

CONSTITUENT ASSEMBLY OF INDIA

Monday, the 10th October 1949

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the Clock, Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

TAKING THE PLEDGE AND SIGNING THE REGISTER

The following Member took the pledge and signed the Register:—

Shri Hira Vallabh Tripathi (United Provinces : General).

DRAFT CONSTITUTION—(Contd.)

New Article 283-A

Mr. President : We shall now go on with the consideration of the articles, 283 A—Mr. Munshi.

Shri K. M. Munshi (Bombay : General) : Mr. President, Sir I beg to move the new article 283 A which is on List I of the Second Week. The article which I submit to the House runs as follows:—

“283. A. Except as otherwise expressly provided by this Constitution, every person who, being a member of a service specified in clause (2) of article 282-B of this Constitution or a service which was known before the commencement of this Constitution as an All India service continues on and after such commencement to serve under the Government of India or of a State shall be entitled to receive from the Government of India and the Government of the State, which he is from time to time serving, the same conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or rights as similar thereto as changed circumstances may permit as that person was entitled to immediately before such commencement.”

Provision for
protection of
existing officers of
certain services.

Sir, as honourable Members will see, the original draft article which was circulated had these words:

“been a member of the service specified in clause (2) of article 282 B of this Constitution or a Service which was known before the commencement of this Constitution as an All India Service.”

This included a much wider category of civil servants and it has now been restricted only to members of the Civil Service of the Crown in India who continue on and after the commencement of this Constitution to serve under the Government of India or of a State. Therefore, there is no material change except that the guarantee that was given by the Independence Act to certain members of the Civil Service has been continued and the wider implications of the clause as originally submitted has now been restricted.

In this connection, I wish to draw the attention of the House that in view of certain guarantees that were given before 15th August, 1947 by the leaders of the Nation who negotiated with the British Government some assurances found a place in Section 10 of the Independence Act. Section 10(2) of the Independence Act runs as follows:—

I am only reading the material part:

“Every person who having been appointed by the Secretary of State, or Secretary of State in Council, to a civil service of the Crown in India continues on and after the appointed day to serve under the Government of either of the now Dominions of any Province or part thereof;”

[Shri K. M. Munshi]

(b) is not material for the purpose of this article—

“shall be entitled to receive from the Governments of the Dominions and the Provinces or parts which he is from time to time serving or, as the case may be.”

The same words are adopted in article 283A. Practically this is a reproduction of clause 2 (a) of Section 10 of the Independence Act and follows the assurances that have been given again and again by our national leaders before 15th August and by our Government from time to time. I therefore submit that this article should be accepted.

Mr. President : There are several amendments to this article. 124-Mr. Kamath.

Shri H. V. Kamath : (C.P. & Berar : General) Mr. President, I am missing Dr. Ambedkar today and I hope if he is unwell.....

Mr. President : He is engaged elsewhere.

Shri H. V. Kamath : I move amendments* 124 up to 131 inclusive.

Mr. President : You need not read them. You may read the article as it would emerge after incorporating your amendments.

Shri H. V. Kamath : If the amendments that I propose were accepted by the House, this article 283A would read as follows:—

“Except as otherwise provided by this Constitution, every person who, having been appointed by the Secretary of State or the Secretary of State in Council to the Civil of the Crown in India continues on and after the commencement of this Constitution to serve under the Government of India or of a State, shall be entitled to receive from the Government of India or the Government of the State as the case may be, conditions of service as regards salary, leave and pension and rules of conduct and discipline, as similar as the changed circumstances may permit, to what that person was entitled to immediately before such commencement.”

*“124. That ‘in amendment No. 1 of List I (Second Week), in the proposed new article 283A, the word ‘expressly’ be deleted.

125. That in amendment No. 1 of List I (Second Week), in the proposed new article 283A, in line 9, for the word ‘and’ the word ‘or’ be substituted.

126. That in amendment No. 1 of List I (Second Week), in the proposed new article 283A, for the words ‘which he is from time to time serving’ the words ‘as the case may be’ be substituted.

127. That in amendment No. 1 of List I (Second week), in the proposed new article 283A, for the words ‘the same conditions’ the word ‘conditions’ be substituted.

128. That in amendment No. 1 of List I (Second Week), in the proposed new article 283A, for the word ‘remuneration’ the word ‘salary’ be substituted.

129. That in amendment No. 1 of List I (Second Week), in the proposed new article 283A, for the words ‘and the same rights’ the words ‘and rules’ be substituted.

130. That in amendment No. 1 of List I (Second Week), in the proposed new article 283A, for the words ‘as respects disciplinary matters of rights’ the words ‘or conduct and discipline’ be substituted.

131. That in amendment No. 1 of List I (Second Week), in the proposed new article 283A, for the words ‘as similar thereto as changed circumstances may permit as that person was entitled to immediately before such commencement’ the words ‘as similar, as changed circumstances may permit to what that person was entitled to immediately before such commencement’ be substituted.”

Sir, when I read this article 283 A my first reaction was that it had been drafted in a hurry. The construction of the article is, to my mind execrable, and I will not be far wrong if I say that the last portion of it seems to have been messed up very badly. I am talking about the construction of it, and I feel that if it is left as it is, the Drafting Committee and ultimately the Assembly which passes it will be held up to ridicule. Perhaps partly because this is a foreign language, it is so, and this is an argument in itself to promote our *Rashtra Bhasha* as soon as possible so as to enable us to express ourselves much better in our own language.

Sir, the first amendment is a merely verbal one and I shall not bother to speak about it very much. I would leave it to the good sense of the Drafting Committee.

The second amendment—No. 125—deals with the antecedent of the words “Government of India and of a State.” Naturally, to my mind, the sequence of that also must be “the Government of India or of a State” on the lines of their antecedent. Why put in the word “and”. The correct word should be “or”.

Amendment No. 126 seeks to substitute the phrase “as the case may be” for the words “which he is from time to time serving.” It is not necessary to say “which he is from time to time serving”. It may be that he is serving the Government of India or the Government of a State. But if you use the phrase, “as the case may be” it brings out the meaning equally well, and from the point of view of constitutional terminology or parlance also, I think it is a far better and a far happier expression.

Then I come to another verbal amendment which seeks to substitute the word “salary” for the word “remuneration.” I feel that so far as the civil servants and public servants are concerned, “salary” is a much more dignified term than “remuneration.” In all the other articles, I believe, we have used the word “salary” wherever this meaning was implied. We have been speaking of salary of judges, salary of the President and so also, I believe, the salary of the Ministers and the salary and allowances of the M.L.As. Here also, therefore, I think the more appropriate word would be “salary” and not “remuneration.”

Now I come to that part of it which I said was messed up very badly. If my Friend Mr. Munshi and his colleagues on the Drafting Committee care to follow me in what I say, I am sure they will realise the mistake that has been committed, if their minds be open and not closed to any change. Here the language used is very very inaccurate and unhappy. The House will follow what I say when I refer to the part of the article beginning with “the same conditions “ up to the end of it. But before I come to that I would like to say a word about the word “receive”. I could not find an appropriate substitute for that, but I feel it is a very inaccurate word in this context. Receive what? Receive conditions of service? Receiving rights as regards disciplinary matters or rights? That is a very inapt expression. I have never seen the word ‘receive’, used in this context, though unfortunately I could not myself find another word for it. I would, however request the Drafting Committee to look into the matter again and when the third reading comes, I hope the word “receive” would be substituted by some other and better word.

If the House will carefully peruse the last part of the sentence, it will see the bad construction of it. It speaks of same conditions and similar conditions or similar rights as respects disciplinary matters and all that. Now if it is the same, it is identical, but not similar. You cannot have both same and similar together. So one or the other has to be omitted. I have therefore suggested

[Shri H. V. Kamath]

the word 'similar', so that the conditions may be as similar as possible, to those that existed, as circumstances permit. My amendments Nos. 131 and 128 refer to this part of the article. I have sought to say that what is intended is something similar to what existed before the commencement of the Constitution and not the same. I am also sure that the Drafting Committee will agree with me that that is what they imply. Therefore, it will be more correct to say conditions and rules as similar to those existing, as the changed circumstances may permit.

Amendment No. 130 refers to the portion of the article which speaks of rights as respects disciplinary matters or rights. What exactly is meant, God only knows. The word "rights" is repeated. "Rights as regard disciplinary matters or rights". But there are no rights regarding disciplinary matters. There are rules of discipline, there is a code of conduct and there are regulations regarding discipline. But what is meant by "rights as respects disciplinary matters or rights"? I have seen the service from the inside for some years, and I do not know what such rights are. There is only a code of conduct, there are no rights about discipline. When I read it once, twice, thrice, I wondered whether really the eminent draftsmen of the Drafting Committee had drafted it or somebody else had done it and the Committee had not looked into it closely.

One word more. Mr. Munshi has told us that Civil servants were given a guarantee by Government as soon as the Independence Act was passed on 15th August, 1947. So, that matter is not at all in dispute. But the whole article has been drafted so incorrectly that I would humbly request the Drafting committee to reconsider the whole matter and bring it up afresh, in correct and accurate language and with a happier construction, when it comes up for the Third Reading.

Mr. President : No. 132, Mr. Naziruddin Ahmad.

Shri Brajeshwar Prasad (Bihar: General): What about amendment No. 14?

Mr. President : Amendment 14 refers to the previous draft.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Mr. President, Sir, some of my amendments are of substance and some others are merely formal. I shall move only sub-numbers (iii), (iv) and (vii). Sir, I move:

"That in amendment No. 1 of List I (Second Week), in the proposed new article 283 A—
for the word 'continues' the words 'shall continue' be substituted;
for the words 'shall be entitled' the words 'and shall be entitled' be substituted; and
for the words 'he is from time to time serving' the words 'the shall from time to time be serving' be substituted."

My object in suggesting these amendments is that we are providing for the future of certain services. It seems to me that the provisions should be in the future tense, but the present tense has been used here all along. Omitting a number of conditions, the bare sentence, article 283 A is that "every persons who having been appointed by the Secretary of State or the Secretary of State in Council to a civil service of the Crown in India continues on or after the commencement of this Constitution..... Instead of the word "continues" I propose that the words should be "shall continue". My idea is that we are providing for the future of these services, and therefore the verb should be in the future tense. The other amendments are of a similar nature and do not require any further argument.

On a careful consideration of article 283 A, it seems that the article, as has already been pointed out by Mr. Kamath, has been very hastily drafted. One glaring inconsistency from a drafting point of view has been pointed out by Mr. Kamath, namely the word "receive". The word seems to be totally inappropriate. I suggest that the Drafting Committee should reconsider the drafting in the light of some of the amendments and comments suggested and made in the House.

A further difficulty in the way of Members dealing with these articles is that these articles were circulated only yesterday at about nine or ten P.M. and then there was no time to consider the articles and to suggest amendments and to submit amendments to the office by five o'clock yesterday. That is the reason why some of the amendments have not been well-considered, and the word "receive" escaped my attention on account of hurry. I suggest that the Drafting Committee should reconsider the drafting of this article. There are a number of other small improvements which I have suggested and which I have not moved but I think they deserve the consideration of the Drafting Committee.

Mr. President : There is an amendment, notice of which has been given by Mr. Sidhwa this morning.

Shri R. K. Sidhwa (C.P. & Berar: General): I am not moving it, Sir.

Mr. President : Now the article and the amendments are open to discussion. There are one or two amendments proposing deletion. I do not take them as amendments.

Shri Mahavir Tyagi (United Provinces: General): Sir, on principle I do not agree that any such commitments should be made by this Constituent Assembly, the liability of which goes to the coming Parliaments. In the case of these few civil service people, only some guarantees are being transferred over, I have no objection to that, but they should be transferred from Parliament to Parliament. If these guarantees are now confirmed by this Constituent Assembly they will go as a perpetual liability to the coming Parliaments. At this stage I do not think that any opposition to this move will have much backing; still I want to ask a few questions before I vote for these guarantees.

As it happens, in India today persons of the Civil Service having only seven, eight or nine years' service are acting in the Secretariat as Secretaries and Joint Secretaries and getting much higher pay, a pay which, if India were not, independent, they would get after serving for eighteen or nineteen years. So, speedy elevation has been given to many Civil Service people. I want to know as to what will happen to those Secretaries who are more than the minimum guaranteed number of "eight". As far as I know, only eight posts of Secretaries had been guaranteed. These posts cannot be reduced from eight to seven or six, but at present there are twenty-one Secretaries. Now, the original liability was to pay Rs. 4,000 per month to each of these eight Secretaries. Now, we are paying the same rate of pay to twenty-one Secretaries. I want to know whether after passing this article we will be entitled or not to reduce the number of Secretaries from twenty-one to eight. Now, if this is also a commitment that the coming Governments will have to pay twenty-one Secretaries and a number of Joint Secretaries at the present scale of pay a number, which is much bigger than the number originally guaranteed—is this not an extra liability on the future Parliament? Or will the future Parliament be free to reduce the number of the Secretaries?

[Shri Mahavir Tyagi]

Today, it seems to me that the bulk of benefit of independence has gone to the Service people, and the other classes of people have gone down. The Service people are getting much bigger pay than they would otherwise get it if India were not independent. In understand that in Pakistan they have made a rule that every Civil Servant will either get the salary of the higher grade achieved by him after independence, or only thirty per cent. more than the pay he was getting before independence was achieved whichever is less.

There is no civil servant in Pakistan whose pay has been increased more than by thirty percent. of what he was getting before the 15th of August 1947. But here, even very junior officers have got accelerated promotions on senior scales of pay on account of the opting of Muslim officers to Pakistan and the retirement of the European members of the Civil Services.

I would appreciate if Mr. Munshi would clarify as to whether, after the passing of this provision, it will be incumbent upon the future Parliament of India to maintain the same number of Secretaries on high salaries, or whether they will be free to reduce the number of Secretaries in the Secretariat, and pay them lower pay. Almost all the vested interests like the Princes and the Zamindars have gone. It is only the vested interests of the few Civil Servants that we are perpetuating by guaranteeing their interests. Will they be a perpetual liability on the future Parliaments?

Shri T. T. Krishnamachari (Madras: General): If it would help my honourable Friend to cut his argument short.....

Shri Mahavir Tyagi : I have had my-say. If the honourable Member wants to enlighten me on this issue he may kindly explain to me as to what the position really is.

Shri Rohini Kumar Chaudhuri (Assam: General): Mr. President, Sir, I welcome this new article which has been placed before the House by Mr. Munshi. I welcome it because it enables us to maintain that standard of conduct which any civilised Government ought to maintain with regard to Civil Services which co-work under them.

In considering this article before the House, we have to bear one, fact in mind-that although a revolution has been going on in our country for a long time, the immediate reason for the transfer of power was not a revolution, a revolution which would justify our upsetting everything that had existed before. We should remember that the power that the previous Government had exercised was peacefully transferred to us, and, therefore, the obligations which they had entered into should be respected, as far as possible. In this particular case not only that obligation should influence our conduct, but there is a consideration, and that is that a guarantee was given by our leaders- leaders who had taken the most prominent part in achieving for us the liberty of the country. No matter whatever may be the criticism against us, we must respect and honour the guarantees given by our leaders.

While I fully support this article, I would like to make a humble appeal to the members of the services. I would ask them to remember whether it would not be proper for them as a return of the gesture which we have shown by accepting this article, to renounce a percentage of the remuneration which has been given to them and which they will get by reason of the acceptance of this article. I remember, Sir, in 1931 when there was talk of retrenchment all over the country, the members of the I.C.S. whose salary could not be retrenched by the India Government, voluntarily submitted themselves to a cut in their salaries and allowances. While the European members of the

Indian Civil Service could show such a gesture in the interests of this country, I am sure the Indian members of the Indian Civil Services, would not be found wanting in their sense of patriotism to their motherland. I believe, Sir, that there will be very little objection on their part in doing so, because they should remember that while the leaders of the Congress had given up their earning, had given up their vacation had given up their position in life and had gone into jail, the Civil Servants had remained quietly at their own desk, earning their own bread and doing their ordinary work. We did not grudge their doing so. If at that time all the members of the Civil Service had also resigned, there might have been great difficulty for us to carry on the work in the period of transition. I do not grudge their having done so at that time. But now as they are enjoying with us the liberty for which they have not made any sacrifice-of course, I am not talking of men like Subhash Chandra Bose and Mr. Kamath-who had resigned the coveted position out of a great sense of patriotism-now submit to a voluntary reduction of their remuneration.

Sir, in this connection we have to remember the position of some of the ministers *vis-a-vis* the status of their Secretaries. While the Ministers were drawing a salary ranging from Rs. 750 to 1,000 their I.C.S. Secretaries were drawing salaries ranging from Rs. 2,000 to 3,000. While the Ministers were trying to push their old motor-cars on the road in order to get a start-because they could not afford to have new motor cars-these Secretaries would pass by the Ministers in their new beautiful motor cars and just wave their hands to the 'Minister and say "Cheerio". He does not care to stop because his fashionable wife is sitting by his side. That sort of thing should not be repeated now. There should not be such a difference of status between the Minister and his Secretary. The only way of putting a stop to that would be to provide all Ministers with State cars. I had also seen that the Secretaries would not like to visit Ministers in their houses, because the Ministers of those days would not be able to furnish their houses in the manner in which I.C.S. Secretaries could do.

Therefore, while accepting this article, I would make an appeal to the services, once more, to give up their excessive income if they can do so. Let them come to the level of ordinary gentlemen and give up whatever they can. Even if they cannot give up whatever they can, do not let them have any luxury but try to invest their income in objects of national welfare. Give some charity for educational institutions or something of that kind or help in the uplift of the masses. That is what I would appeal. I support this article.

Shri R. K. Sidhwa: Mr. President, Sir, while I believe entirely in the desirability of keeping the services of the State contented, the limit of that contentment should not be crossed over by the services. In this respect, it has been done so. With due respect to the members of that great service who are really serving the country, I would have preferred that this article should not have found a place in our Constitution. If we have made an agreement, we certainly are bound to carry it out and that would be a matter between the leaders and the services and it will be Known that it is faithfully carried out. Why should it find a place in the Constitution?

Then again, this article is not happily worded. Probably the Drafting Committee has not paid proper attention to the wording. For instance, take this word "remuneration". Even in the case of the Prime Minister, the Ministers, the Speaker, the Deputy Speaker, the word "salary" is mentioned. But why is the word "remuneration" mentioned here? It is a little better word. it has better pomp than "salary". That is why it has been put in. The services people want something extraordinary for themselves.

[Shri R. K. Sidhwa]

Then they want the same rights as respects discipline. Now, we know what discipline means. It means conduct within the four walls of the rules. The words as put in here will create complications for the future governments. This Government knows what are these conditions, but if you put it into the Constitution, the future government would be embarrassed considerably if the services are permitted to do things as they like and at the same time demand the same disciplinary rights along with continuity of their terms. I know that we are bound to give the services the things for which we have made commitments. I do not dispute that. But I feel that they should not find a place in the Constitution. The services should be content with trusting our leaders that they will faithfully carry out the commitments.

We are proud of the services. But is it desirable that they should dictate to us the terms on which they would serve ? It is very unfair. If you study the language of this article, you will see that they want to dictate the terms under which they want to serve us in the future. I had sent in an amendment. I did not move it, because if I did not want to embarrass the services. My amendment states that after five years of this Constitution, Parliament shall have the right to make any law relating to the conduct of the services. But I have not moved it, because I do not wish it to be understood by the services that we want to embarrass them, that we do not want to fulfill the promises that have been made. We are a nation trained to fulfil a commitment if it has been made. That is what we have been taught by our leader and we do want to do that. At the same time, I do desire that our services should not dictate to us. With these words, I hope the Drafting Committee will reconsider this matter.

Dr. P. S. Deshmukh (C. P. & Berar: General): Mr. President. Sir, I am afraid I cannot resist the temptation of submitting to this House that it is not very proper to continue to have a provision of this nature in our Constitution. It was well and good for those Constitutions which were framed by the British people or the British Parliament to have a clause like this. We are now framing a Constitution of Free India. Indians are framing their own Constitution for themselves. Under these circumstances, I do not think any guarantees of this nature were at all necessary. If there is a guarantee, if we have given our word, that word as it stands should be quite sufficient not only for the I.C.S. and other covenanted services but for the whole nation, for every one of us. If we do not value that word, then there is not much to be gained either by the nation or by the Civil Services by relying on an article which is embodied in the Constitution. Even from the point of view of appearances, it does not look nice that you should go out of your way to single out a certain service which is really the remnant of the days of our slavery, of our dependence, and that, to be incorporated almost bodily, in the same fashion as it existed in the Act of 1935. I do not think this was at all necessary. I do not think that the services are really, as described by Mr. Sidhwa, insistent upon this. I for one do not think they are insistent. I do not think the Civil Service as a whole have been consulted recently after the attainment of freedom or that they have passed any resolution or made any demand that their contractual relationship should remain intact. At least that is not my information. If they are given a chance. I have no doubt that they will probably be the first to say that they do not need any constitutional safeguard for their rights.

Secondly, if we really want to have a provision like this, then why should we have added these words "same rights as respects disciplinary matters... as similar thereto as changed circumstances may permit." In my view this negatives the guarantee altogether. What is the meaning of

“changed circumstances”? If the change in circumstances is going to enable any Government to change the contractual relationship that exists or the promises that have been made, then what is the guarantee worth? Any circumstances can at any time be utilised to go back upon the promises? So I think we have created somewhat anomalous position. On the one hand we are solicitous of giving satisfaction to the Civil Service and they are a very intelligent class of people and on the other we are taking away all that we have given. I am sure they will know what we really mean by the use of the words “as changed circumstances may permit.” Actually, we are trying to out-do the Britishers in following and imitating the 1935 Act. The I.C.S. was originally created by the British out of British personnel and they, at every stage when the political rights of Indian advanced, wanted more and more guarantees for those people who had come out of their country and were serving here. I am sure no Secretary of State at any time was interested to the same extent in the Indian personnel. He was interested in the British personnel and these guarantees were intended for the British personnel. I am certain no Indian is so unpatriotic as to demand a constitutional guarantee nor so ignorant as to how our government may behave in such a matter that he will have much faith in a guarantee of this kind, especially when we take away the whole effect of the article by putting in the words “as changed circumstances may permit”. Actually, what is the history of this Civil Service and the sanctity of contracts entered into with them? The history reveals that although the Civil Services were regarded as the steel frame and the contractual relationship between the Government of India and the Civil Service were always to be considered sacrosanct, there was at least one occasion when this sanctity of contract was completely violated.

In 1931 the same British Government itself had to come down and impose a cut of 10 per cent and this was done on the ground of a change in the circumstances. Some tried to give this the colour of a voluntary cut. Actually the sanctity of contract had to give way to the exigencies of the situation is early as 1931. So that, having regard to all this that has gone in the past, this contractual relationship is liable to be altered from time to time and I do not think therefore that it is wise or necessary to put in this article. If the guarantee is necessary, then whatever guarantee it is said we have already given are already there. They have not been taken away. Nobody has suggested that they should be withdrawn or abrogated and that I believe should be quite sufficient for the Civil Service.

Sir, there is also another reason and that is that the inclusion of this article especially with these words—“as changed circumstances may permit”—would really lead to a fresh grievance which does not exist. We are at the present moment passing through a financial crisis. It may be very necessary within about three months time hence to cut down the salaries of all people who are getting Rs. 1,500 or more. Actually we have set at nought our own solemn decision of the Pay Commission proposals. We accepted their recommendations not to pay any person a salary of more than Rs. 2,200 or so, and yet we have got the spectacle of having to pay 50 to 75 per cent. more than the maximum which we have accepted on the recommendations of the Pay Commission. So, in view of the present financial crisis and in view of the recommendations which we have accepted, it may be necessary for us within the next few months to come before Parliament and say that no one in India shall get more than such and such salary. We shall then have to have recourse to changed circumstances as the ground to justify our action. We will have to say that we cannot pay you anything more than Rs. 2,000 as the circumstances have now altered. What is the use giving a bombastic promise and then going back on it? It is no use. Anyone can see that the present circumstances of India are such that you cannot afford to pay salaries at this rate to

[Dr. P. S. Deshmukh]

the civil servants at which we are paying today. When we are in the throes of these difficulties what is the use of contaminating our Constitution with a promise which we cannot fulfil? So I submit that this article should be reconsidered and as far as possible held back. If the civil servants insist on the guarantee, by all means give it to them. But it is not necessary to include it in the Constitution for that purpose.

Sri M. Ananthasayanam Ayyangar (Madras: General): I also thought that I should be vehement in this matter as my Friend, Dr. Deshmukh, and others. I do agree that though a contented Civil Service is the very backbone of the administration in any country, this particular service for whom we are making provision here was the heaven-born service of the previous regime and will continue to be the heaven-born service for some time to come. We have not been able to give a guarantee for food and clothing to the ordinary masses of this country. We have not given a guarantee to the Under-dogs in the administration. The other day was passed certain articles whereby we have stated in this Constitution that all servants of the State will hold office only during the pleasure of the Government. This is an extraordinary guarantee that we are giving under this article. This guarantee means that they were the rulers under the old regime and that they will continue to be so in this regime. This guarantee asks us to forget that these persons who are still in the service—400 of them—committed excesses thinking that this was not their country.

This guarantee gives a guarantee to those persons who have played into the hands of others. My Friend, Mr. Kamath, and a few persons like him, who had the courage of their convictions, resigned in the cause of this country. All those people are honourable men, who at that time tried to muster courage and throw in their lot with the rest of the community in this country who was struggling hard for freedom. This is not to the credit of this service. They cared more for their money and the salaries they got. The European Government that ruled over us sometime ago could not rely upon the loyalty of any citizen in this country, because their loyalty and our loyalties were different. They belonged to a different country from ours and therefore that prejudiced their loyalty. It was the money that could attract loyalty of any citizen of this country to the King of England and therefore the salaries they gave and the scales they fixed knew no bounds. The Governor-General got Rs. 21,000 a month : a Governor got Rs. 10,000 a month: a Secretary got Rs.4,000 a month,—out of all proportion to our national income.

Our national income is not more than Rs. 100 per annum, whereas the national income of Great Britain is Rs. 1200 per annum. America is different. So far as salaries are concerned, they are on a much higher scale in this country than in any part of the world with respect to the Civil Service. So far as national income is concerned, ours is the lowest. These persons had to be purchased to serve by the previous British Government. The best of our intellects had to be drawn away and they were made to do whatever things the previous Government asked them to do, irrespective of the place in which they were born and irrespective of any patriotic instinct.

But I am asking honourable Members of this House to have regard for certain things which our people had to do. The persons, who are our leaders and the winners of freedom of this country say that they have given a guarantee collectively and individually to every one of these people that this was a condition of the transfer of power by the British Government into our hands. They wanted these conditions, particularly in the interests of the Europeans, not so much in the interests of the Indians. Possibly they wanted the interests of the

Indian bureaucrat to be safeguarded because they were loyal to them and they did not want to let them down when our own Government came in. I am not in favour of any provision in this Constitution. We could as well incorporate it in an Act of Parliament later on. But we must have the power to regulate. These are becoming super-sovereigns of this country.

I am aware of all that but it serves no useful purpose to enter into recriminations against ourselves when our own responsible leaders, who have spent their lives in the cause of winning freedom, have given this assurance. Let it not be said that we intervened in this matter, and went back on this assurance. If I support this clause it is in that spirit that I am supporting it. It is not in the spirit that all these people served our country for freedom in our time. I might say that those members who are still opposing, and quite legitimately too, may have this consolation—they may feel that they have legitimate objection to the wording of the clause as originally drafted. But the amendment made later is not so wide. I would request the attention of, the honourable Members to amendment No. 11 in List II of the Second Week. This has since been replaced by amendment No. 1 in List I and we have changed it out of recognition. This amendment follows section 247 of the Government of India Act as adapted by the Indian Independence Act. It was not the intention even of our leaders who gave the guarantee that the Civil Servants under the new Constitution should have greater privileges than they had during the previous regime. Therefore, not to give them any further privileges, this amendment has been moved. As I read it, this amendment says, that as in the previous regime the Governor-General had the power to frame rules and regulations so as to modify the conditions of their service from time to time, as circumstances may permit, the Government may have similar power now. Therefore, under the amended clause, I do not think as we suffer much. There may be extraordinary cases where we may have to interfere; there is ample provision for that here. We need not therefore be touchy about this. No doubt, we can do without this. But, in regard to the guarantees and assurances given not merely to these services, but to the other persons who have left us, I would earnestly appeal to all the Members of the House who have either tabled amendments or have spoken, not to press the amendments or to oppose this article.

Sir, I know that in the previous Government there were only eight Secretaries getting a salary of Rs. 4,000. Now, that number has been increased to 19 or 21. Honourable Member might remember that my honourable Friend Mr. N. Gopalaswami Ayyangar was appointed to go into the reorganisation of the Secretariat. The matter is still pending with him. I am sure that though, under the guarantee that has been given, the salary of 4,000 Rupees ought not to be reduced, it is not incumbent upon us to a point every one of these people as Secretary or increase the number of secretaries from 8 to 21. It is still open to Mr. N. Gopalaswami Ayyangar to suggest that in the interests of our country there ought to be only eight posts of Secretary, the others being made joint secretaries. That could be done. The people who insist upon the guarantees must themselves hesitate to ask for a guarantee. What does this guarantee mean?—that he must get Rs. 4,000 instead of Rs. 3,000. Is he working for bread or is he *hungering* otherwise? Till now, they have not shown a gesture, they have not shown that they are members of the Independent Sovereign Republic. They must also contribute their mite to its growth. We assume that they are still sticking to their pound of flesh. Even then it is open to us to reduce our number and we are not helpless. Mr. Gopalaswami Ayyangar may consider this matter of the reduction of the number of secretaries posts from 21 or 19 to 8. This does not form part of the guarantee.

[Sri M. Ananthasayanam Ayyangar]

I have also got some other figures to show how much this Civil Service have got bloated. In the very bad times, the critical times that we are passing through, it is absolutely necessary that we must take the axe in our hand and Cut off some of the unnecessary officer that have been created. Under the previous regime, there were only five Joint Secretaries. Today, we have got 30 Joint Secretaries. Each Joint Secretary is entitled to a salary of Rs. 3,000. I am not speaking to you alone here, but I am speaking to those people who think that they must have the guarantees and benefit by it. After all, the good-will of the Government and the good-will of the people at large are the suggest guarantees any man can have. Without that good-will, if they merely insist upon their salaries only, they cannot long count upon that. Now, Sir, five Joint Secretaries have been increased to thirty.

There is a further point. Under the previous regime, the Europeans became Secretaries after 25 years of service, became Joint Secretaries after 20 years of service. Now, on account of the Europeans having gone away, persons who were in the lower rungs of the ladder, Deputy Secretaries, with ten and twelve years of service, have immediately become Joint Secretaries, because the place has fallen vacant. This is wrong in principle. We ought not to have appointed them Joint Secretaries straightaway. Even now, it is not too late. In spite of this guarantee we can tell them, "you must have put in so many years of service to be entitled to a salary of Rs. 3,000." Therefore, even if we pass this article, we are not helpless. The rigors of this article and the exactitude with which they may claim these moneys can be mitigated by suitable action taken in the Committee that has been appointed under Mr. Gopalaswami Ayyangar's chairmanship.

I have one more word with regard to the services. We are making an exception in their favour. We are pampering them. But, even today, I am sorry to say that some of them have not changed their manners. They have not reconciled themselves to the new situation. They do not feel that they are part and parcel of this country. We hear so much about corruption. If there is corruption in any department, who is responsible for this? If the head of the department makes up his mind that he will root out corruption, cannot he do so? Can I or any of the Ministers who have no knowledge of the working of the administration, look into this? The Civil Service has got a claim to continue because it has got experience. The best talents have been drawn to this service. If today in a department of which a Secretary drawing Rs. 4,000 is the head, there is corruption, he must be ashamed of himself. Am I to be going about asking for legislation that corruption should be put an end to? Who is corrupt? If in my household there is anything going wrong, the manager of the family must be held legitimately responsible for that. Like that, we do not grudge paying them a thousand Rupees more, for some time more, until this old band is exhausted. But, we in return expect that they should root out corruption. Otherwise, they are not entitled to this salary.

If we have put in the Constitution that we have to have a greater majority for amending the Constitution, in Parliament we need have only a simple majority. Under the rules and regulations we have to have a greater majority to change the Constitution. If in spite of all we have done, in spite of these assurances given in spite of their having their salaries at an enormous level which we cannot afford, there is corruption in any department, we know how to deal with them. Even if the Constitution were written on stone, hard stone, indelibly, we may alter it.

With these remarks, I appeal to the members and I also appeal to the Home and request that all the amendments may be withdrawn and this article may be passed though not without hesitation.

Shri Brajeshwar Prasad : Mr. President, Sir, I rise to support this article. I have not been able to follow the speech of my honourable Friend Mr. Ananthasayanam Ayyangar. He began by opposing this article; but, somehow, in the middle, he changed his course and began to support it. If I am opposed to any article, I will oppose it. If I am in favour of it, I will support it. I cannot sail in two boats.

Sir, there is one important reason in my mind why I am in favour of this article. The objection of some of the Members in this House that this article should not be incorporated in the Constitution gives rise to a suspicion in my mind. What is it at the back of their minds? Why is it that they are opposing this article? Do they want to honour their pledged word or not? A nation that sacrifices vital principles, that does not stand by its pledged word has no future in politics. We have given our pledged word to certain authorities that existed before the transference of power. I know fully well that if we do not abide by that word, nothing will happen to us. But, it will create a very bad impression. Therefore, I am in favour of this article. What we have pledged, we must stand by.

There is another reason why I am in favour of this article. If there would have been a guarantee that those who have pledged their word of honour to the British Government would remain in power so long as these services are in employment of the Government of India, I would not be in favour of this article. But we have made a democratic Constitution. We do not know whether we will remain in power tomorrow or not. There is another reason why I am in favour of incorporating this article in the Constitution itself. I have no faith in adult franchise. I do not know what kind of people will come in the future Parliament of India. In the heat of extremism or at the altar of some radical ideology, they may like to do away with the provision that we have made in the articles of the Constitution in favour of the services. Therefore I want that this thing should be made a part of the Constitution so that the amendment being not easy it will be difficult for them to undo what we are doing today.

A point was raised by Mr. Tyagi that this Constituent Assembly has made certain commitments and we should not bind the discretion of the future Parliament of India. I say that we have not made any commitments. Our leaders have made certain commitments. We stand by them and there is no question of binding the discretion of the Parliament because the future Parliament will not be a sovereign body. What we are doing today is in the nature of either expanding or restricting the power of Parliament and other different authorities in the Constitution. We are Sovereign and not the future Parliament. We can fetter the discretion of the Executive, Judiciary or Parliament. It is for this purpose that we are drawing up the Constitution.

Having these in my mind I am of opinion that this House should unanimously support this article so that the impression may go abroad that we stand by our words. This is only the first step—we do not know how many commitments we will have to make in the course of our international relations. One false step will lead to disaster. This step is not of a very important nature. We must learn how to practice the part of conducting ourselves in our relations with the foreign nations of the world. Therefore I take a very strong view of this question and attach the greatest importance to it. I am entirely in favour of this article.

Prof. Shibban Lal Saksena (United Provinces: General): Mr. President Sir, I had given my amendment No. 12 for deletion of this clause. The more I study it the more I am surprised that it should have found a place for being made a part of the Constitution. I can understand the future Parliament giving to the incumbents of the old Civil Service their old conditions of service

[Prof. Shibban Lal Saksena]

but that the Constitution should provide all guarantees which they enjoyed before is something which I cannot understand. Since the very beginning of its movements the Congress regarded the Civil Service as the Steel frame which enslaved us and criticised its conditions of service and the way in which it was pampered. It was regarded as the “heaven-born” service. I think now when we have come into our own we should not perpetuate what we have criticized so far and plainly say that there is no reason whatsoever for perpetuating the same conditions. I am told that some guarantees and assurances have been given to them. I do not know of any, but if there are I would suggest that Parliament should try to fulfil those conditions, but to bind the future Parliament and to say they shall not have the right to determine the conditions of service of its servants is something that will be derogatory to the sovereignty of Parliament.

Then I am not happy even with the work of the old Civil Servants. I know there are many amongst them who have done wonderful work, who as Sardar said once, are worth their weight in gold but the same cannot be said about all and my own complaint is that many of the ills of our country at present are due to the way in which they are still behaving. I do not think that the Civil Services should be treated differently from the Services whom we are creating now—the Administrative Services—otherwise it will result in bad blood. They must all be placed on an equal footing. In fact their record is not what one would like it to be. Mr. Ananthasayanam Ayyangar said how they have been guilty of stabbing the Nation during our freedom struggle. Therefore I think this article is an anachronism. It must not find a place in our Constitution and it should be removed.

Shri Kuladhar Chaliha (Assam : General :) Mr. President, I think the clause as it stands is rather difficult to support; but all the same our words have been pledged by distinguished leaders who have sacrificed their lives and leisure for the attainment of liberty and independence and their words must be respected. Then there is the other side that we are in a sort of Scylla and Charybdis. We want to support the clause because our distinguished leaders have pledged their words, but at the same time we have been speaking to our Constituents that when we attained liberty we will reduce the salaries of the different services to such an extent as to be consistent with their power to pay. As Mr. Brajeshwar Prasad said we are bound to support the words which have been given and we are bound to carry it out in a way that will give confidence to the Services. We feel for the Services because they have done something without which it would not be possible for the Government to carry on. They are one of the best services in the world and in the international situations they have given a good account of themselves. Yet, they for themselves have to consider that the condition of the country is such that it is necessary for them to sacrifice and to forego the conditions which have been given to them and also the terms under which they wanted to work. That heaven-born service has been pampered to such an extent by the Lee Commission and even then we cried hoarse. So if we have made any commitments we should honour them. As Mr. Ayyangar said, in the matter of food we have not been able to commit ourselves, and yet we are committing ourselves in this matter! Are we justified in doing it? Are we not bound to carry out the recommendations of the Economy Committee? Mr. Ayyangar said the other day, the Committee has recommended many things but we have not carried them out. Are we not bound by those guarantees which have been given to the people.

If we look into the whole circumstances, I think we ought to put a step to the increment of the salaries and we should rather try to follow in this matter the Pakistan ideal that they have given only 30 per cent, increment, which they

are entitled to. When a man becomes Joint Secretary he gets Rs. 3,000. Why should so much be given? If he is given 30 per cent. of his salary as addition, that should suffice. I do not know the exact words in which this guarantee or pledge was given, but I agree with Prof. Shibban Lal Saksena that it would be better not to tie down the hands of future generations by having a provision of this sort in the Constitution. I agree in a many matters that Mr. Ananthasayanam Ayyangar said, and I hope the Drafting Committee will consider this and see it if it could be modified in such a manner that future generations may not be tied down to it.

Babu Ramnarayan Singh (Bihar: General): *[Mr. President, sometimes such questions come up for consideration before the House, to which is very difficult to lend our support. I do not, however, intend to oppose the provision under consideration, since a guarantee has been given on behalf of the Nation to the members of Civil Services that their interests will be secure, and that the emoluments and privileges, they were so far entitled to, will remain unchanged. In fact every sort of assurance is being given to them. But I, for one, fail to understand the need for such guarantees at a the present juncture. Such assurances might have been needed at the time the British left this land, for them the civil servants were apprehensive about their future; they were afraid that they might be removed from the services. But no such apprehension exists now. The position is quite changed. Now they feel that the administration of the country cannot be run without them. There is no need, therefore, for any such guarantee at this time.

If, however, you want to give them guarantees I have no objection to that course being adopted. But we must know and I may add, every Member of the House should note it in his heart that the English regime was some time ago maintained by these very services; we were maltreated, oppressed and jailed by them. What I mean to convey is this, that the civil servants in our country were for the British rule here. But now they must know that we do not want any one's rule. We have achieved and established *Swarajya* (Self Government). Under *Swarajya*, Civil Servants must offer to the community the assurance that they would serve the country sincerely. On our part we are today giving them assurance that their future will be safeguarded, but no reciprocal assurances are coming from them to the effect that they would serve the country sincerely, honestly and incorruptibly. It is common knowledge now that not even an iota of change has come in their behaviour and that still they are what they had been.

In the past—I am speaking of the recent past of two years ago—they thought that they were masters of the country, they would remain masters and that they would continue to rule the people. This mentality is still lingering in them. Now that the Britishers have gone and popular government has been established here, the Civil Servants should change their behaviour and outlook, so that the people may feel that they are not out to oppress and rule them but to serve and protect them. But I am sorry to no such assurances are being given by them. I may submit that the observations made by Shri Ananthasayanam Ayyangar are quite correct. We will also have to consider as to what extent these people can serve and protect the people properly. The Civil Servants must know that they have not so far changed themselves and unless they do so, the guarantees that are sought to protect them in the Constitution will have no value. They have to give their sincere services to the nation and to achieve this end they have to follow the wishes of the people. They must take note that unless they change their age-long policy and their behaviour the guarantees provided for them in the Constitution will do them no good.

*[] Translation of Hindustani Speech.

[Babu Ramnarayan Singh]

I have nothing more to add but that I hope they would properly serve the country through their actions and behaviour and would always consider themselves as servants and never as masters. The idea of mastership must go now.

The Honourable Sardar Vallabhbhai J. Patel (Bombay: General): Sir, I am distressed that a senior Member like Mr. Ananthasayanam Ayyangar, a responsible Member of this House, who is the Deputy Speaker of the Assembly considers and expresses the opinion that the members of the service were carrying on a very difficult administration for the last two or three years, and at the same time harbours the feeling that they are enemies of our country. If that is so, it was his business and the business of those people who think on those lines to move first a resolution to dispense with them and run the administrations in vacuum—for there is no substitute of which he has thought of except the Congressmen or the Congress workers. I feel very said that the very instruments from whom we have to take work, we have been continuously quarrelling with. If that is so, we are not doing a service to the country. We are doing great disservice.

Now, he made a point that this guarantee should not have been given. What was he doing all this while? To those people who think on those lines, I say, this was not done in secret. No arrangement that was made with the British Government was done in secrecy, not done by an individual, but by the representatives, by all the duly recognised representatives of the Nation. When Mr. Henderson came here to settle this question of the Services, he had long discussions with me. He said that before the transference of power arrangements should be made to the satisfaction of the Parliament, that transference of power will take place only when guarantees are given to the members of the Secretary of States' services, each individual member of which has a Covenant with the Secretary of State for permanency and for certain other guarantees. More than fifty per cent. of the Secretary of State's services were Europeans. Britishers, and the rest were Indians. It was then suggested by him that there should be a treaty between England and India on this question. The suggestion was also made that they should be given due compensation if they have to leave the Services because they would not like to serve in the Indian administration, and that they should be given proportionate pension. Their status, their time-scale of pay, everything was to be settled before any question of transfer of power could be considered. Now, I had long negotiations and it was then a joint Government of the Muslims and the Non-Muslims. It was an all-India Government at that time and these negotiations resulted in certain conclusions which were placed before the Cabinet—it was a joint Cabinet at the time—and they were accepted by them. Then those conclusions were sent to Parliament and it was accepted there. Many of the Europeans who were in the services here have left now, but when the negotiations were going on, I told them to leave the case of Indians to us, that we shall deal with them as we deemed just, that they will trust us and we will trust them; and finally they agreed on certain conditions.

Now, I wish to point out that hardly anybody raised any objection to the arrangements that we were making at that time, but if they had suspected us, then there was plenty of scope at that time for them to come out and get better terms from outside agencies. Even now, if you are not willing to keep them, find out your substitute and many of them will go; the best of them will go. I wish to assure you that I have worked with them during this difficult period—I am speaking with a sense of heavy responsibility—and I must confess that in point of patriotism, in point of loyalty, in point of sincerity and in point of ability, you cannot have a substitute. They are as good as ourselves, and to

speak of them in disparaging terms in this House, in public, and to criticise them in this manner, is doing disservice to yourselves and to the country. This is my considered opinion.

Now, I will give you another series of facts which will convince you why guarantees were given. You had seen what was happening in the Punjab. In the five districts where havoc was being wrought, five British officers were in power and nothing could be done. I tried to get the District Magistrate of Gurgaon transferred. I could not succeed, and the British officer there arrested leading Congressmen when they were not at fault and put them in jail as hostages; he had the cheek to write on the application presented to him by the President of the Bar Association there to the effect that those were innocent and they should not be arrested and that they should be released immediately, that those people were being kept as hostages. This is the way he was doing this business. I was shocked and I went to Gurgaon. I saw him coming on the way and I asked him, "Have you arrested people as hostages?" He said, "No, who told you?" Fortunately, I had the document with me on which he had made that endorsement, and I showed him the endorsement. He asked, "How did you get this?" I said, "That is not the question. Is this your endorsement or not?" After that, I tried hard, I wrote to the then Governor of the Punjab, I pleaded with the Viceroy, but I found it difficult to remove him, and you know the havoc that was played in Gurgaon and these other districts. It was not in the Punjab alone; in other places also many such things were done. It was a time of touch and go and we could have lost India. Then we insisted that we had come to a stage when power must be transferred immediately, whatever happens, and then we decided to resign. It was at that time that Lord Mountbatten came.

I give you this inner history which nobody knows. I agreed to Partition as a last resort, when we had reached a stage when we could have lost all. We had five or six members in the Government, the Muslim League members. They had already established themselves as members who had come to partitions the country. At that stage we agreed to Partition; we decided that Partition could be agreed upon on the terms that the Punjab should be partitioned—they wanted the whole of it—that Bengal should be partitioned—they wanted Calcutta and the whole of it. Mr. Jinnah did not want a truncated Pakistan, but he had to swallow it. We said that these two provinces should be partitioned. I made a further condition that in two months' time power should be transferred and an Act should be passed by Parliament in that time, if it was guaranteed that the British Government would not interfere with the question of the Indian States. We said, "we will deal with that question; leave it to us; you take no sides. Let paramountcy be dead; you do not directly or indirectly try to revive it in any manner. You do not interfere. We shall settle our problem. The Princes are ours and we shall deal with them." On those conditions we agreed to Partition and on those conditions the Bill in Parliament was passed in two months, agreed to by all the three parties. Show me any instance in the history of the British Parliament when such a Bill was passed in two months. But this was done. It gave birth to this Parliament.

You now say, why did the leaders give these guarantees? In order to allow you to have an opportunity to attack the leaders on this very point. What else? You are responsible Members of the Parliament of a huge country. The Leader of this Parliament has been invited to America, the highest honour that could be done to him. He is treated with great respect. They are giving him all honours. You here say, "Why did the leaders give these assurances?" Think of the past. Why do you forget it? Have you read your own recent history ?

What is the use of talking that the service people were serving while we were in jail? I myself was arrested, I have been arrested several times. But that has never made any difference in my feeling towards people in the services.

[The Honourable Sardar Vallabhbhai J. Patel]

I do not defend the black sheep; they may be there. But are there not many honest people among them? But what is the language that you are using? I wish to place it on record in this House that if, during the last two or three years, most of the members of the services had not behaved patriotically and with loyalty, the Union would have collapsed. Ask Dr. John Matthai. He is working for the last fortnight with them on the economic question. You may ask his opinion. You will find what he says about the Services. You ask the Premiers of all provinces. Is there any Premier in any province who is prepared to work without the Services? He will immediately resign. He cannot manage. We had a small nucleus of a broken Service. With that bit of Service we have carried on a very difficult task. And if a responsible man speaks in this ton about these Services, he has to decide whether he has a substitute to propose, and let him take the responsibility. This is not a Congress platform. It is said that we promised Rs. 500 for the Ministers in the Karachi resolution. There is a long distance between Karachi and Delhi today. It is a different thing. You want Rs. 45 a day free of income-tax. What is the use of taking about Rs. 500 today? It is very wrong.

But I am prepared to admit that if the Indian Government is to be run today on the basis of Gandhian philosophy without army, I am prepared to change the whole thing. You are today spending 160 to 170 crores of rupees per year on the army. Are you going to change that set-up? Tomorrow the whole of India will be run over from one end to the other, if you have not got a strong army.

The Police which was broken has been brought to its proper level and is functioning fairly efficiently. The Heads of the Departments of the Police in every province are covered under this guarantee. Are you going to change that? Are you going to put your Congress volunteers as captains? What is it that you propose to do?

I am grieved to find that in a Parliament of this kind, Members, senior Members, speak in this strain. I would refer to you to the Indian Independence Act which gave birth to this Parliament and you find that the guarantees have been included there. When the Indian Independence Act was to be passed in Parliament the draft was sent here. The leaders of the nation were called for; the Cabinet was there, the Congress President was there, your President was there and your Leader today was there. Mahatma Gandhi was also present. Every section was scrutinised and the draft was approved. After that it was passed in Parliament. Now, these guarantees were circulated before that to the provinces. All provinces agreed. It was also agreed to incorporate these into the Constituent Assembly's New Constitution. That is one part of the guarantee. Have you read that history? Or, you do not care for the recent history after you began to make history. If you do that, then I tell you we have a dark future. Learn to stand upon your pledged word, and, also; as a man of experience I tell you, do not quarrel with the instruments with which you want to work. It is a bad workman who quarrels with his instruments. Take work from them. Every man wants some sort of encouragement. Nobody wants to put in work when every day he is criticised and ridiculed in public. Nobody will give you work like that. So, once and for all decide whether you want this service or not. If you have done with it and decide not to have this service at all, even in spite of my pledged word, I will take the Services with me and go. The nation has changed its mind.

The Services will earn their living. They are capable people. They were trained in a different setting. I know a senior Member of the Service with about twenty-five years service who went to England for higher education and training in the Civil Service, spent about fifty thousand rupees. He took a loan; he had not the money. But there is a glamour for the Civil Service on the part

of the Indian youth. He went there, he passed with distinction and came here. He served very ably, very loyally the then Government and later the present Government. His business is to serve the Government—that he is serving. He had a sense of patriotism. Often he came into difficulties with the then Government when he had to carry out orders against the Congress people, putting them in jail and otherwise. But he could not go beyond a certain limit. Now all his balance today at the end of twenty-five years' service is ten thousand rupees, and his wife and children, when he dies, will get some provident fund.

These were the circumstances in which many of the service people took their training, came here and served. Now we can say "Very well, they did it with open eyes, let them suffer." Then you make up your mind to prepare for a substitute. We have already a substitute. We have started a training school here in India; we have fixed the cadre, proposals for which have been approved by Provinces—you know all that.

If you want an efficient all-India service, I advise you to allow the services to open their mouth freely. If you are a Premier it would be your duty to allow your Secretary, or Chief Secretary, or other services working under you, to express their opinion without fear or favour. But I see a tendency today that in several provinces the services are set upon and told. "No, you are servicemen, you must carry out our orders." The Union will go—you will not have a united India, if you have not a good all-India service which has the independence to speak out its mind, which has a sense of security that you will stand by your word and that after all there is the Parliament, of which we can be proud, where their rights and privileges are secure. If you do not adopt this course, then do not follow the present Constitution. Substitute something else. Put in a Congress Constitution or some other Constitution or put in R.S.S. Constitution—whatever you like—but not this Constitution. This Constitution is meant to be worked by a ring of Service which will keep the country intact. There are many impediments in this Constitution which will hamper us, but in spite of that, we have in our collective wisdom come to a decision that we shall have this model wherein the ring of Service will be such that will keep the country under control.

As I told you, this agreement and these guarantees were circulated to the provinces and to individual members of the Service. Their agreement has been taken and signed by the provinces. They have agreed—both of them. Can you go behind these things? Have morals no place in the new Parliament? Is that how we are going to begin our new freedom? I have seen people who express their opinion about this Service as they used to talk in old fashion when 50 or 60 per cent. were British element who dominated the Service and our members of the Service had hardly any freedom to express their opinion and they were not independent. Today my Secretary can write a note opposed to my views. I have given that freedom, to all my Secretaries. I have told them, "If you do not give your honest opinion for fear that it will displease your Minister, please then you had better go. I will bring another Secretary," I will never be displeased over a frank expression of opinion. That is what the Britishers were doing with the Britishers. We are now sharing the responsibility. You have agreed to share responsibility. Many of them with whom I have worked, I have no hesitation in saying that they are as patriotic, as loyal and as sincere as myself. Those who think that the leaders were mistaken in giving these guarantees, they do not know their mind. They do not know what would have happened. They do not even now know. Yet we have difficult times ahead. We are talking here under security kept in very difficult circumstances. These people are the instruments. Remove them and I see nothing but a picture of chaos all over the country. I have difficulty because we have paucity of men. Provinces also suffer and they ask for more men.

[The Honourable Sardar Vallabhbhai J. Patel]

We have appointed a Special Commission to recruit about three hundred to four hundred men. They have just been selected. They are not selected from the I.C.S. cadre. They have no experience. But yet we want instruments. They will learn from these people.

Now, what is it that you want to do? You decide. My advice to you is all Members of the Parliament should support the Services, except where any individual member of the Service may be misbehaving or erring in his duty or committing a dereliction of his duties. Then bring it to my notice. I will spare nobody, whoever he is. But if these service people are giving you full value of their Services and more, then try to learn to appreciate them. Forget the past. We fought the Britishers for so many years. I was their bitterest enemy and they regarded me as such but I am very frank and they consider me to be their sincere friend. What did Gandhiji teach us? You are talking of Gandhian ideology and Gandhian philosophy and Gandhian way of administration. Very good. But you come out of the jail and then say, "These men put me in jail. Let me take revenge." That is not the Gandhian way. It is going far away from that.

Therefore for God's sake, let us understand where we are. Today, if you want to take anything from the Service, you touch their heart but do not take a lathi and say, "Who is to give you guarantee? We are a Supreme Parliament." You have supremacy for this kind of thing? To go behind your words? That supremacy will go down in a few days if you do that. That is my appeal to you and sincere appeal to you. You remember that and carry that to the provinces also and to the Congressmen also who are working outside. That is the way of administration. Otherwise, it will go down. And when the country is stabilised and when it is strong enough, then if you want to make any change, it would not be difficult for the service people to be persuaded. If the Princes could be persuaded to give up their kingdoms, how could it be otherwise with the services who are our own people, whose children will be also serving with us, and who have laboured all day and night for the country? They are men who prefer honour, dignity, prestige and deserve the affection of the people. Very few people would like to serve only to be considered as enemies of the country. So, do not speak in those terms and I appeal to you to consider my word and give your judgment,

Shri Mahavir Tyagi : I want to know whether the question which I posed while speaking will be answered by Mr. Munshi or by the Honourable Sardar Patel ? May I repeat the question ?

Mr. President : It is not necessary. Your question has been put and if the Member in charge of the article wishes to reply, he will reply.

Shri T. T. Krishnamachari : I move that the question be now put.

Mr. President : The question is:

"That the question be now put."

The motion was adopted.

Mr. President : Mr. Munshi.

Shri K. M. Munshi : I do not think I should say anything after Sardars' speech.

Mr. President : I have now to put the amendments to vote.

Shri H. V. Kamath : I do not wish amendment Nos. 124, 125 and 128 to be put to the vote. I would rather leave them for the consideration of the Drafting Committee.

Mr. President : The question is:

“That in amendment No. 1 of List I (Second Week), in the proposed new article 283A for the words ‘which he is from time of time serving’ the words ‘as the case may be’ be substituted.”

The amendment was negatived.

Mr. President : The question is:

“That in amendment No. 1 of List I (Second Week), in the proposed new article 283A, for the words ‘the same conditions’ the word ‘conditions’ be substituted.”

The amendment was negatived.

Mr. President : The question is:

“That in amendment No. 1 of List I (Second Week), in the proposed new article 283A, for the words ‘and the same rights’ the words ‘and rules’ be substituted.”

The amendment was negatived.

Mr. President : The question is:

“That in amendment No. 1 of List I (Second Week), in the proposed new article 283A, for the words ‘as respects disciplinary matters or rights’ the words ‘of conduct and discipline’ be substituted.”

The amendment was negatived.

Mr. President : The question is:

“That in amendment No. 1 of List I (Second Week), in the proposed new article 283A, for the words ‘as similar thereto as changed circumstances may permit as that person was entitled to immediately before such commencement’, the words ‘as similar, as changed circumstances may permit to what that person was entitled to immediately before such commencement’ be substituted.”

The amendment was negatived.

Shri H. V. Kamath : I think you will agree that this article is badly drafted. Do you not, Sir?

Mr. President : It is no use my agreeing or disagreeing. We have the vote of the House.

The next are the amendments of Mr. Naziruddin Ahmad.

Mr. Naziruddin Ahmad : I am not pressing them. I leave them for consideration of the Drafting Committee.

Mr. President : The question is:

“That the proposed article 283A stand part of the Constitution.”

The motion was adopted.

Article 283A was added to the Constitution.

Article 307

Shri. T. T. Krishnamachari : Sir, I move:

“That for clause (2) of article 307, the following clauses be substituted:—

‘(2) For the purpose of bringing the provisions of any law in force in the territory of India into accord with the provisions of this Constitution, the President may by order make such adaptations and modifications of such law, whether by way of repeal or amendment as may be necessary or expedient, and provide that the law shall, as from such date as may be specified in the order, have effect subject to the adaptations and modifications so made, and any such, adaptation or modification shall not be questioned in any court of law.’

(3) Nothing in clause (2) of this article shall be deemed—

- (a) to empower the President to make any adaptation or modification of any law after the expiration of two years from the commencement of this Constitution; or
- (b) to prevent any competent legislature or other competent authority to repeal or amend any law adapted or modified by the President under the said clause.”

“That in Explanation I to article 307, the words ‘but shall not include an Ordinance promulgated under section 88 of the Government of India Act, 1935’ be added at the end.”