

Administration of oath of office to Deputy Chairman, Planning Commission

\*122. SHRI PRANAB MUKHERJEE: Will the PRIME MINISTER be pleased to state:

(a) whether the Deputy Chairman of Planning Commission has been administered oath of office and secrecy by Prime Minister; and

(b) if so, under what law or provisions of the Constitution such oath has been administered?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS, PARLIAMENTARY AFFAIRS AND PLANNING AND PROGRAMME IMPLEMENTATION (SHRI RAM NAIK):

(a) Yes, Sir.

(b) Though there is no constitutional requirement of administering the oath of office and secrecy to the Deputy Chairman, Planning Commission, it was considered appropriate to administer such an oath to him.

SHRI PRANAB MUKHERJEE: I want to know from the hon. Minister what prompted the Prime Minister to administer the oath of office to the Deputy Chairman of the Planning Commission. Since the creation of the Planning Commission in 1951, there have been a large number of occasions when non-Ministers occupied the office of the Deputy Chairman, Planning Commission, including myself, Dr. Manmohan Singh, Dr. Lakdawala and Mr. Gadgil. A large number of Deputy Chairmen of the Planning Commission were non-Ministers, and never did an occasion arise when a Deputy Chairman of the Planning Commission had to be administered the oath of office and secrecy and that too by the Prime Minister. Therefore, what prompted the Prime Minister to administer an oath of office to the Deputy Chairman? It is true that the Deputy Chairman attends Cabinet meetings; it is true that the Deputy Chairman is privy to a specified information, but this is going on from

1951 onwards. It is nothing new that you have appointed a non-Minister as Deputy Chairman of the Planning Commission. The normal practice is if a Cabinet Minister holds the charge of the Planning Commission, then he becomes *ex-officio* Deputy Chairman of the Planning Commission as was the case with my colleague, Mr. S.B. Chavan. Therefore, he was administered oath as a Minister, not as Deputy Chairman of the Planning Commission. When I got this news, I wondered as to what was the necessity of the Prime Minister administering an oath of office to the Office of the Deputy Chairman. Secondly, nowhere as per the Constitution or practice of this country, have we found this case. Yes, in one case earlier we found, when the Prime Minister administered oath of office and secrecy to his Parliamentary Secretaries.

Sir, if you look at the history of the Prime Minister, who had Parliamentary Secretaries to help the Prime Minister in discharging the Parliamentary activities, right from the days of Mr. Nehru, when Mrs. Laxmi Menon was his Parliamentary Secretary in the External Affairs Ministry to Indira Ji and also to Rajiv Gandhi, who had some Parliamentary Secretaries and who were assigned some job to help in the parliamentary function, they were administered the oath of office and secrecy by the Prime Minister. But, a new precedent has been created when the Prime Minister administered an oath of office and secrecy to the Deputy Chairman of the Planning Commission, who enjoys the rank of a Cabinet Minister. Therefore, I would like to have a clarification from the Prime Minister as to what was the compulsion. Why has he found it necessary? He must have some authority to administer the oath of office and secrecy to an office-holder, who enjoys the rank of a Cabinet Minister.

SHRI RAM NAIK: Sir, I am indeed obliged to the former Deputy Chairman of the Planning Commission for raising this important issue and giving an opportunity to the Government to inform the House and also to the entire country

the purpose behind it. Probably the Deputy Chairman would be knowing or would not be knowing, but some members, it is quite likely, may not be knowing the purpose. Sir, the Planning Commission does not form part of the Indian Constitution. Subsequently—not in 1951, as you said—in 1950 it had been established as per the Government Resolution, it started functioning as a Department of the Government. Now, when it is a department of the Government, a unique situation has developed. It was there for so many years, but I must explain the unique situation. Ministers take oath of office and secrecy. Even in Government, officers, whether they are IAS officers, IPS officers, or even clerks, they also have to subscribe to an affidavit or an oath. Then they can work. Now, here is an officer, who has been appointed as a Deputy Chairman of the Planning Commission and as you well said he has the status of a Cabinet Minister. He attends not only Cabinet meetings, but also important sub-committees. In that capacity a lot of information, which is secret and confidential, comes to him. So, we decided to establish a healthy convention to administer him the oath. If it was not done for the last 50 years, it does not mean that a healthy convention should not be established. When the secret and confidential information is available to a functionary and if he does not take oath, that is not proper. So, in that respect we decided that an oath should be administered not only to the Deputy Chairman of the Planning Commission, but also to the other non-official members as and when they are appointed. So, the Constitution does not say anything about the Planning Commission. It has been established by a Resolution. But the point is for the last 50 years ....(Interruptions)...

MR. CHAIRMAN: When your turn comes up, you speak. Please don't interrupt.

SHRI RAM NAIK: For the last 48 years the earlier Governments did not do

it. It does not mean that we should not do it. From that point of view we have done it to establish a healthy convention. So far as Parliamentary Secretary is concerned, he has been appointed by the Prime Minister's Secretariat. So, the Prime Minister administers the oath. It is not as if that only a Parliamentary Secretary is administered the oath. I hope Members are aware that the Chairman of the Union Public Service Commission is also administered the oath. Though he is a non-official, still he is required to take the oath. Even the Chairman of the BIFR who is a non-official is administered the oath because he has access to confidential information. He is also required to take the oath. Taking into consideration all these issues, we have decided to administer the oath to establish a good convention. It was not done earlier. At least now we have done it and we should be allowed to have better conventions in future.

SHRI PRANAB MUKHERJEE: Still, some clarification has not been given. It is true that the Planning Commission was created by an executive order in 1950, not in 1951. I stand corrected. It is true that it does not enjoy any Constitutional status. But the proposition which the hon. Minister of State has made has serious and dangerous implications. He has extended the logic as if the Planning Commission is a part of the Prime Minister's Secretariat.

SHRI RAM NAIK: I said, Government's Department.  
...(Interruptions)...

SHRI PRANAB MUKHERJEE: Let me complete. Let me complete. Let me complete. My question was: Why did the Prime Minister administer the oath to the Deputy Chairman, Planning Commission? ... (Interruptions)... Let me complete. What type of Minister are you?

MR. CHAIRMAN: Let him complete his question.

SHRI MD. SALIM: He is setting a new precedent.

SHRI PRANAB MUKHERJEE: We would like to listen to you. Please try to listen to our point also. I may be very bad in articulating my views. I am a layman. I do not know. But please try to understand my viewpoint and then please respond to it. Don't get impatient. The later part of my question was this: Why did the Prime Minister administer the oath to the Deputy Chairman? I can understand if he had administered the oath to his special officers or to his advisers or to his political adviser. But when the Prime Minister is administering the oath to the Deputy Chairman of the Planning Commission, you are saying that it is within the purview of the Prime Minister's Secretariat. It is an organic link between the Planning Commission and the Prime Minister's Office. (a) Prime Minister is the ex-officio Chairman of the Planning Commission; (b) Prime Minister appoints the Deputy Chairman of the Planning Commission and also Members of the Planning Commission. Members of the Planning Commission enjoy the status of a Minister of State. The analogy which has been brought between a Parliamentary Secretary and the Deputy Chairman of the Planning Commission is that the Prime Minister can administer the oath of office to them; not even to the Deputy Ministers because Deputy Ministers are administered oath by Rashtrapatiiji. The man who enjoys the rank of a Cabinet Minister is administered oath by the Prime Minister. This is the point I am trying to underline. Please give clarification. Here you want to create a new situation. I have no objection. But I would like to know from the hon. Minister why it was thought necessary and what the compulsion was to create a new system. Apart from that office, there is another general rule which covers office, there is another general rule which covers starting from the Office of the Deputy Chairman, Planning Commission to all the Members of the Planning Commission. They are covered by the Official Secrets Act. It was not that the oath of office and secrecy was administered to these officers because all

of them who are holding this office are covered. So, whatever information they come to know, they cannot divulge that information. There was an adequate safeguard. There was an adequate safety.

What has prompted you to bring this new system? This has not been clarified. But anyhow it is your baby, you deal with it. Is it not odd that the Prime Minister is administering the oath? You have brought in the Office of the Chairman of the BIFR. What is the relevance? There are already so many non-official Chairman who may be having secret information. They may have access to classified information. But they are covered by the Official Secrets Act. There are other Acts which cover their activities. These are going on for the last 48 years. Nothing has happened. No untoward incident has happened. No leakage has taken place.

MR. CHAIRMAN: Now, please stop.

SHRI RAM NAIK: The analogy which has been indicated by the hon. Member is not 100 per cent correct. As I said, the Planning Commission is a Department. Since the Planning Commission is a Department, the Prime Minister is the Head of that Department. As the Head of the Department he has administered the oath.....(Interruptions).....

MR. CHAIRMAN: Let him answer.

SHRI RAM NAIK: So far as the Official Secrets Act is concerned, every officer who works in the Government Department has to abide by it. But every officer is also required to take an oath or give an affidavit that he would abide by the Official Secrets Act. He functions according to that Act. So, even an officer is required to take an oath or give an affidavit. So, when the Prime Minister is the Head of the Department, that is, the Planning Commission, he has administered the oath. What the prime Minister has done is quite in order.

SHRI ASHOK MITRA: Mr. Chairman, Sir, the central issue is not taking or not taking an oath. What the real issue is the status of the Planning

Commission. Ever since Dr. John Mathai resigned in 1950, the authorities who have been there allowed the issue to hang in fire. They have not decided it. Just now we have heard the statement that the Government considers the Planning Commission to be an ordinary Department of the Government of India. This, I think, is an outrageous statement. What is the duty of the Planning Commission? It is supposed to plan for the entire country. It has to exercise or balance judgement between the interests of the Union Government and the interests of the states. It has to decide on the issue of recommending resources for Plan allocation between the Centre and the States. Now if this is the function of the Planning Commission, the Planning Commission should be an independent entity. This I would say is nothing short of a scandal that there have been any number of occasions when a functioning Minister of the Union Cabinet has also acted for months on end as the Deputy Chairman of the Planning Commission. He was wearing two hats. When an issue pertaining, let us say, to the industrial growth of the country comes up, this man also happens to be the Minister of Industry and there is a certain difference in the point of view between a particular State Government and the Union Minister of Industry, will the Deputy Chairman or the entire Planning Commission reach an objective judgement? All I say is that I could have multiplied instances where this kind of an anomalous arrangement has led to unhappiness and irrationalities in the economic planning of the country. What I would suggest is now that the question does come up—why can't the Prime Minister call in all the political parties in the country and decide that what should be a viable way of settling this issue? The underlying factors of course, is there must be some implicit assumption here that whoever is in the Central Government does not mind the States having a separate mind of their own. I would like to know from the hon.

Minister whether the States will be allowed a certain latitude in asserting their point of view and in having a total planning for the country the point of view of the State Governments will be listened to with respect. The arbiter will be the Planning Commission and since it is the arbiter it cannot obviously be a part of the Central Government.

SHRI RAM NAIK: Sir, the Notification or the Resolution has been passed in 1950. In that Notification it has been stated that it is a department. I can't help that, but this is a good suggestion. If you want to extend the purview of the Planning Commission, you can give your suggestions and we can consider such suggestions. (Interruptions)....

MR. CHAIRMAN: Please sit down. Mr. Biplab Dasgupta, please sit down. (Interruptions).... Please hear him. (Interruptions).... why are you raising your hands? (Interruptions)..... I am saying, let him speak.

SHRI RAM NAIK: The 1950 Resolutions says that it is a department and after that it has been working as a Government Department under the Prime Minister.

SHRI V. KISHORE CHANDRA S. DEO: Mr. Chairman, Sir, over the last few decades the Planning Commission has emerged as an institution which is enjoying a kind of autonomous status. It is so for obvious reasons which I don't want to repeat in any great detail. Over the last fifty years it was not found necessary that the Deputy Chairman be administered the oath of secrecy. He has chosen the words, and I quote, "to evolve a sort of new convention". That is what he has said. But this has very, very dangerous implications. One, I see it as an attempt to make the Planning Commission, which enjoyed a kind of independent status, a subservient body to the Prime Minister's Secretariat. I have my own doubts whether this can impart justice to the various States when it comes to giving the necessary funds.

Two, this also implies that, probably, there is today a lack of confidence in the Deputy Chairman that the Prime Minister has himself nominated. Earlier Prime Ministers did not find it necessary at all. He has himself chosen to administer the oath and, as my colleague has mentioned earlier, to a person who enjoys the Cabinet Minister's status. I don't know how the Prime Minister has done it or could do it to the Secretaries and other officers of this Secretariat. But this is a totally new precedent. I think this is an alarming development because there are other implications.

MR. CHAIRMAN: You have put your question.

श्री अटल बिहारी वाजपेयी: योजना आयोग की स्वायत्तता कम करने का कोई इरादा नहीं है। लेकिन योजना आयोग की स्वायत्तता कुछ मर्यादाओं से बंधी हुई रही है। जैसा कहा गया है एक माननीय सदस्य ने कहा कि योजना आयोग को केन्द्र और राज्यों के सम्बन्धों के बारे में, उनके वित्तीय मामलों के बारे में निर्णय करने पड़ते हैं, आर्थिक सहायता देने के बारे में भी फैसले करने पड़ते हैं और इसलिए वह केन्द्र सरकार की पूरी तरह से मुट्ठी में नहीं होना चाहिए। यह बातें अपनी जगह ठीक हैं लेकिन योजना आयोग का अध्यक्ष जब तक प्रधान मंत्री है तो फिर उस पर मर्यादा लगी हुई है। अगर माननीय सदस्य इस विचार के हैं कि सबकुछ में योजना आयोग पूरी तरह से स्वायत्त होना चाहिए, मैं उनका साथ दूंगा, मैं उसका समर्थन करूंगा। हम पहले से ही इस राय के रहे हैं। लेकिन वर्तमान ढाँचे में इस आशंका का आप निराकरण नहीं कर सकते कि अगर कोई कैबिनेट मीटिंग में उपस्थित होता है और डिप्टी चेयरमैन के नाते उपस्थित होता है कैबिनेट में जो गुप्त बातें होती हैं या ऐसे तथ्य सामने रखे जाते हैं जिनको प्रकट करने के विरुद्ध मंत्रिमंडल के सदस्य बंधे हुए हैं तो डिप्टी चेयरमैन को बांधने वाली कौन सी बात है। इस बात की आज आशंका थी कि कोई अदालत में जाकर चुनौती देगा कि इन्होंने शपथ नहीं ली है, न ये गुप्त बातों को या विश्वसनीय बातों को प्रकट न करने के किसी नियम से बंधे हुए हैं। डिप्टी चेयरमैन अगर कैबिनेट की मीटिंग में भाग लेता है और उस पर कोई बंधन नहीं — अब आप कह सकते हैं कि एक व्यवस्था चलती रही है, इतने सालों तक चलती रही है, अभी व्यवस्था बदलने की क्या जरूरत थी तो अभी

बहुत-सी चीजें बदल रही हैं। अदालत में मामले ले जाने की एक प्रवृत्ति भी पनप रही है। हर चीज को चुनौती दी जाए इस तरह का एक वातावरण बन रहा है यह मामला भी वहां गया था। मुझे खुशी है कि अदालत ने उसको रद्द कर दिया है। लेकिन अदालत इसमें एक दृष्टिकोण ले सकती थी कि अगर वे कैबिनेट में उपस्थित होते हैं तो किसी न किसी नियम से बंधे हुए होने चाहिए। इसलिए उन्हें शपथ दिलाने का फैसला किया गया। इसमें कोई राजनीति नहीं है। इसमें प्लानिंग कमिशन की स्वायत्तता को कम करने का सवाल नहीं है। लेकिन मैं फिर दोहराना चाहता हूँ कि अगर सदन और संसद इस राय के हैं कि प्लानिंग कमिशन को और स्वायत्तता मिलनी चाहिए, सरकार के अधीन न रहे तो मैं इसके संबंध में आगे पग उठाने के लिए तैयार रहूंगा।

SHRI YOGINDER K. ALAGH: Sir, I was very happy to hear the prime Minister on television a few months ago saying that it was not the intention of his Government even then to erode the process of Planning. With due respect, I would like to say that he has not been properly briefed on this subject. The resolution which sets up Planning Commission does not say that it is a Department of the Government. Planning Commission is set up as an autonomous Commission of the Government. It is set up through a Government resolution. It has always carried an autonomous status. Nowhere is it said that it is a Department of the Government. Therefore, I am sorry to say that this kind of statements are really misleading. I can say from my personal knowledge—I joined the Planning Commission as an Advisor, perspective Planning at the age of 34 and I was invited from Ahmedabad — that the prime Minister used to meet even Advisors of the Planning Commission. I had been a member of the Planning Commission and I had been a Minister of Planning. This is for the first time I have heard in this country a responsible person saying that the Planning Commission is a Department of the Government. If this is your intention, then you have completely demolished the process of Planning in this country. I hope the Government will clarify it. I am very grateful to the hon.

Prime Minister for saying that he has no intention of eroding the autonomy of the Planning Commission. But if his senior colleagues are going to make statements saying that the Planning Commission is a Department of the Government, then I am afraid, there can be no question of their attempting to change the process of Planning. This issue needs to be clarified because it is a very serious matter for the House and for the country.

SHRI RAM NAIK: sir, I can only repeat what I have said. The Planning Commission is functioning .....(Interruptions).

SHRI YOGINDER K. ALAGH: Where is the word 'Department' used? He said, "It is a Department of the Government". If it is not used, then the Minister owes an apology to us. (Interruptions).

SHRI RAM NAIK: Can you show me?

SHRI YOGINDER K. ALAGH: Why should I show you? you are the Minister. (Interruptions). A Government resolution sets up the Planning Commission.....(Interruptions).

SHRI RAM NAIK: That is why I said that it has been functioning as Department under the Prime Minister. It has been functioning. (Interruptions).

SHRI YOGINDER K. ALAGH: The Planning Commission is only a Commission. It works under the Prime Minister. But it is not a Department.

SHRI RAM NAIK: It does not mean.....(Interruptions).

SHRI YOGINDER K. ALAGH: You show me where it is written that it is a Department of the Government.

SHRI TRILOKI NATH CHATURVEDI: Every autonomous corporation is associated or affiliated to a particular Ministry or a Department of the Government.

SHRI YOGINDER K. ALAGH: I am sorry. Shri Chaturvedi should know better than me because he had been Comptroller and Auditor General of

India. An autonomous Commission is not a corporation.

SHRI TRILOKI NATH CHATURVEDI: For the purpose of replies, for the purpose of appointments, etc. there are certain rules which are laid down and which govern. That is what he means to say.

SHRI YOGINDER K. ALAGH: That is a separate matter altogether. I am not at all referring to the whole question of oath and secrecy. (Interruptions).

MR. CHAIRMAN: Please sit down. He is replying to the question. Let him reply.

SHRI RAM NAIK: I shall read out Annexure III of the Cabinet Secretariat note.....(Interruptions)

SHRI YOGINDER K. ALAGH: Give us the date.

SHRI RAM NAIK: I am reading it out. It says: "Though the Planning Commission has Prime Minister as its Chairman, the Deputy Chairman *de facto* heads the organisation. In terms of the Government of India Allocation of Business rules 1961, the Commission is a Department transacting a part of the Government's business...(Interruptions)

DR. BIPLAB DASGUPTA: Why is he reading from a note given in 1961? (Interruptions)

SHRI YOGINDER K. ALAGH: The Planning Commission was set up in 1951. What is he talking about? (Interruptions)

SHRIMATI KAMLA SINHA: He is completely misleading the House.....(Interruptions)

SHRI NILOTPAL BASU: This is completely wrong.....(Interruptions)

SHRI YOGINDER K. ALAGH: You read out the original Resolution.....(Interruptions) he is misleading the House.....(Interruptions)

MR. CHAIRMAN: Why are you all standing?

SHRI YOGINDER K. ALAGH: Because it is a very important issue, Mr. Chairman, Sir.....(Interruptions)

SHRI NILOTPAL BASU: It was set up in 1951 and he is quoting something from 1961.....(Interruptions)

MR. CHAIRMAN: Mr. Alagh is there. He is quite capable. Why are you all standing? Mr. Alagh, you put your question.....(Interruptions)

SHRI YOGINDER K. ALAGH: The Minister should read out the original Resolution of the Planning Commission. This is some file note. You should have told the Cabinet Secretariat that that note is wrong.....(Interruptions) You cannot quote the secret files. You read out Resolution.

SHRI RAM NAIK: I am obliged for his advice. But I read out from the Rules of Business.....(Interruptions)

SHRI YOGINDER K. ALAGH: You read out the Resolution adopted by the Planning Commission and if you don't do to.....

MR. CHAIRMAN: Now we shall move on to the next question.

#### Testing of Nuclear Bomb and Missile by Pakistan

\*123. SHRI JANARDHANA POOJARY: Will the PRIME MINISTER be pleased to state:

(a) whether Government's attention has been drawn to a news-item which appeared in the Times of India (New Delhi), dated 17th April, 1998, under the caption "Pakistan ready to test nuclear bomb, 1998, under the caption "Pakistan ready to test nuclear bomb 2000-km-range, Ghaznavi missile in the offing too: Abdul Qadeer";

(b) whether Government have taken propose to take the matter with UN; if so, when; and

(c) the measures Government propose to take to strengthen country's defence?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI VASUNDHRA RAJE):

(a) Yes, Sir.

(b) No Sir.

(c) Government closely monitors all development relating to research, development and acquisition of armaments by Pakistan. Government remains fully committed to taking all necessary steps to effectively safeguard India's security and national interests in accordance with its own threat perceptions.

SHRI JANARDHANA POOJARY: Mr. Chairman, Sir, 11th, 13th and 28th of May go in the annals of history of the sub-continent as bad days of the sub-continent. It is unfortunate that by thoughtless.

MR. CHAIRMAN: You put your question.

SHRI JANARDHANA POOJARY: I am formulating the question... (Interruptions) I am not a new Member. I have been in Parliament for very long. I know how to put questions... (Interruptions)

श्री मोहम्मद सलीम: जनते में विश्वास करते हैं.....(व्यवधान).... सदन के अंदर भी आप क्या दूसरों को नहीं बोलने देंगे?.....(व्यवधान)

†† श्री محمد سلیم: جنسیت میں دشمنی کرتے ہیں... "مداخلت"... سون کے اندر بھی آپ کیا دوسروں کو بولنے نہیں دیں گے... "مداخلت"...

MR. CHAIRMAN: Now you put your question... (Interruptions)

श्री राजनाथ सिंह "सूर्य": ऐसे ही खड़े हो जाते हैं.....(व्यवधान)

MR. CHAIRMAN: Please sit down.

SHRI JANARDHANA POOJARY: Sir, by thoughtless and reckless testing of nuclear weapons,...

†† [Transliteration in Arabic Script]