

सजा देता है, उसको फांसी तक की सजा देता है। राज नेता ऐसा नहीं करता है। सब से ज्यादा सुखतरा जज की जान को होता है। जितना खर्चा उसकी हिफाजत पर होता है, उससे खर्चा आगे नहीं बढ़ना चाहिए, क्या आप यह आश्वासन देंगे ?

MR. SPEAKER : These are vague questions. It is a hypothetical question. Kindly avoid such questions.

श्री रवि राय : अब तो समझ गए हैं।

अध्यक्ष महोदय : आप तो अच्छी तरह से जानते हैं कि आश्वासन, सर्जेंसज, हिथोपेटिकल क्वेश्चन वगैरह सप्लीमेंटरीज में नहीं आ सकते हैं।

श्री जनेश्वर मिश्र : किसी भी जज पर सुरक्षा के नाम पर होने वाले खर्च से ज्यादा खर्चा सुरक्षा के नाम पर नहीं होगा, यह मैंने जानना चाहा है।

Appointment of Chief Secretary to Government of West Bengal

*1653. SHRI D. N. PATODIA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that the work of the administration of West Bengal has been seriously hampered because of the non-appointment of the Chief Secretary ;

(b) whether it is also a fact that the Centre has directed the State administration that the post should be filled immediately ; and

(c) if so, the causes of delay ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) No, Sir. The post of Chief Secretary, West Bengal was never vacant. Shri M. M. Basu continued to be the Chief Secretary in addition to his duties as Adviser until April 22, 1970, when Shri Mullick relieved him,

(b) No, Sir.

(c) Does not arise.

SHRI D. N. PATODIA : Sir, the answer is clearly misleading. Immediately after the imposition of Presidential rule it was decided by the Central Government that Mr. Basu would be giving up the post of Chief Secretary and Mr. Mullick would take over that post. But in spite of those orders, the Governor never wished that Mr. Mullick should take over and as far as 35 days after the Presidential rule there was complete stagnancy in the administration when neither Mr. Basu nor Mr. Mullick could pass any order. I would like to know whether it is a fact that after the imposition of the President's rule orders were passed for appointment of Mr. Mullick as Chief Secretary and if so, what were the reasons for the delay in actual appointment, whether objections were raised by the Governor and what were those objections and how they were met.

SHRI VIDYA CHARAN SHUKLA : It is a fact that it took a little time after the imposition of the President's rule for a new incumbent to be appointed and therefore, I have indicated in my original answer that Mr. Basu was requested to continue in charge of Chief Secretary's post in addition to his duties as Adviser. There were some difficulties that the Governor expressed and it took a little time for these difficulties to be resolved and these difficulties have now been resolved and Mr. Mullick has taken charge of the post of Chief Secretary and he is functioning.

SHRI D. N. PATODIA : Is it a fact that recently the Cabinet Secretary visited West Bengal and is there going to be large scale change in the administrative set up including many changes in the officers ? If so, what are the reasons and what are the changes contemplated ?

SHRI VIDYA CHARAN SHUKLA : As the hon. Member knows, it is our responsibility to see that the administration of West Bengal is carried on in accordance with the wishes of the Parliament. Therefore, it is normal for either the Ministers in

charge or the Secretaries working with them to visit the State under presidential rule and this was one of such visits. It has no special significance. It has no special purpose. It only was arranged so that all the administrative arrangements could be reviewed and the urgent problem could be identified and proper action taken. It was mostly to help the local administration that the Cabinet Secretary and the Home Secretary went there and held discussions with the people and I think the visit was helpful. It would help the administration to expedite the solution of various urgent problems.

SHRI D. N. PATODIA : It is not the question. My question was whether those officers who went to Calcutta had made any last minute changes in the administrative set-up and in the officers. If so, what were the reasons for this change and what were the changes contemplated? What is the reply to this question?

SHRI VIDYA CHARAN SHUKLA : These people went there and advised the administrators there to take such action which will help in the solution of urgent problems. And this includes changes wherever necessary either in the Home Department or other Departments. They were definitely advised. I covered it in my general reply that whatever would be necessary to expedite the solution of these problems would be done. That includes re-shuffling or re-posting of officers including their duties.

SHRI D. O. PATODIA : What were the changes contemplated?

MR. SPEAKER : Now you must be satisfied with the answer given by the hon. Minister.

SHRI H. N. MUKERJEE : Is there any truth in the report which has been circulated that there was some resistance in certain circles to the appointment of Shri Mullick as the Chief Secretary on account of his allegedly belonging to the Scheduled Caste—I do not know his caste but I have seen the report circulated. Is there any truth in the report that resistance was there to his appointment on caste ground?

SHRI VIDYA CHARAN SHUKLA : As far as I am aware, it was not so.

SHRI TRIDIB KUMAR CHAUDHURI : Following the controversy that arose over the appointment of Shri Mullick as the Chief Secretary and the relationship with the Advisers, may I know whether the constitutional position of these advisers has been properly defined as to what are the functions of the advisers and why there should be a Chief Adviser. What is the status or stature of the Chief Adviser in relation to the other Adviser and the administration and the Chief Secretary. There is one Chief Adviser; there is also one Chief Secretary. What are the relationships of these people *vis-a-vis* the Governor and the relationships of these Advisers and the Chief Adviser *vis-a-vis* the Governor and other Advisers and the Secretaries? Have all these things been properly defined and have some kinds of rules of business been formulated?

May I know all these things? Otherwise, for 35 days a lot of heart-burning and public speculation and press propaganda went on and even the secretariat people and these Advisers were at least not very much averse—there is circumstantial evidence in this regard—to publicity and the press propaganda for furthering their own interests. So, have these things been done properly?

SHRI VIDYA CHARAN SHUKLA : Yes, Sir. The rules have been properly defined. Generally speaking, the role of the Advisers is akin to the role that is there in a normal popular set-up. The role of the Chief Adviser and the Advisers, as a matter of fact, is the same and there is no difference in the work or status of the Chief Adviser and the Advisers except that the Chief Adviser would also do the work of coordination which requires a little different designation to him. Therefore he has been given this designation of the Chief Adviser. So, the role of the Chief Secretary is the same as in any other State Administration. He would deal with the Advisers according to the portfolios. At the secretariat level he will be the coordinating authority and he will deal with the Advisers of the Governor according to the procedures laid down.

SHRI S. S. KOTHARI: Is it a fact that the Governor is interfering in the day-to-day administration of the Chief Secretary? So, will the Central Government cause the Governor to lay down policy matters and not to interfere in the administration so that the administration is toned up and improved.

SHRI VIDYA CHARAN SHUKLA: It is not for the Governor to cause to lay down policy matters. It is for the Central Government and for hon. House to lay down policy matters for the States which are under President's Rule. I do not know what the hon. Member meant by interference in day-to-day administration. It is the responsibility of the Governor on behalf of the Central Government to superintend the administration. Therefore, I do not think that there is any such complaint, as far as I am aware. The Governor has to discharge the responsibility cast upon him. In certain day-to-day matters he might have to interfere.

SHRI AMIYANATH BOSE: Will the hon. Minister tell us if it is a fact—I have reasons to believe that it is a fact—whether the Governor was annoyed, because Mr. S. Mullick, who was at that time, before his appointment as Chief Secretary, a member of the Board of Revenue, submitted his note to the Governor as to the urgent land problems in Bengal and what could be done about it, and because that caused annoyance to the Governor, his appointment was withheld for such a long time? I also want to tell the House about the knowledge of this Governor about Bengal. On behalf of the Ishwar Chandra Vidyasagar Memorial Committee, a letter was written to this Governor requesting him to be the patron of the committee and the Governor has replied to the committee that he will have to find out as to who Ishwar Chandra Vidyasagar was, and before studying the matter, he could not accept to become a patron. This is the Governor who is acting as the Governor of West Bengal...

SHRI RANDHIR SINGH: This is too much. (*Interruptions*)

MR. SPEAKER: I could not allow this question. He cannot ask a question or make a remark which may even be a

remote reflection on the Head of a State, but unfortunately, the State happens to be under Presidential rule.

SHRI RANDHIR SINGH: The whole House has felt this. It is something too bad.

MR. SPEAKER: I know the feelings of Members.

SHRI RANDHIR SINGH: There should be a limit. We have felt it extremely.

श्री रवि राय : प्राज्ञ उन्होंने कहा कि मैं नहीं जानता कि इन्दिराचन्द्र विद्यासागर कौन है, तो कल वह कहेंगे कि मैं नहीं जानता कि महात्मा गांधी कौन है।

श्री हुकम चन्द कछवाय : यह सवाल जायज है और सरकार उसका जवाब देने के लिए तैयार है। आग सरकार से इस का जवाब दिलवाइये। क्या आप यह निर्णय करेंगे कि सवाल गलत है?... (व्यवधान)...

श्री रवि राय : वह कल यह भी कह सकते हैं कि मैं नहीं जानता कि नेताजी सुभाषचन्द्र बोस कौन है।... (व्यवधान)...

MR. SPEAKER: Hon. Members may ask any questions, but they must be within the rules. After all, I have to go by the rules.

SHRI AMIYANATH BOSE: But I have asked a question of the hon. Minister and he has not replied to it yet.

MR. SPEAKER: If he did not mean even a remote reflection, I have no objection. But I would request Members also to kindly see the rules on the subjects and then object.

SHRI RANDHIR SINGH: Why should such a man be a Governor? Such a man should not be a Governor.

SHRI HEM BARUA: According to rule 41, every Member is entitled to

seek information, and he is seeking information.

SHRI RANDHIR SINGH : If he has said this, then I mean disrespect to him.

SHRI AMIYANATH BOSE : I had asked the hon. Minister whether the note submitted by Mr. Mullick annoyed the Governor and that was the reason for withholding his appointment for such a long time.

SHRI VIDYA CHARAN SHUKLA : I shall reply to the first part of the question. It is a fact that a certain misunderstanding arose between the Governor and the Chief Secretary, and, therefore, this appointment was delayed. I have already explained it in my earlier reply; that misunderstanding has been satisfactorily solved, and I do not think that we should say or do anything here to reopen this issue again.

SHRI AMIYANATH BOSE : Did he submit a note or not?

श्री रवि राय : अध्यक्ष महोदय, मंत्री महोदय ने प्रश्न के दूसरे भाग का—ईश्वरचन्द्र विद्यासागर के बारे में—उत्तर नहीं दिया है।

SHRI S. KUNDU : He has asked a question, and he has not meant any reflection. Is he not entitled to get information about whether it is true or not? Is it a fact or not that the Governor wrote to a certain institution that he would have to find out something about Ishwar Chandra Vidyasagar before he could become a patron?

MR. SPEAKER : No, no! I may make it clear.

SHRI S. KUNDU : The State of West Bengal is under President's rule, and the Governor functions under the authority of Parliament.

MR. SPEAKER : He need not explain it to me.

The situation is like this. Because of President's rule, the Governor's role is of a dual nature. He is also the Governor, and

is also in charge of the administration there. It is very difficult to demarcate between the two. I perhaps may be more concerned with it than the hon. Member himself. But as the Speaker, I have to follow certain rules. Therefore, I would request the hon. Member to keep himself visibly within the rules. I have no objection if he keeps himself visibly within the rules.

SHRI AMIYANATH BOSE : The hon. Minister has not yet told us whether the controversy which arose between Mr. Mullick who was then a member of the Board of Revenue, and the Governor was on the basis of a note submitted by him.

SHRI VIDYA CHARAN SHUKLA : I have already said that there was a misunderstanding; but that was not regarding a note but regarding an alleged press statement by Mr. Mullick. It was not about a note or any such thing.

SHRI K. P. SINGH DEO : In reply to Shri D. N. Patodia's question, the hon. Minister had said that the administration of West Bengal would be carried on in accordance with the wishes of Parliament. I wish to draw your attention to the new item in today's papers that the Government of West Bengal have agreed to allow those lands which have been grabbed by various parties to be occupied by them. I want to know whether it is the wish of Parliament to sanction this illegal grabbing of land.

MR. SPEAKER : That does not arise out of the main question.

SHRI K. P. SINGH DEO : The hon. Minister said that it is the wish of Parliament that would matter, I want to have a clarification on this as to whether it is the wish of Parliament.

MR. SPEAKER : Let him not connect everything with the main question.