

CONSTITUTION (AMENDMENT)
BILL

(Amendment of Articles 80 and 171)
by Shri C. K. Bhattacharyya.

Shri C. K. Bhattacharyya (Raiganj): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Shri C. K. Bhattacharyya: I introduce the Bill.

LAND ACQUISITION (AMENDMENT) BILL*

(Amendment of Sections 3, 11 etc.) by Shri Subodh Hansda.

Shri Subodh Hansda (Jhargram): I beg to move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Land Acquisition Act, 1894."

The motion was adopted.

Shri Subodh Hansda: I introduce the Bill.

ADVOCATES (AMENDMENT) BILL*

(Amendment of Section 24) by Shri Chandrabhan Singh.

Shri Chandrabhan Singh (Bilaspur): Sir, I beg to move for leave to introduce a Bill further to amend the Advocates Act, 1961.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Advocates Act, 1961."

The motion was adopted.

Shri Chandrabhan Singh: I introduce the Bill.

Mr. Deputy-Speaker: Shri Abdul Ghani Goni is not here.

15.08 hrs.

GOVERNMENT SERVANTS (BAN ON SERVICE AFTER RETIREMENT) BILL—Contd.

by Shri R. G. Dubey

Mr. Deputy-Speaker: The House will now take up further consideration of the following motion moved by Shri R. G. Dubey on the 29th February, 1964:—

"That the Bill to enforce ban on employees of the Government of India from entering into service in private undertakings after their retirement be taken into consideration."

Shri R. G. Dubey may continue his speech.

Shri R. G. Dubey (Bijapur North): Sir, my Bill is a very simple Bill with a very simple object in view. I do not think it is necessary for me

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to make a very long speech to convince the House about the necessity underlying this Bill. However, for the benefit of hon. Members, I would like to read the relative portions of this Bill.

Clause 2(a) says:

"Government servant means an employee belonging to the Central Government whose monthly emoluments exceed rupees three hundred."

Clause 3 says:

"No Government servant shall on retirement from Government service, enter into service in any private undertaking for a period of four years:

Provided that after the expiry of the said period of four years, Government may accord permission to a Government servant to enter into service in a private undertaking after ensuring that...

there are some stipulations laid down.

I am told even under the existing All India Service Rules, there are certain restrictions on a Government servant joining a private undertaking. For example, without the prior permission of the Government, he can join any private service for a period of two years. It is not clear whether during that period of two years, permission could be granted or not. However, you would agree with me, Sir, that the present provision is very much inadequate, in so far as it has defeated the purpose. That is why I have suggested this. The other day I had a discussion with a senior colleague, an hon. Member from the South. He suggested that this limit of Rs. 300 might be raised. I have no objection as a matter of consideration.

There was another suggestion that there may be technical personnel

such as mechanical engineers, electrical engineers, etc. That is different. I believe long ago, Mr. S. Bhaduria, who was a Member of the Second Lok Sabha, had introduced a similar resolution with a similar purpose in view. The then Minister of State, the late Mr. Datar, gave a reply and that resolution was rejected by the House. But I think that the purpose holds good even now. The Government of India, under Nandaji, is trying to root out corruption from administration and also what we call nepotism. I make a difference between favouritism and nepotism. In order to meet the challenge of the circumstances it is necessary.

As you know, here in Delhi there is a kind of monopolisation of the central services by some of the senior ICS people. In the good old days there was a practice that after five years of service they used to go back to their parent States and serve there. Nowadays nobody leaves Delhi, including the politicians. Everybody comes to Delhi and Delhi has a great charm for each and every person, and it is much more so in the case of the government servants. They are here for 10 years and 15 years. They build a kind of empire in services. They say that the department of commerce and industry belongs to this State, the department of Finance belongs to that State and so on. This feature has also come in, unfortunately, which is not a desirable thing in the administration. By remaining like this, certain conditions are created and, naturally, these people are in a position to influence the administration for personal ends.

It is not desirable to quote anybody and take their names. But I believe that the affairs of Bird and Company are under enquiry now. I am told that one of the top men from the Railways joined Bird and Company. Now you see Bird and Company has come into the picture in connection with some enquiry. Similarly, there

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are other senior persons who have joined other companies. While I was in Calcutta I was told that in the Income-tax Department very senior officers like Commissioners and Assistant Commissioners are made to resign after which they join private firms on fabulous salaries such as Rs. 8,000, Rs. 10,000 and so on a month. Obviously, the intention of such firms could be to enlist the services of these people so that they can serve as liaison officers, they can maintain touch with the departments and corrupt the administration from within and without. There are the export and import departments, the licensing departments and others where this is done.

I know this is a very difficult problem. But we have to take care to see that technical personnel such as electrical engineers—I do not mean that civil engineers because there is no dearth of civil engineers should be exempted—scientists and others do not go and join the private sector after retirement. There is another difficulty also. A friend of ours pointed out another difficulty in the course of our talk. He said that a person who was dismissed from service has joined the Birla firm drawing a fat salary. When the Government cannot do anything in his case, why do you want to punish honest government servants who join private service, he asked. But the time has come to put a stop to this kind of thing, to see that such kind of things do not persist. At least for a period of four years they should not be allowed to join any private undertaking. As a matter of fact, they should not be allowed to join any private undertaking. But in case it is felt that the country needs the services of experienced persons in different categories, then I would say we have a growing public sector where, if they are really good people, they can be absorbed after retirement. In case they are not good, they are use-

less, I do not think the private sector also would like to have such useless persons.

Sir, we have a socialist objective. We want to remove corruption. We want to remove red-tapism. We want to do so many things. How are we going to achieve all that unless the services are purified and placed on a sound basis? With that end in view I have proposed that at least for a period of four years government servants should not be allowed to join the private sector after retirement. After a period of four years, subject to certain conditions being fulfilled, they may be allowed to join.

This is the purpose of my Bill. I hope the hon. Minister and the hon. Members of this House will appreciate the motive with which I have placed this Bill for consideration before the House. I hope the House will consider it and take a suitable decision.

With these few words, Sir, I move that the Bill may be taken into consideration.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to enforce ban on employees of the Government of India from entering into service in private undertakings after their retirement, be taken into consideration."

The time allotted is one hour. Hon. Members may confine their remarks to five minutes each.

Dr. Ranen Sen (Calcutta East): Mr. Deputy-Speaker, Sir, I support the Bill moved by Shri Dubey. I was expecting that a proper Bill would be moved by the Government in which not only the ex-servants of the Central Government but also the ex-servants of the State Governments

would be banned from joining the private sector after retirement. We are speaking so much about fighting corruption and nepotism. It is a common experience, in Delhi, in the different States and everywhere, that many of the government servants, particularly the higher-ups, after retirement are taken on jobs offered by the private companies.

What happens is this. I know of one gentleman who was in charge of the Special Police Establishment of the Government of India. Just after retirement he joined the Hindustan Motor Company of the Birlas as Chief Security Officer. What happens in industrial courts is, the companies try to influence the judges by showing them the allurements of employment in their companies after retirement. It often happens that the judges of certain industrial courts after retirement join private companies as legal advisers. Therefore, one can understand that judgments given by those judges of industrial courts and other courts are naturally given in favour of private companies, who appear before the tribunals or labour courts, in the hope that they will get a job in those very companies after retirement. In such cases, these persons who are employed in government service before they join private companies after retirement, earn a lot of money even while serving the Central Government or State Government and they do it clandestinely.

I know of another example. There was a European gentleman who was the Chief Presidency Magistrate of Calcutta. After retirement he joined the Tatas. Then there was another Indian gentleman who was also the Chief Presidency Magistrate. After retirement he also joined the Tatas. Both these gentlemen joined Tatas on a salary of Rs. 5000 a month. In this way there is corruption inside the services. In this way, the private companies are able to pull the strings inside the services and they are able to influence the administrative services

and thereby influence the government policies to some extent.

This is a common experience. Therefore, I think everybody in this House should support Shri Dubey's Bill even though it falls far short of the actual demands of the situation.

Shri Hari Vishnu Kamath (Hoshangabad): He will withdraw.

Dr. Ranen Sen: I know he will withdraw it ultimately. But I congratulate him for bringing forward such a Bill and making such a good speech in this House. At least that should have an impact inside the country, because, personally, myself and many other friends who are connected with public activities have been feeling the necessity of such a measure to be taken by the Government of India. Unfortunately, the Government remains blind to these things and only speaks of fighting corruption and nepotism. Therefore, Sir, I support this Bill wholeheartedly though it falls far short of the demands of the situation.

Shri Ranga (Chittoor): **Mr. Deputy-Speaker,** this Bill embodies in it a general demand that we used to make when the British were here. At that time we were occupying these opposition benches in this House as the Congress Party. Then we used to make this demand. Now, it has again become the privilege of the Opposition to make the same demand. Unfortunately, on this occasion my hon. friend, Shri Dubey, who has continued to be within the Congress Party itself, has come to sponsor this Bill, and I wish to congratulate him.

Shri Hari Vishnu Kamath: Temporarily.

Shri Ranga: Even though temporarily, whatever it is. Till now we have been voicing only this particular danger. Now that he has given some shape to it in this Bill, is this evil confined only

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to retired officials? What happens to the, not retired but dismissed or discarded Ministers, as it often happens here? We get very powerful Ministers here, they leave their offices, just go back to the party and into contact with the big people in their party. Is it not possible for them to use their influence, past, present and future, in order to improve the fortunes of that party? This is a very great danger, a new danger that has arisen. It has happened now. In the case of a number of States, some Chief Ministers had to resign and some had to retire and they afterwards took very important positions in the party hierarchy.

Mr. Deputy-Speaker: We are only concerned with Government servants in this Bill.

Shri Ranga: Yes, Sir. But I am concerned with both. I am drawing the attention of the House to another evil, which is not very different from this. So, let me develop my point. I have got only ten minutes.

Mr. Deputy-Speaker: Only five minutes.

Shri Ranga: We would have no objection if the ex-Chief Ministers, like the ex-Chief Minister of Gujarat, are sent out as Ambassadors or transformed as Governors, because then they cannot influence people in support of their party inside the State.

Mr. Deputy-Speaker: We are not concerned with the general administration here. Please confine your observations to the scope of the Bill. Do not go beyond the Bill.

Shri Ranga: I am making a very relevant point. So, you should help me.

Mr. Deputy-Speaker: An experienced parliamentarian like him should be very relevant.

Shri Ranga: That is what I am trying to do. If they go out of the administrative purview, the administrative ambit, then there would not be any danger. If an ex-Minister goes as Governor, there is no harm. If an ex-Chief Minister goes as Ambassador, there is no harm. But if an ex-Chief Minister or ex-Minister occupies very important positions in the hierarchy of the ruling party, it is likely to cause nearly as much trouble, the same kind of trouble, as would be caused when retired Government officers become important officers of private concerns. Therefore, I would like the House to pay some attention to these two evils, one evil which has already been recognised by everyone as an evil, the other one which is coming up as an evil, which is taking very definite shape now as evil in view of the special developments that have taken place ever since we have become free, and especially because the same party has been fortunate enough to remain in power for such a long time.

Shri Hari Vishnu Kamath: Unfortunately for the country.

Shri Ranga: But fortunately for them, anyhow. Therefore, it is high time that we pay some attention to these two evils.

Why do we take objection to these officers being engaged by private entrepreneurs? Because we are afraid that the distinction that there should be, the difference that there should be between the officers who take decisions in Government and the officers of the private concerns is likely to be dismissed, the distinction is likely to be slurred over, so much so that one is able to help the other, one is able to influence the other, one is able to coerce the other, with the result that Government cannot be distinguished from the private concerns and their management.

The same is the evil that has arisen now. We want to put an end to these two evils. Whether the period should be two years or four years is another

matter. Earlier, we had said that it should not be less than two years. Now, my hon. friend says that it should be four years. It is a good thing, because now they are retiring at the age of 58. For four years they would be outside private employment. By that time they would be 62. Thereafter, if the private sector wishes to take advantage of their services and their experience, they may be well come to do so. In the meanwhile, such of the Joint Secretaries and Deputy Secretaries who had worked under these officers while they were Secretaries would have either retired or risen so high in the official hierarchy that they could not be expected to be influenced by these retired officers.

Therefore, there are very cogent reasons why the object of this Bill should be accepted by the Government and there are equally cogent reasons why Government should also give some attention to the new evil that has arisen as a result of their entertaining the services of their retired Ministers in the services of their own party hierarchy.

15:25 hrs.

[SHRI KHADILKAR in the Chair]

Shri A. S. Alva (Mangalore): Mr. Deputy-Speaker, Sir, I whole-heartedly support the Bill. It is absolutely necessary that Government servants who retire should be debarred from accepting any employment in private undertakings at least for the period specified in this Bill. Of course, we have now got a rule under which, unless the Government permits, no Government servant is allowed to take any service in the private sector for two years after retirement. But when we see the lists, some of the persons who are employed in private undertakings, especially the number of ICS and IAS officers who join the private concerns immediately after retirement are too many. We have even got instances where they retire pre-

maturely and take up service in private employment. Especially during these days when we are more concerned about nepotism, favouritism and corruption and when we are trying our best to combat them in Government service and keep it pure, we must see that Government servants are not tempted by fabulous salaries after retirement or by other baits to resign a little earlier and take up jobs in the private sector. We have got instances where action is contemplated against some Government officers and they resign and take up some employment in the private sector on a higher salary.

As the mover of the Bill has himself stated, those who are drawing emoluments up to Rs. 300 should be exempted from the purview of this Bill. Because, in the case of such officers, their pension after retirement will be very much less, may be Rs. 100 or 150 and it would be practically impossible for them to carry on with their pension. I will even go to the extent of saying that Government servants who get a salary of Rs. 1,000 or less should be exempted from the rule which debar Government servants from taking up private employment immediately after retirement.

Now the agents or liaison officers of the big undertakings go to the various Ministries and meet the Secretaries, Deputy Secretaries and Under Secretaries, to expedite the issue or grant of licences and permits. Since the licences and permits have to be routed through these officers, these liaison officers come into contact with these officers. Now, if the liaison officers make the Government officials understand that a good job will be provided to them immediately after retirement, it is but natural to expect that at least in a certain percentage of cases the officials will be tempted to show favours to those concerns. So, it will be in the interest of the officers themselves that this Bill is passed so that they will free from such blame from in public. After four years from the

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date of retirement, either the private undertakings will not care to employ them, or if they are still keen to employ them because they can do their job well and they are serviceable after four years, their influence over the present Government officials will not be there and so there cannot be any objection to such retired officials being employed by the private sector after such period.

If we impose a condition that retired officials can take up private employment provided Government permits them, that will amount to showing favours to certain officials and that will invite a lot of comment and criticism on the Government itself while using their discretion.

The reference by Shri Ranga of Ministers who are out of office and then getting jobs is not relevant. After all, the private sector will not care to employ Ministers who have ceased to be as such. Often they lose their importance as soon as they leave their posts. They will not have much influence and the private undertakings will not care to employ them because they have not much use for such people.

As the principle underlying this Bill is good, I feel that the Government should certainly accept it. Of course, it may be that some changes are necessary. In that case, while agreeing with the principle underlying this Bill, I am sure Government will bring forward a Bill of their own. With these words, I whole-heartedly support the Bill.

Dr. L. M' Singhvi (Jodhpur): Mr. Chairman, Sir, in a situation in which our bureaucratic procedures are creaking and our machinery of government seems to be creaking it does appear that we are confronted with the general presumption of guilt unless an officer or a public man is able to prove

himself innocent. It is in this context that we have to view this Bill which is before us and to which I am unable to accord unreserved support. I say this because I feel that we are discussing this whole matter without having all the facts before us, without even having a proper assessment before us, without having all the answers that we must have before us before we accept the principle of four years to elapse before a retired public servant can accept a position in the private sector.

The basic principle underlying this Bill is, as a matter of fact, already accepted in our bureaucratic machine inasmuch as at present there is a rule of two years which period must elapse before a retired public servant can seek employment in the private sector and that too with the sanction and the approval of the Central Government.

The main difficulty that comes in in accepting this four-year limit is the fact that civil servants, after their retirement, face an economic situation which is not very encouraging. There is at least a large number of civil servants who, after their retirement, face circumstances of poverty. In our professedly socialist state we find that the civil servant, after retirement, finds it difficult to make the two ends meet. That is a situation which has never been squarely faced by the Government and unless that situation is faced it is very impractical to try to put on our statute book and to enact legislation which would put further curbs on the possibility of our retired civil servants seeking employment in the private sector.

I should like to know from the Minister as to how often such permission is asked, in what salary groups, how often is this permission refused, in what particular business houses have these persons seeking permission.

taken up employment and whether on any objective assessment it is reasonable and fair to suggest that the employment that was offered to them was mainly on account of the possible influence they may have on the administrative machinery and not because of the intrinsic merit and talent which the particular retired official may have.

After all, in a socialist state in which the ambit of civil service is increasing every day, in a socialist state in which with every stride of progress we have a larger number of people within the general rubric of civil service, it is not right that we should ignore the basic facts of their economic situation at the time of retirement. In the situation of inflation, in the situation of high prices, in the tremendous pressure that social demands exert on their lives, it is only right that at least a class of employees who might be considered well paid from our standards but who have to face the struggle for life after their retirement, when as a matter of fact they should be able to look forward to rest, relaxation, some sort of work of their own at their houses and some sort of leisure—that is not the situation—should be excluded from the embargo.

I understand that even in England there is no such ban on civil servants joining private sector after their retirement. As a matter of fact, in certain cases they are encouraged to accept employment in the private sector. After all, the private sector is accepted as a legitimate sector of our economy and if the suspicion, which may be at the root of the present embargo on civil servants accepting employment immediately on their retirement, is not present in a particular case, there seems to be no well founded reason why a retired civil servant should be excluded from exploring the possibility of making a little money in order to meet his various social obligations after retirement.

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The present rule of two years should not only be above actual misdeeds but should be examined objectively. We should try to find out whether the suspicion is legitimate or whether the suspicion is only one of the many forms of loose talk which is rampant in the country.

I realise that the administration should not only be above actual misdeeds but should also be above suspicion. That is an accepted principle of good public administration. It is necessary equally to safeguard this principle in our administrative machinery, by excluding the possibility of highly placed civil servants. Particularly from taking up service in the private sector immediately on their retirement thus facilitating their walk-over, so to say, from the Central Secretariat in some private business house; but, at the same time, we must realise that unless we are able to confer a fuller measure of relief to the pensioners, unless we are able to put the pensioner beyond the pale of want and penury with which his life, after retirement, is beset today, we have no legitimate reason and conscionable cause to plead for a further embargo on his taking up employment in the private sector. I very much hope that in the situation of the growing public sector and socialism in this country we will show a greater awareness of social justice to our pensioners. Once we have done that we would have qualified to consider this matter. As at present, I do not think it is right to further extend the limit of two years which is at present in operation for a retired civil servant for accepting a job.

Shri Oza (Surendranagar): Mr. Chairman, Sir, Professor Ranga, who does not happen to be here, has as usual projected politics into this simple Bill which my hon. friend, Shri Dubey, has brought forward. He is always obsessed with that. He said that ex-Minister exploit their past positions for putting their party in a

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better position or for party ends. I wonder, when the Swatantra Party has also in its ranks an ex-Governor General and ex-Ministers, to what extent he has been able to exploit their past position. I am sure, he will say on second thoughts that it has done no good.

I appreciate the sentiments that have prompted the hon. Mover of this Bill to bring it forward; but, I am afraid, this is going to be infructuous. In the ultimate analysis, I think, this is nothing else but a sort of a crisis of character. Why is this Bill brought forward? Why had we to put a ban of two years for ex-civil servants to join any private service? Firstly, it is because we doubt or there is a misapprehension, a *bona-fide* one, that while they are in service some business magnates put forth some temptation by saying, "If you favour us in a particular way, after you retire, we will accommodate you."

The second apprehension is that those who are actually in service at that particular time are such people that they will be influenced by their ex-bosses. I think, this is not always true but let us suppose that it is true. I have a case in mind. I know one ex-civil servant who was not an employee of a very big business house but who was only charging some honorarium. He was having some perquisites free of charge and he was giving services absolutely in good faith. I have no doubt about his honesty and integrity. But such a legislation, to my mind is going to be infructuous. I think the best way is to make the services immune from such outside influences. I do not know to what extent the ex-bosses are in a position to influence the various departments in which their employers may have to deal with. The mischief to my mind, is not so big as we make out to be. By putting this on the statute book we are creating all sorts of difficulties. There would be no respect for that law and there will be so many

loopholes by which it will be circumvented. So, while agreeing with his sentiments, I think, this legislation on the statute book will be absolutely ineffective.

Then, my hon. friend opposite said that those who retire are sometimes poor and are not able to make both ends meet. I cannot agree with that argument. That is not the consideration which should prompt in rejecting this Bill. The ex-Government servants who draw very meagre pensions are never requisitioned by big business houses. Only those who are at the top and who have some influence are wanted and the pensions that they draw are not such that this House should have any pity on them as to what they will do to meet their family commitments and other requirements. The services of the Government servants whose pensions might be inadequate to meet all their requirements are not required by big business houses. Only those who are at the top are required and their pensions are also on a high scale. I do not think that should be the argument. I think the whole thing is that the Government should be very vigilant to see that the services are not influenced by ex-bosses.

Dr. L. M. Singhvi: This Bill puts an embargo on every retired civil servant.

Shri Oza: The poor people are not wanted by big businessmen.

Dr. L. M. Singhvi: This Bill will also prevent them from working.

Shri Oza: Such people will be very few.

In conclusion, I say, in spite of the sympathy with the present Bill that my friend has brought, because I think it will be infructuous and because that is not a correct solution, I will not be able to support the Bill.

Shri Gauri Shankar Kakkar (Fatehpur): Mr. Chairman, Sir, I rise to support this Bill, but I have to make certain observations as to how far it is just and proper to put this check only in the case of civil servants when according to our Constitution there is no check in regard to public men. There is a Bill sponsored by Mr. Kamath which is coming up today. It cannot be taken as a general rule that all civil servants who retire are corrupt or they indulge in corruption once they are employed in private sector. During these days of financial stringency, there is a limit for putting any sort of such check in the case of civil servants. I submit that when in regard to public men there is no limit, there is no restriction with regard to age or with regard to having any office at any time, naturally it would be most unjust if we come forward to touch only one class, that is, civil servants without touching another class that is, all public men who belong to a certain ruling party or group and can acquire certain privileges and can influence others. So, I wish to submit that the Government should come forward with a comprehensive Bill. I am not going to agree with what Mr. Ranga has said. These public men cannot be included as they are at present. But my submission is that there should be a sort of a common code of conduct or rule for all. Any person belonging to any political party should be debarred from getting any sort of employment. That can be dealt with in that manner. Naturally, I quite agree that there are a number of civil servants who after their retirement get very alluring employment in the private sector on account of their old association or on account of their old influence with them. They are instrumental in this corruption and in getting an opportunity to help the private sector to have undue income and earning. I know the instances where private sector people are offering huge employments to retired income-tax commissioners and income-tax officers and by accepting such employments,

they are able to save income-tax worth crores of rupees which the private sector people have to pay. They are instrumental in this sort of corruption and in that manner the corruption is spreading. But, Sir, how far will it be justified to come forward and condemn outright only one particular class of civil servants without touching other public men? We are also tempted to get such employment and to indulge in such corruption. The Bill, as it stands, provides a period of two years and my submission is that it requires a minute and strict scrutiny in the case of highly placed public servants who are tempted to join the private sector. There is no necessity of enhancing the period from two years to four years. I quite agree with Mr. Dubey that it is a source of corruption. It is really a source of corruption but you cannot put in curb only in regard to one group ignoring and giving lift to other groups. I think, the Bill, as it stands, requires strict scrutiny to see that there is no such corruption. The Government should come forward with a comprehensive Bill and keep in view the highly placed civil servants as well as public men who have been occupying high offices. There should be a check on all these classes from being tempted to join the private sector and to increase corruption. This is the most proper time, when our hon. Home Minister has taken a vow that he will root out corruption, that he should explore all these sources and should come forward with a comprehensive Bill to root out corruption by not allowing highly placed Government servants as well as the public men to indulge in such corrupt practices.

श्री श्रींकार लाल बेरवा (कोटा) :

सभापति महोदय, यह जो बिल आया है, उसका वैसे तो मैं समर्थन करता हूँ। अगर यह कुछ साल पहले आया होता तो जितने हमारे स्टूडेंट्स हैं, जितने नौजवान हैं, जो कि बेकार फिर रहे हैं। उनको शायद जगहें मिल जातीं।

[श्री आंकार ल ल बेरम।]

साथ ही साथ में इतना कह देना चाहता हूँ कि पेंशनर्स को पेंशन इतना दी जाये कि उनका गुजर बसर हो सके और उनको उतनी ही फैंसिलिटीज दी जानी चाहिये जितनी उनको तब मिलती है जब वे नौकरी में होते हैं। अगर ऐसा किया गया तो उसके दिल में एक भावना पैदा होगी कि अगर मैं नौकरी से हट गया हूँ, मैं रिटायर हो गया हूँ तो कोई बान नहीं है, मुझे पेंशन तो माफ़ूल मिल रही है, मुझे वे सुविधायें तो मिल रही हैं जो मुझे तब मिलती थीं जब मैं सर्विस में था। लेकिन अगर आपने उनको इतनी फैंसिलिटीज नहीं दी तो वे बेचारे कहीं के भी नहीं रहेंगे। उन पर भी एक दायित्व है जिसे आपको ध्यान में रखना है। उनको सोचना चाहिये कि अगर उन्होंने ५५ बरस को उभर तक या ५० बरस की उम्र तक सर्विस कर ली है और अब अगर वे हमारे प्राइवेट सेक्टर के अन्दर जा कर, उस उद्योग को बढ़ा सकते हैं, उन उद्योगों का उन्धान कर सकते हैं, उस में अपनी अक्ल लगा सकते हैं, पूरी जिम्मेदारी का परिचय दे सकते हैं तो जो प्राइवेट सेक्टर है, वह अच्छा बन सकता है अगर इस कानून को अच्छी तरह से जांच की जाये तब तो अच्छा होगा वरना ऐसा होगा जैसे कि दिल्ली में हुआ कि एक स्टेशन मास्टर के ५५ साल खत्म हो गये थे, उसका आईडर पांच दिन के लिये रोक कर उस को ५८ साल में ला कर उनके तीन साल और बढ़ा दिये और कह दिया कि जब तक कोई और आदमी नहीं मिलता है तब तक के लिये उस को भरती कर लिया जाये। इस तरह का करण्यन अगर होगा तो यह होगा कि अगर मच्छ तो अड़े रहेंगे नीर पर और छोटी मछलियां पानी के बाहर आ जायेंगी और मारी जायेंगी। इसलिये आप ने जो रूल्स बनाये हैं वह तो ठीक हैं लेकिन इस में अच्छी तरह जांच होनी चाहिये कि बड़े बड़े अगर मच्छ कहां अड़े न रहें क्योंकि वे हर तरह की खुशामद बरामद कर के, कभी किसी मिनिस्टर

के पास जा कर कभी बड़े अफसरों के पास जा कर किसी न किसी बहाने से नौकरियों में अड़े रहेंगे।

इसलिये यह कानून तो ठीक है लेकिन इस की पूर्णतया जांच होनी चाहिये और उन को उतनी सुविधायें मिलनी चाहियें जितनी कि जो लोग नौकरियों पर होते हैं उन को मिलती है। मैं तो यह भी कहूंगा कि जो मिनिस्टर भी ५५ या ६० साल के हो जाते हैं उन की तरफ भी ध्यान रखना चाहिये। उन को भी आप को रिटायर करना चाहिये क्योंकि देश की बागडोर उन्हीं के हाथ में होती है और ५५ या ६० साल के बाद दिमाग धूमने लग जाता है। मैं नम्र निवेदन करना चाहता हूँ कि अगर यह रूल यहां भी चले तो अच्छा है।

श्री सरजू पाण्डेय (रमड़ा) : सभापति महोदय, मैं इस बिल का समर्थन करने के लिये खड़ा हुआ हूँ। जैसा कि श्री दुबे ने कहा पहले सदन में उस बात पर बहस हुई थी कि सरकारी कर्मचारियों को अतिरिक्त नौकरियों और पूंजीगतियों की नौकरियों में नहीं जाना चाहिये। उस समय भी मिनिस्टर साहब ने कोई आश्वासन नहीं दिया था। मैं माननीय मंत्री साहब से इस बात की अपील करूंगा कि वे इन्हे वापस न लें और कम से कम हाउस की राय जान लें कि दर असल इस सदन के लोगों की क्या राय है।

अगर आप हमारे पुराने शास्त्रों को देखें तो उम में भी यह बात मिलती है कि जब आदमी के तीनपन गुजर जाते हैं तो चौपेपन में उसे चुप चाप भगवत भजन करने का मौका दिया जाता है। मैं चाहता हूँ कि इन लोगों को भी भगवत भजन करने का मौका दिया जाये। यह मैं इसलिये कहता हूँ कि फर्ज कीजिये कि एक इनकम टैक्स का जानकार

अफसर रिटायर किया जाता है उसके बाद वह किसी पूजीपतियों की कम्पनी में नौकरी कर लेता है, तो चूंकि वह सरकार की सारी चीजों को जानता है इसलिए पूजीपति को इनकम टैक्स से बचा सकता है। मेरे साथी श्री रानेन सेन ने बतलाया कि किस तरह से बड़े बड़े आफिसर्स जा कर सरकार की भीतरी बातों को कम्पनियों में बतलाते हैं और उन को हर तरह से टैक्स आदि से बचाते हैं। टैक्सों के बारे में और दूसरी बातों के बारे में भी उनकी मदद करते हैं। इसलिये मैं समझता हूँ कि इसे सिर्फ केन्द्रीय कर्मचारियों पर ही नहीं लागू किया जाये वल्कि राज्य सरकारों को भी केन्द्रीय सरकार की ओर से लिखा जाये या उनका सम्मेलन कर के उन से कहा जाये कि वे अपने यहां भी इस तरह का कानून बनायें। वरना अगर सरकारी कर्मचारियों पर इस तरह का प्रतिबन्ध नहीं होगा तो वैसे ही आज लॉग हमारे देश के नौकरशाहों के बारे में अच्छा खयाल नहीं रखते, उनका विचार और भी उनके बारे में खराब हो जायेगा। कुछ भाई कहते हैं कि क्यों इस खास क्लास को ही बेईमान समझा जाये। मैं कहना चाहता हूँ कि जिस के हाथ में पावर है वह ज्यादा बेईमानी कर सकता है। जिसके हाथ में पावर नहीं है वह आदमी क्या बेईमानी कर सकता है। मैं समझता हूँ कि जो प्रजा-तांत्रिक तरीका हम ने अपनाया है उस में सब से अधिक ताकत जो होती है वह सरकारी अधिकारियों के हाथ में होती है। मझ को ऐसा मालूम है कि कभी कभी तो मिनिस्टर बेचारे भी सब बातों को नहीं जानते। मिसाल के तौर पर मैं बतलाऊँ कि वायस आफ अमेरिका से सम्झौता हो जाता है, लेकिन मिनिस्टर साहब को उस का पता नहीं चलता है। वह चुपके से दस्तखत बना देते हैं। बहुत सी इस तरह की बातें रोज हुआ करती हैं। मैंने एक मिनिस्टर साहब से पूछा कि कुछ लोग गिरफ्तार हुए, आप को मालूम नहीं हुआ क्या। उन्होंने कहा कि अन्डर सेन्टेरी

दस्तखत करा लेते हैं, मझ सब बातों का इल्म नहीं होता। मैं कहता हूँ कि इस देश में जहां नौकरशाही इतनी पावरफुल है

Dr. L. M. Singhvi: That is a ministerial confession which he cannot use outside. That is a confession which is not admissible as evidence.

श्री सरजू पाण्डेय : मैं यह चाहूंगा कि मंत्री महोदय खुद अपनी तरफ से एक बिल लावें जिस में इस बात पर प्रतिबन्ध हो कि सरकारी कर्मचारी कहीं पर नौकरी कर सकें। इस में जो कहा गया है कि चार वर्ष के बाद उन्हें आजादी दे दी गई है, तो मैं कहना चाहता हूँ कि इतना रुपया कमाकर वह रिटायर होता है तब उस को कब तक यह आजादी दी जाती रहेगी यह मेरी समझ में नहीं आता है। अगर पब्लिक वर्कर करंट होता है तो मौका होते ही पब्लिक ओपीनियन उसे निकाल फेंकती है। अगर वह चुनाव में खड़ा होता है तो गालियां तो सुनता है, कम से कम उस का नाम तो निकल जाता है। लॉग चोर चोर कह कर के चिल्लाते हैं। लेकिन नौकरशाही के लोगों को कोई भी कुछ नहीं कह सकता। अगर सदन में कुछ कहा जाये तो टोका जायेगा कि हम सदन में कुछ न कहें क्योंकि वह लोग सदन में जवाब देने के लिये हाजिर नहीं हैं। हम यहां पर भी उन का कुछ बिगाड़ नहीं सकते।

इसलिये मैं चाहूंगा कि मंत्री महोदय इस बात पर विचार करें और प्रस्तावक महोदय से मैं खास तौर पर कहना चाहूंगा कि वे इस को वापस न लें। कम से कम हिन्दुस्तान की राय जानने के लिये इस बिल को भेजा जाय कि दरअसल देश की जनता क्या कहती है।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और आशा करता हूँ कि प्रस्तावक महोदय इसे वापस नहीं लेंगे।

The Minister of State in the Ministry of Home Affairs (Shri Hathi): I appreciate the object and the intention of the hon. Mover of this Bill. I also appreciate the sentiments expressed by various Members. I should say that I am thankful to Shri Oza and Dr. L. M. Singhvi for putting forward a point of view which also requires some consideration.

While everybody wants that a clean and pure administration is necessary, every intelligent and sane person would also agree that the people who are serving are not *en bloc* to be stamped as corrupt people. There are good men; there are bad men; and we have to differentiate between the good and the bad. If we put a ban for four years, as the hon. Mover has suggested, in the case of all people, do we thereby take it for granted that all the officers who are serving are corrupt and that after leaving service they will try to enter private sector, and having entered there or got employment there they will try to influence the other officers in Government? If we take that for granted, what is the guarantee that while they are already in service, they are not corrupt? Therefore, it is, as Shri Oza has pointed out, a question of the crisis of character. But that does not mean that we should not take steps to minimise the chances of corruption. While I say that we should not stamp everybody as corrupt, we should not also be complacent and sit helpless without trying to stop or plug the loopholes. One of the ways or rather the way between both the extremes should be to consider each case on merits, and grant permission in suitable cases and not grant permission in cases where the officer has chances of coming in contact with a commercial body or a firm or where an engineer had chances of obliging a contractor and so on. These are the cases where a scrutiny has to be made. But it may be that even then there may be cases which may not

come to knowledge, and they may get employment in the private sector.

Shri Ranga: Knowing full well that Gen. Kaul was not suitable here, Government have sent him out, and given him permission to obtain employment on a salary of about Rs. 7000 p.m.

Shri Hathi: Therefore, each case will have to be decided on merits. But there is also another point of view.

So far as this Bill is concerned, as is seen in the Bill itself and as the hon. Mover himself has said, the Bill as it is is not perfect in many ways. The principle is all right. But so far as the provisions go, they require radical changes. For example, a salary of Rs. 300 is fixed as the ceiling; above that nobody should be allowed to accept any employment in the private sector. All the Members who have spoken have generally spoken of the top people—secretaries, joint secretaries and others. Nobody has talked of people drawing Rs. 500 and Rs. 600. What are they going to do?

Shri R. G. Dubey (Bijapur North): I have made that clear.

Shri Hathi: He has made it clear.

16.00 hrs.

The second point is: shall we debar everybody? The hon. Mover has made that also clear. He does not want to debar technical or engineering people. But as the definition goes, the wording is something different and it is very much defective in the sense that private service means anything other than government service. What about some public corporation or public sector undertaking or university or other organisation? I do not think he wants they should be debarred from accepting employment there.

At present, the position is—two years generally, the period during which a retired class I officer cannot accept service except with permission. Some hon. Member referred to income tax officers. In their case, that Act provides that they cannot appear before a tribunal etc. for three years after retirement. So we have two years and three years. Prof. Ranga thinks that four years should be the period. Three years is between two and four.

Even then, as the House knows, we had appointed a committee called the Santhanam Committee, Prevention of Corruption Committee. It examined this question in detail and made recommendations. I would assure the House that these recommendations are being looked into by Government very carefully, and all that is necessary will be done.

As I have explained Government's view in this matter, I hope the hon. Mover would withdraw the Bill.

Dr. Ranen Sen: Do not withdraw the Bill.

Shri R. G. Dubey: I am happy that the hon. Minister has pointed out that Government will review the position in the context of the Santhanam Committee's recommendations. However, I could not agree with the reasoning he put forward in certain respects.

I did not mean to say that all government officials were corrupt. That is not the proposition. My point is whether we should not create conditions in which there is no scope for indulging in corrupt practices.

So far as the language of the Bill is concerned, possibly there is much to be done. My only intention was to focus attention on this very important aspect. In view of the fact that the hon. Minister has stated that Government would review the position in the light of the Report of the

Santhanam Committee and in the light of the situation in the country, I beg leave of this House to withdraw the Bill.

Shri Hari Vishnu Kamath: On a point of clarification. If I heard the Minister aright, he said that Government is in favour of some restriction being imposed on the upper echelons or upper income groups of Central Government servants and they might consider the feasibility of doing that. Is Government considering the desirability of enforcing or imposing a similar ban on Ministers who have, unfortunately, been beaten at the polls that for two or three years—just as government servants who have retired cannot enter private service without the permission of the Government—they should not be permitted to enter private service, because they can bring to bear even more influence than what government servants could do.

Shri Tyagi (Dehra Dun): But they do not receive any pension.

Shri Hari Vishnu Kamath: That may be. But here it is a question of the influence they can wield. Is Government considering this matter?

Shri Hathi: I thought I was replying to the present Bill which relates to restriction on employment of government officials who are retired and not Ministers.

Shri Tyagi: The idea would no doubt be very much welcome, if Ministers are given pension.

Mr. Chairman: Has the hon. Mover the leave of the House to withdraw his Bill?

Some Hon. Members: No.

Mr. Chairman: The question is:

"That leave be granted to Shri R. G. Dubey to withdraw the Bill to enforce ban on employees

[Mr. Chairman]

of the Government of India from entering into service in private undertakings after their retirement."

The motion was adopted.

Shri R. G. Dubey: I withdraw the Bill.

16.07 hrs.

COMMISSIONS OF INQUIRY
(AMENDMENT) BILL

(Amendment of section 8)
by Shri D. C. Sharma.

Shri D. C. Sharma: (Gurdaspur):
I beg to move:

"That the Bill further to amend the Commissions of Inquiry Act, 1952, be taken into consideration".

Knowing fully well what the fate of these Bills is, knowing full well that Ministers come to this House with their minds previously made up and knowing full well that they never come to this House with an open mind, I still think that this privilege which has been given by democracy to private Members should be practised as much as possible. A day may come when Ministers are more enlightened and private Members are more in tune with them. But so far the difficulty is that the Ministers continue to be persons whose mind does not work outside the precincts of the Secretariat and who derive their inspiration from the pigeon-holes of the Secretariat in which some of the old precedents, old practices and old traditions are confined. All the same, I think that I must do my duty according to my lights and the hon. Minister must do his according to the exigencies of his office.

This is a very harmless Bill which even the Law Commission in its 24th Report has in a way supported. This report was brought out in December, 1962, and in this report they have referred even to my Bill, and they have said that I have not done something very outrageous in bringing forward this Bill.

What does this Bill want? This Bill wants firstly that commissions of inquiry should become a regular and normal feature of the democratic functioning of our country. They should not be appointed in rare cases, they should not be resorted to in circumstances which are very, very scandalous, and which are very, very opprobrious, and which are very, very difficult of comprehension by the public.

If we read the report of the Law Commission, we find that a commission of inquiry can be appointed by the Central Government as well as by the State Governments. When I come to the Central Government, I find that the Ministry of Railways appointed four commissions of inquiry. One was to enquire into the causes of the Mehubanagar accident, another was to enquire into the causes of the Ariyalur accident, a third was to enquire into the causes of the Igatpuri accident, and the fourth was to enquire into the causes of the Morvi accident. There have been so many accidents after that, but the Railway Ministry has not been very willing to appoint any commission of inquiry.

The Ministry of Information and Broadcasting appointed the Press Commission, and I believe that if there has been one infructuous commission in this country, it has been this Press Commission, because most of its far-reaching recommendations have been put into cold storage. Perhaps, the new Minister of Information and Broadcasting may pull this report out of the pigeonholes of the Ministry and may take some action on it.