

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’ ”

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