

[Sh. Ram Nagina Mishra]
Harijans who should be given this facility.
This is the Bill's objective.

Reservation should be given to the persons belonging to poor communities such as 'Dhobi' (Washerman), barbers, 'kahar', Bhus, Bhounr, Julaha etc.

Our Government and all of us belong to Congress Party. The Congress Party has adopted socialism as its goal in its party constitution. It is the Bible for us. Socialism is a system in which castes have no place. At present, disparity is being created in the name of castes. People should not be classified on the basis of castes but on the basis of their economic status. Those below the poverty line should be given the facility of reservation.

SHRI VIR SEN: They will not be selected due to poverty.

SHRI RAM NAGINA MISHRA: The hon. Member wants that Harijans and poor classes be given reservation facility. Harijans constitute the single largest group of poor in the country, so they will be largely benefited. What my hon. colleague said is the same as what I said earlier.

The hon. Minister is a learned person. According to him, the party is discussing ways and means to uplift those who are below the poverty line. Our Hon. Prime Minister is also ceased of the matter. There are some castes in our country which are not getting the benefit of reservation. The hon. Minister has promised to look into it.

May I have an assurance from the hon. Minister that he would hold talks with the leaders of the party and the hon. Prime Minister so as to explore the possibility of amending the law? I will make one or two points more after his submission to this effect.

Sir, I am satisfied with what the hon. Minister has said. He is our leader and we are sure he will introduce a Bill in future for

the benefit of the poor. I thank the hon. Minister for promising to look after the welfare of the poor. Therefore, I withdraw the Bill.

[English]

MR. CHAIRMAN: He has already explained.

SHRI P. CHIDAMBARAM: I have already stated that we will consider it.

[Translation]

SHRI RAM NAGINA MISHRA: I withdraw it.

[English]

I beg to move for leave to withdraw Reservation of Posts in Government Services and Seats in Educational Institutions (For Economically Weaker Section of People) Bill.

MR. CHAIRMAN: The question is:

"That leave be granted to withdraw the Reservation of Posts in Government Services and Seats in Educational Institutions (For Economically Weaker Section of People) Bill."

The motion was adopted

SHRI RAM NAGINA MISHRA: I withdraw the Bill.

The Bill was, by leave withdrawn.

17.52 hrs.

CONSTITUTION (AMENDMENT) BILL
(Amendment of article 311)

[English]

MR. CHAIRMAN: We go to the next item.

Shri Suresh Kurup.

SHRI SURESH KURUP (Kottayam): I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

Sir, this Bill concerns the feelings of 12 million Central and State Government employees of this country. This is not the first time that this type of Bill is being discussed in this House. Earlier also, Shri Janga Reddy had introduced a Bill of this nature and was discussed in this House.

Sir, as everyone knows, the Supreme Court in its judgement dated 11th July, 1985 in the Union of India Versus Tulsi Ram Patel, upheld the validity of provisoes (b) and (c) of the Constitution over-ruling its own judgement in the Chellappan's case. In this Tulsi Ram Patel's case, the Supreme Court has categorically stated that natural justice principles are completely excluded from the purview of the second proviso and the punishment under that proviso will have to be imposed *ex parte*.

As you know, the State Government and Central Government employees organisations have been consistently demanding the removal of article 310 which says that a Central Government or State Government employee holds office during the pleasure of the President or Governor. Article 311 (1) says:

"No person who is a member of a civil service of the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed."

Article 311 (2) says, that an employee cannot be removed, dismissed from service or reduced in rank, except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Part (a) of this proviso says:—

"(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or"

My Bill deals with (b).

"(b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or

(c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry."

Clause (3) of this Article 311 says:—

"(3) If, in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final."

My Bill asking for the amendment of the Constitution deals only with this part (b) of the second proviso to Article 311, and also to Clause (3) of this Article. It is only limited to them.

There are State Government and Central Government employees and their unions have been consistently demanding that Articles 310 and 311 (2) (a), (b) and (c) should be removed from the Constitution.

The Supreme Court verdict gives unbridled powers to the bureaucrats to dismiss and remove civil servants from the Government service without any formal inquiry.

Accordingly we incorporated these Articles in our Constitution from the 1935

[Sh. Suresh Kurup]
Government of India Act which was forced
upon this country by the colonialists.

As you know, the pleasure doctrine is
imported into this country from England. The
pleasure doctrine says:—

"An employee of the British crown holds
his office at the pleasure of the Queen or
the King of England."

Here the words "Queen and King" are re-
moved and the words "President and Govern-
nor" are inserted. That is all.

I would like to draw the attention of the
hon. Minister and of all the responsible au-
thorities to the fact that even at the time of
freedom movement, when this 1935 Act was
imposed upon us, the Indian National Con-
gress have vehemently opposed the
Clauses of this 1935 Act.

MR. CHAIRMAN: You can continue
your speech next time. Mr. Jai Prakash
Agarwal to introduce the Bill.

17.58 hrs.

CONSTITUTION (AMENDMENT) BILL
(Amendment of Article 16)

[English]

JAI PRAKASH AGARWAL (Chandni
Chowk): Sir, I beg to move for leave to
introduce a Bill further to amend the
Constitution of India.

MR CHAIRMAN: The question is:

"That leave be granted to introduce a
Bill further to amend the Constitution of
India

The motion was adopted

SHRI JAI PRAKASH AGARWAL: Sir, I
introduce the Bill.

15.59 hrs.

STATEMENT GIVING ADDITIONAL IN-
FORMATION IN CONNECTION WITH S.Q.
NO. 198 DATED 9TH 1988 RE: TAPPING
OF TELEPHONES

[English]

MR. CHAIRMAN: Now, Shri Bir Ba-
hadur Singh to make a statement.

THE MINISTER OF COMMUNICA-
TIONS (SHRI BIR BAHADUR SINGH): Sir,
in connection with Starred Question No.
198, dated 9th August, regarding tapping of
telephones, I had placed a list on the Table
of the House on 9th August itself.

Some more information regarding a few
telephone numbers have come to my notice
which I am laying on the Table of the House.
[Placed in Library. See No. LT 6398/88]

MR. CHAIRMAN: The House stands
adjourned to meet again at Eleven of the
Clock on Tuesday, the 16th August, 1988.

18.00 hrs.

*The Lok Sabha then adjourned till Eleven
of the Clock on Tuesday, August 16, 1988/
Shravana 25, 1910 (Saka)*