

an>

Title: Regarding delay in appointment to top posts of Various Commissions, particularly the post of Chief Information Commissioner, Chief Vigilance Commissioner And Election Commissioners.

-

HON. SPEAKER: We will take up 'Zero Hour' in the evening. Soniaji, you wanted to say something.

SHRIMATI SONIA GANDHI (RAIBAREILLY): Thank you Madam Speaker for giving me this opportunity.

Madam Speaker, I bring to the attention of this House and the Government the deplorable lapse of the Government in not appointing the Chief Information Commissioner. This post has been lying vacant for more than eight months resulting in a virtual standstill in the functioning of the Central Information Commission established by the UPA through the landmark RTI Act.

In addition, the posts of three Information Commissioners in the CIC have been vacant for almost a year. I would like to point out that the UPA Government had ensured that the crucial post of the Chief Information Commissioner was never vacant from the day the RTI came into force.

The Prime Minister in the election campaign last year made many fervent promises to the people about transparency and good governance and continues to do so. Yet today in a blatant U turn, this Government has made sure through the absence of a CIC that the highest offices of power, such as the Prime Minister's Office, the Cabinet Secretariat, the Supreme Court, the High Courts, the C&AG, the Ministry of Defence and other important Ministries are not accountable for violations under the RTI Act and are protected from wider public scrutiny.

Madam Speaker, this points to a clear attempt to avoid transparency and subvert the Act. The RTI is a landmark legislation and its intent was to enhance Government's accountability and responsibility. It is through this very legislation that millions were empowered to ask questions from their Government about how schemes and public works are being implemented and how public authorities are functioning. Now, do our citizens no longer have the right to question their Government? Multiple reports in the public domain make clear that more than half the Information Commissions in the country lack adequate infrastructure causing long delays in the disposal of cases. The founding premise of the Right to Information was that citizens should not struggle with inordinate delays. Yet, the Government admitted in an earlier part of this Session that over 39,000 cases remain pending.

Madam, Speaker, information delayed is information denied. This is simply not acceptable. The Government has also shown a deplorable lack of interest in punishing those responsible for delays or admitting to lapses in the delivery of public services. Protecting the wrong-doer cannot be part of any Government's ethos. Furthermore, on March 11, 2015, the DOPT, which is under the PMO's control, transferred the financial powers of the CIC to a Government appointed Secretary. Such a post has no mention in the original RTI Act. The Act places all financial and administrative powers in the hands of an independent CIC. There is no provision in the Act that allows the Government to take over the Commission's functioning in the absence of a CIC.

Madam Speaker, this action is a brutal blow to the autonomy of the CIC. The unavoidable conclusion from all these are that the Government is setting out to systematically subvert the functioning of the RTI Act and shield itself from public scrutiny and accountability. This is not all. It is pertinent in this context to ask as to why the two posts of the Central Vigilance Commissioner and the Lokpal remain vacant till date. This Government has shown extraordinary urgency in introducing many legislation, yet the Whistle Blower's Protection Act, 2011 has not yet been put in effect even though it received Presidential assent in May, 2014. This Act is essential to safeguard whistle blowers who are extensive users of the RTI Act. All these are instruments to combat corruption and blunting them cast serious aspersions on this Government's real intention.

Madam Speaker, the Government must match its words on fighting corruption with action. Through you, I would like to urge that these vacant posts be filled, RTI requests dealt with as they should be and the oversight process of the Government not be there any longer.

Thank you.

HON. SPEAKER:

Shri Rabindra Kumar Jena,

Shri Gaurav Gogoi,

Shri M. B. Rajesh,

Shrimati P.K. Sreemathi Teacher,

Dr. A. Sampath, are permitted to associate with the issue raised by Shrimati Sonia Gandhi.

HON. SPEAKER: All of you may associate with what she has said.

...(Interruptions)

HON. SPEAKER: You cannot ask for a reply. No.

...(Interruptions)

माननीय अध्यक्ष : सबने नहीं बोलना है।

â€¦(व्यवधान)

माननीय अध्यक्ष : मुलायम सिंह जी, बैठिए।

â€¦(व्यवधान)

HON. SPEAKER: You can associate with her. That is all.

...(Interruptions)

माननीय अध्यक्ष : आप बैठिए, वह रिप्लाय कर रहे हैं। सबको नहीं बोलना है।

â€¦(व्यवधान)

शहरी विकास मंत्री, आवास और शहरी गरीबी उपशमन मंत्री तथा संसदीय कार्य मंत्री (श्री एम. वैकैर्या नायडू) : मुलायम सिंह जी, इसके बाद बोलिएगा।...(व्यवधान)

श्री मुलायम सिंह यादव (आज़मगढ़) : माननीय अध्यक्ष जी, मैं किसानों के बारे में कहना चाहता हूँ।...(व्यवधान)

माननीय अध्यक्ष : अभी वह एक बात पर बोल रहे हैं।

â€¦(व्यवधान)

श्री जय प्रकाश नारायण यादव (बाँका) : माननीय अध्यक्ष जी, मुलायम सिंह जी को बोलने का मौका दिया जाए।...(व्यवधान)

माननीय अध्यक्ष : अभी यह विषय नहीं है।

â€¦(व्यवधान)

श्री एम. वैकैर्या नायडू : ऐसा कैसे हो सकता है? दो इश्यूज़ का एक जवाब कैसे हो सकता है?...(व्यवधान)

माननीय अध्यक्ष : इस विषय पर उन्होंने बोला और वह रिप्लाय करना चाहते हैं।

â€¦(व्यवधान)

माननीय अध्यक्ष : आप ऐसे क्यों कर रहे हैं?

...(Interruptions)

SHRI MALLIKARJUN KHARGE (GULBARGA): Madam, I want to say something. ...(Interruptions)

माननीय अध्यक्ष : आप ऐसा मत कीजिए। मैंने उनको भी अलाऊ नहीं किया। Otherwise I will have to allow all of them.

â€¦(व्यवधान)

माननीय अध्यक्ष : खड़गे जी, वह जवाब दे रहे हैं। अगर मैं सबको बोलने के लिए अलाऊ करूँगी तो मुश्किल हो जाएगी।

â€¦(व्यवधान)

SHRI MALLIKARJUN KHARGE : Madam Speaker, I am not interfering in discussing any issue. If the Minister wants to respond on this issue, I request through you, Madam, that it is better that Prime Minister responds on this issue because all these institutions are directly connected with him. Only he can appoint, and only he can dispose of and the entire authority vests with him. Therefore, I request through you that Prime Minister should respond to this issue. ...(Interruptions) Let the Prime Minister come and reply.

HON. SPEAKER: First listen to the hon. Minister.

...(Interruptions)

SHRI M. VENKAIAH NAIDU : All these institutions are concerned with the Ministry of Personnel, Public Grievances and Pensions. The concerned Minister, Dr. Jitendra Singh, is very much here and he is very much capable of answering all the queries that have been raised. Leaving politics aside, let us know the facts....(Interruptions)

माननीय अध्यक्ष : ऐसे बीच में इश्यू नहीं उठा सकते हैं। ऐसे नहीं होता है।

â€¦(व्यवधान)

माननीय अध्यक्ष : मुलायम सिंह जी, आप बैठिए।

â€¦(व्यवधान)

माननीय अध्यक्ष : उन्होंने जो बात कही, उसी का रिप्लाय हो रहा है। आप बात को समझिए।

â€¦(व्यवधान)

श्री मुत्तायम सिंह यादव : माननीय अध्यक्ष जी, यह किसानों की बात है... (व्यवधान)

माननीय अध्यक्ष : आप बीच में किसान की बात क्यों ला रहे हैं?

â€¦(व्यवधान)

माननीय अध्यक्ष : आप बैठिए।

â€¦(व्यवधान)

SHRI E. AHAMED (MALAPPURAM): On such an important issue, the Prime Minister should come and respond here....(Interruptions)

माननीय अध्यक्ष : अहमद जी, आप बैठिए। हर कोई नहीं बोलेगा। I am not allowing you.

â€¦(व्यवधान)

माननीय अध्यक्ष : प्लीज़ सुनिए।

â€¦(व्यवधान)

THE MINISTER OF STATE OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION, MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE, MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY AND MINISTER OF STATE IN THE DEPARTMENT OF SPACE (DR. JITENDRA SINGH): Madam Speaker, I would like to draw the attention of the august House to the points raised by the hon. Member. As far as the Chief Vigilance Commissioner's appointment is concerned, I will just take half-a-minute and try to spell out the position to the august House because this is an issue which deserves a due answer. Rising above political lines, the fact of the matter is, the CVC post did fall vacant on 28th September, 2014. The process for the appointment was on but then there was a court litigation....(Interruptions) Please listen. I will answer your question in the next part.

माननीय अध्यक्ष : सुनने की भी हिम्मत रखिए।

â€¦(व्यवधान)

DR. JITENDRA SINGH: Madam, I am relating the facts. I am not speaking out of any subjective consideration.

The honourable Supreme Court, on 17th December, passed a direction saying that before proceeding further in the matter of appointment, before any appointments are made, the Government should take the leave of the court. And the next date of hearing was then put on the 14th January. So, we were constrained to keep the court informed about all the process that was going on....(Interruptions) That is what I am saying. Therefore, in the process of keeping the court also informed and also going ahead with it, the next date was slated to be 12th of May but the court has now put it to July. So, there is no delay on the part of the DoPT since we have to go by the court direction. I am sure the hon. Members would also appreciate itâ€¦(Interruptions)

माननीय अध्यक्ष : ऐसे नहीं होता है।

â€¦(व्यवधान)

HON. SPEAKER: Nothing will go on record except the Minister's reply. This is not the way. Only the Minister's reply will go on record. This is not the way. I am not allowing anybody. I am sorry. Nothing will go on record.

...(Interruptions)â€¦ □

DR. JITENDRA SINGH: I am sure the hon. Members would appreciate that....(Interruptions)

HON. SPEAKER: Nothing is going on record. I am not allowing you.

...(Interruptions)â€¦ *

DR. JITENDRA SINGH: Let me complete it. This is as far as the CVC is concerned. I am sure you would not have appreciated if we had not gone by the court direction.

As far as the CIC is concerned, I would tell you....(Interruptions)

HON. SPEAKER: Nothing will go on record. No Question-Answer is allowed.

...(Interruptions)â€¦ *

DR. JITENDRA SINGH: As far as the appointment of the Chief Information Commissioner is concerned, there have been occasions even in the past, even before this Government took over that the number of Information Commissioners were lacking. If you want, I could also give you the figures.

So, that is not something which is unusually happening now. We had, for example, in 2005, only five Information Commissioners. From 2006 to 2007, when it was the UPA rule, it was like this....(Interruptions) If you want a political answer, I will give you a political answer and then give you the academic answer as well....(Interruptions)

HON. SPEAKER: You do not want to hear him. Nothing is going on record. I am sorry.

...(Interruptions)â€! *

DR. JITENDRA SINGH: In 2008, we had only eight Information Commissioners as against 10. In 2010, we had again only eight. In 2011, we had as few as five. In 2012, we had only 7. So, in no point of time, during the UPA rule, you had 10 Commissioners. That is the political answer, if you want a political answer.

Now, I will give you the academic answer why we have got delayed. We got delayed because there was already an advertisement which has happened.

HON. SPEAKER: Hon. Minister, please address the Chair. That is the proper way.

DR. JITENDRA SINGH: Then, when the Government took over, in reverence to the RTI Act which has been repeatedly referred to by the hon. Member, it was decided that evenâ€!...(Interruptions)

PROF. SAUGATA ROY (DUM DUM): What is the name of the hon. Member?

DR. JITENDRA SINGH: Madam Speaker has recorded that. So, in reverence to the RTI Act or in regard to transparency or ensuring better transparency, this was done. The earlier practice was that the senior-most Information Commissioner was being appointed as the Chief Information Commissioner. So, the day a Chief Information Commissioner superannuated his office, the senior-most person automatically took over. As Madam Sonia Gandhi has herself referred to transparency, it was decided in good faith that the process for the appointment of CIC also should be the same as that of the IC, in other words, that post also should be advertised. Therefore, I think we have gone one step further in ensuring transparency. We did not go by the simple criterion â€!...(Interruptions) I have already given you a political answer. I am now giving you the academic answer.

SHRI JYOTIRADITYA M. SCINDIA (GUNA): Why did you take so long to appoint....(Interruptions)

DR. JITENDRA SINGH: That is what I am telling. So, then what happened was an advertisement was made....(Interruptions)

माननीय अध्यक्ष : आप बैठिए,

â€!(लक्ष्यान)

माननीय अध्यक्ष : आपको कुछ नियम की भी समझ है?

â€!(लक्ष्यान)

HON. SPEAKER: You will not say a word now. I am sorry. I am not allowing you. No Question-Answer is going on. This is not the way.

...(Interruptions)â€! □

DR. JITENDRA SINGH: So, the advertisement went away. The Search Committee began the process of scrutinizing the applications and the short-listing of applications was done in a meeting held on 16th January, the on 6th of February and then on 27th of April just about 4-5 days back. That process is almost nearing completion. There are three parts to the CIC question which the hon. Member, Madam Sonia Gandhi has referred to, and I have answered all the three. It is not unusual that we don't have 10 Commissioners. There have been occasions in the last 10 years when there were only four. About the CIC, we are going to appoint through transparency. ...(Interruptions)

If the hon. Member allows me, I would answer the third part of the question which the Leader of the Party has raised. The third part refers to why the powers were delegated. Now, I would give the answer for that. Why after retirement of Shri Rajiv Mathur, the powers were delegated? It has been said that powers were delegated to seize control of the office of CIC by the PMO. That is not true. Let me tell you. The sequence of events is, the date mentioned by hon. Madam is also wrong. I would just correct that. After the retirement of Shri Rajiv Mathur on 22nd of August, the powers were not delegated on 11th of March, as has been pointed out, instead on the same date, with effect from the 5th of November delegated to the Secretary, DoPT, only the financial powers; later on, the financial powers were delegated to Secretary, Central Information Commission which is normally the practice. The powers were not taken over by the PMO. In a natural process, they had to be designated to somebody in the office. So, in the absence of the CIC, it was delegated to Secretary, DoPT. ...(Interruptions)

Let me come to the Whistle Blowers; it is a tell-tale story of what has happened in the 10 years of the UPA rule. The Whistle Blowers Act was brought in the Lok Sabha; it was passed in Lok Sabha and went to Rajya Sabha. In the Rajya Sabha, the then LoP, Shri Arun Jaitley, had put forward certain recommendations pertaining to the safeguarding of sovereignty, security and integrity of the nation not getting disclosed. These amendments or recommendations were by and large accepted by all the sections of the House, including the Ruling Party. But then what happened? In the Rajya Sabha, the Bill was bulldozed without amendments. ...(Interruptions) I would give the entire sequence.

In February – because the UPA rule was coming to an end – this was possibly the last Session of Rajya Sabha, the Rajya Sabha and all its Members, despite being aware of the merits of the amendments, refused to include the amendments. What we have done is only to vindicate?

12.29 hrs

At this stage, Shri Mallikarjun Kharge and some other

hon. Members left the House.

So, we have only tried to improve upon that. The same amendments which had been agreed upon by the then Ruling Party are now being brought in. In fact, we are only trying to complete the unfinished task left by them in a haste to get that Bill passed. In the haste to get the Bill passed, the unfinished task left by the then Ruling Party is now being completed by the present Ruling Party. ...(*Interruptions*)

Let us now come to the Lokpal. What happened in the Lokpal? The Lokpal Act which the hon. Member, Madam Sonia Gandhi has referred to rightly was passed in January, 2014 but there were certain provisions which might have created problems, difficulties in subsequent follow up. Now, the problem comes in the present Lok Sabha. One of the clauses in the Lokpal Act was that the Selection Commission would consist of the Leader of the Opposition. Now tell me – where is the Leader of the Opposition? There is no Leader of the Opposition in the 16th Lok Sabha. So, what did I do? I brought in an amendment to accept the Leader of the largest Opposition Party as the Member. In fact, we have done good. We have tried to fill the gap. By virtue of that, Shri Kharge was accepted as one of the Members. So, the deficiency which happened because of the electoral reasons. I am not going into the politics of that, an amendment was brought in.

The other amendment was also brought in for academic reasons, we had a jurist Member for which they had forgotten to fix the term of office. Can you have a jurist, without the term of office? The term of Speaker is fixed; the term of Leader of the House is fixed; the term of Leader of the Opposition is fixed because they are *ex-officio* Members. As for the Leader of the House, the Prime Minister would be there as long as he is the Leader of the House. So is the case with the hon. Speaker. But in the case of jurist, no term was fixed. So, we have brought in an amendment to fix the term for three years. So, what is wrong in that? We have only tried to improve upon the deficiency and in fact, tried to accommodate the Opposition version or the Opposition voice in the Selection Commission by recognizing the Leader of the largest Opposition Party, which has not been recognized by Lok Sabha. So, you should rather be grateful and appreciate the amendment. ...(*Interruptions*) I have taken a little longer partly due to Prof. Saugata Roy because last time when I brought in the Bill, precisely on the 18th of December, when the discussion started, it was Prof. Saugata who intervened and said that it should go to the Standing Committee. But we still tried to persuade. It was our regard and reverence for the democratic norms and the parliamentary democracy we agreed to send it to the Standing Committee. Now, tell me what do I do till it comes back from the Standing Committee? I am answering *आँकल फल आँकल*, - and facts for facts. Unless the Standing Committee sends response, I can't go ahead. So, I think these are four or five points which have been referred to, which I have adequately responded.

SHRI M. VENKAI AH NAIDU : It is not the practice in the 'Zero Hour' to have an answer. Still, out of respect to the Congress President, we have responded. Please note that when the hon. Congress President was speaking, all of us heard with rapt attention; when the turn of my Minister came, who has to answer to some of the charges which are political in nature, their own Members, not bothering about their Leader, stood up and disrupted the House. Then, with the predetermined mind they come here, and then, walk out. It is not good on the part of a Party which has been in power for 50 years.