

# **LOK SABHA DEBATES**

## **(English Version)**

**Fifteenth Lok Sabha**  
**(Ninth Session)**



*(Vol. XXII contains Nos. 21 to 25)*

**LOK SABHA SECRETARIAT**  
**NEW DELHI**

*Price : Rs. 80.00*

## **EDITORIAL BOARD**

**Anoop Mishra**

Secretary General  
Lok Sabha

**Devender Singh**

Additional Secretary

**Navin Chandra Khulbe**

Director

**Rakesh Kumar**

Additional Director

**Suman Rattan**

Joint Director

**S.S. Dalal**

Assistant Editor

### **@2011 Lok Sabha Secretariat**

None of the material may be copied, reproduced, distributed, republished, downloaded, displayed, posted or transmitted in any form or by any means, including but not limited to, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of Lok Sabha Secretariat. However, the material can be displayed, copied, distributed and downloaded for personal, non-commercial use only, provided the material is not modified and all copyright and other proprietary notices contained in the material are retained.

---

Original English proceedings included in English Versions will be treated as authoritative and not the English translation of the speeches made in Hindi and other languages included in it. For complete authoritative version please see Original Version of Lok Sabha Debates.

### **INTERNET**

The original version of Lok Sabha proceedings is available on Parliament of India Website at the following address :

<http://www.parliamentofindia.nic.in>

### **LIVE TELECAST OF PROCEEDINGS OF LOK SABHA**

Lok Sabha proceedings are being telecast live on Lok Sabha T.V. Channel. Live telecast begins at 11 A.M. everyday the Lok Sabha sits, till the adjournment of the House.

### **LOK SABHA DEBATES ON SALE**

Printed copies of Lok Sabha Debates of Original version, English version, Hindi version and indices thereto, DRSCs reports and other Parliamentary Publications and Souvenir items with logo of Parliament are available for sale at the Sales Counter, Reception, Parliament House, (Tel. Nos. 23034726, 23034495, 23034496) New Delhi-110001. The information about all these publications and items is also available on the website mentioned above.

---

---

**© 2011 By Lok Sabha Secretariat**

Published under Rules 379 and 382 of the Rules of Procedure and Conduct of Business in Lok Sabha  
(Twelfth Edition) and Printed by M/s. India Offset Press, A-1 Mayapuri Ind. Area, Phase I, New Delhi 110 064 (India)

---

---

## CONTENTS

*Fifteenth Series, Vol.XXII, Ninth Session, 2011/1933 (Saka)*

**No.22, Tuesday, December 27, 2011/Pausa 6,1933 (Saka)**

SUBJECT	COLUMNS
OBITUARY REFERENCES .....	1-2
PAPERS LAID ON THE TABLE .....	2-12
MESSAGES FROM RAJYA SABHA AND BILL AS PASSED BY RAJYA SABHA .....	12-13
COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES 18th Report .....	13
STATEMENTS BY MINISTERS .....	15
(i) Status of implementation of the recommendations contained in the 8th Report of the Standing Committee on Water Resources on Demands for Grants (2011-12), pertaining to the Ministry of Water Resources Shri Pawan Kumar Bansal .....	13-14
(ii) (a) Status of implementation of the recommendations contained in the 4th Report of the Standing Committee on Social Justice and Empowerment on Demands for Grants (2010-11), pertaining to the Ministry of Social Justice and Empowerment. Shri Mukul Wasnik .....	14
(ii) (b) Status of implementation of the recommendations contained in the 11th Report of the Standing Committee on Social Justice and Empowerment on Scholarship schemes for Scheduled Castes and Other Backward Classes, pertaining to the Ministry of Social Justice and Empowerment. Shri Mukul Wasnik .....	14-15
REFERENCES BY THE SPEAKER	
(i) Homage to Pandit Madan Mohan Malviya on his 150th Birth Anniversary .....	15
(ii) Completion of hundred years of first rendition of National Anthem .....	173-174
GOVERNMENT BILLS - <i>Introduced</i>	
(i) The Prevention of Money-Laundering (Amendment) Bill, 2011.....	16
(ii) The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2011 [Amendment of Part VI of Constitution (Scheduled Tribes) Order 1950] .....	16-17
(iii) The Electronic Delivery of Services Bill, 2011 .....	17
MATTERS UNDER RULE 377	
(i) Need to amend Drugs and Cosmetics Act to provide better and effective medicines at affordable price to the people of the country. Shri Jaywant Gangaram Awale.....	18
(ii) Need to release a commemorative coin in honour of Mahatma Ayyankali, the great social reformer Shri Kodikkunnil Suresh .....	18-19

(iii)	Need to declare entire Odisha as drought-hit State and provide a financial relief package for the State	
	Shri Amarnath Pradhan .....	19
(iv)	Need to take measures to make river Yamuna pollution-free and formulate a scheme to provide drinking water to people living in Delhi	
	Shri Jai Prakash Agarwal .....	19-20
(v)	Need to include Rajasthani language in the Eighth Schedule to the Constitution	
	Shri Bharat Ram Meghwal .....	20-21
(vi)	Need to provide adequate doctors at Primary Health Centres (PHCs) under National Rural Health Mission and set up more PHCs with adequate infrastructure and medical facilities in the country particularly in Karimnagar Parliamentary Constituency, Andhra Pradesh	
	Shri Ponnam Prabhakar .....	21-22
(vii)	Need to include Warangal district of Andhra Pradesh under Jawaharlal Nehru National Urban Renewal Mission and provide funds to the scheme for drinking water schemes and underground drainage systems in the district	
	Shri Rajaiah Sircilla .....	22-23
(viii)	Need to set up a Fishing Harbour and provide adequate cold storage facilities for preservation of seafoods at Uvari in Tirunelveli district, Tamil Nadu	
	Shri S.S. Ramasubbu .....	23-24
(ix)	Need to construct a barrage on river Yamuna in Agra, Uttar Pradesh to ensure regular feeding of water to wooden foundation of Taj Mahal and drinking water to the people of the city	
	Prof. Ram Shankar .....	24
(x)	Need to expedite construction of portion of the East-West Corridor Project in Assam	
	Shri Kabindra Purkayastha .....	24-25
(xi)	Need to augment rail facilities in Satna Parliamentary Constituency in Madhya Pradesh and provide better rail connectivity to Satna city from other parts of the country	
	Shri Ganesh Singh .....	25-26
(xii)	Need to take measures for the welfare of cotton farmers in the country particularly in Maharashtra	
	Shri Danve Raosaheb Patil .....	26-27
(xiii)	Need to provide right of ownership of land to SC/ST people facing threat of displacement in Robertsganj Parliamentary Constituency, Uttar Pradesh	
	Shri Pakauri Lal .....	27
(xiv)	Need to provide adequate quantity of fertilizers at subsidized rates to the farmers in Gautam Buddha Nagar and Bulandshahar districts in Uttar Pradesh	
	Shri Surendra Singh Nagar .....	27-28
(xv)	Need to promote and conserve dialects and languages on the verge of extinction in the country	
	Shri Kaushalendra Kumar .....	28
(xvi)	Need to make Krishnagiri district of Tamil Nadu as an agricultural export zone and set up Food Processing Industries and cold storages therein	
	Shri E.G. Sugavanam .....	28-29

(xvii) Need to check soil erosion by rivers in northern parts of West Bengal	
Shri Mahendra Kumar Roy .....	29
(xviii) Need to develop Baripada Railway Station in Odisha as a full-fledged railway station	
Shri Laxman Tudu .....	29-30
(xix) Need to provide drinking water in Andhra Pradesh particularly in Narasaraopet Parliamentary Constituency of the State	
Shri M. Venugopala Reddy .....	30-31
(xx) Need to review the decision to set up proposed nuclear power plant at Gorakhpur village in Fatehabad district, Haryana	
Shri Kuldeep Bishnoi .....	31
THE ACADEMY OF SCIENTIFIC AND INNOVATIVE RESEARCH BILL, 2011 .....	31-38
Amendments made by the Rajya Sabha	
Motion to Consider	
Shri Ganeshrao Nagorao Dudhgaonkar .....	33-35
Shri Hukumdeo Narayan Yadav .....	35-36
Shri Shailendra Kumar .....	36-37
Shri Vilasrao Deshmukh .....	37-38
Clause 9	
Motion to Pass	
THE LOKPAL AND LOKAYUKTAS BILL, 2011 .....	39
THE CONSTITUTION (ONE HUNDRED AND SIXTEENTH AMENDMENT) BILL, 2011 (Insertion of New Part XIVB)	
AND	
THE PUBLIC INTEREST DISCLOSURE AND PROTECTION TO PERSONS MAKING THE DISCLOSURES BILL - 2010	
Motion to Consider	
Shri V. Narayanasamy .....	39-49
Shrimati Sushma Swaraj .....	49-73
Shri Kapil Sibal .....	73-98
Shri Mulayam Singh Yadav .....	98-103
Shri Dara Singh Chauhan .....	103-110
Shri Sharad Yadav .....	110-121
Shri T.K.S. Elangovan.....	121-122
Shri Basudeb Acharia .....	123-132
Shri Bhartruhari Mahtab .....	132-135
Shri Anant Gangaram Geete .....	135-141
Shrimati Supriya Sule .....	141-144
Dr. Manmohan Singh .....	144-149
Dr. M. Thambidurai .....	149-153

Shri Kalyan Banerjee .....	153-160
Shri Nama Nageswara Rao .....	160-162
Shri Jayant Choudhary .....	162-166
Shri Gurudas Dasgupta .....	166-173
Shri Lalu Prasad .....	174-180
Shrimati Harsimrat Kaur Badal .....	180-185
Shri H.D. Devegowda .....	185-189
Shri Yashwant Sinha .....	189-197
Dr. Shashi Tharoor .....	197-209
Shri S.D. Shariq .....	209-211
Shri Inder Singh Namdhari .....	211-215
Shri Asaduddin Owaisi .....	215-219
Shri Narahari Mahato .....	219-221
Shri Ajay Kumar .....	221-222
Shri Kameshwar Baitha .....	222-224
Shri Prasanta Kumar Majumdar .....	224-226
Dr. Tarun Mandal .....	226-228
Shri Om Prakash Yadav .....	228-229
Shrimati Putul Kumari .....	229-230
Shri Joseph Toppo .....	231-232
Shri Thol Thirumaavalavan .....	232-233
Shri Raju Shetti .....	233-234
Shri S.K. Bwiswmuthiary .....	234-236
Shri Kirti Azad .....	236-242
Shri J.M. Aaron Rashid .....	242-248
Shri Shailendra Kumar .....	245
Shri Pranab Mukherjee .....	245-256
<b>THE LOKPAL AND LOKAYUKTAS BILL, 2011</b>	
Clauses 2 to 97 and 1 Motion to Pass .....	98-416
<b>THE CONSTITUTION (ONE HUNDRED AND SIXTEENTH AMENDMENT) BILL, 2011</b> (Insertion of New Part XIVB)	
Clauses 2, 3 and 1	
Motion Negatived	
<b>THE PUBLIC INTEREST DISCLOSURE AND PROTECTION TO PERSONS MAKING</b> <b>THE DISCLOSURES BILL-2010</b>	
Clauses 2 to 30 and 1 .....	262-326
Motion to Pass .....	450-466



**OFFICERS OF LOK SABHA**

**THE SPEAKER**

Shrimati Meira Kumar

**THE DEPUTY SPEAKER**

Shri Karia Munda

**PANEL OF CHAIRMEN**

Shri Basu Deb Acharia

Shri P.C. Chacko

Shrimati Sumitra Mahajan

Shri Inder Singh Namdhari

Shri Francisco Cosme Sardinha

Shri Arjun Charan Sethi

Dr. Raghuvansh Prasad Singh

Dr. M. Thambidurai

Dr. Girija Vyas

Shri Satpal Maharaj

**SECRETARY GENERAL**

Shri T.K. Viswanathan

*Blank page*

## LOK SABHA DEBATES

### LOK SABHA

**Tuesday, December 27, 2011/ Pausa 6, 1933 (Saka)**

The Lok Sabha met at Eleven of the Clock.

[MADAM SPEAKER *in the Chair*]

#### OBITUARY REFERENCES

[English]

MADAM SPEAKER: Hon. Members, I have to inform the House of the sad demise of our former colleague Shri S. Bangarappa.

Shri S. Bangarappa was a member of the Eleventh Lok Sabha from 1996 to 1997 and the Thirteenth and Fourteenth Lok Sabhas from 1999 to 2009, representing the Shimoga Parliamentary Constituency of Karnataka.

Shri Bangarappa was a member of the Karnataka Legislative Assembly from 1967 to 1996. He held the Office of the Chief Minister of Karnataka from 1990 to 1992. He served as the Minister of State for Home; Cabinet Minister for Public Works Department; Minister for Revenue, Agriculture and Horticulture in the Government of Karnataka. Shri Bangarappa also served as the Leader of Opposition in the Karnataka Legislative Assembly.

An able parliamentarian, Shri Bangarappa was a member of the Committee on Defence; Committee on Petitions and Committee on Estimates during the Thirteenth Lok Sabha. He was also a member of the Committee on Defence and Railway Convention Committee during the Fourteenth Lok Sabha.

A sports enthusiast and a committed social and political worker, Shri Bangarappa worked for the welfare of the poor, downtrodden and the deprived sections of the society. He consistently fought for the rights of the farming community and initiated many social welfare projects in his constituency.

In his demise, the country has lost a dynamic and

visionary leader whose absence will be felt in many walks of life.

Shri S. Bangarappa passed away on 26 December, 2011 at Bengaluru at the age of 78.

We deeply mourn the loss of our friend and I am sure the House would join me in conveying our condolences to the bereaved family.

Hon. Members, twenty-two persons are reported to have drowned and number of persons missing in a boat tragedy in Pulicat Lake in Tamil Nadu on 25 December, 2011.

The House expresses solidarity in this hour of grief with the families of the victims of this unfortunate accident.

The House may now stand in silence for a short while as a mark of respect to the memory of the departed.

**11.03 hrs.**

*The Members then stood in silence for a short while.*

**11.04 hrs.**

#### PAPERS LAID ON THE TABLE

[English]

MADAM SPEAKER: Now Papers to be laid on the Table.

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA): On behalf of Shri Kapil Sibal, I beg to lay on the Table:—

- (1) A copy of the Annual Report (Hindi and English versions) of the Telecom Regulatory Authority of India, New Delhi, for the year 2010-2011, alongwith Audited Accounts.
- (2) A copy of the Review (Hindi and English versions) by the Government of the working of the Telecom Regulatory Authority of India, New Delhi, for the year 2010-2011.

[Placed in Library, See No. L.T. 6056/15/11]

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS (DR. C.P. JOSHI): I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) of the National Highways Authority of India, New Delhi, for the year 2010-2011, alongwith Audited Accounts.

[Placed in Library, See No. L.T. 6057/15/11]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY): I beg to lay on the Table:—

- (1) Statement regarding Review% (Hindi and English versions) by the Government of the working of the Central Civil Services Cultural and Sports Board, New Delhi, for the year 2010-2011.

[Placed in Library, See No. L.T. 6058/15/11]

- (2) Statement regarding Review% (Hindi and English versions) by the Government of the working of the Civil Services Society, New Delhi, for the year 2010-2011.

[Placed in Library, See No. L.T. 6058-A/15/11]

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI D. PURANDESWARI): I beg to lay on the Table:—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Central University of Tamil Nadu, Thiruvavur, for the year 2010-2011, alongwith Audited Accounts,  
(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Central University of Tamil Nadu, Thiruvavur, for the year 2010-2011.

[Placed in Library, See No. L.T. 6059/15/11]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Tripura University, Agartala, for the year 2010-2011.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Tripura University, Agartala, New Delhi, for the year 2010-2011.

[Placed in Library, See No. L.T. 6060/15/11]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Central University of Haryana, Chandigarh, for the year 2010-2011.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Central University of Haryana, Chandigarh, for the year 2010-2011, together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Central University of Haryana, Chandigarh, for the year 2010-2011.

[Placed in Library, See No. L.T. 6061/15/11]

- (4) (i) A copy of the Annual Report (Hindi and English versions) of the Central University of Himachal Pradesh, Dharamshala, for the year 2010-2011.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Central University of Himachal Pradesh, Dharamshala, for the year 2010-2011, together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Central University of Himachal Pradesh, Dharamshala, for the year 2010-2011.

[Placed in Library, See No. L.T. 6062/15/11]

(5) A copy of the Annual Accounts (Hindi and English versions) of the Central University of Jharkhand, Ranchi, for the years 2008-2009 and 2009-2010, together with Audit Reports thereon.

(6) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (5) above.

[Placed in Library, See No. L.T. 6063/15/11]

(7) A copy of the Annual Accounts (Hindi and English versions) of the English and Foreign Languages University, Hyderabad, for the year 2010-2011, together with Audit Report thereon.

[Placed in Library, See No. L.T. 6064/15/11]

(8) A copy of the Annual Accounts (Hindi and English versions) of the Indira Gandhi National Tribal University, Amarkantak, for the year 2009-2010, together with Audit Report thereon.

(9) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (8) above.

[Placed in Library, See No. L.T. 6065/15/11]

(10) (i) A copy of the Annual Report (Hindi and English versions) of the Central University of Bihar, Patna, for the year 2010-2011, alongwith Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Central University of Bihar, Patna, for the year 2010-2011.

[Placed in Library, See No. L.T. 6066/15/11]

(11) (i) A copy of the Annual Report (Hindi and English versions) of the Central University of Gujarat, Gandhinagar, for the year 2010-2011. (ii) A copy of the Review (Hindi and English versions) by the Government of

the working of the Central University of Gujarat, Gandhinagar, for the year 2010-2011.

[Placed in Library, See No. L.T. 6067/15/11]

(12) (i) A copy of the Annual Report (Hindi and English versions) of the Banaras Hindu University, Varanasi, for the year 2010-2011. (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Banaras Hindu University, Varanasi, for the year 2010-2011.

[Placed in Library, See No. L.T. 6068/15/11]

(13) (i) A copy of the Annual Report (Hindi and English versions) of the Aligarh Muslim University, Aligarh, for the year 2010-2011. (ii) A copy of the Annual Accounts (Hindi and English versions) of the Aligarh Muslim University, Aligarh, for the year 2010-2011, together with Audit Report thereon.

(iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Aligarh Muslim University, Aligarh, for the year 2010-2011.

[Placed in Library, See No. L.T. 6069/15/11]

(14) (i) A copy of the Annual Report (Hindi and English versions) of the Guru Ghasidas Vishwavidyalaya, Bilaspur, for the year 2009-2010.

(ii) A copy of the Annual Accounts (Hindi and English versions) of the Guru Ghasidas Vishwavidyalaya, Bilaspur, for the year 2009-2010, together with Audit Report thereon.

(iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Guru Ghasidas Vishwavidyalaya, Bilaspur, for the year 2009-2010.

- (15) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (14) above.

[Placed in Library, See No. L.T. 6070/15/11]

- (16) (i) A copy of the Annual Report (Hindi and English versions) of the Guru Ghasidas Vishwavidyalaya, Bilaspur, for the year 2010-2011.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Guru Ghasidas Vishwavidyalaya, Bilaspur, for the year 2010-2011.

[Placed in Library, See No. L.T. 6071/15/11]

- (17) (i) A copy of the Annual Report (Hindi and English versions) of the North-Eastern Hill University, Shillong, for the year 2010-2011.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the North-Eastern Hill University, Shillong, for the year 2010-2011.

[Placed in Library, See No. L.T. 6072/15/11]

- (18) (i) A copy of the Annual Report (Hindi and English versions) of the Pondicherry University, Puducherry, for the year 2010-2011.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Pondicherry University, Puducherry, for the year 2010-2011, together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Pondicherry University, Puducherry, for the year 2010-2011.

[Placed in Library, See No. L.T. 6073/15/11]

- (19) (i) A copy of the Annual Report (Hindi and English versions) of the Mizoram University, Aizawl, for the year 2010-2011.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Mizoram University, Aizawl, for the year 2010-2011.

[Placed in Library, See No. L.T. 6074/15/11]

- (20) (i) A copy of the Annual Report (Hindi and English versions) of the Dr. Harisingh Gour University, Sagar, for the year 2010-2011.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Dr. Harisingh Gour University, Sagar, for the year 2010-2011.

[Placed in Library, See No. L.T. 6075/15/11]

- (21) (i) A copy of the Annual Report (Hindi and English versions) of the Central University of Kashmir, Srinagar, for the year 2010-2011.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Central University of Kashmir, Srinagar, for the year 2010-2011, together with Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Central University of Kashmir, Srinagar, for the year 2010-2011.

[Placed in Library, See No. L.T. 6076/15/11]

- (22) A copy of the Annual Accounts (Hindi and English versions) of the Manipur University, Imphal, for the year 2009-2010, together with Audit Report thereon.

- (23) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (22) above.

[Placed in Library, See No. L.T. 6077/15/11]

(24) (i) A copy of the Annual Report (Hindi and English versions) of the Central University of Punjab, Bathinda, for the year 2010-2011.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of Central University of Punjab, Bathinda, for the year 2010-2011.

[Placed in Library, See No. L.T. 6078/15/11]

(25) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Technology Guwahati, Guwahati, for the year 2010-2011.

(ii) Statement regarding Review (Hindi and English versions) by the Government of the working of Indian Institute of Technology Guwahati, Guwahati, for the year 2010-2011.

[Placed in Library, See No. L.T. 6079/15/11]

(26) (i) A copy of the Annual Report (Hindi and English versions) of the National University of Educational Planning and Administration, New Delhi, for the year 2010-2011, alongwith Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of National University of Educational Planning and Administration, New Delhi, for the year 2010-2011.

[Placed in Library, See No. L.T. 6080/15/11]

(27) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Science Education and Research, Pune, for the year 2010-2011, alongwith Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the

working of the Indian Institute of Science Education and Research, Pune, for the year 2010-2011.

[Placed in Library, See No. L.T. 6081/15/11]

(28) (i) A copy of the Annual Report (Hindi and English versions) of the All India Council for Technical Education, New Delhi, for the year 2010-2011, alongwith Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the All India Council for Technical Education, New Delhi, for the year 2010-2011.

[Placed in Library, See No. L.T. 6082/15/11]

(29) (i) A copy of the Annual Report (Hindi and English versions) of the Central University of Kerala, Kasaragod, for the year 2010-2011.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Central University of Kerala, Kasaragod, for the year 2010-2011.

[Placed in Library, See No. L.T. 6083/15/11]

(30) (i) A copy of the Annual Report (Hindi and English versions) of the Motilal Nehru National Institute of Technology Allahabad, Allahabad, for the year 2010-2011, alongwith Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Motilal Nehru National Institute of Technology Allahabad, Allahabad, for the year 2010-2011.

[Placed in Library, See No. L.T. 6084/15/11]

THE MINISTER OF STATE IN THE MINISTRY OF

FINANCE (SHRI S.S. PALANIMANICKAM): Madam, I beg to lay on the Table:—

- (1) A copy of the Report (Hindi and English versions) of the Comptroller and Auditor General of India-Union Government (Civil) (No. 26 of 2011-12) - Performance Audit of the Sale and Distribution of Imported Pulses, Ministry of Consumer Affairs, Food and Public Distribution, Ministry of Commerce and Industry under Article 151(1) of the Constitution.

[Placed in Library, See No. L.T. 6085/15/11]

- (2) A copy of the Notification S.O. 2681(E) (Hindi and English versions) published in Gazette of India dated 28th November, 2011, notifying the subscriptions made to the fund on or after the 1st day of December, 2011 and balances at the credit of the subscriber shall bear interest at the rate of 8.6 per cent per annum issued under Section 5 of the Public Provident Fund Act, 1968.

[Placed in Library, See No. L.T. 6086/15/11]

- (3) A copy of the Annual Report (Hindi and English versions) of the National Housing Bank, New Delhi, for the year 2010-2011, alongwith Audited Accounts under sub-section (5) of Section 40 of the National Housing Bank Act, 1987.

[Placed in Library, See No. L.T. 6087/15/11]

THE MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES AND MINISTER OF STATE IN THE MINISTRY OF MINORITY AFFAIRS (SHRI VINCENT H. PALA): Madam, I beg to lay on the Table:—

- (1) A copy of the Annual Report (Hindi and English versions) of the National Water Development Agency, New Delhi, for the year 2010-2011, alongwith Audited Accounts.
- (2) Statement regarding Review (Hindi and English versions) by the Government of the working of

the National Water Development Agency, New Delhi, for the year 2010-2011.

[Placed in Library, See No. L.T. 6088/15/11]

11.05 hrs.

MESSAGE FROM RAJYA SABHA  
AND  
BILL AS PASSED BY RAJYA SABHA\*

[English]

SECRETARY-GENERAL: Madam Speaker, I have to report the following message received from the Secretary-General of Rajya Sabha:—

- (i) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 2<sup>nd</sup> December, 2011 agreed without any amendment to the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2011 which was passed by the Lok Sabha at its sitting held on the 19th December, 2011."
- (ii) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (Railways) No.3 Bill, 2011, which was passed by the Lok Sabha at its sitting held on the 16th December, 2011 and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."
- (iii) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to

\* Laid on the Table.



enclose a copy of the Railway Property (Unlawful Possession) Amendment Bill, 2011 which has been passed by the Rajya Sabha at its sitting held on the 22nd December, 2011

- (iv) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 22nd December, 2011 agreed without any amendment to the New Delhi Municipal Council (Amendment) Bill, 2011 which was passed by the Lok Sabha at its sitting held on the 19th December, 2011."

Madam Speaker, I lay on the Table the Railway Property (Unlawful Possession) Amendment Bill, 2011 which has been passed by the Rajya Sabha at its sitting held on the 22nd December, 2011.

11.05½ hrs.

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

18th Report

[Translation]

SHRI PREM CHAND GUDDU (Ujjain): I beg to lay the Eighteenth Report (Hindi and English versions) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Railways (Railway Board) on Action Taken by the Government on the recommendations contained in the Twenty-eighth Report (Fourteenth Lok Sabha) on "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Southern Railway".

11.06 hrs.

STATEMENTS BY MINISTERS

- (i) **Status of implementation of the recommendations contained in the 8 Report of the Standing Committee on Water Resources on Demands for**

**Grants (2011-12), pertaining to the Ministry of Water Resources\***

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF WATER RESOURCES (SHRI PAWAN KUMAR BANSAL): Madam, I beg to lay the statement regarding the status of implementation of the recommendations contained in the Eighth Report of the Standing Committee on Water Resources on Demands for Grants (2011-12), pertaining to the Ministry of Water Resources, and, Madam, I would request that the report may be considered as read.

11.06 ½ hrs.

- (ii) (a) **Status of implementation of the recommendations contained in the 4th Report of the Standing Committee on Social Justice and Empowerment on Demands for Grants (2010-11), pertaining to the Ministry of Social Justice and Empowerment.\***

[English]

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI MUKUL WASNIK): Madam, I beg to lay the statement regarding the status of implementation of the recommendations contained in the Fourth Report of the Standing Committee on Social Justice Empowerment on Demands for Grants (2010-11), pertaining to the Ministry of Social Justice and Empowerment.

11.06 ¾ hrs.

- (ii) (b) **Status of implementation of the recommendations contained in the 11th Report of Standing Committee on Social Justice and Empowerment on \* Scholarship schemes for Scheduled Castes and Other**

\*Laid on the Table and also placed in Library, See No. LT 6089/15/11.

**Backward Classes, pertaining to the Ministry of Social Justice and Empowerment.\***

[English]

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI MUKUL WASNIK): I beg to lay the statement regarding the status of implementation of the recommendations contained in the 11th Report of the Standing Committee on Social Justice and Empowerment on Scholarship schemes for Scheduled Castes and Other Backward Classes, pertaining to the Ministry of Social Justice and Empowerment. The statements may kindly be taken as read.

11.07 hrs.

REFERENCES BY THE SPEAKER

**(i) Homage to Pandit Madan Mohan Malviya on his 150th Birth Anniversary**

[English]

MADAM SPEAKER: Hon. Members, 25th December, 2011 marked the hundred and fiftieth birth anniversary of Pandit Madan Mohan Malaviya popularly known as Mahamana. An eminent educationist and a social reformer, Malaviyaji worked n relentlessly for the resurgence of the country.

Pandit Madan Mohan Malaviya founded the Benaras Hindu University at Varanasi in 1916. He was also one of the founders of Scouting in India.

A freedom fighter, Pandit Malaviya played a prominent role in the freedom movement of the country and actively participated in the Non-cooperation Movement launched by Mahatma Gandhi.

The House pays its homage to this great scholar and eminent educationist on his one hundred and fiftieth birth anniversary.

11.08 hrs.

GOVERNMENT BILLS - *Introduced*

**(i) The Prevention of Money-Laundering (Amendment) Bill, 2011\***

[English]

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): I beg to move for leave to introduce a Bill further to amend the Prevention of Money-Laundering Act, 2002.

MADAM SPEAKER: The question is:

"That leave be granted to introduce the Bill further to amend the Prevention of Money-Laundering Act, 2002."

*The motion was adopted.*

SHRI PRANAB MUKHERJEE: I introduce the Bill.

11.08¼ hrs.

**(ii) The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2011\***

*[Amendment of Part VI of Constitution (Scheduled Tribes) Order, 1950]*

THE MINISTER OF TRIBAL AFFAIRS AND MINISTER OF PANCHAYATI RAJ (SHRI V. KISHORE CHANDRA DEO): I beg to move for leave to introduce a Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Karnataka.

MADAM SPEAKER: The question is:

"That leave be granted to introduce the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Karnataka."

*The motion was adopted.*

\*Laid on the Table and also placed in Library, See No. LT 6091/15/11.

\* Published in the Gazette of India, Extraordinary, Part-II, Section-2, dated 27.12.11.

SHRI V. KISHORE CHANDRA DEO: I introduce the Bill.

11.08½ hrs.

**(iii) The Electronic Delivery of Services Bill, 2011\***

[English]

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL): I beg to move for leave to introduce a Bill to provide for electronic delivery of public services by the Government to all persons to ensure transparency, efficiency, accountability, accessibility and reliability in delivery of such services and for matters connected therewith or incidental thereto.

MADAM SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for electronic delivery of public services by the Government to all persons to ensure transparency, efficiency, accountability, accessibility and reliability in delivery of such services and for matters connected therewith or incidental thereto."

*The motion was adopted.*

SHRI KAPIL SIBAL: I introduce\*\* the Bill.

11.09 hrs.

**MATTERS UNDER RULE 377\***

[English]

MADAM SPEAKER: Hon. Members, the Matters under Rule 377 shall be laid on the Table of the House. Members, who have been permitted to raise matters under Rule 377 today and are desirous of laying them, may personally

\* Introduced with the recommendation of the President.  
\*\* Treated as laid on the Table.

hand over slips at the Table of the House within 20 minutes.

Only those matters shall be treated as laid for which slips have been received at the Table within the stipulated time and the rest will be treated as lapsed.

**(i) Need to amend Drugs and Cosmetics Act to provide better and effective medicines at affordable price to the people of the country.**

[Translation]

SHRI JAYWANT GANGARAM AWALE (Latur): Though the Government has taken an important initiative by notifying a national policy to regulate and monitor the use of anti-biotics but the use of anti-biotics is so rampant in India that these medicines have started losing their effect. Another concern is that in India there are bacteria in India on which no anti-biotics are effective. Its solution has to be found by the health department at the earliest as the cause of worry is that in our country the business of anti-biotic medicines is very irregular. We shall have to amend Drugs and Cosmetics Act at the earliest.

The problems in drugs sector are so wide as the sector itself. As per the policy, cheaper and generic drugs are to be promoted but, despite that, the patients have to purchase costlier medicines prescribed by the doctors. Often, spurious drugs are also caught. The Government should be alert on the issue and should resolute to streamline the drugs sector. No policy could be effective when the state of affairs is so bad. Overhauling is required. I demand that positive action should be taken on the issue in public interest.

**(ii) Need to release a commemorative coin in honour of Mahatma Ayyankali, the great social reformer**

[English]

SHRI KODIKKUNNIL SURESH (Mavelikkara): Mahatma Ayyankali was a great leader of dalits who were considered untouchables in the caste riddled Indian society in the southern part of India. He fought against the system of untouchability and pioneered many reforms to improve

the lives of the dalits. He was in the forefront of movements against casteism. When he demanded educational facilities for dalit children, his demand was turned down. He started a school in order to teach dalit children. This school, too, was burnt by upper caste people. In 1907, he led a strike at Venganoor which lasted for one year. In recognition of his leadership abilities, the then Maharaja of Travancore nominated him to the Sri Moolam Legislative Assembly (Prajasabha) in 1910. His efforts for upliftment of dalits and downtrodden were admired by other great social reformers and thinkers like Sree Narayana Guru. In 1937 when father of the Nation, Mahatma Gandhi visited Venganoor, he praised the efforts of Mahatma Ayyankali. In November 1980, our late Prime Minister Shrimati Indira Gandhi unveiled the statue of this great social reformer and thinker at Kowdiar Square in Trivandrum.

The Dalit community for whom Mahatma Ayyankali fought throughout his life wants to celebrate the Centenary of his nomination to the Sri Moolam Legislative Assembly or Prajasabha.

I, therefore, request the Union Government to release a Commemorative Coin in the memory of this great social reformer so that the whole nation could know about the work done by Mahatma Ayyankali for the upliftment of dalits and downtrodden.

**(iii) Need to declare entire Odisha as drought-hit State and provide a financial relief package for the State**

SHRI AMARNATH PRADHAN (Sambalpur): The Kharif crop cultivation mainly paddy has been badly affected due to scanty rainfall during monsoon season in the State of Odisha. The drought situation in the entire western Odisha region is so grave that the production of paddy has reached its lowest level. Farmers are facing the problem of distress sale of paddy and are exploited by the middlemen. So, I request the Central Government to declare entire Odisha as drought-hit State and provide a financial relief package for the farmers in the State.

**(iv) Need to take measures to make river Yamuna pollution-free and formulate a scheme to provide drinking water to people living in Delhi**

[Translation]

SHRI JAI PRAKASH AGARWAL (North East Delhi):

The situation of pollution in Yamuna in Delhi has worsened due to which Wazirabad and Chandrawal water treatment plants have to be closed often and as a result thereof, Delhi has to face water crisis. The reason behind this is that chemical waste from factories situated in Panipat in the neighbouring state falls into the Yamuna. The waste comes to west drain-2 and this drain falls into Yamuna directly. Drain-6 brings domestic waste and it falls into Najafgarh drain. In this way, chemical waste increases the level of ammonia and chloride in the Yamuna and as a result, water treatment takes more time. If the level of ammonia crosses the prescribed limit, the water cannot be treated as the amount of chlorine required for its treatment may be dangerous for human health.

I request the Union Government to take initiative to formulate and implement an effective scheme to make Yamuna pollution free in Delhi and to address the water problem of residents of Delhi.

**(v) Need to include Rajasthani language in the Eighth Schedule to the Constitution**

SHRI BHARAT RAM MEGHWAL (Sriganganagar): The Rajasthani language stands at number seven in the country and at number sixteenth in the world languages. More than three lakh of manuscripts, dictionaries, sayings and proverbs, grammar etc. are the proofs of popularity and power of this language. The proud of national language Hindi 'Adi kaal' mainly belongs to Rajasthani language. Poets like Meer, Dadu, Raidas and Suryamal Bhushan belong to this language. Scholars have made it clear that the linguistic character of Rajasthani is very different from that of 'Khadi Boli'. A number of Indian and foreign scholars also admit that Rajasthani does not match with the languages and dialects of Hindi from origin, development, nature and grammar point of view. The script of Indian language like Marathi, Hindi, Maithili etc. is also Devanagari. When national language Hindi can adopt the script of Sanskrit, why not Rajasthani or any other Indian language can do so? Hence, Rajasthani language has no problem of script. In fact, it salient feature.

Rajasthani language has a history of 1300 years and is recognized by Sahitya Akademi since 1974.

Rajasthan Assembly has unanimously passed a resolution for recognition of Rajasthani language. Yet, Rajasthani language has been deprived of constitutional recognition.

The issue of not giving constitutional recognition to Rajasthani language is associated not only with our very existence but also with livelihood. Almost in all the States, candidates get employment in the state who have passed matriculation examination in the official language of that State. This linguistic compulsion is mere because the people of the state are well aware of geographical, economic, social and linguistic conditions of the state. The services of such public servants take the state on the path of progress from every point of view.

Recognizing Rajasthani language will strengthen national language Hindi. Unemployed from Rajasthan will get more employment. The situation of no communication will come to an end. Rajasthani language will lead to the development of literature and culture and our existence will continue. The promotion of Rajasthani language holds the key to overall development of Rajasthan.

I, therefore, urge the Government to include Rajasthani language in the eighth schedule of Indian Constitution.

**(vi) Need to provide adequate doctors at Primary Health Centres (PHCs) under National Rural Health Mission and set up more PHCs with adequate infrastructure and medical facilities in the country particularly in Karimnagar Parliamentary Constituency, Andhra Pradesh**

*[English]*

SHRI PONNAM PRABHAKAR (Karimnagar): I would like to draw the kind attention of the august House regarding the need to set up more medical colleges by relaxing the existing rules to match the doctor-patient ratio to run the Primary Health Centres (PHCS) smoothly under National Rural Health Mission (NRHM) all over the country particularly in my Karimnagar Parliamentary Constituency, Andhra Pradesh.

I would like to bring to your kind notice that in my

Karimnagar Parliamentary Constituency, the PHCs are not catering to the needs of the patients properly due to the shortage of doctors, para medical staff adding and medical equipments. In the rural areas, people hail from the agricultural background who are very poor and they visit PHCs for the treatment of their family members. During my recent survey in my constituency, it is observed that in some PHCs, there are no doctors to treat the patients. Doctors are preferring urban areas and foreign settlements. Due to such prevailing situation, the very purpose of setting up of NRHM is defeated. With this, people are forced to approach private hospitals where they cannot afford such huge medical expenses.

I, therefore, request the Hon'ble minister for Health and Family Welfare to kindly sanction and set up more medical colleges by relaxing the existing rules to increase the doctor's ratio in the country and also request to fill-up all the posts in PHCs and by setting up more and more PHCs in rural areas with adequate infrastructure all over the country, particularly in my Karimnagar Parliamentary Constituency in Andhra Pradesh in the coming 12th Five Year Plan period with some action plan.

**(vii) Need to include Warangal district of Andhra Pradesh under Jawaharlal Nehru National Urban Renewal Mission and provide funds to the scheme for drinking water schemes and underground drainage systems in the district**

SHRI RAJAIHA SIRICILLA (Warangal): I would like to draw the kind attention of the august House regarding works to be taken up on JNNURM scheme in my Warangal Parliamentary Constituency of Andhra Pradesh.

The House is aware that JNNURM is meant for cities having more than 10 lakh population. Warangal is a historical place and once ruled by Kakatiya dynasty and it attracts number of tourists and has the great potential for development and also connects the North and South India. Recently 42 villages in and around Warangal are being merged to form Greater Warangal. Taking the revised population into consideration, JNNURM project may be sanctioned for greater Warangal to take up under-ground drainage works and drinking water schemes. These two



works should be taken up simultaneously. Otherwise, the purpose will not be materialized. Already Rs.178 crores were sanctioned earlier for drinking water purpose. It is under progress. Unless and until, drainage works are completed,, drinking water scheme cannot be implemented effectively.

Hence, I request the Hon'ble Minister for Urban Development, to kindly take up the drinking water schemes and under-ground drainage systems under JNNURM works in the current XIth Five Year Plan period itself with sufficient budgetary allocations taking into consideration of the revised population of Warangal District in Andhra Pradesh.

(viii) Need to set up a Fishing Harbour and provide adequate cold storage facilities for preservation of seafoods at Uvari in Tirunelveli district, Tamil Nadu

SHRI S.S. RAMASUBBU (Tirunelveli): Uvari is a coastal village with about 4,000 households and a population of 15,000 situated in my Tirunelveli Constituency, Tamil Nadu. The main occupation of the people is fishing. Many of the men work as sailors and are contributing to the local economy.

Large number of fishermen from this village venture into the sea daily to capture various kinds of Eral fish. Eral is the speciality of Uvari. They are dispatching huge quantities of fish to neighbouring Kerala States, a major consumer of fish and Tuticorin from where the fishes are exported to various countries Viz., USA, Singapore and European countries. Over the years, the consumption of fishes/Eral in Tamil Nadu is also increasing rather than meat which is considered good for health. Eral is not available in all places and this fish is caught in large quantities from June to October within a few kms. radius of Uvari. Ordinary Eral fetches about Rs. 4000 to Rs. 5000 for a kg. and during season, the fishermen in the area earns more income. There are various types of erals Viz., Nran, Flower, Tiger, Singi as also in various colours. They are being sold at the most to Rs. 1,5000 - Rs. 2,000 a kg. Uvari Eral is believed as favorite among the fish eaters and they are moderate in size, high in quality and tasty. Considering the huge potential for fishing in this region, setting up of a fishing harbor at Uvari is a viable option.

The fishers are perishable in nature. During auspicious week days and religious days, sale of fishes are usually less and the left out stocks cannot be stored for long. Hence, the fishermen are facing lot of difficulties due to non-availability of cold storage facilities and incurring huge losses. Such facilities along with fishing harbours are available much in Kerala whereas these facilities are lacking in Tamil Nadu.

I shall, therefore, urge upon the Union Government to set up a Fishing Harbour and to provide adequate Cold Storage Facilities for preservation of sea foods at Uvari in my Tirunelveli District, Tamil Nadu at the earliest.

**(ix) Need to construct a barrage on river Yamuna in Agra, Uttar Pradesh to ensure regular feeding of water of wooden foundation of Taj Mahal and drinking water to the people of the city**

*[Translation]*

PROF. RAMSHANKAR (Agra): The historical monuments situated in my Lok Sabha constituency Agra are one of the historical heritages of the world. There are three world famous historical monuments in Agra i.e. Taj Mahal, Lal Quila and Fatehpur Sikri. Around 50 to 60 thousand domestic and foreign tourists visit these places every day. Taj Mahal was built by Emperor Shahjahan around 300-400 years ago. When Taj Mahal was constructed, its foundation was laid on wood and lime well and water was always required for it. That's why Taj Mahal was constructed on the banks of Yamuna. At that time Yamuna had sufficient amount of water due to excess rain and due to which there was sufficient moisture in the woods used in the foundation of Taj Mahal. Today Tajmahal is in danger as river Yamuna is getting dry. Tajmahal is turning yellow because of the yellow particles with the wind coming from Rajasthan. To check this, it is necessary to construct a barrage on river Yamuna. It will also provide drinking water to the people of Agra.

**(x) Need to expedite construction of portion of the East-West Corridor Project in Assam**

*[English]*

SHRI KABINDRA PURKAYASTHA (Silchar): It is a matter of much despair that the progress of Assam portion

of the Silchar-Sourashtra Mahasadak (East-West Corridor) is lagging behind like other projects. This project is declared as the National Project by the Government of India in the year 2004 and foundation stone at Silchar was also laid in 2004 with a firm decision of commissioning the same in 2009. The total length of Assam Portion is 672 kms., out of which, only 363 kms. stretch has been completed so far. Always it is said that the main obstacles on the way of progress of work are Law and Order situation, Land acquisition and will of the State Government. As this is a declared National project, Central Government should take initiative to complete the project. As regards land acquisition, the Central Government should take up the matter with the State Government to expedite the matter.

I urge upon both the Governments Central and State to remove obstacles and complete the construction work in war footing and commission the Assam Portion of East-West Corridor within the stipulated time i.e. December, 2013 as has been assured by the authority concerned.

**(xi) Need to augment rail facilities in Satna Parliamentary Constituency in Madhya Pradesh and provide better rail connectivity to Satna city from other parts of the country**

[Translation]

SHRI GANESH SINGH (Satna): I would like to draw the kind attention of Ministry of Railway towards the neglected area of Railways which is also a source of highest income. The number of operation of trains from this area is very high but facilities are negligible in this area. Satna Lok Sabha constituency falls under Central-West Railway in which more than 100 k.m. of railway line is from Allahabad to Mumbai. This is the area in which railway is the largest carrier of cement. Railway also carries coal from Singrauli. People of this area have been demanding solution to their problems for many years. I have also raised questions many times in the House from 14th Lok Sabha till now and have personally given information to the Minister of Railway. I also protested for 15 days on the Railway station in the last budget session and later on after discussing with the then Minister of Railways and Chairman the protest was called off but

unfortunately whatever was discussed, was not implemented. I demand that following demands should be met in ensuing railway budget:

1. New passenger trains should be introduced between Rewa-Satna to Indore, Rewa-Satna to Mumbai and Rewa-Satna to Surat.
2. V.I.P. quota for all the classes of all passenger trains should be reserved for up and down from Satna Railway Station. Earlier this facility was available but later on it was discontinued.
3. The timing of New Delhi Rewa Express should be changed and the stoppage of above said train and Kamayani Express at Jaitwara stoppage of Sarnath Express at Majhgawa and the Intercity Express coming from Rewa should be provided stoppage at Baghai and Jhukehi.
4. Train running between Allahabad to Mumbai once in a week should be run daily and quota should be allotted in all the classes in the above mentioned train from Satna.
5. Terminal and maintenance facilities should be provided at Satna Railway station and necessary facilities should also be provided at all the railway stations of my Lok Sabha constituency.
6. The work on Lalitpur-Singrauli railway line should be completed at the earliest.

**(xii) Need to take measures for the welfare of cotton farmers in the country particularly in Maharashtra**

SHRI DANVE RAOSAHEB PATIL (Jalna): I would like to draw the kind attention of the Minister of Agriculture towards the suicides committed by farmers in the country particularly in Maharashtra and this problem is increasing with the passage of time. Mainly there are three reasons due to which farmers are committing suicide. They are the increasing load shedding of electricity in the State, procurement of cotton at cheaper rates and increasing rate of fertilizers.

I would like to request to Hon'ble Minister that there is need to adopt a well planned policy about cotton price mechanism to curb suicides by farmers. There is urgent need to resolve the problem of fertilizers and electricity at cheaper rates.

I request the Hon'ble Minister to take urgent steps to check suicides of farmers and to save the country from crisis.

**(xiii) Need to provide right of ownership of land to SC/ST people facing threat of displacement in Robertsganj Parliamentary Constituency, Uttar Pradesh**

SHRI PAKAURI LAL (Robertsganj): District Sonbhadra of my Parliament Constituency Robertsganj, Uttar Pradesh is Scheduled Castes and Scheduled Tribes and naxalite affected area. I would like to draw your kind attention towards providing right of ownership of forest land to Scheduled Castes and Scheduled Tribes and other Backward class people under Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006.

Earlier when the Government demanded land from gram sabha for Department of Forest, the land given by Gram Pradhan to the Department of Forest was the land where Scheduled Castes / Scheduled Tribes people were dwelling. Today Department of Forest is demolishing the settlement, due to which Scheduled Caste and Scheduled Tribe people are facing threat of displacement once-again.

So, I urge upon the Government to look into the matter and provide right of ownership of land to Scheduled Caste and Scheduled Tribe people dwelling there since long so that these poor people could not be displaced.

**(xiv) Need to provide adequate quantity of fertilizers at subsidized rates to the farmers in Gautam Buddha Nagar and Bulandshahar district in Uttar Pradesh**

SHRI SURENDRA SINGH NAGAR (Gautam Budh Nagar): The subsidy being given to farmers on fertilizers is inadequate. Farmers are not getting remunerative prices for their produce due to high agricultural cost. It is a known

fact that farmers are dependent on their agriculture produce for their survival. But if they do not get remunerative prices for their produce then it is obvious that they will be in a pitiable condition. The condition of farmers of Gautam Budh Nagar and Bulandshahar District of Gautam Budh Nagar Parliamentary Constituency of Uttar Pradesh state is very pitiable. They are facing huge difficulty due to non-availability of sufficient amount of fertilizers.

So, I urge upon the Government to provide fertilizers at subsidized rates to the farmers of Gautam Budh Nagar and Bulandshahar district of Uttar Pradesh state according to their demand.

**(xv) Need to promote and conserve dialects and languages on the verge of extinction in the country**

SHRI KAUSHALENDRA KUMAR (Nalanda): According to a UNESCO report, some less spoken languages are on the verge of extinction. It is a matter of concern. Language is a strong medium of communication. In the absence of language Human cannot express his emotions and feelings. Without it Human is equivalent to an animal.

I would like to request through this august House to Minister of cultural to pay special attention towards it so that less spoken languages, do not get vanished.

**(xvi) Need to make Krishnagiri district of Tamil Nadu as an agricultural export zone and set up Food Processing Industries and cold storages therein**

*[English]*

SHRI E.G. SUGAVANAM (Krishnagiri): In Krishnagiri district, Tamil Nadu, Mango cultivation occupies a prominent place. Varieties of Mangoes are cultivated here in nearly 40,000 hectares of land and the annual production is around 4 lakh tonnes. They are sent to various places in the country and exported abroad accruing foreign exchange to the Government besides providing employment opportunity to the local people. Considering the high potential in this region, the National Horticultural Mission has identified and declared Krishnagiri district for promoting mango cultivation. As the mango production is



in plenty, so is the production of mango pulp. The mango pulp industry in Krishnagiri district is the second largest exporter of mango pulp in the country.

Likewise tomato, tamarind and capsicum are also produced there in large quantities. Without proper transportation and cold storage facilities, the farmers particularly tomato cultivators are facing huge losses and at many times due to inadequate support price, they are forced to throw tomatoes in the open fields.

Therefore, to cope with the increasing cultivation of mangoes, potato, tamarind and production of mango pulp, I urge upon the Union Government to set up adequate number of food processing industries, cold storage facilities and also to set up an agricultural Export Zone in Krishnagiri district, Tamil Nadu at the earliest.

**(xvii) Need to check soil erosion by rivers in northern parts of West Bengal**

SHRI MAHENDRA KUMAR ROY (Jalpaiguri): A large number of rivers flowing down the Himalayas and Bhutan Hills which pass through the districts of North Bengal especially Jalpaiguri, part of Cooch Behar and Siliguri are causing havoc to properties and human lives. Due to erosion, the people living along both sides of rivers namely Teesta, Kaljani, Torsa, Mohananda, Raidak are affected and losing lives and property. A large number of people of these districts namely Vivekananda Pally colony near Jalpaiguri town, areas in and around Siliguri along the river Mohananda, Apalchand village in Changmari mouza in Jalpaiguri district, Mekliganj, Magumari and Kuchlibari in the district of Cooch Behar are the worst victims of these onslaught due to heavy erosion of soil by the swift current of the river. Even some of the villages have been completely washed away. It has, now, become imperative on the part of the Government of India and Government of Bhutan to take a note of the situation and take some effective measures before the situation goes out of control.

**(xviii) Need to develop Baripada Railway Station in Odisha as a full-fledged railway station**

SHRI LAXMAN TUDU (Mayurbhanj): Baripada Railway Station which falls under my Parliamentary

Constituency Mayurbhanj is more than 100 years old station and comes under South Eastern Railway. Baripada was the first to witness a train communication in the State of Odisha. The annual total revenue of this station is around Rs. 84 Lakhs so it deserves to be classified as D class station as per the extant rules of Indian Railway. Baripada Railway station is a single line platform. It needs to be developed to D standard railway station. Baripada is the only railway station in the whole country with 1 in 115 gradients in station, where no further development can be done in future. While railways authorities are doing development works and modernizing railway stations in Jammu, Srinagar, Darjeeling, Jalpaiguri and various other railway stations at hilly areas, which are more gradient than Baripada, it is not justified on the part of South Eastern Railway not to take up the development work of Baripada station and doubling of the track at Baripada even though sufficient railway land is available.

I would like to request the Ministry of Railway through this august House to take immediate action for developing Baripada as a full-fledged railway station in the interest of Railways passengers.

**(xix) Need to provide drinking water in Andhra Pradesh particularly in Narasaraopet Parliamentary Constituency of the State**

SHRI M. VENUGOPALA REDDY (Narasaraopet): I would like to draw the kind attention of the august House regarding the problems being faced by the people in getting the drinking water in my Narasaraopen Constituency in Andhra Pradesh.

In my Narasaraopet Constituency many areas are facing acute drinking water shortage. There are neither proper pipelines, nor borewells or any other alternative arrangements to facilitate drinking water in the area. Many hamlets are reeling under acute scarcity of water. The ground water has been completely depleted in all the areas of Andhra Region. The borewells are dried up. The worst sufferers are the women. People have to fetch water from about 5 to 7 kilometers for their daily needs. The Government of Andhra Pradesh has been making efforts but due to inadequate funds, the genuine demands of the

people have not been met, so far. Nagarjuna Sagar Canal had become dry and the areas dependent on the said Canal are facing acute shortage. The Central Government should find an alternative to get the water from other sources to my Narasaraopet Constituency and other areas. Less rainfall and drought have added to the problem in my constituency.

I, therefore, request the Hon'ble Minister of Drinking Water and Sanitation to intervene in the matter and provide at least potable water in the backward areas by announcing a special package, particularly for my constituency - Narasaraopet in Andhra Pradesh.

**(xx) Need to review the decision to set up proposed nuclear power plant at Gorakhpur village in Fatehabad district, Haryana**

SHRI KULDEEP BISHNOI (Hisar): The people of 30 villages of Fatehabad district of Haryana have been staging Dharna for the last 16 months against the proposed Nuclear Power Plant at Gorakhpur Village. The proposed Plant if set up will not only deprive thousands of farmers of their 1500 acres of fertile agricultural land but also flout the norms of Atomic Energy Regulatory Board which says that no habitation of over 10000 people should exist within 6.6 km of sterile zone from the boundary of any nuclear power plant.

I urge upon the Government not to pursue setting up of the proposed nuclear power plant at Fatehabad which if set up will not only endanger the lives of lakhs of people in the area but also cause heavy loss to agricultural crops like wheat, mustard, rice and cotton being sown in the area.

11.10 hrs.

THE ACADEMY OF SCIENTIFIC AND INNOVATIVE RESEARCH BILL, 2011

**Amendments made by Rajya Sabha**

[English]

MADAM SPEAKER: Now, the Minister is to move that the amendments made by Rajya Sabha in the Academy

of Scientific and Innovative Research Bill, 2011, as passed by Lok Sabha, be taken into consideration.

...(Interruptions)

THE MINISTER OF SCIENCE AND TECHNOLOGY AND MINISTER OF EARTH SCIENCES (SHRI VILASRAO DESHMUKH): Madam, with your permission, I beg to move:

"That the following amendments made by Rajya Sabha in the Bill to establish an Academy for furtherance of the advancement of learning and prosecution of research in the field of science and technology in association with Council of Scientific and Industrial Research and to declare the institution known as the Academy of Scientific and Innovative Research, to be an institution of national importance to provide for its incorporation and matters connected therewith or incidental thereto, be taken into consideration:-

**CLAUSE 9 Academy open to all Castes, creed, race or class**

1. That at page 7, for line 7, the following shall be substituted, namely:-

"(2) The Academy shall make"

2. That at page 7, line 11, after the word "citizens", the following shall be inserted, namely:-

"and any exemption from making such reservation under the proviso to clause (b) of section 4 of the Central Educational Institutions (Reservation in Admission) Act, 2006 shall not be applicable to this Academy."

5 of 2007

MADAM SPEAKER: Motion moved:

"That the following amendments made by Rajya Sabha in the Bill to establish an Academy for furtherance of the advancement of learning and prosecution of research in the field of science and technology in association with Council of Scientific and Industrial Research and to declare the institution

known as the Academy of Scientific and Innovative Research, to be an institution of national importance to provide for its incorporation and matters connected therewith or incidental thereto, be taken into consideration:-

#### Clause 9

1. That at page 7, for line 7, the following shall be substituted, namely:-

"(2) The Academy shall make"

2. That at page 7, line 11, *after* the word "citizens", the following shall be *inserted*, namely:-

"and any exemption from making such reservation under the proviso to clause (b) of section 4 of the Central Educational Institutions (Reservation in Admission) Act, 2006 shall not be applicable to this Academy."

5 of 2007

SHRI GANESHRAO NAGORAO DUDHGAONKAR (Parbhani): Hon. Speaker, I thank you for giving me the opportunity to participate in this discussion.

Shri Vilasrao Deshmukh is one of the best parliamentarians. Both of us are residing in the same State, Maharashtra. He comes from Marathwada region and I also come from that side.

Hon. Minister has introduced in the Parliament a Bill to establish an Academy of Scientific and Innovative Research in association with CSIR. It is a step forward in a country like India, for creating innovative research in science and engineering which will definitely strengthen the economy of the nation.

The knowledge economy is playing significant role in nation's development. The nation has already established the Central institutes like CSIR, NCL and a Central University, but they are nowhere in the ranking of world's academic institutions, which reflects the pathetic conditions of Indian education on the world scenario.

The Bill on the establishment of this Institute is silent

about its location and number. The Academy of Scientific and Innovative Research Institute has powers to introduce all disciplines in science and technology under one roof at one place, but it is also desirable to introduce one such institute in each state in rural area, which will benefit to identify the talent and it would be nurtured to its highest potential for the development of the country.

MADAM SPEKAER: Please speak on the amendment. Do not speak for long.

SHRI GANESHRAO NAGORAO DUDHGAONKAR: Madam, I am taking part for the first time. So, please allow me. ...*(Interruptions)*

MADAM SPEAKER: You have got so many papers. Are you going to read out all of them?

...*(Interruptions)*

SHRI GANESHRAO NAGORAO DUDHGAONKAR: No. I am going to speak only on two or three points.

MADAM SPEAKER: Okay. You talk on the amendments only.

...*(Interruptions)*

MADAM SPEAKER: This is his first speech. Let him speak. Do not take long. Do not take advantage of that.

SHRI GANESHRAO NAGORAO DUDHGAONKAR: Madam, as suggested by the Standing Committee, the Institute should provide skilled manpower of technical capability to small and medium scale industries with non-degree programmes. It should also undertake to establish Science and Technology Park to meet the demands of industry for promoting their products.

Due to establishment of institutes, the youth of this nation — who has immense potential - will get an opportunity for pursuing innovative research in emerging areas of science and technology. The establishment of this academy will give a right direction and message to those academic fraternity among the students who are relentlessly searching to achieve their dreams in innovation, and will find a place for solace and thereby preventing brain-drain.

Such institutes, of high quality and standard, would definitely help to generate value-added products in agriculture and food grain industry through different organization and movement like Self-Help Group (SHG), which will generate employment in rural areas and also help harnessing the rural talent of the country.

The establishment of the academy is a good service to society in relation to science and technology. At the same time, the innovative researches carried out in various Central and State universities; Central institutes; Central and State Government colleges should be identified and given a status on par with such institutes.

Composition of academy of scientific and innovative research is one of the best as it is composed of persons of high calibre who are working in different strata of society and who have given a right direction to the masses.

Lastly, I am of the opinion that the establishment of such institutes would add to the academic development of the nation. Therefore, such institutes should get self-academic momentum to sustain its credibility on the educational scenario of the world. Otherwise, it would be a step in futile. Thank you.

MADAM SPEAKER: Thank you. Hon. Minister, do you have anything to say anything?

SHRI VILASRAO DESHMUKH: Madam, I am really thankful to the hon. Member because he was speaking mostly on the original Bill. But whatever suggestions he has made and the expectations that he has made from the Academy, I shall try my best to fulfil those aspirations.

I once again appeal to the House to agree to the Amendments.

*[Translation]*

SHRI HUKMADEO NARAYAN YADAV (Madhubani): Madam there is some constitutional mistake  
...*(Interruptions)*

MADAM SPEAKER: Who has given him time?

...*(Interruptions)*

MADAM SPEAKER: We haven't given time yet. Someone else has given and you stood up.

...*(Interruptions)*

DR. MURLI MANOHAR JOSHI (Varanasi): You have not given time but he has taken it ...*(Interruptions)*

MADAM SPEAKER: Don't know how this exchange happened. Speaker doesn't even know about it.

...*(Interruptions)*

MADAM SPEAKER: Ok, but be brief.

...*(Interruptions)*

SHRI HUKMADEO NARAYAN YADAV: I only want to draw your attention towards the words used in constitution. The word in constitution is OBC (other backward classes). Instead of it the words have been written- scheduled castes, scheduled tribes and other socially and educationally backward people. In constitution it is classes, other backward classes and not people. People would mean a person. The language in article 15(4) and 16(4) of constitution says class not people, therefore it should be amended and only 'other backward classes' should be written. This will simply be the language of constitution  
...*(Interruptions)*

*[English]*

MADAM SPEAKER: Shri Shailendra Kumar, and you are the last speaker.

*[Translation]*

SHRI SHAILENDRA KUMAR (Kaushambi): Madam Speaker, I am thankful to you for giving me time to speak on Academy of Scientific and Innovative Research bill, 2011. I would like to say about this bill that in section 9, point 2 it has been written that academy will make special provision for inclusion or admission of women, physically handicapped or people from weaker sections of society and especially scheduled castes, scheduled tribes and other socially and educationally backward people. The way SC, ST, OBC have been considered I would like to

say that one more amendment should be made to include minority people in it, then I think the objective of this bill will be fulfilled.

With these words I conclude my speech. Thank you.

[English]

MADAM SPEAKER: Hon. Minister, do you want to respond?

[Translation]

SHRI VILASRAO DESHKUKH: Madam Speaker, the honourable member has expressed his views about minorities ...*(Interruptions)* this bill does not make provisions on the lines of constitution. The matter can be considered in future. ...*(Interruptions)*

[English]

MADAM SPEAKER: The question is:

"That the following amendments made by Rajya Sabha in the Bill to establish an Academy for furtherance of the advancement of learning and prosecution of research in the field of science and technology in association with Council of Scientific and Industrial Research and to declare the institution known as the Academy of Scientific and Innovative Research, to be an institution of national importance to provide for its incorporation and matters connected therewith or incidental thereto, be taken into consideration:-

#### Clause 9

1. That at page 7, for line 7, the following shall be substituted, namely:-

"(2) The Academy shall make"

2. That at page 7, line 11, *after* the word "citizens", the following shall be *inserted*, namely:-

"and any exemption from making such reservation under the proviso to clause (b) of section 4 of the Central Educational

5 of 2007 Institutions (Reservation in Admission) Act, 2006 shall not be applicable to this Academy."

*The motion was adopted.*

#### Clause 9

MADAM SPEAKER: Now, we shall take up Amendments made by Rajya Sabha.

The question is:

1. That at page 7, for line 7, the following shall be substituted, namely:-

"(2) The Academy shall make"

2. That at page 7, line 11, *after* the word "citizens", the following shall be *inserted*, namely:-

"and any exemption from making such reservation under the proviso to clause (b) of section 4 of the Central Educational Institutions (Reservation in Admission) Act, 2006 shall not be applicable to this Academy."

5 of 2007

*The motion was adopted.*

MADAM SPEAKER: The Minister may now move that the amendments made by Rajya Sabha in the Academy of Scientific and Innovative Research Bill, 2011, as passed by Lok Sabha, be agreed to.

SHRI VILASRAO DESHMUKH: I beg to move:

"That the amendments, made by Rajya Sabha in the Bill, be agreed to."

MADAM SPEAKER: The question is:

"That the amendments, made by Rajya Sabha in the Bill, be agreed to."

*The motion was adopted.*

11.22 hrs.

THE LOKPAL AND LOKAYUKTAS BILL, 2011

THE CONSTITUTION (ONE HUNDRED AND  
SIXTEENTH AMENDMENT) BILL, 2011

**(Insertion of new Part XIVB);**

AND

THE PUBLIC INTEREST DISCLOSURE AND  
PROTECTION TO PERSONS MAKING THE  
DISCLOSURES BILL-2010 – *Contd.*

[English]

MADAM SPEAKER: Item Nos. 17, 18 and 19 are to be taken up together. The hon. Minister to move for consideration of these three Bills one by one.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY): Hon. Speaker, Madam, with your kind permission, I beg to move\* the following:

"That the Bill to provide for the establishment of a body of Lokpal and Lokayuktas for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto, be taken into consideration.";

"That the Bill further to amend the Constitution of India, be taken into consideration.";

*And*

"That the Bill to establish a mechanism to receive complaints relating to disclosure on any allegation of corruption or willful misuse of power or willful misuse of discretion against any public servant and to inquire or cause an inquiry into such disclosure and to provide adequate safeguards against victimization of the person making such complaint and for matters connected therewith or incidental thereto, be taken into consideration."

Hon. Speaker, Madam, I am grateful to you for having given me this opportunity to speak. ...*(Interruptions)*

\* Moved with the recommendation of the President.

Hon. Speaker, there was a need to have a legislation of Lokpal, which has been felt for quite a long time. In 1966, the Administrative Reforms Commission, when it filed its interim report, has recommended that the problem of redressal of grievances of citizens to be made in the form of Lokpal at the Centre. A total of eight Bills was introduced by the respective Governments in the Parliament to give effect to the recommendations of the Administrative Reforms Commission. Seven of those Bills lapsed, and one Bill was withdrawn in 1985.

Thereafter, when the UPA Government came to power, several legislations have been considered as far as the Lokpal is concerned. Ultimately, in 2010, the formulation was made for Lokpal with the help of the Law Ministry.

Madam, I would like to remind this august House that in 2010 when the AICC Session took place, the hon. Congress President and UPA Chairperson gave a clear signal that the anti-corruption mechanism in this country is to be strengthened and also the discretionary powers vested with the Central Ministers to be removed. In line with this, in January 2011, the hon. Prime Minister constituted a Group of Ministers for the purpose of curbing corruption. The hon. Finance Minister was heading the team, and a series of measures were taken like drafting of the Lokpal Bill; the electoral reforms; removing the discretionary powers of the Minister; and open-tender policy by public procurement.

Also, things like Open Mining Policy, constitution of Special Courts to decide criminal cases under Special Courts Act, etc., have all been the issues given to the hon. Finance Minister to deal with. The Committee submitted its interim Report.

In the meanwhile, a new experiment was made. In April, 2011, there was a demand that the civil society or private parties should be involved in drafting of the legislation. The Government considered that as a new experiment. The hon. Minister headed a team comprising the hon. Home Minister, hon. HRD Minister, the then hon. Law Minister, Shri Veerappa Moily, and the present hon. Law Minister, Shri Salman Khursheed along with Shri Anna Hazare and others. They went into the question. They



brought the Jan Lokpal Bill; the Government version of Lokpal Bill was also there. Ultimately, after several deliberations and discussions, there was no agreement on the basic principles, as far as the institution of Prime Minister, the judiciary, etc., are concerned. They wanted that the judiciary should be brought within the purview of the Bill. They wanted the functioning and the voting rights of the Members of Parliament within Parliament should be brought within the purview of the Bill. They made several demands which were not in accordance with the provisions of the Constitution.

Therefore, the Government decided to bring in a new Bill. On the 4th of August, 2011, the Government brought a Bill before this august House for the introduction of the Bill. Then, Shri Anna Hazare went on a hunger strike. Later when there was a discussion in this House, there was a resolution moved by the hon. Finance Minister:

"This House agrees in principle on the Citizens' Charter, lower bureaucracy to be brought under the Lokpal through appropriate mechanism and the establishment of the Lokayuktas in the States.

Further, the hon. Finance Minister also said:

I will request you to transfer the proceedings to the Departmentally-related Parliamentary Standing Committee for its perusal, while formulating the recommendations for the Bill."

That was the sense of the House that there should be a Citizens' Charter, the lower bureaucracy should be brought within the ambit of Lokpal through appropriate mechanism and Lokayuktas in the States should be established on the lines of Lokpal. After considering all these aspects, the Standing Committee went into it and submitted its Report. Since several amendments have to be carried out in line with that, the Government therefore thought it fit to bring in a new Bill after withdrawing the old Bill.

I would now like to explain the salient features of the Bill one by one in detail.

I would like to submit that in the first place, the Bill

seeks to have a Lokpal at the Centre and a Lokayukta in the same model in all the States. It has been incorporated in the Lokpal Bill.

Secondly, the Lokpal will consist of a Chairman and eight other members. Fifty per cent of those members will be judicial members, and the others are to be eminent persons. For the purpose of reservation, a provision has been made that 50 per cent reservation should be there for Scheduled Castes, Scheduled Tribes, Backward Classes, Minorities and Women. ...*(Interruptions)*

*[Translation]*

SHRI LALU PRASAD (Saaran): Madam, this is an attack on Federal structure. ...*(Interruptions)*

MADAM SPEAKER: Hon. Minister is speaking right now, you please sit down. ...*(Interruptions)*

*[English]*

MADAM SPEAKER: Nothing else will go on record. The hon. Minister is speaking.

...*(Interruptions)*

*[Translation]*

MADAM SPEAKER: Please sit down.

*[English]*

Hon. Minister, please go on.

SHRI V. NARAYANASAMY: Madam, there is a Selection Committee. Hon. President of India is the appointing authority. The Selection Committee to select the Lokpal is headed by the hon. Prime Minister and it comprises of the hon. Speaker, Lok Sabha; hon. Leader of the Opposition; hon. Chief Justice of India or the sitting Justice of SC nominated by the Chief Justice, and an eminent jurist nominated by the President of India. ...*(Interruptions)*

MADAM SPEAKER: Nothing else will go on record.

...*(Interruptions)\**

---

\*Not recorded.

SHRI V. NARAYANASAMY: There is also a Search Committee. The Search Committee will be guided by the Selection Committee. The Search Committee will comprise of eminent persons. The Search Committee will also have reservations for Scheduled Castes, Scheduled Tribes, Backward Classes, Minorities and Women.

Madam, I would like to say that Lokpal can constitute an Inquiry Wing.

*...(Interruptions)*

*[Translation]*

MADAM SPEAKER: Hon. Minister, speak when you get the chance. Please sit down now.

*[English]*

SHRI V. NARAYANASAMY: The Director of Inquiry will be appointed by the Lokpal. Also for the prosecution, they will have a Prosecution Wing. The Director of Prosecution will be appointed by the Lokpal. According to the provisions of the Act, all the four categories of employees — Group 'A', 'B', 'C and 'D' - have been covered in the Lokpal Bill. As far as Class 'A' and Class 'B' Central Government employees, employees of the Corporation, civil society and all the organisations, even getting donations from outside and public people are concerned, they are also coming under the purview. I would like to submit that as far as Class 'A' and Class 'B' employees are concerned, the inquiry will be conducted either by the Inquiry Wing of the Lokpal or by the CVC and then the report will be submitted to the Lokpal by them. As far as Class 'C' and 'D' employees are concerned, the Lokpal will forward this to the CVC and the CVC will conduct inquiry and according to the CVC Act, they will proceed further by way of departmental proceedings, criminal proceedings or dropping the proceedings against the persons concerned.

When any complaint comes to the Lokpal about any person, the Lokpal, after preliminary inquiry, if it is found that there is a prima facie case, they can forward it to the CBI for the purpose of inquiry. It is an independent mechanism. The CBI will conduct the investigation and thereafter they will submit the report to the Lokpal. This is

the mechanism that has been worked out. *...(Interruptions)*  
Let me complete. *...(Interruptions)*

MADAM SPEAKER: Please sit down. You speak when it is your turn.

*...(Interruptions)*

SHRI V. NARAYANASAMY: There is one very important aspect. There is one provision. The sanction for prosecution has been done away with. That is a very important thing in the Bill. Apart from that, the Director of CBI is selected by the hon. Prime Minister, hon. Leader of the Opposition and also by the hon. Chief Justice or his nominee. Therefore, all the fine balance of the Legislature, the Executive and the Judiciary has been kept in place. There is a provision for conducting the inquiry in a time bound manner, investigation has to take place and prosecution has to be done. It has been made very clear in the Act. The time for preliminary inquiry is fixed as three months initially and it is extendable further by three months. As far as investigation is concerned, initially the time has been fixed as six months for completion of the investigation and if they want to extend the time, it can be done by another six months. As far as the prosecution is concerned, one year is the minimum time and then it can be extended by another one year.

Therefore, the time frame has been mentioned. The maximum punishment which was seven years, has been increased to ten years.

Several consequential amendments have been made. On the 22nd when we had the discussion in this august House, the issue was raised about the competence of the Parliament to legislate. I would like to submit that under Article 253 of the Constitution, it is very clearly mentioned that the Parliament has the power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decisions made at any international conference, association or any other body. India became the signatory to the United Nations Convention against Corruption in May 2011. Then there is an international agreement signed and anti-corruption is one of the main



issues in that Convention. Article 3 of the Convention says:

"The Convention shall apply to the prevention, investigation and prosecution of corruption and to see that confiscation and return of the proceeds of offences established in accordance with the Convention."

Therefore, it has been agreed to in compliance with that International Convention. Therefore, under Article 253 of the Constitution, the Government has the power. I would like to quote from the Standing Committee. ...*(Interruptions)*

DR. M. THAMBIDURAI (Karur): Let him quote what Article 243 says. ...*(Interruptions)*

SHRI V. NARAYANASAMY: You speak when your turn comes.

...*(Interruptions)*

MADAM SPEAKER: Let him speak peacefully. What is all this? Nothing else will go on record.

...*(Interruptions)\**

SHRI V. NARAYANASAMY: Before the Standing Committee, hon. former Chief Justice of India, Mr. J.S. Verma made this observation and he gave a note also. I would like to quote him. He said:

"Article 253 of the Constitution confers the legislative competence needed to implement the UN Convention which has been signed and ratified by India. It is relevant to highlight that Article 6 of the Convention enshrines a specific obligation for the member-States to establish bodies that prevent corruption."

Then, the Seventh Schedule of the Constitution - List III, Item nos. 1, 2 and 11A -also gives powers to the Central Government to legislate.

Now, the States want to have a separate legislation. Why do we want to have legislation in the States, on par with the Lokpal? It is because in some of the States, the

\*Not recorded.

Lokayukta is not effective. The anti-corruption mechanism is not working. ...*(Interruptions)*

MADAM SPEAKER: Nothing else will go on record. Please take your seats.

...*(Interruptions)\**

SHRI V. NARAYANASAMY: I would like to state this. Take the case of Gujarat.

MADAM SPEAKER: Nothing else will go on record. Please take your seat. Let him speak. You may speak when you get your chance.

...*(Interruptions)\**

SHRI V. NARAYANASAMY: In the State of Gujarat, for the last eight years, Lokayukta is not there at all. Why? ...*(Interruptions)* Why is it not there? ...*(Interruptions)*

MADAM SPEAKER: Please take your seats. Let him speak. You will speak, when you get your chance. Nothing else will go on record. Please take your seats. All of you please take your seats.

...*(Interruptions)\**

SHRI V. NARAYANASAMY: When there is a uniform legislation, there will be effective Lokayuktas in the States also. There will be effective Lokayuktas in the States also.

I would like to state one important aspect.

MADAM SPEAKER: Nothing else will go on record. Why are you standing? Please sit down. Please take your seats. You can speak when you get your change.

...*(Interruptions)\**

SHRI V. NARAYANASAMY: About the institution of the Prime Minister, I would say that it is sacrosanct. The hon. Prime Minister is representing 120 crore population of this country. When he goes abroad, he is respected. Our Prime Minister has got an impeccable record.

But in 2001, when the Lokpal Bill was brought by the

\*Not recorded.

[Shri V. Narayanasamy]

NDA regime - I would like to remind them - Shri Vajpayee was the Prime Minister. When the Prime Minister was to be included in that Bill, for two years, the Bill did not see the light of the day! Even after the Standing Committee gave the recommendation, it did not see the light of the day because some of the Ministers from the BJP had opposed the inclusion of the Prime Minister within the ambit of the Bill.

As far as our Prime Minister is concerned, though we refuse, hon. Prime Minister has made it very clear that the Prime Minister should be brought within the ambit of the Bill.

Therefore, we would like to say this. ...*(Interruptions)*  
Madam, I am not amused and I am not surprised because everybody in this country knows how different States have different stands, according to their own convenience. I do not want to go into that aspect.

MADAM SPEAKER: Nothing else will go on record, except what the Minister is saying.

...*(Interruptions)\**

SHRI V. NARAYANASAMY: About the investigative mechanism that has been given to the CBI, some of the political parties say that it should be brought within the ambit of Lokpal, the investigative mechanism should be there. I would like to submit to all the Members of this august House - they want that the administration should be within Lokpal, it should be controlled by the Lokpal; they want judiciary to be controlled by Lokpal; they want legislature to be controlled by Lokpal. How is it possible? The Members of Parliament should come within its purview; the judiciary should come within its purview; apart from that, they say that even the administrative wing of the Government also should be within its purview.

Madam, it is unfortunate that they want to remove even the powers of hon. Speaker ...*(Interruptions)*

*[Translation]*

MADAM SPEAKER: Let him speak.

\*Not recorded.

*[English]*

SHRI V. NARAYANASAMY: Madam, I would like to submit that the Supreme Court in Vinnet Narain's case has made it very clear that the independence of the investigation wing of CBI should remain intact and even the Supreme Court - cannot interfere in the investigation of CBI. Therefore, Madam, all this fine tuning has been done and the Bill has been placed for consideration of this august House.

The hon. Members are fully aware that when we say that it is a path-breaking legislation, a lot of criticism is being made. I would like to make it very clear that in no other legislation except this Lokpal Bill there is a provision to confiscate the property before punishment being accorded. This provision is not there in any other legislation in this country. The Lokpal has got powers to recommend to the Government to transfer or suspend an officer. Apart from search and seizure, this power has been given to him. Moreover, for the first time, by legislative competence, by an earlier Government order the disclosure of assets and liabilities of the persons has been made mandatory. Therefore, if anybody says that it is a weak Bill, he has not read the Bill properly and is making comments just like that. Let the Members read the Bill as only then they will understand the niceties of the Bill. A fine balance has been maintained in this Bill.

Our Government is committed to uphold the Constitution of this country. The basic structure of the Constitution is very important. Unfortunately, some people are trying to say that they are the champions of democracy. This House is supreme and we will go by whatever this House decides.

With these words Madam, I commend this Bill for consideration and passing.

I would also like to say that to give constitutional status to Lokpal and Lokayuktas Bill, 2011, the Standing Committee gave some recommendation which has been accepted by the Government. In line with that a Bill has been moved before this august House and I would request the hon. Speaker that this may also be taken into consideration.

Madam, there is another anti-corruption measure which has been taken by our Government. We have reworded the Public Interest Disclosure and Protection to Persons Making the Disclosures Bill, 2010 as the Whistleblowers' Bill. This may also be taken up for consideration so that we can give reply on all these subjects together

The other pending Bills like the Anti-Corruption  
...(Interruptions)

MADAM SPEAKER: Hon. Minister, have you moved Item No. 19?

SHRI V. NARAYANASAMY: Yes, Madam. There are amendments given separately.

MADAM SPEAKER: Since the hon. Minister has moved Bills listed at Sl. Nos. 17, 18 and 19, we will have discussion on all these three Bills together.

Motions moved:

"That the Bill to provide for the establishment of a body of Lokpal for the Union and Lokayuktas for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto, be taken into consideration."

"That the Bill further to amend the Constitution of India, be taken into consideration."

"That the Bill to establish a mechanism to receive complaints relating to disclosure on any allegation of corruption or willful misuse of power or willful misuse of discretion against any public servant and to inquire or cause an inquiry into such disclosure and to provide adequate safeguards against victimization of the person making such complaint and for matters connected therewith or incidental thereto, be taken into consideration."

[Translation]

SHRIMATI SUSHMA SWARAJ (Vidisha): Madam Speaker, Thank you. Just now Shri Narayanswami has put

three bills in the House for discussion- Lokpal Bill, 1161 constitution amendment Bill and whistle blower bill. The anger, the mood by which the Minister has presented the Bill in the House it seems that the government has brought this bill in displeasure.

Madam, you must have seen various ministers presenting bill. Since the bill is to be passed therefore ministers present the bill very calmly and in calm mood and in the end request with folded hands that bill may kindly be passed unanimously, but it seemed as if he was ready to fight. Instead of talking on the provisions of the bill he was giving a political speech.

SHRI KANTI LAL BHURIA (Ratlam): Madam his voice is like this.

SHRIMATI SUSHMA SWARAJ: You can make remarks on his voice, I can't, but I am talking about his expressions and posture.

Madam, Lokpal is being discussed in this country for last one year. The agitation of Shri Anna Hazare has made it a hot topic of discussion. Therefore the country was waiting eagerly ...(Interruptions) the country was waiting eagerly that the government will bring a bill in winter session. A Bill which will bring an effective Lokpal which will target corruption and free people from corruption. But I have to say this with regret that the bill brought by the government has so many flaws, so many lapses that it has disappointed us very much.

Madam, this bill violates important provisions of the constitution; this bill produces a weak Lokpal. This bill is full of distortions and contradictions and it also ignores the sense of the House.

Madam, when this bill was being introduced, not today when it was being introduced, you were not in Chair. But I raised two constitutional objections with the permission of the then Chairman. First was the same as Lalu ji said today that this bill attacks on the federal structure and second that this bill does not provide for the constitutional reservation. When the bill is being introduced you cannot make long remarks, you have to say it in short,

[Shrimati Sushma Swaraj]

and therefore I expressed my view in short. I would like to say today in detail and would like to prove all the four allegations made in this House on this bill with reason and fact.

Madam there are some fundamental principles of our constitution. In famous Keshawanand Bharti case Supreme Court said that Parliament can make any kind of amendments in the Indian constitution, but cannot play with fundamental principles. The basic features of the Constitution covered, federal structure of the country as a fundamental principal. To validate it three lists have been made in seventh schedule of our Constitution. The first one is Central list, Union List, Centre's list, federal list; second one is State list and there is one more list, concurrent list. Different subjects have been described in all three lists. Indian Parliament can make law on Union list, only State legislatures have the right to make law on state list, whereas both can make law on concurrent list, but if both make law on same subject than centre's law will be effective. We have this kind of provision.

Now I would like to tell you that this bill is providing for Lokpal and Lokayukt both. Lokpal will stop the corruption of centre's employees and Lokayukt will stop the corruption of state employees. The employees of state governments are a matter of state list. I have Constitution here, in Seventh Schedule, List II - State List, Entry 41, State Public Service of Constitution.

It means that the right to make law about State employees has been given to State Legislatures of this country. But in this Constitution there are two sections where Centre can make law on State list's subjects. These two Sections are 252 and 253; I will read their headings to you. Section 252 read as:-

[English]

"The power of Parliament to legislate for two or more States by consent and Adoption of such legislation by other States."

It means that if two States ask the Union Government

to make law on a particular matter, Indian Parliament can do so and for other states an enabling provision is provided that if they want to accept the bill, they can. The second Section is 253 -

[English]

"Legislation for giving effect to international agreements",

[Translation]

which Narayanswami ji was discussing.

Madam Speaker when it was being discussed to take sense of the House, three matters the Leader of the House proposed include whether Lokpal and Lokayukta can be established together, under one Act? At that time also I had said that it can be done but through the medium of Section 252.

Madam Speaker, three questions come after it which Leader of the House has raised in his speech for our consideration. One question is whether Lokpal and Lokayuktas can be established through one Act? The Article 252 of Constitution gives us the right that this Lok Sabha can enact a law to their effect with enabling provision through the support of two States which can be later adopted by States.

I want to say that we should look at Article 252. It is written in that -

[English]

The power of Parliament to legislate for two or more States by consent and adoption of such legislation by other States.

[Translation]

Under this we can make Lokpal and Lokayukta through one Bill only. Make it by support of two states, make an enabling provision for rest of the states for its adoption by state governments so that they can not say that we do not have any model Bill. Whenever we had talks with the Government we have said that they should

adopt the route of Article 252 so that the State Governments could adopt it in original form and if they wish in modified form they can do so and if they do not want they can do so. Today the Government has shown the intention that we do not want to impose it on State Governments, state legislature can also make bill, but they have adopted the route of Article 253. Right now, Narayanswami ji was saying the issue of legislative competence was raised - no the issue of legislative competence was not raised. You have got powers under Article 253, having said this we have asked whether Bill under 253 is mandatory or optional. We have said the law enacted under Article 253 will be mandatory. You want the bill to be optional, and if you want to give option and you have brought an amendment to the Constitution. I recite Article 323(d) –

*[English]*

"There shall be a Lokayukta for every State. The powers of superintendence and direction relating to holding a preliminary enquiry causing an investigation to be made and prosecution of offence in respect of complaints made to the Lokayukta under any law for the prevention of corruption made by Parliament or the State Legislatures, as the case may be, shall rest in the Lokayukta."

*[Translation]*

Your intention is same as ours that it should not be imposed on state governments so you have given both options in constitutional amendment. By this you are giving constitutional status to Lokpal and Lokayukta. You said Parliament or state legislature should make law, Lokpal and Lokayukta will get constitutional status by this and this sentiment has been echoed by Kapil Sibal in his statement in The Times of India.

*[English]*

"We are not saying law, if enacted by Parliament would be a must for the States. The model law as incorporated in the Lokpal and the Lokayukta Bills is an enabling provision for the State Legislatures to adopt in its entirety or such of those provisions which they consider appropriate to adopt'.

*[Translation]*

But this Government is so confused that Narayanswami ji has changed his whole speech. Today he is saying we have made it mandatory only. We have made it so because otherwise Gujarat like situation will take place and no state will be able to make Lokayukta. Their two Ministers are speaking in two tones. Kapil Sibal ji is saying we have made this bill with options and my reply is that Kapil ji options cannot be given under 253. Law made under 253 is mandatory and to give reply to your statement I have brought Law Commission's report. 186th Report, Law Commission of India. Hon'ble Speaker, the issue which was raised was whether a law made under 252 can be amended? Kapil ji, look what Law Commission has said –

*[English]*

"If Parliament had passed the amending law of 1978 under article 253 there would have been no need for these States to pass Resolutions in their Legislatures or to adopt the amending law of 1978. After all, the idea is to have uniform laws in all these States if they are made to implement decisions taken at international Conferences."

*[Translation]*

Shall I read it again!

*[English]*

"After all, the idea is to have uniform laws in all these States if they are made to implement decisions taken at international Conferences."

*[Translation]*

And you have made this bill for international conference, because it is written in the preamble of the Bill itself that

*[English]*

"Whereas India has ratified the United Nations Convention against Corruption, now, therefore, it is expedient to enact a law for more effective



[Shrimati Sushma Swaraj]

implementation of the said Convention and to provide "for prompt and fair investigation and prosecution in cases of corruption."

[Translation]

This is the source of your Bill. This Bill is being enacted to translate into action the Convention of the United Nations against Corruption so you are taking help of Article 253. But you say law made under 253 is optional. While moving the Bill your Minister says law made under 253 is mandatory. Your constitutional amendment says no, we want to give options to the states, we do not want to force it on them. First decide what you want to do? If you are making mandatory law then there is a danger in it, as Lalu ji said just now, where federal structure is affected. If Indian Parliament, the Central Government wants to make law on state subjects and wants to interfere in it, it will enter into a treaty with some country and will bring such bill under that treaty. That is why we say this attacks our federal structure. First tell us, you have brought mandatory law or optional law. Shri Pranab is saying optional. Kapil Sibal ji says in times of India it is optional, it is with enabling provisions. But today the secret has come out in open when Narayan Swamy ji was saying no, it is mandatory. It is mandatory, you know what it means? 18 states in the country have Lokayukta. Better Lokayukta then your Bill. Recently a law has been enacted in Uttarakhand. It is an excellent Bill. A bill which will straight away attack corruption ...*(Interruptions)*. Karnataka's law is very old. There are many good laws. On enforcement of this Bill, they all will become null and void and Kapil ji the section 64(5) which you were referring was transitional. Just go through it, that is transitional. For example if some Prime Minister or President resigns, he is asked to remain till new one comes, that is transitional and is called transitional period.

**12.00 hrs.**

This transition will continue until the States would not adopt it. I ask you whether once this bill is passed will it not be enforced in the new states where there is no such bill, as there is no question of transitional clause. Therefore

you may first clear your confusion. Kapil ji, I have some questions for you. You accept that Lokayukta will look into the matter of the employers of the state government.

MADAM SPEAKER: Sushma ji, you may please address the Chair.

SHRIMATI SUSHMA SWARAJ: Madam Speaker, I would like to ask the Minister through you that you accept that Lokayukta will look into the matters of the state government employees. You may agree that matter related to the state government employees comes under the State List. You agree that on the subject under State List Indian Parliament can formulate law only under two sections - 252 and 253. You agree that proposal from two states are required for section 252. You agree that proposals from those two states are not with you. You agree that you have formulated this bill under 253. You accept that you have formulated this' bill to implement United Nations Against Corruption, then you should also accept that a law formulated under 253 is mandatory not optional. While bringing out this bill you have not only attacked the federal structure of the country, but, also committed crime to obtuse the mechanism of the states which are effectively fighting with the corruption ...*(Interruptions)*

Madam Speaker, my second objection is about the provision of reservation. Madam Speaker, since Indra Sahni case in the year 1952 to K.K. Krishnamurti's case in the year 2010 the Supreme Court has repeated time and again that the upper limit of reservation will be 50 percent. Fifty percent shall be the rule. If there is an exception, it is only for the far flung areas like North-East. But, if you will go through the provision of this bill, the proviso of the section three says that –

[English]

"Provided that not less than fifty percent of the members of the Lokpal shall be form amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women".

[Translation]

Not less than means the lower limit. The Supreme

Court has fixed the upper limit, the bill says it is the lower limit, means it will not be less than 50 percent, it can be anything above the 50%. There are nine members in Lokpal including Chairman. There is one Chairman and there are eight members. Out of nine members not less than fifty percent means five members, so, five members are reserved, you can make it seven or eight as well, you can keep all the nine members also. You have to decide that. When I stated this fact, Lalu ji has said that this limit is meant for jobs, and Minister of Parliamentary Affairs has given very assertive affirmation to it that this is the point. Minister of Parliamentary Affairs, I would like to say that this is not the point Pawan Bhai, because if there is limit of 50 percent for jobs then there is no reservation at all for the Constitutional posts. There is no reservation for the constitutional institutions as well. Your standing committee has said that the reservation is not desired. I have this report of the standing committee with me.

[English]

"The Committee also believes that although the Institution of lokpal is a relatively small body of nine members and specific reservation cannot and ought not to be provided in the Lokpal Institution itself.."

[Translation]

This is the recommendation of the standing committee. They have said that it cannot and ought not to be provided in the body of nine members. Constitutional parts are - the President, Vice - President, Prime Minister and Council of Ministerw. Then there are constitutional institutions - Supreme Court, CEC, CVC and CAG. There is no provision of reservation in our Constitutional institutions, but, today I am proud to say that as in this bill they have ...*(Interruptions)* Please listen to me. ...*(Interruptions)*

Madam Speaker, they have not only made provision for reservation in the constitutional institutions and increased the limit of 50 percent, they have brought in religion based reservation bill. ...*(Interruptions)* The Constitution determines 50 percent limit but it does not allow religion based reservation ...*(Interruptions)* but I am

saying this that today I am proud to say that many great people belonging to minorities have reached to these constitutional posts without reservation.

Madam Speaker, there have been 12 President in India, out of them four were belonged to the minorities ...*(Interruptions)* Dr. Zakir Hussain, Dr. Fakhruddin Ali Ahmed, Giani Zail Singh and Dr. A.P.J Abdul Kalam ...*(Interruptions)* both the government have imposed ...*(Interruptions)*

[English]

MADAM SPEAKER: Nothing else will go on record.

...*(Interruptions)*\*

MADAM SPEAKER: This is not to be recorded.

...*(Interruptions)*\*

[Translation]

MADAM SPEAKER: You may please keep silence.

...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ: Amongst 12 Presidents, four belonged to minorities. I have mentioned their names as well ...*(Interruptions)* We have also done this, NDA government has also done that and you have also done this, without any government ...*(Interruptions)* They will get time, they can speak when their turn comes ...*(Interruptions)* now let me speak ...*(Interruptions)*

MADAM SPEAKER: Please keep silence. Why are you standing, please take your seat.

...*(Interruptions)*

[English]

MADAM SPEAKER: Nothing else is going on record.

...*(Interruptions)*\*

[Translation]

MADAM SPEAKER: Please take your seat. Sushmaji, you may speak.

---

\* Not recorded

[Shrimati Sushma Swaraj]

...(Interruptions)

[English]

MADAM SPEAKER: Please take your seat. Nothing else will go on record.

...(Interruptions)

[Translation]

MADAM SPEAKER: You may please take your seat. ...*(Interruptions)*

[English]

MADAM SPEAKER: Nothing else is going on record.

...(Interruptions)\*

[Translation]

SHRIMATI SUSHMA SWARAJ: No one has said, you may please take your seat ...*(Interruptions)*

[English]

MADAM SPEAKER: Nothing else is going on record.

...(Interruptions)\*

[Translation]

SHRIMATI SUSHMA SWARAJ: Madam Speaker, whatever I am saying is going on record or not ...*(Interruptions)*

[English]

MADAM SPEAKER: Nothing else is going on record.

...(Interruptions)\*

[Translation]

MADAM SPEAKER: Please take your seat. ...*(Interruptions)*

---

\*Not recorded.

SHRIMATI SUSHMA SWARAJ: I am talking about the proud India and I am proud to say that ...*(Interruptions)* India is proud that there have been 11 Vice Presidents, amongst them three belonged to minorities. ...*(Interruptions)* this bill is not meant for the jobs. ...*(Interruptions)*

[English]

MADAM SPEAKER: Nothing else is going on record.

...(Interruptions)\*

[Translation]

MADAM SPEAKER: Please take your seat.

...(Interruptions)

SHRIMATI SUSHMA SWARAJ: This Bill has not been introduced for jobs ...*(Interruptions)*

MADAM SPEAKER: Please take your seat.

...(Interruptions)

MADAM SPEAKER: Please take your seat. Asaduddin Ji please take your seat.

...(Interruptions)

SHRIMATI SUSHMA SWARAJ: It will not happen by your choice, the country has given this ...*(Interruptions)*

MADAM SPEAKER: Why are you getting so excited, please take your seat.

...(Interruptions)

[English]

MADAM SPEAKER: Nothing else will go on record.

...(Interruptions)

SHRIMATI SUSHMA SWARAJ: It is not a matter of your choice the country has given it. India is proud of this fact. There have been three Vice Presidents who belonged to minorities - Dr. Zakir Husain, Hidayatullah Sahib, Shri

---

\*Not recorded.



Hamid Ansari ...*(Interruptions)* we did not oblige them, that is why I am saying this. Even today, present Prime Minister Dr. Manmohan Singh belongs to minorities but it is not so because he belongs to minorities, it is so because he is a capable Indian. Madam Speaker ...*(Interruptions)*

MADAM SPEAKER: Please take your seat. Please calm down.

SHRIMATI SUSHMA SWARAJ: Now I am coming to judiciary. You should be happy and proud and you are interrupting. Madam Speaker, in judiciary you can see that amongst Chief Justice of Supreme Court, five Chief Justice of India belonged to minorities. Justice Hidayatullah, Justice M.H. Baig, Justice A. M. Ahmedi, Justice Bharucha and Justice Kapadia ...*(Interruptions)* I have included justice Ahmedi among them I have said this only, Madam Speaker ...*(Interruptions)*

MADAM SPEAKER: Please just take your seat.

SHRIMATI SUSHMA SWARAJ: I am mentioning the fact to be proud of. If the world would hear it they will praise India. Even that is not acceptable to you ...*(Interruptions)*

MADAM SPEAKER: Please take your seat. Please calm down. You may speak when your turn will come, please listen for now. Your turn will also come.

SHRIMATI SUSHMA SWARAJ: You cannot listen to good facts? You can interrupt if I am stating anything wrong. If people at international level listening to this they would praise India that this is the fact being revealed in the Parliament of India.

After judiciary, let us come to the constitutional institutions. India is called the largest democracy in the world.

*[English]*

India is the biggest and largest democracy in the world.

*[Translation]*

Today our whole electoral procedure is being

conducted by C.E.C. (Chief Election Commissioner) Sh. S. Y. Qureshi, belongs to because he belongs to minority, we have not chosen him just because he belongs to minority, but we have chosen him for the constitutional post as he is able, deserving and a great Indian. Listening to such nice fact makes you feel bad ...*(Interruptions)*

MADAM SPEAKER: Clam down please. Why are you making so noise?

SHRIMATI SUSHMA SWARAJ: But, what we are doing today would not be good for India. I would like to remind the Prime Minister that the seed of partition of India had germinated in the religion based reservation and finally the country had divided. First of all

*[English]*

reservation on the basis of religion

*[Translation]*

came, it was the seed of division. Prime Minister Sir you have suffered through that tragedy ...*(Interruptions)* You have gone through that pain and you are doing the same in your rule. Once you read out a poetry while addressing this House, today I am reading out the same poetry to you:

"Yeh Jabra bhi dekha hai, tarikh ki nazaron ne,  
Lamhon ne khata kt fhi, sadiyon ne saza pai;

Today is that moment, what we are going to do, religion based reservation? ...*(Interruptions)*

*[English]*

MADAM SPEAKER: Nothing else will go on record.

...*(Interruptions)\**

*[Translation]*

MADAM SPEAKER: Please take your seat. Why do you keeping on rising time and again.

...*(Interruptions)*

---

\*Not recorded.

SHRIMATI SUSHMA SWARAJ: Madam, religion based reservation will work as an another seed for the partition of this country. I would like to say this as warning.

Lalu bhai you could not even understand the cunningness of this Government. They have got you raise matter in the morning and accepted what you said *...(Interruptions)* in the same evening they snatched their share from your plate...*(Interruptions)*

MADAM SPEAKER: Please address the Speaker.

*...(Interruptions)*

MADAM SPEAKER: Now you have started conversation with each other. What is this happening? Please address the Chair.

*...(Interruptions)*

SHRI LALU PRASAD: My name has been mentioned.

*...(Interruptions)*

MADAM SPEAKER: Please address the Chair.

*...(Interruptions)*

SHRI LALU PRASAD: I had alleged and I was right that they have deleted minority word on the insinivation of RSS, BJP. Now you are making excuses, giving pretext, 'Kamandal' people *...(Interruptions)* elections, *...(Interruptions)* You want partition of this country *...(Interruptions)*

MADAM SPEAKER: Please take your seat.

*...(Interruptions)*

SHRIMATI SUSHMA SWARAJ: You have not listened to me *...(Interruptions)* I am saying to you that the Government has dealt with you cunningly. In the morning they accepted your demand and have snatched their share from your plate and you become silent. You are furious inside when they gave four and a half per cent to minority out of the OBC reservation, but you cannot object and oppose this, Sharad Yadav Ji would oppose it. Why cannot you oppose this when Sharad Yadav Ji would do the

same, you are seething inside. You will get the befitting reply. You had said that Wealth and land would be divided ultimately, if you will oppose they will say that give reservation to Muslim, but after keeping aside our share. So, you are not able to speak *...(Interruptions)* You have been looted *...(Interruptions)* The Government has benefitted from both the sides. Your share has been plundered *...(Interruptions)*

Madam Speaker, I was astonished to listen to Pranab da's reply the other day. When I raised objection, you were not in the Chair, he said that why we should take the role of judiciary. The court will do, whatever it feels like doing. If felt by his statement that this bill has become a trouble for him and he wants to get rid of it. Budget session is about to commence, the Finance Minister have many tasks to do.

He thinks that this bill should be passed no matter how, good, bad or useless, it should just be passed, but it is not right. This approach is not right. You cannot turn a blind eye towards it. If something goes wrong in a simple way and the Supreme Court declares it ultra virus while going in it deeply that can happen, but something patently unconstitutional is there before you and big expert of the constitution are present here in the House. Chidambaram Ji being the Home Minister, we will oppose him, but, undoubtedly he is a famous lawyer.

*[English]*

I acknowledge him as an eminent lawyer.

*[Translation]*

Kapil Sibal Ji is sitting here, we might be having political differences their bills might stuck up in Rajya Sabha, but undoubtedly he is an expert of the Constitution, Salmal Khurshid Ji, Pawan Bansal Ji are present here, and Shri Pranab may not be lawyer, but he has a great experience of Parliament and an experienced parliamentarian, Advani Ji is present here he is having forty years long political experience, even I have a little knowledge of the Constitution *...(Interruptions)* How can we tolerate that a patently unconstitutional bill get passed

from here when we all are here? Therefore, I said that I have two amendments. My first amendment is regarding constitutional amendment in federal structure. Wherein I have said that include a word under Article 252, accept it, seek proposals from two states and bring the Bill under Article 252. My amendment is that the religion based reservation is not legitimate constitutionally so it should be constitutionally right.

My first allegation was that this bill violates the provisions of the constitution. In reference to this I have given these arguments and references. My second allegation was that that this bill is very weak and it deals with the Government's Lokpal body. Madam Speaker, we wanted that the C.B.I, should be freed from the Government's control but what happened is exactly the opposite. C.B.I, could not get out of their control rather Lokpal came under the government's control. They have introduced such bill if you will see the appointment the government side has dominance in the committee. If you will see to their removal it is only with the Government. So much so that if you see its working they say that the director of inquiry using and prosecution wing will be appointed from the panel provided by the Union Government. Even the secretary will be appointed from the panel of the Union Government. Lokpal will not be able to choose its secretary even. They have said in the appointment that – after the Prime Minister, Speaker, Leader of the Opposition, Chief Justice of India, Jurist nominated by the Government. My amendment is ...*(Interruptions)* President means the Government. When we have appointed Chief Justice of India then what is the need for jurist? What is the need of a jurist where the Chief Justice of the Supreme Court of India in the panel? My amendment is that the Leader of Opposition in Rajya Sabha should be appointed alongwith. Because Member of Parliament of both the House are being covered therein.

There is a panel for NHRC in which me, you, Leader of Opposition in Rajya Sabha, Prime Minister and one Minister is included, Law Minister can make one such panel. If we have Chief Justice, then there is no need of any Jurist. If leader of both houses, Chief Justice of India are included then dominance of Government side will be

lessened. It will be tilted towards independent. Therefore, I suggest one amendment. There is dominance of Government side in appointment and the method for removal is more unique. Who can make a reference to Supreme Court -The Government, President, President means the Government or Government by memorandum of 100 MPs. Third one is even more interesting that if a citizen of India who is complainant thinks that Lokpal is favouring the Government and having prejudice against me then he will give an application to the Government. The Government will decide whether to make a reference to Supreme Court or not. They say tumhi kaatil, tumhi munsif tumhi jallad bhi ho, Akarba khon ka dava kare kis par. He is complaining about Lokpal favouring the Government and giving application to the same. They will be the judge. They will decide whether the application should be sent to the Supreme Court or not. Have you seen such thing in whole world. Its appointment, its removal is in the hands of the Government and all other are wondering. You read proviso-10. I was reading and laughing on it.

*[English]*

"There shall be a Secretary to the Lokpal in the rank of the Secretary to Government of India who shall be appointed by the Chairperson from a panel of names sent by the Central Government. There shall be a Director of Inquiry and Director of Prosecution not below the rank of Additional Secretary to the Government of India or equivalent who shall be appointed by the Chairperson from a panel of names sent by the Central Government."

*[Translation]*

The Lokpal is not free even to choose his Secretary. The Director of Inquiry Wing, Director of Prosecution Wing and Secretary will be chosen from their panel. It will be appointed and removed by them and you say that it will be very effective, independent and impartial. How it can be? Therefore I have said Lokpal is totally in the grip of the Government. As far as his rights are concerned, they are available on a complaint only. Such a Lokpal is being formulated which can not take suo-moto i.e. himself

[Shrimati Sushma Swaraj]

cognizance of any case. Every judicial body does this. I know once cognizance was taken on a post card, a Supreme court Justice had made it a PIL. So many news are published in Newspapers, so many informations come to him. But in this Bill Lokpal has not given any right to take suo-moto cognizance. I have given an amendment to insert suo-moto word. But what I am saying that it is a Government Lokpal, weak Lokpal, and my all arguments goes in that direction that this Lokpal is in the grip of the Government, ineffective Lokpal and can not work effectively.

Third thing I have said is that this Bill is full of discrepancies and contradictions. I will bring each discrepancies in front of you, and you will be astonish to hear it. First discrepancy is regarding bringing Prime Minister under its ambit. There is difference of opinion in the House. Some people want Prime Minister to be in its ambit, and some don't want it *...(Interruptions)* We want him to be in its ambit. *...(Interruptions)* I am not saying it today, but had said this when it was discussed in the House. But what they have done. The Prime Minister has been brought under the purview of the Lokpal with so many safeguards and riders that no one can even touch him. What are the provisions? If there is any complaint against the Prime Minister then a full bench of Lokpal will sit and 3/4th of the judges will decide whether an action should be initiated on it or not. From where this concept of 3/4th has come? *...(Interruptions)* Hon'ble Speaker, even for making amendment in Constitution 50 percent of total house strength and its two-third is required. 50 percent of total House is 273 and its two-third is 182. If out of 543, 273 members are present and out of that 182 people vote in favour of it then the Constitution is amended *...(Interruptions)*

[English]

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): The minimum number required for a constitutional amendment, that is two-third, is 275 of this House and not 182.

[Translation]

SHRIMATI SUSHMA SWARAJ: I have said 50 percent

*...(Interruptions)*. You keep it 50 percent. But I have moved an amendment to make it 2/3rd *...(Interruptions)*

[English]

SHRI PRANAB MUKHERJEE: That is all right. I am simply correcting you that for a constitutional amendment the number required is 275 and not 182.

SHRIMATI SUSHMA SWARAJ: I stand corrected, because fifty per cent of the total is needed seperately and two-third of the members present and voting are required seperately. Therefore, I stand corrected.

[Translation]

But I am saying that 50 percent is required for the Constitution. You keep it 50 percent, but I have given an amendment for two-third. From where this three-fourth come? After this proceedings will be in-camera and will not be disclosed by RTI or publicaly. Are we bringing transparency or removing it? Why are you embarrassing PM? If you don't want to bring him, then say it with guts that we don't listen to those who wants to bring him. But why are you creating a farce, a pretence that we are bringing Prime Minister also in its ambit, but three-fourth is needed first, in-camera proceeding will be later, no one will tell this. Is this possible?

It is said in India that the secret between two people will surely come out. If a matter is attended by nine judges, nine assistants process it and place in front of them. One steno will write it. In case someone disapproves his stenographer will also write it. Thus something which comes out of 20, 22, 25, people, will it not spread? Complainant will tell. You are bringing such a law which will be abided less, flouted more and there will be suppositions and rumours. Why are you giving rise to supposition, estimation and rumours?

Please be transparent. At last People of the House are considered the competent authority in matter of Prime Minister. This House will not approve for action in a baseless complaint. Prime Minister doesn't belong to a party, he belongs to the nation *...(Interruptions)* but you are saying that you won't tell what was the complaint and

what action was taken on it. It will not be told why that complaint has been withdrawn. Now people like Assange have done revelations of wikileaks. Things of 20 years back have come out. Those people who kept their money out and thought they won't be caught, their names have been revealed. Will not these things come out? We are making such a law that will not be abided instead it will be flouted, than surely Prime Minister would be embarrassed. Internationally it would be known that a law against corruption was made in which Prime Minister's proceeding will be done on camera but, the report won't be out. What the people would say? I told this Bill is full of discrepancies.

Madam Speaker, now I would tell the second contradiction which is related to your Chair. A section 24 has been added to it. It was never discussed in standing committee. I asked our standing committee members and also read the report of standing committee. I don't know from where that section came. Members may please listen to it.

It provides that if some MP is charge sheeted his report would be sent to Speaker or Chairman of Rajya Sabha and after charge sheet you would be asked to take action on it. You will send report to Lokpal making it clear whether you are going to take action on it or not, and if not you will also write the reasons.

Madam Speaker, I would like to tell that this House is supreme in this democratic set-up and you are the highest power in this House. Your ruling cannot be challenged in any court. But here Lokpal is saying that you will report to him... (Interruptions). How you reached to that conclusion.. ...(Interruptions) do you dream it?

SHRI LALU PRASAD: there prevails confusion ...(Interruptions)

SHRIMATI SUSHMA SWARAJ: There is always confusion ...(Interruptions) your power cannot be challenged even in court. Has anyone read this Bill? It wasn't even discussed in standing committee, then from where came this provision, from where came this section? After charge sheet he will send report to you and you will

send action taken report to him. If you will not take an action, you will tell the reasons in writing. This Bill is also in contradiction to the representation of people Act. It states that even after conviction, if the conviction is of two years and case is pending in Supreme Court, still you can fight election. You can come after winning the election. But here just after charge sheet the membership will be cancelled ...(Interruptions) therefore I would like to say that it does not have only one discrepancy. See the third discrepancy - CBI. We tried to talk about CBI's working style a lot of times. When speaking last time I said CBI is such a tool which turns the minority of the government into majority. I don't want to repeat all the names I had taken, but two new incidents have taken place in last two months. In the case of Chidambaram ji CBI said that there's no need to investigate. Dr. Subrahmanyam Swamy filed a petition that he has all the evidence and he can specify the case in the file in which there's a need for investigation.

SHRI LALU PRASAD: Madam Speaker, even you lost your power ...(Interruptions)

SHRIMATI SUSHMA SWARAJ: Supreme Court on the petition of Dr. Subrahmanyam Swami asked to CBI to give him the file and after taking the file he went to the court. Magistrate said I would like to hear you whether Chidambaram ji should be made culprit or not. But how CBI could say that we are ready to investigate against a Home Minister? They declined openly. Similarly CBI was used as a medium to bring the minority to majority in Andhra Pradesh Assembly. Therefore we wanted that CBI should be free of government's pressure but they have kept CBI under their complete control. While it had one boss earlier now it has four. Lokpal will send officers of group A and B and it will report to Lokpal for this. CVC will send officers of group C and D and it will report to CVC for this. It will report to the Court for the cases sent directly to it and for transfer, posting, promotion it will answer to DOPT. The largest is the administrative and financial control which has money and transfer-posting control. Provision for the appointment of Director, CBI has been made but whether Director will do all the work? All the officers below to it are in control of DOPT. Therefore I said that if CBI is to made independent and unbiased than investigation



[Shrimati Sushma Swaraj]

and prosecution wing has to be first separated and thereafter its administrative and financial control be given to Lokpal. So that it is free of their control and work as an independent investigative agency. If you accept our suggestion Lokpal will get an established investigating agency, CBI will come out of government control and a strong mechanism to fight with corruption will be established in the country. ...*(Interruptions)* but they will not do this.

I would like to indicate one more discrepancy. It has a section 14(h) please go through it. Whenever we urged to bring lower bureaucracy under Lokpal they used to say that have you seen the number, there are 57 lakh employees. How can it be? But now see the section 14(h). All the temples, mosques, gurudwaras, church, schools and hospitals and their present and ex-directors have been brought into it. This Lokpal will be burdened under it. This is such a big discrepancy. ...*(Interruptions)*

[English]

SHRI G.V. HARSHA KUMAR (Amalapuram): Madam Speaker...

MADAM SPEAKER: Please sit down. You speak when it's your turn.

[Translation]

SHRIMATI SUSHMA SWARAJ: Such a big discrepancy that all these have been brought under this. Earlier 57 lakh seemed more. Now they have brought crores of people under Lokpal. Similarly they disregarded sense of the House. Sense of the House was for three things- lower bureaucracy, Lokpal and Lokayukta. There's confusion in Lokpal and Lokayukta, it has been brought under Article 253 and is said to be optional. In lower bureaucracy group A and B have been given there and group C and D have been given to CVC. Citizen charter's Bill has been brought separately, it is with standing committee right now. Though it was decided that day that citizen's charter and whistle blower Bill will become part of this. Now will it become part of this or not after coming from standing committee? There are so many mistakes in

citizen's charter itself, therefore we have separate speakers on that issue who will speak only on that. We will speak on citizen charter when it will be discussed here, but I would like to say that the government does not know what it wants in the Bill? At one hand Lokpal is so weak that it cannot even appoint its own secretary and on the other hand it is so strong that it can ask a report from you. At one hand you want to separate CBI, on the other hand you have made four bosses of it. Therefore I would like to say that this Bill has been brought out of compulsion and one of the compulsions of Finance Minister is that he has to make Budget, he doesn't have time and secondly it is his wish that by any means he can show to the ongoing agitation that we have brought a Bill.

This is not the intention either of the House or the country. We want a strong Lokpal, an effective Lokpal and a Lokpal within the framework of the Constitution. I, therefore, would like to say to him that either he rectify the bill by accepting all our amendments or withdraw the bill. It should be referred to the Standing Committee where it is discussed upon and discussed upon again and bring it here after two-three months. There would be no problem if it is brought after two or three months. But, at least, this bill ...*(Interruptions)*

MADAM SPEAKER: You please take your seat. Nothing except the speech of Sushma ji would go on record.

...*(Interruptions)\**

SHRIMATI SUSHMA SWARAJ: We wanted that the bill be brought in winter session. The sense of the House was also that later also we wanted, but we did not want such a bill should come that destroy the existing system. It is destroying the present system. So, we do not want this destructing bill. We need a strong Lokpal in the country that could curb the corruption effectively. You take two months more, return it to the Standing Committee, but the Government should bring a bill that could fulfill the expectations of the country and that of ours.

SHRI LALU PRASAD: I want to say something.

---

\*Not recorded.

MADAM SPEAKER: You may speak when your turn come.

SHRI LALU PRASAD: Madam Speaker, I shall take half a minute only. I want to request you that the Bill that is brought here in a hurry, has also been thrown in dustbin by Anna Hazare team. BJP has just concluded as opposition, we also wish to speak. I want to say that when it is being opposed, why we have been made to sweat, it is a futile exercise and it should be done away with. ...*(Interruptions)* If this bill, which is being opposed by all of us, is passed, the agitation will continue. Then, what is use of it, so this bill should be withdrawn. ...*(Interruptions)*

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (SHRI KAPIL SIBAL): Madam Speaker, moments also come when the time pauses ...*(Interruptions)*

MADAM SPEAKER: Please be calm, it is not a good thing. Let him speak.

SHRI KAPIL SIBAL: I would like to request the Opposition to extend the same courtesy that as we had extended during the speech of Sushma Ji. We would not make any sharp comments as it is not the right time to make such comments. ...*(Interruptions)*

MADAM SPEAKER: What are you people doing, there should not be any commenting.

SHRI KAPIL SIBAL: I was saying that moments also come when the time pauses. There will be moments during this discussion when the time will pause and, if this bill is passed, it will be written in golden words in the history of the nation. If this bill is not passed, as you intend, the people of the country will never forgive you.

I respect Sushma Ji. Whenever she speaks, I listen to her very carefully. But, today she spoke as an advocate and I would like to congratulate her.

*[English]*

My knowledge of the law is bit rusted.

*[Translation]*

It seems that Sushma Ji has gone through the constitution very carefully and I would like to answer her issue-wise from my side as well as from the Government side.

Firstly, she said that there has been a big attack on the federal structure and she mentioned Article 252. Article 252 does not apply on it at all and I tell the reason to all my brothers and sisters for that. Article 252 says

*[English]*

that if Parliament does not have the authority to pass a law in respect of a particular item in the Union List and that law is the exclusive jurisdiction of the State List; and only the State Legislature can pass that law, then only, Article 252 comes into operation. The distinguished Member referred to Entry No. 14

*[Translation]*

SHRIMATI SUSHMA SWARAJ: Entry 41.

SHRI KAPIL SIBAL: She has mentioned entry number 41 of the state list which says

*[English]*

'State Public Service'.

*[Translation]*

But the law, we are presenting before you,

*[English]*

this is something to do with bhrashtachar ...*(Interruptions)* Under Entry No. 1 of List III. First entry says Criminal,

*[Translation]*

second entry says Criminal Procedure Code and Entry 11 (A) says Criminal Justice System.

*[English]*

So, this particular legislation has nothing to do with State Public Services. It has everything to do with criminality



[Shri Kapil Sibal]

and corruption; and it squarely falls within Entry 1, 2 and 11 A of List III.

[Translation]

If it is correct, that means Article 252 can never apply as it is presumed in Article 252 that the Parliament has no powers to legislate. Sushma Ji, if it is wrong, then your argument stands annulled per se.

SHRIMATI SUSHMA SWARAJ: You are speaking on Article 253, not on Article 252.

SHRI KAPIL SIBAL: Sushma Ji, I did not disturb you,

[English]

please now, let me speak.

[Translation]

SHRIMATI SUSHMA SWARAJ: You were saying 14 instead of 41, the entry is 41 and you are speaking on Article 253.

[English]

SHRI KAPIL SIBAL: Article 252 says:

"If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, then the resolutions can be passed." But here, Parliament has the power to pass a law in respect of corruption ...*(Interruptions)* I will read it to you so that you are clear on it. Entry 1, List III -- Criminal Law. This is an aspect of Criminal Law because it deals with corruption; and notwithstanding the State, Entry 2 — Criminal Procedure. This sets out a procedure for dealing with corrupt people, public servants. Entry 11A -Administration of justice. This relates to the Administration of justice with matters relating to corruption. So, it is clear without any doubt that Article 252 has absolutely no application in this particular case ...*(Interruptions)* I am not yielding.

MADAM SPEAKER: Sushmaji, please. He is not yielding.

...*(Interruptions)*

MADAM SPEAKER: Nothing else will go on record.

...*(Interruptions)\**

[Translation]

SHRIMATI SUSHMA SWARAJ: I am saying that when Shri Narayansami Ji moved the bill, he himself said that he is bringing it on Article 253, then why are you looking towards me ...*(Interruptions)*

SHRI KAPIL SIBAL: I am coming to that, but let me finish. ...*(Interruptions)*

[English]

MADAM SPEAKER: Let him proceed, please.

[Translation]

SHRI KAPIL SIBAL: Madam, I understand the intention of Sushma Ji. It is a political conspiracy because the opposition, especially the BJP wants this bill should never be passed. Therefore, they have taken resort to Article 252, because Article 252 also says that if two legislative assemblies have passed a resolution, the legislative assembly of the state government will decide whether to implement this law or not. ...*(Interruptions)* This means that the Lokpal Bill should be passed for the Centre but there should be no Lokayuktas for the States. This is your political intention. ...*(Interruptions)* There is no doubt in it ...*(Interruptions)*

[English]

Madam, why would we say it is an enabling law and why 253 has an absolute application? It is because 253 relates to implementation of international convention to which India is a party and 253 directly applies. I shall now read article 253 ...*(Interruptions)*

"Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for  
\*Not recorded.

the whole or any part of the territory of India for implementing any treaty, agreement or convention."

[Translation]

So, clearly, the applicable article is 253 and not article 252 and 252 is an escape clause for the BJP.

[Translation]

Because they want if Article 252 will be implemented then Lokpal will be there in the centre but there will be no Lokayukta on them....(Interruptions). Madam, this is evident, and if you look at states, whichever state you go, it is quite clear that no concrete step has been taken against corruption till date ...(Interruptions) And surprisingly, Sushma Ji has forgotten what was written in the dissent note given by BJP in Standing Committee. Perhaps she has forgotten it, I want to mention it in front of you. You wrote ...(Interruptions) and you believe ...(Interruptions), you let me read it.

MADAM SPEAKER: You let him read.

[English]

SHRI KAPIL SIBAL: It says.

"If Constitutionally permitted, we may in this regard have a law under article 253 or pass an enabling provision in order to provide uniformity throughout the country. In either case, this could be done by Central legislation." ...(Interruptions)

MADAM SPEAKER: Nothing else will go on record.

...(Interruptions)\*

MADAM SPEAKER: Yes, hon. Minister.

[Translation]

Harin Pathak Ji, you please sit down.

...(Interruptions)

[English]

MADAM SPEAKER: Let us proceed with the debate peacefully.

\*Not recorded.

...(Interruptions)

SHRI KAPIL SIBAL: There are no two thoughts that Parliament has right to pass such Bill under Article 253. No one can say that Parliament has no such right and if there is International Convention then we can pass it and it can be made applicable to State Governments also. There are no two thoughts on it ...(Interruptions) Sushma Ji, you were mentioning about my statement in Times of India. Sushma Ji, I would like to tell you that perhaps you have not read the Bill Completely. Here it is clearly written in Section 1 Sub-Section 4,

[English]

"It shall come into force on such date as the Central Government, this is in respect of Lokayukta, may by notification in the official gazette appoint. Different dates may be fixed for different States and for different provisions of this Act. Any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into effect of that provision."

[Translation]

In this Bill, it is quite clear about provisions contained in the Act, that the State Governments can implement different provisions at different times ...(Interruptions). It has been written in it, perhaps they have not read it, therefore it is clear that

[English]

it is an enabling legislation. They have to have a Lokayukta. There is no doubt about it under Article 253. But, the provision which will be put into effect will have to be decided by each State Legislature and then the Central Government will issue a notification to that effect. It is quite clear from the Act itself.

[Translation]

SHRIMATI SUSHMA SWARAJ: That is of adoption, Transition.

SHRI KAPIL SIBAL: That is 64(5), I am not citing it ...*(Interruptions)*. I am telling about Section 1 ...*(Interruptions)*. Perhaps, Sushma Ji, you have not read it completely. ...*(Interruptions)*. Perhaps you forgot in your speech ...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ: I have read from A to Z ...*(Interruptions)*. I am talking about 1(4) ...*(Interruptions)*

MADAM SPEAKER: You please speak.

...*(Interruptions)*

MADAM SPEAKER: You please sit down.

...*(Interruptions)*

MADAM SPEAKER: This will take very long time. You please let him speak.

...*(Interruptions)*

HON'BLE SPEAKER: What is going on? Nothing will go in record.

...*(Interruptions)\**

SHRI KAPIL SIBAL: Madam, when the Resolution was passed on 27th August in this House, the sense of the House was that we will provide three things through this Bill. First, a Citizen's Charter will be provided, Second, lower bureaucracy would be brought under appropriate mechanism through Lokpal and Third, Lokayukta will be appointed. If this was the sense of the House then how can Sushma Ji say today that we will not appoint Lokpal because it is against federal structure. ...*(Interruptions)* This has been said,

*[Translation]*

establishment of the Lokayukta in the States,

*[English]*

this is the resolution of the House, this has been written ...*(Interruptions)*. Sushma Ji says that this Lokayukta can not be constituted unless Article 252 is used

\*Not recorded.

...*(Interruptions)*. Sushma ji is saying this or not ...*(Interruptions)*. Saying this or not ...*(Interruptions)* We have given reply to her ...*(Interruptions)* Who will decide this, Sushma Ji is not going to decide in this House, this will be decided by Supreme Court only, this is not a court where Sushma Ji has given an argument and every body has agreed ...*(Interruptions)* These decisions are taken in courts, as per under our separation of powers courts decide this whether provision of any Bill is constitutional or not. We can not take this decision. Therefore, when any Bill is introduced in this House then only its admisibility is checked, whether we have power or not, if we say we have power, whether it is constitutional, unconstitutional or constitutional, we do not decide it, it is decided by the court. Sushma ji, let the court decide ...*(Interruptions)*

SHRI HARIN PATHAK (Ahmedabad East): You want this ...*(Interruptions)*

*[English]*

MADAM SPEAKER: Nothing will go in record.

...*(Interruptions)\**

*[Translation]*

MADAM SPEAKER: Please keep silence.

MADAM SPEAKER: Calm down, Harin Pathak Ji.

...*(Interruptions)*

MADAM SPEAKER: Please speak.

...*(Interruptions)*

**13:00 hrs.**

SHRI KAPIL SIBAL: I want that the dignity of the House should be upheld. ...*(Interruptions)* For the last one year there has been debate both outside and inside the House. People are agitated because they want that Lokpal / Lokayukta should be constituted in the centre as well as the states. If you take a look at the services that we provide to the people as the Central Government - Lalu Ji has

\*Not recorded.

done a very good job in the Railways. Today, people can easily get the tickets through Tatkal service without any hassles or problems. There is no corruption, Tickets are easily available be it air services or transportation. There is no problem and you can get the ticket reserved ...*(Interruptions)*

MADAM SPEAKER: What is happening?

...*(Interruptions)*

SHRI KAPIL SIBAL: There has been a huge change in the services provided by the center, whether it be passports, income tax and in fact the corporate tax returns are being filed online these days. But as far as the services provided by the State Government are concerned, the real corruption lies there ...*(Interruptions)* I understand your intent. Patwari does not work, no one gets the rations, a bed in the hospital, services in the primary health centres. If one goes to obtain a motor vehicle licence it is not given. Every time bribe is demanded. The real day to day issues which concern the common man today are issues in the States and under the State Government and Sushma ji is saying that Lokpal should be constituted for the Government but there would be no Lokayuktas for the State Governments. Here she attacks the Government on the issue of corruption but in the State where her Government is in power she embraces corruption ...*(Interruptions)* Just see that happened in Karnataka ...*(Interruptions)*

MADAM SPEAKER: Please calm down. Do you want a debate or not. Why have you all stood up? Please sit down. You are on your legs all the time. ...*(Interruptions)*

MADAM SPEAKER: Why are you shouting? Sit down.

...*(Interruptions)*

MADAM SPEAKER: Why are you speaking so angrily. Please sit down.

...*(Interruptions)*

*[English]*

MADAM SPEAKER: Please sit down. You should sit down.

...*(Interruptions)\**

MADAM SPEAKER: Hon. Minister, please continue. Nothing else will go on record.

...*(Interruptions)*

MADAM SPEAKER: All of you sit down. Let us continue with the debate. What is all this?

...*(Interruptions)*

MADAM SPEAKER: Do not be so intolerant.

...*(Interruptions)*

*[Translation]*

SHRI KAPIL SIBAL: Madam, Santosh Hegde was the Lokayukta in Karnataka and he himself said that Dhananjay Ji, a prominent BJP leader visited his House ...*(Interruptions)*

*[English]*

MADAM SPEAKER: Nothing other than the Minister's speech will go on record.

...*(Interruptions)\**

*[Translation]*

SHRI KAPIL SIBAL: He went to his house and requested him to remove the name of Yedurappa Ji from his chargesheet otherwise the BJP party would fare badly in Karnataka. Santosh Hegde told him that it was not appropriate for him to visit his house. They have corruption in the states and beat their chests here about corruption at the centre. This is the reality. This is the true face of BJP ...*(Interruptions)* Sushma ji is making tall claims today. Who stopped her from bringing empowered Lokayuktas in the State Governments. Did anyone stop her? Sushma Ji should answer as to who is stopping all the states where BJP is in power, from bringing an even better Lokayukta ...*(Interruptions)* Chief Minister appoints the Lokayukta there. She says that there should be a big independent structure here but there, the Chief Minister appoints Lokayukta ..... what kind of \* politics is this? ...*(Interruptions)*

\*Not recorded.

\* Not recorded as ordered by the Chair.

SHRI SYED SHAHNAWAZ HUSSAIN (Bhagalpur):  
Madam Speaker, this is a an unparliamentary word  
...(Interruptions)

MADAM SPEAKER: Delete this word.

...(Interruptions)

MADAM SPEAKER: This word has not been recorded.

...(Interruptions)

[English]

MADAM SPEAKER: We have taken it out of the record.  
Now, Please sit down.

...(Interruptions)

[Translation]

SHRI KAPIL SIBAL: You see, it has been 9 years and  
no lokayukta has been appointed in Gujarat and she is  
giving speeches of transparency here ...(Interruptions)  
There, the Governor ...(Interruptions)

MADAM SPEAKER: All of you, please sit down.

...(Interruptions)

MADAM SPEAKER: Why do you all stand up always?  
Please Sit down.

...(Interruptions)

SHRI KAPIL SIBAL: The Governor asked for the name  
from Chief Justice in Gujarat ...(Interruptions) But the Chief  
Minister does not agree, says, who is Chief Justice to  
suggest a name? ...(Interruptions)

[English]

MADAM SPEAKER: I am telling them to sit down.

...(Interruptions)

[Translation]

MADAM SPEAKER: Why do you stand up time and  
again? Sit down.

...(Interruptions)

SHRI KAPIL SIBAL: Sushma Ji will have to answer  
on her party's behalf, since the public is listening to her  
today, as to why BJP did not appoint such a Lokayukta in  
the States. But neither the BJP has any answer nor Sushma  
Ji. The truth is that they practice corruption and level  
allegations against others. I would like to level one more  
allegation against you that if you oppose the appointment  
of Lokayukta then you are violating the sense of house  
and the public would never forgive you ...(Interruptions)

MADAM SPEAKER: Please sit down. Do not get so  
worked up.

...(Interruptions)\*

SHRI KAPIL SIBAL: Madam, I would like to describe  
their politics. Their politics is that they do not want the  
Lokpal to be passed and whatever Anna Ji is doing there,  
just approach him and also visit other states and say that  
the Government is brining a weak Lokpal so that they  
could benefit in the elections.

This is their sole motive ...(Interruptions) They have  
got nothing to do with autonomy. They have nothing to do  
with Lokpal. They have got their own vested political interest  
...(Interruptions) Now I come to another point.

Madam, I would like to say one more thing. I came  
to know that there are two Bills regarding Lokayuktas in  
Bengal and Tripura. I was very surprised that the Lokpal  
in Tripura which was constituted in 2010 has been  
amended and now, in the Bill, there is no name of any  
public functioning either group A, or group B or group C  
or group D. Suddenly, everybody is recalling it in the  
discussion ...(Interruptions)

[English]

MADAM SPEAKER: Nothing else will go on record.

...(Interruptions)

[Translation]

SHRI KAPIL SIBAL: But, every party in the state where

---

\*Not recorded.

it is in power forgot who is in group A, or group B, or group C or group D ...*(Interruptions)*

Bill which has been amended is related to Tripura and West Bengal. In these states also, all people forgot how the Lokayukta is constituted through the Bill. The Lokayukta is constituted by only the Chief Minister of the state ...*(Interruptions)* We have formed a selection committee here but it is being criticised. If the Chief Minister appoint the Lokayukta, then there will be no criticism ...*(Interruptions)* What kind of politics is this?

...*(Interruptions)*

MADAM SPEAKER: Please sit down.

...*(Interruptions)*

MADAM SPEAKER: Please, sit down Hon. Minister is speaking, let him complete his speech.

...*(Interruptions)*

MADAM SPEAKER: Let the Hon. Minister complete his speech.

*[English]*

SHRI ANANTH KUMAR (Bangalore South): Madam, he should refer to the Karnataka Lokayukta ...*(Interruptions)*

*[Translation]*

MADAM SPEAKER: Lalu Ji, you may speak later on. I will give you the opportunity.

...*(Interruptions)*

SHRI LALU PRASAD: Madam, I am on the point of order ...*(Interruptions)*

MADAM SPEAKER: Lalu Ji, which rule are you referring to? First tell me the rule under which you are on a point of order.

...*(Interruptions)*

MADAM SPEAKER: Shri Lalu Ji, please, first tell me the rule of the point of order and then speak.

...*(Interruptions)*

MADAM SPEAKER: Please sit down.

...*(Interruptions)*

MADAM SPEAKER: In point of order, rule has to be told first.

...*(Interruptions)*

*[English]*

MADAM SPEAKER: When any hon. Minister or Member is speaking, I do not want any disturbance.

...*(Interruptions)\**

*[Translation]*

MADAM SPEAKER: Whether speak from here or there, but please tell the rule first.

...*(Interruptions)*

*[English]*

MADAM SPEAKER: Nothing will go on record.

...*(Interruptions)\**

*[Translation]*

SHRI LALU PRASAD: Doesn't matter how good bill you make, Anna Hazare will not accept it. ...*(Interruptions)* therefore remove it. ...*(Interruptions)*

MADAM SPEAKER: You have already said this.

...*(Interruptions)*

MADAM SPEAKER: Please sit down.

...*(Interruptions)*

*[English]*

MADAM SPEAKER: This will not go on record.

...*(Interruptions)\**

---

\*Not recorded.



MADAM SPEAKER: Are you yielding, Mr. Minister?  
Shri Kapil Sibal: No.

MADAM SPEAKER: No. he is not yielding.

[Translation]

SHRI KAPIL SIBAL: The second thing Sushma ji said was that reservation has been given in Lokpal, there's reservation in search committee, also there is reservation in the appointment of Lokpal and it is unconstitutional. She said this before us. Perhaps she is thinking of section 15 and 16. I would like to request to Sushma ji through you that section 15 and 16 on which reservation is given doesn't apply to it. Its reason is that section 15 states that

[English]

"That the State shall not discriminate".

[Translation]

Means that if there are educational institutions and if representation is given to SC, ST and other backward classes through reservation and affirmative action than it is constitutional. Section 15 states that affirmative action is taken

[English]

through reservations in State Institutions

[Translation]

than it is constitutional. Section 16 talks about State employment that if someone is to be given job and if the government provides job and if reservation is given to SC, ST and other backward classes than it is also constitutional. But how is it related to Lokpal? Whether Lokpal is State? Whether appointment of Lokpal is State related job? Whether Lokpal is a government service? ...*(Interruptions)*

Sushma ji wants to say that there are sixteen crore minority people in the country and we will not let even a single one to come in Lokpal. They think that sixteen crore Minorities will not get any space in Lokpal. ...*(Interruptions)* what kind of an argument is this? This argument is itself unconstitutional. ...*(Interruptions)* your allegation is itself

unconstitutional. I think you did not read and understood Article 15 and 16 clearly. That's why I said that it is dangerous when Parliamentarians take the role of advocates. It is very dangerous. I do not want you to be in that danger.

MADAM SPEAKER: Please sit down. Speak when your other people would speak.

...*(Interruptions)*

SHRI KAPIL SIBAL: Madam, Lokpal means that we have to do justice with people by keeping in mind the feelings of the people. This is the meaning of Lokpal, there's no other meaning. If we do not have representation of our Scheduled castes, backward classes, women and minorities than would you be able to do justice with people? ...*(Interruptions)* who will take care of them?\* ...*(Interruptions)*

[English]

SHRI ANANTH KUMAR: This should be withdrawn. ...*(Interruptions)*

MADAM SPEAKER: Order in the House.

...*(Interruptions)*

[English]

MADAM SPEAKER: I will delete it. I will take care and I will delete it. I will call for the record and I will get it deleted.

...*(Interruptions)*

[English]

MADAM SPEAKER: I have said that I will call for the record.

...*(Interruptions)*

[Translation]

MADAM SPEAKER: Kapil Sibal Ji, you may speak.

---

\* Expunged as ordered by the Chair.



...(Interruptions)

[English]

MADAM SPEAKER: Please proceed.

...(Interruptions)

[Translation]

MADAM SPEAKER: You atleast let Kapil Sibal ji speak. You are shouting a lot on every a word.

...(Interruptions)

SHRI KAPIL SIBAL: Madam, I would like to say in the House, through you that reservation is not in question ...*(Interruptions)*

MADAM SPEAKER: Please take your seat. Why do you keep rising all the time, please take your seat.

...(Interruptions)

SHRI KAPIL SIBAL: The question is who will take care of the difficulties faced by the public ...*(Interruptions)* and the danger posed by corruption before the public ...*(Interruptions)*

[English]

MADAM SPEAKER: Why are you standing? Please sit down. Nothing else will go on record.

...(Interruptions)\*

[Translation]

MADAM SPEAKER: Kapil Sibal Ji, you may proceed.

...(Interruptions)

SHRI KAPIL SIBAL: There is 50 percent female population in this country. Whether Sushma Ji wants that there may be no female by this reservation? ...*(Interruptions)* Is this your point of view? Do you think that the committee which will consist of the Prime Minister, Leader of Opposition, nominee of the Chief Justice,

\*Not recorded.

eminent jurist will have any wrong person as Speaker and would make wrong appointment? You mean to say that you do not trust these five people ...*(Interruptions)* They will appoint deserving woman, people belonging to the minority, Scheduled Castes and Scheduled Tribes and backward classes ...*(Interruptions)* The problem is that you do not even trust yourself so you do not trust us ...*(Interruptions)*

I think that the discussion about reservation you have started here it should not have been discussed upon as this country is looking upto you, they expect more from you than us ...*(Interruptions)* because we have introduced Lokpal, now the House has to decide to pass it ...*(Interruptions)* The public of this nation is looking upto you. If you will not pass this Lokpal Sushmaji then you will be in great trouble ...*(Interruptions)*

[English]

The road to power is always under construction. In your case, it was under construction in 2004; it was under construction in 2009 and it will continue to be under construction in 2014. [Translation] You keep that in mind ...*(Interruptions)*

[Translation]

I think that-

"aisi waisi baaton se tho khamoshi hi behtar hai, ya phir aisi baat karo, jo khamoshi se behtar ho."...

...(Interruptions)

First of all we should understand that ...*(Interruptions)* Madam, you have raised 2-4 points I would like to reply them. One thing you have said that it is entirely a governmental setup as the Lokpal appointed therein by the selection committee, that is a representative of the government. Today Sushmaji has said that, I want to ask all my colleagues in the House that what kind of Lokpal we want? After the year 1947 when the constitution came into effect in the year 1950 they have given us a wonderful structural setup. Since 1947 it has been discussed upon for three years and the constitution came into effect on

[Shri Kapil Sibal]

26th January 1950. They have stricken a balance of power so as to Judiciary, Parliament and the Government have their respective roles but there is no such structure institution which is not under all these three institutions. I felt after listening to your speech that you want to change that constitutional structure. You want to constitute such an institution which is not accountable to anyone. This major issue is before the nation and we are discussing upon the same since the last one year. Neither we nor the Government want to constitute such a setup which is unconstitutional in itself. The Government does not even want to give it such powers that makes it unaccountable to anyone. The Government also does not want that it should be on one side and the executive power on the other. Sushmaji, if you will do that then you will put the democracy in danger.

Let the speeches, politics, elections aside, but we will not allow any blow on the constitution. Who will do the selection? Sushmaji, please tell who will do the selection? Do we appoint someone from outside? Lokpal will decide whom to prosecute and whom not?

Lokpal will himself decide that investigation should be carried out under him and that he will prosecute without any facts and he will have no accountability. Lokpal will do that he knows what is good for the country and elected people of Parliament do not know this, do you wish such a Lokpal? No leader of this House will accept this. Perhaps it is right that we know a bit of law, but we can not say that we can not commit a mistake, but with due deliberations and keeping the Constitution in view we have given you this structure and in this structure we should not give any such power to someone else who can destroy this structure. That is why we say that if a committee comprising of the Prime Minister, the Honble Speaker, the Leader of Opposition, the Chief Justice of India or his nominee and distinguished Jurists decides, then we believe they will take a right decision, they will not make wrong appointment.

Then you say, a unique method has been adopted for the appointment of the Secretary to the Lokpal. You said that a panel of name will come, please tell from

where should we bring this panel of names? Who else other than the Government will recommend a panel of names? Will Sushma Ji give panel, will RSS give panel. ...*(Interruptions)* it will come from the Government side only, because the Government employees work for the Government, their report is available and we know who is outstanding, and who is not, who is very good. We will recommend best people for the appointment and you have to take decision on these names. What is problem in this? Lokpal will decide, we will give panel. ...*(Interruptions)*. You have done this in the appointment of CVC. ...*(Interruptions)* and now you say see ...*(Interruptions)*. You have made an allegation that if the Government will make appointment, then all people will be under the ambit of the Government, so whether CAG is under the Government? You can see, whether CAG is under the Government, although we have appointed him, but whether it is under the Government? We appoint Judges, but are they under us? Whether Election Commission is under us? You please tell ...*(Interruptions)*. This could have happened at our time, but it can not be done at our times...*(Interruptions)*. The debate you have initiated, is wrong. The Government works like this only. If non-official appointments are made then non-official work will be done. If non-official work is done then no one can stop corruption. ...*(Interruptions)*.

You have said one more unusual thing. You have mentioned Section 24. You said that we are making Speaker Lok Sabha subordinate to someone. Perhaps you have not read it and if read, has not read it carefully. It is written in that when the Lokpal decides to file a chargesheet against any Member of Parliament, it means that he is being prosecuted, prosecuted by Lokpal, then the report should be submitted to the hon. Speaker. The Speaker will decide the course of action to be taken on such report. ...*(Interruptions)*. Because if some member is engaged in corruption and there is evidence against him, then it is the duty of the Parliament to take action against him. ...*(Interruptions)* It is its duty.

[English]

SHRI YASHWANT SINHA: Why will she report? Why will the Presiding Officer report it? ...*(Interruptions)*

[Translation]

MADAM SPEAKER: You may speak later. ...

...(Interruptions)

SHRI KAPIL SIBAL: Second thing is, this is a law, as there was constitutional amendment in Tenth schedule, you know that Tenth constitutional amendment took place, and it is a part of the Constitution, and the decisions of Lok Sabha in that,

[English]

They are subject to the court: it is not subject to anybody.

[Translation]

This only you have to say that what action are you taking against him and if you are not taking any action then what is the problem in this? This is about transparency, you should accept it. There is nothing wrong in it. ... (Interruptions)

You mentioned a very good point that Prime Minister's Office has been kept safe in such a manner that no action can ever be taken against it and you also said that Prime Minister's office is such an office ... (Interruptions) one more point you made that Prime Minister has been so much safe that no action can ever be taken against it. For it three-fourth majority is needed, you have made such provisions and proceedings will be in-camera. I understand that many people are of the view that Prime Minister should have been kept out of its purview and we agreed to it. We adopted the wishes of the opposition because we wanted a strong Lokpal bill be passed and the Prime Minister should come under its purview with conditions.

We said this and what wrong we have done? You said in all party meeting to bring Prime Minister in its ambit with conditions.

SHRIMATI SUSHMA SWARAJ: We had given two riders. We haven't said that bullet proof jacket ... (Interruptions)

SHRI KAPIL SIBAL: I talk about bullet proof. Bullet proof because you talk without thinking therefore we have to make bulletproof. If you fire indiscriminately then we have to protect ourselves. From last one-and-a-half years we are seeing that some action should be taken against the Prime Minister. You daily put allegations and today you are saying why one should make allegations against the Prime Minister? The problem is what you do, [English] if you look at this side of the House, you get what you say. If you look at the other side of the House, you do not get what you say. You never get what you say because if you have said something in this House you do just the opposite outside. And, this is not the first time. I urge you to make a statement in this House. Forget this and make a statement that a strong Lokpal Bill here and Lokayuktas Bill in the States where you are in Government, will be passed by you in the next two months. Make such a statement ... (Interruptions)

SHRIMATI SUSHMA SWARAJ (Vidisha): I am making that statement. Please sit down. ... (Interruptions) We will pass a strong Lokpal Bill in this House and strong Lokayuktas Bill in the States.

SHRI KAPIL SIBAL: When?

SHRIMATI SUSHMA SWARAJ: We have already passed a strong Lokayukta Bill in Uttarakhand ... (Interruptions) Madam, I am making a statement ... (Interruptions) He has asked me to make a statement and I am making a statement ... (Interruptions) Mike is not working.

MADAM SPEAKER: Yes, the mike is now working.

...(Interruptions)

MADAM SPEAKER: I am ready to allow you to speak if he is yielding.

SHRI KAPIL SIBAL: Let her make a statement whenever she wants. I want the BJP ... (Interruptions)

SHRIMATI SUSHMA SWARAJ: I am ready to make the statement ... (Interruptions)

SHRI YASHWANT SINHA: He has challenged her to make a statement. Let her make the statement  
...(Interruptions)

MADAM SPEAKER: When the hon. Minister has finished, I will call the Leader of the Opposition.

...(Interruptions)

[Translation]

MADAM SPEAKER: You will speak on this. Let him conclude, then we will call you.

...(Interruptions)

[English]

MADAM SPEAKER: Are you yielding?

SHRI KAPIL SIBAL: I am yielding, Madam.

SHRIMATI SUSHMA SWARAJ: The Minister has urged me to make a statement that we will pass a strong Lokpal Bill in this House and we will also make strong Lokayuktas in the States. I am making the statement right now. On behalf of my whole Party, I would like to say that we will pass a strong Lokpal Bill in this House and we will pass strong Lokayuktas Bill in the States. We have already paved the way for Uttarakhand. It is a model Bill  
...(Interruptions) You should bring that Bill on the lines of Uttarakhand  
...(Interruptions) This is my Statement.  
...(Interruptions)

SHRI KAPIL SIBAL: It is out of the fact. ...*(Interruptions)*  
Look at the Statement. You have said that we will pass a strong Lokpal in this House and a strong Lokayukta Bill in the States. ...*(Interruptions)* I asked her to tell me whether she will pass a strong Lokpal within two months.  
...*(Interruptions)* Give an assurance to the nation. But you will never give it. It is because that is not your intention.

[Translation]

SHRIMATI SUSHMA SWARAJ: Each word you have spoken, I. ...*(Interruptions)*

SHRI KAPIL SIBAL: My words were something different, you did not understand. ...*(Interruptions)*

MADAM SPEAKER: You please sit down.

...*(Interruptions)*

[English]

MADAM SPEAKER: Let us proceed with this. Please continue.

...*(Interruptions)*

SHRI KAPIL SIBAL: Madam Speaker, there is one last point that I wish to make. It is about CBI. ...*(Interruptions)*

As far as the CBI is concerned, we have ensured that the CBI has a functional autonomy in this country. It is on the basis of that functional autonomy that the CBI is prosecuting matters.

In this amendment, we are proposing a process of appointment, which will ensure the independence of the appointment of the Director.

[Translation]

You said the rest of the officers of CBI should be appointed by any outside agency. This is not possible. No agency will accept this because ultimately they all are government servants and only government can appoint them. But CBI Director has such independence that he can assign any work to any one. He can assign any duty to any officer ...*(Interruptions)* This autonomy and independence of CBI is being maintained ever since and will be maintained in future also. I haven't said this only, it is said by ex Prime Minister of the country. When this criticism surfaced in Judev case, he made this statement in the House that you should not criticize CBI. We want CBI should carry out autonomous independent investigation in every case. This happens often that when you sit there, you criticize CBI and when sit here you always defend it by saying that you have not interfere in this matter. This is a political matter, do not bring it into this debate because today the country wants that the house should pass this bill quickly ...*(Interruptions)*

You know the appointments above superintendent are made by CVC under CVC Act and we have no role in such appointments.

In the end I would like to say that we cannot fight against corruption merely by passing this Bill. This Bill is just a mean to eliminate corruption. I would like to place something before you regarding United Nations Manual on Anti-Corruption Police

[English]

This is what they said at page 101:

"The belief that corruption can be eradicated quickly and permanently inevitably leads to false expectations that result in disappointment and distrust. It must be understood that curbing corruption requires political will, public confidence, adequate time, resources, dedication and integrity. Moreover, efforts can not stop once corruption has been identified and controlled. Localities will have to continue to build integrity and to maintain vigilance. Thus, fighting corruption will become a permanent item of public expenditure.

Strategies to fight corruption do not reside solely with criminal justice but rather should also be coordinated with economic and social policies and the development of civic political culture."

This is what our UPA Government is trying to do. I congratulate the Chairperson of the UPA; I congratulate the hon. Prime Minister for the landmark and unprecedented legislation that they have brought about in the last few years ...*(Interruptions)* Let the nation know what this Government has done. This Government has brought about the Right to Information Act. We brought it. We are the ones who introduced the Mahatma Gandhi National Rural Employment Guarantee Act. These are the social and economic measures that we are taking. We had introduced the Right to Education Act and passed it. We have introduced the Food Security Bill, the Land Acquisition Rehabilitation Bill. On the Administrative side, a Group of Ministers is being set up to do away with the digression of Ministries. The Citizens Charter in the Grievance Redressal mechanism is being considered. It is this Government, in the history of this country, which has brought about unprecedented legislation for the future of this country, which has brought about unprecedented legislation for the future of this country.

The sad part, Sushmaji, is that you are a marvelous orator; there is no doubt about it, but your ideology is to destroy and not to construct. In the course of your entire speech you have not given one constructive suggestion. In the course of the entire one and a half years that we had been having a dialogue, not only with political parties but also with civil society, the BJP's refrain had always been that let the Bill come to Parliament and then we will respond. That is all what you have said. You have never, in the last one and a half years, given a single constructive suggestion that you have to fight corruption. The intentions are quite clear - you do not want to fight it, in fact, you want to embrace it when you are in power. This fight for corruption is only meant those who are outside so that you can take political advantage. Sushmaji, please do not do this. The BJP should not let the country down, support the Lokpal Bill and have a Lokayukta in your State.

MADAM SPEAKER: The House stands adjourned for lunch to meet again at 2.15 pm.

13.43 hrs.

*The Lok Sabha then adjourned for lunch till  
Fifteen Minutes past Fourteen of the Clock.*

14.18 hrs.

*The Lok Sabha reassembled at Eighteen Minutes  
past Fourteen of the Clock.*

[MR. DEPUTY SPEAKER in the Chair]

THE LOKPAL AND LOKAYUKTAS BILL, 2011

THE CONSTITUTION (ONE HUNDRED AND  
SIXTEENTH AMENDMENT) BILL, 2011

**(Insertion of new Part XIVB);**

AND

THE PUBLIC INTEREST DISCLOSURE AND  
PROTECTION TO PERSONS MAKING THE  
DISCLOSURES BILL-2010 – *Contd.*

[Translation]

SHRI MULAYAM SINGH YADAV (Mainpuri): Mr. Deputy



[Shri Mulayam Singh Yadav]

Speaker Sir, I am glad that whenever I speak you are in the Chair.

Sir, a very important discussion is going on today in the House and the whole country is looking at it. The whole country is thinking how to get free of this corruption. People expect that this Bill will end corruption but it doesn't seem that corruption would end at every level in the whole country. This Bill also has some drawbacks and if so, there is just one solution that all the suggestions which have been received, should be accepted then Lokpal Bill will become a strong Bill. I would like to say about Lokpal that Lok Sabha represents the collective aspirations of countrymen. Therefore the democracy which has been adopted is greater than Lokpal. It has to be remembered that democracy is greater than Lokpal. In democracy we put forward our ideas, therefore I would ask the Leader of the House to listen what the opposition says, now it is his wish, he should accept what he thinks is right, and not to accept what he thinks is inappropriate. Criticism always benefits. If you understand what is your weakness than it might be possible that you can rectify it. If it is seen in this light, in real sense opposition makes the Government strong. But I have seen often that when someone from opposition speaks, Government gets angry. Why Government gets angry when they are so powerful. We know Government has some very powerful tools. If we get annoyed, it will not affect the Government in any way, but if the Government gets annoyed then we will certainly be affected. It has been seen many a times.

Mr. Deputy Speaker, Sir, I appeal to the Government that Lok Sabha represents the collective aspirations of countrymen therefore people expect that law will be made in their interest. Government must think about it. I don't hesitate to say that this Lokpal and Lokayukta Bill has completely disappointed people. They may feel it or not, that's a different issue because Government, has thousand hands. It has also been observed that Government has been very disturbed over Lokpal. We are observing that injustice is being done by present Government and various other State Governments, whichever party they may belong to. How corruption would stop if this happens.

Even we Parliamentarians who sit here are reproached. We fear public because we have to be among them again. That's why all the MP's and MLA's fear public. This is the reason why Parliamentarians are not involved in corruption. Corruption is in bureaucracy, where ministers work, Governments run. Whether Union Government or State Government, corruption is there. Corruption moves from higher to lower level not from lower to higher level. If all of us sitting here have clear image and no one can raise a finger against us only then corruption will end. If objections are raised against us, how corruption would end, this must be remembered. Today such an extensive discussion is taking place with the full participation. We were not that prepared. But when Kapil Sibal ji was speaking, he referred to many legal aspects. He knows law very well because he is one of the best lawyers in the country. He must have gone through this Lokpal Bill. We also know that Chidambaram ji also must have gone through this Lokpal Bill. At least Law Minister must have gone through this. He's also a famous lawyer.

I mean to say that the purpose of bringing Lokpal is not getting fulfilled. Because its not a strong Bill. How it would be determined that action will not be taken or has not been taken to take revenge. I don't want to go in details but there are dozens of such cases where people have misused power while in Government. Corruption is from higher to lower level not from lower to higher level. We can win the confidence of public only if good people who are sitting here are not suspected. Otherwise we have lost the faith of public. People are losing their faith in our representatives, Members of Lok Sabha. The constitution and working style of Lokpal, everything is according to the party in power. Whether Sushmaji said somewhat clearly or not, but she at least pointed out that ruling party did everything according to their own wish. Whether it is Kapil Sahab, or Salman sahab or Chidambaram sahab they have made Lokpal Bill according to their own wish. They did what they considered to be in their interest, in Government's interest, not in public interest. If this Bill remains in this form then it is of no use, neither can it curb corruption. If it paves way in public interest, then corruption can be stopped. I want to say that the proposed amendments should be accepted, if they are not

accepted" than Lokpal will face the same allegations which CBI faces. Hon. Kapil Sibal ji listen I am saying the truth that Lokpal will face the same allegations which CBI faces. The Government is saying that there's no favouritism, if it is not according to Government's desire than there will be five persons in Lokpal, where are five persons, who the members are. Three are under Government and where their report will go? The question is where examination should be done? Where its report should be sent? The report of examination should be sent directly to court. Not to Lokpal, Lokpal should only examine and the report of examination should be sent directly to the court. If the report goes to court then people will trust the Government. It is our amendment, the Government should accept it and if they are not including our amendment then they should accept what we are saying as our amendment. Therefore I would like to ask Kapil Sibal ji to please accept this amendment of ours that report will directly go to court not to Lokpal.

The constitution of Lokpal should consist of Prime Minister, Speaker, Leader of Lok Sabha, Leader of Opposition in Lok Sabha, Leader of Opposition in Rajya Sabha and Chief Justice of India. In the present frame of constitution of Lokpal party in power has more authority which is inappropriate and unacceptable. This should be done and this is also our demand, we want to tell the Government that in the constitution of Lokpal Prime Minister, Speaker, Leader of Lok Sabha, Leader of Opposition in Lok Sabha, Leader of Opposition in Rajya Sabha and Chief Justice of India should be there in present frame. But it has more of Government dominance. The constitution of Lokpal we want will not have any possibility of allegations on the Government. We want that the Government should be appreciated; we want them to win in elections we don't have a problem with that but all the people sitting here want that at least a strong law, strong Lokpal Bill should be made. This is not a strong Lokpal, this is all I want to tell you. It will not stop corruption.

Similarly the appointment of director, CBI and CVC should be done on the lines of proposed appointment of Lokpal. Lokpal, CVC and CBI should get full autonomy in their administration, budget, transfer and posting and they

should be autonomous. In absence of this these institutions will become handicap and every time they will have to look towards the Government. I think you should think on it seriously.

I am going to read this out, it is very important. I am reading out this written matter so that I can give full details for your knowledge.

Sir, I would like to submit to the Government through you that the Government should accept the worthy suggestions and amendments of the opposition on Lokpal Bill. The Government will have to remove the political and economical corruption throughout the country, this is the voice of the people of this nation, youth, students, lawyers and all the sections of the society. The people of this entire nation have wished for it and have expectations from the Lokpal Bill that now it will curb the corruption. But the provisions made in the present Lokpal Bill will not curb the corruption. I am witnessing it myself, how strong it has been made? There is no use if they will not get rights for posting as also other rights, which are not included therein that they will do posting and transfer etc, all this is not mentioned in the present Lokpal Bill. The people of this country and even the Government at heart do not agree this bill. I don't think that the Government do not want this. The bill introduced by the Government is a weak bill, but now when it has been introduced in Lok Sabha, it may be strengthened. If it is made stronger then it will going the Government more respect and more trustworthy amongst people and the Government will become more stronger. It will not give strength to us rather the Government will be more strong. But the Government get annoyed with criticism whereas this annoyance is not good. As I have said earlier that we will have to suffer due to this annoyance and we have even suffered. Whereas our disagreement makes no difference to the ruling side. If there is such a huge difference then the Government should act after duly considering there upon, they should pay heed to what we say and should accept the amendments. Today, people are dissatisfied, annoyed and disappointed with the political parties, Parliament and the existing system. In today's scenario there is dissatisfaction among people particularly in youth towards all of us, the representatives



[Shri Mulayam Singh Yadav]

of public or the bureaucrats. There are many reasons for it as such unemployment, soaring prices and corruption etc. due to which there is great unrest among people. I support the Government on this. This discussion is going on for three days which is not ordinary. It is a historical discussion. I thank you for giving three days to discuss on Lokpal Bill. As only the leaders themselves used to speak and could not think someone can suggest better than the leaders, however other than the leaders many Members of Parliament will get the opportunity to speak on it.

The other fact I would like to say as I have said in the starting itself is that Democracy is larger than the Lokpal. But, I will tell the truth, though the Government may disagree to it, this is a Government's bill, it is not Lokpal Bill. It is entirely a Government's bill. No rights are being given such as, independent autonomy in rights, but there is no such thing. Therefore, I would conclude my point in a brief way, as enough has been said from this side and from Government side. But, I have mentioned to the point facts before you. I will thank you if you accept it, we will thank the Government amongst the people. But, it will be beneficial for the Government to accept the amendments suggested by the opposition to be made in the Lokpal Bill introduced in the House in its existing form.

With these words I conclude.

SHRI DARA SINGH CHAUHAN (Ghosi): Sir, today all the people of this country are watching the proceedings of the Parliament, people in other countries might also be watching it as well, from the very beginning today strong Lokpal been the topic of discussion in this Parliament. The Lokpal bill has not been introduced in the Parliament for the first time, it has been presented in the House for the 11th time, which is being discussed today.

Sir, our party, our leaders have been asserting from the beginning that a strong Lokpal is required to eradicate corruption. I would like to say that unless the Government bring a strong Lokpal, I am of the view that the people of the country cannot forgive them. This is a strong Lokpal, I respect Baba Bhimrao Ambedkar Saheb, the founding

father of Indian Constitution, who has entrusted us the document of the constitution, he has framed all the statute to eradicate corruption from the country, but, if the Government and others consider the Lokpal bill from the election point of view, we would never be able to bring in a strong Lokpal nor we will be able to make strong Lokpal. Therefore I want that we will have to seriously discuss Lokpal by keeping aside our election point of view, then only we can make strong Lokpal.

Sir, all the Constitutional posts and constitutional institutions had been discussed in the House that great Presidents, Judge have been appointed here. I would like to say that by appointing someone in the name of constitutional post only, you cannot behave with the poor, helpless and vulnerable people of this country in disrespectful manner and cannot make them helpless, it cannot be done. I was listening to it when the leader of opposition was saying that someone became the President, Judge ...*(Interruptions)* You may listen to me.

Sir, while some of the Members of Parliament were trying to speak on the point of reservation and this question was raised that amendment should be made in the Constitution with regard to 50 percent reservation. When the question of reservation to minority was being discussed then a voice came from one side that there Muslim, many of my colleagues might have listened to it. I think that this voice has been hushed up, these Muslim, may go to Pakistan. Sir, I want to say that the Muslim of this country...

AN HONOURABLE MEMBER: No one said so.

SHRI DARA SINGH CHAUHAN: No, it was said, what are you talking about ...*(Interruptions)* Sir, the Muslims of this country ...*(Interruptions)*

MR. DEPUTY SPEAKER: Be quiet please. Let him speak.

...*(Interruptions)*

SHRI DARA SINGH CHAUHAN: Sir, the Muslims of this country...

SHRI GANESH SINGH: Dara Singh Ji, you may check the record, it is not even in the record.

SHRI DARA SINGH CHAUHAN: No, the voice came  
...(Interruptions)

SHRI GANESH SINGH: No one said anything  
...(Interruptions)

MR. DEPUTY SPEAKER: Please take your seat.

SHRI DARA SINGH CHAUHAN: Alright, Mr. Deputy  
Speaker Sir, will look into it. ...(Interruptions)

MR. DEPUTY SPEAKER: Please, take your seat.

...(Interruptions)

MR. DEPUTY SPEAKER: Nothing will go on record,  
only Dara Singhji's statement will go on record.

...(Interruptions)\*

SHRI DARA SINGH CHAUHAN: It was said if it is not  
in record that is a different matter ...(Interruptions) It is  
alright ...(Interruptions)

MR. DEPUTY SPEAKER: Dara Singhji, do not look  
there. You may address to the chair.

SHRI DARA SINGH CHAUHAN: Sir, I would like to  
say that the Muslims of this country have sacrificed their  
lives for the freedom of this nation ...(Interruptions)

MR. DEPUTY SPEAKER: Be quiet please. Let him  
speak.

...(Interruptions)

SHRI DARA SINGH CHAUHAN: I am talking in respect  
to them only. The muslims of this country have sacrificed  
their lives for the freedom of this nation.

Ashfaq Ullah Khan to Veer Abdul Hamid have made  
supreme sacrifice for the pride and honour of the nation  
while keeping bomb on their chest. Even today we are  
doubling them in this country. Bahujan Samaj Party totally  
disagree with it, Bahujan Samaj Party oppose this. Mr.  
Deputy Speaker, Sir, as far as the question of reservation  
is concerned ...(Interruptions)

\*Not recorded.

MR. DEPUTY SPEAKER: Be quiet please.

...(Interruptions)

SHRI DARA SINGH CHAUHAN: Mr. Deputy Speaker,  
Sir, since the question of reservation had been raised, so  
I have said in the beginning that we will have to seriously  
consider upon Lokpal, while keeping aside election point  
of view, only then strong Lokpal can be made in this  
country. As it has been heard that 4.5 percent reservation  
has been given to muslims through an ordinance, I would  
like to say that amongst the 27 per cent backward people  
of the society, atleast 30 to 35 castes of muslims included  
therein which itself constitutes around 3.5 per cent.  
Particularly in Uttar Pradesh there is Bahujan Samaj Party's  
Government, honestly our leaders have given them rather  
more benefits than 3.5 per cent and it has been given in  
all the sectors ...(Interruptions) You may listen to me.

MR. DEPUTY SPEAKER: Silence please.

...(Interruptions)

SHRI DARA SINGH CHAUHAN: At least please listen  
...(Interruptions)

MR. DEPUTY SPEAKER: Please address the Chair,  
not the Member.

SHRI DARA SINGH CHAUHAN: 3.5 per cent Muslims  
already comes under other backward classes. They want  
to hold discussion on the Lokpal bill, by keeping vote  
bank politics in mind. Therefore, I would like to state that  
while handing over the constitution, Baba Saheb had said  
that whatever the policy may be but if intentions are not  
honest ...(Interruptions)

MR. DEPUTY SPEAKER: Please sit down.

...(Interruptions)

MR. DEPUTY SPEAKER: Please speak on the subject.  
Do not lay emphasis on those points. Come to the point.

...(Interruptions)

SHRI DARA SINGH CHAUHAN: Mr. Deputy Speaker,  
Sir, I can say this with challenge. Their Government had

[Shri Dara Singh Chauhan]

been in power and our Government had also been in power. What happened in police recruitment. The hon'ble Minister of Home Affairs is a witness of the manner in which police recruitment was conducted in Uttar Pradesh. Recruitment in such a fair manner never took place in the entire country. I would like to say it with full guarantee and it can be established in a probe. I would like to say that as far as the issue of bringing Lokpal is concerned, if the Governments had worked with pure intentions during the last 63 years, the scenario of corruption prevailing in the country would not have existed. It would have been uprooted. As far as CBI is concerned, group C and D employees are concerned. I would like to say that the Government has made provision to appoint a separate Director for CBI, by carrying out amendment in the Delhi Special Police Establishment Act, 1946. But on whose orders will his subordinate staff working. Whether it will follow Lokpal's orders or the Government's orders? This is the biggest question. That is why we are not in favour of a strong Lokpal. CBI has been regularly misused. It is not so that it has been misused only by this side or that side of the House but it has been misused by every party. I would like to say that the CBI has always been misused and our Chief Minister of Uttar Pradesh is its victim. The conspiracy was hatched against her in the CBI and the CBI has been misused by many political leaders for gaining political mileage. Therefore we demand the CBI should be kept under the preview of Lokpal, then only strong Lokpal can be enacted, otherwise Lokpal will have no teeth.

As far as the issue of group 'C and 'D' employees is concerned, inquiry will be conducted against petty employees. Lokpal will only see the case and will give a direction as to whether inquiry should be conducted or not. The inquiry will be conducted by the CVC. It will submit the report in regard to action required to be taken against the said employees and in the end, it has the right to submit the last report. No other right has been given to Lokpal. As far as the issue of ordinary employees is concerned, it is being said that corruption is flourishing at the lower level. The Citizen charter which is in force in Uttar Pradesh is a time bound programme. It has got a provision to penalise the employee if he does not

accomplish his work within the time limit ...*(Interruptions)*

MR. DEPUTY SPEAKER: Let him speak. Please be calm.

...*(Interruptions)*

SHRI DARA SINGH CHAUHAN: Mr. Deputy Speaker, Sir, I would like to say that while framing the constitution, Baba Saheb Bhim Rao Ambedkar had made a mention of federal structure. He expected that federal structure will not be tampered with while complying with the constitution. But I understand who ever had been in power at the centre, has been weakening the federal structure. Many states would have appointed Lokayuktas but most effective initiative in regard to appointment of Lokayukta has been taken by the State Government of Uttar Pradesh ...*(Interruptions)* I would not like to name as to Lokayukta of which state has submitted what kind of report? But no action has been taken on reports submitted by Lokayuktas of other states. However the Chief Minister of Uttar Pradesh, Bahen Mayawatiji had complied with the orders of Lokayukta without causing delay of even a second ...*(Interruptions)*

MR. DEPUTY SPEAKER: Please be silent. Let him speak.

...*(Interruptions)*

SHRI DARA SINGH CHAUHAN: Our party recommends a strong Lokpal, because corruption should be eradicated from this country. Through you, I would like to state that federal structure is mentioned, but they want to have control of the entire state. I understand that the constitution framed by Baba Saheb is being insulted. He said that federal structure should not be damaged but today federal structure is being weakened. I am saying all this because when you people go for elections, you propagate that the Union Government allocated so much money, but it is not being spent? From where the money came? Hon'ble Kapil Sibal was saying what is Delhi having? Everything is in the hand of a State Officials and officers are appointed by State Governments. When the Union Government is not having any thing, then in what capacity it claims that they have allocated funds to the

states. With what right these people say that they have allocated funds to the states. From where are these funds coming?

The hard earned money of the people living in states is collected in the form of taxes. The centre gets money from the states in the form of taxes. It is our contribution, it is our money and they say that they have allocated money ...*(Interruptions)* From where have they brought the money? Hon'ble Prime Minister is present here, he may give clarification in his reply. I would like to ask whether this money does not belong to the country, the states? Whether they have brought it from foreign countries as they claim it is their money ...*(Interruptions)*

MR. DEPUTY SPEAKER: Speak on the Bill.

SHRI DARA SINGH CHAUHAN: The money has not yet arrived from the foreign countries. They provide us money collected from us only and claim that it is their money.

Therefore Mr. Deputy Speaker, Sir, through you I would like to appeal that Bahujan Samaj Party wants to give a strong Lokpal to the country and the manner in which the CBI is being misutilised the State Government should be left to Lokayuktas in order to strengthen the federal structure. If State Government's rights are encroached, the federal structure will be weakened. Therefore, the Lokpal bill brought by the Government is not at all a strong Lokpal Bill. As far as discretion is concerned, the hon'ble Minister was saying that they have abolished the authority to use discretion. What discretion have you abolished? Had the Supreme Court not intervened probably, the authority to use discretion would not have been abolished. They are saying that they are bringing the Food Security Bill. They are in power for the last 63 years, and today they are talking about Food Security Bill by showing people the fear of hunger.

MR. DEPUTY SPEAKER: Do not interrupt each other.

...*(Interruptions)*

SHRI DARA SINGH CHAUHAN: Mr. Deputy Speaker, Sir, if the Government wants to bring a strong Lokpal, we

will favour it. We will support it and the way they are misutilising CBI, it seems that there are doubts in their mind. We also doubt that the strong Lokpal bill cannot be enacted so long as they remain in power. If they bring a strong Lokpal, they will include small employees in it, will bring CBI under its ambit. Bahujan Samaj Party will definitely support it, otherwise it will oppose the Bill. With these words, I support you.

SHRI SHARAD YADAV (Madhepura): Mr. Deputy Speaker, Sir, today's discussion is about the biggest problem of this country, i.e. corruption. You want to enact the Lokpal legislation. This has been widely discussed here both in the Parliament and outside Parliament that this legislation had not been enacted for the last 41 years. Lokpal is pending for the last 41 years. Today I will not show the darker side, but I stand here to show the brighter side of the country. This bill was neither brought by Jawahar Lalji nor by Indiraji, V. P. Singh or Atalji, but we have brought the bill. When we brought the bill, we discussed it with the people who are staging agitation in this regard. All of us all the parties took up the matter with them. We did not discuss it with them earlier, but did it later on, that was OK. Entire machinery was engaged for it. It is the misfortune of the country that this country is entangled in a very big problem for the last 60-62 years and this problem is of language. Today, Kapil Saheb was speaking in Hindi. But one of the reasons behind all this chaos is the language. When the country remained a slave for many years, Urdu and Persian were the official languages. After that at the time of feudalism, Sanskrit was the official language. After independence, this language is the official language. Sushmaji and Kapil Sibal Saheb expressed their views in detail by quoting legal and other facts. Kapil Saheb is well versed in law. He did not get entangled here, he is playing tricks and bringing it under section 253 by totally by passing the spirit of the constitution. What do you think that people sitting in the House and the people of the country do not understand your tricks.

I know it very well what is in your mind. I also know as to why this bill is being brought. You have brought around 2.5 lakh Group 'A' and 'B' employees under its ambit, have you discussed it with them? There are 53 lakh

[Shri Sharad Yadav]

Government employees. Have you discussed the matter with them? The brighter side of the matter is that whatever work has been undertaken in the last 63 years, it has been done by politicians, bureaucrats and employees. Somebody termed a large section of the population of the country as dishonest.

Mr. Deputy Speaker, Sir, I have been a Minister for 4-5 times. If I have not been involved in any corruption scam till date, it is due to the honesty of bureaucrats. Were all of them dishonest. Just now, Mulayam Singhji was saying that a lot of anger is prevailing against us. The anger is because of unemployment, poverty, price rise and corruption. He is right. Politicians and bureaucrats are definitely involved in corruption. I agree that development has reached to a few cities only, not to all the rural areas. But it is wrong to say that development has not reached anywhere. Suppose it has reached to only 2.5% people, who has done this? These so called corrupt people have done it. Are all of them corrupt? This is 15<sup>th</sup> Lok Sabha. Are all the politicians corrupt? It also includes Dr. Lohiaji, Madhu Limayeji, Acharia Kriplaniji, Lal Bahadur Shastriji and Shri Atal Bihariji also. How many people should I count? I can tell the House the names of so many persons who never got indulged in any kind of wrong doing in their live. Kabir has said - *jhini jhini bini chadariya, das kabir jatan se odhi, jas ki tas dhar dini chadariya*". Many such people are living today. However it is unfortunate that the country remembers only those who have passed away. In history it is necessary to remember those who have died however a person should be rewarded, get fame and respect while he is living, which he never gets. It is a piquant situation. Who are the agitating people? They are tribals, dalits a person from backward class, minority or a farmer who are they? Whom are you afraid of? Who is ruining the country? The Government has introduced a lamentable bill. When Sushmaji asks for making amendment in the Bill, you take refuge in several clauses of law. Today you have to explain us about federal structure and your international obligation.

**15.00 hrs.**

It is correct that first you are inviting a trouble by introducing this Bill, and then finding a way out. It is

mandatory, it is an infringement of rights of the States. We do not approve of it. We have Lokpal in our country. You were saying that the State Governments do not take any action. Can you name those State Governments? I myself had to face the ire of Chief Ministers and was put behind the bars but I can't say anything against them even today. There was Shri D. P. Mishra who sent me behind the bars. And you are saying that no action is taken in the States. Every time thousands of tribals gathered in Chhattisgarh in which scores of people were killed. However Late Shri D. P. Mishra solved this problem. Shrimati Indira Gandhi risked her life for protecting our country. Punjab was devastated but she made efforts to protect Punjab by risking her life. Are all the hon. Members, who are elected to the 15<sup>th</sup> Lok Sabha, dishonest, and are all the Government employees and officers dishonest? If corruption is prevailing then the Government should find a way out. We have democratic set up for the last 63 years and if some problems are cropping up then there is no need to panic and be ready to do anything spontaneously. Not only you, several other leaders are also sitting here, I have not uttered even a single word saying that the Lok Pal Bill should be passed ...*(Interruptions)* Then we forget everything our viewpoint gets derailed. The people, who were, responsible for transforming the world, suffered a lot but they remained firm on their decisions. Similarly, this Parliament will not compromise and would do anything. It is not that amendments have been made with bad intention. I have not suggested any amendment as I know that you are not going to accept it. However the members of the Communist party can't stop themselves from giving suggestion. Shri Basu Deb Achariaji, they will not accede to our demand. First you will not admit the amendments which we give because you have already decided and I feel that it is not your fault. You are trying to save the skin.

Shri Pranab Babu spoke the other day and I understood his anguish when Shrimati Sushmaji asked the Government why they are bringing this bill under Article 253 instead it should be brought under Article 252. He replied that our job is to enact the bill and the rest will be dealt by the courts. Whereas Sushmaji was telling the Government that it must be brought in a proper way lest it be quashed by the Supreme Court. When he was



speaking I understood that the Government is trying to avoid the situation, the poor old man is overloaded with the job and there is no other person in the Congress Party to deal with such a situation.\* If you will go on overloading a person with so many tasks he will definitely give in. The same happened in this situation and all the other people have harassed him. This government is in pitiable condition. It is in tatters ...*(Interruptions)*

MR. DEPUTY SPEAKER: Any unparliamentary expression will not be recorded.

...*(Interruptions)*

SHRI SHARAD YADAV: Shri Kapilji, I would like to tell you that good works have been done on a number of occasions in this state earlier also and a lot of good works are underway but you are not ready to remember them. I am not talking about the other parties but the Government is formed by my party. I know how many officers, the corrupt people, the mafia have been arrested, no one is outside the jail. Whereas during the reign of other party such people were let loose, now you cannot even name a one person who belongs to mafia. You have introduced the institution of Lokpal now but in that state the property of a lot of people has been confiscated. The schools are functioning there and you do not know anything. Do you not know? You know everything but you have become so much narrow minded that you overlook the goodness in other people. You must remember that a country cannot advance if people ignore goodness in others. The people should not do harm to others and instead fight against the evil and if there is goodness they must appreciate it and promote it.

The Government has brought this Bill. The people of the entire country have been agitating for the establishment of Lokpal. I do not know from what circles this demand is being made and why it is being made? They say the institution of lokpal is meant to fight against corruption. I would like to tell you that I have raised the matter of corruption a number of times against so many people here in the house. Perhaps no other person has raised so many matters of corruption. A number of people are behind the bars in the case of 2G spectrum. We have been raising

\*Not recorded.

this issue for 2 years. Likewise, we raise the issue regarding grainery, export, sugar, fodder, minerals etc. I also raised the matter regarding Goa, so it is clear that a number of cases have been raised by me. Is it not a fight against corruption? The day the leaders of this movement held a sit-in at Jantar Mantar, the members of all these parties in parliament got together ...*(Interruptions)*

MR. DEPUTY SPEAKER: Silence Please.

...*(Interruptions)*

SHRI SHARAD YADAV: If you give me time, I will speak on that matter also. When they held a sit-in, I also paid a visit and spoke my heart out there and here also I am speaking my heart out. It was by dint of our efforts that on the fifth of April, 27 people were put behind bars. All the movements are good. They always lead to good pathways but what can we say about this movement. Shri Laluji you know that CAG had given its report regarding 2G scam. At that time all these parties including you, Shri Advani and all of us who are sitting in this house went before the people. You know how many reports of the CAG come after and. Once we held up the proceedings of the house for setting up of JPC. It was set up but no one raised this matter now. You people did a lot of work against corruption and achieved a lot but no discussion was held. The CAG submitted its report regarding Air India. You know that in commonwealth games scam a single person Shri Suresh Kalmadi is behind the bars but he is a small fry.

The ring leader still roams scot - free ...*(Interruptions)*  
We ...*(Interruptions)* The ring leader is roaming scot-free and has been smiling upon us. He is making merry ...*(Interruptions)* There has been some momentum against corruption ...*(Interruptions)*

MR. DEPUTY SPEAKER: Hon'ble Member, please conclude.

SHRI SHARAD YADAV: Mr. Deputy-Speaker, Sir, I am elucidating the case which is factual. All other issues were put on back burner due to it. We were involved in good work. We and outside people got involved in such work, but what is the outcome? All the efforts went in vain. What happened to Lokpal. The CBI was discussed here many

[Shri Sharad Yadav]

a times, that it is very bad. I also raised the issue many a times. The CBI has got biased attitude in regard to political cases. It is not only their fault, but the politicians are also at fault in this regard. You have handed over maximum responsibility to CBI, but it did not discharge its duties properly, I am not ready to accepted it. CBI has done many good works. All anti-corruption rights are with the CBI. It has got full right to take action against a peon to the Prime Minister in regard to corruption cases. I want to say that if the country has to tackle corruption, it can take up Lokpal at later stage. First of all give autonomy and power to CBI, then see how the country makes progress? Corruption cases were handed over to the CBI. It discharged its duties very well in cases where politicians were not involved. What it can do in cases where politicians intervenes. In how many parts are now dividing the CBI? By how many people will it be needed? Whether it will be under Lokpal or the Central Vigilance Commission? The Minister of Home Affairs and Ministry of Home Affairs also look into its working. Shri Chidambaram Saheb looks into its working. The country is paying cost for the cases looked into by him. The entire country is paying the price for his inexperience ...*(Interruptions)*

**15.12 hrs.**

[SHRI FRANCISO COSME SARDINHA *in the Chair*]

How did he deal with the agitation? I would like to say that he unnecessarily intervened in the protests staged by Swami Ramdev to Shri Anna Hazare. Today, the entire House, entire country is assuming that corruption will be uprooted from entire country by enacting Lokpal, as if it has got the magic wand. During the 63 years of independence, all kinds of problems have emerged. The caste system is the biggest flaw in this country. All kinds of problems emerge out of this caste system. Sushma Ji was saying that a Muslim has been included into it. Whether you will incorporate the reality of this country while enacting Lokpal Bill or not? You have not done it in 60 years? Whether there is any Dalit Judge in the Supreme Court, any Dalit Chief Justice in High Courts? Whether any backward class person is holding these posts?

[English]

MR. CHAIRMAN: Please address to the Chair.

[Translation]

SHRI SHARAD YADAV: Lokpal is being enacted. It will have four judicial members. Whether it is easy? Sushmaji was saying that it has not been decided by the Government but in all party meeting that the weaker sections will get representation in it. This is not reservation, but representation. In case the Supreme Court denies representation, whether we have right to amend or review the Constitution or not? Whether Supreme Courts give all good decisions? Why do you want to listen it from me? We know what we had gone through, when we were imprisoned during the emergency. I am not saying that all our works are good. But whatever good deeds we have undertaken during 63 years of independence, have led to all these problems. The biggest problem is that the country is divided into small parts due to prevailing caste system and it is sheer hypocrisy. The caste system will also cast its shadow on Lokpal. You cannot check it. The people will demand to incorporate ground reality in it to prevent the over casting of caste shadow on it. I would like to urge that the 253 case is the clear violation of Constitution. Sushmaji has moved the amendment. Please accept it, accept rest of amendments also, do not make it a prestige issue. You have not prepared it properly, while preparing it you have scratched your head. You have violated the Constitution. You have not properly drafted the Lokpal Bill. It is not only our fault A lot of confusion has been created. I am not commenting on media-house owners and the journalists sitting with us in the gallery. There is no other discussion in this country round the clock. They are busy in showing personal life of people, who has woken up, who went to sleep, who has gained weight, who is suffering from cold. Alas, what has happened to the country. What have we brought by sitting in the Parliament ...*(Interruptions)* Mulayam Singh Ji was saying that this is not right. Sushma Ji was saying that this is not right. Dara Singh Ji says that a more powerful Lokpal Bill should be brought ...*(Interruptions)*

SHRI DARA SINGH CHAUHAN: The CBI is being misused ...*(Interruptions)*



SHRI SHARAD YADAV: I am saying that it is being misused in case of political persons. It has arrested many criminals. Many people are working honestly in it. Whenever any problem arise in any area, people say get CBI inquiry conducted. We are struggling for many days to rectify shortcomings in it. You are asking for strong Lokpal Bill. The people are talking of bringing CBI under Lokpal ambit.

SHRI DARA SINGH CHAUHAN: The CBI should be autonomous ...*(Interruptions)*

SHRI SHARAD YADAV: I am saying that, give autonomy to the CBI. Nothing more is required, strengthen it and recruit more employees in it. There are so many pending cases in the country. Have you ever imagined, the number of cases likely to get pending before the kind of Lokpal being enacted by our people. Whether all pending cases will be disposed off with the enactment of Lokpal? Around 10 thousand cases are lying pending with the CBI. When Lokpal is enacted the cases will also come before it, whether those cases will be disposed off. What kind of court will be set up? From where will the funds come? Whether all funds will be spent on it only? Corruption is a problem, but development is also a problem. How many more laws do you want to bring? Will you be able to bring development in this country by entangling everything in the legislations? At present, no development is taking place. If more legislations are enacted, Manmohan Ji, the development will be completely halted. All the economic measures being taken by you on the lines of foreign countries. Europe and USA, will come to halt. Nobody will work. Then why should one become MP and officer ...*(Interruptions)*

[English]

MR. CHAIRMAN: Please wind up. You have made you point.

...*(Interruptions)*

MR. CHAIRMAN: You please sit down.

...*(Interruptions)*

SHRI SHARAD YADAV: Why would anyone prefer to

be an MP or an officer? Tell me who would do the work of an elected member. The bureaucracy will have the fear of the Lokpal and Lokayuktas. You have brought the Right to Information Bill. You have been patting your back as if you have done a great deed ...*(Interruptions)* Whole administration is fed up with it. The officers are devoting half of their time in collecting information from years old files The ruling class of our country does not know the ground realities, whatever they learn from the European countries they try to implement it in our country. What can an elected member do?

Mr. Chairman, Sir, what will you do? Will anybody pick up your phone? Nobody would like to get trapped. Will the officer do any work? ...*(Interruptions)* It is very strange. You are saying that irregularities are committed while constructing roads, hence permanent roads should not be constructed. Similarly, you are saying we should not generate electricity as there is theft and should stop awarding contracts as irregularities are committed whenever any work is given on contract. In which direction are you leading the country ...*(Interruptions)* In which direction the country and its citizens including ourselves are moving? I would like to tell that there is a need to discuss this issue in detail. I would like to say one thing that I am not the one who knows the law. I was an engineer but destiny brought me here. The most truthful man who was born in this country was Kabir.

He said:

"Tera mera manva kaise ek hoi re,  
tera mera manva kaise ek hoi re

Tu kehta hai, kagaz dekhi,  
mein kehta hoon aankhan dehi,

Mein kehta hoon, suljhanhari,  
tu kehta hai uljhanhaari,

Mein kehta hoon suljhanhaari,  
aur aap kehte ho uljhanhaari".

We are trapped in a labyrinth. Shri Kapil Sibal ji, you very well understand what I mean to say but a man who is under compulsion can never take hard decision, this

[Shri Sharad Yadav]

entire House is constrained. We need to defeat these constraints. Someone says we will be defeated in election while some says we will win the election. I have contested the election 11 times and several times I have won and several times I have been defeated. Suppose a law is being enacted which will ruin the country, then should we allow such a law to be enacted. Should we allow the country to get ruined? Let anyone do whatever he can but the country and the society will definitely move ahead and make progress. The country would remember what I have done for the progress of the country and society. Why you are not strengthening the CBI? We have been demanding since long that the CBI should be made an autonomous body which can function in an impartial manner.

It should not be so that it functions under your control and when our party comes to power tomorrow it functions under our control. They have their staff and institutional strength but you are over burdening it. This institution is accountable to a number of persons. Everybody is pulling the reins of this horse. So it is bound to go haywire ...*(Interruptions)* Lokpal has met the same fate ...*(Interruptions)*

Finally, I would like to say that you have not brought this bill after due deliberations. Though Sushmaji has not said it directly, however, she is also unhappy with this bill as I am. However as regards movement she is ...*(Interruptions)* Even I also support the movement. I went at Anna Hazare's fast venue on the first day and even today I went there. Some of my colleagues asked me why I went there. I told them that I addressed the supporters there the way I used to speak in the Houses and told Anna Saheb not to forget that 27 people were put behind the bars on the first day of his movement. Someone had wrongly informed him that 150 members here were criminals or tainted. When Lalu ji was in power a case had been filed against me also for snatching a watch and even today that case is going on. Some people are saying that we are corrupt but I would like to tell them that if we had been corrupt then the people would not have elected us. I have been a member of House for the last 37 years. Among us, many of us stand for justice so don't try to malign everyone.

Sibalji, you know very well that this bill has been brought in a very disappointed situation, then why are you doing this?.....Hon'ble Prime Minister, Sir, why are you doing this? It might be possible that passing this can cause harm to us but did our freedom fighters fight for independence with the aim that they would be benefited? We have to be firm at times for the interest of the country. Late Shrimati Indira Gandhi remained firm on her decision. She protected the country but it is not that she did not make any efforts. Her party has given birth to great stalwarts who have not hesitated in taking calculated risks as and when the need arose. The Lokpal bill which has been introduced today, is not a concrete bill. Nobody is ready to accept it and even those who are agitating are not accepting it. In this House, all the members including Smt. Sushma Swaraj has said that this is not appropriate, Dara Singhji is saying that it should be brought after considering all aspects ...*(Interruptions)* Bringing a strong Lokpal does mean that it should be brought under compulsion. Just now Shri Mulayam Singhji and Laluji have echoed the same sentiments. Hence this bill should be considered once again.

*[English]*

MR. CHAIRMAN: Please wind up now.

*[Translation]*

SHRI SHARAD YADAV: Why are you thinking that all the employees and officers are corrupt. If you consider them corrupt then how would they be able to work? You talk to me also, I am an MP, if we consider everyone as corrupt then no one would work for us. You are bringing this bill, but let me ask, if you bring this bill, can you put a stop to all these things? Has the 15th Lok Sabha to be closed. No, please don't do this. This bill has not been brought after considering all the aspects so it should be reintroduced after proper consideration but before that it should be ensured that the CBI should be made autonomous and we should see to it that it is functioning properly for curbing corruption in the country. I am sure, it will help in curbing corruption.

*[English]*

MR. CHAIRMAN: Hon. Member, please wind up. You have made your point.

[Translation]

SHRI SHARAD YADAV: Therefore, my humble request to all the members is not to get this bill passed as this Lokpal Bill is not appropriate and it will affect the entire country. I am not against this bill but I want that it should be introduced after detailed discussion. You are saying that you have consulted everyone, but you have not. You have included lakhs of employees in this, but didn't consult them. They are rewarded by the hon. President. You didn't consult anyone. You left out many people. My request is that it should be introduced after having discussion with everyone. You should bring a strong Lokpal Bill.

[English]

SHRI T.K.S. ELANGO VAN (Chennai North): Thank you, hon. Chairman, Sir. I rise to support the Lokpal Bill. On the other day also, I had made the views of my Party in this regard about the Lokayuktas.

Sir, the Constitution (One Hundred and Sixteenth Amendment) Bill is also presented in this House for insertion of new Part XIVB. ...*(Interruptions)*

MR. CHAIRMAN: Hon. Members, please maintain silence.

SHRI T.K.S. ELANGO VAN: Sir, Clause 323D (1) is sufficient and it will mandate the States to have their own Act for the establishment of the Lokayuktas. If we pass an Act for Lokayukta, then we are trespassing into the powers of the State. As a Member of the DMK, we are opposed to any trespassing into the powers of the State. I want to make this point to the Government. This Article 323 (b) itself is enough for the States to make law for the Lokpal.

There is a saying that if anybody has committed a sin, if he takes a dip in the Ganga, he will lose his sin. But last week, this House witnessed a debate on the pollution in Ganga itself. So, people say that we have no faith in this Government; we want an Ombudsman; we have no faith in the politicians; we have no faith in the CBI; and we have no faith in the established organisations which take care of such things. But a day will come, like as we were

discussing about the pollution in Ganga, when we will have to rethink about the Lokpal. So, this is a continuous, thing. People accuse everybody if that does not suit them. If it suits them, they will start supporting. But we have come to the stage when the Bill is introduced.

I have only two reservations to make. One is regarding Section 53 of the Bill. Section 53 says:

"The Lokpal shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed."

This gives a retrospective effect to the Lokpal. What were the other agencies doing for seven years? The Prevention of Corruption Act is there in force. But it only says that for the past seven years, no action was taken on crimes committed during this period, which is not good. My request is that it should not as if that the Government has not acted for the past seven years. This retrospective effect should be removed. This Act should be a prospective Act and not a retrospective Act.

Secondly, while I object to law-making in regard to Lokayuktas, I want to make a comment in regard to one particular Section, that is, Section 95. The section says:

"The Lokayukta shall function as the final appellate authority in respect of appeals arising out of any other law."

They cannot be a final appellate authority when there is the Supreme Court. How can it be a final appellate authority? It means, the accused, the aggrieved has no other way to prove his innocence. So, there should be an avenue for him to go on appeal against the Lokpal or Lokayukta or whatever it is. That provision should be made. This curtails the opportunity for any accused to go before a higher appellate authority to seek relief. With these two points, I once again request that you leave the law-making for Lokayuktas to the States and preserve the rights of the States.

[Translation]

SHRI BASUDEB ACHARIA (Bankura): Mr. Chairman, Sir, today people are waiting and listening to the debate being held in Lok Sabha the Parliament of India, as to how to tackle the biggest problem of the country, that is corruption, how to uproot corruption. This is a very big and serious problem being faced in the country. We have been waiting for so many days and are demanding constitution of a powerful and effective Lokpal. This is not being done for the last one year, but I remember when honorable Rajiv Gandhi was holding the office of Prime Minister in the year 1985, he called a meeting and I gave suggestions in regard to the duties and powers of Lokpal during the said meeting. But unfortunately, the Bill was withdrawn within two years of presentation of the bill and nine such bills have been presented in the House before presentation of the said bill on 22nd of this month. Eight bills were presented, one bill was withdrawn and discussion on these was never held. Today we are discussing the matter.

We are holding discussion on the said Bill for the first time. During the last session, we did not hold any discussion on this bill, because protests and demonstration were being staged outside the Parliament. We held discussion on three demands of Anna Ji. They were, it should be discussed in the House, the opinion of House should be taken and then it should be sent to the standing committee, j One issue out of these three issues was in regard to lower bureaucracy. Lower bureaucracy should be brought in its ambit after setting up appropriate mechanism. How the corruption cases against them will be investigated? They were demanding that the whole bureaucracy should be brought under Lokpal. This is a very big issue.

Second issue is of Lokayukta and the law in this regard was also enacted. But we understood that Lokayuktas will be appointed in States. Lokayuktas are appointed in many states. Lokayukta in Karnataka has the maximum power, I have seen it. The Lokayukta there has its own investigating agency, but there is no Lokpal at the Centre.

[English]

There is no Lokpal at the Centre. There are Lokayuktas in seven states.

[Translation]

Kapil Sibal Ji cited the example of West Bengal and Tripura, that there is no mention of bureaucracy in the law enacted there. Today we are holding discussion in regard to the nature of law to be enacted and the question being raised as to whether it will effect the federal structure? Will we weaken the said structure and I also raised the said matter on 22nd. You want to appoint Lokayukta under article 253. He made a mention of UN convention.

[English]

I quote:

"Each State party shall take the necessary measures including legislative and administrative measures in accordance with the fundamental principles of its domestic law, to ensure the implementation of its obligation under the Convention."

[Translation]

The law will be enacted in accordance with the Constitution. What kind of law will be enacted in State? We have moved an amendment to bring enabling clause in it and appoint Lokayukta under article 252. But the kind of situation prevailing in the country at present, the way people are agitated, I understand that there will be no state which will not enact a powerful, a strong Lokayukta. Therefore, the suggestion and amendment moved by me should be accepted. Keep the enabling provision and every State Government will appoint Lokayukta.

Sir, there are many shortcoming<sup>^</sup> in the bill on which we are holding discussion.

[English]

We demanded a strong, effective and credible Lokpal. In order to create a strong, credit and effective Lokpal, we should enact legislation accordingly.

[Translation]

But will we be able to enact it? Whether we will be able to constitute a strong, effective Lokpal with the Kind of bill presented before us. All party meeting was held three times.

[English]

We had three meetings; we attended three meetings and we gave a number of suggestions.

[Translation]

We did not give one, but many suggestion. One suggestion was how will Lokpal work in the absence of its own investigating agency,

[English]

Lokpal will be converted into a dysfunctional institution.

[Translation]

Whether we want this kind of Lokpal? Whether we have brought Lokpal Bill only for formality that the demand for Lokpal was made and we enacted the Lokpal? This kind of Lokpal will not be effective, the Lokpal will not be strong, it will not be able to work. Whether we will be able to constitute the kind of Lokpal required to tackle the corruption spread in the country with the provision of the said bill.

Therefore, the Government should not discuss it with a closed mind

[English]

but the Government should have an open mind.

[Translation]

If the Government wants to enact a strong Lokpal, it should accept our suggestions and amendments. The suggestive given by us have only one objective that a good and strong Lokpal should be enacted. It should have its own investigation agency. The Government has agreed

and he said it in the beginning that the Prime Minister himself wants to come under the ambit of Lokpal. He personally gave such statements that the Prime Minister himself wanted to come under the ambit of Lokpal. But we people said that it should be with some safeguards like internal security, national security and public order.

[English]

The Prime Minister himself wanted to come under the ambit of Lokpal. We had also given our suggestion. It should be with some safeguards like internal security, national security and public order.

[Translation]

Other three were also presented. This suggestion was presented in the All Party Meeting. But my suggestion is that it should be added in it.

[English]

If there is an agreement with the Head of the State of a country.

[Translation]

If any agreement in this regard has been signed with any country, it should come under Lokpal. Our objective will be fulfilled only then. It was a bone of contention from the very beginning. In the year 1985 also, the dispute was that whether the Prime Minister will come under its ambit or not. The lokpal bill was drafted, at the time when we were supporting the Government from outside and was presented in the House also, but discussion on it never took place. The Prime Minister was kept in its ambit every time. Therefore, we want that the Government should accept it. We gave suggestion asking

[English]

what is the genesis of corruption in our country?

[Translation]

From where does corruption begin? We transformed our policy in 1991 and adopted the new economic policy.

[Shri Basudeb Acharia]

[English]

If we compare post-reform and pre-reform period, we find that in pre-reform period there were incidents of corruption. We have seen Bofors scam to the extent of Rs. 67 crore. We have seen corruption amounting to 67 crore rupees. Entire country was shocked.

[Translation]

But till now we have not reached the conclusion. We have also witnessed Telecom scam but

[English]

after 1991, the dimension of corruption has already been changed. One after another we have seen share scams. The word scam was discovered during 1993-94. We witnessed scam of the order of Rs. 7,000-8,000 crore. Perhaps for the first time, the IPC was constituted to inquire into such a mega scam in our country. Then we witnessed 2G Spectrum scam. The then Communications Minister, the day he took over

[Translation]

he said no loss have been suffered. No corruption has been unearthed in it. Though the scam worth Rs. 1 lakh 76 thousand crore was committed. Since the year 2008, we are writing letters to the Prime Minister that such and such things are happening.

[English]

But the reason for increase in the incidents of corruption is the indifferent attitude and inaction on the part of the Government.

[Translation]

The Government did not take any effective steps till we raised the said issue in the House. Last year, entire winter session was washed away. We made only one demand that JPC should be constituted to probe the matter. The Government agreed in the budget session, but no work was done even after the winter session was

prorogued. The Government was fully aware of CWG scam, but it still went on. The estimate of Rs. 1250 crore goes up to Rs. 60-70 thousand core. Whose money is it? This is the people's money.

[English]

There are nexuses among corporate houses, bureaucracy and corrupt persons.

[Translation]

There is no mention of corporate houses. We repeatedly made a demand that corporate Houses should also be brought under the ambit of Lokpal. The manner in which they are given benefit in licences, contract and other works causes loss of revenue. Loss is caused to public exchequer.

[English]

The corruption is also there to a great extent in giving contracts and licenses. We have seen in KG D-6 Basin that how Rs.30,000 or Rs.35,000 crore were doled out to a corporate house. We have seen how our mineral wealth has been plundered like iron ore and other resources.

This is because of the Neo-Liberal Policy, which is being pursued by this Government for the last two decades. Plunder and loot of public assets are taking place. All these things are happening in our country due to Neo-Liberal Policy. I would like to know whether Lokpal will also enquire into that aspect of the corruption which is happening in our country.

Sir, we have seen how CBI was used or misused politically.

[Translation]

We have seen how the Government has used the CBI to achieve political ends. A decision was taken with regard to the nuclear deal in the year 2008.

[English]

You were extending external support to this



Government with the help of 61 Members of Parliament of Left parties. We decided to withdraw the support when the Government went ahead with the nuclear deal. We have seen how CBI was used against Mulayam Singhji to get his support in confidence vote. So, there are a numbers of incidents.

[Translation]

There are many such examples of how the CBI was used by the Government to gain political mileage;

[English]

how the CBI was used and misused.

MR. CHAIRMAN: Please one minute. Please wind up.

[Translation]

SHRI BASUDEB ACHARIA: This should also be looked at. Some changes have been introduced in the appointment procedure which is a welcome step but solely amending the procedure of the selection committee constituted for the appointments will not do.

[English]

I am not in favour of giving complete autonomy to CBI. It is because CBI should be accountable to somebody.

[Translation]

We do not want to set up on institution with no responsibility. Therefore, it is only we who had raised this question. Our party has raised this issue in the all party meeting that whoever the members of Lokpal be, they would also be accountable.

[English]

They should be accountable to the Parliament and the Supreme Court. The Lokpal should be accountable.

[Translation]

We would also like to know how can this institution function without any accountability.

Therefore, our objective is clear. We want a legislation to be formulated but such a law should be made which constitutes a strong lokpal. The Bill presented in the House is not very encouraging. The Prime Minister was not included in the bill presented in August. A little bit of modification has been done but it is not sufficient. There is not much difference between the bill introduced in August and the bill presented after the scrutiny by the Standing Committee. It is good that the hon. Prime Minister has been brought under the purview of the bill but rest of the suggestions in the all party meeting were rejected by the Government. Had the Government accepted those suggestions, the public demand would have been met for setting up a strong and credible Lokpal. But only setting up of Lokpal will not do,

[English]

unless all measures against corruption are taken

[Translation]

There is a need for electoral reforms in our country.

[English]

Look at the way black money is used in elections. Crores and crores of rupees are being spent in elections.

[Translation]

Where does this money come from? What would happen if 15-20 crore rupees are spent in one assembly election?

[English]

What will happen to our parliamentary democracy? Parliamentary democracy will be contracted.

[Translation]

Would we want such things to happen? Thus, two committees were constituted with Lokpal for electoral reforms.

[English]

One Committee was set up under late Dinesh

[Shri Basudeb Acharia]

Goswami and another Committee was set up during the regime of the NDA Government under the Chairmanship of the late Indrajit Gupta. Both the Committees recommended State funding of elections. What has happened to that? If State funding of elections is introduced, then to some extent corruption and use of black money in elections can be reduced. So, a strong Lokpal Bill alone is not sufficient. A lot of improvements are required and the Government should agree to accept some of the amendments Tabled by the Members from the Opposition with an open mind if the Government's objective is to have a strong, effective and a credible Lokpal Bill.

[Translation]

I urge upon the Government to accept some important amendments. It would not be in the interest of the country to allow federal structure to be attacked to make it weak and affect its functioning which would affect the basic structure of the constitution. Therefore, please formulate a modal Act and direct the state governments to constitute a Lokayukta on these lines. It is only then that we can protect the federal structure of the constitution. For 64 years we have witnessed the manner in which the subjects pertaining to state have been encroached upon.

[English]

One can see how the domain of the State Governments has been encroached upon in the past.

[Translation]

Therefore, State Governments would set up lokayukta. The Union Government should formulate a model Act in the Parliament and the state governments should follow the Union Government in this regard so that an empowered and strong Lokayukta is set up in the states and one at the centre.

[English]

**16.00 hrs.**

With this Bill, we do not expect an effective, credible

and strong Lokpal in our country. With these words, I conclude. Thank you very much.

SHRI BHARTRUHARI MAHTAB (Cuttack): Mr. Chairman Sir, I stand here today to participate on Lokpal and Lokayuktas Bill, 2011. The introduction of the Lokpal and Lokayuktas Bill, 2011 is in itself not an earthshaking event. This is actually the ninth Lokpal Bill to be introduced in a series that started as early as in 1968. None of the earlier ones had reached the stage of debate on the floors of either House of Parliament. Seven of them lapsed with the dissolution of the Lok Sabha concerned on completion of its tenure and one was withdrawn. The difference this time is that the introduction is the climax of the powerful India Against Corruption Movement and extensive nationwide discussion on this subject. It is the searing heat of public opinion that has taken this ninth version of the Bill through various stages leading to this discussion in this House of People and has enhanced the prospects of its becoming a law. But the question is how strong is the Lokpal in this Bill. All of us want a strong Lokpal to curb the menace of corruption. The old man sitting in the MMRDA in Mumbai on fast also wants a strong Lokpal but neither he nor we on this side of the House are of the opinion that this Bill is making a strong Lokpal.

The Bill is a far cry on a number of counts from the expectations of not only Anna and his team but from different sections of our society who are equally committed to the eradication of corruption.

**16.02 hrs.**

[DR. GIRIJA VYAS *in the Chair*]

The Bill has four major lacunae which must be removed to carry credibility and serve the purpose for which it is being legislated. Firstly, the Bill strikes at the functional autonomy of State guaranteed by the Constitution. It is not for the Union Government to impose the structure and functions of Lokayukta on State Governments but it is for the respective State Governments to decide what they want bearing in mind their specific requirements. The Union Government can, at best, recommend a model law which will outline the minimum requirement for an effective Lokayukta.

Part III of the Bill needlessly clutters up the Bill and blurs its focus. Lokayukta cannot be a subject matter of legislation by Parliament as, Madam, item 41 of the State List mentions about the State Public Services and the Lokayukta's jurisdiction basically is to go into acts of corruption by State Public Services from top to bottom.

The argument to bring in item 1, 2 and 11A of the Concurrent List to enable Parliament to legislate is highly erroneous. The Minister for Human Resources Development had referred to the United Nations Conventions. In the Statement of Objects and Reasons of the Bill, it is also mentioned that because we have made a commitment, we have ratified the Resolution which was passed by the United Nations earlier in the last decade. Therefore, we have to include Lokayuktas in this Bill. But we differ on that.

Therefore, we have to include Lokayuktas in this Bill. But we differ on that. The Biju Janata Dal, on 27th August and on 22nd December - and again today, I am reiterating its view- had taken the stand that States have specific responsibility to eradicate corruption in administration and in public life. So, they can have their own Lokayuktas in the States. In Orissa we have a Lokpal law which is in force since the mid-nineties. Today, I want to assure this House and also the Government, on behalf of my Party, that within three months' time, when the next Budget Session is going to commence of our Odisha Legislative Assembly, we will bring in a very effective and very strong Lokayukta Bill in our State. Why can other State Governments not do that? Everybody likes to have a strong Lokayukta in his State. Leave that issue to the respective State Assembly to decide. They will formulate legislation which will be passed by the respective State Assemblies.

In the Constitution, it has been categorically mentioned about the federal structure. Therefore, I would urge upon the Government to consider article 252 where powers of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State, is mentioned. This method should have been adhered to instead of going in for article 253 and making it mandatory on the part of the State Governments to implement that.

I would only urge upon the Government to delete part 3 of the Bill and implement only part 1 and part 2. I have no amendments to part 1. I want to correct part 1 to the extent that the provision of this Act, referred to in page 2, line number 7 and 10, "the provisions of this Act relating to Lokpal shall come into be thwarted. It is very clear that the purpose is not to set up an effective Lokpal but to pander to the vote-banks. Should we allow quotas in the judiciary and other constitutional institutions of our Republic? The Lok Pal's job is to curb corruption; it is not meant to be a political instrument for crass politics. There is a need to remove these obnoxious clauses.

I am reminded that the original intention behind the recommendation of the first Administrative Reforms Commission which mooted the idea was to tackle corruption in high offices or high places. But, now, the Bill extends the concept to the elimination of corruption at all levels of the Central Government and from public life in general by including all associations etc. ...*(Interruptions)*

MADAM CHAIRMAN: Please wind up.

SHRI BHARTRUHARI MAHTAB: Madam, I would quote here: in Page 8, clause 14 sub clause (h):

"any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust..."

Association of persons involves everyone. Any law, for the time being, in force in receipt of any donation from the public covers everyone in this country. Any society, any association, any organization, any trust, and all these are covered now under Lokpal. This is a very herculean task which is being loaded on the Lokpal to work. ...*(Interruptions)*

MADAM CHAIRMAN: Please conclude.

SHRI BHARTRUHARI MAHTAB: Let me conclude. Madam, I need another two or three minutes.

MADAM CHAIRMAN: Please conclude within one minute.

SHRI BHARTRUHARI MAHTAB: The Bill extends the concept to the elimination of corruption at all levels of the Central Government and from public life in general by including all associations, trusts, etc. This combined with the elaborate procedures prescribed for preliminary inquiries and constant back-and-forth referrals to the Central Vigilance Commission (CVC) and CBI in processing complaints which may soon number tens of thousands makes all the timeliness mentioned in the Bill unrealistic and unattainable. The highly cumbersome procedural complexities will enmesh the Lokpal almost from the start.

Before I conclude, I should also mention a point relating to the inclusion of hon. Prime Minister under Lokpal's purview. The hon. Prime Minister should be included in the ambit of Lokpal with the exception of internal security, public order, atomic energy and space. No special procedures are needed for enquires, investigation against the hon. Prime Minister. We insist on a strong Lokpal and provisions which weaken the authority of Lokpal should not be supported.

I would reiterate that to eradicate corruption, there is a need to have an effective Ombudsman Mechanism. Our Party would not be a party to this type of a half-baked Bill which wants to have a namesake Lokpal but gives little power and ties it up with so many infirmities. I would urge upon the Government to take back this Bill, re-draft it and come back to us. Otherwise, it can send the Bill to the Standing Committee for further consideration. The commitment which I would also reiterate here on behalf of the hon. Chief Minister of Odisha Shri Naveen Patnaik is that a strong Lokayukta Act will be passed by the State Legislature within the next three months.

*[Translation]*

SHRI ANANT GANGARAM GEETE (Raigad): Madam Speaker, the hon. Minister Shri Narayan Swami Ji has presented the bill with regard to setting up of Lokpal and Lokayukta before this House.

For the last 41 years this bill has been lying pending in the House due to various reasons. This bill has been introduced eight times before the House. Seven times it

lapsed and on one occasion the Government withdrew it. I want to raise this issue once again in the House because even though we have had great people such as Pt. Jawahar Lal Nehru, Indira Gandhi Ji, Rajiv Ji, Narsimha Rao Ji, Atal Bihari Vajpayee Ji, V. P. Singh Ji, Gujral Ji, Chandrashekhar Ji, Devegowda Ji as our Prime Minister and I am giving their examples because, none of them deemed it appropriate to have another institution superseding the systems we adopted from the Britishers and perhaps they did not approve of this. If this was their belief then I and my party agree with this mentality.

I was surprised when this debate started in the House. If the Government is responsible it would like to pass the bills presented in the House. The Government would say not to pass the bill. The Government would definitely try that the Bill.....

The Bill brought by the Government may be passed. However, all the members who have spoken on the bill including the leader of the Opposition, have opposed this bill and while opposing the bill, they have demanded for a strong Lokpal. It is surprising that we are going to take such a big decision, set up a new institution, establish a super power centre but we are unable to express our viewpoints in the House with courage. That rings alarm bells for our country, the Parliament and for our democracy.

Madam Chairman, some members are demanding that the Prime Minister should be brought under the ambit by of Lokpal. While some members are opposing this. The office of Prime Minister is a dignified office. We do not want to undermine the dignity of the office of Prime Minister. For us, for our country and for our democracy, the office of Prime Minister is a dignified office. I felt very sad when the said bill was introduced in the House. On that day also, I had said the same thing that a new bill has been introduced in the House. Bansalji said that this is not a new bill. Today when Shri Narayanasamy introduced this Bill in the House, the Minister of Parliamentary Affairs immediately stood from his seat and said that we have withdrawn the old bill and now we have introduced a new bill in the House.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND

MINISTER OF WATER RESOURCES (SHRI PAWAN KUMAR BANSAL): There is no contradiction in both the versions. Both are same. He had said that the amendments which were suggested earlier were aplenty. We have just set its numbering in order after incorporating those suggestions otherwise the bill is the same.

MADAM CHAIRMAN: Please, be silent.  
...(Interruptions)

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY): There are a large number of amendments. Giving the amendments and then reading the Bill together will be difficult for the hon. Members. Therefore, as per the recommendations of the Standing Committee, the new Bill has been prepared carrying out all the amendments that have been agreed to by the Government. ...(Interruptions)

[Translation]

SHRI ANANT GANGARAM GEETE: Madam Chairman, I have no objection to this and don't want to argue. The statement which the hon. Minister has made here, has been recorded. You can read that statement tomorrow, I don't have to say anything else. You have said that we have withdrawn the old bill and introduced a new bill, you read that statement tomorrow. I reiterate it because as far as the office of Prime Minister is concerned, I am very sad to note as if not a single honest person out of a population of 130 crore, is available for the post of Prime Minister. It is shameful and it is a matter which needs to be considered. What are we doing, what kind of decision are we taking, which institution are we constituting, why are we downgrading the post of Prime Minister? Is there not even a single person in our country who is honest? Does honesty no longer exist in our country.....\* who are the people who would be appointed in the institution which you propose to constitute? It is the people like us who would be appointed.

\*Not recorded.

MADAM CHAIRMAN: Please expunge the unparliamentary words.

SHRI ANANT GANGARAM GEETE (Raigarh): They might be retired people, might have served in the judiciary or in other fields but they will be the citizens of this country only and among this 130 crore people. But who will take the guarantee of their honesty? Our former Prime Ministers and great leaders did not consider it appropriate to bring this bill as they knew that if they introduce this bill, they will harm themselves and even today, if this bill is passed here then you will be harming yourself. I myself and my party are against corruption. Shiv Sena Supremo Shri Bala Saheb has always been speaking against corruption. He has not only spoken against corruption but also taking action. Madam Chairman, I would like to quote an example. Shri Kapil Sibal was expressing his views here. He is a Minister of the Government of India. Being a Minister, he has made a statement here. Whatever I am saying here, you may read that tomorrow. He has said that corruption prevails more in states ...(Interruptions) I don't want to level any allegation against him. I don't want to make any comment on him, however, a Minister is saying in the House that corruption prevails more in states while in the states of the country, Governments of various parties are in power. In various states, various parties have formed the Government, "The Congress party has also formed the Government ...(Interruptions)

MADAM CHAIRMAN: Your time is over. You please wind up.

...(Interruptions)

SHRI ANANT GANGARAM GEETE: Please don't stop me from speaking on such an important issue. Please let me express my views. The Parliament will decide whether to accept or not to accept my viewpoint. But when a Minister says that corruption prevails more in states that too in the House, then why I may not express my viewpoint. He gave an example that even if we want to make a ration card, it cannot be done without giving bribe. Even a complaint is not registered in the police station without giving bribe. If this is the situation or reality, then we can imagine how much corruption is prevailing in our country. How can you



[Shri Anant Gangaram Geete]

think that corruption which is so deep rooted, can be curbed through Lokpal. Today, corruption is prevailing in the states, lest its headquarters be in Delhi ...*(Interruptions)*

MADAM CHAIRMAN: Please conclude. Your time is over ...*(Interruptions)*

MADAM CHAIRMAN: The institution is bound by time. Please sit down.

...*(Interruptions)*

SHRI ANANT GANGARAM GEETE: I am not speaking against anyone. The reality is that we have a population of 130 crore, our's is the world's largest democracy on which we feel proud. If in such a country, someone wants to constitute any undemocratic institution then the entire House should oppose. When Kapil Sibalji was expressing his viewpoints then the Leader of the Opposition Shrimati Sushma Swaraj said that you have brought a weak Lokpal. It has no meaning, at that you have yourself said that you don't want to create any unconstitutional institution which will supervise the Government. The Government is aware of this fact. Even the Government accepts that whatever it is doing, is unconstitutional.

MADAM CHAIRMAN: Please conclude now.

[English]

Please wind up now.

[Translation]

SHRI ANANT GANGARAM GEETE: Madam Speaker, I am not saying anything that is out of the purview of the Bill. I am not against anyone's movement. It is the right of the people. The people can agitate. If corruption is on the rise, there should be a movement against corruption. We have also agitated a number of times and took to the roads. Many times we were on the verge of being jailed due to our movement against corruption. But if in the guise of the movement against corruption somebody would try to uproot the democracy, Shiv Sena would not let it happen. Therefore, Shiv Sena Chief Bala Saheb Thakre has come

out in the open with prolegomenon before the country. I am his representative. I am just reflecting the party stand in the House.

Madam Speaker, I would like to give another example to show how this is unconstitutional. There are four pillars of democracy - Legislature, Executive, Judiciary and the Media. Till date, democracy has functioned on these four pillars. Have these four pillars broken down today? Have these four pillars weakened or become ineffective? What is the reason that we need a fifth pillar today? Even today these four pillars are empowered and strong. Even today, executive, judiciary and legislature are empowered. Once I was speaking here, I had given this example. Sharad Yadav ji had said it in this very House. When the former Speaker, Shri Somnath Chatterjee was in this House, he had removed eleven MPs from the House and terminated them forever for taking 15-20 thousand rupees only for asking questions. This is the right of this House. The then Speaker had taken this decision. No one was able to challenge the decision of the Speaker and no one can challenge it, not even the judiciary. Here you are saying that if any complaint or enquiry against any MP is forwarded by the Lokpal, the Speaker should take action in this regard and if no action is taken, the reasons therefor must be given to the Lokpal ...*(Interruptions)* Does this constitute not an intrusion into the rights of the House? Isn't this a trespass on the rights of the Speaker? Does this not override the topmost office of the House? Therefore, I would like this to be withdrawn and there should not be any haste. Please, do not bring such kinds of bills in a haste. If there is any hassle then please return it to the Standing Committee. There should be a debate on this and each section of society must be heard. The section of society against whom the law is going to be formulated by you must be heard, each class of people from the said section must be heard.

Madam Speaker, we have very strong laws. If we are willing to implement those laws, if the Government has such mentality and resolve then the laws that we have are sufficient for eradicating corruption from the country. But courage is needed to implement these laws ...*(Interruptions)* The Government needs to have such will power ...*(Interruptions)*



MADAM SPEAKER: Geeteji, please conclude your speech. ...*(Interruptions)*

SHRI ANANT GANGARAM GEETE: Political gains, interest ...*(Interruptions)* after that we are not utilising our laws thoughtfully. Therefore, the protest is not just for the sake of protest. But thousands of employees would be needed for such a big and historic decision and for setting up a new institution. We are going to spend 200 crore rupees for this purpose. We are setting up a new institution. We just want to say that our House is supreme and our constitution is supreme ...*(Interruptions)*

MADAM SPEAKER: Geeteji, please conclude your speech now.

...*(Interruptions)*

SHRI ANANT GANGARAM GEETE: Baba Saheb Ambedkar should be respected for his role in drafting the constitution ...*(Interruptions)* We should always respect the people who drafted the constitution. ...*(Interruptions)* Therefore, there is no need for haste in this regard. You can also introduce and consider in the next session. Therefore, this should be again referred to the Standing Committee.

[English]

SHRIMATI SUPRIYA SULE (Baramati): Madam Chairman, I think Geete ji, in his last words, talked about Dr. Baba Saheb Ambedkar. I think, we all respect him, the architect of our Constitution. I would like to quote his last speech, concluding speech on the 25 of November, 1947 in regard to what is happening in the Indian society today:

"When there was no way left for Constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But where Constitutional methods are open, there can be no justification for these unconstitutional methods. These methods are nothing but the grammar of anarchy and the sooner they are abandoned, the better for us."

I think, we are all very much proud of the democracy of our country which we have nurtured. We are proud to

say that India is the largest democracy in the world and we have managed to sustain it and have showed great growth and development in our country. I understand what all the earlier Members have spoken. But I am totally disillusioned and I am totally disappointed with the kind of negativism that has come out. I think the commitment that the Government has shown is the point that everybody has really missed in this entire debate. The UPA Government is totally committed to cleaning up the country and making India totally corruption-free. But as everybody has said, it is something that has eroded our country for over sixty years. It is not a magic wand, but it is a small beginning.

Look at the various Bills that the Government has come up with, be it the Citizens' Charter, be it the Grievance Redressal, be it the Judicial Accountability, be it the Whistleblower, and now the Lokpal. I think we should be honoured and we should compliment the Prime Minister. I personally feel the same thing; my Party may not agree with what I say. But I think I am going to defend myself when I say I agree with the Shiv Sena openly that I would not like my Prime Minister to be accountable to anybody because we are very proud of him and we do not want him to be under Lokpal. But, it is the leadership quality of this gentleman, who happens to be in politics, who himself insisted that he wants to be under the Lokpal when all of us emotionally do not feel that and it has to be beyond the barriers. But he insists on this and, I think, that is where this whole Bill is going. So the Lokpal may not be the solution to all our problems but, at least, it is a beginning to stopping, eradicating and looking at corruption as a serious cause and looking at how we can address it. So, I think the whole sense of the House is that we need a Lokpal. You want a stronger one. Yes, we are for a stronger one. But, it is a healthy baby right now. Do you want it to be an obese baby with so much work that it may not be able to implement all the commitments that we have made? The whole nation is looking at us. The youth is looking at us. They are all on the streets today. Where is it coming from? It is the anger towards all of us. I think unless the quality of this debate converts, people are going to be further angry. So, I think, as a first step towards the commitment that we have made to all our voters, let us try

[Shrimati Supriya Sule]

and get this Lokpal across and review it every six months or one year. May be, the Government definitely can get commitment into it and not get tied down by numbers.

I saw hon. Sushma ji and Kapil ji going over 252 and 253. I do not care whether the number is 252 or 253; I want a corrupt-free society. I do not care whether it works this way or the other way. So, I urge upon the Government to take a neutral stand, to take the whole sense of the Government. We are totally for the federal system. I do not want my State's rights to be taken away by the Central Government, certainly not. But, at the same time, together we can make a difference. We have all been in power; we have all been in this House. I remember, one of my colleagues, Shri Sanjay Nirupam said, nobody in this room sits in glass houses. I do not think he meant it in a bad sense, but it is fact.

About the reforms that we are talking, unless there are electoral reforms, the entire political corruption will not be eradicated. So, unless we make the electoral reforms, all these exercises are going to be meaningless. To give you an example of the animosity we are talking in society, in Maharashtra we had Municipal elections recently. I am very proud to say that the NCP and the Congress, though we fought separately, did exceptionally well and we have topped it, even given the circumstances that the entire atmosphere in the country is against the netas.

The other day, I was on a channel. I think, Gurudas ji always talks very freely against the media and I do not think I have the guts that he has. But, the other day, one of the channels was saying that all the 800 MPs had disillusioned this country. I want to know, has the channel gone to my constituency or your constituency and asked each voter that, yes, have I disillusioned them in these 2½ years? So, I do not like these general comments. I think, we have come here with commitment and conviction and we want to make a difference in this country. The whole atmosphere is that netas do not do anything; they are only on foreign holidays. Only our families know what kind of toll it takes on our personal lives as well. As a mother, I know I am ignoring my children to be here; Priya is here.

Thanks to our mothers and mothers-in-law in our houses that our children are being brought up. I do not want to be run like this. It gives me a lot of pain when every channel and every newspaper in this country today looks at me as if I am some sort of a culprit. I am not.

Sixteen lakh people have voted each one of us here. We are rightfully here. I think, the time has come for us to deliver and make a difference; prove it to the country, to the media and to all the NGOs. A lot of people think that I work with too much NGOs but today I want to defend my fraternity right here that in a democratic system we will not get bullied by anybody and we will prove it that this Lokpal will make a difference like over hundred times we have made amendments in the Constitution.

I am sure, in this Lokpal Bill, if we pass it today, we can bring amendments at different stages of life. So, let us not look at it totally as it is going to be nothing for us. It is a small beginning. I think, it is the commitment of the hon. Prime Minister which is made to this country. We should join him, support him and show to the country that we want to make a difference and it is an honest democratic system.

THE PRIME MINISTER (DR. MANMOHAN SINGH):  
Madam Chairperson, Sushmaji quoted in the morning one of my favorite couplets.

There are some very special moments in the life of a nation. This is one such moment. The nation awaits with bated breath how the collective wisdom of this august House will be reflected in the vote at the end of the debate on the Lokpal and Lokayuktas Bill, 2011.

**16.42 hrs.**

[MADAM SPEAKER *in the Chair*]

Madam, the broad provisions of this Bill have been vigorously debated both in the public domain and by political parties. It is my honest belief that the Bill that is now before this august House lives up to the promise that Members of this House collectively made to the people of this country by way of the sense of the House at the end of the debate on 27th August, 2011.

The task of legislation is very serious business and must eventually be performed by all of us who have been constitutionally assigned this duty. Others can persuade and have their voices heard. But the decision must rest with us. At the same time we must keep in mind the fact that corruption and its consequences eat into the body politic. We have seen how public anger has manifested itself in the last one year. Let us, therefore, endorse this Bill as proposed. In drafting this legislation, we have had a wide range of consultations. I compliment the hon. Members and the Chairman of the Standing Committee which looked into this Bill in great detail. We have been enriched by the wisdom of political parties and all shades of opinion that have been taken into account.

I wish to state that when our Government was elected to office in 2004, we wanted our policies to be people-centric. We believe in transparent, open governance and the well-being of the aam aadmi is central to all our policy prescriptions. Our ideological commitment to 'open governance' led us to bring the Right to Information Act in 2005. To further our people-centric policies, we enacted the National Rural Employment Guarantee Act, 2005. The Right of Children to Free and Compulsory Education Act, 2009, is evidence of our desire to empower the disadvantaged and marginalized. The National Rural Health Mission addresses the health concerns of the poor in the rural areas. We have attempted to rejuvenate our cities through the Jawaharlal Nehru National Urban Renewable Mission.

The Rajiv Awas Yojana aims to provide housing to the poor and homeless in cities. The introduction of the National Food Security Bill, 2011, is yet another step to secure the poor and the malnourished from the consequences of hunger and deprivation. The Land Acquisition, Rehabilitation and Resettlement Bill, 2011 seeks equity for the farmer and those deprived of livelihoods. We have tried to create a more egalitarian and inclusive India delivering the fruits of growth to the less privileged. That is and shall continue to be our Government's mission.

Madam, on corruption, our Government, like none

before, has taken decisive steps. In the last one year, we have been working on certain landmark legislations. The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011, is before Parliament. The Public Interest Disclosure and Protection to Persons Making the Disclosures Bill, 2011, and the Lokpal and Lokayuktas Bill, 2011, await Parliament's approval. The Judicial Standards and Accountability Bill, 2010, has already been cleared by the Standing Committee and awaits Government's consideration. The Electronic Delivery of Services Bill, 2011, is being introduced which will ensure that essential public services are electronically delivered at the doorstep of the citizen. These are landmark and unprecedented pieces of legislation.

Madam, on the administrative side, our Government seeks to streamline decision making consistent with the principles of transparency and accountability. We are formulating public policy measures on procurement. A Group of Ministers has recommended elimination of discretion in administrative matters where possible. This work is in process. We began with the Right to Information Act. We will not end the fight against corruption with the Lokpal and Lokayuktas Bill.

Madam, we must embrace a holistic approach in our fight against corruption. Our laws must be all pervasive if we are genuine in our endeavour. Legal sophistry cannot be used to argue that State Legislatures must not adopt the model law proposed or delay its enforcement. Corruption is corruption whether in the Union or in the States. It has no legislative colour. I urge leaders of all political parties to rise above partisan politics to demonstrate to the people of India that this House means business in its effort to combat corruption. All of us are party to the resolution reflecting the sense of the House in which we committed to establish Lokayuktas in the States along with the Lokpal. We would be in breach of the promise that this House made to the nation if we do not provide for the mechanism of the Lokayuktas by taking recourse to citing articles of the Constitution as impediments. Such a course of action should not derail the sense of the House. I urge all my colleagues in Parliament to rise to the occasion and look beyond politics to pass this law.

[Dr. Manmohan Singh]

Madam, the Central Government is responsible for providing a limited number of public services directly to the citizen. The real problem lies in the domain of State Governments where the aam aadmi feels the pinch of petty corruption on a daily basis. It is for this reason that Group C and Group D employees have been brought within the ambit of Lokayuktas in States. Local as well as State authorities are charged with providing essential services to the common man. It is here that the bane of corruption needs to be fought. Water, electricity, municipal services, land records, policing, transport, ration shops are but a few examples of essential services provided by State and local authorities that affect the life of the common person. Setting up of Lokayuktas in States will go a long way in addressing the sense of frustration that is reflected in the anger that we see now around us.

Madam, even the major flagship schemes of the Central Government are implemented by public functionaries working under the State Government. Everyday in this and the other House, Members express their disillusionment with the way our Central schemes are implemented by States. We need to remedy this. Unless Lokayuktas are put in place, the cancer of corruption will spread. Let us not delay the issue any further. Federalism cannot be an impediment in our war against corruption.

Madam, as regards the CBI, we believe that the CBI should function without interference through any Government diktat. But no institution and no individual, howsoever high he may be, should be free from accountability. All institutional structures must be consistent with our Constitution. Today, we are given to believe that a Government that is directly elected by the people and accountable to it cannot be trusted but a body that will not derive its legitimacy from the people directly or be accountable to it, could be trusted to wield its immense powers with honour and trust. No entity should be created inconsistent with our Constitutional framework and charged with onerous executive responsibilities without any proper accountability. In the ultimate analysis all institutions within the framework of this Constitution are accountable to -

Parliament and Parliament alone. In our enthusiasm to enact this law, we must not falter. I believe that the CBI should function independently of the Lokpal. I also believe that the CBI should function independently of the Government. But independence does not mean absence of accountability. We have, therefore, proposed a process of appointment of the CBI Director, which involves the Prime Minister, the Chief Justice of India or his nominee and the Leader of the Opposition in the Lok Sabha. None should have doubts about the integrity of this process. As far as the issue of CBI functioning under the Lokpal is concerned, our Government believes that this would create an executive structure outside Parliament, which is accountable to none. This is anathema to sound Constitutional principles. I believe that the Bill, which is now before this House, contains a judicious blend of functional autonomy and accountability of the CBI. I am sure that the wisdom of this august House will rise to support our Government's proposals as reflected in this Bill.

Madam, in the course of this debate, bureaucracy has been at the receiving end. While I agree that public functionaries must be above board and that delinquents must be dealt with expeditiously and decisively, I must express my deep appreciation for many a public servant who have shown exemplary integrity in discharging their functions in an environment of distrust.

I do not think all public functionaries need to be painted with the same brush just as all politicians should not be presumed to be dishonest or corrupt. We must not throw the baby out with the bath water. Without a functional, efficient administrative system, no Government can deliver for its people. Let us not supplant the system with one in which the public servants will hesitate to fearlessly record what they think and in that process endanger the very soul of good governance. In judging the conduct of public servants, we must not lose sight of the need to distinguish genuine and honest mistakes in the discharge of their duties from patently illegal acts. Very often our public servants have to take decisions under conditions of great uncertainty. The future being inherently uncertain, it is possible that an action which ex ante appears to be rational

may ex post turn out to be faulty. Our systems of reward and punishment must not lose sight of this fact.

Madam, all systems of governance must be based on trust. It is the people's trust that we in Government reflect and protect. Rampant distrust of all authority imperils the foundations of democracy. Our polity with its enormous size and diversity can only be held together when we put our faith and trust in institutions that we have carefully built over the last 63 years. The power of the electorate is the ultimate authority which brings accountability to our democratic institutions. In endangering democracy, we will only be unleashing the forces of chaos and anarchy where reason will give way to emotion.

Madam, we are creating something for the future in response to the inadequacies of the present. We have to be mindful of the pitfalls when we look into the future. Let us not create something that will destroy all that we cherish— all in the name of combating corruption. Let us remember that the road to hell is paved sometimes with good intentions.

We, as the representatives of the people, must act now to start yet another journey to rebuild the trust that is essential for a strong and vibrant India. I thank you.

DR. M. THAMBIDURAI (Karur): Madam Speaker, thank you very much for giving me an opportunity to participate in the debate on the Lokpal Bill.

Just now we have heard the Prime Minister's intervention in the debate. The crux of his whole speech is to see that we curb and eliminate corruption. The entire House is accepting this kind of an attitude. The entire House and all the Members of this House are for eliminating corruption. We are for that. At the same time, we are opposing certain provisions which they have brought in the Lokpal Bill. No doubt, as our Prime Minister said, we want Lokpal. Recently, there is a Report, Global Financial Integrity Report. It says, "19 billion dollars of illicit money is taken out of the country every year. The Global Corruption barometer in 2010 shows that in India corruption is so deep-rooted that at least 55 per cent of the households pay bribe to get their basic service." What did the Prime Minister

say? If an ordinary man in the country wants to get any service from the Government, he has to pay money by way of corruption. That is why, the Prime Minister said, we have to eliminate corruption and so we have already brought this Lokpal Bill for that.

#### **17.00 hrs.**

Madam, our party AIADMK is for the Lokpal. We have no objection. All the hon. Members are accepting this. But, we are not accepting certain provisions of the Lokpal. For example, all along we are insisting and we have said, not only here but even in the Prime Minister's and all party leaders meeting, that Prime Minister's office must not be included in the Lokpal. That is our stand. It is because even the allied party Members of UPA said that the Prime Minister's office is the highest office. He has to run the Government. He has to deliver the goods for this country. If we include his office in the Lokpal, he may not be in a position to function properly. That is why we are opposing that the office of the Prime Minister must not be included in the Lokpal. In this regard, my leader hon. Chief Minister of Tamil Nadu has also written letters many times to the hon. Finance Minister. I reiterated that the Prime Minister must not be included in this Bill.

My second point is regarding the exclusion of the lower bureaucracy. The Prime Minister said that the C & D categories of employees have to be brought under Lokayukta. At the same time, he has not mentioned about their inclusion in the Lokpal. He said that CVC will take care of that. When you are advocating it as a model, this has to be included in Lokpal also.

Next point is regarding the inclusion of the Lokayukta. As I said early, we are for Lokpal. But, when you include Lokayukta, we are opposing that. It is because you are infringing on the rights of the States. The Indian nationals have fought for the freedom of our country. We have formed the States on linguistic basis. Most of the States want to protect their rights. They are fighting for that. They want to preserve their culture. In spite of diversity, we are united. Our different States have different cultures. For that, you have to give autonomy to the states. That kind of autonomy is required. But, what is happening? In the



[Dr. M. Thambidurai]

Indian history, for the last 60 years, you are slowly encroaching upon States' rights and taking away states right in the name of the Concurrent List.

Hon. Sushmaji and also many hon. Members raised the issue regarding the federal set up. If you take the list, 90 per cent of the Members said that you have to preserve the federal set up. You must not create any danger to this set up. There are State Legislatures. In the legislature, they have every right to legislate this Lokayukta. Some States have already enacted that. Why do you want to insist upon it?

Shri Narayanasamy and Shri Kapil Sibal said that under Article 253, there is a provision for enacting Lokayukta is there. I am not disputing that. At the same time, what about the Article 246, which you have forgotten? What does the Article 246 say? It says that in the Concurrent List, the State Governments also have the right to enact the laws. If you are encroaching upon their right in the name of Article 253, you are ignoring Article 246.

Our Parliament has even the power to enact laws in respect of Municipalities and Panchayats. I am not disputing that. If you want to bring everything here, it means that you are going to make India as unitary State. You are not giving the genuine answer for that question. That is why when we are having Article 246, we have to respect that.

Madam, that is a very serious matter. If you see, most of the Members spoke that even Ruling Party must give some importance to our arguments. I have already moved that amendment. Therefore, I hope that when the amendments come up for voting, most of the Members would support that.

I have already brought the amendment not to include the Prime Minister in the Bill and also to exclude Lokayukta. Some hon. Members may support it. Another point is regarding the federal set up and Article 253 relating to Lokayukta. Here also, other Members are supporting it. Therefore, my two amendments are valuable amendments. The whole House may accept that. In that case, we will support the Lokpal Bill.

Secondly, they are bringing about a provision making accountable to the Lokpal the Speaker, Lok Sabha and the Chairman, Rajya Sabha. Why are they bringing these people under this Bill? They are supreme bodies. They cannot be answerable to Lokpal. Parliament is meant to enact laws. In the proceedings, they have to proceed against the Members of Parliament and also the Ministers. Then, in such a case, they have to report about that to the Lokpal. Is it the duty of the Speaker? Is it right? Is this democracy? This is how the Government is protecting the rights of our Parliament! That is why, I am humbly requesting you to exclude them. Let the Government bring an amendment to exclude the Speaker, Lok Sabha and the Chairman, Rajya Sabha. This is a very serious matter. This is concerning our democracy. Even the Standing Committee has not recommended this. How has this Bill included the hon. Speaker, Lok Sabha and the hon. Chairman, Rajya Sabha to send a report to Lokpal?

Afterwards, they may try to include the President of India also. Somebody may say that all must come in. That means that you have to include, the President of India, the Vice-President and all others also. It would reach that stage. Madam, that is why, I am honestly requesting that let the Government consider not to include the Prime Minister within the purview of this Bill. This is my humble stand. This is my party's stand. My Chief Minister has told this so many times, even to the Finance Minister also.

I would submit that most of the Members are feeling in this way regarding the federal set up. We are a democratic country. You have to respect the State Governments. Do not make them glorified municipalities. That is why, we are serious about this concern. Let this House consider the amendment I have given about not including the Prime Minister. At the same time, federal set up must be protected. For that, Lokayukta must be excluded from the Bill. With this condition, I am for Lokpal and at the same time, I am not for Lokayuktas.

[Translation]

SHRI LALU PRASAD: Madam, what about my turn?

MADAM SPEAKER: Please sit down, every one will



get a chance to speak - please sit down and keep quiet. You are talking a lot amongst yourselves. Please quiet and listen.

[English]

SHRI KALYAN BANERJEE (Sreerampur): Madam, we are against corruption. Corruption has to be eradicated. All steps have to be taken to eradicate corruption. This has to be done.

For the purpose of eradication of corruption, a Bill or statute is not sufficient; a mentality is required to enforce it. If you are in the Government, you have to enforce it. If you are in the Opposition, you must fight it out. It should be not for an academic discussion only.

I just heard the speech of the hon. Prime Minister. I would like to know whether the Part III of the Bill is required to be taken as a model or it has to be adopted. If it has to be adopted, then I think, it encroaches upon the federal set up of the Constitution.

Shri Kapil Sibal has delivered a speech on Articles 252 and 253. With great respect to him, I would like to submit that every student of law knows that Article 252 applies in cases where the two State Legislative Assemblies agree that there is a vacuum and Parliament may pass a Bill. In that case, Article 252 applies. There is no case for Article 252 here. Where has any of the State Legislature given it? So far as Article 253 is concerned, he has taken the plea that they have entered into an international agreement and that is why, Article 253 comes into picture. My humble question to Shri Kapil Sibal is this. Can you do a thing, which you cannot do in a direct manner, in an indirect manner? He was saying that they are not encroaching upon the field of the State Legislature. He may please reply whether Section 81 (7)(b) of the Bill encroaches upon the domain of the State Legislative Assembly or not.

Entry 41 in List II of the Seventh Schedule speaks about the service conditions of the State Government employees. What will the Lokpal do? There are so many discussions about what the Lokpal would do. Madam, with

great respect, this Lokpal is nothing but a super investigating agency. This Bill is creating a super investigating agency giving it a high status. What would he do? Ultimately, after giving chances to all as an investigating agency, the Lokpal's Report will be given to a Special Court established under the Prevention of Corruption Act.

Under what law is an investigating agency's report subject to the compulsory acceptance of a Special Court? Thereafter, the Special Court will go into the niceties of the investigation report. Therefore, merely an investigation report is submitted before a court of law, which is not accepted unless it is proved before the court itself. An investigating agency report has to be given to the Special Court, and the Special Court will decide the matter in accordance with the procedures of the Code of Criminal Procedure and nothing more than that. This super-investigating agency has been given a job that when the investigating agency submits a report under Section 81 sub-section 7 (b), then the State has to initiate disciplinary proceedings. Is it not coming within the State service condition? I just want to put this simple question to Mr. Sibal. Does this not mean interference in the affairs of the States? Are you not interfering with the Entry 41 of the Second List of the Seventh Schedule?

We all agree that corruption has to be eradicated. With great respect to the hon. Prime Minister, I would like to state this. It is not that this Bill has come for decades together and it means that all the previous Prime Ministers or the Ministers were in favour of corruption. If this type of Bill has not still come in the States, then this does not mean that the State Legislatures or the State Chief Ministers are in favour of corruption. Please do not think like this. If you have taken three decades to legislate this type of a law, then make Part III a model and request the States to accept it. It has not been done in your interest.

What has been done under Section 14 of the Administrative Tribunals Act? The Act has been engrafted by this House. What has been done under the Administrative Tribunals Act after this? Leave it to the States to adopt this type of State law, and today in our

[Shri Kalyan Banerjee]

country almost all the States have adopted this law. Therefore, do not undermine the State Legislatures; do not undermine the Ministers of the States; and do not enter into the field of State Legislatures as it would be a dangerous proposition.

Everybody is against corruption. It is not that only one person is fighting against corruption. If one has a scope to speak, then one can speak against corruption and if one does not have the scope to speak, then he is not in a position to convey his voice to the people of the country. Simply because one is going at 6 o'clock or 10 o'clock before the TV, he is the only person who speaks against corruption. It is not that the persons who are holding demonstrations and dharnas are the only persons who are fighting against corruption. We have also been elected by people because people know that we are honest. This is the reason that people have elected us and not because of anybody saying it. One would say from the dais that a law has to be brought.

Madam, with great respect, I say this to you. What is the power under Section 24 (3)? Kindly read it with me. It is for your consideration and please consider this part of this Bill. Section 24 (1) states that:

"Where, after the conclusion of the investigation, the findings of the Lokpal disclose the commission of an offence under the Prevention of Corruption Act, 1988 by a public servant referred to in clause (a) or clause (b) or clause (c) of sub-section (1) of section 14, the Lokpal may file a case in the Special Court and shall send a copy of the report together with its findings to the competent authority."

Simply because the report has been sent, a person against whom a report has been brought does not become a convict. A full-fledged trial has to be given. Please also read Section 24 (3) along with this. Here, so far as the Lok Sabha is concerned, it is the hon. Speaker is the competent authority. It states that:

"The competent authority shall examine or cause to be examined the report forwarded to it under sub-section

(1) and communicate or cause to be communicated to the Lokpal, within a period of ninety days from the date of receipt of the report, the action taken or proposed to be taken on the basis of the report..." Until the trial is completed, how can anyone say that I have committed a fault?

Can the report of the investigating officer be simply the basis for it? On the basis of a report, a person cannot be a convict; he may be an accused. On the basis of a report, what will the hon. Speaker do? Will he remove me from the House? When the trial is not completed, will the hon. Speaker impose penalty on me?

Madam, who can be above the law in this country? How will a Lokpal be selected? With great respect I would like to say how the Lokpal will be selected, and I am not undermining anybody. Lokpal will be selected by the hon. Prime Minister, and the hon. Leader of Opposition. Both of them are under the Lokpal. Therefore, both of them will decide who would be the Judge who might be required to look into the matter in case they commit any fault in future! Thirdly, who else will be there in the Committee? The Chief Justice of India is one of them. Madam, it is with great respect that I would like to say that in our country if at all there is non-transparent system, then it is the appointment of the Judges of the High Courts. In this non-transparent system in respect of the High Court Judges, a person who would become the Chief Justice of India only because of his seniority, he would decide whether I am corrupt or not. Is it not very funny? His appointment depends on the discretionary power of somebody else. If my face is good, then I will be appointed as a Judge; if my face is not good, and I do not run after the Judges, then I will not be appointed. This type of a person will be in the Committee to decide who would be the Lokpal.

What is the accountability? I will just tell you about that. It will be the retired persons who will be the Lokpal or the members of the Lokpal. After four or five years, what is his accountability to the nation? Even if he has committed any fault, on the basis of the reference of the Supreme Court, he may be removed; he will go. Who will touch him? His pension will not be touched; he will not be awarded

with any imprisonment; he will be like a master for everyone for five years, but no one can touch him. He will remain untouched. If he has committed any fault, he cannot be sent to prison and his pension cannot be touched.

Respected Madam, I will give you just one suggestion. Persons are talking hither and thither on corruption and Lokpal. Just as the New York Supreme Court or in various States in America, let the Lokpal be elected from the House itself. Let the Lokpal be elected after seeing who is honest or dishonest, just like some American Supreme Court Judges who remain Judges for 14 years on the basis of the Senate elections. They have to take the consent of the Senate. Who is interested for Lokpal, let us see. Let the people know who are all interested in being appointed as the Lokpal. Let us understand this. Is this not correct in a city like Delhi or in other States? So far as the last three or four CJs are concerned, rumours are spreading that something is there. Is it not correct? We may ignore for the time being. We can keep our eyes closed, but it has happened.

Madam, I will tell you about one argument which I was making on behalf of one of the Judges in a compulsory retirement case. In the Division Bench, Judges said, "Yes, Mr. Bandyopadhyay, whatever you are arguing, you are correct. I would just request you to go to the court itself and hear the voice of the wall and then come back and tell me whether he will remain or not." I went there. After that, when I came, I argued before the Court by saying, "I am stopping my argument. You pass your judgment." Everything is not on record. There are rumours and there are persons. Therefore, who will be the Lokpal? Let the Lokpal be elected. I suggest that let the Lokpal be elected from the House itself because accountability has to be fixed.

If he commits any mistake, if he commits any fraud, if he commits any corruption, what would be the consequence? If he does not decide the matter in a fair manner, what would be the fate of this Lokpal? I would request that Municipalities, Panchayats and the Public Distribution System should be brought within the Lokpal itself. It should not hit the federal structure of our country. I would make a request to the hon. Prime Minister to delete

Part-III and make a provision by requesting the State Government to adopt the guidelines which have been given in the Lokpal Bill itself. It should be given to that.

I come to another provision. Shri Singhvi is a very senior lawyer and I have a great respect for him. He is the Chairman of the Standing Committee. I just give you the sequence. The investigating agency will make a report. This report would be placed before the Special Court. The Special Court after adjudication gives a conviction in a case. Against that the gentleman would go to the Criminal Appeals Court. The Appeal Court would give its findings. Then as per this Bill, the final appellate authority is the Lokpal. It is a strange thing. Therefore, an investigating agency and a prosecuting agency will be the judge of their own cause. I would say, with great respect to the Law Minister that I do not understand Sections 49 and 95. It really hits the basic structure itself. A person cannot be the judge of his own cause. He will be the investigating agency; he will be the prosecuting agency and ultimately, he would be the appellate authority. It cannot be done. Therefore, with great respect I would say to kindly delete this Part III of this Bill itself.

One thing has also to be done which has not been done as yet. We must make an endeavour for character building programme. Only bringing a law would not do. People have to be educated on that; people must have faith on that. The people of this country must be educated for this purpose. We have not done anything for the long 63 years. We are speaking against the corruption as if we have become Rama Krishna or Swami Vivekananda. It is not that. The Government is having a role; others are having a role. The goal has to be implemented from the threshold of this country. People have to be educated that corruption should be stopped. Corruption is a disease. Corruption does not come. There are a few persons who are having Rs. 100 crore or Rs.250 crore. Even then they are corrupt. They do not need money, but they are corrupt because it is a disease. It has to be prevented. There are persons with Rs.100 crore or Rs.150 ^ crore. Even then they need more money. It is a disease itself. It is a cancer. It has to be eradicated.

[Shri Kalyan Banerjee]

At the end of the day and at the end of the speech, I would tell the Government that this law has to be forceful. We are having the Prevention of Corruption Act. It is not that we do not have the Act. We are having the Prevention of Corruption Act. We could have extended this Prevention of Corruption Act to every blocks of our country. We could have made it easily accessible. We could have said that anybody could go and complain under the Prevention of Corruption Act. Just imagine a situation. A Scheduled Caste or a Scheduled Tribe man of Purulia District in our State stays at the Ayodhya Pahar. He would come to meet Madam in Delhi for filing a complaint against an MP for corruption. Is it a reality? Is it accepted? Can anybody accept it? It is only for the people who are running after some persons. Why are we not bringing the corporates? It is very nice. In the evening one anchor would go and speak against all persons. Let this anchor be brought before the public at large. Allow me to cross-examine the anchor. Let me understand his knowledge, his integrity and his stand. A gentleman goes on to a manch and gives a speech saying that we have to bring it very quickly! The dignity of this House has to be maintained. This House should not be put under pressure of anybody. Someone creating pressure by saying that he would go on a hunger strike if it is not passed by the 27th December, is not right. We have not given a very correct message to the nation.

All of us are interested in bringing a Bill like this. But in reality we are bringing this Bill under pressure. This position should not have been allowed to come. This does not give a very good image of the Members of Parliament. We are working under pressure. A wrong a signal has gone.

Hon. Prime Minister, Prevention of Corruption Act is still there. Implement it in each and every block of the country. Implement it strongly. The statute merely remains there and it has not been implemented. Officers have ignored the statute. That would not help this country. Whatever is there, it has to be implemented.

Madam, at the end I would say, we fought against corruption. Our leader Mamata Banerjee fought against

corruption for the last 35 years. She is not an academic leader. She is a leader from the field. We have come to power fighting against corruption. So, corruption has to be fought out. With these words, I conclude. I thank you for giving me a patient hearing.

SHRI NAMA NAGESWARA RAO (Khammam): Madam Speaker, from the very beginning our party, under the leadership of Shri Nara Chandrababu Naidu, wanted that a strong and effective Lokpal Bill be brought, and the time has now come today that we are discussing this Bill.

[Translation]

Madam Speaker when, this Bill was introduced in the House today, Shri Narayanasamy ji spoke for the first time. When a Minister speaks in the House he should talk responsibly and with facts. There is rampant corruption in the country at present.

[English]

Recent surveys on international corruption show that corruption level in India is very high.

MADAM SPEAKER: Hon. Member, you have five minutes, and wind up in five minutes.

SHRI NAMA NAGESWARA RAO: On the scale of 0-10, corruption level in India is at 8.67.

[Translation]

Corruption levels are so high. But Narayanasamy ji said in the morning that we are bringing a very good bill. There is nothing like this in India till now. For the first time provision of confiscating property has been included. But property of an officer in Bihar has been confiscated and converted into a school for the poor people. But intention is needed to make a school. The people in power should have the will and mettle to do so. The way he is speaking that today we are doing a lot. Shri Kapil Sibal ji was speaking. He is a Minister. See the way he thinks. First, Kapil Sibal ji talked about justice Ramaswami ji case outside the House and now he is talking about it in the House. While speaking he said that people resort to

corruption in their house and level allegations against others. I did not understand whose house is it? I do not understand in whose house the 2G spectrum scam took place. In whose hour did the Commonwealth scam took place? Likewise whose house is the 'O' Block in Andhra Pradesh. It is their Government in power there as well as in Maharashtra. A Minister should not speak in the House in this manner. The hon. Prime Minister has said two things clearly, firstly, what is the Government's stand and secondly, he accepted that corruption is prevalent in the country. We should together bring a good bill to eradicate corruption but before that the Minister should not talk in this manner. He also said that Opposition leaders are not giving constructive suggestions. Whatever suggestions we have given have been constructive but being in power you are not taking any suggestions

[English]

That is the problem

[Translation]

Has anyone thought like this? Shri Kapil Sibal is not visible here at the moment, he should not speak like this.

Whatever be the reason but the instances of corruption are continuously coming up and this is the reason our country is not developing.

[English]

Corruption level is going very high.

[Translation]

It is our responsibility to control it. Considering the suggestions and amendments received since morning, Shri Kapil Sibal said that we had given a lot of constructive suggestions

[English]

let us include these, let us amend it.

[Translation]

So, the Bill should be introduced in the House after

including all these suggestions, only then we will consider it.

In addition to it, the people are advocating that the C.B.I, should remain an independent agency. But if we see the selection process, the Leader of Opposition, Rajya Sabha should also be included in the selection process and the C.B.I, should also come under the Lokpal. Otherwise it should remain as a separate autonomous body. There should be no interference of others. The allegation of pressure of the government in the working of the C.B..I in the country should not be there.

Besides, there should be a strong and effective Lokpal and its accountability should be defined.

[English]

Its accountability is very important.

[Translation]

An effective, strong and accountable Lokpal should be passed. In addition to it, the Bills of the electoral reforms and the financial reforms should also be introduced because after the reforms in our country,

[English]

our GDP growth is growing continuously high. Our country is developing, since our country is developing, we have to control corruption.

[Translation]

With these all amendments, this strong and effective Bill should be introduced in the House.

SHRI JAYANT CHAUDHARY (Mathura): Madam, hon. Prime Minister strongly supported this Bill and express the Government's resolution in their fight against corruption. I have stood up to support the Bill.

I think that the people may have their own opinions in democracy. It may be that the people may have apprehensions about the Bill which has been introduced as to what will be its broad contours and how effective it



[Shri Nama Nageswara Rao]

will be. Will the Lokpal be an effective institution which will facilitate the people's fight against corruption or it will be a toothless institution? The people have different doubts. But I think that the Government's proposal is a step in the positive direction. This is not the first law which we are enacting against corruption. There may be many laws. Even today, there is a law, and there has been a tendency to over-legislate in the country. Many good laws are being enacted but we do not bother as to whether there is any shortcoming in the implementation of that law. Somewhere, I read that Mahatma Gandhi had once said that

[English]

"Corruption and hypocrisy ought not to be inevitable products of democracy, as they, undoubtedly, are today."

[Translation]

It means that it is not a new problem. At that time also, the people of society were concerned about it as to how the participation of the poor people will be ensured. Will they be included in the mainstream? Even today, we are discussing the same thing.

I think that if we view corruption broadly, it is not limited to taking bribe. If we are depriving the people of the country from their rights, this is also corruption. If the Dalits and women are being exploited, it is also corruption. If the farmers are not getting remunerative price for their produce, this is also corruption. If the land of the farmers is acquired forcefully, it is also corruption. Somewhere, every section of the society will have to pay attention to all these things. Corruption is not limited to taking bribe only. This problem cannot be solved only by enacting laws and setting up an institution. These citizens of the country make India to progress and provide direction. Somewhere, we should also discuss as to how to unite the society and make it aware. Today, I would like to pay attention to this subject.

A number of suggestions have been received with regard to the draft proposal of the Lokpal Bill and it has also been discussed at length. The Standing Committee

might have invited views from many people and had discussed it also. The Committee has submitted its report. The issue of the CBI was raised. I think that there is a mistake in selecting the words because we are advocating that the CBI should be an independent body. I think that it is not the question of the autonomy of the CBI. The issue is related to strengthening the CBI. The conviction rate of the CBI is very low. We should accept it. It raises two questions - the capacity of the officers of the CBI and the Judicial efficiency-are the matters of concern. Some steps have been taken to strengthen the CBI in this Bill. We should also think about the situation as the CBI appoints the officers on deputation. These officers work with this institution for two three years and after that these officers return to their parent cadres. Somewhere, there happens to be the cadre of their states and due to their affiliation, they are a little biased. Somewhere down the line, we will have to think of developing an independent cadre so that they could have an independent talent pool. They should be given special training so that their efficiency could be increased.

I would like to make one more technical point. I have not much information. The definition of the public servant in section 14 of the Bill has been broadened. Many people defined in (a) to (h) of section 14 are included as the public servant. It is written in explanation

[English]

"For the purpose of clauses (f) and (g), it is hereby clarified that any entity or institution, by whatever name called, corporate, society, trust, association of persons, partnership, sole proprietorship, limited liability partnership shall be the entities covered in those clauses."

[Translation]

It is a matter of debate whether private entities are included in the Public Authority under the RTI Act through the PPP model or not? The Planning Commission has its own opinion. The Ministers have expressed their views in the public forum and this matter is in the court also. In Bangalore Airport case, the High Court has given the judgement that yes, they are the public authority. But, will



it be appropriate that we accord the status of the public servant to private travel and private individuals? If we have to include them under this Bill, then, we should have done it by adopting any other alternative mechanism. That is my submission.

I agree to a large extent with the issue of accountability raised by our Parliamentarians. I understand that the people working in other fields do not have the kind of accountability, the people associated with politics, whether they are Parliamentarians or MLAs. Questions asked to us very frequently. The only issue is not that we fight elections after five years. Whenever we visit our constituencies, voters tell us about their woes. They pin point what we have done wrong. They express their displeasure and also pleasure. We have to be with them through their thick and thin. If we ignore them, they also ignore us while casting their votes. I understand that the extent of accountability we have, no other institute or organisation has.

I would like to give you one more example. At the time of release of the next installment of MPLADS fund, the number of applications we usually receive become double. It means the people are aware that the next installment of our MPs fund is coming. They come with their applications. Crores and billions of rupees are spent in the Government departments. Do the people get to know when funds are released and when funds are spent? They are not aware about it. I understand that if we set up a Lokpal organisation, which is the need to the hour, transparency will increase to some extent.

Will Group 'C' and 'D' employees be brought in its ambit. Will that not affect their working. More than 55 lakh applications were submitted under RTI during the year 2010-11. Even today if one visits the villages and asks the people about RTI, people are not aware about it. Today Lokpal has been discussed so much that every section of the society is aware about it. I understand that Lokpal organisation will be overflooded in the very first year. Lakhs of complaints will be filed in it and it will definitely affect lakhs of employees who will be kept in its ambit. Chaudhary Charan Singh birthday was celebrated on 23rd August

across the country. Hon'ble Prime Minister was present here in the Central Hall. Madam, you were also there and I was also present Chaudhary Charan Singh's speech was being played in the background. What he said in that speech? He said that corruption gradually percolates from upper ranks down to the lower ranks.

MADAM SPEAKER: Please conclude your speech. You have spoken for more time than the time allocated to you.

*[English]*

SHRI JAYANT CHAUDHARY:

Madam, I am concluding.

*[Translation]*

He said when people sitting at top are honest it's effect reaches the bottom and after all it is the responsibility of those people who elect the leaders. Therefore, the basic issue is that we have to create awareness in our society. I welcome this legislation. This is a beginning. All the Members can evolve a wayout to remove the shortcomings in it. They are capable of doing it. I once again welcome this bill.

*[English]*

SHRI GURUDAS DASGUPTA (Ghatal): At long last, much has been said but everything has not been said.

I was very curiously listening to the hon. Prime Minister, while he intervened in the Debate - not at the end but in the middle. A normal practice is that the leader of the Government listens to all and then makes a speech. But there is a departure and it has been to a large extent.

While praying for consensus, hon. Prime Minister has provoked controversy. He asked for consensus but provoked controversy. He categorically said that Federalism should not stand in the way of struggle against corruption.

Hon. Prime Minister should have been little more careful that it does not mean Centralisation should impair upon the basic foundation of Indian democracy and Federalism. It is wrong to pit one against the other.

[Shri Gurudas Dasgupta]

It is also unfortunate that hon. Prime Minister has used this rostrum to deliver the progress report of the work done by the Government, keeping in view what is going to happen in five States. It is unfortunate.

MADAM SPEAKER: Hon. Members, please do not cross the speaker.

SHRI GURUDAS DASGUPTA: Hon. Prime Minister, while speaking of the paramount importance of fighting corruption, should have played the games according to the rules of the game.

The Parliament is not a rostrum for delivering a political speech, which in a way helps or becomes a part of a political campaign. Hon. Prime Minister should keep away himself. There are apprehensions and there are bound to be apprehensions.

At the beginning, I should say that I welcome a Lokpal Bill, but not the Lokpal Bill, which has been introduced.

The point is that if you say that something is better than nothing, then, of course, it is good. Something is better than nothing; it is definitely not everything that the country needs. The hon. Prime Minister was talking about agitation outside. Is it right? Does it not impair upon the sovereignty of Parliament? Are we under duress? Are we compelled? Are we being led by our nose? Are we being threatened to do something or not to do something? Does it not affect or impair upon the sovereignty of the Parliament?

The rulers or the leaders of the Government who had remained in power for long should always consider the wider ramifications of what they are saying. If you say that protests have been very loud during the last one year, then they forget that this country had fought against corruption from the inception of Independence. It is too much of an importance that is being attached to some individuals or a group of individuals and, in a sense, giving a message of panic to the common people in the country which, in my opinion, is not something which helps

a democracy to function. The higher up you are in the hierarchy, more responsible you should. I do not call the Government irresponsible, but I should say that the higher up you are in the hierarchy, more responsible you should be. It is a rhetoric. He has written to the Parliament a rhetoric. It is a debate that he has opened up. He speaks of the Mahatma Gandhi National Rural Employment Guarantee Scheme, it is good. But only 38 per cent of the money has been spent on this. He had spoken of just now about inclusive growth, but everybody in the country today is saying that growth has not been inclusive. He spoke about developing economy, but today we are facing an unprecedented economic crisis. Everybody knows. We could not discuss that in the Parliament. The hon. Speaker could not allot time for this. This is one of the gravest moments of Indian economy. In such a situation like this if the leader of the Government finds satisfaction in the working of the Government, then I am sorry to say that is not a sign of political sagacity.

Madam, if you say it is the beginning, I agree. It is a beginning, but it is a notional beginning, it is a token beginning. The beginning should have been effective. If you say that the Government has the distinction of introducing the Bill, I agree. You have introduced the Bill. You want it to be passed, I agree. You are doing it for the first time. If you say that the fight against corruption is a prolonged battle. I agree. But when corruption is all-pervasive, it is not in a vacuum that we are discussing. Why suddenly has the Government woke up to be so responsible? Not only one man, it is at this moment of time that corruption is all-pervasive in the country. Kindly do not forget that for the first time in the history of Independence, a Member of the Government is in Tihar jail, for the first time in history that one of the leading functionaries of the ruling party is in jail. ...*(Interruptions)*

*[Translation]*

Some people are on the way to jail, we will get information about that later on ...*(Interruptions)*

*[English]*

MADAM SPEAKER: Please address the Chair.

SHRI GURUDAS DASGUPTA: One after another Report of the C&AG has indicted the Government ...*(Interruptions)*

MADAM SPEAKER: You may conclude now.

SHRI GURUDAS DASGUPTA: If you say so, then I may sit down.

*[Translation]*

MADAM SPEAKER: Please conclude. Do not talk with each other.

...*(Interruptions)*

*[English]*

SHRI GURUDAS DASGUPTA: But everybody in the House has gone beyond their time limit ...*(Interruptions)*

MADAM SPEAKER: I am asking you to address the Chair.

SHRI GURUDAS DASGUPTA: This is the background. The background is that not only one person is going on hunger strike but it is all about pervasive corruption. The background is one member of the Government is in jail. The background is, one after another CAG Report is indicting the Government. ...*(Interruptions)* I am not yielding, Madam. ...*(Interruptions)*

*[Translation]*

SHRI KANTI LAL BHURIA (Ratlam): You are saying that ...*(Interruptions)*

MADAM SPEAKER: Please sit down. Why are you standing? ...*(Interruptions)*

*[English]*

MADAM SPEAKER: Please address the Chair. What is all this? Nothing will go on record. Please understand the gravity of the situation.

...*(Interruptions)\**

---

\*Not recorded.

*[Translation]*

MADAM SPEAKER: What are you doing? Don't do that.

...*(Interruptions)*

MADAM SPEAKER: This is a very serious issue. We have called a special session for this, the session has been extended for three days. Take it seriously.

...*(Interruptions)*

SHRI GURUDAS DASGUPTA: Madam, I am saying that the Minister is impatient. I am reflecting on his behaviour of a Minister ...*(Interruptions)*

MADAM SPEAKER: You speak on the subject, Shri Dasgupta.

SHRI GURUDAS DASGUPTA: I never go beyond it. ...*(Interruptions)*

*[Translation]*

SHRI SHAILENDRA KUMAR (Kaushambi): He is not a Minister at present. ...*(Interruptions)*

*[English]*

SHRI GURUDAS DASGUPTA: He is a member of the ruling party. If he is so impatient about the problem which the country is facing, then what is the consequence of the statement given by the Prime Minister that there should be a consensus? You want the consensus by becoming impatient! Is it right to do so? Is it right to think so?

Madam, it is not the State which is the centre of corruption. There may be a group of Reddys in one part of the country, but there are a large number of Reddys around the corridor of power in New Delhi. The political Capital of India is the Capital of criminality perpetrating corruption in India, not today but from the beginning.

Madam, where did the spectrum episode take place? It was not in Bangalore. Where did the loot of the Commonwealth Games take place? It was not in Kolkata. Whose policy led to loss of revenue in Krishna-Godavari Basin? Whose policy was it?

[Shri Gurudas Dasgupta]

Madam, please note one point. Please note that when every limb of the State apparatus was infected with dangerous disease of cancer, it was a radical surgery that was needed. This Bill is nothing but a cosmetic operation that is being done playing to the gallery. It is a cosmetic operation. It is not even palliative treatment. It is a cosmetic one. Palliative is sometimes better.

Where is the political will? The Government must show the political will. ...*(Interruptions)*

MADAM SPEAKER: Why are you reacting to every interruption? You please address the Chair and please conclude.

...*(Interruptions)*

SHRI GURUDAS DASGUPTA: Sir, the point is ...

SEVERAL HON. MEMBERS: Not, Sir. It is Madam. ...*(Interruptions)*

SHRI GURUDAS DASGUPTA: She is as strong as a gentleman and as tender as a woman. Therefore, I can always reflect on her like this. ...*(Interruptions)*

If a Member of Parliament turning into a lawyer is a problem to Shri Kapil Sibal, then may I remind him that a criminal lawyer - does not mean a lawyer is a criminal but has the expertise in defending the criminality - leads the battle against corruption, then I must take it with some salt. I must take something with salt ...*(Interruptions)*

Madam, I must say that the Government lacks political will in launching a crusade against corruption. Corruption was there from the dawn of Indian history. My young friend should know it. It was there maybe before he was born. I think he is 63 years old. We had the Jeep scandal. At that point of time, the country had just become independent. You may remember that Mundhra sent to jail. Remember there was Bofors scandal; remember there was Harshad Mehta scandal; remember there has been 2G spectrum scandal. But the point is that the 2G spectrum scandal has hit the sky, it has crossed the limit. ... *(Interruptions)* Madam, corruption is not a disease. It is a greed for money; it is a

greed for profit. Our new and liberal economic policy is responsible for this. Liberalisation without adequate safeguards had opened the doors for massive corruption, that has overtaken the country. Let us discuss the Bill dispassionately, without being overcharged by what is happening in Mumbai or what has happened in Ramlila maidan. Let us protect the sovereignty of the Parliament; let us protect the independence of the House.

I now would like to raise several questions. Let the Government answer. Why have the corporates been left out? Why has the private sector been left out? Who are these corporates? They are those who bribe the politicians, who bribe the Ministers, who bribe the bureaucrats. They are the ones who fund the election campaign, who pay for the helicopters. It is the corporates who generate black money, it is the corporates who evade the tax; it is the corporates who arrange for paid news. Why have they been left out? It is a political decision. Leaving out the corporates is a political decision, lest you are affected in your poll campaign.

Therefore, I have proposed an amendment for inclusion of the private sector. Too much immunity has been given to the Office of Prime Minister. ...*(Interruptions)* Independence of the CBI has to be protected. Madam, if you are angry I can tell you how Governments of all hues have used the CBI as a political weapon ...*(Interruptions)*

MADAM SPEAKER: I am not angry.

...*(Interruptions)*

SHRI GURUDAS DASGUPTA: The Government of this side and the Government of that side has used the CBI as a political weapon to fight the opponents. ...*(Interruptions)* If you want I can give you examples. Everybody uses the CBI. ...*(Interruptions)* Should I tell the names? You will be embarrassed. I do not want to embarrass you. Mr. Young Minister, I wish you more promotions. ...*(Interruptions)* Independent investigation has also to be done.

There should be special courts to deliver judgements within a specific period of time. Once upon a time, Pandit

Nehru said: "I will fire at the black marketeers and hang them near the lamp post". I do not go to that extent. Pandit Nehru was emotional. I do not want to be that emotional. But I must say that Congress must carry the tradition of Nehru in their blood. If you have forgotten Nehru, I must remind you. The Prime Minister was delivering his elaborate speech but had not the time to refer to this. It was the historic speech of Prime Minister Nehru against the black marketeers. You should have the courage and honesty to remember the first Prime Minister of India. Why should the federal system be encroached upon? Lastly let me come to this. What is the open agenda of the Government?

**18.00 hrs.**

What is the open agenda? Is it the open agenda of the Government to begin a struggle against corruption or there is a hidden agenda to tell the people that we are taking steps to fight corruption and nobody else is supporting us? Therefore, give us the support so that we can be elected again for the next time. So, is there a hidden agenda or is it an open agenda? I would like to know what is the agenda itself.

**18.01 hrs.**

REFERENCE BY THE SPEAKER - *Contd.*

**(ii) Completion of hundred years of first rendition of National Anthem**

[English]

MADAM SPEAKER: Hon. Members, 27th December, 2011 marks the completion of hundred years of the first rendition of Jana Gana Mana our National Anthem, a golden thread of patriotism, which has played a key role in unifying the Nation. Jana Gana Mana was first sung at the Calcutta Session of the Indian National Congress on 27th December, 1911 and it was adopted as our National Anthem on 24 January, 1950 by the Constituent Assembly.

The House congratulates the people on this occasion and conveys its best wishes to them in their march towards excellence in various fields and all-round development.

...(Interruptions)

MADAM SPEAKER: Shri Bwiswmutlpry, what are you speaking in between? Please sit down. No, this is not the way.

[Translation]

Shri Bwiswmutiary ji, please sit down and do not speak in between.

Nothing will go on record.

...(Interruptions)\*

[English]

MADAM SPEAKER: Please take your seat. It is most inappropriate time to get up and shout like this when I am talking about the National Anthem. The hon. Member you must realize it. You are a senior Member. This is not in the spirit of the National Anthem.

Hon. Members, the time of the House is extended till these three Bills are passed.

**18.03 hrs.**

THE LOKPAL AND LOKAYUKTAS BILL, 2011  
THE CONSTITUTION (ONE HUNDRED AND SIXTEENTH AMENDMENT) BILL, 2011  
(INSERTION OF NEW PART XIV B)

AND

PUBLIC INTEREST DISCLOSURE PROTECTION  
TO PERSONS MAKING THE DISCLOSURES BILL,  
2010 - *contd.*

[Translation]

SHRI LALU PRASAD (Saran): Madam, Speaker, all the Members of Parliament are sitting here and we are having a discussion on the Lokpal Bill. We as well as the people of the country heard the speeches of the leaders of all the parties. We have heard the speeches of all leaders and the Prime Minister has also left the House

\*Not recorded.



[Shri Lalu Prasad]

after delivering his speech. So, now we have to take a decision ...*(Interruptions)* Now he is back. I request the House to set up a strong Lokpal against corruption. No party is against it. But, I am warning the people sitting here whether we are sitting here to put a stamp on a political "death warrant" of the Constitution of India, all Members of Parliament of both the Houses, all Chief Ministers all Members of Legislative Assembly (MLAs), all the employees, all Members of Legislative Council (MLCs), all officers and all people sitting here? Everybody is aware of the circumstances in which this Bill has been introduced and there is no use of mentioning it. Everybody knows why this Bill has been introduced in haste. Here, I would like to read Shri Anna Hazare's letter. Shri Anna Hazare Ji is sitting in Mumbai and his followers may be sitting here or not ...*(Interruptions)* Please, listen to me. We are very concerned about the health of Shri Anna Hazare and we are thinking of constituting an "All India Anna Hazare Swasthya Bachao Sangharsh Samiti" because his life is invaluable and we need him. His two advocates talk of going on fast. Please, listen to me. Don't take it lightly. They talk of going on fast on every issue. There is a saying in rural areas that a leprosy patient threatens that if the people do not listen to him, he will spit on them and the people get afraid because it is a contagious disease- this is saying ...*(Interruptions)*

[English]

MADAM SPEAKER: Hon. Member, please be more serious. What is this?

[Translation]

SHRI LALU PRASAD: Madam Speaker, we are creating such a situation in our country. Therefore, I have been warning all the people continuously that the Parliament is supreme. I know that all the hon. MPs, MLCs, Chief Ministers, MLAs, Prime Minister will be covered under the Lokpal. Hon. Prime Minister, I have no doubt on your honesty. When I was a member of the Standing Committee, I wanted to know as to what should be the qualification of Lokpal. We are going to create a supreme body. I do not

see anybody else. If, the Government brings a strong Lokpal, Hon. Prime Minister Ji, we will appoint you as the Lokpal. We have this kind of faith in you. I ask all the MPs as to what is their opinion.... We will appoint you as Lokpal for sure. Those who went to make you the Prime Minister may do so or not but, please, leave that seat and take this seat of the Lokpal because it is we who have got the responsibility of legislating the law.

Moreover, you are our protector and your ruling, your decision is final. The Supreme Court also approves it. Please, submit your report. Will we report to the persons who will be appointed by us? What kind of situations are we going to create in the country?

Madam, I read this letter which is in Marathi language and I give to you also. We would want from Shri Anna Hazare to refute that this is his signature. I tell you, please listen to me seriously. The letter is written in Marathi language and I have got translated it into Hindi. I am telling you about the thing we are concerned about and what we are doing. I tell you about our pitiable situation and impression created therein. It is written there - voters, give me the opportunity to serve you. It means that we say that we send our elected representatives with full faith by making them servitors. It means that they send us here. I don't understand the quality of this chair. Those who go as servitors become the lords. They are looting the state and the country. If the voters are not aware, the democracy of the country has more threats from these people than from the Pakistani terrorists. This letter has got the signature of Shri Anna Hazare ...*(Interruptions)* The whole system is being dismantled. Whether we pass this Bill or not but my speeches will be in record and the coming history will reveal as to who has done what. This is the letter and at the end of it, there is signature K. B. *alias* Anna Hazare. You might know. This is a letter and I have not written this letter. His very close man, Shri Raju Parulekar, who is a very senior journalist has got a copy of this letter and this is in record also. Apart from it, this is in record also and it is in a video also. He said to keep it in record. When the situation will go out of control what Shri Kejriwal and Smt. Kiran Bedi have said that\*. I will show what they have said about this subject. This as a big international conspiracy in our country.

---

\*Not recorded.



[English]

MADAM SPEAKER: Please, delete the word.

[Translation]

SHRI LALU PRASAD: A conspiracy is being hatched to destroy our system and this institution. Therefore, any how we need to curb corruption. For it, people ask me as to how corruption can be stopped. Therefore, I had said to take over the wealth of not only the MLAs and MPs but the people involved in the revolution and they should be questioned. Shri Anna Hazare and his followers are sympathising with the poor people and if the wealth and land have to be redistributed, then re-distribute them. There should be a ceiling as to who will possess how much wealth under the Right to property. What situation are we creating? I have heard that the Government will be able to pass the Bill without making any amendments. But, it will be very wrong. The Government should refer it to the Standing Committee. It will not make a huge difference. It will be deliberated upon there.

Madam, I would like to make one more point. I had heard that Draupadi had five husbands and the CBI is also going to have nine husbands, i.e. this body is going to have nine bosses. The CBI is our premier institution and in this era of science and technology, the CBI is going to be headed by nine bosses. One will take this institution to one direction and another in the other and the whole system in the country and under Section 173 of the CRPC of the Judiciary the police

[English]

is expected to be competent to investigate any case referred to from any corner, for any side he will not report to other people. He will straight report to the Judiciary.

[Translation]

The Government is making a provision that the report of the investigation will be submitted to the Lokpal and the Lokpal will decide whether the case will be registered or not. All MPs should read Section 173 and the provisions 29, 30 and 31 which is related to reason to believe. If the

lokpal gets passed, then the wealth of the MPs, public servants, officers or any person will be confiscated under the reason to believe without establishing the case. It is not a small matter. The sitting MPs have got immunity, therefore, they have not been included and the ex-MPs have been included. If anybody registers a case or complaint against an ex-MP even after the seven years from the time he ceases to be a sitting MP, that ex-MP can be arrested and the case will be registered against him. There is a limit of seven years. There is the provision of MPLAD and if there will be any defect in the quality of anything then no MP can be found outside the jail. They would be lodged in the jails of different areas to which they belong. Therefore, this provision should be removed. How did the Government make this provision? By centralizing and cornering all these people, this thing is being imposed on the political people. The Government did not pay attention to the armed forces. The Government should have done so. Our Army works in minus three degree and they protect our boundaries. The Government has included their A, B and C categories also in this Bill. The military has got its own separate system. They have got the provision of court-marshal. IB, RAW and intelligence agencies spend a lot and do not give the details of their expenditure and they also should not be covered but the Government has included all these in this Bill. What is the Government going to create today?

I know that most officers of this country are not thieves and dishonest. After the Bill gets passed, they will stop working. B, C, D categories and the citizen charter have been included here. The staff employed for digging land and carrying soil in the Railway Department and all people including the gardeners have been included into it. Is this Lokpal?

An hon. MP of Mamta ji's party correctly said that the names of proposed people should be brought here and we will choose the right person. We would take his interview to ascertain how would tackle corruption. CBI should not at all be included in this. It is understandable that the Government should have an edge in this regard but why are you including CBI under Lokpal? Lokpal can send its complaint, it would be investigated and sent straight there.

[Shri Lalu Prasad]

You are creating very dangerous situation. For one reason or the other the structure and system made by the fathers of the constitution is being dismantled by you. This situation has been created by you. The person for whom and because of whom you are doing this is not going to relent. If he does not agree on this he would once again stage an 'anshan' (fast) sometimes at one place to then at another. He is not going to relent.

MADAM SPEAKER: Lalu Ji, please conclude now. You have said what all you had to, please conclude now.

SHRI LALU PRASAD: Madam, now this debate has been started that no one should be able to become a candidate i.e. power to rejection ...*(Interruptions)* First, power to rejection and if he wins then power to recall. So that means to be in a state of confusion. Therefore, I urge the government, all the parties and Advaniji as well to bring the proposal, whether he beings or other people bring it, it is not a good bill, it should be withdrawn. It should be withdrawn and after its withdrawal voting should be done against it, we do not want such a bill, we want a strong bill. The Bill should be introduced after a comprehensive debate. If this government does not agree, we would leave and it can do whatever it wishes. Please bring the proposal, do not leave after giving your speech. This should be settled once and for all. But beware, you are going to do something like self sabotage tomorrow due to one person by giving into his proposal. Mark my words, I am not wrong. I am saying this with emphasis.

MADAM SPEAKER: Lalu Ji, please conclude.

SHRI LALU PRASAD: Please file a court case. They call us thieves. Look what is happening! The rights of the hon. Speaker are being undermined. It seems that rights of the Speaker are being undermined. Therefore, Madam the supremacy of the Parliament should be upheld and all the bad provisions in this bill should not be introduced in a haste. Besides, we will not compromise on social justice, minorities, muslim brothers but what is happening is wrong. I know that these allies know that this is not right but at the time of voting they press the red button. Have courage every one, have courage. I am urging all the MPs to have

courage. Madam, we want corruption to end and a strong Lokpal Bill to be introduced. This is not a Lokpal Bill. This would prove to be suicidal. This would put a nail in every one's coffin. If everyone agrees please raise your hands and return this Bill.

MADAM SPEAKER: OK, Lalu Ji please sit down.

SHRI LALU PRASAD: Everyone, please raise your hands to return this Bill. Let us bring a strong Lokpal Bill otherwise no one would trust us from tomorrow. I conclude my speech here.

*[English]*

SHRIMATI HARSIMRAT KAUR BADAL (Bhatinda): Thank you, Madam. Today was indeed supposed to be a historic day while the Winter Session of this Parliament was especially extended to usher in a historic Bill while the entire nation watched and waited. But instead of a Bill that would have been a historic piece of legislation that would attempt to stem this rot of corruption that has eroded our entire system that would cure this cancer and create history, we are witnessing the Government's attempt to bring in a Bill that is nothing but useless, toothless and aimless. That is neither acceptable to the agitators that they are trying to pacify nor does it take any concrete step to curb this menace of corruption.

So, Madam, I can only presume one thing that under the banner of this Government's Lokpal Bill, we are basically trying to kill three birds with one stone. Firstly, they are trying to show the nation that they have given in to the popular sentiment and brought in a Lokpal Bill which I think the hon. Minister has voiced the sentiment. I quote him when he says:

*[Translation]*

"We have brought Lokpal Bill, our work is done, they have done their work"

*[English]*

Secondly, by bringing in such a weak and useless Lokpal Bill they ensured that it would be trashed by everybody in this House.

Finally, the third thing is that if it did not get into this minority and reservation debate, they have ensured that it would be trashed by the Supreme Court.

So, all in all, they have ensured that this Lokpal Bill does not see the light of the day and like the hon. Minister says and I quote him:

[Translation]

The Government does not want that Lokpal is not answerable to anyone. When it would not be introduced, there is a question of accountability.

[English]

So, Madam, this undue haste, waste of time and expenditure all incurred by this hurriedly introduced Lokpal Bill, I think, is with the sole purpose of stemming the agitation to ensure that they do not go and campaign against the ruling party in the five election-bound States. ...*(Interruptions)*

MADAM SPEAKER: Let her speak.

...*(Interruptions)*

SHRIMATI HARSIMRAT KAUR BADAL: Then, at least, the Government should have had the sense to introduce their Lokpal Bill so that we would not end up wasting time on this useless Bill which is not going to curb the agitation, which is what they were trying. In fact, this has ended up fueling it even further when the 'jail bhara andolan' starts.

As the common man reels under the steep price rise and inflation, he watches helplessly but with a deep sense of disgust the erupting scams of the political parties and the total loot that is happening in the country which is being regularly exposed. ...*(Interruptions)* Then, instead of seeing that the people and the looters are being properly punished, instead of that, it seems that the Government goes into a cover up plan, in a desperate bid, attempt to cover up all the scams that are happening. ...*(Interruptions)*

[Translation]

MADAM SPEAKER: What is happening? Please keep quiet and listen. Speak when it's your turn.

...*(Interruptions)*

[English]

SHRIMATI HARSIMRAT KAUR BADAL: Unless the Judiciary does not step in, the looters go scot-free. So, the political class is being viewed by the public as not only perpetrators of corruption but also the people who are trying to block a legislation which would put an end to this corruption. Please keep quiet and listen. Speak when your turn.

Madam, this wandering anger of the public has found an anchor in the Anna Hazare's agitation. A 74 year old man, who in a non-violent, democratic and Constitutional manner is sitting on a dharna and on a fast demanding a strong piece of legislation which attempts to punish the corrupt and put a stem on the happening of corruption. If nothing else, I salute Anna Hazare for one thing that he has woken up the sleeping conscience of this nation to demand from the people that they have elected to give in to their demands and it has also challenged the Government by bringing to forefront this concept of corruption which has eroded our entire system. It has challenged the Government to bring in a strong Lokpal Bill which puts an end to this corruption and either listen to the people or perish if you do not give in to their ultimatum. That is the entire reason why this House has been extended for three days so that we can pacify these people. Today when we are actually debating a strong Lokpal Bill, this joke of a Bill they have introduced going to be appointed by a majority people who are out of us. The very political class these people are trying to keep out of the purview of the Lokpal. All Directors, inquiry, prosecution, all Secretaries, everybody is going to be from a list given by the Government. So, one Secretary level person owing allegiance to some political party is going to inquire and prosecute the PM, the MPs, the Ministers as well as his bureaucratic pals. Corruption in the bureaucracy is uncontrollable today. How is the same bureaucrat expected to control the corruption once he becomes the member of the Lokpal? ...*(Interruptions)*

[Translation]

MADAM SPEAKER: Silence please.

...*(Interruptions)*

[English]

SHRIMATI HARSIMRAT KAUR BADAL: Then, Madam, since the Government does not want them to come under the CBI. They have decided that Special Courts will be set up to look into the cases of Lokpal. The reality today is that CBI has 10,000 cases pending and 2700 cases are 10 year old. The Supreme Court has 56,000 pending cases; 37 lakh cases are pending in the High Courts, 270 lakh cases are pending in the various Courts. If this is the reality today, Madam, how is this Lokpal going to be more efficient and effective? I would like the Government and the hon. Minister to tell me that.

Besides the fact that now the Government also has the power to remove the member of the Lokpal under the Bill, what to me is personally the most scary part in this whole Bill is Chapter 15, Offences and Penalties. Besides the fact that there is no written thing for the Lokpal members declaring their assets or how they will be punished in case they have committed an offence, the most amazing thing is this, and I would like to quote.

"That whenever anybody makes falls complaint, they will be punished, where the punishment is imprisonment for a term which may be extended to one year and with fine which may extend upto one lakh rupees and that too nothing contained in this Section shall apply, if the case of complaints made in good faith."

Madam, this is a sheer case, which is going to work totally against the people ...*(Interruptions)* If he quotes anybody in the public life, he is going to be criticized, if he works; he is going to be criticized if he does not work. If I give my MPLAD fund to someone, who has asked for it, there will be 20 who say that she gave it because she got in a cut and 20 will say that she did not give it because we did not offer her a cut ...*(Interruptions)* So, what is going to happen tomorrow is that I will not want to work because I do not want to face the humiliation of these complaints. As a result, this Lokpal Bill is going to end up, doing nothing unless we put such strong systems in place for frivolous complaints which are going to be bombarded by a barrage of frivolous complaints. It is going to become

a tool to harass the leaders from doing their work. ...*(Interruptions)* So, in practical terms, with the passing of this Bill, we are all going to end up giving a Government and bureaucracy, which is going to stop working; which is not going to fulfil the aspirations of the people; and is going to make the people even more disgusted with the work that we are doing. ...*(Interruptions)*

Madam, I also agree with a lot of my colleagues that the appointment of Lokayuktas is a State subject. We should leave it to the States. States are doing a wonderful job. I would like to tell this august House, when the Government has the will only then there is a way. In Punjab, we have got in the Right to Service Act. There are 67 works in Government Departments and in police departments, which make the civil servants and the police accountable to the people to do their job in a given timeframe. This is a law that we have legislated and they can do it too. Why have they not done it is what they should answer too? ...*(Interruptions)* We have also started the system of e-tendering where all tendering is done by internet, which has brought down. We have removed and made it totally transparent with no interference. There is no interference either by the Minister, bureaucrat or the Executive Engineer. As a result, the project cost comes down by 30 per cent. Why can they not do the same thing? The 2G scam would not have happened, if they had brought in this system of working. Only, if there is a will, there is a way. ...*(Interruptions)*

**18.33 hrs.**

[Mr. Deputy-Speaker in the Chair]

I would like to end by saying that let us all rise to the occasion to fulfil the aspirations of our people. Let us not get so scared that a Lokpal Bill is going to come in, which we are not going to be able to control. Today, the people are looking for a body that is free from the clutches of the so called law makers or so called politicians who are perceived to be corrupt. So, let us make a Bill and give action to what the hon. Prime Minister has said: 'The well-being of the aam aadmi is the centre to of all our policies.' This Lokpal Bill is neither central to the policies of the aam aadmi nor to his needs.... *(Interruptions)* So, let us trash it and bring in another Lokpal Bill. They have got

suggestions from all the hon. Members. ...*(Interruptions)*  
Let them amend it and bring it in or send it back to the Standing Committee and make a Member of the Opposition Party, the Chairman of the Standing Committee, so that a real and proper Lokpal Bill comes in which can be passed in this House. We do not waste the House's money and time, debating on a useless Bill.

SHRI H.D. DEVEGOWDA (Hassan): I would like to express my mistake. Hon. Speaker, will you give a little attention towards me? I would like to express my apology regarding not giving any request in writing to take your permission. I expected that after Shri Lalu, who has got four Members, I am the person who is going to be called. I know that only three Members have been allowed. It is my mistake. I do not want to blame anybody. I have been educated by several speeches made by the seniormost leaders of this House. There, a young Member, who spoke very eloquently, I have at least learnt something about how things are moving on so far as the corruption issue is concerned.

Mr. Deputy-Speaker, Sir, I would like to just say two or three points. I am not going to take much time of the House.

In the entire Bill, no mention has been made about the corporate houses. Why I am mentioning this is, in Karnataka, in 1984 - I have got the Bill here - I was the first man who had faced the Lokayukta who was appointed by our late leader, who is no more now and I do not want to take his name. He is the relative of our Opposition Leader. That was the first experiment that I had in my life.

Shri Lalu Prasad ji is not here. I would like to say as to how things had moved.

Hon. Prime Minister, I have never questioned your integrity but I would like to say how things are going on now. Sir, you may be sincere. I have closely listened to every word of your speech.

I would like to share with you what exactly the conclusion that had been drawn by Shri A.D. Koshal, Karantaka Lokayukta. I would like to tell this for the benefit of the House. It says:

"The only head of charge in respondent of which a prima facie case is found to have been made out is head 1 of charge 1 and that too only in relation to a single house-site allotted to a relative which is covered by the entry at serial number 18 appeared at page 8 of Part-A of the documents. My finding about the existence of such a case is based on the discussion contained in paragraphs 12 to 18 hereof and is to the effect (vide paragraph 17) that the respondent has committed an offence punishable under Section 5(2) of the Prevention of Corruption Act."

It was about a single house-site allotted to my widow sister-in-law. I had committed this on the floor of the House. I never told untruth. I told this when the discussion came up before the Legislative Assembly. In the Council, some people made this charge. I had phoned to the Chairman concerned and said that this was what the mistake I had made.

Telling truth is also an offence today. I do not want to narrate the Mahabharata story now. I would like to tell you, Sir, that for allotting one house-site, I had to face this charge.

I had drawn your attention through several letters as to how farmers' land had been looted in Karantaka in the name of the so-called the 'project promoters' and the 'corporate houses'. 'Banglore -Mysore Infrastructure Corridor Project'.

You expected that a lot of money would come from foreign countries when the country was facing economic crisis. I bowed my head on that day when you had taken that decision. What is the end result? The land taken by the corporate houses at Rs.10 per acre on lease and land had been pledged for Rs.150 crore in the ICICI Bank. That is his capital. Do you want such things to continue? Do you not want to lay your hand on such people; (Project Company)

Sir, I am sorry. I am not going to lose my patience but I am fighting as a Member of this House. I am not the Prime Minister; I am not a Minister; I am only an MP. But as an elected representative, I owe a responsibility to the poor farmers for whom I am fighting. Is it not my duty, as



[Shri H.D. Devegowda]

a Member of this House, who had been elected by the people with more than three lakh votes over BJP and Congress candidates? Is this not my duty? Is it not my duty? I have been sitting here for the last six-seven hours waiting for my turn to speak. I expected that after Lalu Prasad Yadav's speech, my turn would come.

What is your answer today? You say: "If we touch the Foreign Direct Investors, your money will not flow." What is the money that is being flowed? It is not even a rupee. If Rupee one has been flowed by that company, hang me; let this House pass a resolution to hang me at Connaught Circle.

Is this the way to bring this Bill to satisfy X or Y or Z? Within three days you want to push this Bill! I can speak for hours together. I have gone through so many issues.

Sir, Karnataka Lokayukta is the first of its kind. It has got its own investigating agency. Now today, in Karnataka three or four Ministers including the Chief Minister of Karnataka irrespective of the party, have gone behind the bars. You have not sent them behind the bars. When the Governor had recommended to dismiss that Government, you did not take any decision. It was only the senior-most leader, Advaniji who took the decision said that 'please go.' Advaniji, it was you and your party who took this decision. The Centre did not take any decision.

What is the answer for me as a public representative, who represents the poor people and the poor farmers? What should I tell them? You do not want to bring to book those people, who are looting. For one house site of Rs. 20,000, I was to be prosecuted. This is the position today!

Sir, please. We cannot accept this Bill; whether it a strong or medium or comprehensive or whatever language they may use, we cannot accept this Bill. They cannot do it hurriedly. Laluji had made very salient points. He has guided us well. I would like to tell that we cannot accept this Bill.

With folded hands I say it Manmohanji. You are sitting

there as an honest Prime Minister. I am not speaking about the issue of Prime Minister. What is this? One of your friends who has written the Book who is also an M.P. "The Kind of Corruption." After I took over as Prime Minister, within one month this Book was published. It was sent to all Embassies and all Members of Parliament. Mr. Ananth Kumar may be here or may not be here, I do not know. They wanted to raise this issue. The Leader of the Opposition at that time, Shri Vajpayee told his party Members: "Do not do this. I know who is behind at the back of this." It was because of his maturity that he said it. I must remember those days. One or two Members wanted to raise this issue. This matter went up to the Supreme Court. But what happened? The former Home Minister and the former Deputy Prime Minister, Shri Advaniji is sitting here. He knows that a criminal defamation case was filed in the Tis Hazari Court or something like that, by the Government of India that 'it is the Prime Minister's issue, you cannot tarnish his image.' It was the Government of India, the Ministry of the Home Affairs, which took this decision on that day. But Sir, nothing has happened. The person who did it was a professor. He is no more now. He has died. Nothing has happened. Law on differentiation must be amended.

So, this is the type of allegation. Anybody can do it. I do not want to read out this book. One charge is that if T have purchased a coffee plantation of Rs. 300 crore by sitting in that chair, that Rs. 80 crore has been paid in cash in white money and Rs. 220 crore has been paid in terms of black money, and that I have cheated the Income Tax Department as a Prime Minister/

On that day, I was the Prime Minister. Today, I am former Prime Minister. I am speaking, not as the former Prime Minister but as an ordinary Member. I spoke because of the pain and what is going on in Karnataka. Our Ministers are here. He leased the land at the rate of Rs.10 per acre and project promotor is now selling it at the rate of Rs.20 crore per acre. He has brought not even one rupee and invested. You do not want to include such people. So, with folded hands, I beg of you. To take action at least on such fraudulent companies.



Sir, I conclude my speech. I do not want to make a lengthy speech and unnecessarily take the valuable time of this august House. At least, the hon. Members have not disturbed me.

[Translation]

SHRI YASHWANT SINHA (Hazaribagh): Mr. Deputy Speaker, Sir, I would like to thank you for giving me an opportunity to speak on such an important issue.

You know it, and probably many people in the House know that I was a Government officer and I joined politics after resigning from the Government job -52 years ago, I appeared in the IAS exam and before entering politics, I used to think that the most difficult exam in life is the IAS exam. But after joining politics, I fought Lok Sabha elections, I won some elections, lost some elections and today I have reached the conclusion that winning Lok Sabha election is the most difficult task.

All the Lok Sabha Members who are present here know that they do not have fun and enjoyment after winning the elections. We are at the disposal of people round the clock. We are answerable to them, wherever we are, we continuously receive phone calls from our constituency, and have to respond immediately. Somebody calls us at midnight saying that we three people were going on a motorcycle, the policeman has caught us, please get us released and if we do not listen to their request they say that they will see us in the next election. Therefore, those who think that fighting elections is a very easy task, sitting in Lok Sabha is a very easy job and after that Members visit their constituency after five years, they do not know what it means to fight elections, what it means to be a Lok Sabha Member and how we have to be conscious about our constituency and our voters.

This is the situation. However we have to think as to how come we reached this pitiable position. When I was in the Government job, people used to say that a lot of corruption is prevailing there all those who are in Government job are thieves. I thought Ok, I will leave the Government job and enter politics. Now I am in politics and people are saying that most corrupt people are in politics. Shatrughan Sinha Ji is present here, he organised a symposium in Patna, I asked a question in the symposium

that where should I go in this old age? My journalist friend suggested that I should become a journalist. Probably that is the only field left, but there also people are being beaten, somebody slaps, somebody throws the shoe. We are not safe anywhere. Today we are forced to think as to why such a situation emerged that we have to call a special session for three days, to discuss how to tackle the problem of corruption and how to enact the Lokpal Bill. Today, this question is before the country.

It happened earlier also, many people spoke about it and there was not such urgency. The demand of passing the Lokpal Bill and constituting a Lokpal was never raised so emphatically, as it is today. I understand that we do just, we should contemplate in this regard as to how we have reached such an impasse?

I was listening very attentively to hon'ble Minister, Shri Narayansamy. He gave a very aggressive speech while introducing the Bill. Another Minister, Shri Kapil Sibal's speech was even more aggressive and the Prime Minister's speech was like a farewell speech. I was listening to it. He counted his achievements in a manner as is done at the end of the term. The Government's intention is not of evolving a consensus. Sushmaji has rightly said, before her only Narayansami ji spoke, that it seems that the Government is having no intention to evolve a consensus. It wants to force this bill on us, it wants to force this bill on us by hook or by crook. We have to think about it, we are compelled to think as to why the Government is doing that? What is the trick behind it. People say that it is also said here that the Government's intention is purely political. It has nothing to do with Lokpal or fight against corruption. Elections are going to be held in many states in the near future. They will propagate in the elections, that we brought this bill, but Lok Sabha did not pass it. What can we do? Its intentions are not bonafide. Their intentions are doubtful and after that they will level allegations against others. Why so? They will not get it passed. ...*(Interruptions)* Let us be very clear, as our leader said that we are in favour of the said bill because you have deliberately introduced this bill for constituting weak Lokpal organisation. It will be toothless. All people said so in this regard.

[Shri Yashwant Sinha]

Sir, I was surprised that at the time of discussion on the federal structure under articles 252, 253 instead of replying to the said debate the Prime Minister stood up and said it is a legal sophistry. He should give reply on those points? What is legal sophistry? They are deliberately violating the constitution and are saying that it is legal sophistry. They are deliberately going against the provisions of the constitution and are saying that the Court will give a ruling in this regard. What kind of argument is this? I have never listened to this kind of argument in the House? We will deliberately do wrong work and the court will check it. This argument is totally baseless.

Mr. Deputy Speaker, Sir, Gurudas Dasgupta Ji is present here, he was narrating as to how we reached from Jeep Scandal to 2G Scandal? Due to the large scale corruption that hit his country during the past year, an old man is sitting on hunger strike in Mumbai and you people are levelling allegations against each other in a very uncivilised manner ...*(Interruptions)*

Mr. Deputy Speaker, Sir, today the country is ruled by the most corrupt Government headed by the man who is said to be most honest. Today, people are restless. We go to the people. There is restlessness, distress in the people? Why they are distressed? Why they are restless? People are facing the price rise. People are marred by corruption. People want that the black money deposited in foreign countries should be brought to the country, it should be brought to the country, it should be used for the welfare of people. The people are feeling restless due to all these things. Therefore people are raising the issue of corruption. Therefore those who are raising the issue of corruption are getting response from the people. We cannot ignore it. consider it as a pressure. You may take it as compulsion. You may call it anything, you have created today's problem. Now the solution sought by you for tackling the situation is providing totally ineffective or futile. Therefore, we are supporting the bill.

Mr. Deputy Speaker, Sir, what is the situation today? I will take two minutes of the House. They are setting up an institution under Lokpal. Which law of the country will

be implemented by this institution? Whether this institution will implement Indian Penal Code and Prevention of Corruption Act? There are two such laws in the country. Which are implemented by CBI, CVC, Vigilance Departments in states and Lokayuktas in many states. This is the order of the day. Today it is being widely discussed whether Prime Minister should be kept under its ambit or not, and if yes with what safeguards. From peon to Prime Minister everybody comes under the ambit of Prevention of Corruption Act. Neither 'A', 'B', 'C' nor 'D' category have been given exemption under it. Everybody comes under it. Had there been 'E', 'F', 'G' category these would also have been brought under its ambit. We people also come under the ambit of Indian Penal Code and Prevention of Corruption Act. Minister MPs, MLAs and all elected representatives come under it. There is no distinction.

*[English]*

SHRI H. D. DEVEGOWDA (Hassan): There is no time bar. It may take even thirty years.

SHRI YASHWANT SINHA: There is no time bar.

*[Translation]*

In this country, only, I have witnessed the situation when allegation were levelled against a former Prime Minister and special court was set up at Vigyan Bhavan.

**19:00 hrs.**

He used to come on every date. He had become a former Prime Minister till then. But the allegation which was levelled on him was related to the period of his tenure as the Prime Minister. We have witnessed that situation also. Today, two hon. Members of this Parliament are in Tihar Jail. There are allegations of their being involved in corruption. Is it not a matter of concern? One Member of Parliament is in Ranchi Jail and two MPs are in Tihar Jail. It is being said that nobody knows how many more people are in queue who will be sent to jail. There have been many discussions on the fact that our party had been in power for six years. Our Government did this and that and did not do this and that. But I would like to say that no minister of Shri Atalji's cabinet is behind the bars

...(Interruptions) That Government was ours ...(Interruptions) I had seen and we will show several things ...(Interruptions) But one thing that this Government did, Mr. Deputy-Speakers, Sir, I have my doubts on the intention of the Government. This Government itself does not want that this Bill should be passed. Therefore, irrelevant issues have been incorporated in this Bill. This is an attack on the federal structure and if it goes to any court, it will be summarily rejected. Secondly, the Government has willingly brought the provision of minority reservation which was not there earlier, through a corrigendum. The Government knows that this is not workable. Mr. Deputy Speaker, Sir, in the order paper, the Bill is listed earlier and constitutional amendments later on. I request you to take up the constitutional amendments first. I request you to take these amendments first and conduct voting and later on take up the Bill for voting. This system should be in place here because if it is written in the constitutional amendment that- there shall be a Lokpal and if the constitutional amendment does not so through in the House, there will be no meaning of formulating the Bill. Therefore

[English]

Constitutional Amendment first and the Bill later. This is how we should proceed in this matter.

[Translation]

There should be no attempt to divert the attention.

Now I would like to talk about the states. Shri Kapil Sibal ji is not present in the House. I saw him first when I was a Member of the other House and I had come to this House to watch the proceedings. The proceedings related to the impeachment against a corrupt judge were going on in this House. At that time he has had come to this country as an advocate of the judge. Today, he is teaching us the lesson of honesty. ...(Interruptions) He is saying as to why we are attacking and encroaching upon the jurisdiction of the states. Because, we want to create a model Bill. Model Bill has been created in Uttarakhand. The Government of Uttarakhand has formulated a good Bill. A good Model Bill has been formulated in Bihar. As Shri H. D. Devegowda was saying that the State Government

of Karnataka has formulated a very good Bill. The Legislative Assemblies of the States have formulated good Bills. This Bill has been in 18 states and in these states, either Lokayuktas have been appointed or the appointment process is going on in these states. We are saying that we will impose to impose our model or unsuitable Bill on these states. How is it justified? Therefore, I want to say that the method adopted by the Government is wrong. If we tread on this path, no good work will ever be done. The Government is saying that this Bill has been finalised in all party meeting. Since when had you been bothered about the all party meeting? When you were forming a joint drafting committee in collaboration with an NGO, then you did not bother about the parties. Did you call the all party meeting? Did you ever consult the parties on whether we should form the joint draft committee or not? ...(Interruptions) You felt very good at that time. You felt no problem at that time. ...(Interruptions) When the differences erupted, then you felt the need to call all party meeting and to discuss with the parties. The entire country knows how they were treated. What is being talked about Shri Anna Hazare? How are the members of the Congress party speaking? What kind of language are the members of the Congress party using? Is it correct? The Prime Minister writes good letters to him and the members of his party abuse him in the media ...(Interruptions) It is beyond my comprehension as to where the Government is heading towards. The Prime Minister said that it was the achievement of their past seven years. Shri Kapil Sibal was saying that the opposition has got destructive bent of mind. Our agenda is destructive. We never worked in a constructive manner. Is the Pradhanmantri Gram Sadak Yojana not constructive? Is the construction work of the national highway not constructive? Is the Sarva Shiksha Abhiyan a destruction? I want to ask whether Antyodaya Anna Yojana is destructive. Is the crop Insurance Scheme destructive ...(Interruptions) Is the river-linking scheme destructive? Is the telecom revolution destructive ...(Interruptions) I want to ask whether the Housing revolution is destructive.

Mr. Deputy-Speaker, Sir, the Leader of the House and Finance Minister is sitting here. The Prime Minister counted all achievements. He did not even mention that we are facing a grave economic crisis. Prime Minister Ji,

[Shri Yashwant Sinha]

today, the country is trapped in a grave economic crisis. Nobody is bothered about it. Shri Gurudas Dasgupta rightly said that we did not get time for discussion even after extending this session. How will we tackle this problem? But the Government is talking about achievements. The rupee has devalued so much. The economic growth has slowed down. The exchequer is suffering losses ...*(Interruptions)* Please, do not ask me to speak on Lokpal. If the Government says us to speak on the Lokpal, then the Prime Minister should not have counted the achievements of the Government here ...*(Interruptions)* He can speak, but we cannot ...*(Interruptions)*

Mr. Deputy-Speaker, Sir, this is the problem. The prime Minister said that policies of the Government are people centric. I want to say that your policies are corruption centric ...*(Interruptions)* These are not people centric. You talk of inclusive growth. Please, visit Jharkhand today. I will show you that effects of the policy of inclusive growth on the villages like Done Resham. Nothing. There is no effect. There are several such villages in the country where nothing has been done and you are talking to inclusive growth sitting here in the House ...*(Interruptions)* Speaking very good things ...*(Interruptions)* Everything seems fine ...*(Interruptions)*

MR. DEPUTY SPEAKER: Let him speak. When your turn comes, then you should speak.

...*(Interruptions)*

MR. DEPUTY SPEAKER: Please calm down.

...*(Interruptions)*

SHRI YASHWANT SINHA: Mr. Deputy Speaker, Sir, through you, I would like to tell the hon. Prime Minister that atleast he should avoid giving 'clean chit' to his tainted ministers. He used to praise a lot those members also, who are our colleagues and at present imprisoned in Tihar jail and have not got the bail till date. He had given 'clean chit' to them also. Hon. Prime Minister, Sir, you should bother about your image which may get maligned due to this. My humble submission is that it is our right.

This House is Supreme, the law has to be enacted here only but we have to strongly fight against corruption. We will not take corruption lightly nor would we allow you to treat it lightly. Shri Sharad Yadav ji was correct when he said that we have been constantly discussing the issue of corruption in the House and will discuss it in future also. We all will keep fighting against corruption but the kind of institution required for this should be set up first. Smt. Sushmaji has mentioned Section 24 and she also mentioned several anomalies that exist in the said section. A lokpal without teeth will be referring the cases to the other departments which will in turn refer it to still another department. If you were to draw a diagram it will be so complicated that it will be incomprehensible as to which case is with which agency. Whatever action is being taken will also stop and there will be more corruption. Therefore, through you, I would like to request that if we really want to fight against corruption as this House intends to, then this bill should be reconsidered. Not even a single member of this House would be satisfied if this bill is not reconsidered. I do not know the views of the members, sitting on the other side, however the manner in which they were clapping while listening to the speeches of Shri Lalu Ji and other members, it shown how excited they are ...*(Interruptions)* What their allied parties TMC and DMK have said. *[English]* Please take notice of what has been said here.

*[Translation]* We all are against this but it seems that you have not discussed it with your allied partners as well and the manner in which you wanted to impose your decision regarding FDI in retail, similarly you are trying to impose your decision this time also. Please do not like that. In a democracy, the numbe<sup>p</sup> are important. The bill are passed on the basis of majority numbers and the members are also elected by the people on the basis of number however

*[English]*

the soul of democracy is the consensus.

That is the soul.

[*Translation*]

You are unable to build a consensus even with your allies. Therefore while endorsing what our leader has said, through you, I would like to request the Government to withdraw this Bill. I am mentioning about the parliamentary practice. The Government has made radical changes in the bill, which has been received from the Standing Committee after their detailed examination alongwith its recommendations. The Government has included several such provisions like reservation for minorities, incorporated clause 24 in it, which were not under the consideration of the Standing Committee. It is a parliamentary convention that if such amendments are made in the bill, after the Standing Committee had submitted the report alongwith its recommendations then the bill should again be referred to the Standing Committee. I want the Government to take a wise decision. The Government, after conclusion of this discussion, should make an announcement that it's intentions are good and that it wants to enact a strong Lokpal bill. Since we want a strong and effective Lokpal bill therefore we are again sending it to the Standing Committee. [*English*]

Mr. Deputy Speaker, Sir, a morally bankrupt Government has brought not a lokpal bill but 'Brokepal' Bill. [*Translation*] This will not do. I suggest the Government to seriously consider this bill. I am thankful to you for giving me time to speak.

[*English*]

DR. SHASHI THAROOR (Thiruvananthapuram): Mr. Deputy-Speaker, Sir, we heard a powerful and statesmanlike speech from our Prime Minister. It was not, as has just been alleged, a farewell speech but a speech of taking stock of the platform that has been built for further progress. I would like to refer, Mr. Deputy-Speaker, Sir, to an earlier speech by our Prime Minister when he was not yet Prime Minister when he said to this august House

twenty years ago in announcing the liberalization of Indian economy, quoting Victor Hugo, that there is no power on Earth that can stop an idea whose time has come. Today, Mr. Deputy-Speaker, Sir, we have another such day when a powerful idea has reached us, the idea of an independent and effective anticorruption body.

The mood of the nation is clear. And I think everyone in this House will acknowledge that there is a reason why this is the first time after eight previous unsuccessful attempts, the first time since 1968, that we are actually discussing the passage of a realistic Lokpal Bill. I do want, I think in the name of many of us in this House, to congratulate all those inside and outside this House who have placed this issue on the agenda of the nation. They have done the nation a service in bringing this issue here. And I do believe that our Government has done a great job in rising so admirably to the challenge of presenting a credible Lokpal Bill to this House.

**19.19 hrs.**

[SHRI SATPAL MAHARAJ *in the Chair*]

As the Durban Commitment to Effective Action against Corruption declared in 1999, a commitment to which India is a signatory, corruption deepens poverty, debases human rights, degrades the environment, derails development, destroys confidence in democracy and the legitimacy of Governments. This is why, Mr. Chairman, Sir, the time to act is overdue. And this is why we must commend the Government for putting forward the Bill that it has. Let us not underestimate the need for this Bill. The fact is that people around the nation have been raising and discussing the issues that have come before us today. There is a problem with the national debate; we have seen outside this House that people around the country know what they are against, but do not know that those who are agitating were for. And so, there was a simplistic attempt to support another Bill, a Bill drafted outside this House, which would have given us, I am afraid, a clear, all encompassing, but a deeply wrong-headed and undemocratic prescription. The Government has avoided that danger and has come



[Dr. Shashi Tharoor]

forward with a Bill that tackles the real problem that we are facing - the issue of corruption. Corruption is not just the big ticket corruption that everyone has alluded to; it is not just the big headline corruption; it is not just the amounts that have put prominent figures in jail, but it is the daily corruption that affects ordinary Indians that we must be concerned about.

The widow who cannot claim her husband's pension or insurance pay out, without bribing a clerk; the pregnant labouring class woman, who cannot get the Government's bed that she is entitled to deliver her child in, without bribing an orderly, otherwise, she has to deliver on the floor. These are real cases. The young man who wants to be a lorry driver, but cannot get a driving license without paying a bribe or worse still, the lorry driver who cannot drive properly but can get a license by paying a bribe and becomes a menace to all of us. The son or a daughter who goes to get a death certificate for his or her parent, who died but cannot get it without again paying a bribe.

Shri Yashwant Sinha said that we want a people-centric Bill. These are the people on whom the Bill is centred. If you want people centric action, just yesterday, the Transparency International, the Berlin based anti-corruption organization, released the results of a survey of 7,500 people, conducted in South Asia over the last two years. Fifty-four per cent of Indians surveyed, said that they had paid a bribe. According to the survey, Indians pay bribes frequently when dealing with all sorts of essential public services - the police - 64 per cent; property and land - 63 per cent; registry and permit services - 62 per cent; tax revenue - 51 per cent, and so, the list goes on - even up to, educational services. This is a shame for us and we must tackle this firmly.

If Transparency International is seen as a foreign institution, let us look at the analysis released very recently - this week - by the Aziz Premji University in Bangalore that studied the last ten years' performance of the Karnataka Lokayukta. What did it find? It found that 80 per cent of the cases handled by the Karnataka Lokayukta are related to the four essential functions of the Government - local

Government cases - 24 per cent; administrative cases - 37.6 per cent; welfare cases - 17.6 per cent and regulations - 2.5 per cent. In other words, corruption infects our system and we must deal with it.

It seems to me that the problem however was that while people knew what they were against, they did not know what they were for. They supported an outside Bill, without fully understanding the dangers that that Bill posed. But they did feel - the nation as a whole feels - that there is a need for a strong anti-corruption agency which is effective and independent of the Government so that any wrong-doings by public officials can be investigated, prosecuted and punished. That is what this Bill gives us.

In my view a good Bill had to meet the following five principles - I believe that the Government has done a very good job, as I would explain. Firstly, the Bill must be conscious of its obligations to the society, and to our democratic institutions. This Bill takes into account the demands of civil society and at the same time, it is respectful of the democratic institution of Parliament, which is the only place where this law can indeed be passed.

Secondly, it must ensure that the cure that is being prescribed is not worse than the disease. We had a cure being prescribed from outside that would have created a supra-institution, an institution that frankly would have been undemocratic fundamentally, that would have combined the police powers of investigation and arrest with the judicial powers of prosecution and punishment, all in one institution. It would have been extremely dangerous. This Bill builds in effective checks and balances.

The third principle is that a good Bill must deal with the issues of monetary corruption and mal-administration, of the misuse of authority for personal gain and indeed the embezzlement of public funds. You will find that the Government's Bill covers all of these and more.

The fourth principle that is important is that the Bill should strengthen our constitutional and institutional mechanisms in this country against corruption. The fact is, by proposing it is a constitutional amendment, the Bill is anchored firmly in the need to strengthen our constitutional and institutional arrangements.



Mr. Chairman, the fifth principle is that it should also be effective in avoiding the risk of decision making paralysis. Shri Sharad Yadav ji, for example, rightly said that most bureaucrats in this country are capable and honest. I do not think that we would demur with that but there is always a danger that honest bureaucrats would be terrified by the provisions of too draconian a Bill and would, therefore, not wish to act. The avoidance of risk would become the most important concern. There are many bureaucrats who believe that you cannot be punished for doing nothing and that is the worst thing for a country that is seeking to develop, to grow and to change. We must not create a situation in which bureaucrats are impelled to do nothing. We must make it possible for the honest to have fair and due process and where honest officials do not feel that they need to duck the responsibility to take initiatives and decisions. That I believe this Bill has tried to do with the protections built into it.

We will only know to what extent we have avoided the dangers by the actual working of the Bill, and I think it is extremely important to see this Bill as a stepping stone for larger, broader reforms which I would like to return to briefly, Mr. Chairman, in a minute. But before doing so I would like to respond to some of the specific charges made by the Opposition and some of the specific claims made by the Opposition in this debate today.

The fact is what have we heard! Have we heard nit-picks? Yes. Have we heard legal sophistry, as the Prime Minister has said? Yes. Have we heard a lot of rhetoric? Yes. But have we heard substance? No, Mr. Chairman. The only substance that I have been able to hear so far has been the Leader of the Opposition and the previous speaker holding up the Uttarakhand Bill as a model of how such Bills should be created. Well, Mr. Chairman, I have got hold of a copy of the Uttarakhand Lokayukta Bill and I find there are some very interesting provisions in it, which I believe the House would be happy to learn about.

For example, as you know, our Bill proposes that one needs a three-fourth majority before the Prime Minister should be brought into the purview of a particular investigation. And the Leader of the Opposition has

proposed an amendment, that has been circulated to all of us suggesting that it should be reduced to two-thirds as three-fourths somehow weakens the authority of the Lokpal. What does Uttarakhand do, Mr. Chairman?

Chapter 6, Clause 18 of the Uttarakhand Lokayukta Bill says that no investigation or prosecution shall be initiated against the Chief Minister, against any Minister or against any Member of the Legislative Assembly without permission from a Bench of all the Members and the Chairman. So, they want a hundred per cent to indulge a Chief Minister and MLA in Uttarakhand and they think that our 75 per cent is too much. There is more, Mr. Chairman.

*[Translation]*

SHRI HUKMADEO YADAV (Madhubani): We should bring IPL here.

*[English]*

DR. SHASHI THAROOR (Thiruvananthapuram): We are concerned about the impact of corruption on the BPL, not the IPL, Sir.

Mr. Chairman, the audit of the Lokayukta that is provided for in the Uttarakhand Bill is very interesting. According to Chapter 5 of the Uttarakhand Bill, Clause 14 (2) says that a Committee of the Uttarakhand Legislative Assembly can do an annual appraisal of the functioning of the Lokayukta. So, the Lokayukta there is under the Legislative Assembly and yet the Opposition that is holding this up as a model says that our Lokpal Bill, which is completely independent of Parliament and independent of the Government is weaker than the Uttarakhand Bill. Mr. Chairman, if this is their idea of a model Bill, perhaps we can understand why they have no Lokayukta in Gujarat for the last eight years. So, the fact is that the so-called model Bill ...*(Interruptions)* You know, one of the dictionary definitions of a 'model' is a small replica of the real thing. Today, we have the real thing.

Now, I would like to speak about the discussion, which we heard on the UN Convention against Corruption. I happen to know a little bit about it. I will not enter into the territory of the legal experts, who have debated the

[Dr. Shashi Tharoor]

respective merits of Articles 252 and 253 of the Constitution.

My hon. colleague Shri Kapil Sibal has made it very clear that Article 253 does empower Parliament to enact a law for the whole or any part of the territory of India to implement an international treaty or Convention. This provision actually does ride the List in the Seventh Schedule. It is because it is the exercise of our Parliaments "constituent power". Note just making a routine law. But I will go beyond the legal issue because I am not a lawyer. However, it seems to me that corruption-free governance is a basic human right in India. It is, in fact, judicially recognised and enforceable.

In fact, the only way we can bring it, is by having a unified and comprehensive framework, in which we can fight corruption in a united way at the national level, State level and local level. How can we pretend that it is appropriate to have one set of anti-corruption measures in Karnataka, which is not applicable in Kerala? It is not possible.

When we offer this as a constitutional amendment, of course, what we are saying is that we cannot allow States to undermine the effectiveness of the law, as it applies throughout our territory.

Shri Basu Deb Acharia was good enough to read out a particular part of the Convention. Let me say to him and to the Members of the House that in any case. Chapter IV of the UN Convention against Corruption, Articles 43 to 49 says that State parties are obliged to assist one another in every aspect of the fight against corruption, including prevention, investigation and prosecution of offenders. It explicitly adds that countries that do not criminalise certain kinds of corruption would be obliged to cooperate with other States that had done so.

So, if there is a State that, in pursuance of the "States rights" theory we have heard today, chooses not to criminalise corruption of certain sorts, the Government of India as a signatory to the UN Convention is obliged to cooperate, nonetheless, and cooperation in criminal

matters is mandatory. So, it is extremely important to understand that this is a serious international obligation that we have taken on.

The Chapter VIII of the UN Convention, Articles 65 to 69 stress further that the UN Convention's requirements are to be interpreted as minimum standards, which states parties are actually invited to exceed with measures "more strict or severe" than those that are in the Convention - not less strict or severe but more.

I must disagree with those in this Debate, who have said that these are international standards, European standards and somebody has said that these do not apply to the Indian reality. In what way is India inferior to Europe or any other part of the world? We can have the same standards. We can have better standards. We do not need to dilute our laws by absolving the States of their responsibility.

Hon. Leader of the Opposition has once again made this argument that this is a weak Bill because it separates the power to enquire, investigate and prosecute. But to my mind, this is a strength, not a weakness. Would you want the police in your country to be able to enquire; arrest; prosecute and judge you? No. Then, why would you want Lokpal to be able to do that? It is not democratic.

In fact, the suggestion that the failure to give the Lokpal administrative and financial control of the CBI, is a way of making the Bill weak, is completely ill-founded. The Lokpal is positioned as an independent agency, exclusively responsible for the superintendence and direction of investigation and prosecution. You cannot expect the Lokpal to be simultaneously the investigator as well as have the power of superintendence and control over the investigator. It is a fundamental contradiction.

What does the superintendence and control of investigation mean? There is a Supreme Court judgement of 1997. It is well known as the Havala judgement, which sets the constitutional benchmark for the independence of investigation. What does the Supreme Court say in that judgement? It says that investigators are answerable to the law and to the law alone, not to the Government. The

Supreme Court distinguishes between interference in the investigation of cases on hand by the Government, which it prohibits - so, the Government cannot interfere in the actual investigation- but it makes a distinction between that and the Government's administrative and financial control over the investigation, which it considers totally legitimate. So, in the Bill that we have before us, Section 25 protects the independence of the investigative process while leading the Government to fulfil its constitutional and legal duties and responsibilities to the offices of the Government. In any case, financial independence is guaranteed by the fact that the funding to the Lokpal is assigned to the Consolidated Fund of India and of the Lokayuktas to the Consolidated Fund of the States.

There has been a discussion on the question of minority representation. All I can say is that the objective is very clear — that such a powerful and an important body coming up in response to such a mass demand must be as representative as possible of the rich diversity of our country. This was the principle behind which we fought for our own Independence when we said that India cannot be ruled by people who are not Indians. We must accept that within India there are people of various backgrounds who would want to see people of their backgrounds represented in these crucial decision making processes and the Lokpal cannot be an exception.

Mr. Chairman, Sir, let me say to those who have raised their concerns about the Bill, to those outside this House who have attended rallies, who have spoken out, who have appeared on television, I think it is time for this House to say "your voice has been heard, we have listened to you". With the passage of this Bill, the fight against corruption would now be on stronger and newer footing. Perhaps, the Bill is not everything that you hoped for; perhaps it does not contain every provision, dot every T and cross every T' as you would have liked. But change has its own momentum. Think of the Right to Information Act, the RTI. Think what people assumed when the Bill was being passed and think how strong and effective it has become. All of us, I am sure, had to taste its sharp edge. So, let us see this Bill work in practice. Let us, if necessary, in the fullness of time, adjust this to the

experience that we should have. But, after all, our Constitution has been amended over a hundred times and we cannot afford to take the position, as some outside this House have done, of "my way or the highway." We must urge people to avoid extreme positions, to respect the outcomes of deliberative democracy which we have seen in action in this House today. We cannot afford to be in too much of a hurry. There is an old saying in English that one should beware of the young doctor and the old barber. Both, in haste, can cause a great deal of damage. And there is a fear that there are too many young doctors and too many old barbers behind the versions we are hearing outside this House.

Mr. Chairman, Sir, let me stress that not even this Bill, and certainly not the Bill that was proposed from outside, offers a magic bullet. It is not a panacea. Corruption is not going to disappear overnight. This Bill must be seen as part of a much broader set of laws and institutions in our country. The Prevention of Corruption Act, 1988 has been mentioned; the Prevention of Money Laundering Act, 2002 has not been mentioned. There is the RTI Act itself. There are institutions of Central Vigilance Commission, of the CBI, of the Comptroller and Auditor General, of the Enforcement Directorate. It has to be seen as a part of our international obligations under the UN Convention against corruption. It must be seen domestically as being strengthened and buttressed by our vibrant media, by our rich civil society, which too will ensure that this Act works well. Today we have the Whistle Blowers Bill before us, the Public Interest Disclosure and Protection to Persons making the Disclosures Bill. That too will be one more pillar strengthening our efforts against corruption. The Judicial Standards and Accountability Bill is coming and I am sure the Government is giving thought to a Procurement Bill. Then there are the Tax Reforms which our Finance Minister has been working on for some time and we heard reference to it in the black money debate we had so recently in this very House. Then there is Campaign Finance Reform and how can we, as politicians, shy away from recognising that there is a real problem with black money in elections and that too contributes to the concerns of corruptions that our people around this country have? We have heard about the Grievance Redressal

[Dr. Shashi Tharoor]

Mechanism. We need to simplify laws and regulations in our country and increase administrative transparency. Then there is the question of reforms to prevent tax evasion. Indeed, as has often been said by our hon. Prime Minister himself, there is the need, to reduce the discretionary powers of officers and Ministers so that indeed there should not be corruption.

Let us admit that the all pervasive nature of our State is part of the problem. The State is present in so many aspects of our social and economic life. And it is buttressed by such a complex set of laws and regulations requiring approvals by so many officials at various levels which provides, of course, opportunities for corruption. When the State is a producer and a supplier of many services, then those who work for the State, especially in financial decision-making, I am afraid, have the opportunity to profit from the power to permit. They have the power to say 'no' at many levels and they have also the power to say 'yes'. While honest officials, political or bureaucratic, will not profit from it, there are some who cannot resist the temptation. The truth is, of course, just moving the process forward can be monetised and corruption is real as many of us know from our own experiences. But I want to say one thing to those outside who have been saying that one piece of legislation prepared outside this House is the answer to all their worries.

I would like to say to them that let us never forget the wise words of our great Founding Father, Mahatma Gandhi himself who, more than 70 years ago, said "Be the change that you wish to see in the world".

Who is ultimately responsible for corruption, if not ourselves as citizens of India? I would say one thing to those outside watching our deliberations in this House. For every bribe taker, there is a bribe giver. There is somebody who is trying to short circuit the process, get a short cut, avoid punishment by the Government, avoid a tax or avoid a law. The fact is that we cannot merely point fingers at the system, merely clamour for some sort of super powerful legal body and not forget the moral responsibility of society to change for the better.

We can do that because we are a democracy. I urge the House today to adopt this Bill because it is a way of strengthening our democracy as a nation.

We have seen this year, in 2011, as to what happens in other countries where there is no effective democracy. We have seen our brothers in the Arab world, we have seen the throngs in the streets and the Jasmine Revolution. But we do not need the Jasmine Revolution because the fragrance of jasmine is always present in the nostrils of our democracy.

The fact is, we have evolved our own corrective mechanisms and this Bill is an example of such a mechanism. Others may have bullets but we have ballots. Others have civil wars, we have civil society. Others clutch at straws, we make laws. Let us today uphold our finest democratic tradition by passing this Bill.

Let us say, Mr. Chairman, to those outside that it is time to move on. To the people of India, let us say do not fall prey to the blandishments of those who would destabilise our country, who would do so on the altar of their own infallibility. They are not infallible. We in this House are not infallible. But we are doing our best. You, the people of India have elected this Parliament. Please have faith in our judgement and good sense in what we are trying to do.

We are here and I know that our Prime Minister is here, only to uphold what we believe is in the best interest of this country, this nation and its people.

We are asking people to trust us but we are doing so after wide consultation and after 42 years of stalemate on this vital institution.

In this centenary year of the first singing of 'Jana Gana Mana' let us tell ourselves that Parliament must act in the loftiest and most noble spirit of that National Anthem. A hundred years ago today, at the Kolkata Session of the Indian National Congress, 'Jana Gana Mana' was sung for the first time. The next time we sing it, let us sing it in the knowledge that we have stood up against corruption, that we have stood for an institution that strengthens our country,

that has emerged from our democracy, that we have discussed the merits and demerits and we have come to the conclusion which benefits this nation and people.

Let us move forward and onward towards the kind of India that our National Anthem stands for.

*[Translation]*

SHRI S.D. SHARIQ (Baramulla): Mr. Chairman, Sir, first of all I would like to congratulate the hon. Prime Minister and all my colleagues in the UPA for introducing this Bill after such a long time. I admit that there might be some shortcomings and loopholes in this Bill and it does not include the provisions people want it to contain but the effort would be appreciated as it was visualized 41 years ago and after 41 years now, the present government has been able to introduce this Bill. This is worth appreciation. Secondly, what irked me was the fact that the moment 'minority' word was inserted in the Bill it led to the beginning of.....\* I do not understand why there is so much hatred against the word 'minority'. The politics has been moulded in such a way that on the mere mention of the name of the people who are part of this country who enriched the culture and civilization of this country and laid down their lives for it....\* begins. I did not like this. Please stop this hatred, you need to accept that 16 crore Muslims live in this country at present and you cannot throw them out of the country. You cannot make them third class citizens. They have to live here and follow their religion and culture and it is a matter of pride for India. Please get rid of such ideas out of your head. That era has passed that you raise the issue of Babri Masjid one day, go on 'rath yatra' today, tomorrow go on a 'chariot procession' the day after tomorrow go on a 'rath yatra' and try to make people...\* that era has gone. The era of your 'rath yatra' has passed by. It is the age of working on the ground. People demand relief from corruption and bribery. People demand from this House, you and their representatives to get rid of bribery, dishonesty and corruption. Please think about this. Issues do not get resolved by levelling allegations against each other. Consider it the weakness of one side or the other, but it does not solve issues and it is a truth that the bribery, dishonesty and corruption was there in your era

\* Expunged as ordered by the Chair.

as well as those days it was a problem. Even you were not able to do anything then and you did not even introduce this Bill. You could have brought a weaker Bill but you did not bring it. Therefore, you should be thankful that this government has brought this Bill, even if it is with loopholes, it is part of our constitution ...*(Interruptions)* You have been amending it since the constitution was made. This can also be amended as per the need of the hour but I would like to urge the government to not let the federal structure of the country to be affected. Please do not impose your Lokayuktas on states forcefully. I can proudly say that the 'Anti Corruption Act', in Kashmir is so strong that we have made a law to confiscate properties of corrupt people. In fact, we have already confiscated property of two officers worth crores of rupees. Therefore, please do not interfere in our internal matter. Please do not make the Kashmiris angry. Article 370 against which they keep on protesting all the time must be kept intact as it is under Article 370 that our internal autonomy is ensured and you need to keep it that way. I say this openly that if you want to keep Jammu and Kashmir within India, you would need to fulfill the promises made by this House and Pt. Jawahar Lal Nehru.

Secondly, I would like to urge upon you to not let the federal structure of the country to be tampered, the integrity/unity of the country should be ensured. That can only happen till this House, the Parliament exists. If there are attempts to launch street agitations against the Parliament, its credibility is questioned and the credibility of the Members is questioned then it cannot be tolerated anywhere inside or out of the House. This House is the result of the sacrifice of lakhs and crores of people. We have taken an oath in this House. This House has given us an ideology, a direction and our rights. These are childish things to say that I would not eat for three days if a certain demand is not met. I will take offense. No mom, I won't eat.

MR. CHAIRMAN: Please conclude.

SHRI S.D. SHARIQ: Is this a serious matter? Please take a look at the proposed law. After the law is passed amendments can be proposed. The Members can once again debate here and propose amendments again. But



[Shri S.D. Shariq]

these childish agitations are not in the interest of the country. This is dividing people and spreading hatred amongst them. This is inciting people against each other.

MR. CHAIRMAN: Thank you, now please conclude.

SHRI S. D. SHARIQ: I would like to draw your attention towards the biggest internal problems which are elections and voting. I know that these people also want the Bill to be passed but its effects would be visible outside, we need to bring more amendments in it. Please think of the country. Please be kind and think about the poor people who want to get rid of corruption.

MR. CHAIRMAN: Please conclude.

SHRI S. D. SHARIQ: Please eradicate corruption. Please provide them basic facilities.

I recall watching a channel the day before yesterday where it was shown that a bus fell in my area and a few people died. The media person spoke on the mike asking a person about the accident. He asked whether it fell itself or someone deliberately made it fall. The person replied, no, it fell itself. What was the need for the bus to fall? He said. The man replied, 'sir, it fell itself. He asked later 'what do you know? How many people died in the accident? He said, I did not see. Then he said, 'it is said that 40 people died. Later on 5 people were found dead there.

I would urge the media persons to not cross their limits. Crossing limits is not in the interest of the country.

MR. CHAIRMAN: Please conclude.

SHRI S. D. SHARIQ: Please give the real news to the countrymen as media is also a pillar of democracy. If one pillar becomes weak, the democracy would be in danger.

While supporting this Bill, I conclude.

SHRI INDER SINGH NAMDHARI (Chatra): Hon. Chairman, Sir, I would like to express my gratitude to you. I speak less that is why I was listening to the viewpoints of both the parties since morning. Frankly speaking, I would like to say something in an impartial manner, that the

stalemate which has arisen in the House should be resolved because in such a scenario the main issues of contention between the treasury bench and the opposition become minor and the actual issues disappear from our eyes.

I just want to say that India became independent in the year 1947. We fought freedom struggle under the leadership of Mahatma Gandhi. Shri Gurudas Dasgupta is not present right now. He said that -

[English]

There can be only one Father of the Nation.

[Translation]

Certainly, we called him 'Father of the Nation' because he got us independence. 64 years have elapsed since we achieved independence. During these 64 years, much water of the river Ganga flown into ocean. Our condition has deteriorated so much that we have to say that:

"Hai bahut andhiyar, ab suraj nikalna chahiye, Jis tarah se bhi ho, yeh mausam badalna chaiye"

There is so much despondency that there must be a ray of hope. With respect, I would like to say one thing. Since today, the hon. Prime Minister is present in the House and I have great respect for him, I would like to tell him one thing that when on 27th August, the "Sense of the House" was being taken, both the Houses have conveyed a message unanimously. Hon. Prime Minister is a very decent and honest person. With the sense of the House we adopted and accepted three demands of Anna Hazare ji in principle and handed over a letter to him. I feel that the Prime Minister should have remained firm on that. If the Government had accepted these three things including citizen charter then the present tension would have come to an end. You have submitted a separate Bill but what prominent people say have got some value. Shri Deshmukhji is present here, I was watching on T.V. that Shri Deshmukh, Chief Minister of Maharashtra himself went to Ramlila Maidan to hand over the letter of Prime Minister to Anna Hazareji.



Mr. Chairman, Sir, through you, I would like to tell that the hon. Prime Minister represents 120 crore people of the country. Should the Prime Minister have not thought that whatever he is giving in writing should be referred to the Standing Committee so that it can be included in the resolution. I think that had the hon. Prime Minister referred it to the standing committee, all other issues would have resolved and today the Bill could have been passed in the House with consensus. The hon. Prime Minister should have asserted that it is my commitment because as Chanakya said Snake, fire and prominent people tend to react when somebody makes a comment or provoke them. You might have seen that even when a snake is asleep, if someone pokes it with a small stick, it will raise its hood. If fire is dying out and someone puts firewood into it, the fire is tend to glare up. The prominent people take this only, if someone makes a taunting remark, they say that they will stick to what they have said. I was expecting that the hon. Prime Minister would emphatically ask those Ministers who were drafting the Bill for including what he had said or else he could not face 120 crore people of the country. Therefore, I would like to say that "yuddh ko turn nind kehte ho, magar jab tak vtha rahi chingariya, bhinna swartho ke kalush sancharsh ki, yuddha tab tak vishwa mein anivarya hai". If somebody wants to avoid a fight, there will be no fight.

Therefore, I would like to say this that even at the time of freedom struggle, a poet wrote about Mahatma Gandhi that "jhund haathiyi ke aaye nahane tho beh gaye, dariya ki tej dhara ex booda aadmi jan kranti jhuggiyo se na ho jab tak shuru, is desh par udhar hai ek booda aadmi". Gandhiji even fought against the British empire, which was the most powerful empire. Though he was a common man, yet he opposed the Britishers. Therefore, that poet wrote that "dal haathiyi ke aaye nahane tho beh gaye". The British empire was the most powerful empire. If a common man like Gandhiji can fight against the Britishers and help India in achieving independence then today if a 74 year old man says that corruption should be curbed in the interest of the country and not in his own interest, then we should not make a taunting remark or make a fun of him.

Many leaders have expressed their viewpoints, however, I would like to say that it is not our culture. It is alright that team Anna asserts that such and such persons from civil society are associating with them but we should see the interest that is motivating those persons to join the team. I would like to say that we cannot even respect a person who despite illness, resorting to fasting methods and rather we are making a taunting remark then ...*(Interruptions)*

MR. CHAIRMAN: You please be brief.

SHRI INDER SINGH NAMDHARI: Mr. Chairman, Sir, I do not talk much. Generally, I observe silence. Since today, the hon. Prime Minister is sitting here and as I have great respect for him, therefore, I am expressing my viewpoint before him. I may be given two-three minutes time. ...*(Interruptions)*

MR. CHAIRMAN: You please calm down, let Shri Namdhari ji speak.

SHRI INDER SINGH NAMDHARI: Mr. Chairman, Sir, through you, I would like to say that this forum is not meant for making fun of an old man. Had Laluji been present here, I would have said this thing to him also

**20.00 hrs.**

that he should not make any taunting remark as it is our culture that those who make sacrifices are considered God. Had Lord Rama not gone to exile, he would have not been considered as God. In our country whoever abdicated power has received respect. Therefore, it is not appropriate to make fun of a person like Anna Hazareji. I would certainly like to say that the CBI should be made an independent body. I have moved an amendment for this only. I do not want to take the names of the influential people but the CBI has tamed them. Whenever the CBI says, it has evidence against them, they feel helpless, how ironical it is.

"Mehjo andaz se kehte hai ki jeena hoga, zahar bhi dete hai to kehte hai ki pina hoga,

Jab mai pita hu tho kehte hai ki marta bhi nahi our jab marta hu tho kehte hai ki jeena hoga".

[Shri Inder Singh Namdhari]

Today the CBI has acted in such a way that the influential and powerful people have been tamed. Certain amendments should be made in it and the hon. Prime Minister, Sir,

[English]

You have made the mark.

[Translation]

I would like to say that you are a follower of Guru Nanak Dev ji, who had said that when you make a commitment, fulfil it even at the cost of your life and do not backtrack, therefore, I want you to remain firm on at least those three issues which you have given in writing to Anna Hazareji. You may be Prime Minister for further 10 years but I feel that if you fulfil these conditions, it will send a good message and you will be remembered as a good Prime Minister of India.

SHRI ASADUDDIN OWAISI (Hyderabad): Sir, this House is a pious institution of legislation. Out of the three Bills introduced in this House I would like to touch upon the Whistleblower Bill with your permission because most of the respected Members have not spoken much on it. Regarding this Bill, I have four points to raise. The first point is that victimisation has not been defined properly in the Whistleblower Bill. The Law commission had asked to chalk out a witness protection programme but there is no mention of it in this Bill.

The second point is that the Law Commission had suggested to impose fine on a person who files false complaints against the Government employees but there is no mention of it as well in the Bill. These points have not been defined properly in the Bill as these were defined by the Law Commission. The right of the Vigilance Commission is limited to the extent of making recommendations. They can recommend only and it will go to the competent authority of the department. The said authority will either accept or if the said authority does not accept it, it will have to give reasons in writing. I would like to urge the Government to provide more teeth to the

Vigilance Commission so that if the said commission recommends to take further action against any employee, it could be taken.

I will definitely support the Government regarding the Whistleblower Bill but I cannot support the Lokpal and Lokayukta Bill because it is weakening the power of the Parliament. Surely, corruption is a big issue in our country and there is no doubt that this is a big threat to the country. But, I think that the country has more threat from intellectual dishonesty rather than corruption. How shall we check it? Today, we and the Dalits are the victim of that intellectual corruption. How shall we put an end to this intellectual corruption? Regarding this Bill, I have suggested two amendments. The first is that the Prime Minister should be excluded from the jurisdiction of Lokpal. Why should he be excluded? In our Parliamentary Democracy, the office of the Prime Minister is a very respectable office and regardless of the party the person belongs to and whether I like this party or not, the person occupying this post should be respected. We all respect his position and at least nobody should doubt the integrity of that position. The fundamental position of law which the Government is enacting is that the Prime Minister can also be involved in corruption. Complaints can be filed against the Prime Minister also. Therefore, I oppose this Bill.

As far as the honesty of Shri Manmohan Singh is concerned, history will tell that there had been a Prime Minister in the history of India who was very honest.

Today, Shri Manmohan Singh ji is here, tomorrow anybody else from any party can be the Prime Minister. If we deprive the Prime Minister of the right to immunity will any Prime Minister be ready to work? Please tell me who will be ready to be the Prime Minister? I regret for the Congress Party that wants to bring forward a youth. But how can they do so? The Congress party is creating such a situation in which nobody can perform the duty of Prime Minister properly.

The second amendment which I have suggest regarding this Bill is related to the seven year litigation period against any Member of Parliament. If we win an election and anybody wants to file the election petition

against us, then there is a period of six months for it. Therefore, I have suggested to make it six months but the present Bill provides for a period of six years. There is a third point on which I would like to get reply from the hon. Prime Minister. There was an unstarred question dated 21.12.2011 listed on my name regarding the civil servant. With your permission I would like to read two points of that question in English...

[English]

whether it is a fact that a number of IAS, IPS and other Class I Officers, especially in States, are found involved in corrupt practices. Second was, whether the Government proposes to amend the Conduct Rules and Civil Service Rules to make the premier service clean

[Translation]

The reply from the Prime Minister's office is that

[English]

the Service Rules contain sufficient provisions to ensure clean and transparent administration.

[Translation]

Why this dispute then? On the one hand the Government is saying that there is no need for any law and the present Service Rules are sufficient. Then why is the Government bringing the Lokpal? I am putting the unstarred question No. 4471 dated 21.12.2011 before the Government.

Fourth and last point, I would like to talk about is Section 24. Shri Kapil Sibal has left the House. The people responsible for enacting Section 24 should have thought that the prestige of this House is this chair. If anybody doubts this chair and the Government brings this post under the jurisdiction of the Lokpal, then it is shameful. The Government is saying that the Speaker of the House has to answer to the Lokpal under Section 24. Sir, I still remember, when Shri Somnath Chatterjee was the Speaker of the House and there was a case of the Supreme Court demanded reply from the Speaker, Shri Somnath

Chatterjee, took the sense of the House and said in the House that he would not give a reply. The Speaker will be one of the constituent Members of the Lokpal and the Speaker will have to answer. Tell me how the law has been twisted? I can fight an election even if the charge sheet has been filed against me as an M.P.? The Government is saying that if charge sheet is filed, the Speaker will be constrained to take action against me. What kind of law is the Government going to enact?

Sir, I would like to make the last and most important point. It is a very important issue which the Government has forgotten. It is written in section 14 that the person who takes donations from people will fall under the preview of the Lokpal. The present Bill states that the organisations receiving donation from abroad also fall under the jurisdiction of the Lokpal. I am saying it because I know many Islamic Madarsa's which are receiving donation from abroad. The Government is creating a dispute for the coming election. I am very clearly telling the hon. Prime Minister that those who run those Islamic Madarsas will protest as the Government is bringing them under suspicion. You are doing so when you are giving permission and all rights of the Government are vested in you.

I will conclude by making a last point regarding minorities. Regarding giving representation to the minorities in the Lokpal, the respected Leader of the Opposition said that there had been many Muslims who were appointed on the post of the President of India. I would clearly like to say in the House that the Muslims do not need a Muslim President at all. Please, give us employment. Provide us safety and security of our lives. All these posts of the President are not going to help us. We do not get the job of a peon. A poet has well said - Ki tamannaon mai ulghaya gya hun, Khilaune dekar dil bahlaya gya hun. After all, how long will you entertain us with trivial things. As far as the issue of the disintegration of the country is concerned, I must say that if representation is given to the Muslims in the Lokpal, I would like to say if 19 percent people of the country are not given representation in the Lokpal, what kind of Lokpal will this be?

MR. CHAIRMAN: Please, conclude.

...(Interruptions)

SHRI ASADUDDIN OWAISI: I am concluding in a few minutes. It is said that it will not strengthen the country. Reservation is a matter of distant reality, we can't live with this injustice. Where were the people who are talking of the disintegration of the country, when we started the movement in the country. Where were they? We are the successors of Allama Fazle Kairabadi. Is it a crime be a Muslim in this country? Are we the second grade citizens of this country that we cannot get security? Today, this is the reality of this country that 75 percent Hindus of the country have been provided security while the percentage of Muslims is only 3%. We do not need alms. We need our right from the Government. Therefore, I would like to say that I do not support the Lokpal and the Lokayukta. Hon. Prime Minister, please, do not give much importance to Shri Kishan Babu Rao. The law should be enacted that if anybody goes on hunger strike in India, there should be a doctor with that person to check his weight daily and to look after what he is eating and drinking. This is a funny situation and such situation took place even in the year 2009. You took the decision of going on hunger strike in Andhra Pradesh in December, 2009, and we are paying the price. The people of Andhra Pradesh are paying the price. After all, how long will you be under pressure? Therefore, I urge upon you not to be the victim of blackmailing and you should govern with authority. I cannot support this Bill.

[English]

SHRI NARAHARI MAHATO (Purulia): Thank you, Mr. Chairman, Sir, for giving me a chance to participate in the discussion on Lokpal and Lokayukta Bill 2011.

Sir, many hon. Members have taken part in the discussion on Lokpal and Lokayukta Bill 2011. After 64 years of Independence, what we have seen is that corruption is increasing by leaps and bounds and for the last 41 years the Lokpal is being tried to be implemented in our country. But till today the Bill has not yet been passed and now it is going to be passed. Now, the corruption is very high.

Today, the Bill which has been placed in the Lok Sabha is a disappointment to us ...*(Interruptions)*

MR. CHAIRMAN: Please keep silence. The hon. Member is speaking.

SHRI NARAHARI MAHATO: In the All-political Party Meeting convened by our hon. Prime Minister, it was stated that we want a strong, credible and effective Lokpal Bill. But what we have seen in the Bill is that it is a weak Bill. It is not an effective, strong and credible Bill.

Sir, corruption reaches from top to the bottom of our country. By this Bill the corruption will not be uprooted. This Bill is not going to be implemented.

Sir, we always welcome the Lokpal Bill. But, in this Lokpal Bill, the glorious position of Lok Sabha, the Parliament needs to be considered. The Members of Parliament, who are representing more than 15 or 16 lakh people, the finger is being pointed towards their position.

So, Sir, my suggestion is this. Now the CBI is handmaid of the Government. CBI should be independent and it should be protected. It is the wish of the 130 crore people of this country ...*(Interruptions)*

MR. CHAIRMAN: Please be brief.

...*(Interruptions)*

SHRI NARAHARI MAHATO: Sir, independent investigation is to be done and, as such, CBI, as an independent body, is to be protected in a federal system. Federal system is a glory to our country and it should empower Lokayuktas in the State Governments. At the Centre, the Lokpal will be more powerful and will be empowered for which we are having a discussion for hours and hours together. Our ancestors have told us about our glorious past, about the sovereignty, about the unity and diversity of our country which will be more effective ...*(Interruptions)*

MR. CHAIRMAN: Please conclude your speech now.

...*(Interruptions)*

SHRI NARAHARI MAHATO: Sir, it is a curse for our country that we spend crores and crores of rupees during elections by which a lot of corruption is emerging in our

country. Under the Electoral Reforms Bill it should be taken care of. ...*(Interruptions)*

Lastly, let us protect the independence of this House and let us protect the sovereignty of our country. The Lokpal Bill cannot protect the sovereignty and independence of our country.

SHRI AJAY KUMAR (Jamshedpur): Mr. Chairman, Sir, I thank you for this opportunity given to me to speak on this historic occasion. During the course of such a debate, most of the time, some of the good points of the Bill are missed. So, I want to bring to your attention something which has been genuinely historical. One is the non-requirement of permission for prosecution. It is definitely a very important step. The time-bound investigation and the representation of people from all sections is definitely a very important step. But I would request the Government to pay attention to one or two critical points.

One point is this. Being an ex-police officer, my request to the Government is regarding the CBI autonomy. If you look at the CBI's performance, in 95 per cent of the cases which are non-political, the CBI does an outstanding job. I would request the Government that CBI's autonomy is something which should be considered.

I would also like to bring to your attention, Mr. Chairman, Sir, something very interesting. I have with me a copy of the report from the Income Tax Department, Directorate of Investigation. This is regarding the corruption of mines in Jharkhand during Madhu Koda's time. We have Mr. Madhu Koda in the prison but what is more interesting is that in the list of people who have paid the bribes, there are some 12 private companies which are very respected, blue chip companies. If you are walking away from not including the private companies, it would be against the course of justice.

The other issue is this. We compliment Mr. Hazare for bringing the corruption into mainstream but one of the dangers of this discussion is that the nation is beginning to believe that the Lokpal is going to solve all the problems. If you look at it, we have to fight corruption through various new reforms.

Take for example, the electoral reforms. To get a ticket, you need money; to fight election, you need money; to make a Government, you need money; to bring down a Government, you need money; and to bring an Adjournment Motion, you need money. So, fundamentally, the Lokpal is not only going to be the single silver bullet which is going to solve the problem.

The other important section, which I want to bring to your attention, is this. We have never discussed the speedy disposal of cases. So, what is going to happen if you are going to have a Lokpal, which is going to chargesheet people continuously, the cases will remain pending. You know that 'justice delayed is justice denied. So, I would request the Government to focus on as to how you plan to dispose of the cases.

The third issue, as Sharad Yadavji has said something very interesting, is about the RTI. He said that the Government servants are tired and working overtime with the RTI. My request is that if everything is in the public domain, then there would never be the requirement of an RTI. One of the biggest thefts, which are happening, is the disposal of Government resources for private benefit like spectrum, mines, etc. So, my request to the House is to put everything in the pipeline.

The last thing which is very important is this. I am from Jamshedpur, Jharkhand. The Leader of the Opposition said that she will implement an effective Lokayukta there. We, from Jharkhand, are suffering for years from corruption. So, I would request them to implement an effective Lokayukta in Jharkhand and save the citizens of Jharkhand.

*[Translation]*

SHRI KAMESHWAR BAITHA (Palamau): Mr. Chairman Sir, I thank you for giving me the opportunity to speak on the Lokpal Bill. Before speaking on corruption and Lokpal Bill, I would like to inform the House that I struggled for 26 years in village. I fought for those people who were struggling for two square meals. I fought for those people whose dignity and respect were at stake. I fought for those people who were not given their due in the society. I struggled for those people who were the victims of the



[Shri Kameshwar Baitha]

powerful feudal government. When I fought for those people, I realised that corruption and the feudal injustice and prevalent in villages only. The dishonest people are in village only. I won the election from jail, became a Member of the Parliament and came to Delhi for talking oath. During the last session, I got the opportunity for the first time to participate in the proceedings of the House, and to listen to the thoughts and view points of the hon. Members. Then, I realised what the House is.

Mr. Chairman Sir, I urge you to give me at least ten minutes to speak. Please, listen to my pains ...*(Interruptions)*

MR. CHAIRMAN: We do not have so much time. Please, be brief.

...*(Interruptions)*

SHRI KAMESHWAR BAITHA: During the last session, when the Lokpal Bill was being discussed, I was listening to the hon. Members. The Opposition presented the data that wealth worth 75 lakh thousand crores is stashed abroad. I had thought that the looters can be found in villages only, but such the looters can be found anywhere. I would like to inform the House that Jharkhand is facing a number of problems today. A number of instances of fraud and corruption are taking place daily. The poor people are fighting for their rights. Maoist movement is going on. I would like to inform the House and the Government whenever the Lokpal Bill has been introduced by the Treasury Benches or the opposition has talked about it ...*(Interruptions)* I feel that whatever suggestions and amendments in Lokpal Bill have been given to curb corruption, the Government should accept them, only then corruption can be controlled ...*(Interruptions)*

MR. CHAIRMAN: Please, conclude, as we do not have much time.

...*(Interruptions)*

SHRI KAMESHWAR BAITHA: Sir, please give me five minutes more ...*(Interruptions)*

MR. CHAIRMAN: We have paucity of time. Please, be brief.

SHRI KAMESHWAR BAITHA: Although the House took it very lightly to what hon. Lalu Prasad Ji said but the speech of hon. Lalu Prasad touched me and I fully support to what he said. Although, there have been many hon. Members ...*(Interruptions)* I want to say that surely there should be reservation for minority, Dalit, OBC, the SCs and STs. Alongwith it, our quota should be fixed ...*(Interruptions)*

MR. CHAIRMAN: Please conclude now.

Shri Prasanta Kumar Majumdar.

SHRI KAMESHWAR BAITHA: Whatever is in the House ...*(Interruptions)*

*[English]*

MR. CHAIRMAN: Now, Shri Prasanta Kumar Majumdar. You please start your speech.

Nothing will go on record except what Shri Prasanta Kumar Majumdar says.

...*(Interruptions)\**

*[English]*

SHRI PRASANTA KUMAR MAJUMDAR (Balurghat): Mr. Chairman, Sir, I, on behalf of my Party, RSP, re-affirm the supremacy of Parliament and would like to mention the following facts on the Lokpal.

As regards the inclusion of the Prime Minister under the Lokpal, I would like to say that due to the exposure of such large incidents of financial scam involving the members of Cabinet and the ruling party members, and such a huge amount of money involved therein, people's perception is that these could not have occurred without the knowledge of the Prime Minister or the Prime Minister's Office about the same.

The Prime Minister is not above the law of the land. He is fully covered under the IPC and Cr.P.C. insofar as the allegations against him under the Prevention of Corruption Act, 1988 are concerned.

---

\*Not recorded.



Moreover, in many democracies of the world, executive heads like the Prime Minister or the President of several countries do not enjoy immunity against the criminal proceedings.

Therefore, our Party strongly demands that the Prime Minister should be brought under the ambit of the Lokpal without any exclusion and without any safeguard.

As regards judicial corruption, I would like to say that of late, several indications have come to fore about the involvement of members of judiciary in corrupt practices. Since a strong Lokpal with a weak or dishonest judiciary are to be not in the best interest of the nation, we demand that judiciary be brought under an effective regulatory and overseeing mechanism in order to make them accountable. We hope, an effective judicial commission will be constituted.

As regards covering all ranks of the Government employees under the Lokpal, I would like to say that covering only Group A and Group B officials will not be adequately addressing the concern of the people about combating corruption.

The common people are forced to pay bribe to get the services - be it birth certificate or SC/ST certificate or OBC certificate or BPL certificate or driving licence - which the Government is duty bound to provide them.

The poor people are forced to shell out bribe in the matter of getting deliveries of services even under the various Government schemes meant for the benefit of the BPL families.

We, therefore, demand that all Government officials of all ranks from Group A to Group D must be brought under the Lokpal. MR. CHAIRMAN: Please sum up now.

SHRI PRASANTA KUMAR MAJUMDAR: About the CBI, it is seen by the people that the CBI is misused by the Ruling regime for preventing investigation into their corrupt acts and to harass the Opposition. This cannot be allowed to continue if you are serious about letting the CBI to carry out its task under the law honestly and impartially.

My party, RSP, therefore, firmly insists upon the view that either the Anti-Corruption Branch of the CBI be transferred to function under the Lokpal mechanism so that it is completely free from executive interference or the entire CBI be shifted out of the PMO and brought under the Lokpal mechanism and be made subordinate to it.

MR. CHAIRMAN: Please conclude.

SHRI PRASANTA KUMAR MAJUMDAR: Sir, I am just concluding.

About the Statutory Grievance Redressal Mechanism, since the quality of governance is witnessed by public through the quality of delivery of services where corruption has assumed serious magnitude, we demand that the Grievance Redressal Mechanism should be given a statutory status.

About the State Lokayuktas, our Constitution has given a federal structure giving the Centre and the States separately identified subjects on which the Legislators can enact laws. While Parliament can enact law for having a Lokpal at the Centre, the States should have the freedom to enact State Lokayuktas. They may take the Central law as a model but the Centre cannot enforce on them a Central law. We, therefore, demand that for providing Lokayuktas in the States, the Act of the Parliament should seek to do the same under Article 252 of the Constitution instead of Article 253.

So, with these words, I oppose this Bill.

DR. TARUN MANDAL (Jaynagar): Mr. Chairman, Sir, I strongly criticize the Lokpal and Lokayuktas Bill brought out by the UPA Government because it has dissuaded from its earlier assurance given in the previous Session in this House, particularly, in its contents and stipulations.

We wanted a very strong, effective, autonomous, independent and powerful Lokpal and Lokayuktas Bill. But there are some dubious provisions in the Bill, through which — not directly but indirectly — the Government is wanting to control the Lokpal, thereby making it ineffective and not keeping it independent.

[Dr. Tarun Mandal]

So, these dubious provisions must be removed from the Lokpal. There should not be any exemptions for the Prime Minister keeping him under the Lokpal. The hon. Prime Minister himself has desired that he wanted to be in the ambit of the Lokpal.

The CBI is one of the very important institutions in the hands of the Government. Many of the earlier speakers have mentioned in the House that the CBI has been repeatedly misused, underused, overused and unused. This institution must be under a very substantially independent authority. The Members of Parliament also must be included within the Lokpal. There should not be any exemptions for the entire activities and conducts of the Members of Parliament.

Sir, I want to mention that reservation position in the Lokpal is not necessary at all. It would rather create divisions and dissensions among the Members. It would, thereby, delay in giving any sort of direction from that particular body. By making it a nine-member body, it has been made wieldy and it has been made most ineffective.

I have to add two more points to this. We know that no legislation, whatever strong it may be, in the name of Lokpal or Lokayukta can curb corruption in this capitalist system where we are in and nobody or Government institution is immune or insulated from being corrupt. So, this Lokpal institution must also be overseen by an independent body and that should be evolved by a proper discussion with all the stakeholders and also within this Parliament.

Another point is that we believe that only by legislating a strong Lokpal or by expressing the desire by the Government of implementing it will not curb and contain corruption. Only a proper vigilance by a very strong public movement and a constant vigil can contain it.

MR. CHAIRMAN: Please sit down.

Now, Shri Om Prakash Yadav.

DR. TARUN MANDAL: On the protection in respect of whistleblower, I would like to add that it should be ensured

that protection should really be given and it should not be only on paper ...*(Interruptions)*

MR. CHAIRMAN: Nothing will go on record.

...*(Interruptions)\**

MR. CHAIRMAN: Please sit down.

...*(Interruptions)*

MR. CHAIRMAN: Nothing will go on record.

...*(Interruptions)\**

*[Translation]*

SHRI OM PRAKASH YADAV (Siwan): Mr. Chairman, Sir, I would like to thank you for giving me the opportunity to take part in this important discussion. Today, the country is standing at such a point from where one road leads to corruption free society and nation and another is that from where we should have taken a turn much earlier. I am remembering Shrimati Indira Gandhi's speech in which she had said that the biggest reason behind pollution is corruption. Taking this point forward, I would like to say that inequality and disparity are the biggest reasons behind corruption. I fully support the Lokpal Bill brought by the Union Government. Though Opposition parties and other people have found many shortcomings in the Bill, but I understand that no Bill is complete and final in itself. Every Bill has this much scope that it may be strengthened or empowers on the basis of gained experience. This Bill should be get passed and if required, more amendments can be made in it after deliberation with the Government.

Sir, I am glad that corruption has become an issue of national debate, it should have happened much earlier. Lokpal Bill has been brought in this House or other House many a times earlier also, but has not got passed in absence of political will. This is the first Bill brought in this historic moment when the Government is bringing it due to public pressure across the country. This is not sign of the weakness of the Government, but it is proof of the strength of our democracy.

---

\*Not recorded.

Sir, most of the diseases do not differentiate between rich and poor, but most of the times poor fall prey to corruption. The poor are exploited everywhere whether it is office of Sarpanch, Tahsildar, BDO or DM. This fact is not hidden from anybody. Therefore, I support every such step which mitigate the problems faced by the poor and farmers.

Sir, Lokpal is such Bill, which should have been brought much earlier, the Government has caused delay in this regard.

[English]

MR. CHAIRMAN: Please sit down. Nothing will go on record.

...(Interruptions)\*

[Translation]

SHRIMATI PUTUL KUMARI (Banka): Mr. Chairman, Sir, today long awaited Lokpal Bill has been introduced in the Parliament. Winter Session is ending and it is also the year end and all of us are witness to this historic incident. But, I have to say it with great regret that the kind of sincere and serious discussion expected in this regard has not been seen in the House.

We are discussing such a big issue, but I am seeing of absence of seriousness in the Parliament. The entire country is passing through an infectious phase. Corruption has infected every class. Today, a social worker has initiated a war against corruption and the entire country is standing united behind him. Lakhs of people are watching hunger strike staged by him in Delhi and Mumbai, people are watching Parliament proceedings through TV and electronic media and testing our sincerity. Many Members who have spoken before me have thrown light on articles and sections of this Bill. But I have very less time, therefore I am not going in detail of all these. I would like to present main points before the House. Today, a big question mark is put on honesty, and dedication of Parliament and Parliamentarians. Today when the issue of Lokpal is raised, the entire society has stood against corruption and the people have formed the notion somewhere that corruption

\*Not recorded.

can be checked by bringing the Lokpal and somewhere the reason behind poverty is corruption and the poverty and unemployment will be eradicated by bringing this Bill.

MR. CHAIRMAN: Please conclude.

SHRIMATI PUTUL KUMARI: But I would like to ask that whether Lokpal will be having magic wand, which will rectify the entire system. First of all, nobody is above the supremacy of the Parliament. We have to understand this fact very well. Lokpal has been kept above all this, it has been conceptualised and Lok Sabha Speaker will also be accountable towards it, this is a very serious matter. Lokpal has been conceptualised above Legislature and Executive, it is being stated. But that Lokpal is made accountable towards nobody. ...(Interruptions)

MR. CHAIRMAN: Please conclude now.

SHRIMATI PUTUL KUMARI: Sir, now come to CBI. People have expressed various views in regard to CBI. Some said, it should be partially brought under the Lokpal's ambit and some said CBI should be kept completely out of it because CBI plays a unique role, it works in impartial manner. CBI has given such a good performance in its functioning of many years. ...(Interruptions)

MR. CHAIRMAN: Shri Joseph Toppo, please speak.

...(Interruptions)

MR. CHAIRMAN: Please start speaking.

SHRIMATI PUTUL KUMARI: Mr. Chairman, Sir, give me one more minute to speak.

MR. CHAIRMAN: Please conclude.

SHRIMATI PUTUL KUMARI: Lokayuktas are working in very good manner many states.

MR. CHAIRMAN: Joseph ji, please speak.

[English]

Nothing will go in record.

...(Interruptions)\*

\*Not recorded.

[Translation]

SHRI JOSEPH TOPPO (Tezpur): Mr. Chairman, Sir, how much time has been allotted to me?

MR. CHAIRMAN: You have only three minutes.

SHRI JOSEPH TOPPO: I may be given two minutes time.

Sir, the entire country is watching the proceedings of this Hour as to how sensitive we are in regard to the issue which is being discussed here today. Today, the Government has also come to know that corruption is rampant in the country. This issue has been raised by an old man, Shri Anna Hazare Ji. Though corruption was prevailing earlier also. However, it is Anna Hazareji who has exposed this issue. Though we have opposed him, we must also be ashamed of. Today corruption is rampant in the country. Therefore, I feel that the Government should bring such a Bill through which we can bring back crores of black money deposited in foreign banks. Today, crores of rupees have been deposited in the foreign banks but corruption can be checked only when the Government brings back this black money ...*(Interruptions)*

MR. CHAIRMAN: You please calm down.

SHRI JOSEPH TOPPO: The Government should bring such a Bill through which we can bring back black money deposited in foreign banks. Then only we will give our full support.

I would like to say that the Bill which the Government has brought for checking corruption will not help in curbing corruption. Through this Bill, we are entrusting such power to someone who can harm us.

MR. CHAIRMAN: Now you please conclude.

SHRI JOSEPH TOPPO: You might be remembering that Lord Shiva had blessed someone that if he kept his hand on anyone's head, he would turn into ashes. Therefore we are not bringing any such Bill which is against our interest. I feel that the Government should consider this.

I feel that the Government should bring such a Bill which can actually wipe out corruption. ...*(Interruptions)*

[English]

MR. CHAIRMAN: Nothing will go record.

...*(Interruptions)\**

SHRI THOL THIRUMAAVALAVAN (Chidambaram): Mr. Chairman, Sir, first of all, I welcome and appreciate the UPA Government for providing reservation for SC, ST, OBC, Minorities and Women in the Lokpal, but I would request the Government to lift the upper limit of fifty per cent in the reservation. There is no logic behind the limit. If we want to achieve real social justice, a legislation must be passed to accommodate all sections of deprived classes. This is the right time to consider this issue too.

I insist that Chairpersons of the National Commissions of SCs, STs, Women and Minorities must be consulted before the selection of members to the Lokpal. A clause must be added to this effect, in the Bill.

A clause must be included in the Bill to screen the religious, caste and gender bias of the members of the Lokpal. A person with such a bias should not be selected for any post in the Lokpal.

I welcome the Government's move to include NGOs in the purview of the Lokpal. Out of 4,30,000 registered NGOs, more than 70 per cent are religious NGOs. Most of the religious NGOs are doing political works. I suggest an amendment to include all the NGOs under Lokpal.

We must include the corporates all kinds of private sectors also under the purview of the Lokpal. Justice Santosh Hegde, an important member of the Anna Hazare movement, also insisted that, but Team Anna has refused to include it in the Jan Lokpal Bill. Without the inclusion of corporate houses, we can never eradicate corruption. So, I would request the Government to include corporates under the purview of Lokpal.

Today, the media is playing a big role in the society. They wield enormous power. There is no effective

\*Not recorded.

mechanism with us to monitor the financial activities of the media. So, I insist the inclusion of corporate media under the purview of the Lokpal. Many senior journalists and human right activists also demanded this.

Too much importance is given to persons with judicial background in this Bill. We have no effective mechanism to monitor the role of Judiciary in our country.

MR. CHAIRMAN: Shri Raju Shetti.

SHRI THOL THIRUMAAVALAVAN: In the name of judicial activism, it has overlooked the power of Legislature on many occasions. How the Judiciary dealt with important social issues, like reservation, is an example. Since there is no reservation in the upper level of Judiciary..... we see poor representation of SCs, STs, minorities and women in the High Courts and Supreme Court. Their under representation may be a cause for the bias we witness in many of the judgements. So, I request the government to restrict the number of persons with judicial background to the third of the total number of the Members of the Lokpal.

MR. CHAIRMAN: Nothing will go on record.

What Shri Raju Shetti speaks will go on record.

...(Interruptions)\*

[Translation]

SHRI RAJU SHETTY (Hatkangangle): Mr. Chairman, Sir, I rise to speak on the Lokpal and Lokayukta Bill on behalf of my party. The common man is suffering a lot due to corrupt politicians and Government officials. Be it the police department, Patwari' offices and the office of the district magistrate, the common man has to grease the palm to get his work done. The common man is paying tax still he feels that his entire money is going down the drain through corruption. In our country large scale corruption is prevalent in employment and education system. Unemployment has been increasing. The farmers of this country are suffering a lot. ...(Interruptions)

MR. CHAIRMAN: Please, calm down.

---

\*Not recorded.

SHRI RAJU SHETTY: On the one hand, the farmers of this country are committing suicide and on the other hand, today discussion is being held to have a check on corruption. However, discussion is not being held as seriously as it should have been. Today the people of the entire country are watching and listening to the proceedings of this House. But the Lokpal and Lokayukta Bill, which the Government has brought is not capable of controlling corruption or root out corruption. It has several shortcomings and it is being imposed. I would like to tell the House that there is a need to enact a strong Lokpal Bill so that corruption prevailing in the country could be curbed. Every morning when we read the newspaper, we find some or the other news related to corruption.

MR. CHAIRMAN: Now, you please conclude.

SHRI RAJU SHETTY: Today, many scams are coming to light. On the one hand, crores of black money is stashed abroad and on the other, poor people of the country are starving.

[English]

MR. CHAIRMAN: The next Speaker is Shri S. K. Bwiswmuthiary.

...(Interruptions)

MR. CHAIRMAN: Nothing else will go on record.

...(Interruptions)\*

[Translation]

SHRI SANSUMA KHUNGUR BWISWMUTHIARY (Kokrajhar): Sir, I thank you for giving me an opportunity to speak on the Lokpal and Lokayukta Bill, 2011. I would also like to thank the Government for bringing this Bill. However, I have a few suggestions to make the regard to the said bill.

It is fact that 64 years have elapsed since we achieved independence. Mahatma Gandhi called upon all the people to participate in freedom struggle and had promised that when we achieve 'swaraj' the people belonging to all the

---

\*Not recorded.



[Shri S.K. Bwiswmuthiary]

communities will be treated equally. However, justice has not been given to all the people belonging to the Schedule Castes, Schedule Tribes and backward class in the country. Therefore, I think that today a big challenge has been before us due to the prevalence of corruption. Therefore on my behalf and on behalf of my Bodoland People's Front Party, I would like to speak against corruption.

MR. CHAIRMAN: Please be brief.

SHRI SANSUMA KHUNGUR BWISWMUTHIARY: I would like to give a few suggestions on this bill. My suggestion is that the prime minister should not be brought within the ambit of this Bill.

[English]

Why should be? The Prime Minister is the Executive Head of the Indian Government. What would happen to the image of our nation in case he visits any foreign country to attend an international conference after having been accused by some vested interest? In this situation, why should the Prime Minister be brought under the ambit of this particular Bill? This is my first suggestion.

Secondly,

[Translation]

you have said that reservation will be given to the scheduled castes, scheduled tribes, OBCs, women and finally to the minorities however, I would like to say that the number of total members in only nine.

[English]

MR. CHAIRMAN: Please conclude your speech.

...(Interruptions)

[Translation]

SHRI SANSUMA KHUNGUR BWISWMUTHIARY: You may not be able to give reservation to all the communities as the number of total members is only nine. Therefore my request is that atleast one member from scheduled caste,

one member from scheduled tribe, one from OBC, may be provided reservation beside providing reservation to one woman member and 5 minority communities i.e. one for Muslim, one for Christian, one for Buddhist, one for Sikh, one for Jain as we have to give reservation to nine members ...(Interruptions)

[English]

MR. CHAIRMAN: The next speaker is Shir Kirti Azad.

...(Interruptions)

MR. CHAIRMAN: Nothing else will go on record.

...(Interruptions)\*

[Translation]

SHRI KIRTI AZAD (Darbhanga): Sir, there is lot of disturbance over here, so, can I have permission of speak from here only.

MR. CHAIRMAN: You can speak.

...(Interruptions)

SHRI KIRTI AZAD: Let the House be in order then only I can speak. ...(Interruptions)

MR. CHAIRMAN: You start expressing your viewpoint.

...(Interruptions)

SHRI KIRTI AZAD: My words may be lost in the din of the House.

MR. CHAIRMAN: Please, you start expressing your views.

[English]

MR. CHAIRMAN: The mike is on.

...(Interruptions)

[Translation]

MR. CHAIRMAN: Please sit down.



...(Interruptions)

[Translation]

SHRI KIRTI AZAD: Sir, how can I speak when I am unable to hear my own voice. ...(Interruptions)

MR. CHAIRMAN: You may speak, I am listening.

...(Interruptions)

SHRI KIRTI AZAD: Sir, you are listening, but I can't hear myself as to what I am saying then how can I speak. ...(Interruptions)

MR. CHAIRMAN: Please sit down.

...(Interruptions)

MR. CHAIRMAN: Kirti Azadji you start speaking.

SHRI KIRTI AZAD: Mr. Chairman, Sir, what would I speak? When I am unable to hear my own voice. I am going to speak on a very important issue. No one discussed about the Whistleblower bill. ...(Interruptions)

[English]

MR. CHAIRMAN: Please take your seat.

...(Interruptions)

[Translation]

MR. CHAIRMAN: Kirti Azad Ji, you may speak.

SHRI KIRTI AZAD: How can I speak when there is a lot of disturbance. ...(Interruptions)

[English]

MR. CHAIRMAN: Nothing is going on record. Please sit down.

...(Interruptions)

[Translation]

SHRI KIRTI AZAD (Darbhanga): Mr. Chairman Sir, there has been a discussion on the Lokpal Bill, a bone of

contention between the Government and Anna group .Whistleblower Bill had also to be discussed alongwith the Lokpal Bill. Nobody spoke about the Whistleblower Bill. This is an important issue and if we want to get rid of corruption in the real sense discussion on the Whistleblower Bill is very important. This Bill is the backbone of the Lokpal Bill and a potent tool in our fight against corruption. But we did not discuss it at all. We have been witnessing for many years now as to how the Whistleblowers who unearth the wrong-doings are being tortured. We have witnessed the condition of Whistle-blower in this Parliament when cash for vote scam involving three Members of Parliament belonging to the Bhartiya Janata Party came to the fore. We have seen the condition of the Whistle-blowers in this regard. Our hon. leader Shri Advani ji who is like a father figure to me, has also said that this issue had come before him. He stated that if these three Whistle-blower were apprehended, then he was also involved in it and he would like that he also be apprehended and put behind the bars because he also wanted that the cash-for-vote scam should be exposed. But it is a matter of sorrow that these three Whistle-blowers have been put behind the bars but other associated with it are roaming free. The condition of the Whistle-blowers is before us. The Bill which has been introduced is such that it does not have any kind of protection for the Whistle-blower.

Mr. Chairman Sir, there are a number of examples before us. If we look into the data of the last two years, we will come to know that a large number of the RTI activists have been killed and I have got the names of some of them. There is an old case of Shri Satyendra Dubey of the year 2003, who worked against the NHAI and was murdered. We have another example of Shri Manjunath Shanmugam who raised his voice against the adulteration in oil in the ONGC. When the higher authority did not heed to him, he himself went to check it with a metre. He did not get the protection there and was murdered in a very planned way. We have got a number of cases which are related to the local activists whether it is of Shri Shashidhar Mishra of Phulwaria village or Shri Virtual Gite, or Shri Venkatesh Nayak, the RTI activist of Bangalore, or Shri Shamim Modi, a senior RTI activist of a labour organisation

[Shri Kirti Azad]

for tribals or Shri Kameshwar Yadadv. The dead body of a civil engineer turned activist, Shri Lalit Mehta was found in Kandu Forest. There are a large number of activists and Whistle-Blowers like Shri Narayan Harake who have been murdered ruthlessly. No protection has been provided to the Whistle-blowers and activists in this Bill. There are provisions for imposing various penalties on the people who file false complaints. It would have been better, had this Bill been titled as Vibhishan Bill - Ghar ka bhedi lanka dhayey. The insider knows all the secrets. Now, I would like to reveal the inside story.

**21:00 hrs.**

If their security is not beefed up their voice is suppressed, they are not allowed to speak, the police and administration are not informed about these Whistle-blowers and they are not provided complete protection, perhaps nobody will come into the open as Whistle-blowers. The Government says that there can not be any anonymous appeal. Nobody can file an anonymous appeal. But, look at the condition of these activists who have been through such a situation. Why will anybody reveal his/her name in such a situation? The way in which the Whistle-blowers who have come forward to unearth corruption, have been murdered and no foolproof protection is provided to them, why will the people come out to unearth wrong doing? The people will fear that any kind of untoward incident may happen with them. Therefore, various penalties have been imposed in this bill for lodging false complaints but there has been no mention of the security which the Whistle-blowers should get. This Whistle-blower Bill has come into existence under Article 32 regarding

[English]

protection of witness, expert and victims of the

[Translation]

United Nation Convention Against Corruption of the year 2003. Due to the paucity of time, I cannot read the full text. It has been said that if there is a need to displace the Whistle-blowers and their families, it should be done.

We have many such examples. The Law Commission had also endorsed the same. Such example can be found abroad as well. There is an example of the United States of America where the identity of the Whistle-blowers is changed completely. They are rehabilitated at new places. Their children are taken care of. But what kind of security will we provide to the Whistle-blowers in our country? An complaint can not be filed. Moreover, there is also provision in the Bill that a complaint can not be accepted if the complainant denies to disclose his/her name before the head of the Department. I fail to understand what effect this Bill is going to create. If we look into the penalty aspect, there are different penalties mentioned in the Lokpal Bill, the Whistle-blower Bill and the Judicial Accountability Bill. It is beyond my comprehension as to why the Government has incorporated different penalties. This Bill has got everything but nothing has been stated over maladministration. The most appropriate living example of maladministration is the Common Wealth games. Delay has been taking place in Commonwealth Games in the name of emergency. For example in the name of renovation of Jawaharlal Nehru Stadium, Rs. 961 crore rupees has been spent. Such plants which can not bear sunlight were brought. The lights worth of Rs. 5000 were imported at a cost of Rs. 26,000. There were many instances of maladministration. Nothing has been said about the irregularities and loss to public due to delay. The provision regarding maladministration should have been incorporated in this Bill. It is a matter of regret that after it, we are heading towards voting and we are about to pass the Bill but the kind of discussion that should have taken place on Whistle-blower has not taken place. Why does the Government wanted to keep the Whistle-blower anonymous. The way in which the UPSC or board exams are conducted where the real roll number is removed and the coded numbers are allotted and after that. ...*(Interruptions)*

MR. CHAIRMAN: Please be brief.

SHRI KIRTI AZAD: Sir, I am being brief but I would like to say that there should be no voting for this. ...*(Interruptions)*

MR. CHAIRMAN: There is not much time, I hope you are aware of it.

SHRI KIRTI AZAD: We must at least have a full fledged debate on this. There should be a debate on this ...*(Interruptions)* ... why don't you continue this tomorrow? ...*(Interruptions)*

MR. CHAIRMAN: We are short of time.

SHRI KIRTI AZAD: The Whistleblowers bill is a very important bill. There should be a full-fledged discussion on this. I think the party in power should also understand this. This is the backbone of our democracy. ...*(Interruptions)*

MR. CHAIRMAN: Everyone has got the chance to speak. Please be brief.

SHRI KIRTI AZAD: Sir, I am speaking briefly. ...*(Interruptions)* You should take up this discussion tomorrow. Please do not get voting done today. Please take it up tomorrow. ...*(Interruptions)* This is a new bill. No one has spoken on this bill. ...*(Interruptions)*

MR. CHAIRMAN: This is a combined discussion. There is no point of a new bill here.

...*(Interruptions)*

SHRI KIRTI AZAD: It is a combined discussion but nobody has taken it up. This should not have been taken up today. You have introduced three bills. ...*(Interruptions)* I am unable to understand the priorities of the Government. ...*(Interruptions)* I do not understand.

MR. CHAIRMAN: This is a combined discussion.

...*(Interruptions)*

SHRI KIRTI AZAD: This Government is acting like Big Boss. ...*(Interruptions)*

MR. CHAIRMAN: Please be brief.

...*(Interruptions)*

SHRI KIRTI AZAD: It is like a reality show House where people go to receive a guest. When he enters the

house, they fight with him and then evict him. ...*(Interruptions)* What did this Government go with Baba Ramdev? Kapil Sibal ji had gone with the entire Cabinet to receive him at the airport. He was brought and treated like a guest and then beaten and sent back to Dehradun. ...*(Interruptions)* They set with Anna Hazare. ...*(Interruptions)\**

MR. CHAIRMAN: Shri J. M. Aaron Rashid.

...*(Interruptions)*

MR. CHAIRMAN: Please be quiet.

...*(Interruptions)*

MR. CHAIRMAN: I had asked him to be brief.

...*(Interruptions)*

MR. CHAIRMAN: His allotted time is over now.

...*(Interruptions)*

MR. CHAIRMAN: Please sit down, sit down.

...*(Interruptions)*

MR. CHAIRMAN: This allotted time is over now. He was given much more time than his allotted time. He was given much more time to speak than the time allotted to him.

...*(Interruptions)*

MR. CHAIRMAN: Please sit down.

...*(Interruptions)*

MR. CHAIRMAN: Please sit down.

...*(Interruptions)*

SHRI YASHWANT SINHA (Hazaribagh): How important bill is this? ...*(Interruptions)*

*[English]*

SHRI J.M. AARON RASHID (Theni): Mr. Chairman, Sir, this is a much-awaited Bill which provides for the establishment of the body of Lokpal for the Union and

\*Not recorded.

[Shri J.M. Aaron Rashid]

Lokayukta for States to inquire into allegations of corruption against certain public functionaries. ...*(Interruptions)* It must not be forgotten that right from the first Lok Sabha the Indian National Congress has been vigilant about rooting out corruption. ...*(Interruptions)* It is history that the late Prime Minister Jawaharlal Nehru showed the doors even to his close friends on the issue of corruption. Ever since that, we have been talking in terms of setting up of the institutions of Lokpal and Lokayuktas at the Centre and in the States. ...*(Interruptions)*

Times have been changing and so are the notions about the mechanism to be set up. ...*(Interruptions)* Along with the change in the complexion of successive Lok Sabhas, the draft Bills were also taking different shapes giving rise to differences of opinion and thereby enormous delay till date. This is the ninth time. ...*(Interruptions)* It is perceivable because the Centre is not expected to overstep into the domain of the State Governments. Hence, it called for a wider consensus on this issue. ...*(Interruptions)* Hence, it has resulted in a long wait. Now, that long wait is being hijacked by those impatient revolutionaries who want to steal the name for themselves without a long march. But Congress is for the Lokpal. ...*(Interruptions)*

Right from the time of our tallest leader Nehruji there were no two opinions in the country about leaving out the office of the Prime Minister from the ambit of Lokpal. My personal view is that hon. Prime Minister should be kept out of the purview of Lokpal. He should not be included in the Lokpal. But he himself offered for that. Many top secret agencies, top secret military services are there under his purview. So, the hon. Prime Minister should be excluded from the jurisdiction of the Lokpal. ...*(Interruptions)* Our UPA Government led by Madam Sonia Gandhi has vowed to include even the Prime Minister. Of course this has been done with certain conditions. As the post of Prime Minister is unique and he heads the Executive arm of the Government provided for in our Constitution, we must take care to see that the office of the Prime Minister is not denigrated wantonly by mischievous elements by way of misusing the provisions of this Bill. ...*(Interruptions)* The Congress is second to none in believing that no one

is above the law and all are equal. But at the same time, at least the Head of the Government must be spared to ensure accountability and presence before the people and the Constitution without being eroded by frivolous charges that may crop up at times. ...*(Interruptions)* Care and caution must be balanced in our legislation. This is one reason why even when many political parties opposed the inclusion of Prime Minister in this Lokpal, Congress has vowed to include the Prime Minister.

Democracy is all about the others believing in those who have been voted to power with a majority mandate.

MR. CHAIRMAN: Please conclude.

SHRI J.M. AARON RASHID: We cannot be skeptic entirely and build any institution based on the premises that all are corrupt and no one is free from corruption.

MR. CHAIRMAN: Please conclude.

SHRI J.M. AARON RASHID: We must repose faith in certain given institutions and offices. If this democratic spirit is missing then people will be impatient and become irreverent, throwing to winds the sense of respect in democratic principles and parliamentary practices and procedures.

This Government is the one that has given that eminent status to Shri Anna Hazare.

MR. CHAIRMAN: Please conclude.

SHRI J.M. AARON RASHID: Anna Hazare is not equal in status to the Parliament and we should not believe in the words of Anna Hazare. Parliament is supreme and our Prime Minister is supreme.

MR. CHAIRMAN: Please conclude.

SHRI J.M. AARON RASHID: Our Prime Minister was the first senior leader to have accorded a status to his team. Even when their utterances and behaviour at times borders on uncivil manners, we still recognize them as civil society.

MR. CHAIRMAN: Please conclude.

Now, Shri Shailendra Kumar. Nothing else will go on record.

...(Interruptions)\*

[Translation]

SHRI SHAILENDRA KUMAR (Kaushambi): Mr. Chairman, Sir, I am thankful to you for having given me an opportunity to speak on this Bill. It is unfortunate in the history of Parliament that the senior most member of law and justice remained a Member of Parliament during 12th, 14th and 15th Lok Sabha. A mockery was openly made of the report of the standing committee. It was stated on 31st that the discussion is over and whosoever wants to submit a note of dissent can do so. Subsequently, a meeting was convened in a haste on 1st and Group 'C and 'D' staff was exempted from its purview. Whereas, on 30th a consensus was reached over inclusion of Group 'C and 'D' within the ambit of Lokpal. The standing committee is, in a way, a mini-parliament. It is as good as a mockery of the entire system.

Mr. Chairman, Sir, I would like to say that there are number of lacunae in the Bill. All the hon. Members in the standing committee belonging to all the opposition parties have submitted the note of dissent. If this matter is not taken into consideration then the Bill becomes totally unconstitutional. It should be referred back to the standing committee. Discussion should be held on it so that its proper draft is prepared in constitutional manner. Then only a strong Lokpal Bill can be presented.

Mr. Chairman, Sir, I strongly demand that all the amendments including the notes of dissent submitted by all the parties, including those from independent M.P.s should be considered. If the Government considers these then I am with the Government, otherwise I would oppose it, as the Bill is unconstitutional in itself.

**21.13 hrs.**

[MADAM SPEAKER *in the Chair*]

[English]

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): Madam Speaker, first of all, I would like to

---

\*Not recorded.

express my gratitude and deep appreciation to large number of hon. Members who have participated in this almost 10-hour long discussion, with half-an-hour break, of course, punctuated by occasional interruptions from that side or this side, but the debate has been lively and various points have been covered.

My distinguished colleagues, Shri Kapil Sibal Ji, Shri Shashi Taroor Ji -even the mover of the Bill, Shri Narayanasamy Ji while moving the Bill for consideration - highlighted a large number of issues, and I would not like to repeat those issues. I would like to concentrate on some of the points which have been referred to and which have been highlighted as to why the Government is in undue haste. Various phrases have been used. Why are they bringing the Bill so early. Why this hurry?

Most respectfully, I would like to submit that for the last six months we are debating this issue inside the House. The country is agitating and debating this issue outside this House.

Shri Anna Hazare started his fast from 5th April, 2011. Thereafter, hon. Prime Minister thought and correctly so that let us enter into a dialogue with the representatives of the Civil Society. Then, we entered into a dialogue with the representatives of the Civil Society. Shri Anna Hazare nominated five persons including him to represent their side and hon. Prime Minister nominated five Ministers from the Government side including me to represent the Government side. We had nine rounds of discussions from 15th April, 2011 till 21st June, 2011.

On 31st May, 2011, I wrote as Chairman of the Joint Drafting Committee to 25 Chief Ministers and major political parties. We received their responses. We have been told today that why did not we call all political parties' meeting, before we took that decision to enter into dialogue with Civil Society and some of the responses, which we have received, for instance, is this. Shri Nitin Gadkari, President of the principal Opposition Party wrote to me on 2nd June, 2011:

"Expecting political parties to give their views to a Drafting Committee comprising of Civil Society



[Shri Pranab Mukherjee]

representatives for acceptance or otherwise would be upsetting the constitutional propriety where parties, parliamentarian and the Parliament have the last word. They are the decision makers and not suggestions givers."

It is correct that they are the decisions makers not the suggestion givers. That is why, we again came to Parliament. We drafted the Bill. There was a 2010 Bill.

We again came to Parliament. On 3rd July, 2011, we called All-Party meeting. We received the mandate from the All-Party meeting that we should bring the legislation. I am not referring to other political parties. Some of them have said that they will not respond because they did not have any representative of them. Some of the leaders of political parties wrote to us that why should they respond, when we have entered in talks with the Civil Society representatives. The short point, which I am trying to drive at is that there is a long history of the last eight months, that is, from April till December, 2011.

Then again, we called the meeting of all political parties on 3rd July, 2011. There the mandate we received was that we should bring the Bill. The Bill was brought but the Civil Society agitation went on. They fixed the date.

Sometimes, I find really contradictory positions taken by the representatives of the political parties - shouting at the topmost voice on the floor of this House saying only the Parliament has the authority to legislate and rightly so it is our domain. But sometimes I find it difficult to reconcile it when I find the representatives of the same political parties' representatives joining the Dharna Manch and supporting the Civil Society agitation as also I expect at the behaviour of ours that there should be some consistency. I do not find anything wrong in entering into a dialogue with the representatives of the civil society. I do not find anything wrong in joining their dharna manch, but at the same time I cannot claim exclusivity that only we should do it and nobody else should do it. I am just recapitulating to refresh our memories.

Thereafter, when we were told that the Government

has to pass this Bill by the 15th of August and if it is not, then they will again start agitation. The hon. Prime Minister from the ramparts of the Red Fort appealed to Shri Anna Hazare that the Parliament was seized of the matter and the Government was trying to work out something and that he should not go for fasting. But it was not listened to. Again, agitation started. A meeting of all political parties took place on the 24 of August. On 27' August, what was articulated by me was the wish of the House. It was not my own draft. It was the collective draft by the important leaders of the political parties along with me and my colleagues, which at the end of the day-long debate was articulated.

There were three demands. These demands were articulated by Shri Anna Hazare and his supporters that they could give up fast and suspend agitation provided if their demands were agreed to. The demands were, firstly, to bring the Lokpal and the Lokayukta together; secondly, to have a Citizen's Charter and thirdly to bring lower bureaucracy under the purview of the Lokpal. They articulated that part with an appropriate mechanism. We took an unprecedented step just to accommodate the sentiments of the representatives of the civil society that we requested the hon. Speaker of the Lok Sabha and the Chairman of the Rajya Sabha that the entire proceedings of that day's debate of both the Houses be forwarded to the Standing Committee for their perusal before they come to the conclusions and make recommendations for the Bill which we have referred to them as per the practice. Standing Committee considered it. The Report is there. The details about how many meetings they held, how many witnesses they examined; what evidences they had recorded are all there in the Report of the Standing Committee and I am not going into that aspect. On the 6th of December when the Report was placed before Rajya Sabha and after that, as per the practice we thought that we should formulate and again another meeting was called by the hon. Prime Minister to have a discussion on the recommendations of the Standing Committee and the demands. It is because the agitation was going on. Even the draft Bill which we placed before the House was publicly burnt. Threats of agitations continued. It is not under duress, it is not under threat but we wanted to have



an effective and strong anti-corruption legislation in the form of the Lokpal Bill in creating an ombudsman type organisation which will be independent and will examine corruption at high places.

Therefore, we examined the various suggestions and inputs which were available to us and we shared them in the last all-Party meeting where the Prime Minister appealed and all these issues including the reservation for selection of Lokpal and for the Scheduled Castes, the Scheduled Tribes, OBCs, women and minorities in the body of the Lokpal were suggested. Nothing has come out of the hat of a magician. At some point of time, from some sections of the House or some sections of the political establishment, the suggestions have come. And it was our efforts to incorporate as many suggestions as possible in the text of the Bill and to provide a Bill in this Session of the House. We wanted to convey the message that it is high time that we should take action.

Madam Speaker, I would just like to take up some of the salient points of the legislation which we have indicated in this Bill. As I mentioned, on the 14th December meeting, we discussed all the ten items, namely, inclusion of PM within the jurisdiction of the Lokpal, subject of exclusion and special safeguards, inclusion of lower bureaucracy under Lokpal, inclusion of NGOs, corporate houses, control over CBI by Lokpal or own independent investigating wing, prosecution wing of Lokpal, higher judiciary, inclusion of Citizens Charter and public grievances in Lokpal, Lokayuktas for the States within Lokpal legislation, powers of phone tapping of Lokpal, accountability of Lokpal, reservations for SCs, STs, minorities, etc.

It is not that we have incorporated every recommendation and every suggestion in it but we have incorporated the suggestions coming from various sections including the suggestions given by the civil society in our interactions in the joint Drafting Committee. I am not repeating it because I have reported it to the all-Party meeting, I have reported it in my introductory speech on the 27th August and these are all on record. It is nothing out of record.

Considering the recommendations of the Standing

Committee, we received the suggestions and formulated the Bill. The salient features of the Bill are as follows. There shall be a single legislation for setting up the institution of Lokpal for the Union and the Lokayuktas for the States and they shall be given constitutional status. A separate part is provided in the Bill for taking up the State Lokayuktas, that is, Part III. Lokpal will consist of a Chairperson and a maximum of eight members of which 50 per cent shall be judicial members, namely, Section III. All categories of persons who are eligible for selection as members of Lokpal are also being made eligible for selection as Chairperson of the Lokpal as recommended by the Standing Committee, that is, Section III. Selection Committee for selection of the Chairperson and members of the Lokpal shall consist of the Prime Minister, the Speaker of Lok Sabha, the Leader of the Opposition in the Lok Sabha, the Chief Justice of India or a sitting Supreme Court judge nominated by the Chief Justice of India, eminent jurist to be nominated by the President of India.

Fifty per cent of the judicial and other members of the Lokpal shall be from amongst the Scheduled Castes/Scheduled Tribes, OBCs, minorities and women. Similar reservation is being provided in the Search Committee, Section 3 and 4. Removal procedure for Lokpal and members is being provided in the Bill instead of providing it in the model Constitution (Amendment) Bill, Section 41. The Prime Minister is proposed to be brought under the purview of the Lokpal, both subject matter exclusion and specific process for handling complaints against the Prime Minister. It is being provided that the Lokpal may not hold any inquiry against the Prime Minister if the subjects are related to, which may affect international relations, external and internal security of the country, maintenance of public order, atomic energy and space.

Further, it is being provided that any decision of the Lokpal to initiate preliminary inquiry or investigation against the Prime Minister shall be taken only by the full bench with a majority of 3 - 4. Such proceedings shall be held in-camera.

It is also now proposed that all Government employees, starting from Group A to Group D will be within the purview of the Lokpal and partly expressed in

[Shri Pranab Mukherjee]

the wish of the House that lower bureaucracy be brought with appropriate mechanism - that appropriate mechanism being the institution of CVC"

Here, certain questions have been raised. It is said that it is a 'Sarkari Lokpal' because of the five members of the Selection Committee, it is assumed that the Prime Minister will, of course, be the leader of the ruling party. Speaker will be elected by the majority Members of the House. The Prime Minister will have to enjoy the support of at least 273 Members of Lok Sabha. We are talking of parliamentary supremacy and parliamentary sovereignty. But at the same time, we are taking strong exception, asking why Prime Minister and why Speaker, who will have to enjoy the majority support of this House, should become members of the Selection Committee. When they become the members of the Selection Committee, that becomes the 'Sarkari Lokpal' and that 'Sarkari Lokpal' cannot be independent! Let us decide what you want. Let us not create confusion. Have confidence in this House, which is chosen by more than 700 million voters of this country. The person who enjoys the confidence of the majority, his removal does not require any special procedure. The moment this House decides, with 273 votes, that "Mr. Prime Minister, we do not have confidence in you." Immediately the Government will go. The moment the House says, with 273 votes, "Madam Speaker, we do not have confidence in you, she will have to go." But you would not trust them when they sit as Chairperson or member of the Selection Committee to select the right type of men and right type of persons. I am sorry, Madam Speaker, this is not the correct interpretation of the people's mandate and the respect for the institution. In this country, if democracy has survived it is because of the strength of the institution. Compare it with many other countries, where parliamentary democracy has failed, one of the major lacunae is there was no well established institutional mechanism, which could support the democratic structure. We have vibrant civil society, media, independent judiciary, independent election machinery, independent watch-dog of Government expenditure, in the form of the CAG, and vibrant Parliament. These institutions have strengthened

the democratic structure. Many of them are appointed. Who appoints the Chief Election Commission? ...*(Interruptions)* You are asking about the CBI. I am coming to that. I am not running away. I have waited for ten hours and I can wait for another one hour.

Who appoints the CEC and who appoints the C&AG? Till before the judgment of the Advocates on Record case in early 90s, who appointed the judges of the High Court and the Supreme Court? It is all Executives. Therefore, mere argument that as it is the appointee of the Executive, they will be ineffective, they will not be independent and they will not function properly, I am sorry, Madam Speaker, this line of argument cannot be accepted. The question is what was the need of bringing the Lokayukta in the same Bill? It is very simple.

On 27th of August, 2011, this House expressed its wish that there should be a single legislation. The question came that how to bring it. Do we have the legislative competence? 'Yes', we have the legislative competence. We have entered into an unnecessary debate between Article 252 and Article 253 of the Constitution. Neither of these two Articles is relevant here. What is relevant is Item One of the Concurrent List, Item Two of the Concurrent List, Item 11 (A) of the Concurrent List and List Three of the Seventh Schedule. We are deriving the competence to make legislations on Lokayuktas from there.

You have the apprehension that the Federal structure will be jeopardized. There is attack on federal structure. No there is no attack. It is because we are going to bring the amendments. You will get the amendments shortly that without the consent of the State Government, the notification under Section (1) (4) will not be issued. ...*(Interruptions)*

You are suggesting again to refer it to the Standing Committee. We have waited for 40 years or even more than that. I am sorry that I did not expect it from Shri Yashwant Sinha that he will say that it is a farewell speech. Why are you in a hurry Shri Yashwant Sinha, why do you not wait for 2-1/2 years more or two year and four months more to occupy this Bench? The hon. Prime Minister is not giving his farewell speech. I would say that the hon. Prime Minister has initiated a new direction in our parliamentary

democracy and in our democratic norm. When some representatives of the Civil Society were making an agitation, the hon. Prime Minister in his wisdom thought it necessary that we should rope in other views to get reflected in our decision making. He could have taken the position. The law-making is the job of the Department concerned. Let the Department ponder over it. Let them go through the normal process of Ministerial consultation and after the Cabinet approval, let it come to Parliament. Let it be sent to the relevant Standing Committee and after receiving the report of the Standing Committee, we will decide whether we will accept it or not. But we went out of the normal convention and out of the normal practice that let us accommodate because it is a country of 120 crore plus people. It is the largest functional democracy of the world. The entire structure cannot be complete with only 543 Members of this House or 245 Members of the other House or 4,000 Members of the State Legislatures. There are many others who are not encompassed in these structures. Let their views be also accommodated. That is why, he appointed as many as five senior Ministers to enter into dialogue with them. It is a new way of reaching the larger society. It is a new way to enter into the larger democratic consensus building efforts. Unfortunately, here again, I will come back - repeatedly I have stated it - that things would be alright if we, the 543 Members, decide that we will not spend a single moment of this House in infructuous disruption, without transacting any business. Disruption can never keep Parliamentary intervention. Nobody may accept my view but till my days, I believe that disruption cannot be the effective Parliamentary intervention.. Parliament is meant for debate, discussion and decision, not for disruption. ...*(Interruptions)* Let us search our own heart ourselves that in the Fourteenth Lok Sabha, in the Fifteenth Lok Sabha and even in the Thirteenth Lok Sabha, how many hours we have wasted for simply disruptions. Do you think that the Institution will gather respectability from the other sections of the House, from the other sections of the society and other sections of the community if we indulge in this type of a disruptive activity? How many Bills have we passed? You are lamenting that the major economic issues have not been discussed. Yes, I was getting ready to it. I was getting ready

even for a simple format on the discussion on inflation in order to fulfil my Parliamentary obligation. When you passed a Resolution giving me some direction to tackle the problem of inflation, on the opening day of Winter Session, I made a Statement but I had to wait for 7-8 days because the House could not transact' business. What have you demanded? What is the wrong if you debated FDI instead of 20 Members coming to the Well saying: "We do not want FDI?" What would have happened had you passed the Resolution saying you do not want FDI? ...*(Interruptions)* Please do not disturb me. I am not going to yield. ...*(Interruptions)*

The short point which I am making is this. Yes, I know I have differences. Sometimes, I have problems with my allies. Please do not teach me. I know the negotiators, two of them, are sitting before me. How many times they have to go to Hyderabad, how many times they have to go to Chennai just to get the support of 15 Members or 17 Members to keep a coalition Government going on? Therefore, these things are not new. These are nothing. It happens. ...*(Interruptions)* Yes, they have to go to Nagpur also.. I am sorry, I missed Nagpur. Therefore, this happens. I am not going to debate on those issues. You did it. We did it. Whoever has to run a coalition Government will have to do it. This is the nature of coalition. If you accuse me saying "we have perfected that art; you are not that perfect," most humbly I will accept that I am still an amateur, I am not still a professional in managing that art which you acquired. The question is not that. The question is that whether we have not waited enough to get a legislation to have an Ombudsman type of an institution in the form of the Lokpal. My respectful submission is that we have waited enough. Let us have it. You may say it is imperfect. I may admit, yes, it is not the best but that does not mean that in order to achieve the best, we will give up the good. It is not the worst. It is not bad. It may not be the best but it addresses many issues. It incorporates many suggestions. The official amendments will be coming to you shortly.

Even when you made your concerns - for instance, the Leader of the Opposition suggested - all of them treated that Uttarakhand Bill is a model Lokayukta Bill. What happened? Even the Chief Minister, Mr. Shashi Tharoor

[Shri Pranab Mukherjee]

quoted the relevant provision from that Lokayukta Bill that Chief Minister cannot be brought within the purview of Lokayukt unless the entire body, that means, 100 per cent they agree to it. There, we suggested three-fourth, you were taking objection to it. But till then, accepting your suggestion as the Leader of the Opposition stated, I am making the amendment. Necessary amendment will be-moved by my colleague, Shri Narayanasamy. We are accepting two-third and amending them.

There were concerns and expressions in respect of clause 24 and therefore, clause 24, we are amending except clause 24(1), sub-clause 2 and sub-clause 3, and Explanation, we are deleting. The necessary official amendment will be moved.

Laluji, expressed his concerned and rightly so, because when we are having discussions, at the very beginning we suggested that we would not like the Armed Forces to be brought within the purview of Lokpal because they have their separate structure and they have their separate system. Necessary amendment is being brought by amending the definitions and adding that those who are covered by the Indian Army Act, 1950; the Indian Air Force Act, 1950; the Indian Navy Act, 1957; the Indian Coast Guard Act, 1978, they will be outside the purview of the Lokpal. So, that has been taken care of.

The short point which I am trying to drive at is that the Government is not insensitive; the Government is not insensitive to the suggestions made by the hon. Members; the Government is not insensitive even to the demand coming from outside; we are giving them due weightage. And we are considering them; and we are responding to them to accommodate as far as possible and to bring it within the system. But we cannot allow the system to be destroyed. I told on 22nd; I am repeating it - legislation must be done on the floor of the House; on the floor of Lok Sabha; on the floor of Rajya Sabha; on the floor of Vidhan Sabha or Vidhan Parishad. Neither on the dharma manch nor on the street, any amount of agitation cannot bring a legislation unless the legislators are convinced; you are convinced. You have to decide. I may bring the Bill but

majority of you have to decide -whether you will accept it or you will not accept it. It is for you to do. When you have the authority, without exercising your authority, if you engage yourself in something extra-constitutional, extra legal activity, what can I do? We are bringing it for the consideration of the House. Judge it. Nine hours we have debated; 10 hours we have debated; we have debated it umpteen number of times; we have debated inside; we have debated outside. Therefore, we shall have to' consider this Bill. It is not in haste; we have considered all aspects. Yes, there may be some omissions; always, it happens. A question has been raised that we are bringing deliberately violating the Constitution. No. What most respectfully I submitted when it was objected to the introduction, let us not play the role of the Judiciary. Many a time, even the very first amendment of the Constitution of India took place, out of the judgement of Kameshwar Singh Versus Maharaja of Darbhanga for the Bihar Land Acquisition Act. Even the Council of States was not constituted.

The Rajya Sabha was constituted in 1952. The Constitution came into effect from 26th January, 1950. The Constituent Assembly was converted into Provisional Lok Sabha and that Provisional Lok Sabha made the First Amendment of the Constitution out of the judgement of the Supreme Court in a case. It happens. It is their job. Legislation making is our job. They declared bank nationalisation ultra vires, they declared abolition of privy purse ultra vires and Indira Gandhi dissolved the Fourth Lok Sabha and went to the people. Surely Advaniji will recollect that one of her major objectives was to get enough numbers. She said: "I want to bring social legislation and I do not have enough number". That is why she went to the people. I agree with Yashwant Sinhaji that number is important in democracy. She said: "I do not have enough number, you give me enough number, I will amend the Constitution which will facilitate to bring social legislation to meet the need of the people." Indian electorate gave her the numbers and that brought about the 24th Amendment of the Constitution. Major changes in Article 368 came only after that. What you see today with so many provisions in Article 268, before the 24th Amendment, they were not there.

So, the battle with the Judiciary will go on and this is not unhealthy for democracy because we represent the will of the people. Judges explain the law in the context of the practice, convention, norms and the law. That is why, after Golaknath case in mid-1960s came the 24th Amendment and the Supreme Court asserted its right through the Kesavanand Bharati case. So there is nothing wrong. This is a healthy sign of democracy. Therefore, it is not done deliberately. Mr. Kapil Sibal, Mr. Chidambaram, the Law Minister and Mr. Pawan Bansal - I am not a lawyer - all of them applied their mind and they found it constitutionally suitable and compatible.

Therefore, I will appeal to the hon. Members who have moved a large number of amendments not to press for their amendments because the Government is bringing 10 amendments which will be formally moved by my colleague. Let us pass this Bill because the people are waiting for us. If we can give a clear signal that the Government, Opposition, Lok Sabha as a whole, Rajya Sabha as a whole, Indian Parliament as a whole determine to curb the menace of corruption within the powers which we have, within the parameters in which we are functioning, collectively we shall fight against this menace. Let us convey this message by passing these three Bills unanimously without any amendments.

I thank you, Madam, for giving me this opportunity.

SHRI YASHWANT SINHA: Madam Speaker, since the hon. Leader of the House has referred to me twice in his speech, I will just take one minute.

*[Translation]*

He objected to what I said that this seemed to be the farewell speech of the Prime Minister. I said it because there was a lot gossip in the Central Hall that the present Prime Minister is paving the way for Shri Pranab Mukherjee to be the next Prime Minister.

*[English]*

SHRI PRANAB MUKHERJEE: Of all the persons, why me? Thank you. ...*(Interruptions)*

SHRI GURUDAS DASGUPTA: Madam Speaker, I would like to know from the Leader of the House as to why corporates have not been included. ...*(Interruptions)*

SHRI ASADUDDIN OWAIISI: Madam Speaker, as far as the Leader of the House is concerned, he is a legend in front of us. I would like him to clarify as to how a Member of Parliament is a public servant because I do not enjoy the protection of article 311. My tenure is not of permanency.

Thirdly, I do not discharge Executive powers. The Prime Minister is answerable to the Parliament. How is it that I am being treated as a public servant? The Supreme Court might have given this definition, but let the hon. Leader of the House please explain to us that how is it that I am a public servant. I do not have a fixed tenure; I do not have Executive powers; I do not enjoy the protection of Article 311. Let him please clarify. This is a very important point.

SHRI PRANAB MUKHERJEE: Madam Speaker, what we have stated is that this has been settled long ago through series of judicial pronouncements.

SHRI ASADUDDIN OWAIISI: They should change it.

SHRI PRANAB MUKHERJEE: I cannot change it without amending the Constitution. Please understand. Even somebody has raised objections that why you are having seven years' limitation. Please remember, in the Prevention of Corruption Act, there is no limitation for criminal activity and here we have provided the limitation of seven years. I am saying it because I am a layman, Mr. Chidambaram can clarify, I do not know whether the Supreme Court will strike it down but to keep the sentiments of the Members of Parliament in view, we have provided the limitation in this new law, but in the Prevention of Corruption Act there is no limitation.

On the issue of whether the MPs are public servants, or not, I would like to say that through series of judicial pronouncements, it has been declared and that is the law of the land.



SHRI SANSUMA KHUNGGUR BWISWMUTHIARY (Kokrajhar): I would like to know from the Government whether it will increase the number of members of Lokpal from nine to 18. If you want to accommodate the Scheduled Castes, the Scheduled Tribes, the OBCs, the women and the minorities in the Lokpal then you have to make the total number of members to 18.

MADAM SPEAKER: Hon. Members, the combined discussion on the motions for consideration of the three Bills at Sl. Nos. 17, 18, and 19 is now over.

The House will now take up for voting the motions for consideration, the clauses and the motion for passing of these three Bills one by one.

Hon. Members would appreciate that all the three Bills are important pieces of legislation and a number of amendments are to be moved by the Government as well as by private Members to the clauses of these Bills. On certain clauses or amendments to clauses, there are going to be voting by Division.

...(Interruptions)

MADAM SPEAKER: Please keep quiet. Again you are creating a confusion.

...(Interruptions)

[Translation]

MADAM SPEAKER: Why are you standing here and talking to each other? Please, go to your seats.

...(Interruptions)

[English]

MADAM SPEAKER: Please go back to your seat.

...(Interruptions)

MADAM SPEAKER: Hon. Member, please go back to your seat. Take your seat immediately.

...(Interruptions)

MADAM SPEAKER: Nothing will go on record.

...(Interruptions)\*

[Translation]

SHRI MULAYAM SINGH YADAV (Mainpuri): Madam Speaker, as per our demand, a strong Lokpal Bill has not been introduced in the House, therefore, we are boycotting the House in protest.

**21.59 hrs.**

*Shri Mulayam Singh Yadav and some other  
hon. Members then left the House.*

...(Interruptions)

[English]

MADAM SPEAKER: Hon. Members are aware that before Division takes place, the Secretary-General informs the Members about the procedure of operating the Automatic Vote Recording Machine which the Members are requested to listen carefully.

...(Interruptions)

MADAM SPEAKER: I would request the Members to also listen to the Chair very carefully when any motion, clause or Government amendment or private Member's amendment is being put to the vote of the House so as to be clear in mind whether the question being proposed by the Chair

...(Interruptions)

[Translation]

MADAM SPEAKER: Please, sit down. Please take your seats.

...(Interruptions)

SHRI DARA SINGH CHAUHAN: Madam Speaker, the Government has not accepted one suggestion in the Lokpal Bill. After the speech of the Leader of the House, the hope of a strong Lokpal is gone. Therefore, our party, the BSP will boycott the House in protest.

---

\*Not recorded.



21.59½ hrs.

*Shri Dara Singh Chauhan and some other hon.  
Members then left the House.*

*...(Interruptions)*

[English]

MADAM SPEAKER: Nothing will go on record.

*...(Interruptions)\**

22.00 hrs.

MADAM SPEAKER: I am making an observation;  
please listen carefully.

*...(Interruptions)*

MADAM SPEAKER: I would request the Members  
also to listen to the Chair very carefully when any motion,  
clause or Government amendment or Private Member's  
amendment is being put to the vote of the House so as to  
be clear in mind whether the question being proposed by  
the Chair is to be voted by them for or against.

*...(Interruptions)*

MADAM SPEAKER: I shall now put the motion for  
consideration of the Lokpal and Lokayuktas Bill, 2011 to  
the vote of the House.

The question is:

"That the Bill to provide for the establishment of a  
body of Lokpal for the Union and Lokayukta for States  
to inquire into allegations of corruption against certain  
public functionaries and for matters connected  
therewith or incidental thereto, be taken into  
consideration."

*The motion was adopted.*

MADAM SPEAKER: The House shall now take up  
clause by clause consideration of the Bill.

\*Not recorded.

**Clause 2 Definitions**

*Amendments made:*

Page 3, line 27, *after* "section 14", *insert*  
"but does not include a public servant  
in respect of whom the jurisdiction is  
exercisable by any court or other  
authority under the Army Act, 1950, the  
Air Force Act, 1950, the Navy Act 1957  
and the Coast Guard Act, 1978 or the  
procedure applicable to such public  
servant under those Acts;"; (88)

45 of 1950  
46 of 1950  
62 of 1957  
30 of 1978

(Shri V. Narayanasamy)

MADAM SPEAKER: Shri Hansraj Ahir, are you moving  
the amendment?

SHRI HANSRAJ G. AHIR (Chandrapur): No, Madam.

MADAM SPEAKER: Shri Basu Deb Acharia, are you  
moving the amendment?

SHRI BASU DEB ACHARIA (Bankura): Yes, Madam,  
I beg to move:

Page 3, line 26, —

*for* "clauses (a) to (h)"

substitute "clauses (a) to (i)". (26)

MADAM SPEAKER: I shall now put Amendment No.  
26 moved by Shri Basu Deb Acharia to the vote of the  
House.

*The amendment was put and negatived.*

MADAM SPEAKER: The question is:

"That clause 2, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 2, as amended, was  
added to the Bill.*

**Clause 3                    Establishment  
   of Lokpal**

MADAM SPEAKER: Shri Tathagata Satpathy, are you moving the amendment?

SHRI TATHAGATA SATPATHY (Dhenkanal): Yes, Madam, I beg to move:

Page 4, *after* line 13 *insert* –

"Provided further that at least one member shall be from each of the following four Zones of geographical areas of the country—

- (i) Eastern Zone comprising States of Orissa, West Bengal, Arunachal Pradesh, Assam, Meghalaya, Manipur, Mizoram, Nagaland, Tripura and Sikkim;
- (ii) Western Zone comprising States of Gujarat and Maharashtra;
- (iii) Northern Zone comprising States of Chhattisgarh, Jharkhand, Bihar, Punjab, Haryana, Jammu and Kashmir, Madhya Pradesh, Rajasthan, Uttar Pradesh and Uttarakhand; and
- (iv) Southern Zone comprising States of Andhra Pradesh, Kerala, Karnataka and Tamil Nadu." (13)

MADAM SPEAKER: I shall now put Amendment No. 13 moved by Shri Tathagata Satpathy to the vote of the House.

*The amendment was put and negatived.*

MADAM SPEAKER: Shri Hansraj Ahir, are you moving the amendment?

SHRI HANSRAJ G. AHIR: No, Madam.

MADAM SPEAKER: Shri Saidul Haque.

SK. SAIDUL HAQUE (Bardhman-Durgapur): Yes, Madam, I beg to move:

Page 4, *for* lines 9 and 10,-

*substitute* "(b) apart from the Chairperson, there shall be ten members out of which four shall be judicial members, three shall be persons with administrative and civil service background and the other three shall be drawn from fields such as law, academics and social service:". (54)

MADAM SPEAKER: I shall now put Amendment No. 54 moved by Shri Saidul Haque to the vote of the House.

The amendment was put and negatived.

MADAM SPEAKER: Shrimati Sushma Swaraj.

SHRIMATI SUSHMA SWARAJ (Vidisha): Madam, I beg to move:

Page 4, line 11,—

*omit* "not less than". (57)

Page 4, line 13,—

*omit* ",minorities". (58)

MADAM SPEAKER: I shall now put Amendment Nos. 57 and 58 moved by Shrimati Sushma Swaraj to the vote of the House.

*The amendments were put and negatived.*

MADAM SPEAKER: The question is:

"That clause 3 stand part of the Bill."

*The motion was adopted.*

*Clause 3 was added to the Bill.*

**Clause 4                    Appointment of  
   Chairperson and  
   Members on  
   recommendations of  
   Selection Committee**

MADAM SPEAKER: Shri Basu Deb Acharia, are you moving the amendment?

SHRI BASU DEB ACHARIA (Bankura): Yes, Madam,  
I beg to move:

Page 5, *for* line 3,—

*substitute* "(e) an eminent person of to be nominated  
by the Chief Election Commissioner, the  
Comptroller and Auditor General of India and  
the Union Public Service Commission Chair-  
person—member.". (27)

MADAM SPEAKER: I shall now put Amendment Nos.  
27 moved by Shri Basu Deb Acharia to the vote of the  
House.

*The amendment was put and negatived.*

MADAM SPEAKER: Now, Shrimati Sushma Swaraj.

SHRIMATI SUSHMA SWARAJ: I beg to move:

Page 5, *for* line 3,-

*substitute* "(e) the Leader of the Opposition in the  
Council of States-member.". (59)

Page 5, line 13,-

*omit* "not less than". (60)

Page 5, line 15,-

*omit* ", minorities". (61)

MADAM SPEAKER: I shall now put Amendment Nos.  
59, 60 and 61 moved by Shrimati Sushma Swaraj to the  
vote of the House.

*All the amendments were put and negatived.*

MADAM SPEAKER: The question is:

"That clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clauses 5 to 9 were added to the Bill.*

**Clause 10 Secretary other  
officers and staff  
of Lokpal**

MADAM SPEAKER: Now, Shri Hansraj Ahir.

SHRI HANSRAJ G. AHIR: I am not moving my  
amendment.

SHRIMATI SUSHMA SWARAJ: I beg to move:

Page 5, *for* lines 30-31,-

*omit* "from a panel of names sent by the Central  
Government". (62)

Page 6, line 32,-

*omit* "and a Director of Prosecution". (63)

Page 6, line 34,-

*omit* "from a panel of names sent by the Central  
Government". (64)

MADAM SPEAKER: I shall now put Amendment Nos.  
62, 63 and 64 moved by Shrimati Sushma Swaraj to the  
vote of the House.

*All the amendments were put and negatived.*

MADAM SPEAKER: The question is:

*"That clause 10 stand part of the Bill."*

*The motion was adopted.*

*Clause 10 was added to the Bill.*

**Clause 11 Inquiry Wing**

MADAM SPEAKER: Shri Inder Singh Namdhari, are  
you moving the amendment?

SHRI INDER SINGH NAMDHARI: I beg to move:

Page 7, *for* line 4 to 10, *substituted*,-

*substitute* "Superintendence, direction and control  
of the Investigation and Anti-Corruption Division

of the Central Bureau of Investigation (Delhi Special Police Establishment) (hereinafter referred to as the Inquiry Wing) established under Delhi Special Police Establishment Act, 1946, insofar as it relates to investigation of offences alleged to hi 25 Of 1946 committed under the Prevention of Corruption Act, 1988, shall vest in the Lokpal." (1) 49 of 1988

MADAM SPEAKER: I shall now put Amendment No. 1 moved by Shri Inder Singh Namdhari to the vote of the House.

*The amendment was put and negatived.*

SHRI BASU DEB ACHARIA: I beg to move:

Page 7, for line 3 to 6,-

49 of 1988 *substitute* "11 (1) Notwithstanding anything contained in any law for the time being in force, the Lokpal shall constitute its own independent investigation wind headed by the Director of investigations which will be the sole agency to look into any offence alleged to have been committed by a public servant under the Prevention of Corruption Act, 1988.

(1A) The Central Government shall provide such number of officers and staff under the exclusive jurisdiction of Lokpal, as are decided in consultation with the Lokpal.". (28)

Page 7, lines 9 and 10,-

*omit* ",for conducting preliminary inquiries under this Act". (29)

MADAM SPEAKER: I shall now put Amendment Nos. 28 and 29 moved by Shri Basu Deb Acharia to the vote of the House.

*The amendments were put and negatived.*

MADAM SPEAKER: The question is:

"That clause 11 stand part of the Bill."

*The motion was adopted.*

*Clause 11 was added to the Bill.*

*Clauses 12 and 13 were added to the Bill.*

**Clause 14 Jurisdiction of Lokpal  
to include Prime  
Minister, Ministers,  
Members of  
Parliament, Group  
A, B,C and D officers  
and officials of  
Central Government**

*Amendment made:*

Page 8, line 2,-

for "three-fourth", substitute "two-thirds"; (89)

(Shri V. Narayansamy)

MADAM SPEAKER: Now, Shri Inder Singh Namdhari.

SHRI INDER SINGH NAMDHARI: I am not moving my amendment.

MADAM SPEAKER: Now, Dr. M. Thambidurai.

DR. M. THAMBIDURAI: I beg to move:

Page 7, for lines 41 to 45, substitute,-

"(a) a Prime Minister after he has demitted the office of the Prime Minister. (9)

Page 8, *omit* lines 1 to 6 (10)

MADAM SPEAKER: I shall now put Amendment Nos. 9 and 10 moved by Dr. M. Thambidurai to the vote of the House.

*The amendments were put and negatived.*

MADAM SPEAKER: Now, Shri Asaduddin Owaisi.

SHRI ASADUDDIN OWAISI: I am not moving my amendment.

MADAM SPEAKER: Now, Shri Hansraj Ahir.

SHRI HANSRAJ G. AHIR: I am not moving my amendment.

MADAM SPEAKER: Now, Shri Basu Deb Acharia.

SHRI BASU DEB ACHARIA: I beg to move: Page 7, after line 45, insert,-

"Provided that protection afforded under this sub-clause shall not apply in case of any commercial agreement entered into by the prime minister as head of the State with any country;" (30)

Page 8, after line 42, insert,-

"(i) any corporate body, its promoters, its officers including Directors against whom there is a complaint of corruption in relation to grant of Government license, lease, contract, agreement or any other Government action or a complaint to influence Government policy through corrupt means." (31)

Madam, these are very important amendments. One of them is related to Prime Minister regarding commercial agreement entered into by the Prime Minister with the Head of the State of any country. There is another amendment in this clause on corporate houses.

MADAM SPEAKER: I shall now put Amendment Nos. 30 and 31 moved by Shri Basu Deb Acharia to the vote of the House.

SHRI BASU DEB ACHARIA: Madam, I want Division. *...(Interruptions)*

MADAM SPEAKER: Let the Lobbies be cleared—  
Now the Lobbies have been cleared.

Now, the Secretary-General to inform the House about the procedure regarding operation of the Automatic Vote Recording Machine.

SECRETARY-GENERAL: Operation of the Automatic Vote Recording Machine: Kind attention of the hon.

Members is invited to the following points in the operation of the Automatic Vote Recording System:-

1. Before a division starts, every hon. Member should occupy his or her own seat and operate the system from that seat only;
2. As may kindly be seen, the "red bulbs above Display Boards" on either side of the hon. Speaker's Chair are already glowing. This means the Voting System has been activated;
3. For voting, please press the following two buttons simultaneously immediately after sounding of first gong, namely

One "red" button in front of the hon. Member on the headphone plate and

also

any one of the following buttons fixed on the top of desk of seats:

- |         |   |               |
|---------|---|---------------|
| Ayes    | - | Green colour  |
| Noes    | - | Red colour    |
| Abstain | - | Yellow colour |

4. It is essential to keep both the buttons pressed till the second gong 3 sound is heard and the red bulbs are "off."

IMPORTANT: The hon. Members may please note that the vote will not be registered if both buttons are not kept pressed simultaneously till the sounding of the second gong.

5. Please do not press the amber button (P) during division.
6. Hon. Members can actually "see" their vote on Display Boards and on their Desk Unit.
7. In case, vote is not registered, they may call for voting through slips.

MADAM SPEAKER: I shall now put Amendment Nos. 30 and 31 moved by Shri Basu Deb Acharia to the vote

of the House in which case the result of the Division shall apply to each amendment.

MADAM SPEAKER: The question is: Page 7, after line 45, insert,-

"Provided that protection afforded under this sub-clause shall not apply in case of any commercial agreement entered into by the prime minister as head of the State with any country;" (30)

Page 8, after line 42, insert,-

"(i) any corporate body, its promoters, its officers including Directors against whom there is a complaint of corruption in relation to grant of Government license, lease, contract, agreement or any other Government action or a complaint to influence Government policy through corrupt means." (31)

*The Lok Sabha divided.*

**DIVISION NO. I.                      AYES                      22.14 hrs.**

Acharia, Shri Basu Deb

Adsul, Shri Anandrao

Babar, Shri Gajanan D.

Baske, Shri Pulin Bihari

Bauri, Shrimati Susmita

Biju, Shri P.K.

Choudhary, Shri Bhudeo

Chowdhury, Shri Bansa Gopal

Das, Shri Khagen

Das, Shri Ram Sundar

Dasgupta, Shri Gurudas

Devi, Shrimati Ashwamedh

Dome, Dr. Ram Chandra

Dudhgaonkar, Shri Ganeshrao Nagorao

\*Ganeshamurthi, Shri A.

Geete, Shri Anant Gangaram

Haque, Sk. Saidul

Hassan, Dr. Monazir

Jadhao, Shri Prataprao Ganpatrao

Jayaprada, Shrimati

Karunakaran, Shri P.

Khaire, Shri Chandrakant

Kristappa, Shri N.

Kumar, Shri Kaushalendra

Kumar, Shri Vishwa Mohan

Kumari, Shrimati Putul

Lalu Prasad, Shri

Lingam, Shri P.

Mahato, Shri Baidyanath Prasad

Mahato, Shri Narahari

Mahtab, Shri Bhartruhari

Majumdar, Shri Prasanta Kumar

Malik, Shri Sakti Mohan

Mandal, Dr. Tarun

Meena, Dr. Kirodi Lal

Misra, Shri Pinaki

Mohapatra, Shri Sidhant

Natarajan, Shri P.R.

Nishad, Capt. Jai Narain Prasad

---

\* Voted through slip.



Panda, Shri Baijayant

Wankhede, Shri Subhash Bapurao

Panda, Shri Prabodh

Yadav, Prof. Ranjan Prasad

Pangi, Shri Jayaram

Yadav, Shri Dinesh Chandra

Paranjpe, Shri Anand Prakash

Yadav, Shri Sharad

Patasani, Dr. Prasanna Kumar

**NOES**

Rajesh, Shri M.B.

Aaron Rashid, Shri J.M.

Ram, Shri Purnmasi

Adhikari, Shri Sisir

Rao, Shri Nama Nageswara

Adhi Sankar, Shri

Ray, Shri Rudramadhab

Agarwal, Shri Jai Prakash

Reddy, Shri M. Venugopala

Ahamed, Shri E.

Riyan, Shri Bajju Ban

Ahmed, Shri Sultan

Roy, Shri Arjun

Alagiri, Shri M.K.

Roy, Shri Mahendra Kumar

Alagiri, Shri S.

Roy, Shri Nripendra Nath

Amlabe, Shri Narayan Singh

Saha, Dr. Anup Kumar

Antony, Shri Anto

Sampath, Shri A.

Aron, Shri Praveen Singh

Satpathy, Shri Tathagata

Awale, Shri Jaywant Gangaram

Sethi, Shri Arjun Charan

Azharuddin, Mohammed

Sharma, Shri Jagdish

Baalu, Shri T.R.

Shivaji, Shri Adhalrao Patil

'Baba', Shri K.C. Singh

Singh, Shri Mahabali

Babbar, Shri Raj

Singh, Shri Rajiv Ranjan Singh alias Lalan

Baghel, Shrimati Sarika Devendra Singh

Singh, Shri Sushil Kumar

Bahuguna, Shri Vijay

Singh, Shrimati Meena

\*Bairwa, Shri Khiladi Lal

Sivaprasad, Dr. N.

Baite, Shri Thangso

Tarai, Shri Bibhu Prasad

Baitha, Shri Kameshwar

Tudu, Shri Laxman

---

\* Voted through slip.

Bajwa, Shri Pratap Singh	Chowdhary, Shrimati Santosh
Bandyopadhyay, Shri Sudip	Chowdhury, Shri Adhir
Banerjee, Shri Ambica	'Commando', Shri Kamal Kishor
Banerjee, Shri Kalyan	Das, Shri Bhakta Charan
Bansal, Shri Pawan Kumar	Dasmunsi, Shrimati Deepa
Bapiraju, Shri K.	Davidson, Shrimati J. Helen
Basheer, Shri Mohammed E.T.	De, Dr. Ratna
Beg, Dr. Mirza Mehboob	Deo, Shri V. Kishore Chandra
Bhadana, Shri Avtar Singh	Deora, Shri Milind
Bhagora, Shri Tara Chand	Dhanapalan, Shri K. P.
Bhonsle, Shri Udayanraje	Dhruvanarayana, Shri R.
Bhujbal, Shri Sameer	Dias, Shri Charles
Bhuria, Shri Kanti Lal	Dikshit, Shri Sandeep
Biswal, Shri Hemanand	Dutt, Shrimati Priya
Bwiswmuthiary, Shri Sansuma Khunggur	Elangovan, Shri T.K.S.
Chacko, Shri P.C.	Engti, Shri Biren Singh
Chang, Shri CM.	Ering, Shri Ninong
Chaudhary, Dr. Tushar	Gadhvi, Shri Mukesh Bhairavdanji
Chaudhary, Shri Jayant	Gaikwad, Shri Eknath Mahadeo
Chauhan, Shri Sanjay Singh	Gandhi, Shri Rahul
Chidambaram, Shri P.	Gandhi, Shrimati Sonia
Chinta Mohan, Dr.	Gandhiselvan, Shri S.
Chitthan, Shri N.S.V.	Gavit, Shri Manikrao Hodlya
Choudhary, Shri Harish	Ghatowar, Shri Paban Singh
Choudhry, Shrimati Shruti	Gogoi, Shri Dip
Choudhury, Shri Abu Hasem Khan	Guddu, Shri Premchand

Haldar, Dr. Sucharu Ranjan

Handique, Shri B.K.

Haque, Shri Mohd. Asrarul

Hari, Shri Sabbam

Harsha Kumar, Shri G.V.

Hooda, Shri Deepender Singh

Hossain, Shri Abdul Mannan

Hussain, Shri Ismail

Islam, Sk. Nurul

Jadhav, Shri Baliram

Jagannath, Dr. Manda

Jain, Shri Pradeep

Jaiswal, Shri Shriprakash

Jakhar, Shri Badri Ram

Jena, Shri Srikant

Jeyadurai, Shri S. R.

Jhansi Lakshmi, Shrimati Botcha

Jindal, Shri Naveen

Dikshit, Shri Sandeep

Dutt, Shrimati Priya

Elangovan, Shri T.K.S.

Engti, Shri Biren Singh

Ering, Shri Ninong

Gadhvi, Shri Mukesh Bhairavdanji

Gaikwad, Shri Eknath Mahadeo

Gandhi, Shri Rahul

Gandhi, Shrimati Sonia

Gandhiselvan, Shri S.

Gavit, Shri Manikrao Hodlya

Ghatowar, Shri Paban Singh

Gogoi, Shri Dip

Guddu, Shri Premchand

Haldar, Dr. Sucharu Ranjan

Handique, Shri B.K.

Haque, Shri Mohd. Asrarul

Hari, Shri Sabbam

Harsha Kumar, Shri G.V.

Hooda, Shri Deepender Singh

Hossain, Shri Abdul Mannan

Hussain, Shri Ismail

Islam, Sk. Nurul

Jadhav, Shri Baliram

Jagannath, Dr. Manda

Jain, Shri Pradeep

Jaiswal, Shri Shriprakash

Jakhar, Shri Badri Ram

Jena, Shri Srikant

Jeyadurai, Shri S. R.

Jhansi Lakshmi, Shrimati Botcha

Jindal, Shri Naveen

Joshi, Dr. CP.

Joshi, Shri Mahesh

Kamal Nath, Shri	Masram, Shri Basori Singh
Kamat, Shri Gurudas	Mcleod, Shrimati Ingrid
Kataria, Shri Lalchand	Meena, Shri Namoo Narain
Kaur, Shrimati Preneet	Meena, Shri Raghuvir Singh
Kaypee, Shri Mohinder Singh	Meghe, Shri Datta
Khan, Shri Hassan	Meghwal, Shri Bharat Ram
Khandela, Shri Mahadeo Singh	Meinya, Dr. Thokchom
Kharge, Shri Mallikarjun	Mirdha, Dr. Jyoti
Khatgaonkar, Shri Bhaskarrao Bapurao Patil	Mishra, Shri Mahabal
Khatri, Dr. Nirmal	Mitra, Shri Somen
Khursheed, Shri Salman	Moily, Shri M. Veerappa
Killi, Dr. Kruparani	Mukherjee, Shri Pranab
Kowase, Shri Marotrao Sainuji	Muniyappa, Shri K.H.
Krishnasswamy, Shri M.	Muttemwar, Shri Vilas
Kumar, Shri Ajay	Nagpal, Shri Devendra
Kumar, Shri Ramesh	Naik, Dr. Sanjeev Ganesh
Kumari, Shrimati Chandresh	Naik, Shri P. Balram
Kurup, Shri N. Peethambara	Naqvi, Shri Zafar Ali
Lakshmi, Shrimati Panabaka	Narah, Shrimati Raneer
Mahant, Dr. Charan Das	Narayanasamy, Shri V.
Maharaj, Shri Satpal	Naskar, Shri Gobinda Chandra
Majhi, Shri Pradeep	Natrajan, Kumari Meenakshi
Maken, Shri Ajay	Nirupam, Shri Sanjay
Malik, Shri Jitender Singh	Noor, Kumari Mausam
Maran, Shri Dayanidhi	Ola, Shri Sis Ram
*Marandi, Shri Babu Lal	Pal, Shri Jagdambika

---

\* Voted through slip.

Pal, Shri Rajaram	Rawat, Shri Harish
Pala, Shri Vincent H.	Reddy, Shri Anantha Venkatarami
Palanimanickam, Shri S.S.	Reddy, Shri Gutha Sukhender
Pandey, Dr. Vinay Kumar	Reddy, Shri K.J.S.P
Patel, Shri Praful	Reddy, Shri M. Sreenivasulu
Patel, Shri Somabhai Gandadal Koli	Reddy, Shri S. Jaipal
Patil, Dr. Padmasinha Bajirao	Reddy, Shri S.P.Y.
Patil, Shri Sanjay Dina	Roy, Prof. Saugata
Patil, Shri Pratik	Roy, Shrimati Shatabdi
Pawar, Shri Sharad	Ruala, Shri C.L.
Pilot, Shri Sachin	Sahay, Shri Subodh Kant
Prabhakar, Shri Ponnam	Sai Prathap, Shri A.
Pradhan, Shri Amarnath	Sangma, Kumari Agatha
Prasada, Shri Jitin	Sanjoy, Shri Takam
Punia, Shri P. L.	Sardinha, Shri Francisco Cosme
Purandeswari, Shrimati D.	Satyanarayana, Shri Sarvey
Raghavan, Shri M.K.	Scindia, Shri Jyotiraditya M.
Rahman, Shri Abdul	Selja, Kumari
Rai, Shri Prem Das	Shanavas, Shri M.I.
Rajagopal, Shri L.	Sharma, Dr. Arvind Kumar
Raju, Shri M.M. Pallam	Shariq, Shri S.D.
Rajukhedi, Shri Gajendra Singh	Sharma, Shri Madan Lal
Ramachandran, Shri Mullappally	Shekhawat, Shri Gopal Singh
Rane, Shri Nilesh	Shetkar, Shri Suresh Kumar
Narayan Rao, Dr. K.S.	Shetti, Shri Raju
Rao, Shri Rayapati Sambasiva	Shinde, Shri Sushilkumar

Shivkumar, Shri K alias J.K. Ritheesh

Tandon, Shrimati Annu

Sibal, Shri Kapil

Tanwar, Shri Ashok

Singh, Chaudhary Lal

Taviad, Dr. Prabha Kishor

Singh, Dr. Sanjay

Taware, Shri Suresh Kashinath

Singh, Rao Inderjit

Tewari, Shri Manish

Singh, Shri Ajit

Thamaraiselvan, Shri R.

Singh, Shri Ijyaraj

Tharoor, Dr. Shashi

Singh, Shri Jitendra

Thirumaavalavan, Shri

Singh, Shri N. Dharam

Thol Thomas, Prof. K.V.

Singh, Shri R.P.N.

Thomas, Shri P.T.

Singh, Shri Ratan

\*Tirath, Shrimati Krishna

Singh, Shri Ravneet

Trivedi, Shri Dinesh

Singh, Shri Sukhdev

Venugopal, Shri D.

Singh, Shri Uday Pratap

Venugopal, Shri K.C.

Singh, Shri Virbhadra

Verma, Shri Sajjan

Singh, Rajkumari Ratna

Verma, Shri Beni Prasad

Singh, Shrimati Rajesh Nandini

Vijayan, Shri A.K.S.

Singla, Shri Vijay Inder

Vishwanath, Shri Adagooru H.

Siricilla, Shri Rajaiah

Viswanathan, Shri P.

Solanki, Shri Bharatsinh

Vivekanand, Dr. G.

Sugavanam, Shri E.G.

Vundavalli, Shri Aruna Kumar

Suklabaidya, Shri Lalit Mohan

Vyas, Dr. Girija

Sule, Shrimati Supriya

Wasnik, Shri Mukul

Suresh, Shri Kodikkunnil

Yadav, Shri Arun

Tagore, Shri Manicka

Yadav, Shri Anjankumar M.

Tamta, Shri Pradeep

Yadav, Shri Om Prakash

Yaskhi, Shri Madhu Goud

---

\* Voted through slip.



**ABSTAIN**

Namdhari, Shri Inder Singh

Owaisi, Shri Asaduddin

MADAM SPEAKER: Subject to correction\*, the result of the Division is:

Ayes: 69

Noes: 247

Abstain: 2

*The motion was negated.*

MADAM SPEAKER: Mr. Dasgupta, are you moving your Amendments?

SHRI GURUDAS DASGUPTA: Madam, since the amendments are identical and since the House has already voted, therefore, I do not press them.

MADAM SPEAKER: Mr. Lalu Prasad, are you moving your amendment?

[Translation]

SHRI LALU PRASAD: The government has withdrawn its earlier versions with regard to the armed forces and it has given an assurance on the matter relating to seven years for Ex-MPs. Therefore, there is no need to move it.

[English]

MADAM SPEAKER: Mr. Saidul Haque, are you moving your Amendment?

Sk. SAIDUL HAQUE (Bardhaman-Durgapur): Madam, I beg to move this amendment because I would like to bring the corporate house, media and the NGO getting foreign funds and the corporate body under the ambit of Lokpal

---

\* The following Members also recorded their votes through slips.  
Ayes 69 + Shri A. Ganeshmurthi = 70  
Noes 247 + S/Shri Khiladi Lal Bairwa, Babu Lal Marandi and Shrimati Krishna Tirath = 250

So, I beg to move

Page 8, *after* line 42, *insert*—

"(i) Any person who is or has been functioning as editor or owner of Corporate house managed media or trust body run media, both electronic and printing;

(j) Any person who is or has been director, manager or other officer of any registered NGO who is in receipt of any donation from the public or from any foreign source of whatever amount under the Foreign Contribution (Regulation) Act, 2010;

(k) Any corporate body, its owners, its promoters, its officers against whom there is a complaint of corruption in relation to grant of Government license, contract, argument or to influence Government policy through corrupt means." (55)

MADAM SPEAKER: I shall now put Amendment No. 55 moved by Shri Saidul Haque to the vote of the House.

*The amendment was put and negated.*

MADAM SPEAKER: Shrimati Sushma Swaraj.

SHRIMATI SUSHMA SWARAJ: Madam, my Amendment No. 65 has been accepted by the Government, that is why I am not pressing for it. But I am moving my Amendment Nos. 66 and 67. I am not moving my Amendment No. 68. I beg to move:

"Page 8, *omit* lines 4 to 6. (66)

Page 8, *omit* lines 36 to 42." (67)

MADAM SPEAKER: I shall now put the Amendment Nos. 66 and 67 moved by Shrimati Sushma Swaraj to the Vote of the House.

*The amendments were put and negated.*

[Translation]

SHRI LALU PRASAD (Saran): Madam, the Bill is very weak and it has not been referred to the Standing Committee, therefore, we walkout in protest.

22.20 hrs.

*Shri Lalu Prasad and some other hon'ble Members  
then left the House.*

MADAM SPEAKER: What are you doing, be serious.

[English]

The question is:

"That clause 14, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 14, as amended, was added to the Bill.*

*Clauses 15 to 19 were added to the Bill.*

**Clause 20 Provisions relating  
to complaints and  
preliminary inquiry  
and investigation**

*Amendment made:*

Page 11, lines 9, for "period of six months",  
substitute "period not exceeding six months at  
a time"; (90)

(Shri V. Narayanasamy)

MADAM SPEAKER: Now, Shri Inder Singh Namdhari

SHRI INDER SINGH NAMDHARI (Chatra): I am not  
moving my amendment.

MADAM SPEAKER: Shri Hansraj Ahir.

SHRI HANSRAJ G. AHIR (Chandrapur): I am not  
moving my amendment.

SHRI BASU DEB ACHARIA: I beg to move: Page 10,  
lines 16 to 31,-

substitute "20. (1) The Lokpal shall on the receipt  
of a complaint first decide whether to proceed  
in the matter or close the same and if the Lokpal  
decides to proceed further it shall order the  
preliminary inquiry against any public servant

by its own investigation wing to ascertain  
whether there exists a prima facie case for  
proceeding in the matter: \*"

Provided that the Lokpal shall if it has decided  
to proceed with the preliminary inquiry by a  
general or special order, refer the complaints or  
a complaint received by it in respect of public  
servants belonging to group C and D to the  
Central Vigilance Commission constituted under  
sub-section (1) of section 3 of the Central  
Vigilance Commission Act, 2003. 45 of 2003

Provided further that the Central Vigilance  
Commission in respect of complaints referred  
to it in respect of public servants belonging to  
group C and D, after making preliminary inquiry,  
shall submit its report to the Lokpal after which  
the Lokpal will decide further action to be  
taken." (32)

Page 10, lines 32 and 33,—

for "the Inquiry Wing or any agency (including  
the Delhi Special Police Establishment)"  
substitute "Its own Investigation Wing". (33)

Page 10, for lines 44 and 45,-

substitute "(a) further investigation by its own agency;".  
(34)

Page 11, for lines 4 to 13,—

substitute "(5) In case the Lokpal decides to proceed  
to investigate the complaint, its investigation  
agency shall ordinarily complete the  
investigation within a period of six months from  
the date of its order.

(6) All investigation of cases under the  
Prevention of Corruption Act, 1988 shall follow  
the procedure mentioned in this section and  
such reports shall be submitted to the Lokpal  
within the stipulated time.". 49 of 1988

Page 11, lines 15 and 16,—

for "any agency (including the Delhi Special Police  
Establishment)" substitute "its own Investigation  
Agency". (36)

Page 11, *lines* 23 and 24,-

for "any agency (including the Delhi Special Police Establishment)" substitute "its own Investigation Agency". (37)

MADAM SPEAKER: I shall now put Amendment Nos.32, 33, 34, 35, 36 and 37 moved by Shri Basu Deb Acharia to the vote of the House.

*The amendments were put and negatived.*

SHRIMATI SUSHMA SWARAJ: I beg to move:

Page 10, line 16,—

*after* "a complaint".

insert "or suo motu". (69)

MADAM SPEAKER: I shall now put Amendment No.69 moved by Shrimati Sushma Swaraj to the vote of the House.

*The amendment was put and negatived.*

MADAM SPEAKER: The question is:

"That clause 20, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 20, as amended, was added to the Bill.*

*Clauses 21 and 22 were added to the Bill.*

**Clause 23 Previous sanction not necessary for investigation and initiating prosecution by Lokpal in certain cases**

MADAM SPEAKER: Dr. M. Thambidurai.

DR. M. THAMBIDURAI (Karur): I am not moving my amendment.

MADAM SPEAKER: The question is:

"That clause 23 stand part of the Bill."

*The motion was adopted.*

*Clause 23 was added to the Bill.*

**Clause 24 Action on investigation against public servant being Prime Minister, Ministers or Members of Paliament**

*Amendments made:*

Page 12, *line* 20, for "24. (1)", *substitute* "24."; (91)

Page 12, *omit* lines 25 to 40; (92)

(Shri V. Narayanasamy)

MADAM SPEAKER: Shrimati Sushma Swaraj, the amendment that you have moved has been adopted by the Government.

SHRIMATI SUSHMA SWARAJ: Yes, the amendment which I moved in Clause 24 has been accepted by the Government. So, I am not pressing the amendment.

SHRI V. NARAYANASAMY: We have moved a separate amendment.

MADAM SPEAKER: The question is:

"That clause 24, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 24, as amended, was added to the Bill.*

*Clause 25 Supervisory Power of Lokpal*

SHRI BASU DEB ACHARIA (Bankura): I beg to move:

"Page 12, *for* lines 43 to 51,-

*substitute* "25. (1) The Lokpal shall have the powers of superintendence, direction and full administrative control over the Investigation Agency to be set up under this Act, which shall

49 of 1988 be the sole agency to deal with cases under the Prevention of Corruption Act, 1988: Provided that while exercising its powers, the Lokpal shall not act in any manner prejudicial to the independent investigation of the case so as to require the agency to investigate and/or dispose of any case in a particular manner.

(2) The Lokpal shall issue guidelines and directions to the Central Vigilance Commission concerning the preliminary inquiry into cases of Group 'C' and 'D' employees referred to the Commission by the Lokpal so as to enable the Lokpal to dispose of such cases within such time as the Lokpal may decide." (38)

"Page 13, omit lines 1 to 4." (39)

MADAM SPEAKER: I shall now put Amendment Nos. 38 and 39 moved by Shri Basu Deb Acharia to the vote of the House.

*The amendments were put and negatived.*

SK. SAIDUL HAQUE: I beg to move:

"Page 12, after line 51, insert,—

"Provided further that the Lokpal shall be entrusted with quasi-judicial powers and autonomy to fulfil its functions in an independent, accountable, transparent and time-bound manner." (56)

MADAM SPEAKER: I shall now put Amendment No. 56 moved by Shri Saidul Haque to the vote of the House.

*The amendment was put and negatived.*

MADAM SPEAKER: The question is:

"That clause 25 stand part of the Bill."

*The motion was adopted.*

*Clause 25 was added to the Bill.*

*Clause 26 was added to the Bill.*

**Clause 27 Lokpal to have powers of Civil Court in certain cases**

MADAM SPEAKER: Shri Basu Deb Acharia.

SHRI BASU DEB ACHARIA: I beg to move:

Page 13, Line 18-

For "the Inquiry Wing of Lokpal"

Substitute "the Investigating Agency of Lokpal". (40)

MADAM SPEAKER: I shall now put Amendment No.40 moved by Shri Basu Deb Acharia to the vote of the House.

*The amendment was put and negatived.*

MADAM SPEAKER: The question is:

"That clause 27 stand part of the Bill."

The motion was adopted.

*Clause 27 was added to the Bill.*

*Clauses 28 and 29 were added to the Bill.*

**Clause 30 Confirmation of attachment of assets**

MADAM SPEAKER: Shri Basu Deb Acharia.

SHRI BASU DEB ACHARIA: I beg to move:

Page 14, after line 39, insert,-

"(5) The Lokpal may take suo moto action in any case where it has reason to believe that a lease, license, contract or agreement or any other Government action was obtained by corrupt means and after hearing the parties if it so decides it may investigate such a case, it may recommend blacklisting of a firm, company, contractor or any other person involved in an act of corruption.

(5A) The Public authority shall either comply with the recommendation or reject the same

within one month of receipt of the recommendation.

(5B) In the event of rejection of recommendation, the Lokpal may approach the appropriate Court for seeking directions to be given to the public authority." (41)

MADAM SPEAKER: I shall now put Amendment No.41 moved by Shri Basu Deb Acharia to the vote of the House.

*The amendment was put and negatived.*

MADAM SPEAKER: The question is:

*"That clause 30 stand part of the Bill."*

*The motion was adopted.*

*Clause 30 was added to the Bill.*

**Clause 31 Confiscation of assets proceeds, receipts and benefits arisen or procured by means of corruption in special circumstances**

MADAM SPEAKER: Shri Basu Deb Acharia.

SHRI BASU DEB ACHARIA: I beg to move:

Page 15, *after* line 4, *insert*,-

49 of 1988 "(3) if any company or any of its officers or Director is found guilty of any offence under the Prevention of Corruption Act, 1988 the Lokpal may recommend that-

- (i) the company and all companies promoted by any of that company's promoters shall be blacklisted and be ineligible for undertaking any Government or contract work in the future;
- (ii) a sum equivalent to the loss entailed to the public exchequer may be recovered through the confiscation of assets, proceeds, receipts and benefits.

(3A) The public authority shall either comply with the recommendation or reject the same within one month of receipt of the recommendation.

(3B) In the event of rejection of the recommendation, the Lokpal may approach the appropriate Court for seeking directions to be given to the public authority." (42)

MADAM SPEAKER: I shall now put Amendment No.42 moved by Shri Basu Deb Acharia to the vote of the House.

*The amendment was put and negatived.*

MADAM SPEAKER: The question is:

*"That clause 31 stand part of the Bill."*

*The motion was adopted.*

*Clause 31 was added to the Bill.*

*Clauses 32 to 36 were added to the Bill.*

**Clause 37 Removal and suspension of Chairperson and Members of Lokpal**

MADAM SPEAKER: Shri Basu Deb Acharia.

SHRI BASU DEB ACHARIA: I beg to move:

Page 16, *lines* 18 to 39, -

*substitute* "(2) The Chairperson or any other member of the Lokpal shall only be removed from office by the President, on the recommendation of the Supreme Court on any of the following grounds after the Supreme Court, on the complaint of any person has held an inquiry and found that the Chairperson or member can on such ground be removed:-

- (a) guilty of misbehavior,
- (b) unfit to continue in office by reason of infirmity of mind or body,

- (c) is adjudged an insolvent, or
- (d) engages during term of office in any paid employment outside the duties of office.
- (3) In any such proceeding, the Supreme Court may also direct the suspension of such Chairperson or member.
- (4) On receipt of recommendation from the Supreme Court, the President shall forthwith remove the Chairperson or the members as the case may be.
- (5) If the complaint is found to be frivolous or made with mala fide intentions, the Supreme Court may impose a fine and/ or imprisonment upto one year on the complaint." (43)

Page 16, line 40,- for "(5)"

substitute "(6)" (44)

MADAM SPEAKER: I shall now put Amendment Nos.43 and 44 moved by Shri Basu Deb Acharia to the vote of the House.

*The amendments were put and negatived.*

MADAM SPEAKER: Shrimati Sushma Swaraj.

SHRIMATI SUSHMA SWARAJ: I beg to move:

Page 16, for lines 24-25,-

substitute "(iii) on a petition made by an aggrieved citizen of India before the Supreme Court,". (71)

MADAM SPEAKER: I shall now put Amendment No.71 moved by Shrimati Sushma Swaraj to the vote of the House.

*The amendment was put and negatived.*

MADAM SPEAKER: The question is:

"That clause 37 stand part of the Bill."

*The motion was adopted.*

*Clause 37 was added to the Bill.*

*Clauses 38 to 45 were added to the Bill.*

**Clause 46 Prosecution for false  
complaints and payment  
of compensation etc.  
to public servant**

MADAM SPEAKER: Shri Inder Singh Namdhari.

SHRI INDER SINGH NAMDHARI: I am not moving my amendment.

MADAM SPEAKER: The question is:

"That clause 46 stand part of the Bill."

*The motion was adopted.*

*Clause 46 was added to the Bill.*

*Clauses 47 to 52 were added to the Bill.*

**Clause 53 Legal assistance**

MADAM SPEAKER: Shri Tathagata Satpathy.

SHRI TATHAGATA SATPATHY: I beg to move:

Page 20, line 27,-

for "seven years"

substitute "six months" (14)

MADAM SPEAKER: I shall now put Amendment No. 14 moved by Shri Tathagata Satpathy to the vote of the House.

*The amendment was put and negatived.*

MADAM SPEAKER: The question is:

"That clause 53 stand part of the Bill."

*The motion was adopted.*

*Clause 53 was added to the Bill.*

*Clauses 54 to 62 were added to the Bill.*



**Clause 63 Definitions**

for "forty-five years"

MADAM SPEAKER: Shri Basu Deb Acharia.

*substitute* "twenty-five years" " (15)

SHRI BASU DEB ACHARIA: I beg to move:

Page 23, *after* line 29, *insert*, -

"(1A) The provisions of this part shall be considered as guidelines for the State Legislatures for the purpose of establishing the office of Lokayukta.". (45)

Madam, this is a very crucial part of the Bill. Here, we have limited the lower age of the Chairman and the members of the Lokpal to 45. Now, we have heard in this House that by 2020, about 62 per cent or 63 per cent population of India would be below the age of 35. So, we should care for the youth. Those who are job-seekers, those who are entrepreneurs and those who have a career ahead of them, are the ones who are the victims of corruption. It is the youth who are disgruntled. The people you see outside, you are so threatened that you are ...\* because you are scared of them.

MADAM SPEAKER: I shall now put Amendment No.45 moved by Shri Basu Deb Acharia to the vote of the House.

*The amendment was put and negatived.*

MADAM SPEAKER: You delete this.

*Amendments made:*

"Page 23, *line* 10,-

SHRI TATHAGATA SATPATHY: They are the youth and we have to look at their future.

*for* "sub-clauses (i) to (v)"

*substitute* "sub-clauses (i) to (vi)" (72)

I would suggest that the age limit be dropped to 25. Let them show that they have the courage because the average age of this House has been notched at 53 years. So, I insist that 25 should be the age.

"Page 23, *line* 13,-

*for* "sub-clause (iv) or sub-clause (v)"

*substitute* "sub-clause (v) or sub-clause (vi)" (73)

MADAM SPEAKER: You have made your point. Thank you very much. Please take your seat now.

(Shri V. Narayanasamy)

I shall now put Amendment No. 15 moved by Shri Tathagata Satpathy to the vote of the House.

MADAM SPEAKER: The question is:

"That clause 63, as amended, stand part of the Bill."

The amendment was put and negatived.  
...(Interruptions)

*The motion was adopted.*

MADAM SPEAKER: Nothing else will go on record. Please take your seat.

*Clause 63, as amended, was added to the Bill.*

**Clause 64 Establishment of  
Lokayukta**

...(Interruptions)\*

MADAM SPEAKER: There is an amendment to be moved by Shri Tathagata Satpathy. Are you moving your amendment?

[Translation]

MADAM SPEAKER: You take your seats, be little calm.

SHRI TATHAGATA SATPATHY: Madam, I beg to move:

...(Interruptions)

"Page 24, *line* 14,-

\*Not recorded.

MADAM SPEAKER: You, too, be calm, donot do like this.

...(Interruptions)

[English]

MADAM SPEAKER: There is an amendment to be moved by Shri Basu Deb Acharia also.

SHRI BASU DEB ACHARIA (Bankura): Madam, I beg to move:

"Page 23, line 36,- after "Official Gazette"

insert ", which shall be issued within six months of such commencement,"." (46)

MADAM SPEAKER: I shall now put Amendment No. 46 moved by Shri Basu Deb Acharia to the vote of the House.

*The amendment was put and negatived.*

*Amendment made:*

Page 23, lines 36 and 37,-

omit "for the purpose of making preliminary inquiry, investigation, and prosecution in respect of complaints made under this' Act,". (74)

(Shri V. Narayanasamy)

MADAM SPEAKER: There is an amendment to be moved by Shri Bishnu Pada Ray also. Are you moving your amendment?

SHRI BISHNU PADA RAY: Madam, I beg to move:

"Page 23, line 35,-for "State"

substitute "State or a Union Territory without Legislatures, as the case may be"." (85)

[Translation]

Madam Speaker, there are four such Union Territories, like Andaman and Nicobar Islands, Lakshdweep, Daman

and Diu and Dadra and Nagar Haveli. In this Bill, they have not been brought under the Lokayukta. They should be brought under Lokayukta. These four union territories are under the Government of India. Large scale corruption is prevailing in these union territories. Therefore, I demand that the Government should appoint Lokayuktas in these territories.

[English]

Madam Speaker: I shall now put Amendment No. 85 moved by Shri Bishnu Pada Ray to the Vote of the House.

*The amendment was put and negatived.*

[Translation]

MADAM SPEAKER: Please sit down. You have asked for division of the House. I am going for it.

...(Interruptions)

SHRIMATI SUSHMA SWARAJ: Madam Speaker, it seems that there has been a lapse. I would like to tell the leader of the House that you have included States and Union territories which have Legislatures in its ambit, but have not included those union territories. Where there are no Legislative Assemblies, would no mechanism against corruption be put in place in those areas^ He is saying that. Therefore, this should be adopted with everybody's consent. This shortcoming has been there.

[English]

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): Madam it, is not necessary. So far as the point of the hon. Member is concerned that an appropriate meehanism should be there to deal with corruption cases at high places in the Union Territories without legislation, and that should not be brought within the purview of Lokayukta, surely, an appropriate mechanism will be established and the House will do it.

MADAM SPEAKER: Do you want Division?

SHRIMATI SUSHMA SWARAJ: No, we do not want Division.

MADAM SPEAKER: The question is:

"That clause 64, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 64, as amended, was added to the Bill.*

*Clauses 65 and 66 were added to the Bill.*

**Clause 67** **Terms of office of  
Chairperson and  
Members**

[Translation]

SHRI BISHNU PADA RAY: Madam Speaker, I have moved an amendment to bring the Lieutenant Governor under the purview of Lokayukta in Andaman and Nicobar. Besides, there are three more union territories where there are administrators - the administrators of Lakshdweep, Daman, and Diu and Nagar Haveli should be brought under the purview of Lokayukta. I have moved an amendment in this regard.

[English]

I beg to move:

Page 25, *line 20*, - *after* "Governor"

*insert* "or the Lieutenant Governor or the Administrator, as the case may be,". (86)

MADAM SPEAKER: I shall now put Amendment No. 86 moved by Shri Bishnu Pada Ray to the vote of the House.

*The amendment was put and negatived.*

MADAM SPEAKER: The question is:

"That clause 67 stand part of the Bill."

*The motion was adopted.*

*Clause 67 was added to the Bill.*

Clauses 68 to 70 were added to the Bill.

**Clause 71** **Secretary other  
officers and staff of  
Lokayukta**

*Amendment made:*

Page 26, *line 26*, -

*omit* "secretary and other". (75)

(Shri V. Narayanasamy)

MADAM SPEAKER: The question is:

"That clause 71, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 71, as amended, was added to the Bill.*

*Clause 72 was added to the Bill.*

**Clause 73** **Appointment of  
Director of  
Prosecution**

*Amendment made:*

Page 27, *line 15*, -

for "investigation report"

*substitute* "findings of the investigation report". (76)

(Shri V. Narayanasamy)

MADAM SPEAKER: The question is:

"That clause 73, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 73, as amended, was added to the Bill.*

*Clause 74 was added to the Bill.*

**Clause 75** **Jurisdiction of  
Lokayukta to include  
Chief Minister,  
Ministers, Members**

**of Legislatures,  
officers and employees  
of state government**

DR. M. THAMBIDURAI: Madam, I beg to move: Page 27, omit line 31. (12)

In my speech, I have already said that the Lokayuktas must be given to the States. We have the competence even though it is in the Concurrent List. We have to see that the State Governments must have the power. Therefore, I am moving this amendment. Further, as with the Prime Minister, the Chief Minister must also not be included in the Lokayuktas. This is my amendment.

MADAM SPEAKER: I shall now put Amendment No. 12 moved by Dr. M.-Thambidurai to the vote of the House.

*The amendment was put and negatived.*

*Amendment made:*

Page 28, omit lines 15 and 16. (77)

(Shri V. Narayanasamy)

MADAM SPEAKER: The question is:

"That clause 75, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 75, as amended, was added to the Bill.*

*Clauses 76 to 80 were added to the Bill.*

**Clause 81 Provisions relating to  
complaints and  
preliminary inquiry  
and investigation**

*Amendments made:*

Page 29, line 47,-

for "its investigation wing or any investigation agency"

substitute "any agency (including any special investigation agency)". (78)

Page 30, line 13,-

for "any agency"

substitute "any investigation agency". (79)

Page 30, lines 16 and 17,-

for "sub-section (4) from the Investigation Wing or any other agency"

substitute "sub-section (6) from any investigation agency (including any special agency)". (80)

Page 30, for lines 22 to 29,-

Substitute "(8) The Lokayukta may after taking a decision under sub-section (7) on the finding of the charge-sheet, direct its Prosecution Wing to initiate prosecution in a Special Court in respect of cases investigated by any investigation agency (Including any special agency)". (81)

Page 30, lines 10 and 11, for "period of six months",

substitute "period not exceeding six months at a time". (93)

(Shri V. Narayanasamy)

MADAM SPEAKER: The question is:

"That clause 81, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 81, as amended, was added to the Bill.*

**Clause 82 Persons likely to be  
pre-judicially affected  
to be heard**

**Amendment made:**

Page 30, line 44, omit "prospective". (82)

(Shri V. Narayanasamy)

MADAM SPEAKER: The question is:

"That clause 82, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 82, as amended, was added to the Bill.*

*Clauses 83 and 84 were added to the Bill.*

**Clause 85            Action on inquiry  
                                 against public servant  
                                 being Chief Minister,  
                                 Ministers or Members  
                                 of state legislative**

*Amendments made:*

Page 31, *line 23, omit* "preliminary inquiry or". (83)

Page 31, *line 25,-*

*after* "clause (b)

*insert* "or clause (c)". (84)

Page 31, *line 23, for* "85(1)", *substitute* "85". (94)

Page 31, *omit* lines 28 to 39. (95)

Page 32, *omit* lines 1 and 2. (96)

(Shri V. Narayanasamy)

MADAM SPEAKER: The question is:

"That clause 85, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 85, as amended, was added to the Bill.*

*Clauses 86 to 97 were added to the Bill.*

*The Schedule was added to the Bill.*

**Clause 1            Short title, extent  
                                 application and  
                                 commencement**

*Amendment made:*

Page 2, *after* line 10, *insert-*

"Provided that the provisions of this Act shall be applicable to a State which has given its prior consent to the application of this Act." (87)

(Shri V. Narayanasamy)

SHRI BHARTRUHARI MAHTAB: Madam, before I move the amendment, I would like to say a few words. The Leader of the House, the hon. Finance Minister, Shri Pranab Babu has said that there was no necessity or there was unnecessary debate on the issue of federal structure being protected. He has also mentioned that an amendment is being moved by the Government, at page 2, which says, "Provided that the provisions of this Act shall be applicable to a State which has given its prior consent to the application of this Act." It has not satisfied us. In his speech, he said that without the State Government's approval, this is not going to be implemented. It has not found a place in the amendment that has been moved.

Rather I have moved an amendment that Lokpal shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. I have made another addition that the provisions of this Act relating to Lokayukta shall come into force on such date as the respective State Governments may, by notification in the Official Gazette, appoint. I would appeal to the Members of this House specially those who are with the UPA, the Trinamool Congress and also to the DMK that this would become more explicit. I would also appeal to the hon. Members of Bharatiya Janata Party and also to the Anna DMK that here is a case - I do not know why - that you protect the interests of the State. I read out the letter that hon. Prime Minister had written on 27th August. In that letter, it is state:

[Translation]

Dear Anna Hazare ji, thank you for your letter dated 26 August. As you know that issues related to Lokpal were discussed in the House today. You will be glad to know that both Houses of Parliament have passed a resolution on the three points raised in your letter. As per the said resolution, Parliament agrees on three subjects in principle.

One is the Citizen's Charter, on which a Bill has been brought, but has not yet been passed. Second, is to bring the lower rungs Government employees under the purview of Lokpal through an appropriate mechanism. This is not there in it. Third, setting up of Lokayuktas in the States. Where has it been written that sense of the House has been taken? As per the matter read out in the House, Parliament will set up Lokayuktas in the states. You said that Lokayuktas will be set up in the states. I would like to urge you to send this model to the concerned state Legislatures. I have been saying it time and again. This has also been said by Trinamool Congress and DMK. AIADMK also said it. Gurudas Dasgupta said it. Shri Basu Deb Acharia ji from CPI has also said it. Our leader of the Opposition, Shrimati Sushma Swaraj i has also said it. What is the problem in it. Please send a model. Why are you insisting that the House has to pass it. I would like to urge you to please consider the amendments moved by us.

[English]

I beg to move:

Page 2, *for* lines 7 to 10, *substitute*, —

"(4) The provisions of this Act relating to Lokpal shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4A) The provisions of this Act relating to Lokayukta shall come into force on such date as the respective State Governments may, by notification in the Official Gazette, appoint." (16)

MADAM SPEAKER: I shall now put Amendment No. 16 moved by Shri Bhartruhari Mahtab to the vote of the House.

SHRI BHARTRUHARI MAHTAB: I want Division.

MADAM SPEAKER: Lobbies have already been cleared. I shall now put Amendment No. 16 moved by Shri Bhartruhari Mahtab to the vote of the House.

The question is:

Page 2, *for* lines 7 to 10, *substitute*, —

"(4) The provisions of this Act relating to Lokpal shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4A) The provisions of this Act relating to Lokayukta shall come into force on such date as the respective State Governments may, by notification in the Official Gazette, appoint." (16)

*The Lok Sabha divided:*

**Division No. 2                      AYES                      22.48 hrs.**

Acharia, Shri Basu Deb

Aditya Nath, Yogi

Adsul, Shri Anandrao

Advani, Shri L.K.

Agrawal, Shri Rajendra

Ahir, Shri Hansraj G.

Anandan, Shri M.

Ananth Kumar, Shri

Angadi, Shri Suresh

Argal, Shri Ashok

Azad, Shri Kirti

Babar, Shri Gajanan D.

Badal, Shrimati Harsimrat Kaur

Bais, Shri Ramesh

Basavaraj, Shri G. S.

Baske, Shri Pulin Bihari

Bauri, Shrimati Susmita



Besra, Shri Devidhan	Gandhi, Shri Varun
Bhagat, Shri Sudarshan	Gandhi, Shrimati Maneka
Bhaiya, Shri Shivraj	Ganeshamurthi, Shri A.
Biju, Shri P.K.	Geete, Shri Anant Gangaram
Bishnoi, Shri Kuldeep	Gohain, Shri Raj en
Bundela, Shri Jitendra Singh	Gouda, Shri Shivarama
Chakravarty, Shrimati Bijoya	Haque, Sk. Saidul
Chauhan, Shri Mahendrasinh P.	Hassan, Dr. Monazir
Chauhan, Shri Prabhatsinh P.	Hazari, Shri Maheshwar
Chavan, Shri Harishchandra	Hussain, Shri Syed Shahnawaz
Choudhary, Shri Bhudeo	Jadhao, Shri Prataprao Ganpatrao
Choudhary, Shri Nikhil Kumar	Jaiswal, Dr. Sanjay
Chowdhury, Shri Bansa Gopal	Jardosh, Shrimati Darshana
Das, Shri Khagen	Jat, Shrimati Poonam Veljibhai
Das, Shri Ram Sundar	Jawale, Shri Haribhau
Dasgupta, Shri Gurudas	Jigajinagi, Shri Ramesh
Deka, Shri Ramen	Joshi, Dr. Murli Manohar
Deshmukh, Shri K.D.	Joshi, Shri Kailash
Devi, Shrimati Ashwamedh	Joshi, Shri Pralhad
Devi, Shrimati Rama	Judev, Shri Dilip Singh
Dhotre, Shri Sanjay	Kachhadia, Shri Naranbhai
Dhurve, Shrimati Jyoti	Karunakaran, Shri P.
Dome, Dr. Ram Chandra	Kashyap, Shri Dinesh
Dubey, Shri Nishikant	Kashyap, Shri Virender
Dudhgaonkar, Shri Ganeshrao Nagorao	Kaswan, Shri Ram Singh
Gaddigoudar, Shri P.C.	Kateel, Shri Nalin Kumar
Gandhi, Shri Dilipkumar Mansukhlal	Khaire, Shri Chandrakant

Kristappa, Shri N.	Natarajan, Shri P.R.
Kumar, Shri Kaushalendra	Nishad, Capt. Jai Narain Prasad
Kumar, Shri P.	Pakkirappa, Shri S.
Kumar, Shri Virendra	Panda, Shri Baijayant
Kumar, Shri Vishwa Mohan	Panda, Shri Prabodh
Kumari, Shrimati Putul	*Pandey, Kumari Saroj
Lingam, Shri P.	Pandey, Shri Ravindra Kumar
Mahajan, Shrimati Sumitra	Pangi, Shri Jayaram
Mahato, Shri Baidyanath Prasad	Paranjpe, Shri Anand Prakash
Mahato, Shri Narahari	Paswan, Shri Kamlesh
Mahtab, Shri Bhartruhari	Patasani, Dr. Prasanna Kumar
Majumdar, Shri Prasanta Kumar	Patel, Shri Devji M.
Malik, Shri Sakti Mohan	Patel, Shri Lalubhai Babubhai
Mandal, Dr. Tarun	Patel, Shri Nathubhai Gomanbhai
Manian, Shri O.S.	Patel, Shrimati Jayshreeben
Manjhi, Shri Hari	Pathak, Shri Harin
Meena, Dr. Kirodi Lal	Patil, Shri A.T. Nana
Meghwal, Shri Arjun Ram	Patil, Shri C.R.
Mishra, Shri Govind Prasad	Patil, Shri Danve Raosaheb
Misra, Shri Pinaki	Patle, Shrimati Kamla Devi
Mohan, Shri P.C.	Potai, Shri Sohan
Mohapatra, Shri Sidhant	Purkayastha, Shri Kabindra
Munda, Shri Karia	Rajendran, Shri C.
Munde, Shri Gopinath	Rajesh, Shri M.B.
Naik, Shri Shripad Yesso	Ram, Shri Purnmasi
Namdhari, Shri Inder Singh	Ramshankar, Prof.
Narayanrao, Shri Sonawane Pratap	

---

\* Voted through slip.

Rana, Shri Rajendrasinh	Singh, Shri Ganesh
Rao, Shri Nama Nageswara	Singh, Shri Jaswant
Rathwa, Shri Ramsinh	Singh, Shri Mahabali
Ray, Shri Bishnu Pada	Singh, Shri Murari Lal
Ray, Shri Rudramadhab	Singh, Shri Pashupati Nath
Reddy, Shri M. Venugopala	Singh, Shri Pradeep Kumar
Riyan, Shri Bajju Ban	Singh, Shri Radha Mohan
Roy, Shri Arjun	Singh, Shri Rajnath
Roy, Shri Mahendra Kumar	Singh, Shri Rakesh
Roy, Shri Nripendra Nath	Singh, Shri Rajiv Rajan Singh alias Lalan Singh
Saha, Dr. Anup Kumar	Singh, Shri Sushil Kumar
Sahu, Shri Chandu Lal	Singh, Shri Uday
Sai, Shri Vishnu Dev	Sinha, Shri Shatrughan
Sampath, Shri A.	Sinha, Shri Yashwant
Satpathy, Shri Tathagata	Sivaprasad, Dr. N.
Scindia, Shrimati Yashodhara Rajee	Sivasami, Shri C.
Semmalai, Shri S.	Solanki, Dr. Kirit Premjibhai
Sethi, Shri Arjun Charan	Solanki, Shri Makansingh
Shantha, Shrimati J.	Sugumar, Shri K.
Sharma, Shri Jagdish	Sushant, Dr. Rajan
Shetti, Shri Raju	Swamy, Shri Janardhana
Shivaji, Shri Adhalrao Patil	Swaraj, Shrimati Sushma
Shukla, Shri Balkrishna Khanderao	Tandon, Shri Lalji
Siddeshwara, Shri G.M.	Tarai, Shri Bibhu Prasad
Singh, Dr. Bhola	Thakur, Shri Anurag
Singh, Shri Bhoopendra	Singh Thambidurai, Dr. M.
Singh, Shri Dushyant	Tomar, Shri Narendra Singh

Toppo, Shri Joseph

Azharuddin, Mohammed

Tudu, Shri Laxman

Baalu, Shri T.R.

Udasi, Shri Shivkumar

'Baba', Shri K.C. Singh

Vasava, Shri Mansukhbhai D.

Babbar, Shri Raj

Venugopal, Dr. P.

Baghel, Shrimati Sarika Devendra Singh

\* Vishwanath Katti, Shri Ramesh

Bahuguna, Shri Vijay

Wakchaure, Shri Bhausahab Rajaram

\*Bairwa, Shri Khiladi Lal

Wankhede, Shri Subhash Bapurao

Baite, Shri Thangso

Yadav, Prof. Ranjan Prasad

Baitha, Shri Kameshwar

Yadav, Shri Dinesh Chandra

Bajwa, Shri Pratap Singh

Yadav, Shri Hukmadeo Narayan

Bandyopadhyay, Shri Sudip

Yadav, Shri Ramakant

Banerjee, Shri Ambica

Yadav, Shri Sharad

Banerjee, Shri Kalyan

**NOES**

Aaron Rashid, Shri J.M.

Bansal, Shri Pawan Kumar

Adhikari, Shri Sisir

Bapiraju, Shri K.

Adhi Sankar, Shri

Basheer, Shri Mohammed E.T.

Agarwal, Shri Jai Prakash

Beg, Dr. Mirza Mehboob

Ahamed, Shri E.

Bhadana, Shri Avtar Singh

Ahmed, Shri Sultan

Bhagora, Shri Tara Chand

Alagiri, Shri M.K.

Bhonsle, Shri Udayanraje

Alagiri, Shri S.

Bhujbal, Shri Sameer

Amlabe, Shri Narayan Singh

Bhuria, Shri Kanti Lal

Antony, Shri Anto

Biswal, Shri Hemanand

Aron, Shri Praveen Singh

Bwiswmuthiary, Shri Sansuma Khunggur

Awale, Shri Jaywant Gangaram

Chacko, Shri P.C.

---

\* Voted through slip.

---

\* Voted through slip.

Chaudhary, Dr. Tushar	Gaikwad, Shri Eknath Mahadeo
Chaudhary, Shri Jayant	Gandhi, Shri Rahul
Chauhan, Shri Sanjay Singh	Gandhi, Shrimati Sonia
Chidambaram, Shri P.	Gandhiselvan, Shri S.
Chinta Mohan, Dr.	Gavit, Shri Manikrao Hodlya
Chitthan, Shri N.S.V.	Ghatowar, Shri Paban Singh
Choudhary, Shri Harish	Gogoi, Shri Dip
Choudhry, Shrimati Shruti	Guddu, Shri Premchand
Choudhury, Shri Abu Hasem Khan	Haldar, Dr. Sucharu Ranjan
Chowdhary, Shrimati Santosh	Handique, Shri B.K.
Chowdhury, Shri Adhir	Haque, Shri Mohd. Asrarul
'Commando', Shri Kamal Kishor	Hari, Shri Sabbam
Das, Shri Bhakta Charan	Harsha Kumar, Shri G.V.
Dasmunsi, Shrimati Deepa	Hooda, Shri Deepender Singh
Davidson, Shrimati J. Helen	Hossain, Shri Abdul Mannan
De, Dr. Ratna	Hussain, Shri Ismail
Deo, Shri V. Kishore Chandra	Islam, Sk. Nurul
Deora, Shri Milind	Jadhav, Shri Baliram
Dhanapalan, Shri K. P.	Jagannath, Dr. Manda
Dhruvanarayana, Shri R.	Jain, Shri Pradeep
Dias, Shri Charles	Jaiswal, Shri Shriprakash
Dikshit, Shri Sandeep	Jakhar, Shri Badri Ram
Dutt, Shrimati Priya	Jena, Shri Srikant
Elangovan, Shri T.K.S.	Jeyadurai, Shri S. R.
Engti, Shri Biren Singh	Jhansi Lakshmi, Shrimati Botcha
Ering, Shri Ninong	Jindal, Shri Naveen
Gadhvi, Shri Mukesh Bhairavdanji	Joshi, Dr. C.P.

Joshi, Shri Mahesh	Masram, Shri Basori Singh
Kamal Nath, Shri	Mcleod, Shrimati Ingrid
Kamat, Shri Gurudas	Meena, Shri Namu Narain
Kataria, Shri Lalchand	Meena, Shri Raghuvir Singh
Kaur, Shrimati Preneet	Meghe, Shri Datta
Kaypee, Shri Mohinder Singh	Meghwal, Shri Bharat Ram
Khan, Shri Hassan	Meinya, Dr. Thokchom
Khandela, Shri Mahadeo Singh	Mirdha, Dr. Jyoti
Kharge, Shri Mallikarjun	Mishra, Shri Mahabal
Khatgaonkar, Shri Bhaskarrao Bapurao Patil	Mitra, Shri Somen
Khatri, Dr. Nirmal	Moily, Shri M. Veerappa
Khursheed, Shri Salman	Mukherjee, Shri Pranab
Killi, Dr. Kruparani	Muniyappa, Shri K.H.
Kowase, Shri Marotrao Sainuji	Muttemwar, Shri Vilas
Krishnasswamy, Shri M.	Nagpal, Shri Devendra
Kumar, Shri Ajay	Naik, Dr. Sanjeev Ganesh
Kumar, Shri Ramesh	Naik, Shri P. Balram
Kumari, Shrimati Chandresh	Naqvi, Shri Zafar Ali
Kurup, Shri N. Peethambara	Narah, Shrimati Ranee
Lakshmi, Shrimati Panabaka	Narayanasamy, Shri V.
Mahant, Dr. Charan Das	Naskar, Shri Gobinda Chandra
Maharaj, Shri Satpal	Natrajan, Kumari Meenakshi
Majhi, Shri Pradeep	Nirupam, Shri Sanjay
Maken, Shri Ajay	Noor, Kumari Mausam
Malik, Shri Jitender Singh	Ola, Shri Sis Ram
Maran, Shri Dayanidhi	Pal, Shri Jagdambika
Marandi, Shri Babu Lal	Pal, Shri Rajaram



Pala, Shri Vincent H.	Reddy, Shri Anantha Venkatarami
Palanimanickam, Shri S.S.	Reddy, Shri Gutha Sukhender
Pandey, Dr. Vinay Kumar	Reddy, Shri K.J.S.P
Patel, Shri Praful	Reddy, Shri M. Sreenivasulu
Patel, Shri Somabhai Gandadal Koli	Reddy, Shri S. Jaipal
Patil, Dr. Padmasinha Bajirao	Reddy, Shri S.P.Y.
Patil, Shri Sanjay Dina	Roy, Prof. Saugata
Patil, Shri Pratik	Roy, Shrimati Shatabdi
Pawar, Shri Sharad	Ruala, Shri C.L.
Pilot, Shri Sachin	Sahay, Shri Subodh Kant
Prabhakar, Shri Ponnamp	Sai Prathap, Shri A.
Pradhan, Shri Amarnath	Sangma, Kumari Agatha
Prasada, Shri Jitin	Sanjoy, Shri Takam
Punia, Shri P. L.	Sardinha, Shri Francisco Cosme
Purandeswari, Shrimati D.	Satyanarayana, Shri Sarvey
Raghavan, Shri M.K.	Scindia, Shri Jyotiraditya M.
Rahman, Shri Abdul	Selja, Kumari
Rai, Shri Prem Das	Shanavas, Shri M.I.
Rajagopal, Shri L.	Sharma, Dr. Arvind Kumar
Raju, Shri M.M. Pallam	Sharma, Shri Madan Lal
Rajukhedi, Shri Gajendra Singh	Shekhawat, Shri Gopal Singh
Ramachandran, Shri Mullappally	Shetkar, Shri Suresh Kumar
Ramasubbu, Shri S.S.	Shinde, Shri Sushilkumar
Rane, Shri Nilesh Narayan	Shivkumar, Shri K alias J.K. Ritheesh
Rao, Dr. K.S.	Sibal, Shri Kapil
Rao, Shri Rayapati Sambasiva	Singh, Chaudhary Lal
Rawat, Shri Harish	Singh, Dr. Sanjay

Singh, Rao Inderjit	Thamaraiselvan, Shri R.
Singh, Shri Ajit	Tharoor, Dr. Shashi
Singh, Shri Ijyaraj	Thirumaavalavan, Shri Thol
Singh, Shri Jitendra	Thomas, Prof. K.V.
Singh, Shri N. Dharam	Thomas, Shri P.T.
Singh, Shri R.P.N.	*Tirath, Shrimati Krishna
Singh, Shri Ratan	Trivedi, Shri Dinesh
Singh, Shri Ravneet	Venugopal, Shri D.
Singh, Shri Sukhdev	Venugopal, Shri K.C.
Singh, Shri Uday Pratap	Verma, Shri Sajjan
Singh, Shri Virbhadra	Verma, Shri Beni Prasad
Singh, Rajkumari Ratna	Vijayan, Shri A.K.S.
Singh, Shrimati Rajesh Nandini	Vishwanath, Shri Adagooru H.
Singla, Shri Vijay Inder	Viswanathan, Shri P.
Siricilla, Shri Rajaiah	Vivekanand, Dr. G.
Solanki, Shri Bharatsinh	Vundavalli, Shri Aruna Kumar
Sugavanam, Shri E.G.	Vyas, Dr. Girija
Suklabaidya, Shri Lalit Mohan	Wasnik, Shri Mukul
Sule, Shrimati Supriya	Yadav, Shri Arun
Suresh, Shri Kodikkunnil	Yadav, Shri Anjankumar M.
Tagore, Shri Manicka	Yadav, Shri Om Prakash
Tamta, Shri Pradeep	Yaskhi, Shri Madhu Goud
Tandon, Shrimati Annu	
Tanwar, Shri Ashok	<b>ABSTAIN</b>
Taviad, Dr. Prabha Kishor	Owaisi, Shri Asadudin
Taware, Shri Suresh Kashinath	Shariq, Shri S.D.
Tewari, Shri Manish	

---

\* Voted through slip.

MADAM SPEAKER: Subject to correction\*, the result of the Division is:

Ayes	-	189
Noes	-	247
Abstain	-	2

*The motion was negatived.*

MADAM SPEAKER: Shri Gurudas Dasgupta, are you pressing for your Amendment?

SHRI GURUDAS DASGUPTA: Madam, I do not wish to press for it.

MADAM SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

*The Enacting Formula, the Preamble, and the Long Title were added to the Bill.*

SHRI V. NARAYANASAMY: I beg to move:

"That the Bill, as amended, be passed."

MADAM SPEAKER: The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

MADAM SPEAKER: The Lobbies may be opened.

SHRI BASU DEB ACHARIA: Madam, this Government has not accepted any of our amendments to make Lokpal a strong and effective. This Bill will have a very weak Lokpal. Therefore, in protest, we walk out of the House.

\* The following Members also recorded their votes through slips.  
Ayes 189 + Kumari Saroj Pandey, Shri Ramesh Vishwanath Katti =191  
Noes 947 + Shri Khiladi Lal Bairwa, Shrimati Krishna Tirath = 249

**22.52 hrs.**

*At this stage, Shri Basu Deb Acharia and some other hon. Members left the House*

MADAM SPEAKER: Nothing will go on record.

*...(Interruptions)\**

DR. M. THAMBIDURAI: Madam, in spite of our opposition to certain provisions of the Bill the Government has passed the Bill. Therefore, in protest, we walk out of the House.

**22.52½ hrs.**

*At this stage, Dr. M. Thambidurai and some other hon. Members left the House.*

SHRI ARJUN CHARAN SETHI (Bhadrak): The Opposition demanded that the federal structure of the Constitution should be protected. However, the Leader of the House Pranabdas did not respond to that. Therefore, in protest, we walk out of the House.

**22.53 hrs.**

*At this stage, Shri Arjun Charan Sethi and some other hon. Members left the House*

**22.54 hrs.**

CONSTITUTION (ONE HUNDRED AND SIXTEENTH AMENDMENT) BILL, 2011

**(Insertion of new Part XIVB)**

*[English]*

MADAM SPEAKER: Hon. Members, before I put the motion for consideration of the Bill to the vote of the House, I may inform the House that this being a Constitution (Amendment) Bill, voting has to be by Division.

Let the lobbies be cleared—

MADAM SPEAKER: Hon. Members, please take your seats.

\*Not recorded.

[Translation]

What is this, please be silent.

...(Interruptions)

MADAM SPEAKER: Geete ji, why are you standing. Discussion on Constitutional Amendment is going on, please be little serious. The entire country is watching you.

...(Interruptions)

[English]

MADAM SPEAKER: Please keep quiet and sit down.

...(Interruptions)

MADAM SPEAKER: Constitutional Amendment Bill is going on. You have to be more serious about it. Please take your seats.

...(Interruptions)

MADAM SPEAKER: The Secretary-General has already informed about the procedure of operating the Automatic Vote Recording Machine. Therefore, I shall now put the motion for consideration to the vote of the House.

The question is:

"That the Bill further to amend the Constitution of India, be taken into consideration."

*The Lok Sabha divided:*

**Division No. 3                      AYES                      22.58 hrs.**

Aaron Rashid, Shri J.M.

Acharia, Shri Basu Deb

Adhikari, Shri Sisir

Adhi Sankar, Shri

Advani, Shri L.K.

Agarwal, Shri Jai Prakash

Ahamed, Shri E.

Ahir, Shri Hansraj G.

Ahmed, Shri Sultan

Alagiri, Shri M.K.

Alagiri, Shri S.

Amlabe, Shri Narayan Singh

Antony, Shri Anto

Argal, Shri Ashok

Aron, Shri Praveen Singh

Awale, Shri Jaywant Gangaram

\*Azad, Shri Kirti

Azharuddin, Mohammed

Baalu, Shri T.R.

'Baba', Shri K.C. Singh

Babbar, Shri Raj

Baghel, Shrimati Sarika Devendra Singh

Bahuguna, Shri Vijay

Bairwa, Shri Khiladi Lal

Bais, Shri Ramesh

Baite, Shri Thangso

Baitha, Shri Kameshwar

Bajwa, Shri Pratap Singh

Bandyopadhyay, Shri Sudip

Banerjee, Shri Ambica

Banerjee, Shri Kalyan

Bansal, Shri Pawan Kumar

Bapiraju, Shri K.

---

\* Voted through slip.

Basheer, Shri Mohammed E.T.	Chowdhury, Shri Adhir
Beg, Dr. Mirza Mehboob	Chowdhury, Shri Bansa Gopal
Bhadana, Shri Avtar Singh	'Commando', Shri Kamal Kishor
Bhagora, Shri Tara Chand	*Das, Shri Bhakta Charan
Bhaiya, Shri Shivraj	Das, Shri Khagen
Bhonsle, Shri Udayanraje	Das, Shri Ram Sundar
Bhujbal, Shri Sameer	Dasgupta, Shri Gurudas
Bhuria, Shri Kanti Lal	Dasmunsi, Shrimati Deepa
Biju, Shri P.K.	Dastidar, Dr. Kakoli Ghosh
Bishnoi, Shri Kuldeep	Davidson, Shrimati J. Helen
Bwiswmuthiary, Shri Sansuma Khunggur	De, Dr. Ratna
Chacko, Shri P.C.	Deo, Shri V. Kishore Chandra
Chang, Shri CM.	Deora, Shri Milind
Chakravarty, Shrimati Bijoya	Deshmukh, Shri K.D.
Chaudhary, Dr. Tushar	Dhanapalan, Shri K. P.
Chaudhary, Shri Jayant	*Dhotre, Shri Sanjay
*Chauhan, Shri Mahendrasinh P.	Dhruvanarayana, Shri R.
Chauhan, Shri Sanjay Singh	Dhurve, Shrimati Jyoti
Chidambaram, Shri P.	Dias, Shri Charles
Chinta Mohan, Dr.	Dikshit, Shri Sandeep
Chitthan, Shri N.S.V.	Dome, Dr. Ram Chandra
Choudhary, Shri Harish	Dutt, Shrimati Priya
Choudhary, Shri Nikhil Kumar	Elangovan, Shri T.K.S.
Choudhry, Shrimati Shruti	Engti, Shri Biren Singh
Choudhury, Shri Abu Hasem Khan	Ering, Shri Ninong
Chowdhary, Shrimati Santosh	Gadhvi, Shri Mukesh Bhairavdanji

---

\* Corrected through slip.

---

\* Voted through slip.

Gaikwad, Shri Eknath Mahadeo

Jakhar, Shri Badri Ram

Gandhi, Shri Dilipkumar Mansukhlal

Jawale, Shri Haribhau

Gandhi, Shri Rahul

Jayaprada, Shrimati

Gandhi, Shrimati Maneka

Jena, Shri Srikant

Gandhi, Shrimati Sonia

Jeyadurai, Shri S. R.

Gandhiselvan, Shri S.

Jhansi Lakshmi, Shrimati Botcha

Ganeshamurthi, Shri A.

Jindal, Shri Naveen

Gavit, Shri Manikrao Hodlya

Joshi, Dr. C.P.

Geete, Shri Anant Gangaram

Joshi, Dr. Murl Manohar

Ghatowar, Shri Paban Singh

Joshi, Shri Kailash

Gogoi, Shri Dip

Joshi, Shri Mahesh

Guddu, Shri Premchand

\*Joshi, Shri Pralhad

Haldar, Dr. Sucharu Ranjan

Judev, Shri Dilip Singh

Handique, Shri B.K.

Kamal Nath, Shri

\*Haque, Shri Mohd. Asrarul

Kamat, Shri Gurudas

Hari, Shri Sabbam

Karunakaran, Shri P.

Harsha Kumar, Shri G.V.

Kashyap, Shri Dinesh

Hooda, Shri Deepender Singh

Kaswan, Shri Ram Singh

Hossain, Shri Abdul Mannan

Kataria, Shri Lalchand

Hussain, Shri Ismail

Kaur, Shrimati Preneet

Hussain, Shri Syed Shahnawaz

Kaypee, Shri Mohinder Singh

Islam, Sk. Nurul

Khaire, Shri Chandrakant

Jadhav, Shri Baliram

Khan, Shri Hassan

Jagannath, Dr. Manda

Khandela, Shri Mahadeo Singh

Jain, Shri Pradeep

Kharge, Shri Mallikarjun

Jaiswal, Shri Shriprakash

Khatgaonkar, Shri Bhaskarrao Bapurao Patil

---

\* Voted through slip.

---

\* Corrected through slip.



Khatri, Dr. Nirmal	Mirdha, Dr. Jyoti
Khursheed, Shri Salman	Mishra, Shri Mahabal
Killi, Dr. Kruparani	Mitra, Shri Somen
Kowase, Shri Marotrao Sainuji	Moily, Shri M. Veerappa
Krishnasswamy, Shri M.	Mukherjee, Shri Pranab
Kumar, Shri Ajay	Munda, Shri Karia
Kumar, Shri Ramesh	Munde, Shri Gopinath
**Kumar, Shri Virendra	Muniyappa, Shri K.H.
Kumari, Shrimati Chandresh	Muttemwar, Shri Vilas
Kurup, Shri N. Peethambara	*Nagpal, Shri Devendra
Lakshmi, Shrimati Panabaka	Naik, Dr. Sanjeev Ganesh
Mahajan, Shrimati Sumitra	Naik, Shri P. Balram
Mahant, Dr. Charan Das	Naik, Shri Shripad Yesso
Maharaj, Shri Satpal	Naqvi, Shri Zafar Ali
Majhi, Shri Pradeep	Narah, Shrimati Ranee
Maken, Shri Ajay	Narayanasamy, Shri V.
Malik, Shri Jitender Singh	Naskar, Shri Gobinda Chandra
Maran, Shri Dayanidhi	Natrajan, Kumari Meenakshi
Marandi, Shri Babu Lal	Nirupam, Shri Sanjay
Masram, Shri Basori Singh	Noor, Kumari Mausam
Mcleod, Shrimati Ingrid	Ola, Shri Sis Ram
Meena, Shri Namu Narain	Pal, Shri Jagdambika
Meena, Shri Raghuvir Singh	Pal, Shri Rajaram
Meghe, Shri Datta	Pala, Shri Vincent H.
Meghwal, Shri Bharat Ram	Palanimanickam, Shri S.S.
Meinya, Dr. Thokchom	Panda, Shri Baijayant

---

\*\* Voted through slip.

---

\* Voted through slip.

Panda, Shri Prabodh	Raghavan, Shri M.K.
Pandey, Dr. Vinay Kumar	Rahman, Shri Abdul
Pandey, Shri Ravindra Kumar	Rai, Shri Prem Das
Pangi, Shri Jayaram	Rajagopal, Shri L.
Paranjpe, Shri Anand Prakash	Rajesh, Shri M.B.
Patasani, Dr. Prasanna Kumar	Raju, Shri M.M. Pallam
*Patel, Shri Devji M.	Rajukhedi, Shri Gajendra Singh
**Patel, Shri Lalubhai Babubhai	Ramachandran, Shri Mullappally
Patel, Shri Praful	Ramasubbu, Shri S.S.
Patel, Shri Somabhai Gandlal Koli	Rana, Shri Rajendrasinh
Patel, Shrimati Jayshreeben	Rane, Shri Nilesh Narayan
Pathak, Shri Harin	Rao, Dr. K.S.
Patil, Dr. Padmasinha Bajirao	Rao, Shri Rayapati Sambasiva
**Patil, Shri C.R.	Rawat, Shri Harish
Patil, Shri Danve Raosaheb	Ray, Shri Bishnu Pada
Patil, Shri Sanjay Dina	Reddy, Shri Anantha Venkatarami
Patil, Shri Pratik	Reddy, Shri Gutha Sukhender
Patle, Shrimati Kamla Devi	*Reddy, Shri K.J.S.P
Pawar, Shri Sharad	Reddy, Shri M. Sreenivasulu
Pilot, Shri Sachin	Reddy, Shri S. Jaipal
Prabhakar, Shri Ponnamp	Reddy, Shri S.P.Y.
Pradhan, Shri Amarnath	Roy, Prof. Saugata
Prasada, Shri Jitin	Roy, Shrimati Shatabdi
Punia, Shri P. L.	Ruala, Shri C.L.
Purandeswari, Shrimati D.	Sahay, Shri Subodh Kant
Purkayastha, Shri Kabindra	*Sahu, Shri Chandu Lal

---

\* Voted through slip.

\*\* Corrected through slip.

---

\* Voted through slip.

Sai, Shri Vishnu Dev	Singh, Shri Ganesh
Sai Prathap, Shri A.	Singh, Shri Ijyaraj
Sampath, Shri A.	Singh, Shri Jaswant
Sangma, Kumari Agatha	Singh, Shri Jitendra
Sanjoy, Shri Takam	* Singh, Shri N. Dharam
Sardinha, Shri Francisco Cosme	Singh, Shri Pradeep Kumar
Satyanarayana, Shri Sarvey	Singh, Shri R.P.N.
Scindia, Shri Jyotiraditya M.	Singh, Shri Radha Mohan
Scindia, Shrimati Yashodhara Rajee	Singh, Shri Rajiv Ranjan Singh alias Lalan
Selja, Kumari	Singh, Shri Rajnath
Shanavas, Shri M.I.	Singh, Shri Rakesh
Sharma, Dr. Arvind Kumar	Singh, Shri Ratan
Shariq, Shri S.D.	Singh, Shri Ravneet
Sharma, Shri Madan Lal	Singh, Shri Sukhdev
Shekhawat, Shri Gopal Singh	Singh, Shri Sushil Kumar
Shetkar, Shri Suresh Kumar	Singh, Shri Uday Pratap
Shinde, Shri Sushilkumar	Singh, Shri Virbhadra
Shivkumar, Shri K alias J.K. Ritheesh	Singh, Rajkumari Ratna
Sibal, Shri Kapil	Singh, Shrimati Rajesh Nandini
Siddeshwara, Shri G.M.	Singla, Shri Vijay Inder
Singh, Chaudhary Lal	Sinha, Shri Shatrughan
Singh, Dr. Sanjay	Sinha, Shri Yashwant
Singh, Rao Inderjit	Siricilla, Shri Rajaiah
Singh, Shri Ajit	Solanki, Dr. Kirit Premjibhai
**Singh, Shri Bhoopendra	Solanki, Shri Bharatsinh
*Singh, Shri Dushyant	Sugavanam, Shri E.G.

---

\*\* Corrected through slip.

\* Voted through slip.

---

\* Voted through slip.

Suklabaidya, Shri Lalit Mohan	Vishwanath, Shri Adagooru H.
Sule, Shrimati Supriya	Viswanathan, Shri P.
Suresh, Shri Kodikkunnil	Vivekanand, Dr. G.
Swaraj, Shrimati Sushma	Vundavalli, Shri Aruna Kumar
Tagore, Shri Manicka	Vyas, Dr. Girija
Tamta, Shri Pradeep	Wasnik, Shri Mukul
Tandon, Shri Lalji	Yadav, Shri Arun
Tandon, Shrimati Annu	Yadav, Shri Dinesh Chandra
Tanwar, Shri Ashok	Yadav, Shri Hukmadeo Narayan
Taviad, Dr. Prabha Kishor	Yadav, Shri Anjankumar M.
Taware, Shri Suresh Kashinath	Yadav, Shri Om Prakash
Tewari, Shri Manish	Yadav, Shri Ramakant
Thakur, Shri Anurag Singh	Yaskhi, Shri Madhu Goud
Thamaraiselvan, Shri R.	NOES
Tharoor, Dr. Shashi	Aditya Nath, Yogi
Thirumaavalavan, Shri Thol	Adsul, Shri Anandrao
Thomas, Prof. K.V.	Agrawal, Shri Rajendra
Thomas, Shri P.T.	*Anandan, Shri M.
Tirath, Shrimati Krishna	Angadi, Shri Suresh
Tomar, Shri Narendra Singh	Bhagat, Shri Sudarshan
Trivedi, Shri Dinesh	Bundela, Shri Jitendra Singh
Vasava, Shri Mansukhbhai D.	Chavan, Shri Harishchandra
Venugopal, Shri D.	**Choudhary, Shri Bhudeo
Venugopal, Shri K.C.	Deka, Shri Ramen
Verma, Shri Sajjan	Devi, Shrimati Ashwamedh
Verma, Shri Beni Prasad	Devi, Shrimati Rama
Vijayan, Shri A.K.S.	Dubey, Shri Nishikant

---

\* Corrected through slip.

\*Voted through slip.

Dudhgaonkar, Shri Ganeshrao Nagorao  
Gandhi, Shri Varun  
Gohain, Shri Rajen  
Gouda, Shri Shivarama  
\*Hassan, Dr. Monazir  
Hazari, Shri Maheshwar  
Jaiswal, Dr. Sanjay  
Jardosh, Shrimati Darshana  
Jat, Shrimati Poonam Veljibhai  
Kachhadia, Shri Naranbhai  
Kashyap, Shri Virender  
Kateel, Shri Nalin Kumar  
Kumar, Shri Kaushalendra  
Kumar, Shri P.  
Kumar, Shri Vishwa Mohan  
Kumari, Shrimati Putul  
Mahato, Shri Baidyanath Prasad  
\*Mahtab, Shri Bhartruhari  
Majumdar, Shri Prasanta Kumar  
\*Manian, Shri O.S.  
Manjhi, Shri Hari  
Meena, Dr. Kirodi Lal  
Meghwal, Shri Arjun Ram  
Mishra, Shri Govind Prasad  
Mohan, Shri P.C.  
Mohapatra, Shri Sidhant

Namdhari, Shri Inder Singh  
Narayanrao, Shri Sonawane Pratap  
Natarajan, Shri P.R.  
Nishad, Capt. Jai Narain Prasad  
Pandey, Kumari Saroj  
Paswan, Shri Kamlesh  
Patel, Shri Nathubhai Gomanbhai  
Potai, Shri Sohan  
\*Rajendran, Shri C.  
Ram, Shri Purnmasi  
Ramshankar, Prof.  
Reddy, Shri M. Venugopala  
Riyan, Shri Baju Ban  
Roy, Shri Arjun  
Satpathy, Shri Tathagata  
\*Semmalai, Shri S.  
\*Sharma, Shri Jagdish  
Shetti, Shri Raju  
Shivaji, Shri Adhalrao Patil  
Shukla, Shri Balkrishna Khanderao  
Singh, Shri Mahabali  
Singh, Shri Murari Lal  
Singh, Shri Uday  
Singh, Shrimati Meena  
Sivasami, Shri C.  
Solanki, Shri Makansingh

---

\* Corrected through slip.

---

\* Voted through slip.

Tarai, Shri Bibhu Prasad

Thambidurai, Dr. M.

Toppo, Shri Joseph

Tudu, Shri Laxman

Udasi, Shri Shivkumar

\*\*Venugopal, Dr. P.

Vishwanath Katti, Shri Ramesh

Wakchaure, Shri Bhausahab Rajaram

Wankhede, Shri Subhash Bapurao

Yadav, Prof. Ranjan Prasad

**ABSTAIN**

Owaisi, Shri Asaduddin

Gaddigoudar, Shri P.C.

**23.00 hrs.**

MADAM SPEAKER: Subject to correction\*, the result of the Division is:

Ayes : 321

Noes : 71

Abstain : 2

The motion is carried by a majority of the total

\*\* Corrected through slip.

\* The following Members also recorded/corrected their votes through slips.

Ayes 321 + S/Shri Kirti Azad, Mahendrasinh P. Chauhan, Bhakta Charan Das, Sanjay Dhotre, Mohd. Asrarul Haque, Pralhad Joshi, Virendra Kumar, Devendra Nagpal, Devji M. Patel, Lalubhai Babubhai Patel, C.R. Patil, K.J.S.P. Reddy, Chandu Lal Sahu, Bhoopendra Singh, Dushyant Singh, N. Dharam Singh, Dr. Kirit Premjibhai Solanki, Shrimati Krishna Tirath = 339 - S/Shri O.S. Manian, P. Venugopal, C. Rajendran, M. Anandan, Bhartruhari Mahtab and Monazir Hassan = 333

Noes 71 + S/Shri M. Anandan, Bhudeo Choudhary, Dr. Monazir Hassan, S/Shri Bhartruhari Mahtab, O.S. Manian, C. Rajendran, S. Semmalai, Jagdish Sharma, Dr. P. Venugopal = 80 - S/Shri Pralhad Joshi, Bhoopendra Singh, C.R. Patil, Mahendra Singh P. Chauhan, Lalubhai Babubhai Patel = 75

membership of the House and by a majority of not less than two-thirds of the members present and voting.

*The motion was adopted.*

**Clause 2 Insertion of New  
Part XIV B**

MADAM SPEAKER: The House will now take up clause-by-clause consideration of the Bill. Shri Bhartruhari Mahtab has Tabled Notice of five amendments to Clause 2. Shri Bhartruhari Mahtab, are you moving your amendment numbers 1 to 5?

SHRI BHARTRUHARI MAHTAB: Madam I beg to move:

Page 2, line 18, -

*for "Parliament or the State Legislature, as the case may be,"*

*substitute "the State Legislature".* (1)

Page 2, line 20, -

*omit "Parliament or, as the case may be,"* (2)

Page 2, line 22, -

*omit "Parliament or"* (3)

Page 2, line 26, -

*omit "Parliament by law or, as the case may be,"* (4)

Page 2, line 34, -

*omit "Parliament or"* (5)

MADAM SPEAKER: I shall now put Amendment Nos. 1 to 5 moved by Shri

Bhartruhari Mahtab to the vote of the House.

SHRI BHARTRUHARI MAHTAB: I want Division.

The Lok Sabha divided:

**Division No. 4 AYES 23.01 hrs.**

Acharia, Shri Basu Deb

Aditya Nath, Yogi



Adsul, Shri Anandrao	Deka, Shri Ramen
Advani, Shri L.K.	Deshmukh, Shri K.D.
Agrawal, Shri Rajendra	Devi, Shrimati Ashwamedh
Ahir, Shri Hansraj G.	Devi, Shrimati Rama
Anandan, Shri M.	Dhotre, Shri Sanjay
Ananth Kumar, Shri	Dhurve, Shrimati Jyoti
Angadi, Shri Suresh	Dome, Dr. Ram Chandra
Argal, Shri Ashok	Dubey, Shri Nishikant
Azad, Shri Kirti	Dudhgaonkar, Shri Ganeshrao Nagorao
Badal, Shrimati Harsimrat Kaur	*Gaddigoudar, Shri P.C.
Bais, Shri Ramesh	Gandhi, Shri Dilipkumar Mansukhlal
Baske, Shri Pulin Bihari	Gandhi, Shri Varun
Bauri, Shrimati Susmita	Gandhi, Shrimati Maneka
Besra, Shri Devidhan	Ganeshamurthi, Shri A.
Bhagat, Shri Sudarshan	Geete, Shri Anant Gangaram
Bhaiya, Shri Shivraj	Gohain, Shri Raj en
Biju, Shri P.K.	Gouda, Shri Shivarama
Bishnoi, Shri Kuldeep	Hassan, Dr. Monazir
Bundela, Shri Jitendra Singh	**Hegde, Shri Anant Kumar
Chakravarty, Shrimati Bijoya	Hussain, Shri Syed Shahnawaz
Chauhan, Shri Mahendrasinh P.	Jadhao, Shri Prataprao Ganpatrao
Chauhan, Shri Prabhatsinh P.	Jaiswal, Dr. Sanjay
Chavan, Shri Harishchandra	Jardosh, Shrimati Darshana
Choudhary, Shri Bhudeo	Jat, Shrimati Poonam Veljibhai
Choudhary, Shri Nikhil Kumar	Jawale, Shri Haribhau
Chowdhury, Shri Bansa Gopal	Joshi, Dr. Murli Manohar
Dasgupta, Shri Gurudas	

---

\* Corrected through slip.

\*\* Voted through slip.

Joshi, Shri Kailash	Munda, Shri Karia
Joshi, Shri Pralhad	Munde, Shri Gopinath
Judev, Shri Dilip Singh	Naik, Shri Shripad Yesso
Kachhadia, Shri Naranbhai	Namdhari, Shri Inder Singh
Karunakaran, Shri P.	Natarajan, Shri P.R.
Kashyap, Shri Dinesh	Nishad, Capt. Jai Narain Prasad
Kashyap, Shri Virender	Panda, Shri Baijayant
Kaswan, Shri Ram Singh	Panda, Shri Prabodh
Kateel, Shri Nalin Kumar	Pandey, Kumari Saroj
Khaire, Shri Chandrakant	Pandey, Shri Ravindra Kumar
Kumar, Shri Kaushalendra	Pangi, Shri Jayaram
Kumar, Shri Virendra	Paranjpe, Shri Anand Prakash
Kumar, Shri Vishwa Mohan	Paswan, Shri Kamlesh
Kumari, Shrimati Putul	Patasani, Dr. Prasanna Kumar
Mahajan, Shrimati Sumitra	Patel, Shri Devji M.
Mahato, Shri Baidyanath Prasad	Patel, Shri Lalubhai Babubhai
Mahato, Shri Narahari	Patel, Shri Nathubhai Gomanbhai
Mahtab, Shri Bhartruhari	Patel, Shrimati Jayshreeben
Majumdar, Shri Prasanta Kumar	Pathak, Shri Harin
Malik, Shri Sakti Mohan	Patil, Shri A.T. Nana
Manian, Shri O.S.	Patil, Shri C.R.
Manjhi, Shri Hari	Patil, Shri Danve Raosaheb
Meena, Dr. Kirodi Lal	Patle, Shrimati Kamla Devi
Meghwal, Shri Arjun Ram	Potai, Shri Sohan
Mishra, Shri Govind Prasad	Purkayastha, Shri Kabindra
Mohan, Shri P.C.	Rajendran, Shri C.
Mohapatra, Shri Sidhant	Rajesh, Shri M.B.

Ram, Shri Purnmasi	Singh, Shri Jaswant
Ramshankar, Prof.	Singh, Shri Mahabali
Rana, Shri Rajendrasinh	Singh, Shri Murari Lal
Rao, Shri Nama Nageswara	Singh, Shri Pashupati Nath
Rathwa, Shri Ramsinh	Singh, Shri Pradeep Kumar
Ray, Shri Bishnu Pada	Singh, Shri Radha Mohan
Ray, Shri Rudramadhab	Singh, Shri Rajiv Ranjan Singh alias Lalan
Reddy, Shri M. Venugopala	Singh, Shri Rajnath
Riyan, Shri Baju Ban	Singh, Shri Rakesh
Roy, Shri Arjun	Singh, Shri Sushil Kumar
Saha, Dr. Anup Kumar	Singh, Shri Uday
Sahu, Shri Chandu Lal	Singh, Shrimati Meena
Sai, Shri Vishnu Dev	Sinha, Shri Shatrughan
Sampath. Shri A.	Sinha, Shri Yashwant
Satpathy, Shri Tathagata	Sivasami, Shri C.
Scindia, Shrimati Yashodhara Rajee	Solanki, Dr. Kirit Premjibhai
Semmalai, Shri S.	Solanki, Shri Makansingh
Shantha, Shrimati J.	Sugumar, Shri K.
Sharma, Shri Jagdish	Sushant, Dr. Raj an
Shetti, Shri Raju	Swamy, Shri Janardhana
Shivaji, Shri Adhalrao Patil	Swaraj, Shrimati Sushma
Shukla, Shri Balkrishna Khanderao	Tandon, Shri Lalji
Siddeshwara, Shri G.M.	Tarai, Shri Bibhu Prasad
Singh, Dr. Bhola	Thakur, Shri Anurag Singh
Singh, Shri Bhoopendra	Thambidurai, Dr. M.
Singh, Shri Dushyant	Tomar, Shri Narendra Singh
Singh, Shri Ganesh	Toppo, Shri Joseph

Tudu, Shri Laxman

'Baba', Shri K.C. Singh

Udasi, Shri Shivkumar

Babbar, Shri Raj

Vasava, Shri Mansukhbhai D.

Baghel, Shrimati Sarika Devendra Singh

Venugopal, Dr. P.

Bahuguna, Shri Vijay

Vishwanath Katti, Shri Ramesh

Bairwa, Shri Khiladi Lal

Wakchaure, Shri Bhausahab Rajaram

Baite, Shri Thangso

Wankhede, Shri Subhash Bapurao

Baitha, Shri Kameshwar

Yadav, Prof. Ranjan Prasad

Bajwa, Shri Pratap Singh

Yadav, Shri Dinesh Chandra

Bandyopadhyay, Shri Sudip

Yadav, Shri Hukmadeo Narayan

Banerjee, Shri Ambica

Yadav, Shri Ramakant

Banerjee, Shri Kalyan

Yadav, Shri Sharad

Bansal, Shri Pawan Kumar

**NOES**

Bapiraju, Shri K.

Aaron Rashid, Shri J.M.

Basheer, Shri Mohammed E.T.

Adhikari, Shri Sisir

Beg, Dr. Mirza Mehboob

Adhi Sankar, Shri

Bhadana, Shri Avtar Singh

Agarwal, Shri Jai Prakash

Bhagora, Shri Tara Chand

Ahamed, Shri E.

Bhonsle, Shri Udayanraje

Alagiri, Shri M.K.

Bhujbal, Shri Sameer

Alagiri, Shri S.

Bhuria, Shri Kanti Lal

Amlabe, Shri Narayan Singh

Biswal, Shri Hemanand

Antony, Shri Anto

Bwiswmuthiary, Shri Sansuma Khunggur

\*Aron, Shri Praveen Singh

Chacko, ShriP.C.

Awale, Shri Jaywant Gangaram

Chang, Shri CM.

Azharuddin, Mohammed

Chaudhary, Dr. Tushar

Baalu, Shri T.R.

Chaudhary, Shri Jayant

---

\* Voted through slip.

Chauhan, Shri Sanjay Singh

Chidambaram, Shri P.	Gandhi, Shrimati Sonia
Chinta Mohan, Dr.	Gandhiselvan, Shri S.
Chitthan, Shri N.S.V.	Gavit, Shri Manikrao Hodlya
Choudhary, Shri Harish	Ghatowar, Shri Paban Singh
Choudhry, Shrimati Shruti	Gogoi, Shri Dip
Choudhury, Shri Abu Hasem Khan	Guddu, Shri Premchand
Chowdhary, Shrimati Santosh	Haldar, Dr. Sucharu Ranjan
Chowdhury, Shri Adhir	Handique, Shri B.K.
'Commando', Shri Kamal Kishor	Haque, Shri Mohd. Asrarul
Das, Shri Bhakta Charan	Hari, Shri Sabbam
Dasmunsi, Shrimati Deepa	Harsha Kumar, Shri G.V.
Dastidar, Dr. Kakoli Ghosh	*Hazari, Shri Maheshwar
Davidson, Shrimati J. Helen	Hooda, Shri Deepender Singh
De, Dr. Ratna	Hossain, Shri Abdul Mannan
Deo, Shri V. Kishore Chandra	Hussain, Shri Ismail
Deora, Shri Milind	**Islam, Sk. Nurul
Dhanapalan, Shri K. P.	Jadhav, Shri Baliram
Dhruvanarayana, Shri R.	Jagannath, Dr. Manda
Dias, Shri Charles	Jain, Shri Pradeep
Dikshit, Shri Sandeep	Jaiswal, Shri Shriprakash
Dutt, Shrimati Priya	Jakhar, Shri Badri Ram
Elangovan, Shri T.K.S.	Jena, Shri Srikant
Engti, Shri Biren Singh	Jeyadurai, Shri S. R.
Ering, Shri Ninong	Jhansi Lakshmi, Shrimati Botcha
Gadhvi, Shri Mukesh Bhairavdanji	Jindal, Shri Naveen
Gaikwad, Shri Eknath Mahadeo	Joshi, Dr. CP.
Gandhi, Shri Rahul	

---

\* Corrected through slip.

\*\* Voted through slip.

Joshi, Shri Mahesh	Marandi, Shri Babu Lal
Kamal Nath, Shri	Masram, Shri Basori Singh
Kamat, Shri Gurudas	McLeod, Shrimati Ingrid
Kataria, Shri Lalchand	Meena, Shri Namoo Narain
Kaur, Shrimati Preneet	Meena, Shri Raghuvir Singh
Kaypee, Shri Mohinder Singh	Meghe, Shri Datta
Khan, Shri Hassan	Meghwal, Shri Bharat Ram
Khandela, Shri Mahadeo Singh	Meinya, Dr. Thokchom
Kharge, Shri Mallikarjun	Mirdha, Dr. Jyoti
Khatgaonkar, Shri Bhaskarrao Bapurao Patil	Mishra, Shri Mahabal
Khatri, Dr. Nirmal	Mitra, Shri Somen
Khursheed, Shri Salman	Moily, Shri M. Veerappa
Killi, Dr. Kruparani	Mukherjee, Shri Pranab
Kowase, Shri Marotrao Sainuji	Muniyappa, Shri K.H.
Krishnasswamy, Shri M.	Muttemwar, Shri Vilas
Kumar, Shri Ajay	Nagpal, Shri Devendra
Kumar, Shri Ramesh	Naik, Dr. Sanjeev Ganesh
Kumari, Shrimati Chandresh	Naik, Shri P. Balram
Kurup, Shri N. Peethambara	Naqvi, Shri Zafar Ali
Laguri, Shri Yashbant	Narah, Shrimati Raneer
Lakshmi, Shrimati Panabaka	Narayanasamy, Shri V.
Mahant, Dr. Charan Das	Naskar, Shri Gobinda Chandra
Maharaj, Shri Satpal	Natrajan, Kumari Meenakshi
Majhi, Shri Pradeep	Nirupam, Shri Sanjay
Maken, Shri Ajay	Noor, Kumari Mausam
Malik, Shri Jitender Singh	Ola, Shri Sis Ram
Maran, Shri Dayanidhi	Pakkirappa, Shri S.



Pal, Shri Jagdambika	Rao, Dr. K.S.
Pal, Shri Rajaram	Rao, Shri Rayapati Sambasiva
Pala, Shri Vincent H.	Rawat, Shri Harish
Palanimanickam, Shri S.S.	Reddy, Shri Anantha Venkatarami
Pandey, Dr. Vinay Kumar	Reddy, Shri Gutha Sukhender
Patel, Shri Praful	Reddy, Shri K.J.S.P
Patel, Shri Somabhai Gandadal Koli	Reddy, Shri M. Sreenivasulu
Patil, Dr. Padmasinha Bajirao	Reddy, Shri S. Jaipal
Patil, Shri Sanjay Dina	Reddy, Shri S.P.Y.
Patil, Shri Pratik	Roy, Prof. Saugata
Pawar, Shri Sharad	Roy, Shrimati Shatabdi
Pilot, Shri Sachin	Ruala, Shri C.L.
Prabhakar, Shri Ponnam	Sahay, Shri Subodh Kant
Pradhan, Shri Amarnath	Sai Prathap, Shri A.
Prasada, Shri Jitin	Sangma, Kumari Agatha
Punia, Shri P. L.	Sanjoy, Shri Takam
Purandeswari, Shrimati D.	Sardinha, Shri Francisco Cosme
Raghavan, Shri M.K.	Satyanarayana, Shri Sarvey
Rahman, Shri Abdul	Scindia, Shri Jyotiraditya M.
Rai, Shri Prem Das	Selja, Kumari
Rajagopal, Shri L.	Shanavas, Shri M.L.
Raju, Shri M.M. Pallam	Sharma, Dr. Arvind Kumar
Rajukhedi, Shri Gajendra Singh	Shariq, Shri S.D.
Ramachandran, Shri Mullappally	Sharma, Shri Madan Lal
*Ramasubbu, Shri S.S.	Shekhawat, Shri Gopal Singh
Rane, Shri Nilesh Narayan	Shetkar, Shri Suresh Kumar
	Shinde, Shri Sushilkumar

---

\* Voted through slip.

Shivkumar, Shri K alias J.K. Ritheesh	Tanwar, Shri Ashok
Sibal, Shri Kapil	Taviad, Dr. Prabha Kishor
Singh, Chaudhary Lal	Taware, Shri Suresh Kashinath
Singh, Dr. Sanjay	Tewari, Shri Manish
Singh, Rao Inderjit	Thamaraiselvan, Shri R.
Singh, Shri Ajit	Tharoor, Dr. Shashi
Singh, Shri Ijyaraj	Thirumaavalavan, Shri Thol
Singh, Shri Jitendra	Thomas, Prof. K.V.
Singh, Shri N. Dharam	Thomas, Shri P.T.
Singh, Shri R.P.N.	*Tirath, Shrimati Krishna
Singh, Shri Ratan	Trivedi, Shri Dinesh
Singh, Shri Ravneet	Venugopal, Shri D.
Singh, Shri Sukhdev	Venugopal, Shri K.C.
Singh, Shri Uday Pratap	Verma, Shri Sajjan
Singh, Shri Virbhadra	Verma, Shri Beni Prasad
Singh, Rajkumari Ratna	Vijayan, Shri A.K.S.
Singh, Shrimati Rajesh Nandini	Vishwanath, Shri Adagooru H.
Singla, Shri Vijay Inder	Viswanathan, Shri P.
Siricilla, Shri Rajaiah	Vivekanand, Dr. G.
Solanki, Shri Bharatsinh	Vundavalli, Shri Aruna Kumar
Sugavanam, Shri E.G.	Vyas, Dr. Girija
Suklabaidya, Shri Lalit Mohan	Wasnik, Shri Mukul
Sule, Shrimati Supriya	Yadav, Shri Arun
Suresh, Shri Kodikkunnil	Yadav, Shri Anjankumar M.
Tagore, Shri Manicka	Yadav, Shri Om Prakash
Tamta, Shri Pradeep	Yaskhi, Shri Madhu Goud
Tandon, Shrimati Annu	

---

\* Voted through slip.

**ABSTAIN**

Owaisi, Shri Asaduddin

MADAM SPEAKER: Subject to correction\*, the result of the Division is:

Ayes	:	174
Noes	:	249
Abstain	:	1

The motion is not carried in accordance with Rule 155 of the Rules of Procedure and in accordance with the provision of Article 368 of the Constitution of India.

*The motion was negatived.*

MADAM SPEAKER: Shrimati Sushma Swaraj has Tabled notices of five amendments to Clause 2. Shrimati Sushma Swaraj, are you moving Amendment Nos. 6 to 10?

[Translation]

SHRIMATI SUSHMA SWARAJ (Vidisha): Madam I am moving five amendments and I would like to say that while replying the leader of House to the discussion on the bill brought earlier said that holding discussion of section 252 and section 253 of this Bill is a meaningless exercise. I do not agree with him. Discussion on these sections is in accordance with the constitution because the Parliament of India can enact legislation on subjects included in the late list in two ways only.

One is 252 and the other is 253. They have taken refuge under section 253. It is written in the preamble of the Bill that the bill has been brought to implement the UN Convention Against Corruption (UNCAC). But section 253 of the bill is mandatory. As per the amendments moved the bill cannot be implemented in the States without their

\* The following Members also recorded/corrected their votes through slips.

Ayes 174 + S/Shri P.C. Gaddigoudar, Anant Kumar Hegde = 176 - Shri Maheshwar Hazari = 175

Noes 249 + S/Shri Praveen Singh Aron, Maheshwar Hazari, Sk. Narul Islam, Shri S.S. Ramasubbu,

Shrimati Krishna Tirath = 254 - Shri P.C. Gaddigoudar = 253

consent. This is unconstitutional in itself. Therefore, my amendment is that after made by Parliament word "under article 252 of the Constitution of India", may be inserted. Shri Mahtab ji also said that it should be made a model bill. Shri Thambidurai, Shri Gurudas Dasgupta and Shri Basu Deb Acharia also echoed the same sentiments i.e. to enact it as a model bill. What is the problem in it. You can make it a model bill by opening in proposals from two states. But you are enacting it under section 253 and at the same time giving choice to the states also. That both these things can not go along simultaneously. We cannot send any unconstitutional message. Therefore, I would like to move these five amendments.

[English]

I beg to move:

page 2 line 18, -

*after "Parliament"*

*insert "under article 252 of the Constitution of India"* (6)

Page 2, line 20,-

*after "Parliament"*

*insert\_ "under article 252 of the Constitution of India"* (7)

Page 2, line 22,-

*after "Parliament"*

*insert\_ "under article 252 of the Constitution of India"* (8)

Page 2, line 26,-

*after "Parliament"*

*insert\_ "under article 252 of the Constitution of India"* (9)

Page 2, line 34,-

*after "Parliament"*

*insert "under article 252 of the Constitution of India"* (10)

MADAM SPEAKER: Now, I shall put the Amendment Nos.6 to 10 moved by Shrimati Sushma Swaraj to the vote of the House.

[Translation]

SHRIMATI SUSHMA SWARAJ: I am asking for a division.

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF WATER RESOURCES (SHRI PAWAN KUMAR BANSAL): Madam, she is asking for a Division on this ...*(Interruptions)*

MADAM SPEAKER:

*The Lok Sabha Divided.*

**Division No.5**                      **AYES**                      **23.08 hrs.**

Acharia, Shri Basu Deb

Aditya Nath, Yogi

Adsul, Shri Anandrao

Advani, Shri L.K.

Agrawal, Shri Rajendra

Ahir, Shri Hansraj G.

Anandan, Shri M.

Ananth Kumar, Shri

Angadi, Shri Suresh

Argal, Shri Ashok

Azad, Shri Kirti

Badal, Shrimati Harsimrat Kaur

Bais, Shri Ramesh

Baitha, Shri Kameshwar

Basavaraj, Shri G. S.

Baske, Shri Pulin Bihari

Bauri, Shrimati Susmita

Besra, Shri Devidhan

Bhagat, Shri Sudarshan

Bhaiya, Shri Shivraj

Biju, Shri P.K.

Bishnoi, Shri Kuldeep

Bundela, Shri Jitendra Singh

Chakravarty, Shrimati Bijoya

Chauhan, Shri Mahendrasinh P.

Chauhan, Shri Prabhatsinh P.

Chavan, Shri Harishchandra

\*Choudhary, Shri Bhudeo

Choudhary, Shri Nikhil Kumar

Chowdhury, Shri Bansa Gopal

Das, Shri Khagen

Das, Shri Ram Sundar

Dasgupta, Shri Gurudas

Deka, Shri Ramen

Deshmukh, Shri K.D.

Devi, Shrimati Ashwamedh

Devi, Shrimati Rama

Dhotre, Shri Sanjay

Dhurve, Shrimati Jyoti

Dome, Dr. Ram Chandra

Dubey, Shri Nishikant

Dudhgaonkar, Shri Ganeshrao Nagorao

Gaddigoudar, Shri P.C.

---

\* Voted through slip.

Gandhi, Shri Dilipkumar Mansukhlal	Khaire, Shri Chandrakant
Gandhi, Shri Varun	Kumar, Shri Kaushalendra
Gandhi, Shrimati Maneka	Kumar, Shri P.
Ganeshamurthi, Shri A.	Kumar, Shri Virendra
Geete, Shri Anant Gangaram	Kumar, Shri Vishwa Mohan
Gohain, Shri Raj en	Kumari, Shrimati Putul
Gouda, Shri Shivarama	Laguri, Shri Yashbant
Hassan, Dr. Monazir	Mahajan, Shrimati Sumitra
Hazari, Shri Maheshwar	Mahato, Shri Baidyanath Prasad
*Hegde, Shri Anant Kumar	Mahato, Shri Narahari
Hussain, Shri Syed Shahnawaz	Mahtab, Shri Bhartruhari
Jadhao, Shri Prataprao Ganpatrao	Majumdar, Shri Prasanta Kumar
Jaiswal, Dr. Sanjay	Malik, Shri Sakti Mohan
Jardosh, Shrimati Darshana	Manian, Shri O.S.
Jat, Shrimati Poonam Veljibhai	Manjhi, Shri Hari
Jawale, Shri Haribhau	Meena, Dr. Kirodi Lal
Jigajinagi, Shri Ramesh	Meghwal, Shri Arjun Ram
Joshi, Dr. Murli Manohar	Mishra, Shri Govind Prasad
Joshi, Shri Kailash	Mohan, Shri P.C.
Joshi, Shri Pralhad	Mohapatra, Shri Sidhant
Judev, Shri Dilip Singh	Munda, Shri Karia
Karunakaran, Shri P.	Munde, Shri Gopinath
Kashyap, Shri Dinesh	Naik, Shri Shripad Yesso
Kashyap, Shri Virender	Namdhari, Shri Inder Singh
Kaswan, Shri Ram Singh	Narayanrao, Shri Sonawane Pratap
Kateel, Shri Nalin Kumar	Nishad, Capt. Jai Narain Prasad
	Pakkirappa, Shri S.

---

\* Voted through slip.

Panda, Shri Baijayant	Ray, Shri Rudramadhab
Panda, Shri Prabodh	Reddy, Shri M. Venugopala
Pandey, Kumari Saroj	Riyan, Shri Bajju Ban
Pandey, Shri Ravindra Kumar	Roy, Shri Arjun
Pangi, Shri Jayaram	Saha, Dr. Anup Kumar
Paranjpe, Shri Anand Prakash	Sahu, Shri Chandu Lal
Paswan, Shri Kamlesh	Sai, Shri Vishnu Dev
Patasani, Dr. Prasanna Kumar	Sampath, Shri A.
Patel, Shri Devji M.	Satpathy, Shri Tathagata
Patel, Shri Lalubhai Babubhai	Scindia, Shrimati Yashodhara Raju
Patel, Shri Nathubhai Gomanbhai	Semmalai, Shri S.
Patel, Shrimati Jayshreeben	Shantha, Shrimati J.
Pathak, Shri Harin	Sharma, Shri Jagdish
Patil, Shri A.T. Nana	Shetti, Shri Raju
Patil, Shri C.R.	Shivaji, Shri Adhalrao Patil
Patil, Shri Danve Raosaheb	Shukla, Shri Balkrishna Khanderao
Patle, Shrimati Kamla Devi	Siddeshwara, Shri G.M.
Potai, Shri Sohan	Singh, Dr. Bhola
Purkayastha, Shri Kabindra	Singh, Shri Bhoopendra
Rajendran, Shri C.	Singh, Shri Dushyant
Rajesh, Shri M.B.	Singh, Shri Ganesh
Ram, Shri Purnmasi	Singh, Shri Jaswant
Ramshankar, Prof.	Singh, Shri Mahabali
Rana, Shri Rajendrasinh	Singh, Shri Murari Lal
Rao, Shri Nama Nageswara	Singh, Shri Pashupati Nath
Rathwa, Shri Ramsinh	Singh, Shri Pradeep Kumar
Ray, Shri Bishnu Pada	Singh, Shri Radha Mohan



Singh, Shri Rajiv Ranjan Singh alias Lalan

Wankhede, Shri Subhash Bapurao

Singh, Shri Raj nath

Yadav, Prof. Ranjan Prasad

Singh, Shri Rakesh

Yadav, Shri Dinesh Chandra

Singh, Shri Sushil Kumar

Yadav, Shri Hukmadeo Narayan

Singh, Shri Uday

Yadav, Shri Ramakant

Singh, Shrimati Meena

Yadav, Shri Sharad

Sinha, Shri Shatrughan

**NOES**

Sinha, Shri Yashwant

Aaron Rashid, Shri J.M.

Sivasami, Shri C.

Adhikari, Shri Sisir

Solanki, Dr. Kirit Premjibhai

Adhi Sankar, Shri

Solanki, Shri Makansingh

Agarwal, Shri Jai Prakash

Sugumar, Shri K.

Ahamed, Shri E.

Sushant, Dr. Raj an

Ahmed, Shri Sultan

Swamy, Shri Janardhana

Alagiri, Shri M.K.

Swaraj, Shrimati Sushma

Alagiri, Shri S.

Tandon, Shri Lalji

Amlabe, Shri Narayan Singh

Tarai, Shri Bibhu Prasad

Antony, Shri Anto

Thakur, Shri Anurag Singh

Aron, Shri Praveen Singh

Thambidurai, Dr. M.

Awale, Shri Jaywant Gangaram

Tomar, Shri Narendra Singh

Azharuddin, Mohammed

Toppo, Shri Joseph

Baalu, Shri T.R.

Tudu, Shri Laxman

'Baba', Shri K.C. Singh

Udasi, Shri Shivkumar

Babbar, Shri Raj

Vasava, Shri Mansukhbhai D.

Baghel, Shrimati Sarika Devendra Singh

Venugopal, Dr. P.

Bahuguna, Shri Vijay

Vishwanath Katti, Shri Ramesh

Bairwa, Shri Khiladi Lal

Wakchaure, Shri Bhausahab Rajaram

Baite, Shri Thangso

Bajwa, Shri Pratap Singh	Chowdhury, Shri Adhir
Bandyopadhyay, Shri Sudip	'Commando', Shri Kamal Kishor
Banerjee, Shri Ambica	Das, Shri Bhakta Charan
Banerjee, Shri Kalyan	Dasmunsi, Shrimati Deepa
Bansal, Shri Pawan Kumar	Dastidar, Dr. Kakoli Ghosh
Bapiraju, Shri K.	Davidson, Shrimati J. Helen
Basheer, Shri Mohammed E.T	De, Dr. Ratna
Beg, Dr. Mirza Mehboob	Deo, Shri V. Kishore Chandra
Bhadana, Shri Avtar Singh	Deora, Shri Milind
Bhagora, Shri Tara Chand	Dhanapalan, Shri K. P.
Bhonsle, Shri Udayanraje	Dhruvanarayana, Shri R.
Bhujbal, Shri Sameer	Dias, Shri Charles
Bhuria, Shri Kanti Lal	Dikshit, Shri Sandeep
Biswal, Shri Hemanand	Dutt, Shrimati Priya
Bwiswmuthiary, Shri Sansuma Khunggur	Elangovan, Shri T.K.S.
Chacko, ShriP.C.	Engti, Shri Biren Singh
Chang, Shri CM.	Ering, Shri Ninong
Chaudhary, Dr. Tushar	Gadhvi, Shri Mukesh Bhairavdanji
Chaudhary, Shri Jayant	Gaikwad, Shri Eknath Mahadeo
Chauhan, Shri Sanjay Singh	Gandhi, Shri Rahul
Chidambaram, Shri P.	Gandhi, Shrimati Sonia
Chinta Mohan, Dr.	Gandhiselvan, Shri S.
Chitthan, Shri N.S.V.	Gavit, Shri Manikrao Hodlya
Choudhary, Shri Harish	Ghatowar, Shri Paban Singh
Choudhry, Shrimati Shruti	Gogoi, Shri Dip
Choudhury, Shri Abu Hasem Khan	Guddu, Shri Premchand
Chowdhary, Shrimati Santosh	Halidar, Dr. Sucharu Ranjan

Handique, Shri B.K.	Kharge, Shri Mallikarjun
Haque, Shri Mohd. Asrarul	Khatgaonkar, Shri Bhaskarrao Bapurao Patil
Hari, Shri Sabbam	Khatri, Dr. Nirmal
Harsha Kumar, Shri G.V.	Khursheed, Shri Salman
Hooda, Shri Deepender Singh	Killi, Dr. Kruparani
Hossain, Shri Abdul Mannan	Kowase, Shri Marotrao Sainuji
Hussain, Shri Ismail	Krishnasswamy, Shri M.
Islam, Sk. Nurul	Kumar, Shri Ajay
Jadhav, Shri Baliram	Kumar, Shri Ramesh
Jagannath, Dr. Manda	Kumari, Shrimati Chandresh
Jain, Shri Pradeep	Kurup, Shri N. Peethambara
Jaiswal, Shri Shriprakash	Lakshmi, Shrimati Panabaka
Jakhar, Shri Badri Ram	Mahant, Dr. Charan Das
Jayaprada, Shrimati	Maharaj, Shri Satpal
Jena, Shri Srikant	Majhi, Shri Pradeep
Jeyadurai, Shri S. R.	Maken, Shri Ajay
Jhansi Lakshmi, Shrimati Botcha	Malik, Shri Jitender Singh
Jindal, Shri Naveen	Maran, Shri Dayanidhi
Joshi,Dr. CP.	Marandi, Shri Babu Lal
Joshi, Shri Mahesh	Masram, Shri Basori Singh
Kamal Nath, Shri	Mcleod, Shrimati Ingrid
Kamat, Shri Gurudas	Meena, Shri Namu Narain
Kataria, Shri Lalchand	Meena, Shri Raghuvir Singh
Kaur, Shrimati Preneet	Meghe, Shri Datta
Kaypee, Shri Mohinder Singh	Meghwal, Shri Bharat Ram
Khan, Shri Hassan	Meinya, Dr. Thokchom
Khandela, Shri Mahadeo Singh	Mirdha, Dr. Jyoti

Mishra, Shri Mahabal	Patil, Shri Pratik
Mitra, Shri Somen	Pawar, Shri Sharad
Moily, Shri M. Veerappa	Pilot, Shri Sachin
Mukherjee, Shri Pranab	Prabhakar, Shri Ponnam
Muniyappa, Shri K.H.	Pradhan, Shri Nityananda
Muttemwar, Shri Vilas	Prasada, Shri Jitin
Nagpal, Shri Devendra	Punia, Shri P. L.
Naik, Dr. Sanjeev Ganesh	Purandeswari, Shrimati D.
Naik, Shri P. Balram	Raghavan, Shri M.K.
Naqvi, Shri Zafar Ali	Rahman, Shri Abdul
Narah, Shrimati Rane	Rai, Shri Prem Das
Narayanasamy, Shri V.	Rajagopal, Shri L.
Naskar, Shri Gobinda Chandra	Raju, Shri M.M. Pallam
Natarajan, Shri P.R.	Rajukhedi, Shri Gajendra Singh
Natrajan, Kumari Meenakshi	Ramachandran, Shri Mullappally
Nirupam, Shri Sanjay	Ramasubbu, Shri S.S.
Noor, Kumari Mausam	Rane, Shri Nilesh Narayan
Ola, Shri Sis Ram	Rao, Dr. K.S.
Pal, Shri Jagdambika	Rao, Shri Rayapati Sambasiva
Pal, Shri Rajaram	Rawat, Shri Harish
Pala, Shri Vincent H.	Reddy, Shri Anantha Venkatarami
Palanimanickam, Shri S.S.	Reddy, Shri Gutha Sukhender
Pandey, Dr. Vinay Kumar	Reddy, Shri K.J.S.P
Patel, Shri Praful	Reddy, Shri M. Sreenivasulu
Patel, Shri Somabhai Gandlal Koli	Reddy, Shri S. Jaipal
Patil, Dr. Padmasinha Bajirao	Reddy, Shri S.P.Y.
Patil, Shri Sanjay Dina	Roy, Prof. Saugata

Roy, Shrimati Shatabdi	Singh, Shri Ravneet
Ruala, Shri C.L.	Singh, Shri Sukhdev
Sahay, Shri Subodh Kant	Singh, Shri Uday Pratap
Sai Prathap, Shri A.	Singh, Shri Virbhadra
Sangma, Kumari Agatha	Singh, Rajkumari Ratna
Sanjoy, Shri Takam	Singh, Shrimati Rajesh Nandini
Sardinha, Shri Francisco Cosme	Singla, Shri Vijay Inder
Satyanarayana, Shri Sarvey	Siricilla, Shri Rajaiah
Scindia, Shri Jyotiraditya M.	Solanki, Shri Bharatsinh
Selja, Kumari	Sugavanam, Shri E.G.
Shanavas, Shri M.I.	Suklabaidya, Shri Lalit Mohan
Sharma, Dr. Arvind Kumar	Sule, Shrimati Supriya
Shariq, Shri S.D.	Suresh, Shri Kodikkunnil
Sharma, Shri Madan Lal	Tagore, Shri Manicka
Shekhawat, Shri Gopal Singh	Tamta, Shri Pradeep
Shetkar, Shri Suresh Kumar	Tandon, Shrimati Annu
Shinde, Shri Sushilkumar	Tanwar, Shri Ashok
Shivkumar, Shri K alias J.K. Ritheesh	Taviad, Dr. Prabha Kishor
Sibal, Shri Kapil	Taware, Shri Suresh Kashinath
Singh, Chaudhary Lal	Tewari, Shri Manish
Singh, Dr. Sanjay	Thamaraiselvan, Shri R.
Singh, Rao Inderjit	Tharoor, Dr. Shashi
Singh, Shri Ajit	Thirumaavalavan, Shri Thol
Singh, Shri Jitendra	*Thomas, Prof. K.V.
Singh, Shri N. Dharam	Thomas, Shri P.T.
Singh, Shri R.P.N.	*Tirath, Shrimati Krishna
Singh, Shri Ratan	

---

\* Voted through slip.

Trivedi, Shri Dinesh  
 Venugopal, Shri D.  
 Venugopal, Shri K.C.  
 Verma, Shri Sajjan  
 Verma, Shri Beni Prasad  
 Vijayan, Shri A.K.S.  
 Vishwanath, Shri Adagooru H.  
 Viswanathan, Shri P.  
 Vivekanand, Dr. G.  
 Vundavalli, Shri Aruna Kumar  
 Vyas, Dr. Girija  
 Wasnik, Shri Mukul  
 Yadav, Shri Arun  
 Yadav, Shri Anjankumar M.  
 Yadav, Shri Om Prakash  
 Yaskhi, Shri Madhu Goud

**ABSTAIN**

Owaisi, Shri Asaduddin

MADAM SPEAKER: Subject to correction\* the result of the Division is:

Ayes	:	182
Noes	:	249
Abstain	:	1

*The motion was negatived.*

\* The following Members also recorded their votes through slips.

Ayes 182 + S/Shri Bhudeo Choudhary, Anant Kumar Heged = 184

Noes 249 + Prof. K.V. Thomas, Shrimati Krishna Tirath = 251

MADAM SPEAKER: Hon. Members, Shri Prasanta Kumar Majumdar has also tabled notices of five amendments which are identical to the amendments of Shrimati Sushma Swaraj.

Since the House has already given its decision on the amendments of Shrimati Sushma Swaraj, the identical Amendment Nos. 12 to 16 of Shri Majumdar cannot be permitted to be moved.

**Clause 2                      Insertion of new  
part XIV B**

MADAM SPEAKER: The Lobbies are already clear. I shall now put clause 2 to the vote of the House.

The question is:

"That clause 2 stand part of the Bill."

*The Lok Sabha divided:*

**Division No.6                      AYES                      23:10 hrs.**

Aaron Rashid, Shri J.M.  
 Adhikari, Shri Sisir  
 Adhi Sankar, Shri  
 Agarwal, Shri Jai Prakash  
 Ahamed, Shri E.  
 Ahmed, Shri Sultan  
 Alagiri, Shri M.K.  
 Alagiri, Shri S.  
 Amlabe, Shri Narayan Singh  
 Antony, Shri Anto  
 Aron, Shri Praveen Singh  
 Awale, Shri Jaywant Gangaram  
 Azharuddin, Mohammed  
 Baalu, Shri T.R.



'Baba', Shri K.C. Singh	Chidambaram, Shri P.
Babbar, Shri Raj	Chinta Mohan, Dr.
Baghel, Shrimati Sarika Devendra Singh	Chitthan, Shri N.S.V.
Bahuguna, Shri Vijay	Choudhary, Shri Harish
Bairwa, Shri Khiladi Lal	Choudhry, Shrimati Shruti
Baite, Shri Thangso	Choudhury, Shri Abu Hasem Khan
Baitha, Shri Kameshwar	Chowdhary, Shrimati Santosh
Bajwa, Shri Pratap Singh	Chowdhury, Shri Adhir
Bandyopadhyay, Shri Sudip	'Commando', Shri Kamal Kishor
Banerjee, Shri Ambica	Das, Shri Bhakta Charan
Banerjee, Shri Kalyan	Dasmunsi, Shrimati Deepa
Bansal, Shri Pawan Kumar	Dastidar, Dr. Kakoli Ghosh
Bapiraju, Shri K.	Davidson, Shrimati J. Helen
Basheer, Shri Mohammed E.T.	De, Dr. Ratna
Beg, Dr. Mirza Mehboob	Deo, Shri V. Kishore Chandra
Bhadana, Shri Avtar Singh	Deora, Shri Milind
Bhagora, Shri Tara Chand	Dhanapalan, Shri K. P.
Bhonsle, Shri Udayanraje	Dhruvanarayana, Shri R.
Bhujbal, Shri Sameer	Dias, Shri Charles
Bhuria, Shri Kanti Lal	Dikshit, Shri Sandeep
Biswal, Shri Hemanand	Dutt, Shrimati Priya
Bwiswmuthiary, Shri Sansuma Khunggur	Elangovan, Shri T.K.S.
Chacko, Shri P.C.	Engti, Shri Biren Singh
Chang, Shri CM.	Ering, Shri Ninong
Chaudhary, Dr. Tushar	Gadhvi, Shri Mukesh Bhairavdanji
Chaudhary, Shri Jayant	Gaikwad, Shri Eknath Mahadeo
Chauhan, Shri Sanjay Singh	Gandhi, Shri Rahul

Gandhi, Shrimati Sonia	Kamat, Shri Gurudas
Gandhiselvan, Shri S.	Kataria, Shri Lalchand
Gavit, Shri Manikrao Hodlya	Kaur, Shrimati Preneet
Ghatowar, Shri Paban Singh	Kaypee, Shri Mohinder Singh
Gogoi, Shri Dip	Khan, Shri Hassan
Guddu, Shri Premchand	Khandela, Shri Mahadeo Singh
Haldar, Dr. Sucharu Ranjan	Kharge, Shri Mallikarjun
Handique, Shri B.K.	Khatgaonkar, Shri Bhaskarrao Bapurao Patil
Haque, Shri Mohd. Asrarul	Khatri, Dr. Nirmal
Hari, Shri Sabbam	Khursheed, Shri Salman
Harsha Kumar, Shri G.V.	Killi, Dr. Kruparani
Hooda, Shri Deepender Singh	Kowase, Shri Marotrao Sainuji
Hossain, Shri Abdul Mannan	Krishnasswamy, Shri M.
Hussain, Shri Ismail	Kumar, Shri Ajay
Islam, Sk. Nurul	Kumar, Shri Ramesh
Jadhav, Shri Baliram	Kumari, Shrimati Chandresh
Jagannath, Dr. Manda	Kurup, Shri N. Peethambara
Jain, Shri Pradeep	Lakshmi, Shrimati Panabaka
Jaiswal, Shri Shriprakash	Mahant, Dr. Charan Das
Jakhar, Shri Badri Ram	Maharaj, Shri Satpal
Jena, Shri Srikant	Majhi, Shri Pradeep
Jeyadurai, Shri S. R.	Maken, Shri Ajay
Jhansi Lakshmi, Shrimati Botcha	Malik, Shri Jitender Singh
Jindal, Shri Naveen	Maran, Shri Dayanidhi
Joshi, Dr. CP.	Marandi, Shri Babu Lal
Joshi, Shri Mahesh	Masram, Shri Basori Singh
Kamal Nath, Shri	Mcleod, Shrimati Ingrid

Meena, Shri Namu Narain	Pandey, Dr. Vinay Kumar
Meena, Shri Raghuvir Singh	Patel, Shri Praful
Meghe, Shri Datta	Patel, Shri Somabhai Gandadal Koli
Meghwal, Shri Bharat Ram	Patil, Dr. Padmasinha Bajirao
Meinya, Dr. Thokchom	Patil, Shri Sanjay Dina
Mirdha, Dr. Jyoti	Patil, Shri Pratik
Mishra, Shri Mahabal	Pawar, Shri Sharad
Mitra, Shri Somen	Pilot, Shri Sachin
Moily, Shri M. Veerappa	Prabhakar, Shri Ponnam
Mukherjee, Shri Pranab	Pradhan, Shri Amarnath
Muniyappa, Shri K.H.	Prasada, Shri Jitin
Muttemwar, Shri Vilas	Punia, Shri P. L.
Nagpal, Shri Devendra	Purandeswari, Shrimati D.
Naik, Dr. Sanjeev Ganesh	Raghavan, Shri M.K.
Naik, Shri P. Balram	Rahman, Shri Abdul
Naqvi, Shri Zafar Ali	Rai, Shri Prem Das
Narah, Shrimati Rane	Rajagopal, Shri L.
Narayanasamy, Shri V.	Raju, Shri M.M. Pallam
Naskar, Shri Gobinda Chandra	Rajukhedi, Shri Gajendra Singh
Natrajan, Kumari Meenakshi	Ramachandran, Shri Mullappally
Nirupam, Shri Sanjay	Ramasubbu, Shri S.S.
Noor, Kumari Mausam	Rane, Shri Nilesh Narayan
Ola, Shri Sis Ram	Rao, Dr. K.S.
Pal, Shri Jagdambika	Rao, Shri Rayapati Sambasiva
Pal, Shri Rajaram	Rawat, Shri Harish
Pala, Shri Vincent H.	Reddy, Shri Anantha Venkatarami
Palanimanickam, Shri S.S.	Reddy, Shri Gutha Sukhender

Reddy, Shri K.J.S.P	Singh, Shri Ijyaraj
Reddy, Shri M. Sreenivasulu	Singh, Shri Jitendra
Reddy, Shri S. Jaipal	Singh, Shri N. Dharam
Reddy, Shri S.P.Y.	Singh, Shri R.P.N.
Roy, Prof. Saugata	Singh, Shri Ratan
Roy, Shrimati Shatabdi	Singh, Shri Ravneet
Ruala, Shri C.L.	Singh, Shri Sukhdev
Sahay, Shri Subodh Kant	Singh, Shri Uday Pratap
Sai Prathap, Shri A.	Singh, Shri Virbhadra
Sangma, Kumari Agatha	Singh, Rajkumari Ratna
Sanjoy, Shri Takam	Singh, Shrimati Rajesh Nandini
Sardinha, Shri Francisco Cosme	Singla, Shri Vijay Inder
Scindia, Shri Jyotiraditya M.	Siricilla, Shri Rajaiah
Selja, Kumari	Solanki, Shri Bharatsinh
Shanavas, Shri M.I.	Sugavanam, Shri E.G.
Sharma, Dr. Arvind Kumar	Suklabaidya, Shri Lalit Mohan
Shariq, Shri S.D.	Sule, Shrimati Supriya
Sharma, Shri Madan Lal	Suresh, Shri Kodikkunnil
Shekhawat, Shri Gopal Singh	Tagore, Shri Manicka
Shetkar, Shri Suresh Kumar	Tamta, Shri Pradeep
Shinde, Shri Sushilkumar	Tandon, Shrimati Annu
Shivkumar, Shri K alias J.K. Ritheesh	Tanwar, Shri Ashok
Sibal, Shri Kapil	Taviad, Dr. Prabha Kishor
Singh, Chaudhary Lal	Taware, Shri Suresh Kashinath
Singh, Dr. Sanjay	Tewari, Shri Manish
Singh, Rao Inderjit	Thamaraiselvan, Shri R.
Singh, Shri Ajit	Tharoor, Dr. Shashi

Thirumaavalavan, Shri Thol	Anandan, Shri M.
Thomas, Prof. K.V.	Ananth Kumar, Shri
Thomas, Shri P.T.	Angadi, Shri Suresh
Tirath, Shrimati Krishna	Argal, Shri Ashok
Trivedi, Shri Dinesh	Azad, Shri Kirti
Venugopal, Shri D.	Badal, Shrimati Harsimrat Kaur
Venugopal, Shri K.C.	Bais, Shri Ramesh
Verma, Shri Sajjan	Basavaraj, Shri G. S.
Verma, Shri Beni Prasad	Bauri, Shrimati Susmita
Vijayan, Shri A.K.S.	Besra, Shri Devidhan
Vishwanath, Shri Adagooru H.	Bhagat, Shri Sudarshan
Viswanathan, Shri P.	Bhaiya, Shri Shivraj
Vivekanand, Dr. G.	Biju, Shri P.K.
Vundavalli, Shri Aruna Kumar	Bishnoi, Shri Kuldeep
Vyas, Dr. Girija	Bundela, Shri Jitendra Singh
Wasnik, Shri Mukul	Chakravarty, Shrimati Bijoya
Yadav, Shri Arun	Chauhan, Shri Mahendrasinh P.
Yadav, Shri Anjankumar M.	Chauhan, Shri Prabhatsinh P.
Yadav, Shri Om Prakash	Chavan, Shri Harishchandra
Yaskhi, Shri Madhu Goud	Choudhary, Shri Bhudeo
<b>NOES</b>	Choudhary, Shri Nikhil Kumar
Acharia, Shri Basu Deb	Chowdhury, Shri Bansa Gopal
Aditya Nath, Yogi	Das, Shri Khagen
Adsul, Shri Anandrao	Das, Shri Ram Sundar
Advani, Shri L.K.	Deka, Shri Ramen
Agrawal, Shri Rajendra	Deshmukh, Shri K.D.
Ahir, Shri Hansraj G.	Devi, Shrimati Ashwamedh

Devi, Shrimati Rama	Kachhadia, Shri Naranbhai
Dhotre, Shri Sanjay	Karunakaran, Shri P.
Dhurve, Shrimati Jyoti	Kashyap, Shri Dinesh
Dome, Dr. Ram Chandra	Kashyap, Shri Virender
Dubey, Shri Nishikant	Kaswan, Shri Ram Singh
Dudhgaonkar, Shri Ganeshrao Nagorao	Kateel, Shri Nalin Kumar
Gaddigoudar, Shri P.C.	Khaire, Shri Chandrakant
Gandhi, Shri Dilipkumar Mansukhlal	Kumar, Shri Kaushalendra
Gandhi, Shri Varun	Kumar, Shri P.
Gandhi, Shrimati Maneka	Kumar, Shri Virendra
Ganeshamurthi, Shri A.	Kumar, Shri Vishwa Mohan
Geete, Shri Anant Gangaram	Kumari, Shrimati Putul
Gohain, Shri Raj en	Laguri, Shri Yashbant
Gouda, Shri Shivarama	Mahajan, Shrimati Sumitra
Hassan, Dr. Monazir	Mahato, Shri Baidyanath Prasad
Hegde, Shri Anant Kumar	Mahato, Shri Narahari
Hussain, Shri Syed Shahnawaz	Mahtab, Shri Bhartruhari
Jadhao, Shri Prataprao Ganpatrao	Majumdar, Shri Prasanta Kumar
Jaiswal, Dr. Sanjay	Malik, Shri Sakti Mohan
Jardosh, Shrimati Darshana	Manian, Shri O.S.
Jat, Shrimati Poonam Veljibhai	Manjhi, Shri Hari
Jawale, Shri Haribhau	Meghwal, Shri Arjun Ram
Jigajinagi, Shri Ramesh	Mishra, Shri Govind Prasad
Joshi, Dr. Murli Manohar	Mohan, Shri P.C.
Joshi, Shri Kailash	Mohapatra, Shri Sidhant
Joshi, Shri Pralhad	Munda, Shri Karia
Judev, Shri Dilip Singh	Munde, Shri Gopinath



Naik, Shri Shripad Yesso	Ramshankar, Prof.
Narayanrao, Shri Sonawane Pratap	Rana, Shri Rajendrasinh
Natarajan, Shri P.R.	Rao, Shri Nama Nageswara
Nishad, Capt. Jai Narain Prasad	Rathwa, Shri Ramsinh
Pakkirappa, Shri S.	Ray, Shri Bishnu Pada
Panda, Shri Baijayant	Ray, Shri Rudramadhab
Panda, Shri Prabodh	Reddy, Shri M. Venugopala
Pandey, Kumari Saroj	Riyan, Shri Baju Ban
Pandey, Shri Ravindra Kumar	Roy, Shri Arjun
Pangi, Shri Jayaram	Saha, Dr. Anup Kumar
Paranjpe, Shri Anand Prakash	Sahu, Shri Chandu Lal
Paswan, Shri Kamlesh	Sai, Shri Vishnu Dev
Patasani, Dr. Prasanna Kumar	Sampath, Shri A.
Patel, Shri Devji M.	Satpathy, Shri Tathagata
Patel, Shri Lalubhai Babubhai	Scindia, Shrimati Yashodhara Raje
Patel, Shri Nathubhai Gomanbhai	Semmalai, Shri S.
Patel, Shrimati Jayshreeben	Shantha, Shrimati J.
Pathak, Shri Harin	Sharma, Shri Jagdish
Patil, Shri A.T. Nana	Shetti, Shri Raju
Patil, Shri C.R.	Shivaji, Shri Adhalrao Patil
Patil, Shri Danve Raosaheb	Shukla, Shri Balkrishna Khanderao
Patle, Shrimati Kamla Devi	Siddeshwara, Shri G.M.
Potai, Shri Sohan	Singh, Dr. Bhola
Purkayastha, Shri Kabindra	Singh, Shri Bhoopendra
Rajendran, Shri C.	Singh, Shri Dushyant
Rajesh, Shri M.B.	Singh, Shri Ganesh
Ram, Shri Purnmasi	Singh, Shri Jaswant

Singh, Shri Mahabali

Udasi, Shri Shivkumar

Singh, Shri Murari Lal

Vasava, Shri Mansukhbhai D.

Singh, Shri Pashupati Nath

Venugopal, Dr. P.

Singh, Shri Pradeep Kumar

Vishwanath Katti, Shri Ramesh

Singh, Shri Radha Mohan

Wakchaure, Shri Bhausahab Rajaram

Singh, Shri Rajiv Ranjan Singh alias Lalari

Wankhede, Shri Subhash Bapurao

Singh, Shri Rajnath

Yadav, Prof. Ranjan Prasad

Singh, Shri Rakesh

Yadav, Shri Dinesh Chandra

Singh, Shri Sushil Kumar

Yadav, Shri Hukmadeo Narayan

Singh, Shri Uday

Yadav, Shri Ramakant

Singh, Shrimati Meena

Yadav, Shri Sharad

Sinha, Shri Shatrughan

**ABSTAIN**

Sinha, Shri Yashwant

Hazari, Shri Maheshwar

Sivasami, Shri C.

Owaisi, Shri Asaduddin

Solanki, Dr. Kirit Premjibhai

SHRIMATI SUSHMA SWARAJ: From the Display Board it is clear that clause 2 cannot become part of the Bill. The required number is not there. The required number should be fifty per cent of the total and two-thirds of present and voting. Fifty per cent of the total is not there. It is 247, but it should be 273. So, clause 2 cannot become part of the Bill.

Solanki, Shri Makansingh

Sugumar, Shri K.

Sushant, Dr. Rajan

Swamy, Shri Janardhana

MADAM SPEAKER: Nothing will go on record.

Swaraj, Shrimati Sushma

...(Interruptions)\*

Tandon, Shri Lalji

Tarai, Shri Bibhu Prasad

MADAM SPEAKER: The Lobbies have not been opened. They are closed. The doors are closed.

Thakur, Shri Anurag Singh

...(Interruptions)

Thambidurai, Dr. M.

[[Translation]

Tomar, Shri Narendra Singh

MADAM SPEAKER: Doors are not opened. Why are you saying so?

Toppo, Shri Joseph

Tudu, Shri Laxman

---

\*Not recorded.

...(Interruptions)

[English]

MADAM SPEAKER: I have not asked them to open the doors. The doors are closed. Please do not doubt so much.

...(Interruptions)

[Translation]

MADAM SPEAKER: Door are not opened, why are you doubting again and again. ...(Interruptions)

[English]

MADAM SPEAKER: Nothing is opened. Please take your seats. The Lobbies are not opened.

...(Interruptions)

MADAM SPEAKER: Nothing will go on record.

...(Interruptions)\*

MADAM SPEAKER: Let the slips come.

...(Interruptions)

SHRI ANANTH KUMAR (Bangalore South): Madam Speaker, please announce the result ...(Interruptions)

MADAM SPEAKER: Let the slips come. I know. Whenever the slip came, I announced it.

SHRI ANANTH KUMAR: Subject to correction, you can announce the result.

SHRI PRANAB MUKHERJEE: The correction slips are to be counted because this is a Constitution (Amendment) Bill..

MADAM SPEAKER: The result of the Division is:

Ayes	:	251
Noes	:	179
Abstain	:	2

The motion is not carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was negatived.*

*Clause 2 was not added to the Bill.*

MADAM SPEAKER: Hon. Members, please keep quiet.

...(Interruptions)

MADAM SPEAKER: It was with great pain that I was listening to remarks like lobbies have been opened, and then, people are walking in; and slips are being brought in. It is an aspersion on the Chair. Please do not do that. No.

Now, I am ordering that the lobbies are already clear. I want to make it very clear to everybody that the lobbies are clear. I shall now put clause 3 to the vote of the House.

The question is:

"That clause 3 stand part of the Bill."

*The Lok Sabha divided:*

<b>Division No. 7</b>	<b>AYES</b>	<b>23:26 hrs.</b>
Aaron Rashid, Shri J.M.		
Adhi Sankar, Shri		
Agarwal, Shri Jai Prakash		
Ahamed, Shri E.		
Alagiri, Shri M.K.		
Alagiri, Shri S.		
Amlabe, Shri Narayan Singh		
Antony, Shri Anto		
Aron, Shri Praveen Singh		
Awale, Shri Jaywant Gangaram		

Azharuddin, Mohammed	Chaudhary, Dr. Tushar
Baalu, Shri T.R.	Chaudhary, Shri Jayant
'Baba', Shri K.C. Singh	Chauhan, Shri Sanjay Singh
Babbar, Shri Raj	Chidambaram, Shri P.
Baghel, Shrimati Sarika Devendra Singh	Chinta Mohan, Dr.
Bahuguna, Shri Vijay	Chitthan, Shri N.S.V.
Bairwa, Shri Khiladi Lal	Choudhary, Shri Harish
Baite, Shri Thangso	Choudhry, Shrimati Shruti
Baitha, Shri Kameshwar	Choudhury, Shri Abu Hasem Khan
Bajwa, Shri Pratap Singh	Chowdhary, Shrimati Santosh
Bandyopadhyay, Shri Sudip	Chowdhury, Shri Adhir
Banerjee, Shri Ambica	'Commando', Shri Kamal Kishor
Banerjee, Shri Kalyan	Das, Shri Bhakta Charan
Bansal, Shri Pawan Kumar	Dasmunsi, Shrimati Deepa
Bapiraju, Shri K.	Dastidar, Dr. Kakoli Ghosh
Basheer, Shri Mohammed E.T.	Davidson, Shrimati J. Helen
Beg, Dr. Mirza Mehboob	De, Dr. Ratna
Bhadana, Shri Avtar Singh	Deo, Shri V. Kishore Chandra
Bhagora, Shri Tara Chand	Deora, Shri Milind
Bhonsle, Shri Udayanraje	Dhanapalan, Shri K. P.
Bhujbal, Shri Sameer	Dhruvanarayana, Shri R.
Bhuria, Shri Kanti Lal	Dias, Shri Charles
Biswal, Shri Hemanand	Dikshit, Shri Sandeep
Bwiswmuthiary, Shri Sansuma Khunggur	Dutt, Shrimati Priya
Chacko, Shri P.C.	Elangovan, Shri T.K.S.
Chang, Shri CM.	Engti, Shri Biren Singh
	Ering, Shri Ninong

---

\* Voted through slip.

Gadhvi, Shri Mukesh Bhairavdanji	Jindal, Shri Naveen
Gaikwad, Shri Eknath Mahadeo	Joshi, Dr. CP.
Gandhi, Shri Rahul	Joshi, Shri Mahesh
Gandhi, Shrimati Sonia	Kamal Nath, Shri
Gandhiselvan, Shri S.	Kamat, Shri Gurudas
Gavit, Shri Manikrao Hodlya	Kataria, Shri Lalchand
Ghatowar, Shri Paban Singh	Kaur, Shrimati Preneet
Gogoi, Shri Dip	Kaypee, Shri Mohinder Singh
Guddu, Shri Premchand	Khan, Shri Hassan
Haldar, Dr. Sucharu Ranjan	Khandela, Shri Mahadeo Singh
Handique, Shri B.K.	Kharge, Shri Mallikarjun
Haque, Shri Mohd. Asrarul	Khatgaonkar, Shri Bhaskarrao Bapurao Patil
Hari, Shri Sabbam	Khatri, Dr. Nirmal
Harsha Kumar, Shri G.V.	Khursheed, Shri Salman.
Hooda, Shri Deepender Singh	Killi, Dr. Kruparani
Hossain, Shri Abdul Mannan	Kowase, Shri Marotrao Sainuji
Hussain, Shri Ismail	Krishnasswamy, Shri M.
Islam, Sk. Nurul	Kumar, Shri Ajay
Jadhav, Shri Baliram	Kumar, Shri Ramesh
Jagannath, Dr. Manda	Kumari, Shrimati Chandresh
Jain, Shri Pradeep	Kurup, Shri N. Peethambara
Jaiswal, Shri Shriprakash	Lakshmi, Shrimati Panabaka
Jakhar, Shri Badri Ram	Mahant, Dr. Charan Das
Jayaprada, Shrimati	Maharaj, Shri Satpal
Jena, Shri Srikant	Majhi, Shri Pradeep
Jeyadurai, Shri S. R.	Maken, Shri Ajay
Jhansi Lakshmi, Shrimati Botcha	Malik, Shri Jitender Singh

Maran, Shri Dayanidhi	*Pal, Shri Jagdambika
Marandi, Shri Babu Lal	Pal, Shri Rajaram
Masram, Shri Basori Singh	Pala, Shri Vincent H.
Mcleod, Shrimati Ingrid	Palanimanickam, Shri S.S.
Meena, Shri Namu Narain	Pandey, Dr. Vinay Kumar
Meena, Shri Raghuvir Singh	Patel, Shri Prarul
Meghe, Shri Datta	Patel, Shri Somabhai Gandadal Koli
Meghwal, Shri Bharat Ram	*Patil, Dr. Padmasinha Bajirao
Meinya, Dr. Thokchom	Patil, Shri Sanjay Dina
Mirdha, Dr. Jyoti	Patil, Shri Pratik
Mishra, Shri Mahabal	Pawar, Shri Sharad
Mitra, Shri Somen	Pilot, Shri Sachin
Moily, Shri M. Veerappa	Prabhakar, Shri Ponnam
Mukherjee, Shri Pranab	Pradhan, Shri Amarnath
Muniyappa, Shri K.H.	Prasada, Shri Jitin
Muttemwar, Shri Vilas	Punia, Shri P. L.
Nagpal, Shri Devendra	Purandeswari, Shrimati D.
Naik, Dr. Sanjeev Ganesh	Raghavan, Shri M.K.
Naik, Shri P. Balram	Rahman, Shri Abdul
Naqvi, Shri Zafar Ali	Rai, Shri Prem Das
Narah, Shrimati Ranee	Rajagopal, Shri L.
*Narayanasamy, Shri V.	Raju, Shri M.M.
Naskar, Shri Gobinda Chandra	Pallam Rajukhedi, Shri Gajendra Singh
Natrajan, Kumari Meenakshi	Ramachandran, Shri Mullappally
Nirupam, Shri Sanjay	Ramasubbu, Shri S.S.
Noor, Kumari Mausam	Rane, Shri Nilesh Narayan
Ola, Shri Sis Ram	

---

\* Voted through slip.



Rao, Dr. K.S.	Shivkumar, Shri K alias J.K. Ritheesh
Rao, Shri Rayapati Sambasiva	Sibal, Shri Kapil
Rawat, Shri Harish	Singh, Chaudhary Lal
Reddy, Shri Anantha Venkatarami	Singh, Dr. Sanjay
Reddy, Shri Gutha Sukhender	Singh, Rao Inderjit
Reddy, Shri K.J.S.P	Singh, Shri Ajit
Reddy, Shri M. Sreenivasulu	Singh, Shri Ijyaraj
Reddy, Shri S. Jaipal	Singh, Shri Jitendra
Reddy, Shri S.P.Y.	*Singh, Shri N. Dharam
Roy, Prof. Saugata	Singh, Shri R.P.N.
Roy, Shrimati Shatabdi	Singh, Shri Ratan
Ruala, Shri C.L.	Singh, Shri Ravneet
Sahay, Shri Subodh Kant	Singh, Shri Sukhdev
Sai Prathap, Shri A.	Singh, Shri Uday Pratap
Sangma, Kumari Agatha	Singh, Shri Virbhadra
Sanjoy, Shri Takam	Singh, Rajkumari Ratna
Sardinha, Shri Francisco Cosme	Singh, Shrimati Rajesh Nandini
Satyanarayana, Shri Sarvey	Singla, Shri Vijay Inder
Scindia, Shri Jyotiraditya M.	Siricilla, Shri Rajaiah
Selja, Kumari	Solanki, Shri Bharatsinh
Shanavas, Shri M.I.	Sugavanam, Shri E.G.
Sharma, Dr. Arvind Kumar	Suklabaidya, Shri Lalit Mohan
Shariq, Shri S.D.	Sule, Shrimati Supriya
Sharma, Shri Madan Lal	Suresh, Shri Kodikkunnil
Shekhawat, Shri Gopal Singh	Tagore, Shri Manicka
Shetkar, Shri Suresh Kumar	Tamta, Shri Pradeep
Shinde, Shri Sushilkumar	

---

\* Voted through slip.

Tandon, Shrimati Annu	NOES
Tanwar, Shri Ashok	Aditya Nath, Yogi
Taviad, Dr. Prabha Kishor	Adsul, Shri Anandrao
Taware, Shri Suresh Kashinath	Advani, Shri L.K.
Tewari, Shri Manish	Agrawal, Shri Rajendra
Thamaraiselvan, Shri R.	Ahir, Shri Hansraj G.
Tharoor, Dr. Shashi	Anandan, Shri M.
Thirumaavalavan, Shri Thol	Ananth Kumar, Shri
Thomas, Prof. K.V.	Angadi, Shri Suresh
Thomas, Shri P.T.	Argal, Shri Ashok
*Tirath, Shrimati Krishna	Azad, Shri Kirti
Trivedi, Shri Dinesh	Badal, Shrimati Harsimrat Kaur
Venugopal, Shri D.	Bais, Shri Ramesh
Venugopal, Shri K.C.	Basavaraj, Shri G. S.
Verma, Shri Sajjan	Besra, Shri Devidhan
Verma, Shri Beni Prasad	Bhagat, Shri Sudarshan
Vijayan, Shri A.K.S.	Bhaiya, Shri Shivraj
Vishwanath, Shri Adagooru H.	Bishnoi, Shri Kuldeep
Viswanathan, Shri P.	Bundela, Shri Jitendra Singh
Vivekanand, Dr. G.	Chakravarty, Shrimati Bijoya
Vundavalli, Shri Aruna Kumar	Chauhan, Shri Mahendrasinh P.
Vyas, Dr. Girija	Chauhan, Shri Prabhatsinh P.
Wasnik, Shri Mukul	Chavan, Shri Harishchandra
Yadav, Shri Arun	Choudhary, Shri Bhudeo
Yadav, Shri Anjankumar M.	Choudhary, Shri Nikhil Kumar
Yadav, Shri Om Prakash	Das, Shri Khagen
Yaskhi, Shri Madhu Goud	Das, Shri Ram Sundar

---

\* Voted through slip.

Dasgupta, Shri Gurudas	Jigajinagi, Shri Ramesh
Deka, Shri Ramen	Joshi, Dr. Murli Manohar
Deshmukh, Shri K.D.	Joshi, Shri Kailash
Devi, Shrimati Ashwamedh	Joshi, Shri Pralhad
Devi, Shrimati Rama	Judev, Shri Dilip Singh
Dhotre, Shri Sanjay	Kachhadia, Shri Naranbhai
Dhurve, Shrimati Jyoti	Kashyap, Shri Dinesh
Dubey, Shri Nishikant	Kashyap, Shri Virender
Dudhgaonkar, Shri Ganeshrao Nagorao	Kaswan, Shri Ram Singh
Gaddigoudar, Shri P.C.	Kateel, Shri Nalin Kumar
Gandhi, Shri Dilipkumar Mansukhlal	*Khaire, Shri Chandrakant
Gandhi, Shri Varun	Kumar, Shri Kaushalendra
Gandhi, Shrimati Maneka	Kumar, Shri P.
*Ganeshamurthi, Shri A.	**Kumar, Shri Virendra
Geete, Shri Anant Gangaram	Kumar, Shri Vishwa Mohan
Gohain, Shri Raj en	Kumari, Shrimati Putul
Gouda, Shri Shivarama	Laguri, Shri Yashbant
**Hassan, Dr. Monazir	Mahajan, Shrimati Sumitra
Hazari, Shri Maheshwar	Mahato, Shri Baidyanath Prasad
Hegde, Shri Anant Kumar	Mahato, Shri Narahari
Hussain, Shri Syed Shahnawaz	Mahtab, Shri Bhartruhari
Jadhao, Shri Prataprao Ganpatrao	Majumdar, Shri Prasanta Kumar
Jaiswal, Dr. Sanjay	Malik, Shri Sakti Mohan
Jardosh, Shrimati Darshana	Manian, Shri O.S.
Jat, Shrimati Poonam Veljibhai	Manjhi, Shri Hari
Jawale, Shri Haribhau	

---

\* Voted through slip.

\*\*Corrected through slip.

---

\* Voted through slip.

\*\*Corrected through slip.

Meena, Dr. Kirodi Lal	Patil, Shri C.R.
Meghwal, Shri Arjun Ram	Patil, Shri Danve Raosaheb
Mishra, Shri Govind Prasad	*Patle, Shrimati Kamla Devi
Mohan, Shri P.C.	Potai, Shri Sohan
Mohapatra, Shri Sidhant	Purkayastha, Shri Kabindra
Munda, Shri Karia	Rajendran, Shri C.
Munde, Shri Gopinath	Ram, Shri Purnmasi
Naik, Shri Shripad Yesso	Ramshankar, Prof.
Namdhari, Shri Inder Singh	Rana, Shri Rajendrasinh
*Narayanrao, Shri Sonawane Pratap	Rao, Shri Nama Nageswara
Nishad, Capt. Jai Narain Prasad	Rathwa, Shri Ramsinh
Pakkirappa, Shri S.	Ray, Shri Bishnu Pada
Panda, Shri Baijayant	Ray, Shri Rudramadhab
Panda, Shri Prabodh	Reddy, Shri M. Venugopala
Pandey, Kumari Saroj	Riyan, Shri Baju Ban
Pandey, Shri Ravindra Kumar	Roy, Shri Arjun
Pangi, Shri Jayaram	Sahu, Shri Chandu Lal
Paranjpe, Shri Anand Prakash	Sai, Shri Vishnu Dev
Paswan, Shri Kamlesh	*Satpathy, Shri Tathagata
*Patasani, Dr. Prasanna Kumar	Scindia, Shrimati Yashodhara Raje
Patel, Shri Devji M.	Semmalai, Shri S.
Patel, Shri Lalubhai Babubhai	Shantha, Shrimati J.
Patel, Shri Nathubhai Gomanbhai	Sharma, Shri Jagdish
Patel, Shrimati Jayshreeben	Shetti, Shri Raju
Pathak, Shri Harin	Shivaji, Shri Adhalrao Patil
Patil, Shri A.T. Nana	Shukla, Shri Balkrishna Khanderao

---

\* Voted through slip.

---

\* Voted through slip.

Siddeshwara, Shri G.M.	Thambidurai, Dr. M.
Singh, Dr. Bhola	Tomar, Shri Narendra Singh
Singh, Shri Bhoopendra	Toppo, Shri Joseph
Singh, Shri Dushyant	Tudu, Shri Laxman
Singh, Shri Ganesh	Udasi, Shri Shivkumar
Singh, Shri Jaswant	Vasava, Shri Mansukhbhai D.
Singh, Shri Mahabali	Venugopal, Dr. P.
Singh, Shri Murari Lal	Vishwanath Katti, Shri Ramesh
Singh, Shri Pashupati Nath	Wakchaure, Shri Bhausahab Rajaram
Singh, Shri Pradeep Kumar	Wankhede, Shri Subhash Bapurao
Singh, Shri Radha Mohan	Yadav, Prof. Ranjan Prasad
Singh, Shri Rajiv Ranjan	Yadav, Shri Dinesh Chandra
Singh alias Lalan	Yadav, Shri Hukmadeo Narayan
Singh, Shri Rajnath	Yadav, Shri Ramakant
Singh, Shri Rakesh	Yadav, Shri Sharad
Singh, Shri Sushil Kumar	<b>ABASTAIN</b>
Singh, Shri Uday	**Baske, Shri Pulin Bihari
Singh, Shrimati Meena	**Bauri, Shrimati Susmita
Sinha, Shri Shatrughan	**Biju, Shri P.K.
Sinha, Shri Yashwant	**Chowdhary, Shri Bansa Gopal
Sivasami, Shri C.	*Dome, Dr. Ramchandra
Solanki, Dr. Kirit Premjibhai	*Karunakaran, Shri P.
Solanki, Shri Makansingh	**Natarajan, Shri P. R.
Sushant, Dr. Rajan	Owaisi, Shri Asaduddin
Swamy, Shri Janardhana	**Rajesh, Shri M. B.
Swaraj, Shrimati Sushma	*Saha, Dr. Anup Kumar
Tandon, Shri Lalji	**Sampath, Shri A.
Tarai, Shri Bibhu Prasad	
Thakur, Shri Anurag Singh	

---

\* Voted through slip.

\*\*Corrected through slip.

MADAM SPEAKER: Subject to correction\*, the result of the Division is:

Ayes : 247

Noes : 171

Abstain : 11

The motion is not carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was negatived.*

*Clause 3 was not added to the Bill.*

MADAM SPEAKER: There is an amendment to Clause 1. The Minister may now move Amendment No. 11

SHRI V. NARAYANASAMY: Madam, I beg to move:

Page 1, line 3,-

for "(One Hundred and sixteenth Amendment)"

substitute "(Ninety-eighth Amendment)".

MADAM SPEAKER: I shall now put Amendment No. 11 moved by the Minister to the vote of the House.

The Lobbies are already cleared. The question is:

Page 1, line 3,-

for "(One Hundred and sixteenth Amendment)"

substitute "(Ninety-eighth Amendment)".

\* The following Members also recorded/corrected their votes through slips.

Ayes 247 + S/Shri V. Narayanasamy, Jagdambika Pal, Dr. Padmasinha Bajirao Patil, Shri N. Dharam Singh, Shrimati Krishna Tirath = 250

Noes 171 + Shri A. Ganeshamurthi, Dr. Monazir Hassan, S/Shri Chandrakant Khaire, Virendra Kumar, Sonawane Pratap Narayanrao, Dr. Prasanna Kumar Patasani, Shrimati Kamla Devi Patle, Shri Tathagata Satpathy = 179 - S/Shri Bansa Gopal Chowdhary, P.R. Natarajan, A. Sampath, Shrimati Susmita Bauri, S/Shri Pulin Bihari Baske, P.K. Biju, M.B. Rajesh = 172

Abstain 1 + Shri P Karunakaran, Dr. Ram Chandra Dome, S/Shri Bansa Gopal Chowdhary, P.R. Natarajan, A. Sampath, Shrimati Susmita Bauri, Dr. Anup Kumar Saha, Shri Pulin Bihari Baske, S/Shri P.K. Biju, M.B. Rajesh = 11

*The Lok Sabha divided:*

**Division No.8** **AYES** **23:31 hrs.**

Aaron Rashid, Shri J.M.

Adhikari, Shri Sisir

Adhi Sankar, Shri

Agarwal, Shri Jai Prakash

Ahamed, Shri E.

\*Ahmed, Shri Sultan

Alagiri, Shri M.K.

Alagiri, Shri S.

Amlabe, Shri Narayan Singh

Aron, Shri Praveen Singh

Awale, Shri Jaywant Gangaram

Azharuddin, Mohammed

Baalu, Shri T.R.

'Baba', Shri K.C. Singh

\*Babbar, Shri Raj

Baghel, Shrimati Sarika Devendra Singh

Bahuguna, Shri Vijay

Bairwa, Shri Khiladi Lal

Baite, Shri Thangso

Baitha, Shri Kameshwar

Bajwa, Shri Pratap Singh

Bandyopadhyay, Shri Sudip

Banerjee, Shri Ambica

Banerjee, Shri Kalyan

\* Voted through slip.

Bansal, Shri Pawan Kumar	Dasmunsi, Shrimati Deepa
Bapiraju, Shri K.	Dastidar, Dr. Kakoli Ghosh
Basheer, Shri Mohammed E.T.	Davidson, Shrimati J. Helen
Beg, Dr. Mirza Mehboob	De, Dr. Ratna
Bhadana, Shri Avtar Singh	Deo, Shri V. Kishore Chandra
Bhagora, Shri Tara Chand	Deora, Shri Milind
Bhonsle, Shri Udayanraje	Dhanapalan, Shri K. P.
Bhujbal, Shri Sameer	Dhruvanarayana, Shri R.
Bhuria, Shri Kanti Lal	Dias, Shri Charles
Biswal, Shri Hemanand	Dikshit, Shri Sandeep
Bwiswmuthiary, Shri Sansuma Khunggur	Dutt, Shrimati Priya
Chacko, ShriP.C.	Elangovan, Shri T.K.S.
Chang, Shri CM.	Engti, Shri Biren Singh
Chaudhary, Dr. Tushar	Ering, Shri Ninong
Chaudhary, Shri Jayant	Gadhvi, Shri Mukesh Bhairavdanji.
Chauhan, Shri Sanjay Singh	Gaikwad, Shri Eknath Mahadeo
"Chidambaram, Shri P.	Gandhi, Shri Rahul
Chinta Mohan, Dr.	Gandhi, Shrimati Sonia
Chitthan, ShriN.S.V.	Gandhiselvan, Shri S.
Choudhary, Shri Harish	Gavit, Shri Manikrao Hodlya
Choudhry, Shrimati Shruti	Ghatowar, Shri Paban Singh
Choudhury, Shri Abu Hasem Khan	Gogoi, Shri Dip
Chowdhary, Shrimati Santosh	Guddu, Shri Premchand
Chowdhury, Shri Adhir	Haldar, Dr. Sucharu Ranjan
'Commando', Shri Kamal Kishor	Handique, Shri B.K.
Das, Shri Bhakta Charan	Haque, Shri Mohd. Asrarul
	Hari, Shri Sabbam

---

\* Voted through slip.



Harsha Kumar, Shri G.V.	Khursheed, Shri Salman
Hooda, Shri Deepender Singh	Killi, Dr. Kruparani
Hossain, Shri Abdul Mannan	Kowase, Shri Marotrao Sainuji
Hussain, Shri Ismail	Krishnasswamy, Shri M.
Islam, Sk. Nurul	Kumar, Shri Ajay
Jadhav, Shri Baliram	Kumar, Shri Ramesh
Jagannath, Dr. Manda	Kumari, Shrimati Chandresh
Jaiswal, Shri Shriprakash	Kurup, Shri N. Peethambara
Jakhar, Shri Badri Ram	Lakshmi, Shrimati Panabaka
Jayaprada, Shrimati	Mahant, Dr. Charan Das
Jena, Shri Srikant	Maharaj, Shri Satpal
Jeyadurai, Shri S. R.	Majhi, Shri Pradeep
Jhansi Lakshmi, Shrimati Botcha	Maken, Shri Ajay
Jindal, Shri Naveen	Malik, Shri Jitender Singh
Joshi,Dr. CP.	Maran, Shri Dayanidhi
Joshi, Shri Mahesh	Marandi, Shri Babu Lal
Kamal Nath, Shri	Masram, Shri Basori Singh
Kamat, Shri Gurudas	Mcleod, Shrimati Ingrid
Kataria, Shri Lalchand	Meena, Shri Namu Narain
Kaur, Shrimati Preneet	Meena, Shri Raghuvir Singh
Kaypee, Shri Mohinder Singh	Meghe, Shri Datta
Khan, Shri Hassan	Meghwal, Shri Bharat Ram
Khandela, Shri Mahadeo Singh	Meinya, Dr. Thokchom
Kharge, Shri Mallikarjun	Mirdha, Dr. Jyoti
*Khatgaonkar, Shri Bhaskarrao Bapurao Patil	Mishra, Shri Mahabal
*Khatri, Dr. Nirmal	Mitra, Shri Somen
	Moily, Shri M. Veerappa

---

\* Voted through slip.

Mukherjee, Shri Pranab	Prabhakar, Shri Ponnam
Muniyappa, Shri K.H.	Pradhan, Shri Amarnath
Muttemwar, Shri Vilas	Prasada, Shri Jitin
*Nagpal, Shri Devendra	Punia, Shri P. L.
Naik, Dr. Sanjeev Ganesh	Purandeswari, Shrimati D.
Naik, Shri P. Balram	Raghavan, Shri M.K.
Naqvi, Shri Zafar Ali	Rahman, Shri Abdul
Narah, Shrimati Ranee	Rai, Shri Prem Das
Narayanasamy, Shri V.	Rajagopal, Shri L.
Naskar, Shri Gobinda Chandra	Raju, Shri M.M. Pallam
Natrajan, Kumari Meenakshi	Rajukhedi, Shri Gajendra Singh
Nirupam, Shri Sanjay	Ramachandran, Shri Mullappally
Noor, Kumari Mausam	Ramasubbu, Shri S.S.
Ola, Shri Sis Ram	Rane, Shri Nilesh Narayan
Pal, Shri Jagdambika	Rao, Dr. K.S.
Pal, Shri Rajaram	Rao, Shri Rayapati Sambasiva
Pala, Shri Vincent H.	Rawat, Shri Harish
Palanimanickam, Shri S.S.	Reddy, Shri Anantha Venkatarami
Pandey, Dr. Vinay Kumar	Reddy, Shri Gutha Sukhender
Patel, Shri Praful	Reddy, Shri K.J.S.P
Patel, Shri Somabhai Gandadal Koli	Reddy, Shri M. Sreenivasulu
Patil, Dr. Padmasinha Bajirao	Reddy, Shri S. Jaipal
Patil, Shri Sanjay Dina	Reddy, Shri S.P.Y.
Patil, Shri Pratik	Roy, Prof. Saugata
Pawar, Shri Sharad	Roy, Shrimati Shatabdi
Pilot, Shri Sachin	Ruala, Shri C.L.
	Sahay, Shri Subodh Kant

---

\* Voted through slip.

Sai Prathap, Shri A.	Singh, Shri Sukhdev
Sangma, Kumari Agatha	Singh, Shri Uday Pratap
Sanjoy, Shri Takam	Singh, Shri Virbhadra
Sardinha, Shri Francisco Cosme	Singh, Rajkumari Ratna
Satyanarayana, Shri Sarvey	Singh, Shrimati Rajesh
Scindia, Shri Jyotiraditya M.	Nandini Singla, Shri Vijay Inder
Selja, Kumari	Siricilla, Shri Rajaiah
Shanavas, Shri M.I.	Solanki, Shri Bharatsinh
Sharma, Dr. Arvind Kumar	Sugavanam, Shri E.G.
Shariq, Shri S.D.	Suklabaidya, Shri Lalit Mohan
Sharma, Shri Madan Lal	Sule, Shrimati Supriya
Shekhawat, Shri Gopal Singh	Suresh, Shri Kodikkunnil
Shetkar, Shri Suresh Kumar	Tagore, Shri Manicka
Shinde, Shri Sushilkumar	Tamta, Shri Pradeep
Shivkumar, Shri K alias J.K. Ritheesh	Tandon, Shrimati Annu
Sibal, Shri Kapil	Tanwar, Shri Ashok
Singh, Shri Ajit	Taviad, Dr. Prabha Kishor
Singh, Chaudhary Lal	Taware, Shri Suresh Kashinath
Singh, Dr. Sanjay	Tewari, Shri Manish
Singh, Rao Inderjit	Thamaraiselvan, Shri R.
Singh, Shri Ijyaraj	Tharoor, Dr. Shashi
Singh, Shri Jitendra	Thirumaavalavan, Shri Thol
*Singh, Shri N. Dharam	Thomas, Prof. K.V.
Singh, Shri R.P.N.	Thomas, Shri P.T.
Singh, Shri Ratan	Tirath, Shrimati Krishna
Singh, Shri Ravneet	Trivedi, Shri Dinesh

---

\* Voted through slip.

---

\* Voted through slip.

Venugopal, Shri D.

Bais, Shri Ramesh

Venugopal, Shri K.C.

Basavaraj, Shri G. S.

Verma, Shri Sajjan

Bauri, Shrimati Susmita

Verma, Shri Beni Prasad

Besra, Shri Devidhan

Vijayan, Shri A.K.S.

Bhagat, Shri Sudarshan

Vishwanath, Shri Adagooru H.

Bhaiya, Shri Shivraj

Viswanathan, Shri P.

Biju, Shri P.K.

Vivekanand, Dr. G.

Bishnoi, Shri Kuldeep

Vundavalli, Shri Aruna Kumar

Bundela, Shri Jitendra Singh

Vyas, Dr. Girija

Chakravarty, Shrimati Bijoya

Wasnik, Shri Mukul

Chauhan, Shri Mahendrasinh P.

Yadav, Shri Arun

Chauhan, Shri Prabhatsinh P.

Yadav, Shri Anjankumar M.

Chavan, Shri Harishchandra

Yadav, Shri Om Prakash

Choudhary, Shri Bhudeo

Yaskhi, Shri Madhu Goud

Choudhary, Shri Nikhil Kumar

**NOES**

Chowdhury, Shri Bansa Gopal

Aditya Nath, Yogi

Das, Shri Khagen

Adsul, Shri Anandrao

Das, Shri Ram Sundar

Advani, Shri L.K.

Deka, Shri Ramen

Agrawal, Shri Rajendra

Deshmukh, Shri K.D.

Ahir, Shri Hansraj G.

Devi, Shrimati Ashwamedh

Anandan, Shri M.

Devi, Shrimati Rama

Ananth Kumar, Shri

Dhotre, Shri Sanjay

Angadi, Shri Suresh

Dhurve, Shrimati Jyoti

Argal, Shri Ashok

Dome, Dr. Ram Chandra

Azad, Shri Kirti

Dubey, Shri Nishikant

Badal, Shrimati Harsimrat Kaur

Dudhgaonkar, Shri Ganeshrao Nagorao

*Gaddigoudar, Shri P.C.	Kaswan, Shri Ram Singh
Gandhi, Shri Dilipkumar Mansukhlal	Kateel, Shri Nalin Kumar
Gandhi, Shri Varun	Khaire, Shri Chandrakant
Gandhi, Shrimati Maneka	Kumar, Shri Kaushalendra
Ganeshamurthi, Shri A.	Kumar, Shri P.
Geete, Shri Anant Gangaram	Kumar, Shri Virendra
Gohain, Shri Raj en	Kumar, Shri Vishwa Mohan
Gouda, Shri Shivarama	Kumari, Shrimati Putul
Hassan, Dr. Monazir	Laguri, Shri Yashbant
Hazari, Shri Maheshwar	Mahajan, Shrimati Sumitra
Hegde, Shri Anant Kumar	Mahato, Shri Baidyanath Prasad
Hussain, Shri Syed Shahnawaz	Mahtab, Shri Bhartruhari
Jadhao, Shri Prataprao Ganpatrao	Majumdar, Shri Prasanta Kumar
Jaiswal, Dr. Sanjay	Malik, Shri Sakti Mohan
*Jardosh, Shrimati Darshana	Manian, Shri O.S.
Jat, Shrimati Poonam Veljibhai	Meena, Dr. Kirodi Lal
Jawale, Shri Haribhau	Meghwal, Shri Arjun Ram
Jigajinagi, Shri Ramesh	Mishra, Shri Govind Prasad
Joshi, Dr. Murli Manohar	Mohan, Shri P.C.
Joshi, Shri Kailash	Mohapatra, Shri Sidhant
Joshi, Shri Pralhad	Munda, Shri Karia
Judev, Shri Dilip Singh	Munde, Shri Gopinath
Kachhadia, Shri Naranbhai	Naik, Shri Shripad Yesso
Karunakaran, Shri P. V	Namdhari, Shri Inder Singh
Kashyap, Shri Dinesh	Narayanrao, Shri Sonawane Pratap
Kashyap, Shri Virender	Nishad, Capt. Jai Narain Prasad
	Pakirappa, Shri S.

---

\* Voted through slip.

Panda, Shri Baijayant	*Ray, Shri Rudramadhab
Panda, Shri Prabodh	Reddy, Shri M. Venugopala
Pandey, Kumari Saroj	Riyan, Shri Bajju Ban
Pandey, Shri Ravindra Kumar	Roy, Shri Arjun
Pangi, Shri Jayaram	Saha, Dr. Anup Kumar
Paranjpe, Shri Anand Prakash	Sahu, Shri Chandu Lal
Paswan, Shri Kamlesh	Sai, Shri Vishnu Dev
Patasani, Dr. Prasanna Kumar	Sampath, Shri A.
Patel, Shri Devji M.	Satpathy, Shri Tathagata
Patel, Shri Lalubhai Babubhai	Scindia, Shrimati Yashodhara Rajee
Patel, Shri Nathubhai Gomanbhai	Semmalai, Shri S.
Patel, Shrimati Jayshreeben	Shantha, Shrimati J.
Pathak, Shri Harin	Sharma, Shri Jagdish
Patil, Shri A.T. Nana	Shetti, Shri Raju
Patil, Shri C.R.	Shivaji, Shri Adhalrao Patil
Patil, Shri Danve Raosaheb	Shukla, Shri Balkrishna Khanderao
Patle, Shrimati Kamla Devi	Siddeshwara, Shri G.M.
Potai, Shri Sohan	Singh, Dr. Bhola
Purkayastha, Shri Kabindra	Singh, Shri Bhoopendra
Rajendran, Shri C.	Singh, Shri Dushyant
Rajesh, Shri M.B.	Singh, Shri Ganesh
Ram, Shri Purnmasi	Singh, Shri Jaswant
Ramshankar, Prof.	Singh, Shri Mahabali
Rana, Shri Rajendrasinh	Singh, Shri Murari Lal
Rao, Shri Nama Nageswara	Singh, Shri Pashupati Nath
Rathwa, Shri Ramsinh	Singh, Shri Pradeep Kumar
Ray, Shri Bishnu Pada	

---

\* Corrected through slip.

Singh, Shri Radha Mohan  
Singh, Shri Rajiv Ranjan Singh alias Lalan  
Singh, Shri Rajnath  
Singh, Shri Rakesh  
Singh, Shri Sushil Kumar  
Singh, Shri Uday  
Singh, Shrimati Meena  
Sinha, Shri Shatrughan  
Sinha, Shri Yashwant  
Sivasami, Shri C.  
Solanki, Dr. Kirit Premjibhai  
Solanki, Shri Makansingh  
Sugumar, Shri K.  
Sushant, Dr. Rajan  
Swamy, Shri Janardhana  
Swaraj, Shrimati Sushma  
Tandon, Shri Lalji  
Tarai, Shri Bibhu Prasad  
Thakur, Shri Anurag Singh  
Thambidurai, Dr. M.  
Tomar, Shri Narendra Singh  
Toppo, Shri Joseph  
Tudu, Shri Laxman  
Udasi, Shri Shivkumar  
Vasava, Shri Mansukhbhai D.  
Venugopal, Dr. P.  
Vishwanath Katti, Shri Ramesh

Wakchaure, Shri Bhausahab Rajaram  
Wankhede, Shri Subhash Bapurao  
Yadav, Prof. Ranjan Prasad  
Yadav, Shri Dinesh Chandra  
Yadav, Shri Hukmadeo Narayan  
Yadav, Shri Ramakant  
Yadav, Shri Sharad

**ABSTAIN**

Acharia, Shri Basu Deb  
Natarajan, Shri P.R.  
\*Owaisi, Shri Asaduddin

MADAM SPEAKER: Subject to correction\*, the result of the Division is:

Ayes	-	242
Noes	-	175
Abstain	-	3

*The motion was adopted.*

MADAM SPEAKER: The Lobbies are already clear. I shall now put Clause 1, as amended, to the vote of the House.

The question is:

"That clause 1, as amended, stand part of the Bill."

---

\* The following Members also recorded/corrected their votes through slips.

Ayes 242 + S/Shri Sultan Ahmed, Raj Babbar, P. Chidambaram, Bhaskarrao Bapurao Patil, Dr. Nirmal Khatri, S/Shri Devendra Nagpal, N. Dharam Singh, Shrimati Krishna Tirath = 250

Noes 175 + Shri P.C. Gaddigoudar, Shrimati Darshana Jardosh, Shri Rudramadhab Ray = 178

Abstain 3 + Shri Asaduddin Owaisi = 4 - Shri Rudramadhab Ray = 3



*The Lok Sabha divided.***Division No. 9****AYES****23:34 hrs.**

	Bansal, Shri Pawan Kumar
	Bapiraju, Shri K.
Aaron Rashid, Shri J.M.	Basheer, Shri Mohammed E.T.
Adhikari, Shri Sisir	Beg, Dr. Mirza Mehboob
Adhi Sankar, Shri	Bhadana, Shri Avtar Singh
Agarwal, Shri Jai Prakash	Bhagora, Shri Tara Chand
Ahamed, Shri E.	Bhonsle, Shri Udayanraje
Ahmed, Shri Sultan	Bhujbal, Shri Sameer
Alagiri, Shri M.K.	Bhuria, Shri Kanti Lal
Alagiri, Shri S.	Biswal, Shri Hemanand
Amlabe, Shri Narayan Singh	Bwiswmuthiary, Shri Sansuma Khunggur
Antony, Shri Anto	Chacko, Shri P.C.
Aron, Shri Praveen Singh	Chang, Shri CM.
Awale, Shri Jaywant Gangaram	Chaudhary, Dr. Tushar
Azharuddin, Mohammed	Chaudhary, Shri Jayant
Baalu, Shri T.R.	Chauhan, Shri Sanjay Singh
'Baba', Shri K.C. Singh	Chidambaram, Shri P.
Babbar, Shri Raj	Chinta Mohan, Dr.
Baghel, Shrimati Sarika Devendra Singh	Chitthan, Shri N.S.V.
Bahuguna, Shri Vijay	Choudhary, Shri Harish
Bairwa, Shri Khiladi Lal	Choudhry, Shrimati Shruti
Baite, Shri Thangso	Choudhury, Shri Abu Hasem Khan
Baitha, Shri Kameshwar	Chowdhary, Shrimati Santosh
Bajwa, Shri Pratap Singh	Chowdhury, Shri Adhir
Bandyopadhyay, Shri Sudip	'Commando', Shri Kamal Kishor
Banerjee, Shri Ambica	Das, Shri Bhakta Charan
Banerjee, Shri Kalyan	Dasmunsi, Shrimati Deepa

Dastidar, Dr. Kakoli Ghosh	Hooda, Shri Deepender Singh
Davidson, Shrimati J. Helen	Hossain, Shri Abdul Mannan
De, Dr. Ratna	Hussain, Shri Ismail
Deo, Shri V. Kishore Chandra	Islam, Sk. Nurul
Deora, Shri Milind	Jadhav, Shri Baliram
Dhanapalan, Shri K. P.	Jagannath, Dr. Man da
Dhruvanarayana, Shri R.	Jain, Shri Pradeep
Dias, Shri Charles	Jaiswal, Shri Shriprakash
Dikshit, Shri Sandeep	Jakhar, Shri Badri Ram
Dutt, Shrimati Priya	Jayaprada, Shrimati
Elangovan, Shri T.K.S.	Jena, Shri Srikant
Engti, Shri Biren Singh	Jeyadurai, Shri S. R.
Ering, Shri Ninong	Jhansi Lakshmi, Shrimati Botcha
Gadhvi, Shri Mukesh Bhairavdanji	Jindal, Shri Naveen
Gaikwad, Shri Eknath Mahadeo	Joshi,Dr. CP.
Gandhi, Shri Rahul	Joshi, Shri Mahesh
Gandhi, Shrimati Sonia	Kamal Nath, Shri
Gandhiselvan, Shri S.	Kamat, Shri Gurudas
Gavit, Shri Manikrao Hodlya	Kataria, Shri Lalchand
Ghatowar, Shri Paban Singh	Kaur, Shrimati Preneet
Gogoi, Shri Dip	Kaypee, Shri Mohinder Singh
Guddu, Shri Premchand	Khan, Shri Hassan
Haldar, Dr. Sucharu Ranjan	Khandela, Shri Mahadeo Singh
Handique, Shri B.K.	Kharge, Shri Mallikarjun
Haque, Shri Mohd. Asrarul	Khatgaonkar, Shri Bhaskarrao Bapurao Patil
Hari, Shri Sabbam	Khatri, Dr. Nirmal
Harsha Kumar, Shri G.V.	Khursheed, Shri Salman

Killi, Dr. Kruparani	Muniyappa, Shri K.H.
Kowase, Shri Marotrao Sainuji	Muttemwar, Shri Vilas
Krishnasswamy, Shri M.	Nagpal, Shri Devendra
Kumar, Shri Ajay	Naik, Dr. Sanjeev Ganesh
Kumar, Shri Ramesh	Naik, Shri P. Balram
Kumari, Shrimati Chandresh	Naqvi, Shri Zafar Ali
Kurup, Shri N. Peethambara	Narah, Shrimati Ranee
Lakshmi, Shrimati Panabaka	Narayanasamy, Shri V.
Mahant, Dr. Charan Das.	Naskar, Shri Gobinda Chandra
Maharaj, Shri Satpal	Natrajan, Kumari Meenakshi
Majhi, Shri Pradeep	Nirupam, Shri Sanjay
Maken, Shri Ajay	Noor, Kumari Mausam
Malik, Shri Jitender Singh.	Ola, Shri Sis Ram
Maran, Shri Dayanidhi	Pal, Shri Jagdambika
Marandi, Shri Babu Lal	Pal, Shri Rajaram
Masram, Shri Basori Singh	Pala, Shri Vincent H.
Mcleod, Shrimati Ingrid	Palanimanickam, Shri S.S.
Meena, Shri Namu Narain	Pandey, Dr. Vinay Kumar
Meena, Shri Raghuvir Singh	Patel, Shri Praful
Meghe, Shri Datta	Patel, Shri Somabhai Gandadal Koli
Meghwal, Shri Bharat Ram	Patil, Dr. Padmasinha Bajirao
Meinya, Dr. Thokchom	Patil, Shri Sanjay Dina
Mirdha, Dr. Jyoti	Patil, Shri Pratik
Mishra, Shri Mahabal	Pawar, Shri Sharad
Mitra, Shri Somen	Pilot, Shri Sachin
Moily, Shri M. Veerappa	Prabhakar, Shri Ponnam
Mukherjee, Shri Pranab	Pradhan, Shri Amarnath

Prasada, Shri Jitin	Sanjoy, Shri Takam
Punia, Shri P. L.	Sardinha, Shri Francisco Cosme
Purandeswari, Shrimati D.	Scindia, Shri Jyotiraditya M.
Raghavan, Shri M.K.	Selja, Kumari
Rahman, Shri Abdul	Shanavas, Shri M.I.
Rai, Shri Prem Das	Sharma, Dr. Arvind Kumar
Rajagopal, Shri L.	Shariq, Shri S.D.
Raju, Shri M.M. Pallam	Sharma, Shri Madan Lal
Rajukhedi, Shri Gajendra Singh	Shekhawat, Shri Gopal Singh
Ramachandran, Shri Mullappally	Shetkar, Shri Suresh Kumar
Ramasubbu, Shri S.S.	Shinde, Shri Sushilkumar
Rane, Shri Nilesh Narayan	Shivkumar, Shri K alias J.K. Ritheesh
Rao, Dr. K.S.	Sibal, Shri Kapil
Rao, Shri Rayapati Sambasiva	Singh, Chaudhary Lal
Rawat, Shri Harish	Singh, Dr. Sanjay
Reddy, Shri Anantha Venkatarami	Singh, Rao Inderjit
Reddy, Shri Gutha Sukhender	Singh, Shri Ajit
Reddy, Shri K.J.S.P	Singh, Shri Ijyaraj
Reddy, Shri M. Sreenivasulu	Singh, Shri Jitendra
Reddy, Shri S. Jaipal	Singh, Shri N. Dharam
Reddy, Shri S.P.Y.	Singh, Shri R.P.N.
Roy, Prof. Saugata	Singh, Shri Ratan
Roy, Shrimati Shatabdi	Singh, Shri Ravneet.
Ruala, Shri C.L.	Singh, Shri Sukhdev
Sahay, Shri Subodh Kant	Singh, Shri Uday Pratap
Sai Prathap, Shri A.	Singh, Shri Virbhadra
Sangma, Kumari Agatha	Singh, Rajkumari Ratna

Singh, Shrimati Rajesh Nandini	*Vijayan, Shri A.K.S.
Singla, Shri Vijay Inder	Vishwanath, Shri Adagooru H.
Siricilla, Shri Rajaiah	Viswanathan, Shri P.
Solanki, Shri Bharatsinh	Vivekanand, Dr. G.
Sugavanam, Shri E.G.	Vundavalli, Shri Aruna Kumar
Suklabaidya, Shri Lalit Mohan	Vyas, Dr. Girija
Sule, Shrimati Supriya	Wasnik, Shri Mukul
Suresh, Shri Kodikkunnil	Yadav, Shri Arun
Tagore, Shri Manicka	Yadav, Shri Anjankumar M.
Tamta, Shri Pradeep	Yadav, Shri Om Prakash
Tandon, Shrimati Annu	Yaskhi, Shri Madhu Goud
Tanwar, Shri Ashok	<b>NOES</b>
Taviad, Dr. Prabha Kishor	Aditya Nath, Yogi
Taware, Shri Suresh	Adsul, Shri Anandrao
Kashinath Tewari, Shri Manish	Advani, Shri L.K.
Thamaraiselvan, Shri R.	Agrawal, Shri Rajendra
Tharoor, Dr. Shashi	Ahir, Shri Hansraj G.
Thirumaavalavan, Shri Thol	Anandan, Shri M.
Thomas, Prof. K.V.	Ananth Kumar, Shri
Thomas, Shri P.T.	Angadi, Shri Suresh
*Tirath, Shrimati Krishna	Argal, Shri Ashok
Trivedi, Shri Dinesh	Azad, Shri Kirti
Venugopal, Shri D.	Badal, Shrimati Harsimrat Kaur
Venugopal, Shri K.C.	Bais, Shri Ramesh
Verma, Shri Sajjan	Basavaraj, Shri G. S.
Verma, Shri Beni Prasad	Baske, Shri Pulin Bihari

---

\* Voted through slip.

---

\* Voted through slip.

Bauri, Shrimati Susmita	Gandhi, Shri Dilipkumar Mansukhlal
Besra, Shri Devidhan	Gandhi, Shri Varun
Bhagat, Shri Sudarshan	Gandhi, Shrimati Maneka
Bhaiya, Shri Shivraj	Ganeshamurthi, Shri A.
Biju, Shri P.K.	Geete, Shri Anant Gangaram
Bishnoi, Shri Kuldeep	Gohain, Shri Rajen
Bundela, Shri Jitendra Singh	Gouda, Shri Shivarama
Chakravarty, Shrimati Bijoya	Hassan, Dr. Monazir
Chauhan, Shri Mahendrasinh P.	Hazari, Shri Maheshwar
Chauhan, Shri Prabhatsinh P.	Hegde, Shri Anant Kumar
Chavan, Shri Harishchandra	.Hussain, Shri Syed Shahnawaz
Choudhary, Shri Bhudeo	Jadhao, Shri Prataprao Ganpatrao
Choudhary, Shri Nikhil Kumar	Jaiswal, Dr. Sanjay
Chowdhury, Shri Bansa Gopal	Jardosh, Shrimati Darshana
Das, Shri Khagen	Jat, Shrimati Poonam Veljibhai
Das, Shri Ram Sundar	Jawale, Shri Haribhau
Dasgupta, Shri Gurudas	Jigajinagi, Shri Ramesh
Deka, Shri Ramen	Joshi, Dr. Murli Manohar
Deshmukh, Shri K.D.	Joshi, Shri Kailash
Devi, Shrimati Ashwamedh	Joshi, Shri Pralhad
Devi, Shrimati Rama	Judev, Shri Dilip Singh
Dhotre, Shri Sanjay	Kachhadia, Shri Naranbhai
Dhurve, Shrimati Jyoti	Karunakaran, Shri P.
Dome, Dr. Ram Chandra	Kashyap, Shri Dinesh
Dubey, Shri Nishikant	Kashyap, Shri Virender
Dudhgaonkar, Shri Ganeshrao Nagorao	Kaswan, Shri Ram Singh
Gaddigoudar, Shri P.C.	Kateel, Shri Nalin Kumar

Khaire, Shri Chandrakant	Panda, Shri Prabodh
Kumar, Shri Kaushalendra	Pandey, Kumari Saroj
Kumar, Shri P.	Pandey, Shri Ravindra Kumar
Kumar, Shri Virendra	Pangi, Shri Jayaram
Kumar, Shri Vishwa Mohan	Paranjpe, Shri Anand Prakash
Kumari, Shrimati Putul	Paswan, Shri Kamlesh
Laguri, Shri Yashbant	Patasani, Dr. Prasanna Kumar
Mahato, Shri Baidyanath Prasad	Patel, Shri Devji M.
Mahato, Shri Narahari	Patel, Shri Lalubhai Babubhai
Mahtab, Shri Bhartruhari	Patel, Shri Nathubhai Gomanbhai
Majumdar, Shri Prasanta Kumar	Patel, Shrimati Jayshreeben
Malik, Shri Sakti Mohan	Pathak, Shri Harin
Manian, Shri O.S.	Patil, Shri A.T. Nana
Manjhi, Shri Hari	Patil, Shri C.R.
Meghwal, Shri Arjun Ram	Patil, Shri Danve Raosaheb
Mishra, Shri Govind Prasad	Potai, Shri Sohan
Mohan, Shri P.C.	Purkayastha, Shri Kabindra
Mohapatra, Shri Sidhant	Rajendran, Shri C.
Munda, Shri Karia	Rajesh, Shri M.B.
Munde, Shri Gopinath	Ram, Shri Purnmasi
Naik, Shri Shripad Yesso	Ramshankar, Prof.
Namdhari, Shri Inder Singh	Rana, Shri Rajendrasinh
Narayanrao, Shri Sonawane Pratap	Rao, Shri Nama Nageswara
Natarajan, Shri P.R.	Rathwa, Shri Ramsinh
Nishad, Capt. Jai Narain Prasad	Ray, Shri Bishnu Pada
Pakkirappa, Shri S.	Ray, Shri Rudramadhab
Panda, Shri Baijayant	Reddy, Shri M. Venugopala



Riyan, Shri Baju Ban	Singh, Shri Rakesh
Roy, Shri Arjun	Singh, Shri Sushil Kumar
Saha, Dr. Anup Kumar	Singh, Shri Uday
Sahu, Shri Chandu Lal	Singh, Shrimati Meena
Sai, Shri Vishnu Dev	Sinha, Shri Shatrughan
Sampath, Shri A.	Sinha, Shri Yashwant
Satpathy, Shri Tathagata	Sivasami, Shri C.
Scindia, Shrimati Yashodhara Raje	Solanki, Dr. Kirit Premjibhai
Semmalai, Shri S.	Solanki, Shri Makansingh
Shantha, Shrimati J.	Sugumar, Shri K.
Sharma, Shri Jagdish	Sushant, Dr. Rajan
Shetti, Shri Raju	Swamy, Shri Janardhana
Shivaji, Shri Adhalrao Patil	Swaraj, Shrimati Sushma
Shukla, Shri Balkrishna Khanderao	Tandon, Shri Lalji
Siddeshwara, Shri G.M.	Tarai, Shri Bibhu Prasad
Singh, Dr. Bhola	Thakur, Shri Anurag Singh
Singh, Shri Bhoopendra	Thambidurai, Dr. M.
Singh, Shri Dushyant	Tomar, Shri Narendra Singh
Singh, Shri Ganesh	Toppo, Shri Joseph
Singh, Shri Jaswant	Tudu, Shri Laxman
Singh, Shri Mahabali	Udasi, Shri Shivkumar
Singh, Shri Murari Lal	Vasava, Shri Mansukhbhai D.
Singh, Shri Pashupati Nath	Venugopal, Dr. P.
Singh, Shri Pradeep Kumar	Vishwanath Katti, Shri Ramesh
Singh, Shri Radha Mohan	Wakchaure, Shri Bhausahab Rajaram
Singh, Shri Rajiv Ranjan Singh alias Lalan	Wankhede, Shri Subhash Bapurao
Singh, Shri Rajnath	Yadav, Prof. Ranjan Prasad

Yadav, Shri Dinesh Chandra

...(Interruptions)

Yadav, Shri Hukmadeo Narayan

MADAM SPEAKER: Why are you standing? Please sit down.

Yadav, Shri Ramakant

...(Interruptions)

Yadav, Shri Sharad

MADAM SPEAKER: Please sit down.

**ABSTAIN**

...(Interruptions)

Owaisi, Shri Asaduddin

MADAM SPEAKER: One minute, let the lobbies be opened.

MADAM SPEAKER: Subject to correction\* the result of the Division is:

...(Interruptions)

Ayes - 250

Noes - 180

Abstain - 1

The motion is not carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was negatived. Clause 1, as amended, was not added to the Bill.

MADAM SPEAKER: Since all the clauses of the Bill have been negatived, the motion for passing of the Bill has become infructuous. We shall, therefore, now move to next item.

SHRI V. NARAYANASAMY: Madam, before that I would like to submit that it is very unfortunate that this Bill has not come through. We wanted to give Lokpal and Lokayuktas a constitutional status ...(Interruptions)

I wanted to put it on record that there was a conspiracy by the BJP ...(Interruptions)

MADAM SPEAKER: Nothing will go on record.

...(Interruptions)\*

MADAM SPEAKER: Please sit down.

SHRI PRANAB MUKHERJEE: The whole purpose of bringing the Constitutional (Amendment) Bill was to strengthen the institution of Lokpal and Lokayuktas by giving them the constitutional status. But as the House in its wisdom, particularly, the Opposition Party, mainly, the BJP has decided that it will not give the constitutional status to the Lokpal, the Bill has been defeated. ... (Interruptions) We did not have the requisite majority. It is known to everybody that we have simple majority. It is a sad day that the Lok Sabha did not give constitutional status to Lokpal and Lokayuktas. In order to frustrate, they combined and they defeated, knowing well that in this House we do not have the two-third majority.

Therefore, they have taken the advantage of it. It is a sad day for democracy. It is a sad day for institutional framework of the Constitution. ...(Interruptions)

[Translation]

MADAM SPEAKER: Please sit down.

...(Interruptions)

**23.41 hrs.**

THE PUBLIC INTEREST DISCLOSURE AND  
PROTECTION TO PERSONS MAKING THE  
DISCLOSURES BILL, 2010

[English]

MADAM SPEAKER: Item No. 19.

\* The following Members also recorded their votes through slips.  
Ayes 250 + Shrimati Krishna Tirath, Shri A.K.S. Vijayan = 252

\*Not recorded.

...(Interruptions)

[English]

[Translation]

MADAM SPEAKER: Why are you standing?

MADAM SPEAKER: Please sit down.

...(Interruptions)

...(Interruptions)

MADAM SPEAKER: All right, I am going to Item No. 19.

MADAM SPEAKER: Item No. 19 has to be taken. Please sit down.

...(Interruptions)

...(Interruptions)

MADAM SPEAKER: Nothing will go in record.

MADAM SPEAKER: Why are you getting so agitated?

...(Interruptions)\*

...(Interruptions)

[Translation]

MADAM SPEAKER: Please sit down.

MADAM SPEAKER: Please sit down.

...(Interruptions)

...(Interruptions)

[English]

MADAM SPEAKER: Please take your seats.

MADAM SPEAKER: Item No. 19 has to be taken up now.

...(Interruptions)

...(Interruptions)

[Translation]

MADAM SPEAKER: Dilip Gandhi Ji, please sit down.

[English]

MADAM SPEAKER: Please take your seats. We have one more Bill left. So, please have some patience. Now, we will take up Item No. 19, The Public Interest Disclosure and Protection to Persons Making the Disclosures Bill. The question is:

...(Interruptions)

MADAM SPEAKER: Another bill has also to be taken up. Please sit down.

...(Interruptions)

"That the Bill to establish a mechanism to receive complaints relating to disclosure on any allegation of corruption or willful misuse of power or willful misuse of discretion against any public servant and to inquire or cause an inquiry into such disclosure and to provide adequate safeguards against victimization of the person making such complaint and for matters connected therewith and incidental thereto, be taken into consideration."

MADAM SPEAKER: Please sit down. You are so senior, and yet you are standing up.

...(Interruptions)

MADAM SPEAKER: Sanjay Ji, please sit down. You are again standing.

...(Interruptions)

*The motion was adopted.*

MADAM SPEAKER: Suresh ji, please sit down.

...(Interruptions)

...(Interruptions)

---

\* Voted through slip.

[Translation]

**New Clause 1A**

SHRI HUKMADEO NARAYAN YADAV: It has not been discussed. ...*(Interruptions)*

*Amendment made:*

MADAM SPEAKER: The discussion on all the three was held together.

Page 1, after line 10, insert—

Provisions of this Act not to apply to Spacial Protection Group.

...*(Interruptions)*

34 of 1988

**"1A.** The provisions of this Act shall not apply to the armed force of the Union, being the Special Protection Group constituted under the to apply to Special Protection Group Act, 1988." (3)

SHRI HUKMADEO NARAYAN YADAV: Where were these discussed. ...*(Interruptions)*

(Shri V. Narayanasamy)

MADAM SPEAKER: All three were discussed together.

...*(Interruptions)*

MADAM SPEAKER: The question is:

[English]

"That new clause 1A be added to the Bill."

MADAM SPEAKER: The House shall now take up clause-by-clause consideration of the Bill.

*The motion was adopted.*

*New Clause 1A was added to the Bill.*

**Motion Re: Suspension of Rule 80 (i)**

**Clause 2**

**Definitions**

SHRI V. NARAYANASAMY: I beg to move:

*Amendments made:*

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 3 to the Public Interest Disclosure and Protection to Persons Making the Disclosures Bill, 2010 and that this amendment may be allowed to be moved."

Page 2, for lines 4 to 11, substitute—

**'(b)** "Competent Authority" means—

MADAM SPEAKER: The question is:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 3 to the Public Interest Disclosure and Protection to Persons Making the Disclosures Bill, 2010 and that this amendment may be allowed to be moved."

(i) in relation to a Member of the Union Council of Ministers, the Prime Minister;

(ii) in relation to a Member of Parliament, other than a Minister, the Chairman of the Council of States if such Member is a Member of the Council of States or the Speaker of the House of the People if such Member is a Member of the House of the People, as the case may be;

(iii) in relation to a Member of the Council of Ministers in a State or Union territory, the Chief Minister of the State or Union territory, the Chief Minister of the State or Union territory, as the case may be;

(iv) in relation to a Member of Legislative Council or Legislative Assembly of a State or Union

*The motion was adopted.*

territory, other than a Minister, the Chairman of the Legislative Council if such Member is a Member of the Council or the Speaker of the Legislative Assembly if such Member is a Member of the Assembly, as the case may be;

(v) in relation to—

- (A) any judge (except a Judge of the Supreme Court or of a High Court), including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions; or
- (B) any person authorized by a court of justice to perform any duty, in connection with the administration of justice, including a liquidator, receiver or commissioner appointed by such court; or
- (C) any arbitrator or other person to whom any cause or matter has been referred for decision or report by a court of justice or by a competent public authority, the High Court;

(vi) in relation to—

- (A) any person in the service or pay of the Central Government or remunerated by the Central Government by way of fees or commission for the performance of any public duty (except Ministers, Members of Parliament and members or persons referred to in clause (a) or clause (b) or clause (c) or clause (d) of article 33 of the Constitution), or in the service or pay of a society or local authority or any corporation established by or under any Central Act, or an authority or a body owned or controlled or aided by the Central Government or a Government company as defined in section 617 of the Companies Act, 1956, owned or

controlled by the Central Government; or

- (B) any person who holds an office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election in relation to elections to Parliament or a State Legislature; or
- (C) any person who holds an office by virtue of which he is authorized or required to perform any public duty (except Ministers and Members of Parliament); or
- (D) any person who is the president, secretary or other office-bearer of a registered co-operative society engaged in agriculture, industry, trade or banking, receiving or having received any financial aid from the Central Government or from any corporation established by or under a Central Act, or any authority or body or a Government company as defined in section 617 of the Companies Act, 1956 owned or controlled or aided by the Central Government; or
- (E) any person who is a chairman, member or employee of any Central Service Commission or Board, by whatever name called, or a member of any selection committee appointed by such Commission or Board for the conduct of any examination or making any selection on behalf of such Commission or Board; or
- (F) any person who is a Vice-Chancellor or member of any governing body, professor, associate professor, assistant professor, reader, lecturer or any other teacher or employee, by whatever designation called, of any University established by a Central Act or established or controlled or funded by the Central Government or any

person whose services have been availed of by such University or any such other public authority in connection with holding or conducting examinations; or

- (G) any person who is an office-bearer or an employee of an educational, scientific, social cultural or other institution, in whatever manner established, receiving or having received any financial assistance from the Central Government or any local or other public authority, the Central Vigilance Commission or any other authority, as the Central Government may, by notification in the Official Gazette, specify in this behalf under this Act;

(vii) in relation to—

- (A) any person in the service or pay of the State Government or remunerated by the State Government by way of fees or commission for the performance of any public duty (except Ministers, Members of Legislative Council or Legislative Assembly of the State), or in the service or pay of a society or local authority or any corporation established by or under a Provincial or State Act, or an authority or a body owned or controlled or aided by the State Government or a Government company as defined in section 617 of the Companies Act, 1956, owned or controlled by the State Government; or

- (B) any person who holds an office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election in relation to municipality or Panchayats or other local body in the State;

or

- (C) any person who holds an office by virtue of which he is authorized or required to

perform any public duty in relation to the affairs of the State Government (except Ministers and Members of Legislative Council or Legislative Assembly of the State); or

- (D) any person who is the president, secretary or other office-bearer of a registered co-operative society engaged in agriculture, industry, trade or banking, receiving or having received any financial aid from the State Government or from any corporation established by or under a Provincial or State Act, or any authority or body or a Government company as defined in section 617 of the Companies Act, 1956 owned or controlled or aided by the State Government; or

- (E) any person who is a chairman, member or employee of any State Service Commission or Board, by whatever name called, or a member of any selection committee appointed by such Commission or Board for the conduct of any examination or making any selection on behalf of such Commission or Board; or

- (F) any person who is a Vice-Chancellor or member of any governing body, professor, associate professor, assistant professor, reader, lecturer or any other teacher or employee, by whatever designation called, of any University established by a Provincial or State Act or established or controlled or funded by the State Government and any person whose services have been availed of by such University or any such other public authority in connection with holding or conducting examinations; or

- (G) any person who is an office-bearer or an employee of an educational, scientific, social, cultural or other institution, in

whatever manner established, receiving or having received any financial assistance from the State Government or any local or other public authority, the State Vigilance Commission, if any, or any officer of the State Government or any other authority, as the State Government may, by notification in the Official Gazette, specify in this behalf under this Act;

- (viii) in relation to members or persons referred to in clause (a) or clause (b) or clause (c) or clause (d) of article 33 of the Constitution, any authority or authorities as the Central Government or the State Government, as the case may be, having jurisdiction in respect thereof, may, by notification in the Official Gazette, specify in this behalf under this Act;'. (4)

Page 2, for lines 17 to 18, *substitute—*

"(ii) wilful misuse or power or wilful misuse of discretion by virtue of which demonstrable loss is caused to the Government or demonstrable wrongful gain accrues to the public servant or to any third party;". (5)

Page 2, for lines 35 to 44, *substitute—*

"(i) "public servant" shall have the same meaning as assigned to it in clause (c) of section 2 of the Prevention of Corruption Act, 1988 49 of 1988 but shall not include a judge of the Supreme Court or a judge of a High Court;". (6)

(Shri V. Narayanasamy)

MADAM SPEAKER: The question is:

"That clause 2, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 2, as amended, was added to the Bill.*

### Clause 3

*Amendment made:*

Page 3, for lines 5 to 21, *substitute—* Requirement of public interest disclosure

19 of 1923 3. (1) Notwithstanding anything contained in the provisions of the Official Secrets Act, 1923, any public servant or any other person including any non-governmental organisation, may make a public interest disclosure before the Competent Authority.

(2) Any disclosure made under this Act shall be treated as public interest disclosure for the purposes of this Act and shall be made before the Competent Authority and the complaint making the disclosure shall, on behalf of the Competent Authority, be received by such authority as may be specified by regulations made by the Competent Authority.". (7)

(Shri V. Narayanasamy)

MADAM SPEAKER: The question is:

"That clause 3, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 3, as amended, was added to the Bill.*

### Clause 4 Powers and functions of competent authority on receipt of public interest disclosure

*Amendments made:*

Page 4, lines 3,—

*after* "in such manner"

*insert* "and within such time". (8)

Page 4, lines 16,—

*for* "identity of the public servant"

*substitute* "identity of the complainant or public servant". (9)



Page 4, lines 18,—

*for* "Competent Authority may reveal"

*substitute* "Competent Authority may, with the  
prior written consent of the complainant  
or public servant, reveal". (10)

Page 4, *after* line 20, *insert*—

"Provided further that in case the complainant  
or public servant does not agree to his name being  
revealed to the Head of the Department, in that case,  
the complainant or public servant, as the case may  
be, shall provide all documentary evidence in support  
of his complaint to the Competent Authority.". (11)

Page 4, *after* line 42, *insert*—

"(8) The public authority to whom a  
recommendation is made under sub-section (7) shall  
take a decision on such recommendation within three  
months of receipt of such recommendation, or within  
such extended period not exceeding three months,  
as the Competent Authority may allow on a request  
made by the public authority:

Provided that in case the public authority does  
not agree with the recommendation of the Competent  
Authority, it shall record the reasons for such  
disagreement.

(9) The Competent Authority shall, after making  
an inquiry, inform the complainant or public servant  
about the action taken on the complaint and the final  
outcome thereof:

Provided that in a case where, after making an  
inquiry, the Competent Authority decides to close the  
case, it shall, before passing the order for closure  
of the case, provide an opportunity of being  
heard to the complainant, if the complainant so  
desires.". (12)

(Shri V. Narayanasamy)

MADAM SPEAKER: The question is:

"That clause 4, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 4, as amended, was added to the Bill.*

**Clause 5      Matters not to be  
inquired by competent  
authority**

*Amendment made:*

Page 5, lines 7,— *for* "five years"

*substitute* "seven years". (13)

(Shri V. Narayanasamy)

MADAM SPEAKER: The question is:

"That clause 5, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 5, as amended, was added to the Bill.*

*Clauses 6 to 8 were added to the Bill.*

**Clause 9      Competent authority  
to take assistance  
of police authorities  
etc. in certain cases**

*Amendment made:*

Page 6, lines 30,—

*for* "specified"

*substitute* "prescribed". (14)

(Shri V. Narayanasamy)

MADAM SPEAKER: The question is:

"That clause 9, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 9, as amended, was added to the Bill.*



MADAM SPEAKER: The question is:

*Clause 1, as amended, was added to the Bill.*

"That clause 19, as amended, stand part of the Bill."

**Enacting Formula**

*The motion was adopted.*

*Amendment made:*

*Clause 19, as amended, was added to the Bill.*

Page 1, line 1,--

*Clauses 20 to 23 were added to the Bill.*

*For "Sixty-first Year"*

**Clause 24      Power of Central  
Government to  
make rules**

*Substitute "Sixty-second Year".      (1)*

(Shri V. Narayanasamy)

*Amendment made:*

MADAM SPEAKER: The question is:

Page 9, line 10.—

"That Enacting Formula, as amended, stand part of the Bill."

*after "the manner in which"*

*The motion was adopted.*

*insert "and the time within which". (19)*

*The Enacting Formula, as amended,  
was added to the Bill.*

(Shri V. Narayanasamy)

*The Title was added to the Bill*

MADAM SPEAKER: The question is:

MADAM SPEAKER: The Minister may now move that the Bill, as amended, be passed.

"That clause 24, as amended, stand part of the Bill."

*The motion was adopted.*

SHRI V. NARAYANASAMY: I beg to move:

*Clause 24, as amended, was added to the Bill.*

*"That the Bill, as amended, be passed."*

*Clauses 25 to 30 were added to the Bill*

MADAM SPEAKER: The question is:

**Clause 1      Short title extent and  
commencement**

*"That the Bill, as amended, be passed."*

*Amendment made:*

*The motion was adopted.*

Page 1, for lines 4 and 5, substitute—

MADAM SPEAKER: Hon. Members, since a new clause 1A has been added to the Bill, it may be re-numbered as clause 2 and the subsequent clauses may also be re-serialised accordingly.

**"1. (1)** This Act may be called the Whistle Blowers Protection Act, 2011." (2)

*The House stands adjourned to meet again tomorrow,  
28th December, 2011 at 11 a.m.*

(Shri V. Narayanasamy)

**23.55 hrs.**

MADAM SPEAKER: The question is:

*The Lok Sabha then adjourned till Eleven of the  
Clock on Wednesday, December 28, 2011/  
Pausa 7, 1933 (Saka).*

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Blank page*