री राजेन्द्र सिंह ने उस पर अपने सघोषन पेश किए हैं, मैं उन की आत्मा से सहमत नहीं हूँ। एक बात मैं कहना चाहूंगा और वह यह है कि चाहे वह राज्य की सर्विस कमिशन हो चाहे केन्द्र की, आज कुछ इस तरह की प्रवृत्ति बनती जा रही है कि जो सेवाये हैं उनको किसी न किसी प्रकार से इन कमिशन के दायरे से निकाल करके अपने अधिकार क्षेत्र में किया जाने लग गया है और कर लिया गया है। अभी लोक सभा सचिवालय की ओर से एक पुस्तिका प्रकाशित हुई है जिसका नाम है क्वार्टरमास्टर्स रिपोर्ट ऑफ पब्लिक अडमिनिस्ट्रेशन एंड अदर बाडीस इन इंडिया। यह किताब हम लोगों को दी गई है। इसमें दर्ज है कि धरबो रुपये का प्रबन्ध करने वाली जो मन्थाये हैं जिनका निर्माण केन्द्रीय सरकार ने किया है, उनके आधीन जो नियुक्तियां होती हैं, वे बिना कामिशन को पूछे या बिना उसकी गय लिए ही कर ली जाती हैं। इसकी कोई जरूरत ही महसूस नहीं की जाती है और न इसकी कोई जरूरत ही कानून में रखी गई है। हिन्दुस्तान की सरकार का जितना बजट है उससे कहीं अधिक रुपया ये जो संस्थाये हैं, उसका वे प्रबन्ध करती हैं

धीर करेगी। उनके आधीन होने वाली नियुक्तियों के बारे में पब्लिक सर्विस कमिशन को न पूछने की आवश्यकता है और न ही उसकी राय लेने की जरूरत है। मैं यह भी बतलाना चाहता हूँ कि दो दो हजार रुपये मासिक की जो नियुक्तियां हैं उनको करते समय हो सकता है कि गवर्नमेंट को मिनिस्टर को पूछने की जरूरत पड़े वरना जो बेयरमैन इन संस्थाओं के हैं या जो डायरेक्टर्स हैं वे ही अपने आप बड़ी बड़ी तनखाहों वालों की नियुक्तियां कर सकते हैं। यह प्रवृत्ति, मैं समझता हूँ जनन के विकास के लिए अच्छी नहीं है। जितनी भी नियुक्तियां हों वे सभी पब्लिक सर्विस कमिशन की मार्फत होनी चाहिये। यह एक उसूल होना चाहिये लेकिन मैं आज देख रहा हूँ कि इस उसूल की पूरे तौर से हत्या की जा रही है फिर चाहे यह राज्यो का मवाल हो या केन्द्र का हो।

मैं जानता हूँ कि राज्य भी अपने सीमित क्षेत्र में इस तरह की प्रवृत्ति दिखाते हैं कि वे अलग अलग तरीके से अपने आदायियों को भर्ती कर लेते हैं और ऐसे ऐसे लोगों को रख लेते हैं जिनको कि मान सी, ग्रांट सी और एक हजार रुपये तनखाह दी जाती है और कमिशन की कां' राय ही नहीं ली जाती है, उसमें पूछा तक नहीं जाता है। जब यह मवाल पैदा होता है कि उनको कमिशन के मामले पेश किया जाए तो उनको पेश नहीं किया जा रहा है। इस तरह की जो प्रवृत्ति दृष्टिगोचर हो रही है यह बढ़ने ही स्वतन्त्रताक प्रवृत्ति है और इस पर रोक लगनी जरूरी है। मैं उदाहरण देकर इस सदन का समय बरबाद करना नहीं चाहता। लेकिन मैं इतना अवश्य कहना चाहता हूँ कि क्या यह उचित है कि हम इस तरह के पब्लिक

अडवर्टेकिंग्स के नाम पर अरबों रुपये की सम्पत्ति का प्रबन्ध करने वाली संस्थाएँ कायम करके, उनका प्रबन्ध करने के लिए जो व्यक्ति नियुक्त किये जाते हैं, उनको कमिश्नर के अधिकार क्षेत्र में बाहर कर दे। पार्लियामेंट के अधिकार क्षेत्र से तो उनको बाहर नहीं किया जा सकता है क्योंकि पार्लियामेंट पूरी तरह से सब सत्ता प्राप्त संस्था है, लेकिन पब्लिक सर्विस कमिश्नर के दायरे से भी उनमें होने वाली नियुक्तियों को बाहर करना भी किसी भी तरह से उचित नहीं समझा जा सकता है। इस तरह से नियुक्तियाँ करने से हो सकता है हमारी सेवाओं में वह निष्पक्षता न आये जो उनमें आनी चाहिये या वह योग्यता न हो जोकि उनमें होनी चाहिये। जब कोई नियुक्ति कमिश्नर के अधिकार क्षेत्र से बाहर होती है तो केन्द्र के बारे में तो मैं नहीं कहता लेकिन राज्यों में तो राजनीतिक आधारों को ले कर कर दी जाती है। केन्द्र में यह चीज आः है या नहीं, यह मैं नहीं जानता लेकिन इस तरह की स्थिति यहाँ भी आ सकती है।

लेकिन इन सब बातों को अलग रखते हुए मैं कहना चाहता हूँ कि इन कमिश्नरों को वही महत्व दिया जाना चाहिये जोकि हमारे विधान में दिया गया है। उस महत्व को देखते हुए मैं यह उचित नहीं समझता हूँ कि पब्लिक अडवर्टेकिंग्स के अन्दर जो नियुक्तियाँ होती हैं उनको कमिश्नर के अधिकार क्षेत्र में बाहर कर दिया जाए। दो दो हजार रुपये महीने की नियुक्तियों को उनका अधिकार क्षेत्र से बाहर करने का तो कोई कारण ही नहीं हो सकता है। आज हम पब्लिक सर्विस को बढ़ाते चले जा रहे हैं, इसको अधिक महत्व देते जा रहे हैं और मैं यह समझता हूँ कि इसको बढ़ाना भी चाहिये, इसको अधिक महत्व भी दिया

जाना चाहिये और मैं इससे पूरे तौर पर सहमत हूँ। इसके लिए हमें अधिकारिक रूप से पब्लिक सर्विस में लगाने की जरूरत पड़ेगी और उस रूप से का प्रबन्ध कौन करेगा, ये सेवाएँ ही तो करेगी। इस वास्ते इन सेवाओं के बारे में हमें यह देखना होगा कि जो योग्य आदमी है वही रखे जायें और यह काम बखूबी कमिश्नर ही कर सकती है। इस वास्ते मैं सरकार को आगाह करना चाहूँगा और चाहूँगा कि वह इस सम्बन्ध में अपनी नीति स्पष्ट करे।

मैं यह भी चाहूँगा कि चाहे अखिल भारतीय सेवाएँ हो और चाहे दूसरी कोः नौकरियाँ हो, किसी तरह की भी नियुक्तियाँ बिना कमिश्नर से पूछे और उसकी रजामन्दी लिए नहीं होनी चाहिये। अगर आप ऐसी कोई बात करते हैं तो वह उचित नहीं है। ये जो पब्लिक अडवर्टेकिंग्स हैं इनमें कौन नौग है। क्लामि-फाइड निस्ट जो लोक सभा सचिवालय की ओर से प्रकाशित की गई इसको अलग देखा गया है। जहाँ जहाँ-तहाँ डायरेक्टर ऑफिसर लोग ही हैं और उनके जरिये ही ये नियुक्तियाँ हानी हैं और उन्हीं को आप यह अधिकार देते हैं कि वे जिनको चाहे रख लें। मैं किसी के प्रति किसी भी प्रकार की दुर्भावना प्रकट करना नहीं चाहता लेकिन इतना अवश्य कहना चाहूँगा कि अगर वे खुद डायरेक्टर बने रहना चाहते हैं तो उनको जो पाटी उस समय गत्ता धाम हुए हैं उसका कहना मानना है। इस वास्ते मैं कहना चाहता हूँ कि जमूली तौर पर यह बात मान ली जाए कि जितनी भी नियुक्तियाँ हो वे सब कमिश्नर के जरिये ही, केन्द्र में यन्त्रिय पब्लिक सर्विस कमिश्नर के जरिये ही और स्टेट्स में स्टेट्स पब्लिक सर्विस कमिश्नर के जरिये।

[श्री इमराज सिंह]

मैं एक और बात कहना चाहता हूँ। आज जो सुप्रीम कोर्ट और हाई कोर्ट्स के ताल्लुकात हैं उसका कतई यह मतलब नहीं है कि जहाँ तक न्याय देने का ताल्लुक है, उसमें हाई कोर्टिंग सुप्रीम कोर्ट के मातहत होती है। हा इतना जरूर है कि हाई कोर्ट की जजमेंट से घगर कोई पक्ष असन्तुष्ट होता है वह सुप्रीम कोर्ट में अपील कर सकता है और वहाँ पर न्याय प्राप्त कर सकता है। इसी तरह से भविष्य के लिए घगर भाप कोर्ट इस तरह की व्यवस्था कर दे कि राज्य के किमी कमिशन में घगर कोई ऐसी बात हो जाए जिसमें कि एक पक्ष को सन्तोष न हुआ हो तो वह यदि यूनियन पब्लिक सर्विस कमिशन में जाना चाहे तो जा सकता है और वहाँ अपील कर सकता है। इस बास्ते में समझना है कि कुछ स्वास्थ्यकारी परम्पराये इस तरह से कायम हो सकती हैं।

एक बात और मैं कहना चाहता हूँ। हमारे केन्द्रीय सचिवालय में जो सेवायें हैं उनके बारे में कहा जाता है कि कुछ नियम बने हुए हैं और उन नियमों के अनुसार ही भरती की जाती है प्रमोशन की जाती है पदोन्नति या की जाती है और इनमें से कुछ केमिस में कमिशन की राय लेने की जरूरत पड़ती है। जिस तरह से पदोन्नतियाँ की जाती हैं उसमें कभी कभी कुछ लोगों को अस रोष भी होता है और वे समझते हैं कि वे सही तौर पर नहीं की गई हैं। ऐसे केसिस में या तो 'इग्न' की राय मागी ही नहीं जाती है और घगर मागी भी जाती है तो इस तरह से मागी जाती है जिस तरह से कि उसकी राय का कोई महत्व ही नहीं रह जाता है। मैं समझता हूँ जमतंत्र को सरल बनाने के लिए, देश का विकास करने के लिए, उन्नति करने

के लिए यह बहुत आवश्यक है कि हमारी जो सेवायें हैं वे निष्पक्षतापूर्वक अपना कार्य करें। उनको विश्वास की भावना से कार्य करना चाहिये और जब तक यह भावना उनमें पैदा नहीं होती काम काज अच्छी तरह से नहीं चल सकता है। इस बास्ते उनको यह महसूस कराने की आवश्यकता है कि घगर वे नियमों में रहते हुए वक्त की सरकार के खिलाफ कोई काम करें, तो उनको डरने की कोई आवश्यकता नहीं है।

अन्य से मैं इतना ही कहना चाहूँगा कि मविधान में जो महत्व पब्लिक सर्विस कमिशन को दिया गया है वही महत्व उनका बना रहना चाहिये और यह जो प्रवृत्ति दिखाई दे रही है कि उसके दाघरे में अधिक नौकरियों को निकाल कर शानन के हाथ में या मस्थायी के हाथ में मीप दिया जाए इसका अन्त होना चाहिये और जितनी भी नियुक्तियाँ हैं ये सभी कमिशन के जरिये होनी चाहिये।

श्री रघुनाथ सिंह: महापति महोदय जा प्रस्ताव उपस्थित किया गया है उसके मौरिक सिद्धान्तों का चारों ओर से स्वागत किया गया है, समर्थन किया गया है। उस प्रस्ताव में जो मशाघन उपस्थित किये गये हैं उनमें तथा प्रस्ताव में कोई मूल रूप में बहुत अधिक अन्तर नहीं है। लेकिन हमें देखना यह है कि हम किस तरह से हिन्दुस्तान को एक बना सकते हैं। उसमें किस प्रकार से एकरूपता ला सकते हैं। राज्यों की अलग सेवायें हो गई हैं। रेलवे की अलग सेवा हो गई है। केन्द्र की भी अलग सेवा हो गई है। इस पर हमको इस दृष्टि से विचार करना चाहिये कि जो सेवायें हैं वे किस प्रकार से स्वतंत्रतापूर्वक और निष्पक्ष भाव से अपना काम कर सकती हैं। प्राप्तीयता और जातीयता, ये दो हमारे बड़े भारी शत्रु हैं। इन दोनों का अवनान होना

चाहिये। इनका प्रबन्धन उसी प्रवस्था में हो सकता है जबकि हमारी एक केन्द्रीय सेवा होगी या हम एक सेवा का संगठन करेंगे। आज एक तो रेलवे सर्विस कमिशन है। वह जो छोटे कर्मचारी हैं उनकी भरती बन्द करता है। लेकिन जो बड़े कर्मचारी होते हैं, वे आई० ए० एम० में से लेकर रख दिये जाते हैं। जिस तरह से अफ्रीका के जमाने में होता था कि जो आई० सी० एस० होते थे वे दुनिया की जितनी सर्विसिस है उन सभी के लिए विशेषज्ञ समझे जाते थे। उसी तरह से आज आई० ए० एम० समझे जाने लगे हैं। इस प्रवृत्ति का अन्त होना चाहिये। एक व्यक्ति जिस विषय का विशेषज्ञ हो, उसी पर उसको नियुक्त किया जाना चाहिये, दूसरे पर नहीं। जिस तरह से पूर्व काल में इंडियन इंजीनियरिंग की एक सर्विस थी उसी प्रकार से इंडियन इंडस्ट्रियल सर्विस होनी चाहिये। उसी प्रकार से इंडियन रेलवे सर्विस होनी चाहिये ..

रेलवे मंत्री (श्री जगजीवन राम) : है।

15.50 hrs.

[Mr DEPUTY SPEAKER in the Chair]

श्री रघुनाथ सिंह : सिदरी के कारखाने के लिये एक आई० सी० एस० चेअरमैन बना कर भेज दिये गये। ऐसा नहीं होना चाहिये। जो आदमी जिस विषय का एक्सपर्ट हो, उस का जिस विषय का ज्ञान हो, उस के अनुसार ही उस को सेवा करने का अवसर दिया जाना चाहिये। हमारे प्रांतों में क्या होता है? एक प्राविशाल जुडिशल सर्विस है उस में लोगो का इफ्लुएस बलता है। प्राविसेज के अन्दर बहुत से लोगो का प्रभाव जुडीशियरी में होने लगा है और जुडिशियरी के लिये हिन्दुस्तानियों के हृदय में जो भावना पहले थी वह आज नहीं रही है। उस में कमी हो गई है, इस वास्ते कि उन का जो रिक्तमेंट होता है, 326 L S D—8

जो आदमी लिये जाते हैं उन की नियुक्ति में बहुत से फैक्टर काम करते हैं। उस में आतीयता काम करनी है, प्रातीयता काम करती है। इस वास्ते जुडिशियल सर्विस को केन्द्रीय सर्विस होना चाहिये ताकि इडेपेंडेंस हो। जब तक वहा पर इडेपेंडेंस नहीं होगी तब तक वहा पर इसाफ नहीं होगा। और अगर देश में इसाफ का खून होगा तो फिर हमारी आजादी के कोई अर्थ नहीं है। मैं आप को एक एग्जाम्पल दू। हमारे सूबे का, हमारे शहर का एक व्यक्ति नाइटा क्लास है वह ले लिया जाता है सर्विस में लेकिन एक बी० ए० क्लास का नहीं लिया जाता है। कई तरह के लोग हैं। एक स्टूडेंट थर्ड डिवीजन में पास होता है वह इफ्लुएस के कारण ले लिया जाता है लेकिन फर्स्ट क्लास पास स्टूडेंट नहीं लिया जाता है। अगर इस तरह की बातें होनी हैं तो इस का असर हमारी आने वाली सन्तान पर बहुत बुरा होगा। अगर इस प्रकार का खराब असर होता गया तो शासन चल नहीं सकता।

उपपक्ष महोदय यह तो इस बात पर निर्भर करता है कि किस काम के लिये किसी आदमी को लेना है, उस काम के लिये दसवीं जमात फेल अच्छा है या बी० ए० पास अच्छा है।

श्री रघुनाथ सिंह मैं काम के सम्बन्ध में ही कह रहा हूँ। खास कामों में भी ऐसा किया जाता है कि इफ्लुएस बड़ा काम करता है। जो आदमी अच्छा होता है वह नहीं लिया जाता लेकिन जो आदमी अच्छा नहीं है, जिस का कोई उपयोग नहीं है, वह इफ्लुएस के कारण स्थान प्राप्त कर लेता है। यह प्रवृत्ति हमारे देश के लिये अच्छी नहीं है, इस वास्ते इस का प्रबन्धन होना ही चाहिये।

श्री बी० चं० शर्मा (गुरदासपुर) : इस का इलाज क्या है?

श्री रघुनाथ सिंह सर्विस का केन्द्रीकरण होना चाहिये। इस का एक मात्र इलाज यही

[श्री रघुनाथ सिंह]

हो सकता है कि हम लोगों की नैतिकता अच्छी हो, हम में भारिलिटी जो है वह और बढ़े। अगर यही नहीं बढ़े तो कानून के कारण हम में भारिलिटी नहीं आ सकती। अच्छे में अच्छा आदमी हो लेकिन अगर उम में नैतिकता नहीं है तो उस के द्वारा अच्छा काम नहीं हो सकता है।

इन शर्तों के साथ जो प्रस्ताव हमारे भाई ने रखा है मैं उस का समर्थन करता हूँ और आशा करता हूँ कि उस पर सद्भावनापूर्ण विचार होगा और हमारे आजाद हिंदुस्तान में सब को आजादी के साथ काम करने का मौका प्राप्त होगा।

Shri Shankaraiya (Mysore) I want to oppose this resolution because it means centralisation of powers both in the Union Public Service Commission and in the Centre. So far as the administration and working of democracy are concerned, we have come to a stage wherein we have been pressing for the decentralisation of powers. We have been feeling that there is over-centralisation in the administration and we have been pressing day in and day out that there should be decentralisation and more and more powers should be given to the States.

The State Legislatures have power to give additional powers to the State Public Service Commissions or withdraw the powers if they are misused. The decision of the Public Service Commission is not final. Whenever the Government differs from the recommendations of the Public Service Commission, the statement of the Commission along with the reasons assigned by Government for not agreeing with the Commission should be placed before both the legislatures of the State. Parliament and the State Legislatures will have full power to discuss these things.

I would suggest that the working of the Union Public Service Commission should not be made entirely independent just like the Supreme Court or the High Court. They also commit mistakes sometimes. Full records may not have been placed before them and they may not have fully appreciated all the facts. Moreover, when the State Public Service Commissions themselves are not able to apprehend all these things and look into all the details when smaller appointments are being made suitable to the local area and to the State, they will not be able to manage it when it is centralised. Even if the U.P.S.C. are entrusted with all these powers, they will not be able to understand the problems or the talents that are there in the local areas. That is why the framers of the Constitution have given enough powers to the State Legislatures to appoint Public Service Commissions. If every State is not able to maintain one Public Service Commission, then two or three States can join together and have one Public Service Commission. But there is no meaning in saying that the powers should be centralised, because it will lead to deterioration in recruitment.

Even agreeing that the members of the Public Service Commission are appointed by the Chief Minister or some other Minister to suit their taste or liking, dictation and all that, still the Public Service Commission members have got a definite status. They work independently of the Government and that is why their decisions are submitted to the Government. If it is felt that enough justice has not been done in any particular case, a right of appeal is given to the Government. The Government reviews the whole thing and there are several instances where the Government have differed from the Public Service Commission. In such cases, the matter is placed before the Legislature or Parliament. Both Parliament and the State

Legislatures have ample power to review the whole thing and make amends. They can either delegate further powers to the Commission or take away the powers which have been misused by the State Public Service Commission or the UPSC.

The danger lies in this fact also that when there is more centralisation, it will be difficult for the applicants from several parts of this big country to come to the Centre to make their cases considered properly. It will also be difficult for the UPSC to work in the different parts of the country. Even as it is, the UPSC will have to hold their sittings in the different parts of the country. The cry of the present day is, many of the State Governments are complaining that their States have not been given due representation, because the recruitments and sittings take place at Delhi, and many of the candidates and others are not properly interviewed.

16 hrs.

There is one other defect also in over-centralisation. In the Union Public Service Commission we have got a particular method of selection based on the marks or the class that the candidates have obtained in their university examinations. It is a serious complaint that many universities hold examinations and value the papers in their own way. Some give liberal marks and some are very strict. In order to maintain efficiency and a high standard in their universities they give less marks and do not so easily give first class or second class to their candidates. There are other universities where even ordinary people are given first class and second class. The result is, while eminent and well trained students will be getting third class in certain universities ordinary students, who would fail if they are asked to take the examination in other universities, will be getting first class in their universities. Some universities want to push members from their States by giving them very high marks. There is this sort of vying. There

is this deficiency that is being felt by the university students when they apply to the Union Public Service Commission for appointments. This should be removed. We should look to the standard of the university and also the standard of the person called for interview. All these things should be taken into consideration by means of personal contact at the time of the interview. We should not merely base the selection on the marks or class obtained in the university. These are some of the things that we will have to look into, and not simply go towards over-centralisation.

With regard to the Railways I want to say one thing. So far as the higher administrative services are concerned they are appointed by the Union Public Service Commission. The same remarks hold good to them also. So far as lower grade appointments are concerned, each regional railway has got its own Public Service Commission. So far as I understand, the Southern Zone has got a Public Service Commission to appoint class III and class IV officers. How they are functioning, what their duties are, how the Government have appointed them and how they are discharging their duties we have not been able to get any report. It is a Public Service Commission appointed by the railway authorities themselves. Their work is not being placed before us for review. This should also be brought in line with others. So far as Railways are concerned, since the States are also interested not only a report on their work should be placed before the Parliament because this is a central subject, but a report should also be placed before the respective State legislatures because they are also interested in the appointments to these services.

Shri Datar: Mr. Deputy-Speaker, Sir, the Resolution before the House, with due deference to the hon. Mover, is, I must say, born of confused thinking and is not only impracticable but, if you will allow me to say so, Sir, almost fantastic. Let us take into account the scheme of Government

[Shri Datar]

under the Constitution, and you will kindly excuse me, Sir, if I have to place before the House certain elementary principles on which our Constitution has been founded. We have got not only the Parliament as the legislative authority, we have got the State legislatures also as legislative authorities in their respective States. Then we have a Union Government here, and there are a number of subjects with which the State Legislatures and the State Governments are concerned, in some cases absolutely exclusively. Under these circumstances the question that has to be considered is whether the scheme that the hon. Member has in view can be taken into account or considered, taking the Constitution as it is, and whether any circumstances have arisen for a fundamental or radical amendment of the Constitution.

Then the hon. Member has also made a confusion between the Supreme Court and the High Court on the one hand, and the UPSC and the State Public Service Commissions on the other. Here also let us understand that these two institutions are entirely different in character. We have got the judiciary from the bottom up to the top. So far as the High Courts and the Supreme Court are concerned they are bodies which have to decide questions either between private parties or even between private parties and government and they have to give their decision. Let us understand it very clearly that they have to find out the points of dispute and give a final decision which will be acceptable not only to the parties but also to the Government, because when Government comes into the picture they are bound by the decision of the High Court or Supreme Court.

That is the reason why the doctrine of the independence of the judiciary has been developed and has been given full effect to in the Constitution. These bodies, the High Court and the Supreme Court have to give their

decisions on the points at issue. In some cases, they have also been authorised with the right to give opinions on certain constitutional matters.

Now let us see what is the function of the public service commissions in general. So far as they are concerned either at the Centre or in the States, they have to do with the question of services. So far as the services are concerned, that is a matter, in the first place, in respect of Union Government, within the orbit of the Union executive, and so far as the States are concerned, within the orbit of the State Governments. This is a point which has to be very clearly understood.

Then, in order that appointments may be made by the executive, either at the Centre or in the States in their respective jurisdictions after a consideration of the merits of the different applicants, this particular institution of public service commission has been evolved and proper provisions have been made therefor. We have got in the Constitution various provisions relating to the appointment of a public service commission in the State or one at the Centre known as the Union Public Service Commission. Now, what are the functions of this body? This is a point which the hon. mover of this Resolution has to bear in mind. The public service commission is not an appointing authority at all. That is a right and obligation of the executive government either at the Centre or in the States. As I have said their duty has been defined very clearly in the Constitution in article 320. Their duty is of an advisory character, let it be understood very clearly. All that is said in article 320 is that they shall be consulted in respect of certain matters.

These matters have been mentioned therein. May I point out the obligation of the Government? The obligation is to consult the UPSC or the Public Service Commission in respect

of certain specified matters. Then in that very article it has been provided that there might be cases where a consultation with the Public Service Commission might not be possible or might not be advisable. In such cases it is within the prerogative of the President to exclude certain subjects from the purview of the Public Service Commission and during the last Session, as you are aware, we had a discussion on the recent regulations passed by the President under which certain subjects were excepted from the purview of the Public Service Commission. Therefore, if we take into account this fundamental conception on which our Constitution has been based, can we in all seriousness—I put it to my hon friend—put a judicial body like the High Court or the Supreme Court with a right of final decision on the same footing as a public service commission? That point has to be understood very clearly.

Oftentimes on account of the mistrust in Government, hon Members opposite think that the panacea for the abuse of all these points is the entrustment of the work either to the judiciary or to the public service commissions. Only two days ago I had to deal with the first aspect of this question and I pointed out to this hon House that the judiciary have a well defined function and that so far as the executive are concerned they also have a similar but different well-defined function and the corrective is that the executive are always answerable under the democratic form of our Government either to the Parliament here in respect of Union subjects or to the State legislatures in respect of their different jurisdictions.

This is a question which pertains to the right and obligation of making recruitment to the services. This question of actual appointment cannot be the legitimate work of the public service commissions. If this fundamental misconception on which the

whole Resolution has been based is taken into account, then may I point out that there is no scope even for the consideration of such a Resolution, much less for its acceptance.

Then there are other difficulties also. Though under the Constitution the right of amending the Constitution is with the Parliament, still there are subjects where the State Governments and the State legislatures are most vitally concerned. Here, the Public Service Commission in a State is carrying on work vis-a-vis the local government and the State legislature.

May I further point out the impracticability of the hon Member's Resolution? He wants to bring all these commissions in the first place on the footing of the Supreme Court or of the High Court judges. Secondly, if for the UPSC, for example, as some hon Members have suggested there ought to be a united public service commission is that practicable? May I point out that State services are a State subject and Union services are naturally a Union subject. Can the UPSC be invested with the authority either direct or appellate, as one hon Member has suggested so far as the State services are concerned? So far as the Union services are concerned, naturally the UPSC have a right of giving their recommendations whenever questions have to be referred to them and in all these cases we always take care to see so far as the Government of India are concerned, that their recommendations are respected almost to the fullest extent. Let the House kindly remember that during the last year a report in respect of which has been placed on the Table of the House during the last Session, I believe, there was not a single case where the Government departed from the advice of the UPSC. Under the Constitution it is open to the Government, because ultimately it is the Government, it is the Executive Government that has to carry on the governmental work. Let that point also be noted.

[Shri Datar]

very carefully. If in a particular case the Government feels that the opinion of the Union Public Service Commission should not be accepted, the Government must have not only the obligation, but the right to depart from it. But, a corrective has been laid down by the Constitution, that in such cases, whenever a report is to be presented to the hon Parliament, along with the report, a copy of the memo by the Government be submitted to both the Houses for the purpose of enabling hon Members to know the reasons why a particular recommendation or view of the Union Public Service Commission has not been accepted. That serves as a corrective. We have discussion in Parliament, we are having debates and we have satisfied the House that only in exceptional cases do we depart from the advice of the Union Public Service Commission. There also, we give the reasons. The same thing is possible and the same is the practice so far as the State Commissions are concerned. There also the report of the Public Service Commission has to be placed on the Table and the local legislature has an opportunity of finding out what the Public Service Commission has done, how it has carried on the work and in particular, how and why the Government have departed from the advice given by the Public Service Commission.

In these circumstances, may I place before you a point whether the State legislature would be more competent to discuss questions relating to the Public Service Commissions or whether the Parliament will be competent to consider these questions? I am not here dealing only with the constitutional aspect at all but with the practical aspect. There are a number of matters where only the State services are concerned. In such cases, it is for the Public Service Commission to deal with that work and the State legislatures would be more competent and the State Governments also would be more competent to reply to any ques-

tion that may arise so far as this particular point is concerned. In all these cases, as you are aware, whenever directly or indirectly any question arises in Parliament either from a Private Member's Resolution or Bill or from the intention of the Government to move a Resolution or Bill, we always follow the practice of consulting the State Governments. Because, after all, they are the federating units and they are autonomous units so far as the State is concerned. This is a matter which gives certain rights and which places them under certain obligation. Therefore, nothing can be done in such matters except when we have got the advice of the State Government and provided there is scope of some amendment.

An hon Member who has moved one amendment has brought in the Railway also. So far as the Railways are concerned, that is a department of Government. Therefore, according to the view accepted by the Union Public Service Commission themselves, so far as appointments to Class I or Class II are concerned, even in respect of appointments under the Railway Board, reference is made to the Union Public Service Commission and their advice generally accepted as I have pointed out. The Railway Service Commission is there; but that is not a statutory body as the Union Public Service Commission or the Public Service Commission as provided for by the Constitution. These railway public service commissions are not regional bodies as the hon Member has suggested. There are four railway commissions functioning in respect of the whole railway system in India.

Secondly, they are dealing with class three appointments. So far as class three appointments under the Government of India except the railways are concerned generally the principle that is followed is that we call for nominations from the employment exchanges, and the appointments are made. Government do not make any direct appointments except in a

very small number of cases. Let the hon. Member understand that our powers of making appointments are of an extremely limited nature, and in respect of others where, except class one and class two, appointments have to be made, the Government of India, except the Railway Ministry, make the appointments after consulting the employment exchanges, after getting their nominations

Shri Rajendra Singh: What about class three?

Shri Datar: I am replying. Let the hon. Member wait one minute.

May I point out that in respect of class three appointments under the railways, they were not bound to appoint their own railway service commissions at all, but inasmuch as there are large appointments to be made they considered it feasible under the proviso to article 309 of the Constitution that there should be such bodies known as railway public service commissions. Therefore, you would agree that though the Railway Ministry could have made their own appointments they have followed a practice which I hope will be appreciated even by the hon. Mover of this resolution.

Certain other points have been made by hon. Members viz. that there should be a medical board and that it should be under the UPSC. There are two points that arise in this connection. One is whether the UPSC is a superior body exercising control over the State Commissions. This is entirely a wrong notion. May I point out in all humility that the Public Service Commissions have their own field and the UPSC has its own field so far as the Central Government services are concerned. Under these circumstances it would not be practicable, nor desirable to make the various Service Commissions subordinate to the UPSC because their functions are different and secondly, as I have pointed out, the UPSC would find their task absolutely difficult if not completely impracticable so far as the making of the various appointments is concerned. The UPSC is a consulta-

tive body so far as the Government of India are concerned, and in the States we have got different State Service Commissions so far as their orbit of work is concerned. May I point out in all humility to my hon. friend that these orbits are not meeting each other? These orbits are parallel, or independent of each other. It is for this reason that such a proposal cannot be accepted.

I hope I have answered almost all the points. May I also, lastly, point out that so far as the membership of the Public Service Commission is concerned, very important and strict rules have been laid down. A criterion has been laid down as to how appointments have to be made, either by the President in respect of the Central Government or by the Governors in respect of the States, and the general manner in which they ought to satisfy certain qualifications has also been described in the Constitution.

Then there are two points which make the members of the UPSC or the State Service Commission completely independent of the executive. May I point out to this House that it has been clearly stated that after a man becomes a member of the Commission and after he retires therefrom he cannot be selected for service under Government? If that is so, then naturally, where is the temptation? And the Governor has to carry on the work of seeing that proper persons are appointed.

There is also another point which may be noted that, generally they have to work for six years or till sixty years so far as the State Public Service Commissions are concerned or till sixty-five so far as the UPSC is concerned.

These principles have been evolved for the purpose of keeping them as independent of Government a possible. And everything has been provided so far as the question of making them completely independent is concerned. A number of instances were pointed out by the hon. Member here.

[Shri Datar]

But let us not confuse ourselves with the thought that in India we have a unitary Government and that the Parliament is supreme in respect of the whole condition; it is true in respect of a large number of subjects in List I, but so far as the other subjects are concerned, the State Governments and the State Legislatures are autonomous, and whatever complaints the hon. Member may have so far as the State services are concerned, he can better leave the matter to the local legislators who will deal with the State Government in as effective a manner as possible.

May I also point out that the members of the Public Service Commission are carrying on their work very satisfactorily, and it is a matter of great help to us that they hold a number of examinations?

Here, may I point out that my hon. friend Shri Shankaraya has made some very good points that in respect of certain examinations for the Central services, the local degrees of universities, etc. are taken into account for the purpose of considering whether the candidates can be admitted to the examination? We have got as many as eleven or twelve Central services, and they hold first a written examination and then they hold interviews; and after considering all these circumstances, they make their recommendations which we generally accept.

Shri Subiman Ghose: So far as my resolution is concerned, some of my hon. friends think that I want to centralise the powers. And the hon. Minister is kind enough to say that my resolution is fantastic. In our early days, we were taught that power is a heady thing, and the good old Burke once had the occasion to say that power corrupts and absolute power corrupts absolutely. I know it is very difficult to snatch power from unwilling hands.

I have never spoken of any fantastic resolution. My aim was this. The Constitution had made it an advisory or consultative body, as the hon. Minister has remarked. I want that in order to ensure purity in the administration, the Public Service Commission should not be made a consultative or advisory body, but it should have a status of its own just like the Supreme Court or the High Courts. I do not say that the powers should be centralised. Let the Public Service Commissions in the States function, and let the Governors appoint them, but what I want is that after appointment, you just wash off your hands; do not thrust your opinion on them. It is theoretically very good to say that the Constitution has given power to the Governor to appoint. But in practice, we find that a sub-inspector non-matriculate becomes a member of the Public Service Commission. I want to prevent that kind of thing. The executive is enjoying the power, and, therefore, it does not want to part with the power, and it is for this reason that my hon. friend the Minister has said that it is fantastic. If anybody thinks that he is the repository of all intelligence in the world, I cannot help it. He should have exerted himself and viewed my resolution in two perspectives. I want that the amendment of the Constitution should be made, so that it must have a status of its own. So far as the amendment of the Constitution is concerned, I feel myself that I have not the competence, it is only Government who can do it.

It is for this reason that I submitted a resolution that the Constitution should be amended accordingly. It is neither a question of snatching power from Ministers as such nor it is a question of snatching away all the power from the Executive. I only want that they should be just. Many institutions have been made autonomous; the D.V.C. is autonomous; the Hindustan Steel is autonomous; the Oil Refineries are autonomous. If

all these autonomous bodies can function, I fail to understand why an autonomous character cannot be given to the Public Service Commission. Then, there would be no feeling of grievance in the minds of the people. Only because the Executive is interfering with them and is over-riding the decisions of the Public Service Commission, better elements and not coming forth for government service. The scientists, the experts and others are keeping themselves apart. As I have said in the beginning, if democracy is to function as pure and simple democracy, if it is to function as unalloyed democracy, in that case, Government owes it to the country and the people at large to see that the Public Service Commission is kept out of Executive influence. Their recommendations should be mandatory and not consultative or advisory. In view of the fact that it is well-nigh impossible for me to snatch away power from unwilling hands, I think it fit to withdraw my Resolution.

Mr Deputy-Speaker: What about the substitute motions?

Shri Shree Narayan Das: I do not press mine, Sir.

Shri Rajendra Singh: The hon. Minister has made up his mind, there is no argument which can convince him. So I also would withdraw my substitute Resolution.

Mr Deputy-Speaker: All is well that ends well.

Have all these hon. Members the leave of the House to withdraw their motions?

*The Resolution and amendments
were, by leave, withdrawn.*

16 32 hrs

**RESOLUTION RE SECOND INSTAL-
MENT OF INTERIM RELIEF TO
CENTRAL GOVERNMENT EM-
PLOYEES**

Shri S. M. Banerjee (Kanpur): Sir, I beg to move

"This House is of opinion that pending the report of the Pay Commission further interim relief be paid to the Central Government employees in receipt of Rs 350 as basic pay."

[Mr Speaker in the Chair]

Mr Speaker, Sir, today when I move my Resolution and speak on it, I have the moral support not only of 17 lakhs of Central Government employees but also of lakhs of State Government employees, Local Board employees and lakhs of others who are also serving in the private sector. Today when I move this Resolution I feel that all the employees, whether in the public or in the private sector, are interested to know whether Government is going to consider this demand for a second instalment of interim relief.

I have received telegrams from every corner of this country. It would have been better for me to have placed these telegrams on the Table of the House. But I do not wish to place them as I know a much greater number has been received by the hon. Finance Minister.

This House knows that in August 1957 when 3 lakhs of Posts & Telegraphs employees having exhausted all channels of negotiation decided to go on strike and there was a demand for a Second Pay Commission which was supported by others the Railway employees, the Defence employees and Civil Aviation employees, and others in lakhs, the Prime Minister took the initiative and conceded this demand of the Central Government employees and a Pay Commission was appointed. Even then, when it was announced that a Pay Commission had been appointed there was a unanimous demand from the employees that some interim relief should be given and the Government very kindly conceded that demand also and referred this question to the Pay Commission. All the memoranda were submitted to the Pay Commission and after going through the various memoranda the