

Constituent Assembly Debates
Constituent Assembly Debate On 22 August, 1949

CONSTITUENT ASSEMBLY OF INDIA - VOLUME IX

Monday, the 22nd August 1949

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

Mr. President : I think we have to begin with article 284 today.

The motion is: "That article 284 form part of the Constitution."

The Honourable Dr. B. R. Ambedkar (Bombay: General) : Sir, I move:

"That for article 284 the following article be substituted :-

284. (1) Subject to the provisions of this article. there shall be a Public Service Commission for the Union and a Public Service Commission for each State.

(2) Two or more States may agree that there shall be one Public Service Commission for that group of States, and if a resolution to the effect. is passed by the House or. where there are two Houses, by each House of the Legislature of each of those States Parliament may by law provide for the appointment of a Joint Public Service Commission referred to in this Chapter as Joint Commission) to serve the needs of those States.

(2a) Any such law as aforesaid may contain such incidental and consequential provisions as may- appear necessary or desirable for giving- effect to the purposes of clause (2) of this article.

(3) The Public Service Commission for the Union, if requested so to do by the Governor or Ruler of a State, may, with the approval of the President agree to serve all or any of the needs of the State.

(4) References in this Constitution to the Union Public Service Commission or a State Public Service Commission shall, unless the context otherwise requires, be construed as references to the Commission serving the needs of the Union or, as the case may be, State as respects the,particular matter in question."

The article is self-explanatory and I do not think that any observations are necessary to clear up any point in this article. I will therefore reserve my remarks to the stage when I may be called upon to reply to any criticism that may be made.

Shri Lakshminarayan Sahu (Orissa: General) :

May I know, Sir, why the provision as to any such law by Parliament is introduced and also why mention has been made of Ruler in these provisions ?

The Honourable Dr. B. R. Ambedkar:

If I understand my Friend Mr. Sahu correctly,'he wants to know why we have introduced the provision for Parliament to make law. He will understand that the basic principle is that each State should have its own Public Service Commission. But, if, for administrative purposes or for financial purposes it is not possible for each State to have a Public Service Commission of its own, power is left open for two States by a resolution to confer power upon the Centre to make provision for a joint Regional

Commission to serve the needs of two such States which, as I have said, either for administrative or for financial reasons are not in a position to have a separate independent Commission for themselves. Obviously, when such a power is conferred upon the Centre, it must be that the power so conferred must be regulated by law made by Parliament and it should not be open to the President either to constitute a Joint Commission for two States by purely executive order. It is for that purpose that power is given to Parliament to regulate the composition of any Commission which is to serve two States,

Shri Lakshminarayan Sahu :

The other point as to why the 'Ruler' has been mentioned ?

The Honourable Dr. B. R. Ambedkar:

Because it may be that even a State in Part III may find it unnecessary to have an independent Public Service Commission for itself. Consequently, the door again there should not be closed to a State in Part III if that State were to agree to any State in Part I jointly to make a request to the President that a Joint Commission may be appointed. That is the reason why 'Ruler' is included in the provisions of this article.

Shri R. K. Sidhva (C. P. & Berar: General) :

I want one clarification. In clause (3) it is stated "with the approval of the President, agree to serve all or any of the needs of the State." May I know if any local body wants to utilise the service of the Service Commission, will that be allowed?

The Honourable Dr. B. R. Ambedkar:

Yes. There is a separate article for that, making provision that if a local authority wants its needs to be served by the Public Service Commission,

it will be possible for Parliament to confer such authority upon the Public Service Commission also to serve the needs of such local authority.

(Amendment No. 2 was not moved.)

Mr. President:

I take it that the other amendments relating to the original article now do not arise. Does anyone wish to move any other amendment?

Mr. Naziruddin Ahmad (West Bengal : Muslim):

I have three amendments to move to this clause. Regarding the first amendment I find that if this amendment is accepted, it will lead to some drafting anomaly. So I would ask your permission to move it in another form. I am quite certain that my amendment, whether my amendment is reasonable or not, will never be accepted by the House. I therefore crave your permission to move it in a more proper form though there is no hope of it being accepted by the House. So if you permit me to move it in a slightly altered form I think the amendment will read better. I could not correct it before in time because these amendments came all of a sudden like so many air raids and it is impossible to be ready in time.

Mr. president: They were circulated a week ago.

Mr. Naziruddin Ahmad: Though these amendments were circulated last week, still there are a variety of bewildering things coming before the House in large numbers and it is difficult to keep pace with them. When the Drafting Committee takes months together to make up their minds, it is difficult to expect us to be ready instantly to meet the onrush of new amendments. I am guilty of being a little late. I therefore ask Your special Permission.

Mr. President: Very well, you may move it. Mr. Naziruddin Ahmad : Sir, I beg to move:

"That in amendment No. 1 of List I (First Week) in the proposed new article 284 for clause (2) the following clause be substituted:

"(2) Two or more States may by Resolution in their Legislative Assemblies or where there are two Houses, in both the Houses, agree that there shall be one Public Service Commission for that group of States."

I wanted to delete the latter part of this clause but that would have left the drafting in a state of unhappy condition. So I have moved it in this form. In essence there is no difference between the amendment already tabled and the amendment now moved.

Sir, I also move :

"That in amendment No. 1 of List I (Fifth Week) of Amendments to Amendments, In clause (2a) of the proposed article 284, for the word 'law' the word 'agreement' be substituted."

I also move

"That in amendment No. 1 of List I (Fifth Week). of Amendments to Amendments.

in clause (3) of the proposed article 284, the words 'or Ruler' be deleted."

The purpose of my first amendment is this that in the original article as it was in the Draft Constitution the essence of that clause was that two or more States may decide to have a common Public Service Commission by agreement. Now the basis of agreement has been taken away. In fact power is being given to Parliament to set up a Joint Public Service

Commission for two or more States with their agreement expressed by Resolutions in their Legislative chambers. This is another instance of interference with Provincial affairs. This is absolutely needless. My amendment would restore the position with slight changes as it existed in the original draft article with the proviso that the agreement of the States will be based upon resolutions in their Legislative chambers. The object of my amendment is that the States in Part I should be enabled to adjust their own affairs so far as the appointment of Joint Public Service Commission is concerned. It would be entirely a matter between two States and it will be entirely a matter contractual between the parties. There is no reason for Parliament to interfere in this business. All that we should do is to allow the Provinces to function automatically and consider the mutual advantage or disadvantage and then to agree to appoint a Joint Public Service Commission and they will have the power under clause 2 (a) to agree upon incidental matters, viz., pay, leave and various other small matters. I should think that this is an attempt wantonly to take away or deprive the Provinces of their legitimate powers which were conceded to them in the Draft Constitution. If I may, I would draw the attention of the House to another article, the new article 287.

This article is printed on page 9 of the printed list. In this new article the proviso which appears in the original article has been entirely omitted. The proviso was to this effect :

"Provided that where the Act is made by the Legislature of a State, it shall be a term of such Act that the functions concerned by it shall not be exercisable in relation to any person who is not a member of one of the services of the State except with the consent of the President."

Sir, this proviso to the original article 287 empowered the State Legislatures to legislate in the matter of Public Services Commissions. That power has been taken away in the proposed new article 287.

Then again, to keep up this policy, there has been introduced in the new article under consideration, i.e., article 284-power for Parliament to supersede the discretionary power of the States to pass a law. The provision for Parliamentary law in clause (2) of the present articles and the deletion of the proviso in the old article 287 would show that there is a set policy of interfering with Provincial matters as much as possible. The effect of this interference at every stage would be to reduce the Provinces into a state of impotence. The result would be that inefficiency, corruption and dissatisfaction which are supreme in some of the Provinces would show no sign of abating. On the other hand, I submit these would be aggravated. It is giving the Provinces responsibility without power. The responsibility for good administration of the Provinces lies with the Provinces; but the powers, financial, legal, legislative and others, are to pass on to the Centre. As to money powers, we know the situation. The effect of these will be to create more and more dissatisfaction in the Provinces, leading to more and more irresponsibility and more and more inefficiency. I do not wish to say anything more on this subject, beyond the fact that I enter my humble protest against this.

Then with regard to my amendment No. 65, it says that in clause (2a) of the proposed article 284, for the word "law" the word "agreement" be substituted. It is a corollary to the first amendment of mine. I desire to revert to the original scheme of the old article, that the whole matter should be settled by agreement and not Parliamentary law, though it may be by Provincial law. So in clause the word "law" which clearly refers to Parliamentary law must be changed into one of "agreement". This is consequential to my first amendment and it is in keeping with the scheme of the original article.

Then I come to my amendment No. 66. This I submit, raises some important questions of principle and also some serious questions of

drafting. This amendment says that in clause (3) of the proposed article 284, the words "or ruler" be, deleted. These two words "or Ruler" have been introduced in the proposed new article 284. It is said that the Public Service Commission for the Union, if requested to do so, by the Governor, or Ruler of a State, may agree to serve the needs of the. State. Sir, I submit that the introduction of these two innocent-looking words "or Ruler" would altogether change the entire situation. By the introduction of these two words, the, Indian States will all come in; or it is attempted to bring them in. But I think this will only lead to confusion and also lead to unnecessary complications. This article appears in Part XII of the Draft Constitution. In article 281 we have defined the word "State" and said that in this Part, unless the context otherwise requires, the expression "State" means a State for, the time being specified in Part I of the First Schedule, that is to say, the Provinces. I submit that on a careful consideration of Part XII, it will be clear that this Part provided only for the purpose of the Provinces. The conception of their Rulers being included in this Part is absolutely foreign to the article. I submit that if we introduce the words "or Ruler" it will lead to confusion. The word, "State" clearly means "Province", not the Indian States. Even the introduction of the saving clause- (..... unless the context otherwise requires" will not improve the situation.

These are ordinary words of precaution. They do not extend the idea of the article. if we are to include the Rulers also, the entire structure of the article will have to be changed. This- also shows the danger of the tendency to improve matters day by day, by introducing new things into the scheme. if we introduce the' conception of an Indian State here, then it will be extremely difficult to find out whether the word "State" occurring in other places in this Part has been used as including the Indian States. It will be difficult for even trained lawyers or experienced Judges to say whether in every case the word "State" also includes a State in Part III of the. Schedule. The words "or Ruler" have been introduced only in a few

stray articles. The question would be whether the word "State" throughout Part XII. also includes' the 'Indian States. That difficulty cannot be' solved in this way, and as I said, it will lead to a great deal of confusion. If the Indian States are to be included in the scheme of things, then the whole ,Chapter should be re-drafted so as to serve that 'Purpose. It cannot be achieved by stray interpolations of the words "or Ruler" into the body of only some of the articles.

Apart from the technical difficulty and. the danger of creating confusion there is another objection to the inclusion of the Indian States-into the scheme of things. I understand that the Indian States are going to frame their own Constitution, and it is already known that there, is an attempt on their part to induce the Constituent Assembly to undertake this drafting for them If that is so, there is then a prospect of the entire subject of the States being dealt with by adequate legislation by this House, itself. So, if it is necessary to admit the Indian States into the scheme of things, then the proper place would be in their Draft Constitution and not by stray, half hearted and hasty introduction of words only here and there. This very attempt shows a change of mind and confusion. Words have been introduced here and there which must lead to a great deal of trouble. I submit, therefore, that we should not touch the States, except by thoroughly recasting the entire provisions here. We should rather leave this to the States, or to the Constituent Assembly acting on their behalf when it frames a Constitution for these States. In these circumstances, the best thing would be to leave out the words "or Ruler" which will clarify the situation and leave the matter to be dealt with by the Constituent Assembly on its own merits. However, I do not mean that there should be no law to govern the Rulers, or that there should be no provision for the appointment of Joint Public Services Commission between an Indian State and a Province. But I should think that this half-hearted attempt to improve matters by the introduction of the words "or ruler" would dislocate the arrangement of the articles and

would complicate matters. If it is necessary at the time of considering the Indian States constitution that an article of this nature is essential, that can be introduced by the Constituent Assembly at a suitable stage when we have an overall picture of the Constitution of the Indian States. At present, I think these words should be deleted and the question for the States being concerned in the matter should not be prejudiced. Sir, I feel that these constant changes of these clauses create a considerable amount of difficulty in the House. It is not my humble self alone that has been feeling this difficulty, but there are many honourable Members who are serious workers, who are also unable, to follow the amendments or the changes or their implications.

I submit that the House is entitled to be treated in a more humane fashion than this.

Mr. President: I have received a notice of two amendments today at about 9-15 in the morning. I do not know if they are in order. They are certainly out of time. But as they want only deletion of certain clauses-of clause (2) and clause (2a) of the proposition moved by Dr. Ambedkar-they do not really amount to amendments. If the Members so desire I might put those two articles separately to vote and if they wish they might vote against each of them. Does any other Member wish to move any of the printed amendments?

Shri G.S. Guha (Tripura, Manipur and Khasi States): I had an amendment-No.3052.

Mr. President: Do you wish to move it?

Shri G.S. Guha: No, Sir, as it is generally covered by the new Draft articles.

Shri Brajeshwar Prasad: (Bihar: General):

Sir, I rise to accord my general approval to article 284. While doing so I would like to draw the attention for the House to some features of this article with which I am not in agreement.

Clause (1) says that there shall be a Public Services Commission for the Union and a Public Services Commission for each State. Sir, I am not in agreement with the latter part of clause (1). I want that there should be administrative unification of the country. I am not in favour of the existence of provincial Civil Servants. I want that all officers in the services must be the servants of the Government of India and of the Government of India alone, so that the mischief of provincial autonomy may remain circumscribed within very narrow limits. Sir, our experience has been that the members of the provincial Public Services Commissions have not been able to prevent corruption, inefficiency and nepotism in the Provincial Governments. Therefore I am strongly opposed to the second part of clause (1), wherein provision has been made for Public Services Commissions for each State. I am opposed to State Commissions.

In clause (2), the procedure that has been adopted for the establishment of a Joint Commission is also not agreeable to me. I do not see any reason why a resolution by the Provincial Legislature should be necessary and why Parliament should be asked to frame a law or the establishment of a Joint Commission. The procedure prescribed in clause (2) is entirely different from the procedure prescribed in clause (3). If for the establishment of a Public Services Commission, which shall function for all the States it has not been felt necessary to seek the approval of the Provincial Legislature, if for the liquidation of the State Commissions it is not felt necessary to seek the approval of Parliament, I do not see any reason why a different procedure should be adopted for the establishment of a Joint Commission. The matter of a Joint Commission is not so important as the establishment of one Public Services Commission for the

whole country. If a Governor and the President can, or if all the Governors and the President acting together, can liquidate all the State Commissions, I do not see any reason why Provincial Legislatures and Parliament should be asked to dabble in the establishment of Joint Commissions. If you ask the Provincial Legislature to express its opinion, it will hesitate, because it will feel that some of its powers will be taken away by the establishment of a Joint Commission. Everybody likes to keep power in its own hands. No one likes to transfer it to others.

As far as clause (3) is concerned, I would have very much preferred if the power would have been invested in the Governor in his discretion and in the Ruler in his discretion, because provincial Ministers will never agree to the liquidation of the State Commissions. But if the matter is left in the hands of the Governor in his discretion and the Ruler in his discretion, then probably in consonance with the needs of the time, they will take a broader view of things and be in favour of the establishment of a Joint Public Services Commission in the country.

Dr. P.S. Deshmukh (C.P. & Berar: General):

We are this morning starting to debate and approve of articles dealing with Public Services Commissions. Sir, these Commissions are said to be a necessity of a modern State. These commissions are primarily meant to keep appointments away from day to day politics, party preferences and influences and the attempt is made, by having recourse to these Commissions, that the appointments shall be as far as possible on merit and there shall be no interference in their choice or in their selection from day to day by the executive authorities of the States. On the whole, Sir, I am prepared to say that the Commissions in India, have not worked too badly; but there are devices by which the recommendations of the Commissions are often procured or set at naught. There have been

complaints so far as the working of our Public Services Commissions are concerned in this respect. Not so much that they have been partial, or that there is any other allegation to that effect, but that the whole procedure is so circumvented, or some short cuts devised, by which the choice of the Public Services Commissions becomes more or less an automatic approval of the appointments already made. That is one kind of complaint and it arises out of the following method that is resorted to. Very often appointments are made by Ministers and Heads of Departments to temporary vacancies and since it is one of the rules that the head of the department, where the vacancy occurs should also sit as a member of the Commission and since no other member knows anything about the qualifications or the capacity of the particular candidate already holding the post, the word of the head of the department is bound to weigh and as a rule weighs with the rest of the Commission. In very many cases it is his recommendation that is automatically accepted. This evil has gone to such an extent that some people contend that vacancies are made for persons and persons are not sought for vacancies, although the provisions with regard to Public Services Commissions are complied with.

I have however a different point of view to urge. In all this paraphernalia of Commissions and our attempt to be very fair and impartial and give recognition only to sheer merit, I must point out that the rural communities of India have suffered tremendously. They have had no representation whatsoever. It is the advanced people who are going ahead and serving their self interest and no attention is paid to these other communities. There are small minorities which organise themselves and make the life of the Government impossible by propaganda and otherwise because they can make their demands effective and respected. But so far as the huge majority communities are concerned, lakhs and crores of the population, where the percentage of education is hopelessly lower than in many cases some of the Scheduled

Castes even, they have been left behind. In spite of the fact that there is an independent Government of India in power no attempt whatever is being made to give any representation to these communities in the public services. If we do not pay timely heed to this, I am sure it will be one of the factors leading to a revolution in India. It is a square fact which stares everybody in the face that sooner or later there is going to be a revolution in India. Whether it is going to be bloody or not will depend upon our present rulers. If today we neglect to end the persecution and exploitation of the rural communities, if we are not prepared to pay any attention to their demands, if they want to depend only upon Public Security Acts and their guns utilized increasingly for shooting people down when they agitate for their demands, there is no escape from a bloody revolution. We have to pay timely attention to their demands, for they get no education, they suffer from so many handicaps and yet they are made to compete with those persons who have high schools and colleges and everything else almost next door. In passing these provisions regarding the Commission I shall be grateful if the House pays a little more attention to this fact and does not commit the country to too many rigid clauses in which it will be very difficult for the provincial governments or legislatures or even the future Parliament to bring about any radical but desirable changes. There is a provision by which a member of the Commission will hold appointment for six years. The choice of these persons will be made by persons who are now in office and their successors would be precluded from effecting any change for a long time. So far as this item is concerned I am prepared to go to the extent of saying that people have very little confidence in the impartiality or their being just and fair to the claims of these large communities who live in the rural areas, whose chances of higher education are very very remote. In making these provisions I would submit that we should not tie the hands of the future parliaments. The whole structure of appointments is going to be entirely different when there is going to be adult franchise. There are millions of people whose claims are not recognised today and it

may not be possible to resist them hereafter. Today you are treating them with contempt. You think that it is only the first class B.As., Hons., or M.As., who are the only competent persons who must be considered. While giving every opportunity to merit you have to consider the claims of those persons who for no fault of their own have been left behind and have had no opportunities of coming forward. This is a vital question. People will think that these are matters of fishes and loaves. I beg to differ from it. It is not a question of fishes and loaves; it is a question of the administration of the country, not under the aegis of the British people but under your own people. Why should there be any hesitation that instead of A or B there is X or Y from your own kith and kin, a citizen of this country, who has been suffering from certain handicaps which other communities do not suffer? If you are not prepared to pay any attention to this, my submission is that you will be repenting it one of these days.

My submission is that so far as the provisions relating to the Commission are concerned they should not be too rigid. It should be possible for the future Parliament to scrap it if they want, if they think that it is not fair and just and does not answer to the demands and claims of various communities and people of India. When we are embarking upon passing these provisions I would like my honourable Friend to have this side of the question in mind and not bind the hands of the provincial legislature: I for one would like to abolish the provincial legislatures but so long as they are there you must not tie their hands in such a way that they will be tempted to tear the Constitution to pieces. That is the reason why such a matter ought to be left to the future people.

Some of my Friends are afraid when they consider the character of the future Parliament. My Friend Mr. Brajeshwar Prasad is already nervous. If we want that our Constitution should exist and continue and should not

be materially altered, try and place as little obstacles as possible in the way of amending it by future parliaments. If you make it rigid, then along with the bad parts even the good ones will go. Even if you try and give extraordinary powers to the President to preserve your interests and those of the governing classes you will not be able to do so, because the whole Constitution will be torn to pieces because of these clauses, I do not want to say more except this much by way of preliminary remarks so far as the subject of the Public Service Commission is concerned.

Shri Lakshminarayan Sahu: *{Mr. President,

I stand to support the new article which is going to replace article 284 of the Draft Constitution. But while lending my support to it I must say that the Government should not have the power to reject the candidate selected by the Public Service Commission. At present it is found that a candidate selected by the Public Service Commission is sometimes rejected by the Government. I want that the provision should be made so rigid that the Government may not have the power to overrule the decisions of the Commission and reject the candidate selected by it.

My second point is that the personnel of the Public Service Commission would always look up to the Government unless they are secured with regard to the tenure of their services. I would, therefore, suggest that the tenure of their service which is at present kept as six years should be increased. They must have security of tenure so that they may be independent and make selections properly. The members of the Public Service Commission will always follow the dictates of the Government unless they are provided with security of tenure. I, therefore, submit that the tenure of the Service of the members of the Public Service Commission should be increased. Moreover, I would also like that the members of the subordinate services too should be selected by the Public

Service Commission. If the members of the subordinate services are taken through the Public Service Commission, nobody can complain of nepotism. But if the appointments to subordinate services are kept out of the scope of the Public Service Commission, there would always be complaint against one minister or the other of being guilty of nepotism in the appointments made by them. With a view to avoid such criticisms I want that the subordinate services may also be selected by the Public Service Commission.

I do not agree with the view just now expressed by Dr. Deshmukh that the Public Service Commission should not be made so rigid that it may not be changed in future. On the contrary I want that, right from now since we have been assembling in this Constituent Assembly House, we should begin to build the Public Service Commission in such a manner that it may act smoothly in future. As the article stands at present it provides that the members of the Commission may be removed. But such a removal would be after due enquiry and consequently this need not cause any apprehension in the mind of everyone.

One thing more I would like to submit here is about the mention of the rulers made in this article. The question of Hyderabad yet remains undecided. Thought must be given to the question as to what will be the future set-up of the State. Some rulers have been nominated as Rajpramukhs, but I do not agree with this. In future, when complete democracy obtains in the States, whether nominated rulers will remain in their offices or others will come in their places is a matter which should be considered. When real democracy will obtain in the States the offices of the Rajpramukhs, that are held by the rulers now, will be held by persons selected by the people. I would therefore, like that the Drafting

Committee should consider this matter and if possible make some changes in the articles in the light of what I have said.)

Sardar Hukum Singh (East Punjab: Sikh): Mr.

President, Sir, apparently there is much clamour for the ideal recruitment on merit alone, and an independent and impartial Commission will be the only security against any favouritism or nepotism. But there is another aspect of the picture as well which should not be ignored. India is a vast country and all regions are not equally developed so far as education is concerned. Then there are sections of the nation that are more backward than the others. It is no fault of theirs that they had not had equal opportunities so far as development in that respect is concerned.

I want to draw the attention of the House particularly to the Punjab. This province started in the race of education seventy years after the others had begun. The first private institution, Hindu College, in Calcutta was started in 1817 while in Bombay the first institution was started in 1827. But so far as the Punjab is concerned, our first private institution opened only in 1887. Similar was the case of universities. Under these circumstances, naturally the Punjab was left behind in this race and cannot be expected to compete with other provinces if regional considerations are ignored altogether.

Then there is another peculiarity or a mishap to which I want to draw the attention of this House. The recent partition has retarded the pace considerably. The East Punjab was economically much backward. An ordinary cultivator there has got only one acre or even less than that. That holding is not economical and that cultivator cannot afford to provide higher education to his children. About seventy per cent of the students in the United Punjab used to come from West Punjab which is now included

in Pakistan. With this partition those schools and colleges have been lost. Parents and guardians have been rendered destitute and they cannot afford to provide education for their wards now. You must have seen that the children of school-going age are hawking in the bazars and in the streets with parched gram or cigarettes on their heads. Their education has been arrested and in spite of the best intentions nothing has been done to rehabilitate them. The young and the old are struggling for their bare subsistence. With such handicaps is it possible for these Punjabis to compare favourably in any open competition with candidates from other provinces which are more advanced and which had a considerably early start? What would be the result then? Already the Central Secretariat is full of Menons, Swamis and Ayyangars. And in a few years we will see the provinces would be flooded with ambitious young men who would not be so familiar with the local usages or customs. Local problems would not be appreciated. The sons of the soil would be squeezed out and there would be fresh prejudices. In backward areas such as the Punjab growth will be stunted, and development arrested. There would not be harmonious progress of each component part of the country.

Another point I might submit. Before partition the Punjab representation in the Centre was mostly of the Muslims. With the partition that personnel has migrated to Pakistan. There is very meagre representation now. And if there is open competition for the whole country there is no likelihood of any improvement in this representation. If no impetus is given to regional recruitment, the backward-I mean educationally and economically-areas would become colonies for these educationally advanced regions of the country.

I appeal to this House therefore to consider this question dispassionately and make special provision for the Punjab at least,

because this refugee problem is not to be ignored. I press it again that it is not possible for these uprooted people, with the conditions under which they are living, to provide their wards with suitable education which can equip them for the competition that you require and for the recruitment on merit alone. Therefore my submission is that some consideration for regional recruitment must be provided so that backward areas also have opportunities to develop side by side till a stage comes when their young men also can stand in competition with other provinces.

Chaudhri Ranbir Singh (East Punjab: General):

*[Mr. President, I cannot help agreeing with the views expressed by Dr. Punjabrao Deshmukh in support of this article. I do feel what open competition under the circumstances, can mean. A child born in the city listens to the Radio from his very childhood, he gets a newspaper daily at his place, and has got many a facility; the school is also at a distance of a few yards from his house. When that child attains the age of three or four years, he can learn many things in the school, in the bazar, which a country boy who has passed the eighth class cannot learn. When competition is held by the Public Service Commission, the same type of questions are asked, and the decision is made on the criteria whether he is able to reply to those questions or not. This country is a land of villages and is dominated by the rural population; but none can deny on the basis of facts that the townsmen have developed with greater speed and they are much more advanced than the people of the countryside, and if in these circumstances a man from rural areas is made to compete with a person of urban area and similar types of questions are asked of them, there cannot be any doubt that the former cannot compete with the latter successfully or on equal terms.

There are only two ways of setting this right; one method is that in the public services a certain proportion should be reserved for the candidates from the countryside and they should be allotted the reserved number of posts in the services, and for those posts only persons from among the rural population should be allowed to compete.

The other method is that while appointing the members of the Public Service Commission, it should be particularly kept in view that at least 60 to 70 per cent of the members should be such as may sympathise with the rural people and understand their difficulties. I wish to give you a general illustration. Now a rule has been enforced in the matter of recruitment to our forces that the preliminary competition will be held through the Public Service Commission. You can imagine that a boy who may be very good at study may not necessarily be a success in the fighting line, for fighting can be done only by the person who is well built and has a strong heart. Through the Public Services Commission you will only be able to recruit good English-knowing people, but if such people are sent to the army, you may rest assured, that the army will never be successful in its job. The army's job is entirely of a different nature. In the case of a person who becomes a military officer we have to see how much sense of a sacrifice he has got, how much courage he possesses and how much physical strain he can bear. But if the recruitment to the army is made through a preliminary competition there is no doubt that the rural people will soon be left out even in the field of Military recruitment. There is no doubt that the persons formerly known as martial races belonged to the countryside; those people still join the army as soldiers. But the military officers are mostly urban people. The need of the hour is that the backward people of the countryside should be helped to advance forward, and for the present they should be given their due place as military officers on the basis of their population.

Nowadays there are so many villages, where there is not even a primary school. First of all, a villager's spending capacity is so little that he cannot send his children to the secondary or the higher schools in the city. Apart from this, you can just imagine how many villages are provided with facilities for primary education.

In these circumstances, if you want to act just like a machine, I have no doubt the fears expressed by Dr. Deshmukh will definitely come true. If the country is to progress on the basis of non-violence, we will have to take this into consideration according to the circumstances. As we have reserved a few seats for the backward classes or the schedule classes, we can perhaps adopt the same method in respect of the rural people. This method can be introduced either in respect of the Public Service Commission or in respect of the public services. It would be better if a certain percentage of posts is reserved and those posts are open only to the villagers for competition.

This is one thing more. Many of our people, who have been born and educated in the cities and can speak English well, are selected by the Public Service Commission in the competition; but most of those selected people are ignorant of the rural life and cannot put up with the difficulties of the rural life. There are no roads, there are no facilities that are available in the urban areas, it is not an easy task to go there. Hence those officers shirk going to the countryside and leave everything to their subordinates; in this way the villages are deprived of proper justice. I therefore think that the suggestions made by Dr. Deshmukh should be kept in view while appointing the Public Service Commission.

I do not agree with Shri Sahu that the tenure of the Public Service Commission should be prolonged. Our ex-President of the National Congress, Acharya Kripalani, had declared that the Government is not successful. One of the reasons for this is that the Government is not co-operating with the Public Service Commission, and one of the main causes is that the Public Service Commission was recruited according to the needs of the old order, and the old regime had recruited them in accordance with their own views.

It is therefore essential that the services should undergo a change with the change in the Government. The Government should have an open hand in the matter so that it can remove the Public Service Commission whenever it is deemed necessary. I, therefore, support Dr. Deshmukh strongly.

So far as nepotism is concerned it will continue even in future, it is not so easy to check it as you imagine. There are numerous considerations before members of the Public Service Commission; I think we need not be too apprehensive of the evil. Nepotism can be checked only if their conscience becomes strong, their ideas change. Till the present ideas and minds of the Public Services Commission change, you cannot check it by prolonging the life of any Public Service Commission.

Mr. President: I would like to remind honourable Members that the speeches which have so far been made on these articles have very little to do with the articles themselves. There have been speeches on the character of the public services, on the method of recruitment, who should be recruited and so forth. I will not allow any further digression. I

would request Members who wish to speak to confine themselves to the articles under consideration.

Shri B.N. Munavalli (Bombay States): Mr. President, Sir, we are now discussing a subject of very great importance, viz., that the Civil Services. "The Government of Great Britain is in fact carried on, not by the Cabinet, not even individual Ministers, but by the Civil Services." So, the importance of the Civil Services cannot be gainsaid. That is why the introduction of a Public Service Commission in our Constitution. The candidates are to be appointed on merits according to these articles. Even in other countries, nowadays, they have come to the conclusion that it is the merit system alone which can successfully be worked. Before that, in Great Britain, they tried the system of patronage. The relatives and friends and supporters of Ministers used to get jobs in the Government, and even in America people used to distribute the spoils amongst their friends and supporters and it is said that Andrew Jackson is the father of the spoils system. This spoil system continued for about fifty years or so since 1828 when Andrew Jackson became the President of the United States of America, but thereafter they found that it was very difficult to continue with the spoils system. So, they appointed a Commission of three members who were to hold examinations to fill up the posts that were vacant. The systems of examination in America and Great Britain are very different. In America, importance is given to practical side, but in Great Britain importance is given to general education. About seventeen hundred types of examinations are being held in America according to the various positions in different departments. The merit system came into existence in England since 1835 by law. So also in Japan it came into existence in 1888.

So, if we look to the various Constitutions, we will find that the Civil Services are established on merit by examinations. Here in India also, the same system is sought to be followed and accordingly article 284 has come into existence which seeks to establish Public Service Commissions both in the Union and in the States. But the circumstances in India are quite different. We have to take into account many factors. If we recruit solely on merit and on merit alone, as has been rightly said by my honourable Friend, Dr. Deshmukh, the majority communities will be left with no representation in the government services, but there are certain things which will go a long way in removing such grievances. In filling up posts in government service, formerly there were three classes, viz., advanced classes, intermediate classes and backward classes, so that there may be fair and equitable distribution. If tests are held for each category of classes and candidates are selected on merit from each category of classes, I do not think there will be much heartburning amongst the people. But now what we find in the various provinces after the Congress came into power is that the microscopic communities which are very advanced are sweeping the overwhelming majority of the Posts in Government service, and so there has been a great dissatisfaction in the country so much so that, if timely remedies are not adopted, there is a great apprehension of a bloody or bloodless revolution.

So I think that the Public Service Commissions which will be appointed hereafter will take into consideration the various factors, to see that not only the advanced classes get proper representation but also the intermediate and backward classes also are getting representations according to their own merit and according to their own standard.

Shri Kuladhar Chaliha (Assam: General): Sir, I shall be short if possible sweet and I must obey the directions of the President who wanted us to

be brief. I give my general support to this subsidiary article and I think it is one of the best that can be evolved under the present circumstances. I have enough faith that we have a good many people amongst us who will be far not only to the more advanced section of the people but also to those who are down-trodden and oppressed. The more suspicion that they will be forgotten is a charge which ought to be repudiated; we have some character and we have brains to use. The very fact that we have been suspecting all men in this way has led us to believe that we are a sort of people who cannot be just to others, to our neighbours or to our brethren, and this sort of charge ought to be repudiated on the floor of the House. I think this is one of the best articles that can be evolved out of the many suggestions that have come.

Shri Brajeshwar Prasad has very kindly stated that we should not have two Commissions, one Commission in the Centre and one Commission in the State, but that we should have one All-India Commission. It is a very healthy object and first of all we should see that it would come up to that ideal. He himself charged that all Provincial Commissions are corrupt and so forth and much has been brought up in this House and in that way we have reduced the Provincial Governments to almost a nullity by all these unfounded charges and it has produced a bad effect. I trust that none of us should level charges on the floor of the House against the Provincial Cabinet or against the Prime Minister; that is very bad and it has been causing a great deal of harm in the provinces, and elsewhere and in the public. I trust that these charges will not be made without proper scrutiny and in future men like Mr. Brajeshwar Prasad, responsible men, balanced men and men of great integrity will not do that and I trust that he will allow in others the same sort of integrity as he will to himself.

Sir, I feel that some suspicion is felt by Sardar Hukam Singh that Menons and Ayyangars are flooding the country. Yes, intelligence has

always a certain advantage, but I also find that if I go to Army Headquarters the forbidding bearded Sikh or the sleek, fat Punjabee is there in large numbers; courage and fitness will always tell and because they are fit for all these services, they are holding these jobs. Yet I feel that the All-India Public Service Commission will be just and fair to all sections in the provinces.

Sir, what I dislike in this article-and in this I fully agree with Mr. Naziruddin Ahmad-if there is an under-current flowing through all Dr. Ambedkar's amendments which wants to take as much power out of the provinces as possible and bring it to the Centre. Here in the Draft Constitution we had not left any initiative to the provinces. Now I find that even the little that was there has been taken out. If two or more States want a Joint Public Service Commission and if a resolution to that effect is approved by the Parliament and a law enacted, that will have to be made by agreement and even that is taken away. We have left no initiative to the provinces. Even if a few States can agree and do something in common, jointly, even that has been taken out of the statute. It is indeed unfortunate that somehow or other we are reducing our provinces to ere automatons; we have not left to the provinces any leadership or any initiative. Dr. Ambedkar's amendments clearly indicate that greater and greater power should be given to the Centre. I therefore feel like supporting Mr. Naziruddin Ahmad who has submitted two amendments and if they are accepted it will give more power to the Provinces and many States can have a Joint Public Service Commission and they can make rules by agreement. The new subsidiary article takes away these little powers.

Generally I think the article is very well conceived and as the President has said, we must not be irrelevant. I therefore support this subsidiary article with these remarks.

Shri Raj Bahadur (United States of Matsya):

Mr. President, Sir, I find from certain speeches delivered in the House on this article today that the very basis and the principles on which the creation of the Public Service Commission proceeds, have been attacked. My honourable Friends, Dr. Deshmukh and Shri Ranbir Singh have come forth with the suggestion that a sort of class distinction or discrimination should be recognized as between the urban people and the rural people, in the matter of recruitment to Government Services. While I stand here as no advocate of the urban people or of the rural people, I beg to express my emphatic opposition to all sorts of discriminations or class distinctions between the people of India.

Dr. P.S. Deshmukh: I did not suggest or make any class distinction. I wanted that the provision should not be too rigid.

Shri Raj Bahadur: I am glad if you did not. I think that you suggested that some sort of preference should be given to the rural communities because they are backward educationally and that the principle of selection on the basis of merit should be modified to that extent. It was a sort of distinction and discrimination which was not permitted even by our Constitution. It runs counter to some of the articles relating to Fundamental Rights which we have already adopted. We know that in article 9 we have specifically laid down that "the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them". Similarly so far as employments are concerned, in article 10 that we have already adopted it is provided that 'there shall be equality of opportunity for all citizens in matters relating to employment or appointment to office under the State". As such I plead,

Sir, and if we go down deep to probe into the very basis and the principles on which the Public Service Commissions are created, we would find that the necessity to create these commissions was felt mainly on three grounds: firstly, that favouritism and nepotism was rampant when there were no such commissions and individual likes or dislikes whims and fancies came into play; secondly, merit was not recognized, and instead of merit, birth descent or other such things were recognized, as the basis of selection for Government jobs and lastly, canvassing was free. In order to eliminate all such defects, in order to secure the very best and the most deserving men for all the jobs in the State, we recognized the necessity of creating Public Service Commissions and thus they came into being. I feel, Sir, that merit and merit alone should be the sole criterion for selection for all appointments under the State. If we sacrifice the principle of merit and seek to modify it, it will turn out to be a dangerous precedent and a very dangerous principle. I at once recognize and I am in whole-hearted sympathy and agreement with the views of my Friend Dr. Deshmukh so far as the handicaps and the backwardness of the rural population in this country is concerned.

Mr. President: May I point out that the honourable Member is going beyond the article? We are not discussing appointments for particular classes or groups; we are discussing only the Public Service Commission.

Shri Raj Bahadur: I bow to the ruling of the Chair. I was simply mentioning that while discussing this article, the very basis and the necessity for the creation of the Public Service Commission was attacked. I want to defend that basis; I think article 284 is necessary. In a way, Dr. Deshmukh expressed himself opposed to the creation of Public Service Commission. Hence, the justification for me to make certain remarks in this connection. What I mean to say is that we must for the purpose of

selecting men for the services recognise the principle of merit, and we must recognise the necessity of creating a Public Service Commission.

I perfectly recognise, that there are serious complaints about the way in which in recent years Public Service Commissions have functioned. It is a general complaint that jobs are filled up already and the selection, and interviews are only a formal business in order to keep up the show. I do not know how far that complaint is correct: but the complaint is there. To that extent, Dr. Deshmukh's remarks are justified. What I mean to suggest is that there should be no emphasis on sectionalism or class distinctions. That is my principal objection to the views expressed by Dr. Deshmukh; and this is the only justification for my taking a few minutes of the valuable time of this House.

I would like to remind my honourable Friends who were very eloquent about the small percentage of the people from rural areas in the public services that this small percentage of the rural people and the preponderance of the urban people in the services is due to certain psychological conditions and certain traditions also. In our country, we have had an adage:

"Uttam Kheti madhyam banj,

Nikhad chakari, bhikh nidhan.

Agriculture is the highest, trade is mediocre, service is the lowest and beggary penury-amongst professions.

These were the principles and the attitude which we had all through adopted in the choice of our avocations in life and this is one of the reasons why we do not find any rural people in the services. The glamour that has now come to be attached to services and jobs under the Government is only of recent origin. This is why the Father of our nation always emphasised the necessity and desirability of adopting the healthy principle of "return to the villages". As a matter of fact, he always advocated that the glamour which has been attached to Government service must be eliminated and the attraction that we feel for urban life should be resisted. The centre of gravity must shift from the urban areas to rural areas. That is the only way in which we can solve the problem. If instead of this we give preference to certain sections of the people, we would be simply playing the game which the late foreign rulers of this country wanted us to play for their sake and their purpose. I therefore submit in all humility that the only principle which should guide the Public Service Commission, which forms the basis of the creation of the Public Service Commission should be merit and merit alone.

I may add here a word about one of the amendments which has been moved by Mr. Naziruddin Ahmad. He has taken objection to the word 'Ruler' that has been used in sub-clause (3) of this article and in order to justify his remarks, he has referred to article 281 wherein the definition of the expression "State" is given. He says that the definition includes only those States as have been specified in Part I of the First Schedule. I submit we have not yet considered articles 281 and 282. It is therefore quite natural and necessary that when we come to consider these articles, the States mentioned in Part III may also be included and as such the remarks that he has made about his amendment do not hold good.

With these few words, I conclude.

Shri V.I. Muniswamy Pillai (Madras: General): Mr. President, I stand before you today to support the motion moved by my honourable Friend Dr. Ambedkar.

It is admitted on all hands that there ought to be a Public Service Commission both in the Union and in the States. But, I feel that it must be the duty of this august Assembly to express in unequivocal terms whether the Public Service Commissions are to continue in the same manner as they have done in the past or they should have a better outlook in the future. So far as we know, the functions of the Public Service Commissions have not been performed so satisfactorily in so far as the unrepresented communities and the minorities are concerned. The recent recruitment to the Indian Administrative Service and the Indian Police Service is outstanding before us as proof that justice has not been done to these unfortunate communities. In the provinces, though there may be Ministers here and there, they are helpless in the matter of the services. As has been rightly pointed out, service is the soul of administration. We are all agreed that the best men must be got; but what happens in the functioning of the Public Service Commission is this. Though a Schedule Caste man might have passed all the examinations required, there comes the fact that the Service Commission says that he is not suitable for the post. According to the communal Government Order, that particular man is left out and the next community is called to take the post. This has been happening not only in the province where I live, but even in the Federal Public Service Commission I know as a matter of fact that members of the Harijan community, though they had obtained very good marks, and they had the required academic qualifications, still on some pretext or another, they were not given the chance. It is my humble opinion that the future outlook of this Commission must be far better. Due to communal distinctions in this country, some of these communities, though they may be intelligent and competent to hold any post, have not been given their due chance. For

the several departments of the Government panels of candidates are created to choose from. Though the Commission may select the people, they say something as to the suitability or otherwise of the man thus banning the best man from service. It is this kind of thing that has greatly disappointed the young men of these unfortunate communities. As a matter of fact, I know Dr. Ambedkar was able to get a certain percentage for the Scheduled Castes in the various services. But, if we take stock of the present position, the number of Scheduled Castes people that are occupying posts both in the Centre and in the provinces is very negligible. It is to give a better outlook to the future Public Service Commissions that I plead before this House that proper directions must be given.

Mr. President: Dr. Ambedkar.

The Honourable Dr.B.R. Ambedkar: I do not think there is anything that I need say.

Mr. President: I would put the amendments to vote. The first amendment is amendment No.64, moved by Mr. Naziruddin Ahmad. He has substituted that by another amendment which I will read to you now.

"That in amendment No.1 of List I (Fourth Week) in the proposed new article 284, for clause (2) the following clause be substituted:

(2) Two or more States may by resolution in their Legislative Assemblies or when there are two Houses, in both the Houses, agree that there shall be one Public Service Commission for that group of States."

The amendment was negatived.

Mr. President: Then, amendment No.65.

Mr. Naziruddin Ahmad: That does not arise in view of this.

Mr. President: Then, I put amendment No.66.

The question is:

"That in amendment No.1 of List I (Fifth Week) of Amendments to Amendments, clause (3) of the proposed article 284, the words 'or Ruler' be deleted."

The amendment was negatived.

Mr. President: Then, I would put the proposition as moved by Dr. Ambedkar. Would Messrs Chaliha and Lakhsminarayan Sahu like me to put the two paragraphs separately?

Shri Kuladhar Chaliha: No, Sir.

Mr. President: The question is:

"That for article 284 the following article be substituted:-

Public Service Commission for the States Subject to the provisions of this article, there shall be a Public Service Commission for the Union and a Public Service for the Union and Commission for each State.

284.(1) (2) Two or more States may agree that there shall be one Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or, where there are two houses, by each House of the Legislature of each of those States, Parliament may by law provide for the appointment of a Joint Public Service Commission (referred to in this Chapter as Joint Commission) to serve the needs of those States.

(2a) Any such law as aforesaid may contain such incidental and consequential provisions as may appear necessary or desirable for giving effect to the purposes of clause (2) of this article.

(3) The Public Service Commission for the Union, if requested so to do by the Governor or Ruler of a State, may, with the approval of the President, agree to serve all or any of the needs of the State.

(4) References in this Constitution to the Union Public Service Commission or a State Public Service Commission shall, unless the context otherwise requires, be construed as references to the Commission serving the needs of the Union or, as the case may be, the State as respects the particular matter in question".

The motion was adopted.

Article 284, as amended, was added to the Constitution.

Article 285

Mr. President: Article 285-Dr. Ambedkar.

Mr. Naziruddin Ahmad: Sir, I rise on a point of order. Mr. President you will be pleased to find that this is an amendment to the Constitution itself, not any amendment to amendment and therefore under the rules it should not be allowed. We have certainly made some exceptions in special cases but these exceptions are now showing a tendency of becoming the rule. I submit therefore that this amendment should be ruled out on technical grounds alone. There is again a question of convenience. I think in form this amendment is most objectionable. The clauses of article 285 of the Draft Constitution have merely been repeated here with additions and alterations of a variety of sorts. The amendments however should have come as amendments to the original article. Instead the whole article is written with new ideas incorporated or interpolated and the old clauses and amendments have been presented as a new article. It takes a long time to find out what are the changes made.

Dr. P.S. Deshmukh: As in the Hindu Code Bill.

Mr. Naziruddin Ahmad: As Dr. Deshmukh aptly points out-like the Hindu Code Bill. Old clauses and new ideas have been blended together and presented as new with necessary interpolations here and there. It is extremely difficult to sort out what are the real changes made. Clause (2) has been changed in many places. Then there is article 285-A which is

entirely new. Then article 285-B is composed of parts of old article 285 and the proviso of this article is entirely new. It purports to be a reproduction of 285(3) but it is now made a new article with entirely new features. Clause (d) of this article is entirely new. I think it is difficult for anyone to try to follow these changes. I therefore object not only on the ground of their being in breach of the rules but also on the ground they are in a form not readily intelligible and they should have been expressed as amendments to the Constitution itself. That would have made it easier for honourable Members to follow the changes.

The Honourable Dr. B.R. Ambedkar: This is not the first time when my Friend has raised a point of Order. You have been good enough to allow the Drafting Committee to depart from the technicalities of the Rules of Procedure and I therefore submit that in this case also you will be pleased to allow us to proceed.

Dr. P.S. Deshmukh: Sir, I rise to protest against this attitude of Dr. Ambedkar. You have allowed him some privilege and he is misusing that, Sir. He can and must show how he wishes to alter the original draft articles concretely and specifically and not proceed in the way he did with the Hindu Code Bill and substitute anything in any place without specifying how it compares with the original.

Shri M. Ananthasayanam Ayyangar (Madras: General):
My friends who raised the point of order should know that the whole scheme of Public Service Commission has been altered and these are consequential changes. Therefore if others had not been altered, possibly this would not have required any alternation. Under those circumstances, these objections are not valid.

Dr. P.S. Deshmukh: I beg to submit that every amendment must be related to the original draft that was circulated.

Mr. President: So far as the Drafting Committee is concerned I have allowed a certain amount of latitude because many of the difficult articles about which there was likely to be difference of opinion or which required consideration were left over for the purpose of reconsideration and if as a result of reconsideration the Drafting Committee proposes new article, I do not think I should allow any technicalities to stand in the way of the new articles being placed before us. I therefore allow these articles to be moved.

Mr. Naziruddin Ahmad: There are a number of articles and these articles should be put separately.

Mr. President: That is a different matter and we can discuss them separately. Dr. Ambedkar may explain how the separate articles came into being . You move them together and we may take them separately at the time of voting.

The Honourable Dr. B. R. Ambedkar: yes, they may be put separately.

Sir I move:

"That for article 285, the following articles be substituted:-

285(1)

Appointment and term of office of members

The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Union Commission or a Joint Commission, by the President, and in the case of a State Commission by the Governor or Ruler of the State:

Provided that at least one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years either under the Government of India or under the Government of a State, and in computing the said period of ten years any period before the commencement of this Constitution during which a person has held office under the Crown shall be included.

(2) A member of a Public Service Commission shall hold office for a term of six years from the date on which he enters upon his office or until he attains, in the case of the Union Commission, the age of sixty-five years, and in the case of a State Commission or a Joint Commission, the age of sixty years, whichever is earlier:

Provided that-

(a) a member of a Public Service Commission may by writing under his hand addressed, in the case of the Union Commission or a Joint Commission, to the President and in the case of a State Commission, to the Governor or Ruler of the State, resign his office;

(b) a member of a Public Service Commission may be removed from his office in the manner provided in clause (1) or clause (3) of article 285a of this Constitution.

(3) A person who holds office as a member of a Public Service Commission shall on the expiration of his term of office, be ineligible for re-appointment to that office.

285A. (1)

Removal and suspension of a member of Public Service Commission
Subject to the provisions of clause (3) of this article, the Chairman or any other member of a Public Service commission shall only be removed from office by order of the President on the ground of misbehaviour after the Supreme Court on a reference being made to it by the President has, on inquiry held in accordance with the procedure prescribed in that behalf under article 121 of this Constitution, reported that the Chairman or such other member, as the case may be, ought on any such ground be removed.

(2) The President in the case of the Union Commission or a Joint Commission and the Governor or Ruler in the case of a State Commission may suspend from office the Chairman or any other member of the Commission in respect of whom a reference has been made to the Supreme Court under clause (1) of this article until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in clause (1) of this article, the President may, by order, remove from office the Chairman or any other member of a Public Service Commission if the Chairman or, such other member as the case may be,

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office;"

And here I want to add a third one, as (c):

"(c) is in the opinion of the president unfit to continue in office by reason of infirmity of mind or body.

(4) For the purpose of clause (1) of this article, the Chairman or any other member of a Public Service Commission may be deemed to be guilty of misbehaviour if he is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit from emoluments arising therefrom otherwise than as a member and in common with the other members of any incorporated company.

285-B. In the case of the Union Commission or a joint commission, the president and in the Power to make regulations as to case of a

State Commission, the Governor or Ruler of the State conditions of service may by regulation- of members and staff of the commission.

(a) determine the number of members of the commission, and their conditions of service; and

(b) make provision with respect to the number of members of the staff of the commission and their conditions of service:

Provided that the conditions of service of a member of a Public Service Commission shall not be altered to his disadvantage after his appointment.

285-C. On ceasing to hold office- Bar to the holding of office by members of Commissions on ceasing to be such member

(a) the Chairman of the Union Public Service Commission shall be ineligible for further employment either under the Government of India or under the Government of a State;

(b) the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of any other State Public Service Commission but not for any other employment either under the Government of India or under the Government of a State;

(c) a member other than the Chairman of the Union Public Service Commission shall be eligible for appointment as the Chairman of the Union Public Service Commission or as the Chairman of a State Public

Service Commission but not for any other employment either under the Government of India or under the Government of a State.

(d) a member other than the Chairman of the Union Public Service Commission shall be eligible for appointment as the chairman or any other member of the Union Public Service Commission or as the Chairman of that or any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State.

Sir, these are the clauses which deal with the Public Services Commissions, their tenure of office and qualifications and disqualifications and their removal and suspension. I should very briefly like to explain to the house the matters embodied here, the principal matters that are embodied in these articles.

The first point is with regard to the tenure of the Public Service Commission. That is dealt with in article 285. According to the provisions contained in that article, the term of office of a member of the Public Service Commission is fixed at six years or in the case of the Union Commission, until he reaches the age of 65 and in the case of a State Commission until he reaches the age of 60. That is with regard to the term of office.

Then I come to the removal of the members of the Public Service Commission. That matter is dealt with in article 285-A. Under the provisions of that article, a member of the Public Service Commission is liable to be removed by the President on proof of misbehaviour. He is also

liable to be removed by reason of automatic disqualification. This automatic disqualification can result in three cases. One is insolvency. The second is engaging in any other employment, and the third is that he becomes infirm in mind or body. With regard to misbehaviour, the provision is somewhat peculiar. The honourable House will remember that in the case of the removal of High Court Judges or the Judges of the Supreme Court, it has been provided in the articles we have already passed, that they hold their posts during good behaviour, and they shall not be liable to be removed until a resolution in that behalf is passed by both Chambers of Parliament. It is felt that it is unnecessary to provide such a stiff and severe provision for the removal of members of the Public Service Commission. Consequently it has been provided in this article that the provisions contained in the Government of India Act for the removal of the Judges of the High Court would be sufficient to give as much security and as much protection to the members of the Public Service Commission. I think the House will remember that in the provisions contained in the Government of India Act, what is necessary for the removal of a Federal Court Judge or a High Court Judge is an enquiry made by the Federal Court in the case of the High Court Judges or by the Privy Council in the case of the Federal Court Judges, and on a report being made that there has been a case of misbehaviour, it is open to the Governor-General to remove either the Federal Court Judge or the Judge of the High Court. We have adopted the same provision with regard to the removal of Public Service Commission, wherever there is a case of misbehaviour.

With regard to automatic disqualifications, I donot think that there could be any manner of dispute because it is obvious that if a member of the Public Service Commission has become insolvent, his integrity could not be altogether relied upon and therefore it must act as a sort of automatic disqualification. Similarly, if a member of the Public Service

Commission who is undoubtedly a whole-time officer of the State, instead of discharging his duties to the fullest extent possible and devoting all his time, were to devote a part of his time in some other employment, that again should be a ground for automatic disqualification. Similarly the third disqualification, namely, that he has become infirm in body and mind may also be regarded, without any kind of dispute, as a fit case for automatic disqualification. Members of the House will also remember that while reading article 285-A, there is a provision made for suspension of a member of the public Services Commission during an enquiry made by the Supreme Court. That provision is, I think, necessary. If the President thinks that a Member is guilty of misbehaviour, it is not desirable that the member should continue to function as a member of the Public Services Commission unless his character has been cleared up by a report in his favour by the Supreme Court.

Now I come to the other important matter relating to the employment or eligibility for employment of the members of the Public Services Commission- both the Union and State Public Services Commission. Members will see that according to article 285, clause (3), we have made both the Chairman and the Members of the Central Public Services Commission as well as the Chairman of the State Commission, and the members of the State Commission ineligible for reappointment to the same posts: that is to say, once a term of office of a Chairman and Member is over, whether he is a Chairman of the Union Commission or the Chairman of a State Commission, we have said that he shall not be reappointed. I think that is a very salutary provision, because any hope that might be held out for reappointment, or continuation in the same appointment, may act as a sort of temptation which may induce the Member not to act with the same impartiality that he is expected to act in discharging his duties. Therefore, that is a fundamental bar which has been provided in the draft article.