

केन्द्रीय सरकार को दी गई सूचना के अनुसार उनका ब्योरा क्या है; और

(ग) केन्द्रीय सरकार को राज्य सरकार से तथा अपने निजी स्थानों से प्राप्त सूचना के अनुसार पिछले तीन वर्षों में मध्य प्रदेश में इन धर्म-प्रचारकों को कितनी विदेशी मुद्रा प्राप्त हुई थी ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री विद्याचरण शुक्ल) : (क) से (ग). सूचना एकत्रित की जा रही है और सदन के सभा-पटल पर रख दी जायेगी ।

12 hours.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED TALK GIVEN AT INDIAN LAW INSTITUTE BY A SENIOR CIVIL SERVANT OF GOVERNMENT ON POLITICAL - CUM - CONSTITUTIONAL PROBLEMS.

SHRI NARENDRA KUMAR SALVE (Betul): Sir, I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and I request that he may make a statement thereon:—

“Reported talk given at the Indian Law Institute by a senior civil servant of the Government expressing categorical views and opinions on current political-cum-constitutional problems”.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): Mr. Speaker, Sir, It is reported that Shri Gae, Secretary, Department of Legal Affairs, Ministry of Law gave two talks at the Indian Law Institute on February 17 and 18, 1969 on “Some of the Constitutional Powers of the Governor.” At the first talk the Chief Justice of India, Shri Hidayatullah presided. At the second talk justice Shah of the Supreme Court presided.

2. The talks given by Shri Gae dealt with some of the constitutional powers of the Governor. Shri Gae has explained that the exposition of the subject given by him was as a student of constitutional law and not in his capacity as Secretary to the Government of India. This aspect of the matter was made clear by him on more than one occasion at the time of giving the talks.

3. The views expressed by Shri Gae primarily dealt with the academic aspects of the matter based on decisions of the Supreme Court and the High Courts as well as the opinions expressed by well known political scientists and jurists on the subject. The talks were given before the members of the Indian Law Institute, which is an institute primarily devoted to research and higher studies in law.

SHRI NARENDRA KUMAR SALVE: It is a question whether our public civil servants can express views and opinions on questions at public functions specially if they have a close nexus with current political matters. It is not so simple as that. It is actually reported in the *Statesman* that Shri Gae paid encomiums and homage to the Governor of West Bengal for dismissing the Ajoy Mukerjee Ministry. This is what he said. I quote:

“....he referred to the dismissal of the Ajoy Mukerjee Government on November 21, 1967 as an instance and said the decision was considered sound from the constitutional point of view”.

It may be an absolutely constitutional point of view, it may not involve making a statement constituting any political activity as such. But no such statement should be made in terms of the provisions of the Central Civil Service Rules, 1964. Rules 9 (2) says:

“No Government servant shall in any public utterance make any statement of fact or opinion.....—whether political or otherwise—which is capable of embarrassing the relations between the Central Government and the Government of any State.”

[Shri Narendra Kumar Salve]

Sir, the dismissal of the Ajoy Mukerjee Ministry has been a matter of very very bitter controversy between the State and Centre. The people in the State, specially those who are now going to form the Government there, contended that it constituted a flagrant violation of the constitutional propriety whereas, here, we said, "No. If at all anything has happened, it has strengthened the constitutional propriety and democracy." If this be correct, this officer is going to be speaking about constitutional matters throughout the country on questions which impinge upon the Centre-State relationship. This is a very important matter which involves the question of demeanour of public servants on such matters that have created embarrassment in between the relationship of the Centre and the State. In view of this, may I know from the Home Minister whether he will agree to have an inquiry into the whole matter as to whether the officer is guilty of misdemeanour and, therefore, liable to be penalised.

Secondly, I want to ascertain whether this officer who has been speaking widely in all parts of the country on various questions which have close nexus with current political problems, is doing so as an emissary of the Law Minister or the Law Ministry or on his own.

SHRI Y. B. CHAVAN: The hon. Member has raised a question which certainly requires consideration in the sense whether a Government official has no right to express his views on academic aspects of problems. That is, really speaking, a very ticklish question. Whether in this particular matter, Mr. Gae should have used his discretion to speak or not to speak, there can be two views on this. But I cannot say that he has committed any breach of rule as such; I personally do not think so. As far as inquiry is concerned, I cannot say that an inquiry is necessary. About that particular view, I may agree with it or may not agree with it; that is a different matter. The question of dismissal of the Government of Bengal has now become a matter of past, of history, and somebody can academically examine the question also. *(Interruptions)*

SHRI HEM BARUA (Mangaldai) : He was stating the Constitutional position only.

SHRI NARENDRA KUMAR SALVE : Strictly speaking, the Constitutional provision...

MR. SPEAKER: We go to the next item.

SHRI NARENDRA KUMAR SALVE: This is an important matter...

MR. SPEAKER: No. I cannot allow. Otherwise, it will become a precedent. Some other member will say that the matter is very very important and, therefore, he should be allowed to ask three questions and all that. *(Interruption)* Now papers, to be laid on the Table.

12.07 hours

PAPERS LAID ON THE TABLE

AUDIT REPORT RAILWAYS, 1969
AND ECONOMIC SURVEY, 1968-69

THE DEPUTY PRIME MINISTER AND
MINISTER OF FINANCE (SHRI
MORARJI DESAI) : I beg to lay on the
Table—

- (1) A copy of the Audit Report, Railways, 1969 under article 151 (1) of the Constitution.
- (2) A copy of Appropriation Accounts, Railways, for 1967-68, Part I—Review.
- (3) A copy of Appropriation Accounts Railways for 1967-68, Part II—Detailed Appropriation Accounts.
- (4) A copy of Block Accounts (including Capital Statements comprising the Loan Accounts), Balance, Sheets and Profit and Loss Accounts, Railways, for 1967-68. *[Placed in Library, See No. LT—61/69]*
- (5) A copy of 'Economic Survey' 1968-69. *[Placed in Library, See No. LT—63/69]*