

May I know what steps Government have taken to see that the University is preserved as a temple of learning free from all these acts of indiscipline and slogan-mongering, slogans of Mao and other slogans by fanatical elements?

DR. V. K. R. V. RAO: I must strongly repudiate the allegation that the Vice-Chancellor has taken a partisan attitude. On the contrary, I would take this opportunity as Education Minister of giving my compliments to him for the very firm, effective and at the same time, constitutional and sympathetic manner in which he has been handling the affairs of the University concerning students. Regarding the slogans, of which the hon. member seems to have made a special study . . .

SHRI HEM BARUA: I have not made a special study. I noticed the slogan on the Indraprastha college building reading 'You are not women; you are chapati-making machines'.

DR. V. K. R. V. RAO: I was referring particularly to that slogan. I am afraid it would be very difficult for anybody to prevent writing of slogans in various places. I would like to assure him that of the troubled world in which we are living Delhi University is doing well.

MR. SPEAKER: Short notice question. I am not going to take notice of chits which are sent to me asking for opportunity to put supplementaries. Just now such a chit has come to me.

SHRI PILOO MODY: Name the member.

MR. SPEAKER: No.

Abolition of Special Privileges enjoyed by I.C.S. Officers

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S.N.Q. 12. SHRI S. KUNDU :
SHRI SAMAR GUHA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have decided to amend the Constitution to do away with the special privileges enjoyed by the Officers belonging to I.C.S.; and

(b) if so, when Government propose to introduce the Bill?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): (a) and (b). Officers who belonged to the former Secretary of State Services (I.C.S. and I.P.) have been allowed the protection of certain conditions of service and certain rights as respects disciplinary matters, by virtue of Article 314 of the Constitution. The question of deleting Article 314 by amending the Constitution is under the consideration of Government.

SHRI S. KUNDU : It is indeed unfortunate that for the last 2-years the Indian Civil Service, which was designed by a colonial Power to rule and govern at the behest of the Crown and employed by them to suppress our independence movement, was not only allowed to continue . . .

SHRI LOBO PRABHU: Question. Do not make a statement like that. It is not fair.

MR. SPEAKER: Either act as a Member of Parliament or as a retired ICS Officers.

SHRI LOBO PRABHU: I act as both.

MR. SPEAKER: You are here as Member of Parliament and not as their representative.

SHRI S. KUNDU: They were not only continued to continue, but their rights were codified in the Constitution, whereas so far as the privileges of the Members of Parliament are concerned, they are not codified. I do not know exactly what my privilege is. It is called a heaven-born service and its members super sovereign. I want to know whether it is a fact that in 1947 when Mr. Henderson came at the behest of the British Government to plead for the protection of this Civil Service, he said that he did not insist that the rights of the Indian Civil Service as such should be codified, he only wanted that the rights of the ICS members of British origin should be codified, and if so, what led the Government to codify the rights of the Indian members also in the Indian Civil Service. Is it a fact that the Indian members of the Civil Service also demanded that their rights should be codified because they had certain apprehensions and said that their loyalty to the British crown was there and should not be tampered with, that that also should be indirectly maintained?

SHRI Y. B. CHAVAN: I do not know all the details of any discussion that took place between the representatives of the ICS and the then leaders of the country. The fact remains that they had certain protections under the old Independence Act. Naturally there were some discussions between the then leaders of the country and the Services, and there is no doubt that the leaders accepted the necessity of guaranteeing it. Whether it was merely at the behest of the ICS officers I cannot say. Sardar Patel has made mention of these matters in the Constituent Assembly, when the guarantees were given, they were given after very careful consideration, and with the approval of the Constituent Assembly. I do not think there is any necessity to question the *bona fides* of the then leaders. Whether these should continue or not is a different matter which needs to be considered in all its aspects.

SHRI S. KUNDU: We speak of the commitment of the Civil Service to democracy and the needs of the times, but it is unfortunate that the members of the Indian Civil Service, who have had only some sort of general education, are still continuing and nothing has been done to commit them to the needs of the times. It is an anachronism in the context of the needs of the times and the democratic system that they are also allowed to continue the same colonial administration of the British pattern. May I know whether it is a fact that in matters of discipline their cases cannot go to the Union Public Service Commission, whether it is a fact that they are allowed to enjoy a free trip to England once in two or three years, and if so, how many of these ICS officers have enjoyed it? I would like to have a categorical answer.

SHRI LOBO PRABHU: No.

SHRI S. KUNDU: When I mention the Indian Civil Service, Mr. Lobo Prabhu should not always interrupt, because I am not talking about Mr. Lobo Prabhu, but I am talking about the Indian Civil Service as such. I know there are very good persons in that service, and they also tell me that they do not want these decorations, but Mr. Lobo Prabhu always identifies himself with the ICS. Unfortunately, he cannot get out of it. How many of these ICS officers are still in public sector undertakings and in private firms and also as ambassadors and governors? Will he give us an assurance that the ICS men would

not be given any responsibility in any private firm after retirement from service because . . .

MR. SPEAKER: How does it all arise?

SHRI S. KUNDU: . . . we know that some of them, whether ICS or IAS, go out and serve in private firms in coveted positions?

SHRI Y. B. CHAVAN: As for as ICS officers are concerned, they are also subject to certain conditions about reference to UPSC. Just as other officers cannot be punished without reference to the UPSC, so also in the case of ICS officers, they have got different conditions. As for their scales, leave, disciplinary matters, etc. they have certain different rules. The free passage to England is no longer allowed.

About employment, there are rules that within two years of their retirement they can seek employment in private firms only with the permission of the Government. In such matters the Government follow a certain policy and they are permitted to join those companies, etc. if they had no connection with that company in their official capacity. We should not say that after retirement the person should not seek possibilities of employment.

श्री मधु लिमये : भिडे के बारे में जवाब नहीं दिया ? भिडे को आपने हज़ाजत दी थी ।

SHRI Y. B. CHAVAN: I shall need notice.

श्री मधु लिमये : यह तो डिबेट में हम लोगों ने उठाया था । कितनी नोटिस आपको चाहिए ?

SHRI SAMAR GUHA: We appreciate this belated awakening to a sense of national dignity. This continuation of the seal of imperialist legacy on services including the IAS and also assigning a second class status to the administrative officers of India even after 22 years of independence is not very commendable for a free country like ours. Will they consider the question of pensions now drawn by the British ICS officers still in England? Will the Government consider the abolition of article 314 of the Constitution which applies to ICS men now residing in Britain? What is the time by which Government will come

to a conclusion on the point whether that article about annual pensions drawn by the British ICS men residing in England should be abolished or not?

SHRI Y. B. CHAVAN: About people residing in England, I shall have to find out; at the present moment I do not have it.

As for the time required for consideration of this matter, I should say that the matter is under consideration and the Bill moved by Mr. Limaye is before the House. In the course of discussion on that Bill, we shall have to give some final indication of the Government's view in this matter.

SHRI LOBO PRABHU: I am not holding any brief for the ICS; generally I hold a brief for anyone who is not present in this House. I am concerned with something quite different. There must be some clear thinking on this subject, namely, whether you are going to engage yourself in the costly and cumbersome procedure of amending the Constitution in respect of 85 officers who will be wasted up by 1979 when there are ample provisions in the Constitution itself? I should refer the hon. Minister to article 314 which I hope all the other Members have also read. It provides:

"...and the same rights as respects disciplinary matters or rights as similar thereto as changed circumstances may permit..."

Now, if there are changed circumstances, you are competent to alter the rights of the civil servants. My first question is, whether in the changed circumstances you found it necessary to alter the rights of the ICS as you were competent to do under article 314. (*Interruption*) My friends have an objection to excellence by calling it imperialist. They make a slight confusion. The ICS—I may remind Mr. Kundu—did not come here by the courtesy of anyone. They came in by the stiffest examination in the world. (*Interruption*)

SHRI SAMAR GUHA: The seal, the fivory, of the British imperialism.

SHRI LOBO PRABHU: I am coming to my second question. It is this. There is a lot of talk about the rights of the ICS. Would the Government please

specify what rights the ICS people enjoy which are not enjoyed by every other civil servant? It is a very specific question, because it is no good saying the ICS have a right. They have a right no doubt if they were recruited before 1926: they had a special right to go to England and a right to draw their pension in sterling. Otherwise, the only right they have is to retire in advance of their terms of service. If that be the right, it need not be exercised by the existing officers. I hope the Minister is noting my questions carefully. My third question is, has any ICS officers exercised any right which has not been exercised by other officers or other employees of the Government? I repeat my three questions: first, whether—

MR. SPEAKER: That is all right. They need not be repeated.

SHRI Y. B. CHAVAN: Sir, the hon. Member wanted to know specifically what is the special right. I can illustrate. There are some special rights that they have. I can mention them.

SHRI LOBO PRABHU: Please mention them.

SHRI Y. B. CHAVAN: I thought the hon. Member knows it because he was a member of the ICS. (*Interruption*) For example, the Government cannot compulsorily retire any ICS officers. Only in the case of other officers (*Interruption*) the government can. (*Interruption*)

SHRI LOBO PRABHU: You cannot retire anybody compulsorily.

SHRI Y. B. CHAVAN: You do not know; it is one of the punishments; we cannot do that in the I.C.S. officers. In the case of others we can do that. (*Interruption*).

SHRI LOBO PRABHU: My second and third questions. What right these people exercised that has not been exercised by other employees? (*Interruption*)

SHRI Y. B. CHAVAN: You are now asking me certain interpretations on the matter. We will discuss them when Shri Madhu Limaye's Bill comes up here again.

श्री मधु लिमये: अध्यक्ष महोदय यहां मैं ने सुना है कि श्री सी. सी. देसाई साहब जब अपना भाषण गृह मन्त्रालय की मांगों पर दे रहे थे तब उन्होंने

इस प्रश्न का जिज्ञासा किया था और कहा था कि इन लोगों को सेवा निवृत्ति का पैसा स्टैलिग में मिलता है तो क्या मंत्री महोदय अगले शुक्रवार को बिल पर जब बहस चालू हो जायगी, उसके दो तीन रोज पहले, इन लोगों के साथ जो करार किया गया था—साल्वे साहब ने भी उस दिन पूछा था—तो इनके जो सारे विशेषाधिकार हैं उसकी सारी जानकारी इकट्ठी करके तथा जो अन्य सिविल सर्वेंट्स हैं उनमें और इनमें क्या फर्क है, उसकी सारी सूची क्या आप देंगे ताकि जरा बुद्धिमानों से 10 तकों पर बहस चल सके ?

SHRI Y. B. CHAVAN: I cannot say about the old contracts and agreements, etc. I would not be able to make a statement. But as far as the differences, etc., are concerned, whatever information I have, I am prepared to give.

श्री मधु लिमये : और पैसेज के बारे में ? क्या अभी भी इन लोगों को, इनकी वीवियों और बच्चों को इंग्लैंड आने का पैसेज मिलता है ?

SHRI Y. B. CHAVAN: Whatever information can be given, I will give.

श्री अ० सि० सहगल : अध्यक्ष महोदय, मैं आपका ध्यान इस तरफ आकर्षित करना चाहता हूँ कि देश की आजादी के पहले बहुत से आई० सी० एस० आफिसर्स ऐसे भी काम कर रहे थे जिनका खयाल देश की आजादी की तरफ था, खास कर मध्य प्रदेश के करीब सात ऐसे आफिसर्स हैं जिनमें से एक सज्जन इस सदन के सदस्य हैं। तो सरदार पटेल ने जो समझौता इन आई० सी० एस० आफिसर्स के साथ किया था उसके लिए इस सरकार की जिम्मेदारी हो जाती है कि 1979 तक उनको प्रोटेक्शन दे। उस समझौते का टर्म समाप्त होने के बाद आप जो कार्यवाही उचित समझें कर सकते हैं लेकिन उस समझौते को तोड़ना इस सरकार के लिए कोई अच्छी बात नहीं होगी।

SHRI Y. B. CHAVAN: As long as the article continues, it is the intention of the Government to observe the rules under that article. But the question whether that article should continue or not is a different matter. I want to make it clear that we do not want to condemn the ICS class as a whole. Certainly some of them have done the greatest service to the country. By merely raising this question, I do not think even the other members who are pressing for it are condemning the entire class. The question is only about certain privileges they are enjoying. It is my duty to admit that there are a large number of ICS officers who have done the greatest service to the country and we cannot forget them.

SHRI S. M. BANERJEE: In reply to a question, the hon. minister said that the amendment of that particular article in the Constitution is under active consideration or under consideration of the Government. We have been hearing it since long. I think now the total number of serving ICS officers would be 68; they are less than 70. Will the hon. minister wait till the last man retires and then amend the Constitution or will he amend the Constitution before the serving ICS officers retire? Secondly, may I know whether he is aware of a question put by Mr. Kundu about retired ICS officers accepting jobs in private firms? I want to know whether it has been brought to his notice that Mr. Bhide, Chairman of the LIC, just after his retirement, immediately in the month of February, took a job in Voltas on Rs. 7,000 per mensem; with all the amenities combined together, he is getting Rs. 30,000 per month.

SHRI LOBO PRABHU: How valuable he is!

SHRI S. M. BANERJEE: Your value may be Rs. 50,000; I do not bother. I want to know whether the hon. Minister will make an enquiry into this, whether Mr. Bhide has been offered that job because as Chairman of the LIC, he has done service to Voltas many times? (Interruptions).

SHRI LOBO PRABHU: Under rule 353, you cannot make such references.

SHRI S. M. BANERJEE: After retirement from the ICS, what is he? He is also in the Indian Cooking Service—ICS!

SHRI RANGA: I do not think that is an honourable reference to Mr. Lobo Prabhu.

SHRI S. M. BANERJEE: On a personal explanation, Sir.

MR. SPEAKER: Don't worsen it by your personal explanation. (*Interruptions*).

SHRI S. M. BANERJEE: I meant no offence to Mr. Lobo Prabhu. After his retirement, he is an ICS. My wife is in the Indian Cooking Service. She is also an ICS. What is the difference?

MR. SPEAKER: I do not think she enjoys the privileges which he enjoys. Mr. Sheo Narain.

SHRI S. M. BANERJEE: What about the reply to my question?

SHRI Y. B. CHAVAN: As far as the amendment of the Constitution is concerned, as I said, this matter is under the consideration of the Government. One Bill is before the House which is being debated. Government will give their views in the course of the debate. We have taken the position that it will have to be considered.

As far as Shri Bhide's appointment is concerned, Shri Limaye just now asked a question and I asked for notice. In the meanwhile, I have got certain information which I will give to the House. Firstly, there is no question of my approving the commercial employment of Shri Bhide. The technical position is that when he went to the LIC he was no longer in the ICS. He had resigned from that. When he retired from the LIC, the two-year rule was not made applicable to him and he was free to take employment.

SHRI SHEO NARAIN: This article speaks of the Secretary of State in Council and the Crown. Today India is not under the Crown. India is a socialist country. In view of the changed circumstances, are the government ready to abolish these amenities?

SHRI Y. B. CHAVAN: As I said, this matter is under the consideration of the Government.

श्री रणधीर सिंह : संविधान के खिलाफ यह बात यह बिल्कुल सही है। लेकिन जहाँ मेरे दोस्त सरदार अमर सिंह सहगल ने कह

कि यह कोई औब्लीगेशन है, तो औब्लीगेशन प्रिन्सिपल के साथ भी था। लेकिन जो आइन्दा आने वाली सोसायटी है उस के खिलाफ यह बात पड़ती है। इसलिये चेन्ड सर्कम्स-टान्सेज में यह चीज की जा रही है। मैं पूछना चाहता हूँ कि उस में कौन सी चीज बाधक है।

मैं मंत्री महोदय से पूछना चाहता हूँ कि क्या यह सही बात है कि आई० सी० एस० के लिये सरकार की तरफ से गवर्नंस में, यूनियन पब्लिक सर्विस कमीशन के चेयरमैन में, हाई कोर्ट के जजों के लिये कोई कोटा मुकर्रर किया गया है? क्या आई० ए० एस० का सीनियर मोस्ट आदमी उस के लायक नहीं है? क्या ऐसी कोई बाधक चीज पैदा कर दी है सरकार ने कि बड़ी से बड़ी सर्विसेज के लिये आई० सी० एस० के कोटे मुकर्रर पर दिये गये हैं। इस की वजह से दूसरी सर्विसेज में बिटरनेस होती है। इसलिये मैं पूछना चाहता हूँ कि होम मिनिस्टर साहब इस कोटे वाली बात के अलावा और जो आई० सी० एस० लोगों की दूसरी प्रिविलेजेज हैं उन को वह दूर करने की कोशिश करेंगे?

SHRI Y. B. CHAVAN: As far as the other appointments, to the Public Service Commission and posts of Governors are concerned, they are not the privilege of the ICS and there are no quotas fixed for them. These are political decisions and are based on the merits of the individual and the merits of the situation.

SHRI SHRI CHAND GOYAL: There seems to be a misunderstanding about the ICS officers. As far as I remember, there used to be an All India examination up to 1946 and the top three or four students in the country used to get into the ICS because of their merit. Now an important point has been raised by Shri Sheo Narain whether they fit in with the socialist pattern of the government. I want to know from the Home Minister whether the ICS officers have been able to discharge their duties efficiently, whether they are implementing the socialist policies of the government or whether they are proving a hurdle. If the Government come to the conclusion that they have not adjusted themselves, they

have not reoriented themselves to the new conditions, then there will be the question of depriving them of their privileges or special advantages which they have been enjoying up till now.

SHRI Y. B. CHAVAN: At the present moment we are discussing and expressing our views about the privileges under the Constitution. It would be unfair for me to give a general assessment condemning class as a whole. The assessment of performance etc. will have to be done in individual cases. In some cases they are good and in some cases they may be indifferent.

WRITTEN ANSWERS TO QUESTIONS

Appointment of Judges for Heading Commissions of Inquiry

*784. SHRI YASHPAL SINGH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether any difficulty is being experienced to find Judges for the various Commissions of Inquiry;

(b) if so, the reasons therefor; and

(c) whether Government are prepared to give an undertaking to them that their recommendations would be accepted in toto so that the help of judiciary be ensured?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): (a) to (c). No difficulty is being experienced in getting Judges to head the Commissions of Inquiry. A Commission of Inquiry set up under the Commissions of Inquiry Act 1952 can investigate into and record its findings on a definite matter of public importance referred to it but has no powers of adjudication. Requirements of law or statutory rules have to be kept in view in deciding on the course of further action in pursuance of the recommendations of a Commission. Each case will have to be considered on its own merits.

नागालैंड सीमा पर नक्सलवादियों का केन्द्र

*785. श्री हुकम चन्द कछवाय :

श्री जगन्नाथ राव जोशी :

श्री श्रीगोपाल साबू :

श्री टी० पी० शाह :

श्री भारत सिंह चौहान :

क्या गृह-कार्य मंत्री यह बताने की कृप करेंगे कि :

(क) क्या यह सच है कि नक्सलवादियों ने नागालैंड सीमा पर अपना एक केन्द्र स्थापित कर लिया है;

(ख) क्या सरकार को आशंका है कि इस केन्द्र का भारतीय सीमा पर विद्रोही नागाओं तथा विदेशों से कुछ संबंध हो सकता है ;

(ग) क्या यह भी संभव है कि उक्त नक्सलवादी इस केन्द्र के जरिये विदेशों से आसानी से शस्त्र प्राप्त कर सकते हैं; और

(घ) यदि हां, तो इस बारे में सरकार का क्या कार्यवाही करने का विचार है ?

गृह-कार्य मंत्री (श्री यशवन्तराव चव्हाण) :

(क) से (घ). सरकार को नागालैंड सीमा पर उग्रवादियों द्वारा एक केन्द्र स्थापित किये जाने के बारे में कोई सूचना नहीं है। तथापि सरकार को इस बात की जानकारी है कि आसाम में उग्रवादियों को भूमिगत नागाओं से थोड़ी संख्या में चीनी शस्त्र और गोला-बारूद प्राप्त हुआ है। उग्रवादियों की गति-विधियों पर कड़ी नजर रखी जा रही है।

International Gang of Idol Lifters

*786. SHRI CHENGALRAYA NAIDU :

SHRI DHANDAPANI

SHRI N. R. LASKAR

SHRI SAMINATHAN

Will the Minister of HOME AFFAIRS