

person who is a member of a civil service of a State or holds any civil post under a State holds office during the pleasure of the Governor or, as the case may be, the Ruler of the State.

(2) Notwithstanding that a person holding a civil post under the Union or a State holds office during the pleasure of the President or, as the case may be, of the Governor or Ruler of the State, any contract under which a person, not being a member of a defence service or of an all-India service or of a civil service of the Union or a State, is appointed under this Constitution to hold such a post may, if the President or, the Governor or the Ruler, as the case may be deems it necessary in order to secure the services of a person having special qualifications, provide for the payment to him of compensation if before the expiration of an agreed period that post is abolished or he is for reasons not connected with any misconduct on his part, required to vacate that post.

Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or State.

282 B. (1) No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this clause shall not apply—

- (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;
- (b) where an 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 give that person an opportunity of showing cause;
- (c) where the President or Governor or Ruler, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to give to that person such an opportunity.

(3) If any question arises whether it is reasonably practicable to give notice to any person under clause (b), of the proviso to clause (2) of this article, the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank, as the case may be, shall be final.

All-India Service.

282 C. (1) Notwithstanding anything in Part IX of this Constitution, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the, creation of one or more All-India Services common to the Union and the States, and subject to the other provisions of this Chapter, regulate the recruitment and the conditions of service of persons appointed to any such service.

(2) The services known on the date of commencement of this Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this article.’ ”

Sir, I do not propose, at this stage, to say anything on the amendment I have moved, because the articles themselves are quite clear. There are several amendments which may raise some points of criticism, and I, shall then be in a position to give the House the explanations that may be necessary in order to dispose of those amendments.

**Mr. President :** Amendment No. 3- Shri Satis Chandra Samanta.

**Shri Satish Chandra Samanta** (West Bengal: General) : Respected President, Sir, I beg to move:

“That in amendment No. 2 above, to the proposed article 282, the following proviso be added :—

‘Provided further that no person shall be eligible for appointment to any of the superior public services and posts in connection with the affairs of the Union unless he is thoroughly conversant with any other regional language of India besides the National language of India’ ”

[Shri Satis Chandra Samanta]

Sir, in connection with the amendment that I have moved, I propose to refer to the report of the Universities Commission and to its recommendation, and also to one of the resolutions passed by the Language Convention held in Delhi in August last. The Universities Commission under the Chairmanship of Dr. Sarvapalli Radhakrishnan has recommended that every university should teach its students one other regional language of India, besides the State language. And the Language Convention has also passed a resolution that excepting the regional language in the province or State, everyone should be conversant with any other regional language of India. Sir, India is a country which has so many languages, so many divergent languages and in order to make India one, all Indians should know one common language, and thereby acquaint themselves with the common people and with one another. So long as we have no common language of our own we should learn one other regional language. Therefore, I want that at least the superior officers of the Union should be conversant with any other regional language of India besides the official language of India so that they may freely mix and have contact with the common people. Sir, I know that against my amendment, it will be said that it will come under the rules and regulations. But considering the importance of the subject, I request that this amendment should be added to the Constitution. This is my request and I hope the House will accept my amendment.

**Mr. President :** There are two other amendments—Nos. 4 and 5 which have the same effect. These need not be moved. Then we come to No. 6—Mr. Brajeshwar Prasad.

**Shri Brajeshwar Prasad :** Mr. President, Sir, I beg to move:

“That in amendment No. ‘3034 of the List of Amendments (Vol. II) in the proposed article 282. for the words ‘Acts of the appropriate Legislature may regulate’ the words ‘the Union Public Service Commission as respects the All-India services and also as respects other services and posts in connection with the affairs of the Union, and the State Public Service Commission as respects the State services and also as respects other services and posts in connection with the affairs of the State shall make regulations on all matters relating to be substituted; and the proviso be deleted.”

Sir, I want our Commissions to be constituted on the lines of the Whitley Commission of England, and I want these Commissions to have exactly similar powers and functions. I have thought over this matter very carefully. This amendment was tabled in 1948 and since then my views have undergone changes on this question. I am prepared to admit that the power of recruitment should be vested in the hands of Parliament, but in no case I am prepared to concede that this power should be given to the provincial legislatures. If this power is vested in the hands of Parliament it will strengthen the foundations of our State. I want to place before the House some reasons and Some arguments why I am in favour of this proposition. It will generate a feeling of security in the minds of the public servants of the State. It will hamper the growth of communalism and provincialism and will thereby promote the cause of nationalism. If all the servants serving in different provincial Government are governed by uniform rules of recruitment and conditions of service, the result will be the growth of a feeling of oneness amongst all ranks of officers in India. The danger of discontent will be eliminated. A contented and efficient bureaucracy will go a long way in solving the major problems that confront us the trend of the modern world is towards bureaucratic rule. The managerial state is the next step in the course of our political evolution. An enlightened bureaucracy is the need of the hour. We must strengthen the foundations of our civil service and protect it from the onslaught of mobocrats who are, in the name of democracy, trying day in and day out to boss over and dictate over those who are their superiors in intellect and morals. Men of small stature

riding on the crest of popular enthusiasm are placed in positions of power and authority. No civil servant will tolerate the antics and clownish performances of political upstarts. If the evils of adult franchise in a community which is steeped in ignorance and poverty are to be avoided, the civil services must be placed outside the purview of provincial autonomy.

**Shri Phool Singh** (United Provinces: General) : Mr. President I beg to move:

“That in amendment No. 3034 of the List of Amendments in the proposed article 282, after the words ‘affairs of the Union or any State’ the words ‘and fix the minimum as well as the maximum amount of salary of a Government servant as also lay down the condition to be fulfilled by a group of persons to be able to be included in the list of public servants be inserted.’”

The first part of my amendment is an amplification of the principle already adopted by this House in articles 34 and 31, namely, that of living wage and equal remuneration for equal amount of work. While article 34 recommends a living wage for an agricultural, industrial or other sort of worker, there is no such suggestion regarding government servants. Not only that, the disparity between the pays of government servants is enormous. There are those who get Rs. 3 or Rs. 8 per month while there are those who get more than they deserve and also more than they need. It is also astonishing to know that in the case of government servants of higher ranks, even the contract of service is not adhered to. An I.C.S. even according to the contract is entitled to a maximum of Rs. 2,250. At present the Chief Commissioners get Rs. 3,500 and Commissioners Rs. 3,000; and who are these Commissioners and Chief Commissioners of today ? They are the Deputy Collectors and Collectors of yesterday. The exist *en masse* of the Britishers from the services of India after independence have given easy lifts to these higher ranks—lifts which they neither contracted for nor ever dreamt of. Numerous devices have been invented to secure higher pays for these people by way of personal pays or some such things. It is but fair that we should fix the minimum as well as the maximum amount of salary that a government servant should get, so that there may be no harm done. As things are at present, the salaries do not vary even according to responsibilities. Take the case of Secretaries of Departments who were formerly doing the work which the Ministers are now doing. After the introduction of this Government, the responsibilities of these Secretaries has surely decreased, but there has been no down-grading of pays in their case. They continue to enjoy the salaries they were enjoying before this Government was established.

**Mr. President** : So far as I can see, this clause has nothing to do with present incumbents. It relates to recruitment of people who will come into the services in future.

**Shri Phool Singh** : 282 and 283 refer to future incumbents as well as to present incumbents and 283-A refers to transitional period. These have not been moved. But I think I will cover all the cases and save the House repetition of the same arguments over again. My only submission is that it is but proper that we should fix the maximum and minimum amount of pay that a government servant should get. That is as far as the first part of my amendment is concerned.

So far as the second part is concerned, it will be interesting to note that those people who are called government servants are only a small minority of those who are virtually government servants but have not been styled so. If a post is created even temporarily, the incumbent is called a government servant. But just think of those thousands of workers in the countryside in the P.W.D. and other departments, whose job is not at all temporary. In their case there

[Shri Phool Singh]

is no prospect of their job being finished ; still they are not called public servants. I had the opportunity to take up such cases with a provincial government and the answer given by people in the higher ranks of the services was that if these people are called government servants, they will slacken their efforts to work. If that is true, it should apply to all government servants and if it is false, then it will not be fair to punish these people under this pretext.

My submission is that it is better that we frame rules so that if any class of people who are working for the government fulfil those conditions, they should automatically be entitled to come under that list. Not only pay but all other considerations are also denied to these people. If a government servant in the higher ranks, is transferred, he gets not only single fare, not only fare for himself but for his family; while people at the lowest rung sometimes are denied any railway fare and in most cases even if they have families they are given only one single fare. Those in the higher ranks are given conveyances or touring allowances, but those on the lowest rungs even in cases where their circle covers an area of forty miles are not given even cycles.

Sir, if these people are included in the category of public servants I think it will save them a lot of heart burning and it will improve the lot of those who well deserve it and who are doing real service to the Motherland.

With these few remarks, Sir, I submit that my amendments may be considered and accepted.

**Prof. Shibban Lal Saksena :** Sir, I beg to move:

“That in amendment No. 2 of List I (Seventh Week), in the proposed article 282, for the words ‘Acts of the appropriate Legislature’ the words ‘Acts of Parliament’ be substituted.”

Along with this amendment of mine should be considered my amendment No. 234. Sir, I move:

“That in amendment No. 2 of List I (Seventh Week), for the proviso to the proposed article 282, the following be substituted:—

‘Provided that Parliament may by law specify the public services in the States with regard to which Acts of appropriate Legislature may regulate the recruitment and conditions of services of persons appointed to them.’”

Dr. Ambedkar’s amendment provides that “Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment and conditions of service of persons appointed to public services, and to posts in connection with the affairs of the Union or of any State”. The object of my amendment is to bring about uniformity in regard to the recruitment to the important public services all over the country. At present the only services where there is a certain amount of uniformity is the Indian Administrative Service (which has replaced the Indian Civil Service) and the Indian Police Service. The object of my amendment is that this practice should be extended to the other important services as well.

**Dr. P. S. Deshmukh (C. P. & Berar: General):** Mr. President, Sir, I move:

“That in amendment No. 2 of List I (Seventh Week) in the proposed article 282, for the word ‘may’, where it occurs for the first time, the word ‘shall’ be substituted.”

Sir, looking to the whole structure of the provisions of this article, I think it is necessary that the provision in article 282 should be made obligatory and not left in doubt as it has been done here. It may probably be said that

‘may’ has the force of ‘shall’. If that is our intention, why not use the Word ‘shall’ ? I would, therefore, suggest that this amendment of mine may be accepted if it is found, as I hope it will be, that this change would be better suited to the whole position and carry out our intention better also.

**Dr. Monomohan Das** (West Bengal: General): Mr. President, Sir, I move:

“That in amendment No. 2 of List (I (Seventh Week), at the end of the proposed article 282, the following new proviso be added:—

‘Provided that in order to be recruited for any of the posts in connection with the affairs of the Union, a candidate must be thoroughly conversant in the following languages :—

- (i) The official language of the Union.
- (ii) The English language.
- (iii) Any other regional language of the Union except the official language.”

Sir, my amendment proposes that in order to be recruited as an officer under the Union Government a candidate must possess a fairly workable knowledge in three languages at least, namely, English, the official language of the Union and a regional language of India different from the official language of the country. In the amendment moved by Dr. Ambedkar, article, 282, the President has been invested with power for framing rules and regulations regarding the recruitment of services under, the Central Government. My amendment seeks to introduce some principles into these regulations so far as the question of language is concerned. These principles are of such importance that I feel they should not be left to the sweet will and pleasure of the President but they must find a place in the Constitution.

Sir, a fairly workable knowledge of English should be an essential requirement for any Government officer in the Centre because English has become practically the international language of the world today. In addition to this, it is through the medium of the English language that education in scientific and technical subjects has been imparted to the people of this country for more than 150 years. Moreover, the link between India and the outside world today, which is growing stronger and stronger every day is being maintained through the medium of the English language. Therefore, it will be disastrous on the part of our Government if the officers under the Central Government lack a fairly workable knowledge of the English language.

Secondly, our officers under the Union Government must be thoroughly conversant with our national language because of the simple fact that it is the official language of the Union.

Thirdly, our officers under the Central Government will be required to have a fairly workable knowledge in any regional language different from our official language. Sir, the Indian Union consists of so many States having different languages and the Central Government should be always in intimate touch with the provinces and States. So it is essential and necessary that our officers under the Central Government should have at least some knowledge of the regional languages of the States that comprise the Indian Union today. This knowledge of the regional languages of the States of India, is also necessary from another point of view. This is for maintaining a common standard for educational qualifications, especially linguistic qualifications among the members of our Central services.

Sir, this Assembly has not yet selected the official language of this country. We have deferred this issue up till now to avoid unpleasant consequences that a controversy on this subject may give rise to. But the time has come when we shall be able no longer to defer this issue and we must have to take

[Dr. Monomohan Das]

some decision one way or the other without delay. Sir, a section of the population, whose mother tongue will be accepted by this House as the official language of the country, will have an undue and unjustified and inherent advantage over the sections whose mother tongue will not coincide with this official language of India. In order to do away with this difference.....

**The Honourable Dr. B. R. Ambedkar :** I think my friend has said enough on the point and he need not continue. We have understood his point. We must get through today at least one article.

**Dr. Monomohan Das :** If that is the case, I shall stop.

**Dr. P. S. Deshmukh :** Sir, I move:

“That in amendment No. 2 of List I (Seventh Week), in the proviso to the proposed article 282, the words ‘and any rules so made shall have effect subject to the provisions of any such Act’ be deleted.”

My purpose is simple because the previous wording says that “it shall be competent for the President in the case of services and posts in connection with the affairs of the Union and for the Governor or, as the case may be, the Ruler of a State in the case of services and the posts in connection with the affairs of the State to make rules regulating the recruitment and the conditions of service of persons appointed to such services and posts *until provision in that behalf is made by or under an Act of the appropriate Legislature.*”

In view of these concluding words it appears that there is no necessity of adding a clause to this effect by which the rules are to have effect subject to the provision of any such Act. So long as the words “until provision in that behalf .... etc.” are there, the rules made by the above-named authorities would be operative, only till the appropriate Legislature deals with the matter by an Act.

There are two more amendments. They are more of a drafting nature and I am prepared to leave them to the Drafting Committee. So I do not propose to move them.

**Shri Mahavir Tyagi (United Provinces: General) :** Sir, I beg to move:

“That in amendment No. 2 of List I (Seventh Week), at the end of the proposed article 282, the following new proviso be added :

‘Provided further that all tests, examinations, interviews and competitions held for the purpose of selecting candidates for services and posts in connection with the affairs of the Union or a State shall, as far as practicable, be conducted in the language recognised for the official purposes of the Union or the States as the case may be.’ ”

It is a very simple amendment. The grievance of the whole country for a century and a half has been that the indigenous talents and intellect which the country produced was never recognised by the British. They had their own pattern of pedantism with which they thought they could run the administration of the country. Therefore those who took to learning the English language and who began to practice English mannerism were considered to be educated, and fit to take charge of the Government of the country. My regret is that even today the same conditions obtain. The country fought for freedom not against the British, as Mahatma Gandhi said. It was not against colour. It was against the bureaucracy that we fought and wanted to be free from it. Now the very same bureaucracy stands as it is. According to my opinion, Government must not be allowed to be run by persons who are mercenary, who come and offer their intellectual talents on hire. I am a man of a different way of thinking. I consider the English education as a curse to India. All these pedants who boast

of their foreign accents suffer from a superiority complex. They are, generally speaking a demoralised and denationalised lot. I think Government servants must be paid according to their needs and they should not be encouraged to bargain their talents. They must offer as volunteers to serve the, State. Only then the old pattern will change and that can come about only if we discard the English language and own our own culture with pride. Now all stress is on the English language. I am opposed to the present method of selection of candidates to the services. My friend Shri Monomoban Das complains at if Hindi were made the official language, persons who belong to non-Hindi speaking areas will suffer in competition with people who come from these areas. I therefore suggest that the overall capacity must not be examined even in Hindi. I am not only for Hindi. My submission is that every candidate must be examined in his own mother tongue. It is in one's own mother tongue that one would be able to express his ideas best.

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): The members of the Public Service Commission would then have to learn the language of a candidate they want to test.

**Shri Mahavir Tyagi** : If you legislate like that they will have to learn those languages.

**Mr. Naziruddin Ahmad** : There are about 130 principal languages in India and about 300 dialects.

**Shri Mahavir Tyagi** : It is not necessary to test the intelligence of a candidate by examining the amount of Oxonian accent he has adapted. You can test him in Hindustani or Madras or Punjabee or Bengalee or any other language. Proficiency in a, language is not the sole criterion of education. To claim to be educated, one must be possessed of a general knowledge of the world, and one should prove that he has taken the fullest advantage of knowledge by practising it on himself, and that one has consumed knowledge. He must radiate knowledge by his habits and manners. But today as we see the main stress is on correct English and on good table manners in the approved English style. Such men are selected at the interviews. If things go on at this rate I am afraid, we can never enjoy freedom. The only proper method of recruitment to Government services of the true sons of the soil is to test the candidates in their own mother tongue.

Sir, even in the army, recruits are selected not because of their capacity to use the sword effectively, but because of their knowledge of handling the fork and spoon. They are selected for their English mannerisms. I have seen selections for the army made of people whose only qualification is Knowledge of English. This is a slavish Habit. India cannot stand it any longer, I submit that people should be examined in their own language and the candidate should be absolutely free to prove their talents even in broken English.

**Mr. President** : The honourable Member has expressed his views at length.

**Shri Mahavir Tyagi** : If you have been convinced I am thankful.

**Mr. President** : I do not say I am convinced. I have understood, what you have said. All the concerned amendments have been moved.

**Shri H. V. Kamath** : With your permission Sir, I shall say a few words. I shall not take more than two minutes.

On this amendment moved by my Friend Mr. Tyagi I wish to say that him intention is laudable, but I fear that there will be considerable difficulty in implementing his amendment. Let me at the outset state that prejudice

[Shri H. V. Kamath]

against any language, as such is thoroughly irrational. Prejudice against even the English language is irrational. We fought British rule in India, but we never fought against the English language. I may remind the House that Kemal Ataturk, after Turkey was freed from foreign rule, almost overnight adopted and promulgated the Roman script throughout Turkey.

Now, Sir, the difficulty in adopting this amendment is two-fold. Firstly, the posts in connection with the affairs of the Union do not fall all under one category. Does Mr. Tyagi want that even the candidates for the consular and diplomatic posts should be examined only in the official languages of the Indian Union?

**Shri Mahavir Tyagi** : I said in the language of the region from which the candidate comes.

**Shri H. V. Kamath** : He has not followed me. I want to know from him whether persons to be selected for diplomatic and consular posts abroad should be examined only in an Indian language.

**Shri Mahavir Tyagi** : I have said, 'as far as practicable'. If you are selecting a candidate for our Embassy in France, let him have a knowledge of French. But he should be examined in his own mother tongue. I have no objection to a man being examined in Marathi language.

**Shri H. V. Kamath** : My friend has put all tests, examinations, interviews and competitions together in his amendment. I may tell him that I respect the spirit of his amendment. I am only pointing out the practical difficulties in the way of its acceptance. Even in England the tests conducted by the Selection Boards for appointments to diplomatic and even the Home Civil service are not all of them in the English language alone.

**Mr. President** : Mr. Kamath has taken more than the two minutes he himself promised to take.

**Shri H. V. Kamath** : I shall conclude in a few seconds, Sir. I may tell the House that the examinations in England itself are not all conducted in English. So also in India it would not be practicable to hold all tests and examinations only in the official language of the Union or of the States.

I have said that as regards posts in the Union, there are various categories of them; and 'each category calls for particular qualifications. Secondly, as regards a particular State, it may like to have officers for the purpose of liaison with the Union Government. For such posts a mere knowledge of the language of the State would not be adequate. Knowledge, of the official language of the Union plus, perhaps, knowledge of a foreign language as well may be necessary for persons appointed as liaison officers between States and the Centre and for officers in foreign countries. I therefore feel that Mr. Tyagi's amendment . . .

**Mr. President** : The honourable Member has exceeded his time-limit. Does Dr. Ambedkar like to Speak?

**The Honourable Dr. B. R. Ambedkar** : I do not accept any of the amendments.

**Mr. President** : I shall now put the amendments to vote. The question is:

"That in amendment No. 2 above, to the proposed article 282, the following proviso be added:—

'Provided further that no person shall be eligible for appointment to any of the superior public services and posts in connection with the affairs of the Union unless he is thoroughly



conversant with any other regional language of India besides the National language of India.' ”

The amendment was negatived.

**Mr. President :** The question is:

“That in amendment No. 3034 of the List of Amendments (Vol. II), in the proposed article 282, for the words ‘Acts of the appropriate Legislature may regulate’, the words ‘the Union Public Service Commission as respects the All India services and also as respects other services and posts in connection with the affairs of the Union, and the State Public’ Service Commission as respects the State Services and also as respect other services and posts in connection with the affairs of the State shall make regulations on all matters relating to’ be substituted; and the proviso be deleted.”

The amendment was negatived.

**Mr. President :** The question is :

“That in amendment No. 3034 of the List of Amendments, in the proposed article 282, after the words ‘affairs of the Union or any State’ the words ‘and fix the minimum as well as the maximum amount of salary of a Government servant, as also lay down the conditions to be fulfilled by a group of persons to be able to be included in the List of public servants’ be inserted.”

The amendment was negatived.

**Mr. President :** Then amendment No. 228.

**Shri Brajeshwar Prasad :** What about my amendment No. 8 to the proposed new article 282- A?

**Mr. President :** I am not taking up 282 A yet.

**Shri Brajeshwar Prasad :** I am sorry, Sir.

**Mr. President :** At that time I said that you should not move it and you did not move it. We have not taken up 282 A yet. The question is:

“That in amendment No. 2 of List I (Seventh Week), in the proposed article 282, for the words ‘Acts of the appropriate Legislature’ the words ‘Acts of Parliament’ be substituted.”

The amendment was negatived.

**Mr. President :** The question is :

“That in amendment No. 2 of List I (Seventh Week), in the proposed article 282, for the word ‘may’, where it occurs for the first time, the word ‘shall’ be substituted.

The amendment was negatived.

**Mr. President :** The question is:

“That in amendment No. 2 of List I (Seventh Week), for the proviso to the proposed article 282, the following be substituted :

‘Provided that Parliament may by law specify the public services in the States with regard to which Acts of appropriate Legislature may regulate the recruitment and conditions of service of persons appointed to them.’

The amendment was negatived.

**Mr. President :** The question is :

“That in amendment No. 2 of List I (Seventh Week), in the proviso to the proposed article 282, the words ‘and any rules so made shall have effect subject to the provisions of any such Act’ be deleted.”

The amendment was negatived.

**Mr. President :** The question is :

“That in amendment No. 2 of List I (Seventh Week), at the end of the proposed article 282, the following new proviso be added :—

“Provided further that all tests, examinations, interviews and competitions held for the purpose of selecting candidates for services and posts in connection with the affairs of the Union or a State shall, as far as practicable, be conducted in the language recognised for the official purposes of the Union or the State as the case may be.”

The amendment was negatived.

**Mr. President :** The question is:

“That in amendment No. 2 of List I (Seventh Week), at the end of the proposed article 282, the following new proviso be added :—

“Provided that, in order to be recruited for any of the posts in connection with the affairs of the Union, a candidate must be thoroughly conversant in the following languages:—

- (i) The official language of the Union.
- (ii) The English language.
- (iii) Any other regional language of the Union except the official language.’ ”

The amendment was negatived.

**Mr. President :** I think these are all the amendments. I will now put Dr. Ambedkar’s proposition to the vote. The question is :

“That proposed article 282 stand part of the Constitution.”

The motion was adopted.

Article 282 was added to the Constitution.

#### Article 282-A

**Shri Brajeshwar Prasad :** Mr. President, Sir, I move:

“That in amendment No. 3034 of the List of Amendments (Vol. II) in the proposed new article 282-A—

(i) in clause (1), for the word ‘holds’ in the two places where it occurs the words ‘shall hold’ be substituted; and for the words ‘during the pleasure of the President and during the pleasure of the Governor of the State’ the words ‘until he attains the age of sixty eight’ be substituted:”

I realise. Sir, . . . .

**Mr. President :** You are not moving clauses (ii) and (iii).

**Shri Brajeshwar Prasad :** No, Sir, they relate to 282- B. I have modified my stand since this amendment was moved. I am now in favour of the proposition that every civil servant of the State, whether he is serving in the Union or in the provinces should hold his office during the pleasure of the President ,and of the President alone. I cannot agree to the proposition that every civil servant of a State should hold office during the pleasure of the Governor or, as the case may be, the Ruler of the State. The Governor or the Ruler means the Ministry.

**Mr. President :** You are not supporting your own amendment.

**Shri Brajeshwar Prasad :** I sought your permission, Sir, on that point. I submitted to you, Sir, that since I moved that amendment, I have now come, to the conclusion that it is advisable that all civil servants of the State should hold office during the pleasure of the President.

**Mr. President :** The interval between your moving your amendment and your request to me was so short that it was difficult for me to form any opinion about it.

**Shri Brajeshwar Prasad :** If you do not consider it advisable for me to speak on this article at the present moment, during the general discussion when this article is taken up, I would like with your permission to say a few words.

**Mr. President :** I make no promise. You may take your chance.

**Shri Jaspal Roy Kapoor** (United Provinces : General) Does the honourable Member want the age to be 86 or is it a misprint for 68?

**Mr. President :** We go to the next amendment No. 235 by Dr. Deshmukh.

(Amendment Nos. 235, 236 and 237 were not moved.)

I think these are all the amendments to 282-A.

**Shri Brajeshwar Prasad :** I would like to make a few observations.

**Mr. President :** I do not think so. I think we had better do without your observations.

**Shri Brajeshwar Prasad :** As you please, Sir. Your word is law to me.

**Mr. President :** There is no other amendment to 282-A The question is:

“That proposed article 282-A stand part of the Constitution.”

The motion was adopted.

Article 282-A was added to the Constitution.

#### Article 282-B

**Mr. President :** I have got a large number of amendments to this. We might move one or two today. Mr. Brajeshwar Prasad, No. 9.

**Shri Brajeshwar Prasad :** I would like to reserve my right to speak for tomorrow. Within five minutes, I would not be able to read the amendment and speak on it.

**Mr. President :** You might move your amendment now.

**Shri Brajeshwar Prasad :** Mr. President, Sir, I move:

“That in amendment No. 3034 of the List of Amendments (Vol. II), in the proposed new article 282- B.—

In clause (2), for the words ‘by an authority subordinate to that by which he was appointed’ the words ‘except by an order of the Union Public Service Commission, or, as the case may be, by the State Public Service Commission’ be substituted.”

**Mr. President :** You are reading clause (ii) of the previous amendment. That relates to 282-A

**Shri Brajeshwar Prasad :** That relates to 282 B.

**Shri Jaspal Roy Kapoor :** No. 9 is the amendment that you should move.

**Shri Brajeshwar Prasad :** No, No. 9 relates to 282-C. Sir, these are the old amendments.

**Mr. President :** But the old article has not been moved.

**Shri Brajeshwar Prasad :** This is an amendment to 282- B.

“No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.”

Sir, I would like to move my amendments tomorrow.

**Mr. President :** I do not think these amendments fit in at all, (ii) and (iii). They do not fit in with 282- B; so they do not arise.

**Shri Mahavir Tyagi :** They may be taken as moved.

**Mr. President :** No, they cannot be taken as moved, because they do not fit in.

**Shri Brajeshwar Prasad :** I will try to amend them and with your permission would move them tomorrow, Sir.

**Mr. President :** I think it is already one now and we should rise. A suggestion has been made that we sit in the afternoon.

**Honourable Members :** Yes, Sir, we shall sit in the afternoon.

**Mr. President :** There are difficulties. There is a Cabinet meeting which the Honourable Dr. Ambedkar has to attend.

**Shri R. K. Sidhwa (C.P. & Berar: General) :** The Drafting Committee can meet later on.

**Mr. President :** It is not the Drafting Committee that I am speaking of. There is a meeting of the Cabinet.

**Shri R. K. Sidhwa :** But there are other members of the Drafting Committee who can be present.

**Mr. President :** We can make much more progress within the scheduled time if Members take care, of the time. I think there is some difficulty in my way. It is very difficult for me to stop any Member from speaking if he insists on speaking.

**Shri R. K. Sidhwa :** We are prepared to sit and finish. We can sit for seven or eight hours.

**Mr. President :** That is not possible. We cannot sit for eight hours. After all we work like human beings. We cannot work like machines. So I do not think it will be possible. What do you say, Dr. Ambedkar, is it possible to have an afternoon sitting today?

**The Honourable Dr. B. R. Ambedkar :** I expect to be back from the Cabinet meeting at about half past five. If the House is prepared to sit for two hours after that, I am quite prepared, but we have a Drafting Committee meeting from half past five onwards, because unless we are ready with the articles which have, already been held up, it will be difficult to proceed. We have to go to another place to obtain a decision and then to come here. If the House so wishes, we can change the sitting of the Drafting Committee to some other time.

**Mr. Naziruddin Ahmad :** There are other difficulties which I want to submit. I do not mind sitting for any length of time. The only thing that I care for is that we should be given sufficient time to consider the amendments. The Drafting Committee is not yet ready with some of their most important amendments. I would most respectfully ask you to consider our situation. If we are to take any part in the drafting of the amendments, or in speaking on them, without adequate preparation, the result would be desultory talking. I submit that the

Drafting Committee should give us sufficient time to consider their latest draft. They are changing their mind every day. They may think that we have no part to play—that is a different matter—but I have come here for a part to play, to do my duty. In that case, I think the amendments should reach us in sufficient time to enable us to consider them. If we are to sit in the afternoon also, where is the time to consider what amendments to suggest and then let the office have them in time so that they may circulate them among the members in good time?

**Mr. President :** We have already circulated amendments to about fifteen articles. 281 and 282 we have already dealt with. 282A we have dealt with. Then come 282B, 282C, 283, 243, 244, 245, 274 A-E, 264, 265, 265A and 266. All these were circulated yesterday and so Members have had time to give notice of any amendments.

**Mr. Naziruddin Ahmad :** They are coming to us in a scrappy form. In fact, the amendments come in irregular order. The method of the juggler is followed in this respect. In fact, there is no opportunity for Members to see them in their proper light. That is one difficulty. Afternoon sittings would interfere with proper consideration of the amendments. I do not myself mind sitting for any length of time. The only question is that we should be given sufficient time to consider the amendments. Though the Drafting Committee is not in a position to accept our suggestions, still as much as possible we have got to study all the amendments. So we want some time. The whole difficulty is with the Drafting Committee, but perhaps they are themselves the scapegoats of certain other factors. But our position also should be considered. There are many other important articles which have to be considered. A number of articles which have been given to us recently are so varied, so difficult and so complicated that each article has to be considered in its proper context. We are not in the fortunate position of the Chairman of the Drafting Committee who has very able expert assistance at his call. He need not hear any arguments, and when the time comes for reply, he can say that he does not want to say anything. We do not find ourselves in that fortunate position. And so my submission is that we should be given some time to study the amendments.

**Mr. President :** I do not think that any Member can have any grievance that he has not had sufficient time to consider amendments so far as these articles are concerned.

**Shri R. K. Sidhwa :** We have received the amendments, there is no doubt about it. We have got amendments for the next week dealing with language and compensation. We have already received it, but Sir, as far as the programme of this House is concerned, you are aware that for the last ten days the Drafting Committee has been telling us that they are not ready and when they asked us to sit for two hours, we acceded to that request. We are wasting the public money and yet they are not ready. They are wasting public money by not sitting in the afternoon now. My suggestion is that if the Drafting Committee is not yet ready, in order to save the public money, they should adjourn for 15 days, so that the amendments may be ready and the Drafting Committee should be prepared with the full programme. Yesterday we were prepared to sit in the afternoon and the day before yesterday we were prepared to sit in the afternoon, but Dr. Ambedkar is busy. So the whole expenditure of the State will lie on the shoulders of Dr. Ambedkar and not on the shoulders of the members of the House.

**Shri T. T. Krishnamachari :** I submit it is very unfair because if the House is willing to finish the work on the Order Paper before the day after tomorrow, we can assure the House that we will have enough work on Friday, but the question is whether the House will be prepared to complete the work