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Title: Combined discussion on the disapproval of Central Vigilance Commission Ordinance, 1999 and motion for consideration of the and Central Vigilance Commission Bill, 1998, moved by Shri M.R. Janarthanan.

1424 hrs

MR. DEPUTY-SPEAKER: Now the House will take up Item Nos. 21 and 22 together. First, the Statutory Resolution.

The time allotted is two hours.

Shri P.C. Thomas. Absent.

Shri Basu Deb Acharia.

SHRI BASU DEB ACHARIA (BANKURA): Sir, the promulgation of two ordinances in regard to conferment of statutory status to Central Vigilance Commission shows how in a cavalier manner the Government is functioning.

Sir, within a period of one month, two ordinances were promulgated. Was it not a fact that the ordinance which was promulgated in the month of August was to be lapsed and because of that another ordinance was promulgated? But here an ordinance was promulgated and that was promulgated because of the Supreme Court's direction. That was given long back in the year 1997. After one year, the Government thought to promulgate an ordinance to give Central Vigilance Commission statutory status. But when the ordinance was promulgated we found that a few words were deliberately deleted.

Sir, what the Supreme Court had said in 1997 in its judgment on Vineet Narain's case is known as hawala case. The Supreme Court had said that the selection for the post of Central Vigilance Commissioner shall be made by a Committee comprising of hon. Prime Minister, the Minister of Home Affairs and the Leader of the Opposition from a panel of outstanding civil servants and others with impeccable integrity. This is very important. While the Government shall remain answerable for CBI's functioning to introduce visible objectivity in the mechanism to be established for overseeing the CBI's working, C.V.C. shall be entrusted with the responsibility of superintendence over CBI's functioning. But when the Ordinance was promulgated -- the -----

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Committee will consist of the Leader of the Opposition and the C.V.C. would be selected from a panel of outstanding civil servants and others with impeccable integrity -these words were deleted. We have seen the reaction of one of the members of the Cabinet, Shri Ram Jethmalani. He immediately reacted that the draft was not shown and the ordinance was promulgated or the draft was finalised without the knowledge of the Cabinet.

The responsibility of preparing the draft was entrusted with the Law Commission.

The Law Commission prepared the draft of the Bill or the Ordinance, and submitted it to the Cabinet. But whatever the Law Commission has suggested there, was not implemented while drafting the Ordinance.

Sir, regarding the Law Commission's Report, we have seen, how this House was kept in dark. We have discussed the Patents (Amendment) Bill on the floor of this House. But one month before it, the Law Commission had submitted its Report recommending to the Government very categorically that 'this Report should be sent to the Lok Sabha.' The Law Commission sent its recommendations because they felt it that the Patents (Amendment) Bill would be debated on the floor of the House. If the Law Commission's Report was debated in the House, the hon. Members of this House would have been able to know about its recommendations because there are certain provisions of the Amendment Bill, against which the Law Commission also has expressed serious reservations.

MR. DEPUTY-SPEAKER: Shri Basu Deb Acharia, are you talking about the Central Vigilance Commission?

SHRI BASU DEB ACHARIA : Sir, I am just referring to similiar and identical approach of the Government. This has happened also in regard to Ordinance which was promulgated. The CVC was set up in 1964 after Shri Santanam submitted its Report to the Government of India. What has happened during these years after 1964? The corruptions of Sixties and the corruptions of Nineties are quite different. Sir, at that time, they felt that there should be an institution like the CVC. There also, the Santanam Committee recommended that that institution should be independent of the Government control. But what is our experience during these years, after 1964? The Government exercised its control, rather had its political influence over the CVC. As a result, the impartiality in the action was also hampered, and there was an impact in the impartial functioning of the Central Vigilance Commission.

Sir, when was the first Ordinance promulgated? In 1997, the Supreme Court issued directions to confer the statutory status to the CVC. The Government had enough time to do so without promulgating Ordinance. But now, it has become an Ordinance Raj. Six to seven Ordinances have come in one months's time.

Shri Khanduri, we have never seen earlier as to what you are resorting to, what you are leading to nowadays. You are by-passing the Parliament. You have promulgated the Prasar Bharati Ordinance in order to by-pass this Parliament.

You passed Prasar Bharati Bill here, but you did not take that Bill to Rajya Sabha. Your main purpose to promulgate Prasar Bharati Ordinance is to remove one person Shri Gill, but not to give it an autonomous status. That was the intention and motive behind promulgation of Ordinance in a hurried manner.

1436 hours (Dr. Laxminarayan Pandey in the Chair).

Similarly, when the first Ordinance was promulgated, what was the motive or mala fide intention of this Government? It was to remove one person, Shri Bezbarua from the post of Enforcement Director. He was transferred without giving any reason and by Supreme Court's Order, Shri Bezbarua was to be brought back again. It is our experience to see how cases of corruption which are being looked into by the Special Court in Tamil Nadu are being transferred to the regular court by the Central Government. Is it not interference with the State's affairs? I am just giving an example as to how this Government is functioning and how they are interfering in judicial matters.

SHRI SATYA PAL JAIN (CHANDIGARH): You should speak on CVC, but not on cases like Prasara Bharati which have no relevance to the present topic.

SHRI BASU DEB ACHARIA : Shri Satya Pal Jain, you will answer to all these matters in your reply... (Interruptions) I am just giving an example. (Interruptions) Shri Satya Pal Jain, this is also interference.

What did the Law Commission keep in mind while making the provisions of the Resolution 64 for setting up of CVC? While drafting the legislation, it was stated that the supervision of the CBI and the Directorate of Enforcement as provided in the judgment of the Supreme Court is only additional function directed by the court to be entrusted to the CVC. It does not mean that the existing power and functions of CVC were taken away or intended to be scuttled in any manner. In fact, the idea is to strengthen this institution by giving it a statutory character and entrusting some more functions to it.

श्री मोहन सिंह (देवरिया): ये भी आपको इंटरफीयर कर रहे हैं।

SHRI BASU DEB ACHARIA : It is for this purpose of rendering CVC as an effective, fair and competent organ that the court had taken the trouble of giving the aforementioned specific direction. I have already mentioned

about it. One of the main objectives behind giving statutory basis to CVC is to get it free from administrative or other control of any Ministry or any other power or body.

When this was first promulgated, Supreme Court had to interfere.

Then, within a gap of one month, another Ordinance was promulgated in order to rectify what the Government did in the first Ordinance. Is there any need for the promulgation of an Ordinance? After the Supreme Court gave its direction in 1995, this Government appointed an independent review committee. That committee also submitted its report.

Mr. Chairman, Sir, you may remember, we were Members of this House at the time we discussed the Vohra Committee Report which was presented in 1993. Shri N.N. Vohra was the Secretary of the Ministry of Home Affairs. He inquired into the nexus between the politicians and the criminals, the mafias. That Committee's Report was discussed here. That Committee also made certain recommendations but since 1993, no tangible action has been taken to implement those recommendations.

We know that there is a nexus between the politicians, the bureaucrats and the criminals. In order to curb this, there is a need for strengthening the institution for an impartial and independent inquiry. For that, the promulgation of an Ordinance was not required. The Government could have come with a Bill, in the winter Session itself or even before that, in the Budget Session. There was enough time to bring a regular Bill but the Government has not brought it.

From the promulgation of the first Ordinance, the intention of the Government was clear. It was that the Government does not want to strengthen this institution; it does not want to implement the direction of the Supreme Court in letter and spirit. This is why, I oppose this Ordinance and I oppose this type of an attempt of the Government to bypass Parliament and the Supreme Court.

श्री सत्य पाल जैन (चंडीगढ़): सुप्रीम कोर्ट ने बाई पास किया है। उन्होंने तो कम्बाइंड किया है।

श्री मोहन सिंह : पहले नहीं किया था।

SHRI BASU DEB ACHARIA : It was done deliberately and I object to that.

>THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF FINANCE (BANKING, REVENUE AND INSURANCE) (SHRI KADAMBUR M.R. JANARTHANAN): Sir, I beg to move:

"That the Bill to provide for the constitution of a Central Vigilance Commission to inquire or cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by certain categories of public servants of the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government and for matters connected therewith or incidental thereto, be taken into consideration."

Mr. Chairman, Sir, the main object of this Bill is to eradicate corruption in public life. This is an attempt by this new Government for the first time in Indian history. Therefore, I hope that the comrade will accept that. ... (Interruptions) Hon. Members, do you accept the purpose of the Bill or not? The purpose of the Bill is to clean the public life. You have spoken as a lawyer. I am not a lawyer but I am only a common man's representative.

The Supreme Court has issued the direction on 18.12.1997. The Gujral Government decided to implement the orders in January, 1998. Then, the Government decided on 7.4.1998 to implement the order, according to the

Court direction and gave it to the Law Commission. The then CVC resigned with effect from 9.8.1998 and it became necessary to pass an Ordinance. These matters have been elaborated in the explanation for bringing an Ordinance. All these aspects have been explained.

The Law Commission's Report was received by this Cabinet; there was also a Cabinet meeting and then only, it was done. Further, this Bill was passed on the 7th December and the House wanted it to be referred to the Departmentally Related Standing Committee. As per the wishes of the House, it was referred to the Departmentally Related Standing Committee and the Committee was requested to submit its report before the 16th December; but it was not done and it was submitted only on the 25th February 1999. Therefore, the re-issuance of the Ordinance had become necessary and therefore, the Government's aim and purpose are clear.

Our Comrade Shri Basu Deb Acharia has said something about corruption in some States. I would say that corruption is not prevalent only in one State. Corruption in public life is there right from the days of Shri T.T. Krishnamachary, right from the days of Shri Nehru and Shrimati Indira Gandhi. Corruption is there even in Japan and America. Comrade Acharia was talking about international politics. He wanted to mention about a friend who is sitting in the Southern end of Tamil Nadu.

I would only say that the present Bill would only strengthen the Central Vigilance Commission, as I explained. This Bill was introduced in this House on the 7th December, 1998.

I had given notice to speak in Tamil also. When I want to speak about bribery and corruption, I want to speak in my language Tamil, my mother tongue.

I hail from a party that has committed itself to keep bribery and corruption and to eradicate it without giving any scope. I come from a party that has never yielded to corruption or bribery. I am representing All India Anna Dravida Munnetra Kazhagam founded by our late lamented leader Dr. Puratchi Thalaivi. We all know what the Press had written about us when we forged an alliance with BJP during the elections. Many people said many things about our bold decision.

The Central Vigilance Commission Bill to eradicate corruption brought forward by the BJP coalition Government is a landmark in the national history of India.

After its introduction, the Central Vigilance Commission Bill, 1998 was referred to the Departmentally-Related Parliamentary Standing Committee on Home Affairs, under the Chairmanship of Shri Pranab Mukherjee, for examination and report. The Committee had detailed discussions on this Bill. After such detailed discussions, the Standing Committee presented its 51st Report on the Central Vigilance Commission Bill, 1998 to the Parliament on 25th February, 1999.

The Central Vigilance Commission Bill, 1998 contains 27 Clauses. The Standing Committee has adopted 21 Clauses without any change. In respect of the other six Clauses, the Standing Committee recommended or proposed principal changes. After examination of these six Clauses, the Government has accepted the recommendations or proposed changes in respect of five Clauses made by the Standing Committee.

The Standing Committee directed the Government to take a decision on their suggestion that 'in the Bill, at all places where the CVC is empowered to supervise the work of CBI or give instructions to CBI, etc., the provision should be in respect of verification, inquiries and investigations conducted by the CBI and not merely one or two of these.' The Government has examined this suggestion of the Committee and it has not been found feasible to accept this suggestion for the reason that since the scope of formal inquiries or verification of facts by the police before registration of a regular case and the scope of the powers exercisable by the police for that purpose are neither defined under the Cr.P.C. nor they are statutorily recognized.

Sir, I may submit here that necessary notice of official amendments in the light of the recommendations made by the Standing Committee to the Central Vigilance Commission Bill, 1998 has already been circulated. The Central Vigilance Commission Bill, 1998 could not be taken into consideration by this House as the report of the Standing Committee on Home Affairs was awaited. In the meantime, the validity of the earlier two Ordinances

issued by the President was expiring and it became necessary to promulgate the Central Vigilance Commission Ordinance, 1999 (No.4 of 1999) on 8th January, 1999 in order to give continued effect to the validity of the provisions of the Central Vigilance Commission Bill, 1998.

With the change in the Enacting Formula and the year, for which an official amendment has already been moved, the title of the Bill will become the Central Vigilance Commission Bill, 1999. The Bill has to be passed by both the Houses of Parliament by 18th March, 1999 and assented to by the President before April 4, 1999 when the validity of the Central Vigilance Commission Ordinance 1998 would expire. In view of the urgency involved in the matter, Mr. Chairman, I urge the hon. Members to unanimously pass the aforesaid Bill along with the proposed official amendment.

With these words, I request that the Bill may be considered and passed unanimously along with the proposed official amendment. I request the hon. Member to withdraw his objection. The Bill seeks to remove corruption in public life. So, it should be passed unanimously. It is a record Bill in the history of Parliament, which speaks for purification of not only politicians but also the bureaucrats who are acting above the Executive.

MR. CHAIRMAN : Motions moved:

"That this House disapproves of the Central Vigilance Commission Ordinance, 1999 (No.4 of 1999) promulgated by the President on 8th January, 1999."

"That the Bill to provide for the constitution of a Central Vigilance Commission to inquire or cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by certain categories of public servants of the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government and for matters connected therewith or incidental thereto, be taken into consideration."

>SHRI K.S. RAO (MACHILIPATNAM): Sir, I have gone through the Bill as also the actions of the BJP Government in the last year. I have heard the comments made by the Minister and I appreciate his pious intention to eradicate corruption from the public life. The Minister was telling the House that it is this Government which has initiated steps to bring about a CVC. It is not correct. As early as 1964, the then Government expressed its intention and brought the Commission into existence. All that the present Government has done is to bring a statutory authority to the Commission but on the same line. In fact, there is a change also, which was made either intentionally or un-intentionally, by the present Government, incorporating an amendment in the first Ordinance to include the Secretary of the Personnel as ex-officio Member of the Commission by which the entire purpose is lost. The very purpose of this Commission is to check corruption at the higher levels. But if the people who are its Members are instrumental for making the lacunae in the Bill, the Bill will not be implemented in true spirit if the Authorities were to be negligent and allow it to be passed like this. I do not know whether it was the intention of the Government to dilute the CVC by making the Secretary as its ex-officio Member. I do not know whether it has been done intentionally or un-intentionally or some of the Members of the ruling party wanted it to be done. I do not know whether the Government has played in the hands of the Bureaucrats or the Bureaucrats are taking advantage of the inexperienced Government in handling them properly. The general impression among the country men is that this Government is being played by the bureaucrats who are playing a role both in making the Act and in making the provisions in such a manner.. (Interruptions)

श्री श्याम बिहारी मिश्र : आपकी धारणा आज देश की जनता की धारणा नहीं है।

SHRI K.S. RAO : It may be true in your opinion. My perceptions are my own. You cannot dispute with my perceptions. I am not saying it off-hand. I am also elected by the people as you are.

श्री श्याम बिहारी मिश्र : मैं आप पर प्रश्नचिन्ह नहीं लगा रहा हूँ, मैं देश की जनता की भावना को बता रहा हूँ।

श्री के.एस. राव : मैं वही बता रहा हूँ।

The opinions may vary. Your perception may vary from my perception. We are here to discuss our perceptions. This is democracy.

So, my hon. colleague, please do not think that your perceptions only are the perceptions of the entire countrymen. Please do not be under that impression or illusion.

Sir, one thing we cannot but appreciate is that this Act that is meant to prevent the corruption. As we all know, major evil that is confronting today is corruption and more particularly corruption at the higher levels.

Today people are thinking that there is no action for the greatest crimes committed at the highest level whether it is by bureaucrat or by politician or by some official. At the lowest level, if a bus conductor delays the repayment of change after charging for the ticket, immediately he is caught red-handed and punished. Sometimes he is even dismissed from the service and his family is on the road. While a man at the lowest level is punished on the pretext of corruption and for not paying a small change of less than one rupee, people who are at the helm of affairs go scot free on some pretext or the other. Sometimes they use some lacunae in the Acts or take advantage of the well placed persons in the Government or other authorities. People's faith in the legislations and the Government is going down. So, the major thing is that a definite interest has to be taken by the authorities concerned in not entrusting this job merely to the bureaucrats and entirely depending on them. They must do something more.

In this case itself it is surprising that the Government has made two ordinances within a short spell. In these two ordinances their own Cabinet Minister says that the concerned bureaucrats have played with the Government. It is quite unfortunate to hear from member of the Cabinet that the concerned bureaucrat has played a role in preventing the Act to be effectively implemented tomorrow. I do not think enough action has been taken against the concerned. Here itself it is visible that the Government is not acting effectively. What signal will go to the people at the lower level when every citizen would come to know that even at the time of making the Act itself, the Government could not control, contain and rectify the intensions and minds of the bureaucrats who are involved in this. That is a major problem.

Sir, several Acts have been made in the last 50 years or even more. But it is not only the Act, but the intensions of the authorities in making the Act also is very important. In this particular case while I appreciate the hon. Minister that his intensions are to prevent corruption in the public life, the provisions made in it do not indicate it totally.

Many eminent citizens and experts have expressed their opinion in the newspapers that the major thing which is required is that the nominated members, the Chief Vigilance Commissioner or the Vigilance Commissioner, should have impeccable integrity. Whatever be the experience and whatever be the knowledge, the Vigilance Commissioners should have total integrity, and unquestionable integrity. Not only that, they should have courage and some conviction so that they cannot be played by any official or any well placed man including the Cabinet Ministers in the Government. They should be able to perform their duty. So, naturally the point of impeccable integrity should be kept in this Act. Today if you see this Act and many other Acts where integrity is incorporated and where we see quality of the persons who are selected the very meaning of the integrity is not being believed by anybody.

15.00 hrs.

Sir, in this aspect, I wish that the hon. Minister should incorporate the word 'impeccable' or 'unquestionable integrity' in selecting at least the Commissioners. As I told you earlier, knowing fully that the bureaucrats are responsible for all this, Clause 3(1) says "provided from amongst the Central Vigilance Commissioner and the Vigilance Commissioners not more than three persons shall belong to the category of persons". That means the Chief Vigilance Commissioner can be selected tomorrow. The same bureaucrats who are responsible for all these will once again play a key role. The fourth one cannot play the key role. So, I am of the opinion that it must be at least 50:50. It must not be balanced in favour of certain people. So, I request the hon. Minister to consider

whether it can be two persons and not three persons of any category. I am saying this with all the experience that we had in the last several years and to prevent the same people who are responsible for all these lacunae in not implementing the Act properly. I would request him to see whether he can reduce the number or not.

Similarly, coming to Clause 17, after making all the inquiries, what is the authority of the Commissioner? Invariably, the job of the Commissioner is to investigate the cases only which are referred to them by the institutions. It means not all the fraudulent and corrupt cases are referred to them. Whenever a case is referred to the CVC, obviously it must be a very serious case. Obviously, the case is such where the persons concerned do require punishment. In that particular case, after going through the details of inquiries and investigations made by the respective organisations, if the advice given by the Commission was not to be implemented totally, then it remains only an advice. In that case, what is the role of the CVC?

Clause 8(1)(d) refers to the review of the progress of the investigation. Similar is the case with Clause 8 (e) and (f). Sub-clause (f) says 'to tender advice to the Central Government'. It is only to advise the Central Government or the Corporation. After the advice, what is the provision?

Clause 17(2) says:

"The Central Government and the Corporations established by or under any Central Act, Government Companies, societies and local authorities owned or controlled by the Government, as the case may be, shall consider the advice by the Commission and take appropriate action."

When the case is already investigated by the internal vigilance or by the respective departments, and when they fail to take action on the party, only then it is referred to the CVC and when the advice is given back to the institution, they are once again at liberty to do whatever they feel proper. Then, what is the role or purpose of the CVC? Is it to waste more time? When a person has committed fraud, the respective institution has not taken action, the inquiry is conducted for years together and finally referred to the CVC which takes another couple of years, the respective official retires ultimately. Then, what type of action can be taken? So, the intention of the Act is not to further delay the action to be taken and prevent corruption. It is further delayed and sees that he goes scot free.

Sir, I once again request the hon. Minister to make it compulsory on the part of the institution to implement the advice of the CVC because we are saying that CVC also has persons of unquestionable integrity, men with courage and conviction. Such persons are there as Commissioners. When they are going into the entire investigation made by the investigating authorities and come to the conclusion that certain action has to be taken and when it is not implemented and remains as only an advice leaving the decision once again to the institution, then no further action will be taken at all.

In this connection, I would like to say that any Act that we make must motivate a right man, and create fear and nervousness among the people who are doing fraudulent acts.

As a Member of a Parliamentary Committee, I visited one of the banking institutions in Bombay. Almost every bank and every institution said the same thing when we put a question. We asked them why several crores of rupees were lying unutilised with the financial institutions which are meant to be utilised for productive purposes, they said that they did not have borrowers. We felt very sorry about that and asked why it was so. We also pointed out that a lot of people are coming to the institutions for borrowing money to start some industries and even farmers, traders or small skilled workers go to the institutions to borrow money. They said that suppose they give loan to someone today with fair intention and tomorrow or after some years, if he fails to pay back, then, immediately the CVC comes into play and they have to lose their job. The first demand of the officers of all the institutions was that they should be taken out of the purview of the CVC. Here, the problem is coming.

MR. CHAIRMAN :Shri Rao, the allotted time is only two hours. Many Members are there to speak. Please keep this fact in mind.

SHRI K.S. RAO : I am a very rule abiding Member. I am not like other Members whom you permit under force. I am not of that kind. Kindly tell me in how many minutes I should complete. Always, I abide by the direction of the Chair.

MR. CHAIRMAN: Please try to finish.

SHRI K.S. RAO : Coming to my point, they said that the CVC, which is the highest institution of the country, must not go into the acts of Class-II and Class-III officers but it must certainly be limited to the major culprits at the highest level. If corruption is free from the highest level, automatically it will be cleaned at the lowest level. So, we have to send a signal that no matter however well-placed they are, they will be punished and if they are punished, the purpose is served. So, I request the Government to once again limit the operations of the CVC only to a level of officers as the Minister himself has said it in the Bill. But he has said: "...as decided by the Government at regular intervals." Instead of that, we can categorise and say that up to this particular level, the CVC will act and have the power to investigate matters. The rest of the matters can be left to the other authorities.

I come to the next point. If the head of a bank or an institution, say the Chairman and Managing Director, does not take action against a person or officer who is working under him, then sack that CMD. If you do that, automatically the rest of the CMDs will be in order. They will make a right judgement and take action against the erring persons. On the other hand, if a person who has not done a crime intentionally and if he has done it by chance because of the decisions of the Government, because of the change in the rules, regulations or due to sluggish economy or for some other reasons, if there is a failure on the part of the people to pay, in that event it should be the duty of the CMD to safeguard the officer. The CVC can later say that he went into the details and found that the officer is not responsible for that. If the CVC found that it is the CMD who is really responsible for not taking right action against the real culprit, as I said earlier, sack the CMD. So, I would request the Minister to limit the authority only to certain levels and not dilute it. Ultimately, if no action is taken, no purpose would be served. Coming to the present Government's case, the hon. Minister has expressed his intention to prevent it. But the action of the present Government in regard to the transfer of Shri Bezbaruah, the then Enforcement Director, is known to the entire country. It was quite visible and everybody felt that an officer who had got some integrity and conviction in taking action against the culprits was removed. Later, at the instance of the Supreme Court only, he was brought back. But still they said that it was not their intention to shift him. After some time, once again, they transferred him. Obviously the intentions of the present Government are not clear in regard to prevention of corruption. One signal is enough. If the Director of Enforcement, who had got reputation and who proved that he was a competent person and went virtually by the rules, was shifted and threatened, what signal would go across the country?

No number of such Acts will change the opinion of the people of the country and will serve the purpose of the Act. I request the Government not to repeat such things and create an impression that they are not clear in their mind.

One thing which is visible is that in almost every party, which includes the major parties also, the sole intention is only to come to power. The sole intention, of course, is to secure votes. To secure votes, they are prepared to go out of the way and lose the values. Erosion of values is hampering and creating havoc in the nation. So, those values have to be protected.

I appeal once again to all the parties that they must sit together and make a code of conduct instead of making these Bills. They have the moral responsibility to see that below this it should not be accepted. These are the minimum rules and regulations that have to be there; only then these Acts will be of use. I humbly request the hon. Minister once again to see that by real implementation, such actions are not repeated. Keeping all this in mind I am of the opinion that this Act is not equipped with all the provisions that prevent corruption necessarily at the higher level.

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श्री सत्य पाल जैन (चंडीगढ़): सभापति जी, मैं भारत सरकार द्वारा जो यह सेंट्रल विजिलेंस कमीशन बिल संसद में पेश किया गया है उसका समर्थन करने के लिए खड़ा हुआ हूँ। अभी मैंने इस संबंध में अपने दोनों साथियों के विचार सुने हैं। कांग्रेस पार्टी के प्रवक्ता के विचार भी सुने और हमारे वरिष्ठ सांसद जिन्होंने स्टेट्यूटरी रैजोल्यूशंस मूव किया, उनके विचार भी सुने।

यह जो बिल आया है उसके साथ किसी का बहुत लम्बा-चौड़ा मतभेद नहीं होगा, छोटा-मोटा, एक-आध पाइंट पर होगा, लेकिन एक मुख्य मुद्दा इसने हमारे सामने छोड़ा है। यह जो हमें कानून बनाना पड़ रहा है, यह सुप्रीम कोर्ट की डायरेक्शन के कारण बनाना पड़ रहा है। सुप्रीम कोर्ट ने डायरेक्शन दी कि आप यह कानून बनाएं। सबसे पहला मुद्दा जो मैं सबके सामने उठाना चाहता हूँ वह यह है कि संविधान बनाते समय तीनों ही विंगों को अपने-अपने अधिकार दिये गये थे। कानून बनाने का संसद को, लागू करने का कार्यपालिका को और इंटरप्रेट करने का अधिकार न्यायालय को दिया गया था। लेकिन आज अगर न्यायालय संसद या सरकार को कानून बनाने की हिदायत देने लगे तो मुझे उम्मीद थी कि दोनों मੈम्बर जो बोले हैं वे इस मुद्दे पर ध्यान दिलाएंगे। यह कोई अच्छी बात न हमारे लिए है न न्यायालय के लिए है। कचहरी का काम इंटरप्रेटेशन करना है। हमने जो कानून बनाया है उसमें बिंदू यहां पर है, कौमा यहां पर है, इसका इंटरप्रेटेशन यह है आदि-आदि का अधिकार न्यायालय का है। बहुत सारे कानून संसद ने बनाए, उनको न्यायालय ने रद्द किया, एनल किया, अल्ट्रा-वायरस करार दिया। यह जो कोशिश होने लगी है, यह चिंता का विषय है। न्यायालय में बैठे हुए लोग कम्पीटेंट लोग होंगे, मैं किसी जज की कंपीटेंसी को चैलेंज नहीं कर रहा हूँ, लेकिन आज जो संसद के सामने मुद्दा आ रहा है कि क्या हम अपने कानून बनाने के अधिकारों को कोर्ट्स के पास छोड़ेंगे। कानून हमें बनाने हैं या नहीं बनाने हैं, इस विषय पर सभी पार्टियों को पार्टी से ऊपर होकर सोचना पड़ेगा, विचार करना पड़ेगा। हम न्यायालय से यह उम्मीद करें कि वह संसद को डायरेक्शन देने की बात न करें। मैं मानता हूँ कि इस केस के अंदर कोई यह कह सकता है कि सुप्रीम कोर्ट ने संसद को डायरेक्शन नहीं दी, सरकार को दी है। लेकिन कानून तो संसद ने पास करना है भले ही उसे सरकार लेकर आए। कोई भी बिल सरकार बनाए, वह संसद में ही आयेगा। इसलिए यह अप्रत्यक्ष रूप से सुप्रीम कोर्ट की जो डायरेक्शन सरकार को आई है, सरकार के माध्यम से संसद को आई है। इसके बारे में हमें विचार करना होगा। हमें इस बारे में चिंता दिखानी होगी कि जहां न्यायालय हमें आदेश देना न शुरू करे वहीं हमें अपने अंदर भी झांकना होगा कि इसमें कहीं हमारी तो कमी नहीं रही है, कहीं हम तो अपने कर्तव्यों के पालन में असफल नहीं हुए हैं।

मुझे बहुत खुशी है जब हमारे कांग्रेस पार्टी के साथी ने कहा कि हमारा जो अपना वैल्यू सिस्टम है हमें उससे समझौता नहीं करना है। यह बहुत सही बात आपने कही है। लेकिन क्या यह भी हकीकत नहीं है कि एक दूसरे पर भ्रष्टाचार, राजनीतिक अवसरवादिता का आरोप-प्रत्यारोप लगाते-लगाते आज हम लोगों ने अपनी संस्था को लोगों की निगाह में नीचे गिरा दिया है।

आज जनता का विश्वास सरकार और न्यायपालिका से उठने लगा है। आज एक दूसरे पर आरोप लगाए जाते हैं कि आप भ्रष्ट हो, आपकी सरकार के रहते ज्यादा भ्रष्टाचार हुआ है। इससे कुछ निकलने वाला नहीं है। सुप्रीम कोर्ट की डायरेक्शन के बाद इस कानून के आने की बात आने लगी है, इस पर गम्भीरता से विचार करना होगा। सांसद और विधायक भी अपने कर्तव्य की ओर देखें कि आखिर क्या कारण था जब इतने भ्रष्टाचार के आरोप लगे चाहे किसी पार्टी की सरकार हो, वह यह क्यों नहीं सोच पाए कि कोई ऐसी एजेंसी, बॉडी बने जो सारी सुपरविजन और इनवैस्टिगेशन करे। इस मुद्दे पर हम सब को विचार करना चाहिए।

आज भ्रष्टाचार सारी दुनिया में फैल गया है। यह जहर समाज में बुरी तरह नीचे तक फैल गया है। हमारा जीवन खुली किताब की तरह है। अगर किसी राजनेता की कोई बात होती है तो उसे प्रेस भी छापती है, टेलिविजन में भी आता है और उसका बहुत प्रचार होता है। न्यायालय में बैठे किसी व्यक्ति पर भ्रष्टाचार के आरोप लगे या अफसर या ब्यूरोक्रेट पर लगे तो उस पर चर्चा कम होती है। अगर मैं कहूँ कि भ्रष्टाचार जीवन का एक अंग बन कर रह गया है तो कोई गलत बात नहीं होगी। इसके लिए हमारी बिरादरी के लोग कम दोषी नहीं हैं चाहे वे किसी पार्टी के हों। इस देश के प्रधानमंत्रियों, मुख्यमंत्रियों, सांसदों, विधायकों पर भ्रष्टाचार के आरोप लगे, पूर्व प्रधान मंत्री पर धारा ४२०, ४६७, ४६९ के आरोप लगे। फर्जी डाकुमेंट बनाना, तैयार करना, कौन सच्चा है और कौन गलत है, इसका निर्णय अदालत करेगी, लेकिन यह अपने आप में बड़ा गम्भीर मामला है। बिहार के साथी बैठे हैं। एक बार लालू जी को गिरफ्तार करने के लिए मिलिट्री बुलाने की नौबत आई। मैं समझता हूँ कि मिलिट्री बुलाने की नौबत नहीं आनी चाहिए लेकिन क्या यह हकीकत नहीं है अगर किसी सांसद, मुख्यमंत्री या विधायक के खिलाफ कोर्ट वारंट जारी करता है तो उसका फर्ज नहीं है कि वह गिरफ्तारी दे। अगर हम मुख्यमंत्री, मंत्री या राजनिवास या कहीं और बैठ कर कानूनी प्रोसैस को फेल करने का प्रयास करेंगे तो ऐसी चीजें और आएंगी और लोगों का विश्वास और उठेगा। मैं महसूस करता हूँ कि सार्वजनिक जीवन में जब हम भ्रष्टाचार की बात करते हैं, कोई भी व्यक्ति चाहे वह किसी पार्टी में बैठा हो, उसे एक्सपोज करना चाहिए।

आज सबसे ज्यादा भ्रष्टाचार ब्यूरोक्रेसी में आ रहा है। मुझे कहने में कोई झिझक नहीं है कि जो एक्ट बनते हैं वह बाई एंड लार्ज चाहे आपकी सरकार के समय बनते हों या हमारी सरकार के समय बनते हों, अधिकांशतः उन्हें अधिकारी बनाते हैं। मैं लोकपाल बिल वाली कमेटी में था। हम देख कर हैरान हुए कि जिन लोगों ने लोकपाल बिल बनाया, उसके अन्दर एक क्लॉज था कि अगर लोकपाल किसी अधिकारी से सूचना मांगता है, उस डिपार्टमेंट का सैक्रेट्री यह सर्टिफिकेट दे दे कि यह डाकुमेंट पब्लिक इंटरस्ट में नहीं है तो लोकपाल वह डाकुमेंट नहीं मांग सकता। अगर हमने उसका अध्ययन न किया होता तो लोकपाल पॉलिटिशियन की खाट खड़ी कर सकता था और हम किसी अधिकारी को नहीं छू सकते थे। मैं महसूस करता हूँ कि ब्यूरोक्रेसी में करप्शन एंड रिस्पॉसिबिल्टी विदआउट एनी एकाउंटैबिल्टी आने लगी है। इसको भी देखने की आवश्यकता है। इसमें राजनीतिक हितों से ऊपर उठ कर कार्य करना होगा।

पहले पुलिस भ्रष्टाचार के मामलों की जांच करती थी। वह जांच करने के बाद चालान पेश करती थी और कार्रवाई होती थी। धीरे-धीरे लोगों का विश्वास पुलिस से उठने लगा। सत्ता में बैठे लोगों ने उसका दुरुपयोग करना शुरू किया। कुछ सत्ता में बैठे लोगों ने दुरुपयोग किया और कुछ जिन के श्रु दुरुपयोग किया गया, उनको अच्छा मौका मिल गया। वह अगर एक काम मुख्यमंत्री, सांसद या विधायक के कहने पर करते थे तो तीन काम अपने निजी निकालने लगे। उनका जिन के साथ निजी द्वेष होता था, उन्होंने वह निकालना शुरू कर दिया। इसका नतीजा हुआ कि पुलिस बदनाम फोर्स बन कर रह गई। आई.बी., सी.बी.आई., पता नहीं कौन-कौन सी एजेंसियां आई, आज हालत यह हो गई है कि सुप्रीम कोर्ट और बाकी लोगों को सी.बी.आई. पर विश्वास नहीं रहा है।

आपने सही बात कहा कि सेंट्रल विजिलेंस कमेटी के जो मैम्बर नियुक्त किए जाएं, वे कम से कम ऐसे हों जिन पर देश के लोगों का विश्वास बना रहे। अगर देश की जनता का उन से विश्वास उठ गया तो आगे क्या होगा, इसका अन्दाजा लगाने में हमें कोई दिक्कत नहीं है। सेंट्रल विजिलेंस कमीशन हमारे सामने इसलिए आया है क्योंकि देश को लोगों का, न्यायालयों का इनवैस्टिगेटिव एजेंसियों से विश्वास उठने लगा है।

मैं समझता हूँ कि सेंट्रल विजिलेंस कमिश्नर एक्ट में बहुत सारी अच्छी क्लोजेज एड की गई हैं। गृह मंत्रालय की स्टैंडिंग कमेटी ने इसका अध्ययन किया है। उसमें सभी पार्टियों के लोग थे। मुझे भी अपनी बात कहने का मौका मिला। मुझे खुशी है कि सभी पार्टियों ने सर्वसम्मति से सपोर्ट दी है। सरकार ने इसमें बहुत सारी कोशिशें की हैं कि इस कमीशन को पावर्स दी जायें, स्वायत्तता दी जाये ताकि यह कमीशन कुछ काम कर सकें। मैं सुप्रीम कोर्ट के योगदान से इनकार नहीं करता। मैं सुप्रीम कोर्ट की बातों से डिफर नहीं करता लेकिन मैं एक बात से डिफर करता हूँ कि क्या सुप्रीम कोर्ट हमें आदेश दे सकता है या नहीं। जो बातें कही गई हैं, शायद वे गलत न हों। इसलिये जो कम्पोजीशन सेंट्रल विजिलेंस कमीशन का किया गया है, उसमें एक चीफ विजिलेंस कमिश्नर तथा ३ या ४ अन्य विजिलेंस कमिश्नर होंगे। आप जानते हैं कि यह एक सही एजेंसी है क्योंकि यदि एक कलेक्टिव एजेंसी में ५ आदमी हैं, उसमें एक आदमी गलत हो सकता है या दूसरा गलत हो सकता है लेकिन ४-५ आदमी सामूहिक रूप से बैठकर एक कार्य ठीक रूप में कर सकते हैं।

सभापति जी, जहां तक इस कमीशन का चयन का मामला है, उसमें प्रधानमंत्री, गृह मंत्री और लीडर ऑफ दी अपोजीशन होंगे। इन व्यक्तियों की समिति ही सही होगी जो किसी ऐसे अधिकारी का चयन करेगी। जहां तक लीडर ऑफ दी अपोजीशन का प्रश्न है, उसमें कभी भी किसी पार्टी का आदमी बैठ सकता है। इसी प्रकार आज की स्थिति में अलग अलग पार्टियों का प्रधानमंत्री हो सकता है। यदि ये तीनों मिलकर किसी नाम पर सहमति जताते हैं तो मामला ठीक होगा। आज लोकसभा की स्थिति यह है कि किसी एक पार्टी की इतनी संख्या नहीं हो सकती कि वह रिकग्नाइज्ड लीडर ऑफ दी अपोजीशन बने। मैं समझता हूँ कि ऐसी स्थिति में रूल्स और एक्ट में प्रावधान होना चाहिये कि जो सिंगल लारजेस्ट पार्टी हो, उसका नेता हो, सरकार उससे कंसल्ट करके अपाईटमेंट करे। मैं समझता हूँ कि सरकार इस मामले पर विचार करेगी।

सभापति महोदय, इस कमीशन की टर्म ३-४ साल रखी है। चेयरमैन और मैम्बर्स के लिये यह ३ या ४ साल की अवधि सही है। इसके साथ ही आपने धारा-५, ३ प-धारा(६) रखी है, उसका मैं स्वागत करता हूँ। आज ज्युडिशियरी के अंदर ये बातें आने लगी हैं कि एक जज को रिटायरमेंट के बाद नौकरी मिलनी चाहिये या नहीं? मैंने पिछले दिनों अटार्नी जनरल का एक बयान पढ़ा था और श्री जेठमलानी ने शायद यह बात कही है। मेरा अपना मत बनता है कि अगर ज्युडिशियरी को इंडेपेंडेंट रखना है, हमें जजेज के बारे में यह प्रावधान रखना पड़ेगा और एक क्लाज ले-डाउन करनी पड़ेगी कि सुप्रीम कोर्ट या हाई कोर्ट से रिटायरमेंट के बाद वह किसी ऑफिस आफ प्राफिट के पद पर नहीं रहेगा। इसका कारण यह है कि मैं २० साल से वकालत के पेशे में रहा हूँ और मेरा मत बनने लगा है कि रिटायरमेंट से पहले लोगों को लगता है कि पहले ही किसी से सांठ-गांठ कर लो, शायद कुछ मिल जाये। आपने इसमें जो दो क्लाज डाली हैं:

"On ceasing to hold office, the Central Vigilance Commissioner and every other Vigilance Commissioner shall be ineligible for - "

1523 hrs. (Shri Basu Deb Acharia in the Chair)

किस लिये अयोग्य होगा, एक दुबारा कमीशन अपाईट किया जा सकता है, उनकी नियुक्ति नहीं हो सकती। दूसरी सरकार के अंतर्गत, चाहे केन्द्र की सरकार हो या राज्य सरकार हो, किसी किस्म का ऑफिस ऑफ प्राफिट नहीं ले सकता, मैं समझता हूँ कि बहुत सराहनीय कदम है। ऐसे कदम को सपोर्ट किया जाना चाहिये। इसके अंदर जो इनवैस्टिगेटिंग एजेंसी होगी, वह सुपरविजन का काम करेगी। बहुत सारे प्रलोभन आ सकते हैं। इन लोगों को ईमान से हटाया नहीं जा सकता है तो उन्हें शंका की दृष्टि से देखा जा सकता है। इसलिये राष्ट्रपति जी को इसे हटाने की पावर दी गई है कि किसी भी चीफ विजिलेंस कमिश्नर या विजिलेंस कमिश्नर को ऐसी स्थिति में हटा सकते हैं लेकिन उसके पहले सुप्रीम कोर्ट के जज द्वारा जांच की जानी चाहिये। इसके साथ ही आपने सस्पेंशन का प्रोवीजन किया है। जिस आदमी के खिलाफ गंभीर आरोप लगे हैं, उसकी जांच होते होते ६-८ महीने लग जाते हैं। एक भ्रष्ट आदमी को सस्पेंड नहीं करेंगे, अपने पद से उसे नहीं हटायेंगे तो जो नुकसान आप बचाना चाहते हैं, वह उसी दौरान करके निकल जायेगा। राष्ट्रपति जी को सलाह देने के लिये २-३ आदमियों की एक कमेटी बनी है। मैं समझता हूँ कि इस मामले में वे संतोषजनक ढंग से काम करेंगे। इसके अलावा ४-५ ऐसी स्थितियां हैं जिसमें राष्ट्रपति जी बिना जांच के हटा सकते हैं। इसके अंदर लिखा हुआ है:

"(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Central Vigilance Commissioner or a Vigilance Commissioner."

अगर राष्ट्रपति जी को महसूस हो कि उस व्यक्ति का पर्सनल इंटरैस्ट हो गया है और उस व्यक्ति के माता, पिता या भाई या दोस्त का इंटरैस्ट हो गया है।

तो राष्ट्रपति जी को इस धारा के अंतर्गत उस व्यक्ति को हटाने का जो अधिकार दिया गया है, मैं समझता हूँ कि यह बहुत ही सही क्लॉज़ है और इसका स्वागत किया जाना चाहिए।

सभापति जी, मंत्री जी ने सेक्शन ६ में सब सेक्शन ४ में जो प्रोविज़न किया है, मैं उसका भी स्वागत करना चाहता हूँ। यह आवश्यक है कि बाकी इनक्वायरीज़ में, बाकी कमीशन्स में भी यह क्लॉज़ ऐड की जाएं। यह क्लॉज़ कहती है --

"If the Central Vigilance Commissioner or any Vigilance Commissioner is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any profit or emoluments arising therefrom otherwise than as a Member and in common with the other Members of an incorporated company, he shall, for the purposes of sub-Section (1), be deemed to be guilty of misbehaviour."

इस हालत में मैं समझता हूँ कि इसके अंदर क्लॉज़ और भी ले डाउन की जानी चाहिए। फिर इस मिसबिहेवियर के लिए कोई इनक्वायरी की आवश्यकता नहीं होनी चाहिए। अगर यह साबित हो जाए कि ऑनरेबल मेम्बर इसके अंदर फाउल कर रहा है तो सीधे राष्ट्रपति जी को अधिकार होना चाहिए कि उनको नोटिस दें और उनका पक्ष सुनने के बाद उनको पद से हटाने का काम करें।

सभापति जी, जो इसके फंक्शन्स हैं सेक्शन ८ में, सुपरिंटेंडेन्स का फंक्शन है, इनक्वायरी का फंक्शन है, वह मैं दोहराना नहीं चाहता। समय बहुत कम है क्योंकि जल्दी हम इसकी बहस समाप्त करना चाहते हैं। लेकिन बहुत अच्छे महत्वपूर्ण अधिकार और कर्तव्य इसमें शामिल किये हैं। हमारे कुछ सदस्यों ने कहा है कि इसके अंदर पार्टिकुलर क्लॉज़ नहीं हैं, ऐक्शन लेने की पॉवर्स नहीं हैं। मैं समझता हूँ कि ये नयी चीज दो तीन सालों में हमारे सामने आई है। इसको आगे चलने दें और आगे चलकर अनुभव के आधार पर जो बात जोड़ने वाली होगी, उस पर संसद में विचार कर सकते हैं और कंसिडर कर सकते हैं। इस कमीशन की धारा १२ के अंतर्गत

That gives powers of civil court to the Commission.

यह बहुत महत्वपूर्ण है। कमीशन ऑफ इनक्वायरी ऐक्ट में मुझे याद है कि जब कुछ लोगों की इनक्वायरी शुरू हुई तो बहुत सारे लोग कमीशन के सामने जाते थे, पेश होते थे और धमकियां देकर लौट आते थे। मैं किसी का नाम नहीं लेना चाहता। आज वह इस दुनिया में नहीं हैं। हमारे पंजाब के एक मुख्य मंत्री शाह कमीशन के सामने गए और चैलेन्ज करके आ गए। यह कोई अच्छी बात नहीं है। इनक्वायरी कमीशन को अगर कोर्ट की पॉवर्स नहीं होंगी, तो कोई भी आदमी जाकर उसका मज़ाक उड़ाकर चला आएगा। यह अच्छी स्थिति नहीं है। इसलिए आपने इसके अंदर सिविल कोर्ट की पॉवर्स दी हैं, सम्मन करने की पॉवर्स दी हैं, ट्रायल की पॉवर्स दी हैं, वह सराहनीय कदम है। धारा १५ में आपने उनको जो प्रोटेक्शन दिया है कि इसके मेम्बर्स अगर गुड फेद में काम करते हैं, ऐसा न हो कि कल को हर तीसरे दिन कोई आदमी उनके खिलाफ मुकदमा दाले, कचहरी में खींचे, परेशान करे और लोगों को ईमानदारी से काम करते समय इसी बात का डर रहे कि मैंने कार्रवाई की तो मुझ पर मुकदमा चलाया जा सकता है। यह जो इम्यूनिटी आपने सेक्शन १५ के अंतर्गत दी है, मैं समझता हूँ कि यह भी बहुत सराहनीय कदम है और इसका भी स्वागत किया जाना चाहिए।

सभापति जी, बाकी जो सारी क्लॉज़ें हैं, मैं उनके विस्तार में नहीं जाना चाहता। दो तीन बातें मेरे सहयोगियों ने कही हैं। मैं उनका ज़िक्र ज़रूर करना चाहता हूँ। हमारे एक दो माननीय सदस्यों ने लॉ कमीशन की रिकमंडेशन्स का ज़िक्र किया और पेटेण्ट के बारे में आज उसका बहुत ज़िक्र किया जा रहा है। लॉ कमीशन की

रेकमंडेशन अपने आप में महत्वपूर्ण होंगी, मैं उससे इंकार नहीं करता, लेकिन हमें विचार करना पड़ेगा कि सुपरमेसी संसद की है या लॉ कमीशन की है? हिन्दुस्तान की संसद जो चुने हुए लोगों की प्रतिनिधि संस्था है, वह कानून पास करती है और उसके बाद कहा जाता है कि लॉ कमीशन ने यह कहा, लॉ कमीशन ने वह कहा।

Supremacy is that of the Parliament not of the Law Commission. Law Commission has the right to have its own opinion or its point of view.

पता नहीं इस मुल्क में क्या हो रहा है।

आजकल स्वामियों की बड़ी चर्चा हो रही है। कभी चंद्रास्वामी, कभी सुब्रह्मणियम स्वामी और कभी गुरुस्वामी। पता नहीं कितने कितने स्वामियों का जिक्र होने लगा है। मैं बड़ा हैरान हो रहा हूँ। कहा जा रहा है कि गुरुस्वामी ने आप पर यह आरोप लगाया। कोई संसद सदस्य सदन में खड़े होकर कहे कि मैं मंत्री पर आरोप लगाता हूँ तो जेपीसी की डिमांड समझ में आती है, उसमें बल नज़र आता है, लेकिन किसी आदमी ने अखबार में कोई बात कह दी तो हम उसकी इनकवायरी डिमांड करने लग जाएं और सारी पार्लियामेंट को चैलेन्ज करने लग जाएं? इसीलिए मैं समझता हूँ कि जो लोकपाल का मामला आया है, यह बिल जल्दी आए ताकि जो इधर उधर के आरोप लगने लगे हैं और संसद का समय खराब होने लगा है, उसको बचाया जा सके।

सभापति जी, कहा गया कि सरकार ऑर्डिनेन्स पर चल रही है, ऑर्डिनेन्स राज का भी जिक्र किया गया। मैं मानता हूँ कि ऑर्डिनेन्स मैटर ऑफ रूटीन नहीं होने चाहिए, बहुत विशेष परिस्थिति में आने चाहिए क्योंकि संसद से उम्मीद की जाती है कि संसद बिल पास करे, लेकिन राव साहब से मैं विनती करना चाहता हूँ कि पिछले पांच साल का रेकार्ड निकालकर देखें तो हमें पता चलेगा कि संसद ने कितने बिल पास किये हैं। हमें अहसास होगा कि जो चार-पांच ऑर्डिनेन्स इश्यू किये जाते हैं, वह भी काफी दिन बाद हम जल्दी-जल्दी इसलिए पास करते हैं क्योंकि उनके लैप्स होने का समय होता है। क्या हम लोगों ने अपना कर्तव्य पूरा किया, क्या आज संसद में हम लोग इतना समय क्रिमिनली बर्बाद नहीं कर रहे हैं? हम अगर अपना बिल पास करने का पूरा समय अख्तियार करें तो सरकार को आर्डिनेन्स लाने की आवश्यकता ही न पड़े। आज जितने आर्डिनेन्स पास होते हैं, उतने ही बिल हम बना पाते हैं उससे ज्यादा बिल बना पाना मेरे ख्याल से किसी विधान सभा या संसद के लिए संभव नहीं होगा और उसके लिए आप किसी एक को दोष नहीं दे सकते हैं। मैं किसी एक पार्टी को दोष नहीं देना चाहता हूँ। कुल मिलाकर हमें विचार करना पड़ेगा कि हमारा जो बेसिक फर्ज है

What is the basic function of Parliament? The basic function is to legislate and to frame laws for the country. I appeal to all the Members that let us examine ourselves. Let us have introspection. Have we come up to the expectations of our Constitution makers? Have we performed our basic duty to legislate? How much time do we devote? How many Members are present when we legislate the issue?... (Interruptions)

SHRI K.S. RAO : Is it necessary to bring an ordinance for the Essential Commodities Act?... (Interruptions)

SHRI SATYA PAL JAIN : I ask, how many Members take interest when we legislate the issue? In Zero Hour when the camera is there, the House is full and the moment you discuss Bills, you have to go and search for the Members. You have to call them and ask them to speak. Is it not a reflection on ourselves? We criticise everybody on the earth. Do not we have any time to introspect, to think about ourselves also? How much time are we devoting?

As I said earlier also, it is our grace that we do not raise the issue of Quorum whether it is 'A' Government, 'B' Government or 'C' Government. But if we start raising the issue of Quorum, I can say with full sense of responsibility that perhaps this House cannot function even for a single day in any week or during any Session. That is the situation that we are facing. Let us not blame others for that. Let us not criticise others for that because we have got immunity. Let us think about ourselves also. Let us think about the functions that we are performing and in what manner we are performing.

श्री रघुवंश प्रसाद सिंह : सभापति महोदय, यह जो कह रहे हैं कि सरकारी पार्टी का कर्तव्य है कि वह कोरम पूरा करे, यह खुद गलत काम करते हैं। जैन साहब आप बताइये कि एसेशियल कमोडिटी का आर्डिनेन्स क्यों नहीं लाये, जो कि गवर्नमेंट के हित में है, एसेशियल कमोडिटी का आर्डिनेन्स लाना था

... (व्यवधान)

उसे आपने समाप्त कर दिया। प्रोफिटीयर्स, ब्लैकमार्केटीयर्स के संरक्षण

... (व्यवधान)

यह जनरल सदस्यों को कह रहे हैं।

सभापति महोदय : वह यील्ड नहीं कर रहे हैं, जब आपको बोलने का मौका मिलेगा, तब आप इसका जवाब दीजियेगा।

SHRI P. UPENDRA : What Shri Raghuvansh Prasad Singh has said is correct. The Treasury Benches are never as empty as they are today. You should note that point also.

श्री सत्य पाल जैन : उपेन्द्र जी आप तो इस सदन में बहुत पुराने हैं, मैं नया हूँ, यह मेरा दूसरा टर्म है। रघुवंश प्रसाद जी आज मुझे कह रहे हैं कि सरकार इसका ध्यान रखे, जब आप यहां मंत्री थे, तब भी यही हालत होती थी। आप उस समय की प्रोसीडिंग्स निकालकर देख लीजिए, यह सरकार पर निर्भर नहीं करता है, आप इस गलतफहमी में मत रहिये

... (व्यवधान)

श्री रघुवंश प्रसाद सिंह : यह सब सदस्यों को गाली दे रहे हैं।

श्री सत्य पाल जैन : यह हमारे व्यवहार, हमारे एटीट्यूड पर निर्भर करता है। इसलिए इस मामले में पार्टी को मत मानिये।

ट्रांसफर का जिक्क अभी माननीय सदस्य ने बोलते हुए किया। मैं ऐसा महसूस करता हूँ और मैंने पहले भी कहा कि सर्वोच्च न्यायालय, उच्च न्यायालय को लेजिस्लेचर के मामले में डायरेक्शन नहीं देनी चाहिए। यह आज तक का सैटलड लॉ था कि ट्रांसफर के मामले में कोर्ट इंटरफियर नहीं करती थी। जिस एक्जीक्यूटिव को लॉ इम्प्लीमेंट करना है, यह उस एक्जीक्यूटिव का राइट है कि जहां चाहे किसी अफसर को रखे, उसकी सर्विसेज ले। जिस दिन से ट्रांसफर के मामले में कोर्टस ने इंटरफियर किया है, मैं ऐसा महसूस करता हूँ कि ट्रांसफर्स के मामले में अगर कोर्टस इंटरफियर करने लगोगी, यह कोई बहुत अच्छा डेवलपमेंट नहीं है। यदि कहीं कोई बहुत गंभीर मामला है तो कोर्ट इंटरफियर करे। यह एक्जीक्यूटिव का मामला है, जिसके मामले में ऐसा नहीं किया जाना चाहिए था।

सभापति महोदय, अंत में मैं राव साहब की इस बात से सहमत हूँ कि जहां तक वैल्यू सिस्टम का प्रश्न है, उसके बारे में कोई कम्प्रोमाइज नहीं होना चाहिए। चाहे सरकार ए. की रहे या बी. की रहे, लेकिन जो इस मुल्क का वैल्यू सिस्टम है उसके बारे में कोई कम्प्रोमाइज नहीं होना चाहिए। मैं उम्मीद करता हूँ कि जो कमेटी बनेगी वह कमेटी इसके पांचों मैम्बर्स को अपाइन्ट करेगी जो इन्टीग्रिटी के लोग होंगे। ऐसे लोग होंगे जिनकी अनक्वैश्चनेबल इंटिग्रिटी होगी, जिनके बारे में कोई शंका नहीं कर सकता, ताकि कम से कम जो कमीशन है वह अपना काम ठीक से कर सके और जो जनता का विश्वास उठने लगा है, सामाजिक जीवन में भ्रष्टाचार आ रहा है, चाहे वह पोलिटीशियन्स में हैं, ब्यूरोक्रेट्स में है या कहीं भी है, उसकी निष्पक्षता से जांच हो सके और दोषियों को सजा दी जा सके, उसे हम हासिल करने में कामयाब होंगे। इन्ही शब्दों के साथ मैं इस बिल का समर्थन करता हूँ। यदि मेरी किसी बात से किसी माननीय सदस्य की कोई भावना हर्ट हुई हो, उस पर मैं कहना चाहता हूँ कि ऐसी मेरी मंशा कभी नहीं थी। लेकिन कुछ हकीकतें हैं, कुछ सच्चाइयां हैं, जिनका सामना हमें आज नहीं तो कल करना ही पड़ेगा, यदि हम जल्दी ही कर लेंगे तो उतना अच्छा रहेगा।

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श्री मोहन सिंह (देवरिया): सभापति महोदय, कभी-कभी पार्लियामेंट में ऐसे अवसर आते हैं जब पक्ष और विपक्ष सबको मिलकर देश हित में कोई सामूहिक फैसला करना पड़ता है। जो केन्द्रीय सतर्कता आयोग का विधेयक है, वह कुछ इसी स्वभाव का है, इसी प्रकृति का है। यह किसी की मंशा नहीं है कि देश में भ्रष्टाचार बढ़े। क्योंकि हमारे एक मित्र कह रहे थे कि इस कमीशन के गठित हो जाने से देश में भ्रष्टाचार खत्म नहीं हो जाएगा। भ्रष्टाचार एक ऐसा जड़मूल है, जिसे अभी

तृणमूल कहा गया, इस देश में उसने ऐसा रूप ले लिया है जिसको कोई कमीशन गठित करके हम समाप्त नहीं कर सकते। लेकिन मंत्री जी आवेश में कह गए कि भ्रष्टाचार अमरीका में भी है, भ्रष्टाचार जापान में भी है बेशक है। एक प्रधान मंत्री ने बहुत पहले जब भ्रष्टाचार संबंधी बातें इस संसद में आईं, तो उन्होंने कहा कि यह ग्लोबल फिनोमिना है, जब अर्थव्यवस्था विकासमान होती है, तो भ्रष्टाचार उसमें प्रवेश करता है। इस प्रकार से उन्होंने जो राजनीतिक भ्रष्टाचार था उस पर हमला करने के बजाय, भ्रष्टाचारियों को बचाने की कोशिश की। लेकिन मंत्री महोदय, एक बात भूल जाते हैं

... (व्यवधान)

ठीक है, भ्रष्टाचार इटली में भी है परन्तु हम आपके संज्ञान में लाना चाहते हैं कि वहां भ्रष्टाचार की जड़ पर इटली के शासन और सरकार का भी हमला हुआ है। संभवतः पूरी दुनिया में इटली ही एक ऐसी संसद है जिसके एकचौथाई सदस्यों को भ्रष्टाचार के खिलाफ कार्रवाई करके वहां की सरकार, जेल के भीतर पहुंचाने का काम कर रही है। जापान में दो-दो प्रधान मंत्रियों को जेल में जाना पड़ा और वर्षों की सजा उनको हुई। किसी कमीशन से भ्रष्टाचार खत्म हो जाएगा ऐसा संभव नहीं है।

सभापति महोदय, जो भ्रष्टाचारी होते हैं वे अपना राजनीतिक और प्रशासकीय प्रभाव का इस्तेमाल करके मुक्त और स्वच्छन्द भाव से घूमते रहते हैं और समाज में इससे जो वातावरण पैदा हो रहा है कि जो ऊंचे पदों पर बैठे लोग हैं, उनके द्वारा भ्रष्टाचार करने पर उनके विरुद्ध कोई कार्रवाई नहीं होती, तो छोटे स्तर का भ्रष्टाचार क्यों रुके। तभी उनके ऊपर कुछ अंकुश, शिकंजा कसने की गुंजाइश पैदा हुई। हमारे एक मित्र कह रहे थे कि सुप्रीमकोर्ट ने निर्देश दे दिया क्या हर मामले में सुप्रीम कोर्ट पार्लियामेंट को कहेगा कि हम कौन सा कानून पास करें, क्या इस तरह का कोई अधिकार सुप्रीमकोर्ट को है? मैं बताना चाहता हूँ कि इस तरह का कोई अधिकार सुप्रीमकोर्ट को नहीं है। भारत के संविधान का इंतजाम इस तरह से किया गया है कि संसद द्वारा पारित कानून की व्याख्या सुप्रीमकोर्ट करेगा। लेकिन १९९१ के बाद १०वीं लोक सभा जब थी तब सार्वजनिक भ्रष्टाचार के एक से एक बड़े मामले इस देश में उजागर हुए, उनके चलते स्वयंसेवी संस्थाओं को पब्लिक इंटरैस्ट लिटीगेशन की धारा के तहत प्राप्त अधिकार का उपयोग करते हुए सुप्रीमकोर्ट के समाने जाना पड़ा। सुप्रीम कोर्ट जब अपनी परेशानी महसूस करने लगा कि इस देश की सी.बी.आई. बड़े लोगों के प्रभाव में काम नहीं कर पा रही है, उन्होंने सोचा और परेशानी महसूस की कि इस देश के सर्वोच्च न्यायालय, इस देश के उच्च न्यायालय के सामने जब इस देश का कोई नागरिक सीधे भ्रष्टाचार का मामला सामने लेकर आ रहा है और हम निर्देश दे रहे हैं तथा सी.बी.आई. कुछ नहीं कर रहे हैं, तो हम क्यों नहीं एक ऐसा सुझाव भारत सरकार को दें और इस तरह का एक प्रयास हो कि सी.बी.आई. के अतिरिक्त उसके भी ऊपर, उसको नियंत्रित करने के लिए, उसका सुपरवीजन करने के लिए एक कमीशन हो और उस कमीशन की नियुक्ति अकेले सरकार न करे क्योंकि यह १९६४ से एक आयोग था। वह भारत सरकार की मातहत में चलने वाला आयोग था। उसमें कुछ अधिकारियों की नियुक्ति हो जाती थी। जब वह किसी पर हाथ डालने की कोशिश करता था, तो सरकारी हस्तक्षेप हो जाता था। इस देश में मोरारजी भाई की अध्यक्षता में, बहुत पहले १९६० के दशक में एडमिनिस्ट्रेटिव रिफार्मस कमीशन बना और उसकी ओर से जयप्रकाश नारायण के नेतृत्व में लगातार एक बात होती रही और उस आयोग की ओर से कहा गया कि भारत सरकार के स्तर पर लोकपाल होना चाहिए और राज्यों के स्तर पर लोकायुक्त होना चाहिए। इसका सुझाव उस जमाने में आया, लेकिन उसका पालन इस सरकार ने और इस संसद ने नहीं किया।

यदि संसद और सरकार अपने दायित्व से विफल हो जाये, विरत हो जाये तो क्या सलाह देने का किसी संगठन को अधिकार है? हमने लॉ कमीशन इसलिए नियुक्त किया है कि हमको कानूनी राय देने के लिए, इस देश के सही ढंग से संविधान के निर्माण में, संविधान के संचालन में हम ठीक से कार्यवाही कर सकें, हमने एक कमीशन नियुक्त किया है, जिसको हम लॉ कमीशन के नाम से जानते हैं। जब इस तरह के पब्लिक लिटीगेशन आने लगे जिसको इस देश में ज्यूडिशियल एक्टिविटी वजम कहते हैं, सीधे-सीधे सुप्रीम कोर्ट और हाई कोर्ट हर मामले में दखल दे रहा है, तो उसने एक रास्ता निकाला कि एक कमीशन नियुक्त हो जिसका स्टैचूटरी बॉडी की तरह से लोकल स्टेटस हो और सरकार के मुकाबले वह थोड़ा स्वायत्त अधिकार रखता हो। उस आयोग के गठन में नेता विरोधी दल की राय, प्रधान मंत्री जी की राय, गृह मंत्री जी की राय हो और एक ऐसे व्यक्ति, भारत के सुप्रीम कोर्ट के मुख्य न्यायाधीश की राय होनी चाहिए। चूंकि यह सुप्रीम कोर्ट से आई हुई राय थी इसलिए उन्होंने अपने स्वयं को इसमें शामिल करने की कोशिश नहीं की और इन तीन लोगों के सुझाव दिये। इसमें किस तरह से ब्यूरोक्रेसी ने अड़ंगा डाला, आपने यहां से भाषण के समय अपनी बात कहते हुए कहा। जब हम इस कानून को पास करें और एक कमीशन नियुक्त करें तो उसके साथ-साथ मेरा सुझाव है क्योंकि यह होम अफेयर्स की स्टैंडिंग कमेटी में गया। जब स्टैंडिंग कमेटी में गया तो उसमें सभी दलों के लोगों ने अपने-अपने सुझाव गृह मंत्रालय की स्टैंडिंग कमेटी की स्थायी समिति के सामने इस विधेयक के संबंध में रखने का प्रयास किया। मैं सिर्फ इतना कहना चाहता हूँ कि जैसे यहां से कहा गया कि इसके लिए अध्यादेश के जरिये इस सदन के सामने आने की कोई आवश्यकता नहीं थी। इसमें अनावश्यक रूप से अध्यादेश के अधिकार का प्रयोग किया गया है क्योंकि जब यह विधेयक के रूप में प्रस्तुत हो चुका था। गृह मंत्रालय की स्थायी समिति के सामने समीक्षा के लिए आया था वहां से समीक्षा के बाद यहां आना था क्योंकि बहुत से माननीय सदस्य उधर से कह रहे थे कि यह संसद में ले हो। मैं उनसे जानना चाहता हूँ कि क्या संसद के सामने कोई भी विधेयक कानून बनाने के संबंध में भारत सरकार ने जब प्रस्तुत करने की कोशिश की तो क्या इस संसद ने अपनी तरफ से कोई ऐसा विरोध नहीं किया जिससे वे संसद में पास ही न करें? आपके हर काम में कम से कम कानून बनाने के मामले में इस संसद ने सरकार का सदैव सहयोग किया है और इसमें भी हम सहयोग करने को तैयार थे लेकिन वह केवल कानून की शक्ति में, विधेयक की शक्ति में आता। आपने इसे अध्यादेश की शक्ति में जिसकी कोई आवश्यकता नहीं थी, पेश करने का काम किया। इसी के साथ हम इसका विरोध नहीं करते क्योंकि हम भी गृह मंत्रालय की स्थायी समिति में थे। मुझे जो सुझाव देने थे, मैंने वहां दिये। यह अपने आप में सम्पूर्ण विधेयक नहीं है, सम्पूर्ण कानून नहीं है लेकिन एक ढांचा, एक खाका, एक नया स्वरूप हमारे सामने, देश के सामने आ रहा है। इसके कार्य संचालन के बाद उसमें जो कमियां होंगी, संसद उसमें समय-समय पर परिवर्तन और संशोधन करती रहेगी। लेकिन कुछ सुझाव हम देना चाहते हैं क्योंकि किसी भी तरह के आई.पी.सी. और सी.आर.पी.सी. हमारे देश में आज से १०० साल पहले से बने हुए हैं और कार्यरत हैं, उसके अन्तर्गत किसी भी तरह की कार्यवाही प्रासिक्यूशन का काम इंडियन पुलिस को इन दो महान ग्रंथों के जरिये दिया हुआ है। आज हम लोकपाल विधेयक संसद में पास करना चाहते हैं तथा हम सेंट्रल विजिलेंस का गठन करना चाहते हैं तो उसके साथ-साथ हमको सी.आर.पी.सी. और आई.पी.सी. दोनों की धारा में परिवर्तन करना पड़ेगा और एक अलग से विधेयक इस संसद में लाना पड़ेगा। भ्रष्टाचार को रोकने के लिए इस तरह के हम कमीशन नियुक्त कर रहे हैं, उस कमीशन का एक व्यापक आधार होगा, उसका व्यापक ढांचा होगा और प्रासिक्यूशन के सारे अधिकार उसी कमीशन के तहत रहने चाहिए, पुलिस के पास नहीं क्योंकि छान-बीन करने का बाद एक केस तैयार करके जब सेंट्रल विजिलेंस कमीशन पुलिस के पास उसको भेजेगा तो पुलिस अपने दायित्व का निर्वाह सी.आर.पी.सी. और आई.पी.सी. के तहत सही ढंग से करेगी, यह हमेशा सिद्ध बना

रहेगा। इस सुझाव के साथ कि भारत सरकार यदि एक मन से, सच्ची भावना के साथ भ्रष्टाचारियों को दंडित करने के लिए सेंट्रल विजिलेंस कमीशन को नियुक्त करना चाहती है तो आई.पी.सी. और सी.आर.पी.सी. में भी इसके साथ तालमेल बैठाते हुए एक व्यापक संशोधन आना चाहिए जिससे भ्रष्टाचारियों को दंडित किया जा सके। इस अपील के साथ मैं आपको धन्यवाद देता हूँ कि इस विधेयक पर मुझे कुछ राय देने का और कुछ अपनी बात कहने का मौका मिला।

>SHRI KHARABELA SWAIN (BALASORE): Sir, I understand the tinge of irony in hon. Shri Satya Pal Jain's speech when he said that why should the Supreme Court order the Government and through the Government to the Parliament to make a law. I also agree with his contention that there should be no instruction by the Supreme Court to Parliament which is an independent wing. But let us also think as to why this situation is happening in our country. It is because, of the three pillars of democracy within the last 50 years, the Legislature and the Executive have failed to discharge their duties. The bureaucracy has gone out of control. I myself was an ex-bureaucrat. I know what happens in the bureaucracy. How does the bureaucracy function? I know that the bureaucracy has taken upon itself all the authority without any responsibility and without any transparency. Everything that happens in the Government is shrouded in secrecy. If you go to any office and ask for any information, they will say that it is 'secret' and it cannot be given to you. This causes corruption. People do not get justice from bureaucracy. The politicians are equally corrupt. There are people like us and we are also equally corrupt and irresponsible.

AN HON. MEMBER: Who say so?

SHRI KHARABELA SWAIN : This is my personal opinion. ..(Interruptions). You are free to disagree with me. ...(Interruptions). They do not get justice from the politicians also and ultimately they go to the court. Now, court has virtually usurped the power of the Legislature and the Executive. That is why, it is the Judiciary which is giving the direction.

Sir, I will not go into the details because so many hon. Members have gone into the details of the Bill. I would like to give only some suggestions because not much time is left.

In hawala cases, the CBI could not come out with flying colours. It could not charge anybody and it could not prove that any person, any political person against whom a chargesheet was filed was actually corrupt. They could not come out with even any foolproof case. Many people also charged that the CBI is influenced by the political parties and political big daddies. So, the Supreme Court said that the C.V.C. should be given the statutory powers. That is why, the Central Vigilance Commission Bill, 1998 has been brought by the Government. This Bill has been brought in order to have superintendence over the CBI and the E.D. on the matters of corruption. So, I support the Bill which has been brought by the Government.

I also know that some of the hon. Members have raised doubts about the intention of the Government. I can say that I can never doubt the intention of hon. Shri Atal Bihari Vajpayee who is the Prime Minister of India. I can also say that during the last one year, not a single charge of corruption has been levelled against him or against any of his Members of the Cabinet. That is why, I say that the intention is very clear. Nobody should doubt it.

As far as this Bill is concerned, another point was raised by hon. Members. The charge is, why have we deleted the phrase 'person with impeccable integrity'?

Sir, the hon. Member, Shri Satya Pal Jain, who spoke before me, has already narrated that the Chief Vigilance Commissioner will be appointed by no less than the Prime Minister, the Home Minister and the Leader of the Opposition. If they fail to select the person, who is not having an 'impeccable integrity', then I will have to raise my hands up. Who else is there in the country to select a better person? I think, it is a very good thing that the Leader of the Opposition has been included; as per the instructions of the Supreme Court, he should also be involved in the process of selecting the Chief Vigilance Commissioner. I am very sure that when the Prime Minister, the Home Minister and the Leader of the Opposition are there, positively, a person of 'impeccable integrity' will be selected as the Chief Vigilance Commissioner. Such a person has already been selected, Shri Vittal has been selected, and the way he is performing within the last few months, I can say that he is the perfect person; a person with 'impeccable integrity' has already been selected.

Sir, in this country, corruption has become a 'very low risk and high profit business'. The intention is to make it 'low profit and high risk business'. It has to be done. In our country, the entire system and the entire process of inquiry into the corruption charges has become a farce. The dilatory tactics adopted while the inquiry is taking place and the endless adjournments that are given to the people against whom corruption charges have been made, the process is taking such a long time that ultimately the person against whom we are making certain allegations of corruption, is retiring and, after that, we are unable to take any action against him. So, my suggestion is that every inquiry should be made time bound, and not more than two adjournments should be given in any case. The people concerned cannot go on asking for adjournments.

Another point is that there are certain public sector undertakings where corruption is taking place on a large scale. They say that they do not have enough qualified persons to investigate into the corruption charges. I would like to suggest that they can appoint some retired persons with impeccable integrity, who can go into the corruption charges and within a time bound manner, they can finish the inquiry and punish the culprit.

The Chief Vigilance Commissioner should also be allowed to confiscate the ill-gotten money. It is a very important thing. Unless the ill-gotten money is confiscated and unless that power is vested in the Chief Vigilance Commissioner, we will not be able to really punish the people. In our country, you can just go on conducting an inquiry. You say that a person has amassed money or assets beyond his means or beyond his known sources of income. This is happening and everybody knows that a particular person has amassed a lot of money, crores and crores of rupees, but have we been able to confiscate it? Let us confiscate it so that it will be a 'low profit and a high risk business', and not a 'high profit and a low risk business' as it is happening today.

Another suggestion of mine is that in every office, there should be a Rogues' Gallery where the photographs of all the corrupt officers should be pasted in front of the office so that everybody knows that, that person is corrupt and he has swindled the money of this country.

Shri Vittal has given a very good suggestion that there should be no post-tender negotiation on any contract in any public sector undertaking. Post-tender negotiations are the main source of corruption. Tenders are floated; contractors file their papers and on the specified day, in the presence of everybody, the tenders are opened. Everybody comes to know who quoted what rate. Then, why should there be post-tender negotiation with anybody in this regard? By following this method, are we not allowing people to resort to corrupt practices and deny the contract to the person who has quoted the lowest rate? By resorting to post-tender negotiation method, in a way we are disallowing the contract to a person whose quotation is the lowest and giving it, after taking a bribe, to someone whose rate is much higher.

Sir, the level of corruption in the country has gone up very high. Once upon a time in Orissa, corruption took place in the Sirajuddin mining case. At that time the Minister took a bribe of only Rs.15,000 and yet that incident shook the entire country. Hundreds and hundreds of crores of rupees are being swindled now and yet it does not shake anybody; it does not shake the conscience of the nation! The most important thing to do today is to raise the level of intolerance among the people towards corruption.

Sir, it all depends on the person who is appointed to a post. We never knew how powerful the Election Commission could be before Shri T.N. Seshan was appointed as the Chief Election Commissioner. Till then we thought that it was a run of the mill organisation without any power. Once Shri T.N. Seshan became the Chief Election Commissioner, he changed the entire scenario of elections in India. Now everybody knows the Election Commission to be a very powerful organisation. That is why I say that it all depends on the person who becomes the Central Vigilance Commissioner. On the person who is appointed to this post, it depends whether the people will have a crisis of faith in the system or they will have faith in the system and believe that it can give them justice.

With these words, I conclude.

>SHRI P. UPENDRA (VIJAYAWADA): Mr. Chairman, Sir, this Bill has taken a very circuitous route before it came for consideration and proved that the style of the present Government is to issue Ordinance after Ordinance. It has become the practice of the Government to issue an Ordinance before a Bill is brought. An Ordinance to nullify the effect of an Ordinance is a very rare phenomenon in the Parliamentary history and this Government is indulging in this practice.

Similarly, in regard to this Bill also an Ordinance was promulgated first and another Ordinance came again. Then the Supreme Court had to make certain comments and raised certain objections in regard to certain provisions of the Bill. Ultimately, the Bill has come here for the consideration of the House after the Standing Committee has cleared it.

Sir, we all know that corruption, of all varieties, is all-pervasive and it is eating into the vitals of the nation. Any attempt to curb this, if not to eliminate this, is welcome.

1600 hours (Prof. Rita Verma in the Chair)

1600 hrs.

The institution of CVC was created in 1964 in pursuance of the recommendations of the Santhanam Committee and after several years, in 1997 an independent review committee was appointed to suggest measures for strengthening this institution. ..(Interruptions)

MR. CHAIRMAN (PROF. RITA VERMA): Please maintain some order in the House.

SHRI P. UPENDRA (VIJAYAWADA): One of the major recommendations of the review committee was to give statutory status to the CVC. It also suggested that CVC should be responsible for the efficient functioning of the CBI. The Supreme Court also observed in December, 1997 that the CVC should be given statutory status. Therefore, this Bill gives statutory status to the Chief Vigilance Commission which is now a multi-member Commission.

We are all aware that mere creation of mere institutions would not curb the menace of corruption. But it would definitely act as a deterrent against corruption and the corrupt people. Whenever we create such institutions, they should inspire confidence in the people that they will be effective in achieving the purpose for which they are created. Keeping that in view, I raise some issues for the consideration of the hon. Minister and the Government and probably they may have to bring another Amendment Bill in course of time after seeing the working of the multi-member Commission.

The first point is, it is a five-Member Commission, that is, the Chief Vigilance Commissioner plus four Vigilance Commissioners. But the Chief Vigilance Commissioner has been given a tenure of four years whereas the Vigilance Commissioners are given only three years. The hon. Minister should explain the rationale for this, why some Members of the Commission are given only three years and the Chief is given a four year tenure.

Another deficiency in this institution is they are not equipped with sufficient staff to undertake the work entrusted to them. They have to depend on several agencies to carry out their work and unless the CVC is equipped with sufficient staff of its own, it will not be able to perform its work. ... (Interruptions)

MR. CHAIRMAN : Please hear the hon. Member. It is a serious matter.

SHRI P. UPENDRA : There is also one point which has to be considered. The various Ministries of the Government of India at various levels have got their own vigilance set up. But only the officers belonging to that Ministry are acting as Vigilance Officers and I doubt very much whether the officers inquiring into the misdeeds of their colleagues can be objective in dealing with corruption cases. Therefore, my suggestion is that these officers should be appointed by the CVC in various Government Departments. If not at every level, at least the top man in the Ministry or Department could be an outsider dealing with corruption cases. For example, when some of us made a complaint against one high official, a Commissioner of one Department, we have received a

letter asking us to produce evidence by a Deputy Commissioner acting as a Vigilance Officer in the same Department.

How can a Deputy Commissioner in that Department inquire into the charges against his superior officer, who is the Commissioner, and deal with it objectively?

Clause 17 provides that the Ministries concerned or the public undertakings concerned can disagree with the recommendations of the CVC. This is a very pernicious provision. As pointed out by my colleague Shri K.S. Rao, the CVC is equipped with many powers. After several months of inquiry, they come to a conclusion. So, how can you allow the Ministries or the public undertakings to disagree with the recommendations and write back to the CVC that they do not agree with the CVC's recommendations? This may find place in the Annual Report of the CVC, which would come before Parliament, but that is not enough. This is an escape route for all the corrupt people. They can manage it in the Ministry to ensure that the Ministry does not agree with the recommendation of the CVC. Therefore, I think, this provision requires an amendment.

Previously, every case dealt with by the CVC had to be referred to the UPSC for its final opinion. It was understandable at that time because the CVC was not a statutory body and the UPSC was a statutory body dealing with personnel. But now both of them are statutory bodies. The Chairmen are of the same rank. So, why should an advice of the CVC be referred again to the UPSC? This will again lead to delay and if they disagree with each other, problems will arise. Therefore this provision should be deleted.

There are 5,300 vigilance cases pending in various Departments and Ministries of the Government of India because they do not have enough officers to investigate. My suggestion is that they may employ some retired officers with impeccable integrity for specific cases to be inquired into and they can be paid some honorarium for that. I think, the services of the retired officers can be taken for the disposal of these cases.

The CVC has recently given a directive that inquiries on all cases must be completed within six months. This should be made mandatory because the vigilance cases linger on for years. Therefore, this time limit should be fixed.

I envisage one more problem. We are now going to create the institution of Lokpal. I do not know when it will be created. This means, there will be the Lokpal, the CBI and also the CVC. If all the three organisations start dealing with corruption at the higher administrative ranks, there will be duplication and overlapping. Therefore, we will have to specifically decide which organisation will deal with which type of cases so that there is no overlapping and no contradictory decisions are given by these three organisations.

I would also suggest that in addition to the cases referred to by the Department the CVC should be empowered to take up cases suo motu on the basis of complaints received by them directly. They can take up cases referred by the Ministries or the public undertakings concerned but the power to conduct suo motu inquiries should also be given to the CVC.

There are many people who are appointed as part-time directors of nationalised banks, public undertakings, etc. They are appointed, maybe, sometimes on political grounds and sometimes on other grounds. Some of them are of very dubious character. Several complaints are received against part-time directors of nationalised banks that they take money to recommend cases and so on. Therefore, the appointment of these part-time directors must also be cleared by the CVC and their antecedents must be examined by the CVC.

The other point that I would like to make is that officers from a particular State should not deal with the cases relating to the officers of that very State. Some kind of a code of conduct - it need not be a rule- should be observed so that no partiality is shown and no preferences are shown.

Finally, I would like to say that we have insulated the Director of the CBI and the Director of Enforcement from pressures and similarly officers holding several other key positions should also be insulated from all types of pressures.

I request the hon. Minister to take note of these suggestions and try to incorporate as many as possible, if not in the present Bill, but at least in some amending Bill in future. Thank you.

(ends)

डा. शकील अहमद : सभापति महोदय, बहुत महत्वपूर्ण विषय है, इस पर सभी ध्यान दें।

... (व्यवधान)

कोई भी कैबिनेट मंत्री नहीं है, यहां तो लॉ-मिनिस्टर को भी रहना चाहिए था।

सभापति महोदय : जनार्दन जी हैं।

>SHRI V.V. RAGHAVAN (TRICHUR): Mr. Chairman, as far as the promulgation of Ordinance is concerned, I fully endorse the points made by my colleague Shri Basu Deb Acharia.

I do not know why the Government is fighting shy to convene the Parliament in sufficient number of days. If you count the total number of days of the Session of Parliament last year, it would be the barest minimum in the history of Parliament. The Government is fulfilling the necessity of legislations by promulgating Ordinances. I should say that within a year, this Government has fully qualified to be called as 'Ordinance Raj'. Last year, it was abruptly adjourned sine die. The Government could have convened Parliament again. Why are they fighting shy to convene Parliament? If we are given sufficient number of days, we could pass the legislations by ourselves. But they are not giving that facility to us. They have established the Central Vigilance Commission and the Chief Commissioner also. Everything is done and now we are asked to endorse their steps. What else can we do now? It is a fait accompli. This sort of making legislation is not at all good. So, my request to the Chief Whip and those who are responsible in the Treasury Benches is not to fight shy to convene Parliament in sufficient number of days. Why should they confine to the barest minimum number of sittings in the history of Parliament in the last one year? That is the reason why they had to promulgate so many Ordinances and come before Parliament with fait accompli legislations.

We are wholeheartedly in support of any step that the Government takes against corruption. Corruption is a cancer now in our body politics. So, we have to do something wholeheartedly - both the Opposition and the Treasury Benches together - to prevent corrupt practices in the services and in public life.

As far as this legislation is concerned, it is all right, but some explanation is to be given by the hon. Minister. I have read in some newspapers that one of the senior members of the present Cabinet, a leading advocate of the Supreme Court has charged that this Ordinance - when they prepared the Ordinance and promulgated it - did not take into consideration the suggestions put forward by the Law Commission. It is not my comment; it has come in the papers. Shri Ram Jethmalani questioned them as to why were the suggestions of the Law Commission not taken into consideration before they promulgated the Ordinance.

It was asked by Shri Jethmalani, a leading advocate and one of the Cabinet Ministers. In a Parliamentary democracy, the Cabinet should function as one. If there are different voices in the Cabinet, the very Parliamentary system is in question. It is not a simple thing.

I have to point out one other thing. Whatever legislations we may pass and with whatever power we may arm them, like the CVC or the Chief Commissioner, the main thing is, are they allowed to function freely. This is the main question now confronting the country. The Government is not allowing these investigating agencies function freely. They are not given the freedom to function freely. There is intervention from the high-ups. We

have noticed that in a number of cases because of the interventions, charge-sheet against corruption, steps against corruption or final investigation against corruption, prolong for years together.

My learned friend, Shri Jain was questioning the Supreme Court directing the Government to have a legislation on this. The Supreme Court has every right to direct the Government to legislate, to plug every loophole in any law. It cannot be questioned. In my humble opinion, a number of things have been said about the judicial activism. I think that is the silver line in the Parliamentary democracy in our country. The executive, the main pillar of the Parliamentary democracy, is the most responsible body. It is up to the Judiciary to point out to the executive if it does not do what it is obliged to do. In a number of corruption cases the judiciary has intervened and because of that intervention only we have come to know the number of cases where the executive has gone wrong. So, it is a pointed question to the Government. Will the Government arm these investigating agencies with ample power to function freely?

MR. CHAIRMAN : Please be brief. Two hours were allotted for this item.

SHRI V.V. RAGHAVAN (TRICHUR): I am just concluding. I always obey the Chair. I am a very obedient Member of the House.

Even the court had to intervene in the functioning of the CBI. Because of so many interventions of the Government, we all know, there was direct intervention by the Supreme Court. Even the Special Courts are not allowed to function and the Government is in dock on that score. So, the crucial requirement to wipe out corruption, is to give full authority to the investigating agencies and to give them the freedom to function. The Government should not ever intervene in the cases involving corruption and thus save the corrupt people.

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श्री रघुवंश प्रसाद सिंह (वैशाली): सभापति महोदय, पं. जवाहर लाल नेहरू से आचार्य कृपलानी ने भेट की तो आचार्य कृपलानी ने कहा कि अब घूस बढ़ गई है। १९५७ में भ्रष्टाचार के खिलाफ जांच करने के लिये एक जांच कमेटी बनाई गई। जांच कमेटी ने एक आस्पैक्ट में कह दिया कि भ्रष्टाचार कहीं नहीं है। थाना में सलामी, कहीं पेशी, कहीं बख्शीशनामा, कहीं चन्दा, कहीं स्पीड मनी। विभिन्न लोग घूस को किसी न किसी नाम से महिमा मंडन करते रहे हैं। लेकिन घूस बढ़ी है और बढ़ रही है। इसलिये लोग कहते हैं कि ग्लोबल फिनामना है, इसे नहीं रोका जा सकता और न रोका जाना चाहिये। भ्रष्टाचार को अपने तक रोकने का प्रयास करना चाहिये, यह हमारा धर्म और कर्म है। पौलिटिकल लोग कह रहे थे कि मिनिस्टर पर कोई आरोप नहीं लगावें। लेकिन आजकल तो रोज ही इस प्रकार के आरोप लगते आ रहे हैं कि फलां घोटाला हो रहा है। मैं इस मामले में एक बात यह कहना चाहता हूँ कि जहां आमद से अधिक खर्च है, वहां पर करप्शन होता है। हमारी आमद ५ हजार है और १० हजार रुपये खर्च करने का अभ्यास कर रहे हैं। इससे करप्शन ही होगा।

आमद से जब खर्च होगा कम,

तब होगा भ्रष्टाचार खत्म।

सतर्कता आयोग का यह इतिहास है कि राष्ट्रपति जी की मुहर से बहाली होगी लेकिन सरकार यह कानून बनाकर यहां लाई है। इसमें कहा गया है कि केन्द्रीय सतर्कता आयोग में एक मुख्य सतर्कता आयुक्त और ४ से अनधिक सतर्कता आयुक्त होंगे। मुझे यह समझ में नहीं आता कि यह सैंट्रल है या चीफ विजिलेंस कमिश्नर है इसका मतलब यह हुआ कि चार से अधिक विजिलेंस कमिश्नर नहीं होंगे। इसमें शून्य, एक, दो, तीन हो सकते हैं। आप पेंच करने वाला कानून लेकर आये हैं।

सभापति महोदय: १६.२५ बजे तक इस बिल पर बहस करने के लिये समय दिया गया था लेकिन दो घंटे से ऊपर हो गये हैं। अभी ४-५ माननीय सदस्य बोलने वाले हैं। मैं चाहती हूँ कि यदि ५ बजे तक खत्म करने की चेष्टा करें तो समय बढ़ाया जाये।

कई माननीय सदस्य: ठीक है, ५ बजे तक बढ़ा दीजिये।

मेजर जनरल भुवन चन्द्र खण्डूरी, एवीएसएम (गढ़वाल) : सभापति महोदय, उसके बाद जनरल बजट पर बहस करनी है।

सभापति महोदय : इसलिये इस बिल पर ५ बजे तक बहस समाप्त करने की कोशिश करें।

श्री रघुवंश प्रसाद सिंह : सभापति महोदय, इसमें निर्धारण होना चाहिये अन्यथा सरकार पर संदेह जाता है कि वह केवल एक ही रखेगी। सुप्रीम कोर्ट ने कहा है कि केवल सिविल सेवा से नहीं रहेगा, दूसरी सेवा से भी रहेगा। कानून के ख खंड में कहा गया है:

‘ किसी केन्द्रीय अधिनियम द्वारा अधीनस्थ स्थापित किसी निगम या केन्द्रीय सरकार के स्वामित्व अधीन नियंत्रित किसी सरकारी कम्पनी में कोई पद पर रहने का सुप्रीम कोर्ट ने निदेश दिया है।’

लेकिन जो चार से अनधिक है, इसके हिसाब से ख नहीं भी रहेगा तो सरकार के लिए कोई बंधन नहीं है। इसलिए सुप्रीम कोर्ट के निदेश का भी यह उल्लंघन है। कुछ लोगों ने ऐतराज किया कि सुप्रीम कोर्ट ने सरकार को कानून बनाने के लिए क्यों कहा। इसलिए कहा कि जैन हवाला केस हुआ था, उसमें बड़े-बड़े लोग पकड़े गए थे और सरकार ने बचाने का काम किया। जब आप चोरी करेंगे और गड़बड़ करेंगे तो सुप्रीम कोर्ट तो क्या, कोई आम आदमी भी डांट सकता है, लिख सकता है, बोल सकता है और सुप्रीम कोर्ट तो कानून का मालिक है। जब गड़बड़ होगी तो आम आदमी भी इस तरह का कानून बनाने के लिए बोल सकता है। कोर्ट के सब फैसलों के हम भी पक्षधर नहीं हैं, लेकिन कोई-कोई बात कोर्ट वाजिब कहता है, न्यायसंगत कहता है जो कि हमें माननी चाहिए।

सभापति महोदय इसमें कहा गया है कि सीबीआई के डायरेक्टर की बहाली होगी। उसमें कहा गया है कि ‘ज्येष्ठता, वरीयता, सत्यनिष्ठता होने के साथ साथ भ्रष्टाचार निरोधक मामलों के अन्वेषों के अनुभव के आधार पर’, माने जो अधिकारी बहाल होंगे, उनमें यह सब होना चाहिए। ज्येष्ठता, सत्यनिष्ठा और अभ्रष्टाचार। लेकिन जो केन्द्रीय सतर्कता आयुक्त बहाल होंगे, इसमें सत्यनिष्ठा का जिक्र नहीं है। इसका मतलब यह है कि बिना सत्यनिष्ठा वाले लोग भी बहाल हो सकते हैं? मतलब एक बहाली में ज्येष्ठता, सत्यनिष्ठा और भ्रष्टाचार निरोधक बात का जिक्र है, लेकिन दो जगह बहाली में सत्यनिष्ठा का जिक्र नहीं है। हमें संदेह होता है कि बिना सत्यनिष्ठा वाले लोग बहाल करने की आज़ादी है।

सभापति महोदय : आपने कहा था कि आप पांच मिनट में अपनी बात खत्म कर देंगे।

श्री रघुवंश प्रसाद सिंह (वैशाली): आप हमें बैठने के लिए कह रही हैं?

सभापति महोदय : बैठने के लिए नहीं कह रही हूँ।

श्री रघुवंश प्रसाद सिंह : क्या मैं इर्रलेवेण्ट बात कह रहा हूँ?

सभापति महोदय : इरैलेवेण्ट बात नहीं कह रहे हैं -- आपने कहा था कि पांच मिनट में समाप्त करेंगे।

श्री रघुवंश प्रसाद सिंह : सभापति महोदया, जैसे पी.उपेन्द्र जी ने सवाल उठाया था कि केन्द्रीय सतर्कता आयुक्त को कहा कि चार वर्ष रहेंगे और सतर्कता आयुक्त को कह दिया कि तीन वर्ष रहेंगे। ऐसा भेदभाव किस ज्ञान या न्याय से, किस विचार से या विवेक से किया है? एक चार वर्ष रहेंगे और बाकी तीन वर्ष रहेंगे, ऐसा क्यों है? किस विवेक का प्रयोग करके चार और तीन का भेद किया गया है? फिर कहा गया कि केन्द्रीय सरकार नियमों द्वारा आयोग के कर्मचारीवृन्द के सदस्यों की संख्या, उनकी सेवा की शर्तों के संबंध में उपाय करेगी। मतलब सरकार पर छोड़ दिया गया कि जो कर्मचारी वगैरह होंगे, सरकार उनको बहाल करेगी। अगर सरकार बहाल ही नहीं करे या बहुत दिन तक नहीं करे या दो चार कर्मचारी बहाल कर दे जिससे आयोग छटपटाता रहे कि काम में बाधा आती है इसलिए आयोग को अधिकार दिया जाना चाहिए कि अपने कर्मचारी बहाल करे नहीं तो सरकार सभी जगह गड़बड़ कर सकती है हमें शक है।

सुप्रीम कोर्ट ने कहा है कि इसको ऑटोनॉमस बनाना चाहिए और उसके अधीन सी.बी.आई. को रखा जाना चाहिए लेकिन नियम २६ की उप धारा ४ देखें। 'दिल्ली विशेष पुलिस स्थापन का अधीक्षण जहां तक उसका संबंध भ्रष्टाचार निवारण अधिनियम १९८८ के अधीन अभी कथित रूप से कारित अपराधों के अन्वेषण से है, आयोग में निहित होगा।' सीबीआई का मालिक भी वह आयोग हो गया। दूसरा मालिक भी है सीबीआई का। जैसी उपधारा १ में अन्यथा उपबंध है, उसके सिवा अन्य सभी मामलों में उक्त पुलिस स्थापन का अधीक्षण केन्द्रीय सरकार में निहित होगा, इसमें गड़बड़ की गई है कि सर्वोच्च न्यायालय ने कहा है कि इसका इंडीपेण्डेंट ऑर्गनाइजेशन होना चाहिए और एक सरकार भी रहेगी सावीआई की मालिक, जो सुप्रीम कोर्ट ने आशंका जाहिर की है कि सरकार का हस्तक्षेप होता है सीबीआई में और सरकार उसमें गड़बड़ करती है और कूसूरवार को बचाने का काम करती है।

जब सुप्रीम कोर्ट ने यह मामला देखा तो कहा कि इसकी देख-रेख के लिए ऑटोनोमस बॉडी बननी चाहिए

... (व्यवधान)

फिर सी.बी.आई. को रखा गया।

सभापति महोदय : आप बहुत अच्छा प्वाइंट रख रहे हैं, लेकिन अब कंकलूड कीजिए।

श्री रघुवंश प्रसाद सिंह : इसमें सी.बी.आई. के दो मालिक बनाये गये जिसमें सी.वी.सी. को रखा गया और सरकार भी इसमें अपना नियंत्रण हटाने को तैयार नहीं है। इससे पूरे संदेह की गुंजाइश रहती है। सी.बी.आई. के दो मालिक होंगे। एक पत्नी के दो पति कैसे हो सकते हैं, यही गड़बड़ इसमें होगी। इसलिए हमें इसमें संदेह है ... (व्यवधान)

सभापति महोदय : रघुवंश बाबू, आप सत्रियों पर अन्याय कर रहे हैं।

श्री रघुवंश प्रसाद सिंह : इसके जो जानकार लोग हैं और कानून के समझने वाले लोग हैं, वे समझ सकते हैं। प्रवर्तन निदेशक उस तारीख से अपना पद ग्रहण कर सकता है, वह दो वर्ष की न्यूनतम अवधि के लिए पद धारण करेगा।

सभापति महोदय : रघुवंश जी, आप खुद चेयर पर बैठते हैं, आप चेयर की इतनी बात सुनते हैं, आपने कहा था कि आप पांच मिनट में समाप्त करेंगे।

श्री रघुवंश प्रसाद सिंह : मैडम, हमार महत्वपूर्ण प्वाइंट बचा हुआ है। लेकिन आप इजाजत देने के लिए तैयार नहीं है, इसलिए आपके निदेश को मानकर मैं अपनी बात समाप्त करता हूँ।

MR. CHAIRMAN : Now, Shri Varkala Radhakrishnan to speak. I hope he will be equally kind as Shri Raghuvansh Prasad Singh has been.

>SHRI VARKALA RADHAKRISHNAN : Thank you. I am always lucky because whenever I speak, you are in the Chair. Madam, I hope you will not interfere with my speech.

MR. CHAIRMAN: I beseech you to be very brief. Please take five minutes.

... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : I will try to be brief as far as possible. But I will have to explain my point. I represent a large party. My party has the time. How can I take only five minutes?... (Interruptions)

MR. CHAIRMAN: We have to conclude it by Five of the Clock.

... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : I agree with you. But I will try to conclude within ten minutes.

MR. CHAIRMAN: All right, now you take five minutes and let us see after that.

1632 hours

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): I will take ten minutes.

Madam, at the outset, I would like to say that all of us know that during the Freedom Struggle, our attempt was to establish a Government free from corruption. Gandhiji's Rama Rajya, as we all know, is a society of virtues. After fifty years of Independence, we are on the verge of entering the third millennium. What is the state of affairs in India now?

You are aware that we are entering the third millennium with a society filled with corruption. We could not prevent this corruption. There is corruption in many ways: corruption among public men, corruption among civil service officers and corruption even in Judiciary! This is the state of affairs. We could not prevent it so far effectively. There were times in the past to prevent corruption among public men. But we have not come to the final stage. Even today, we are at the drafting stage so far as corruption among public men is concerned. In the matter of civil service also, though we have certain statutes, we have not achieved the goal. We are still lagging behind.

I would like to submit here that if there is a Government with stability, if there is a Government with political will, corruption will not take place so much as in the present case. Here is a Draft (Amendment) Bill which is an offshoot of bureaucratic manipulation. I do not think that it is the offshoot of people who know law, public men who are at the helm of affairs of such things. They would not allow such a practice to take place in such a situation. We all know what is happening in the present stage. Since there is no political will and political stability, the offshoot is judicial adventurism.

I would like to put it in that way. Now Judiciary is everywhere. They dictate terms even to the Members of Parliament as to how we should issue slips for gas connection to others. We know how to do it. But the Judiciary has even entered into that field. The Judiciary has even entered into the field by asking the Government to do pooja in a particular way and in a particular temple. The Judiciary is directing the Executive to do certain things which are not in their dominion at all. They are using the process of Public Interest Litigation (PIL) petitions. By that process, everything is now being dictated by the court. That is called Judicial Adventurism.

We are in such a situation because there is no stable Government; and because there is no Government with the will power. So, everywhere we are seeing Judiciary. They have gone to the extent that they would give direction that what medicine should be administered to a particular patient. That day will also come in future. Such a situation is created because of the inability of the Executive to control or curtail corruption. That is the position today. All of us are aggrieved. The Judiciary is going to the extent of giving direction to the political party. They have given a direction as to how to conduct their procession, as to how many people should take part in that procession, and as to how they should behave on a public road. This is not the outlook of the Judiciary. But they have gone to that extent because there is no stable Government with the political will in the country. That is the position.

We are now facing that difficulty here also. It is an offshoot of a judicial decision. The Supreme Court has given a direction to do certain things in a particular way and in a particular manner. But even there, we see adulteration. The bureaucracy has manipulated things in such a way to suit their convenience.

We know about the Prevention of Corruption Act of 1988 meant for servicemen and bureaucrats. They could not implement it effectively because of the interference of the political leadership at the helm of affairs. The bureaucrats were not allowed to function freely. The people, who are entrusted with the process of investigation are always harassed and they were transferred. There was interference from the Executive to suit their political convenience. This has come to a situation that the Supreme Court had told us to give a statutory status to the investigating agency. There is a provision for investigation in the Act itself, but that proved to be ineffective for the simple reason that there was political interference to save their own followers in this regard. Such a situation has been created. After the Supreme Court has given a very definite direction, a draft Bill was brought in and this Bill is not as per the dictates of the Supreme Court.

Now, there is an authority in India which could give advice in this matter. I do not say the Law Commission is above us. The Law Commission can be taken as an advisory body. They are experts; their opinion will have to be considered. I do not say that we will have to accept all that is said by the Law Commission. But in taking a correct decision, to a considerable extent, it will influence us. Now, the Law Commission had been given a go by. It had not been taken into consideration by the Cabinet at all. Just as what is done in the case of the Patents Bill. In the Patents Bill also, there was a recommendation of the Law Commission, but that was suppressed. Here also there is a recommendation of the Law Commission, that also has been given a go by and the same is being suppressed.

My learned friend - who has gone out just now - Shri Ram Jethmalani, himself had declared in public that the bureaucracy has manipulated things in such a way that they have given a go by to the recommendation of the Law Commission.

He was forced to declare that in public. Now, the Judiciary is not within the control of the Government. The Judiciary does not have any faith in the Government. Since the present Government is an unstable one, the clever bureaucrats in India know that they could manipulate it to suit their convenience. That is the position in the Central Vigilance Commission Bill.

MR. CHAIRMAN :Please conclude quickly.

SHRI VARKALA RADHAKRISHNAN :I will conclude within a few minutes.

Madam, the Cabinet could not think about the matter. Now, I shall deal with two Sections very briefly to establish my submission that this is a creation of the bureaucrats. Now, who should be the Chief Vigilance Commissioner and who should be Vigilance Commissioners? They found out that only persons from the bureaucracy should be eligible for appointment as the Chief Vigilance Commissioner and the Vigilance Commissioners also should be retired bureaucrats or bureaucrats in service. So, this is a Bill of the bureaucracy, by the bureaucracy and for the bureaucracy. That is what I would submit.

MR. CHAIRMAN: Shri Radhakrishnan, why do you not conclude with this beautiful quotable quote.

SHRI VARKALA RADHAKRISHNAN : I am concluding.

Madam, Section 25 of the Bill deals with the appointment of Vigilance Commissioner. It says he should be a person in the service of the Central Government or State Government or a retired officer of the Central Government or State Government. They want men of their own choice. Why should it not be a man with some legal knowledge, either from the Judiciary or from public life? What is the difficulty? Why should there be a retired person? Why should there be a bureaucrat to deal with corruption among the bureaucrats? Now, for the appointment of the Director of Enforcement, a Committee is constituted. The members of that Committee are, the Central Vigilance Commissioner, the Secretaries to the Government of India in the Ministries of Home Affairs, Personnel and the Department of Revenue. Section 25 (b) says:

"No person below the rank of Additional Secretary to the Government of India shall be eligible for appointment as a Director of Enforcement."

So, all are Secretaries to the Government of India. That is why, I said that it is an Act created for the Secretaries and bureaucrats.

MR. CHAIRMAN: Please conclude now. You have already spoken for 13 minutes.

SHRI VARKALA RADHAKRISHNAN : I will take only one minute more.

Madam, Section 25 says that a Committee will be constituted for the appointment of the Director of Enforcement. The Central Vigilance Commission, as a whole, should be the Committee for that purpose and nobody else. What is the difficulty in it? The Chairperson of the Central Vigilance Commission assisted by three other Vigilance Commissioners will be sufficient for selecting the Director. Why should the Secretary to the Government of India be brought in here? What is the necessity of bringing the Home Secretary? What is the necessity of bringing the Revenue Secretary? The selection of the Director can be achieved very effectively by the Commission itself, as a whole. So, the appointment of the Director who is in-charge of the Special Police Establishment in Delhi should be done by the Commission itself and not by a Committee consisting of Secretaries to the Government of India.

Madam, is the Minister not*

that he is being misled by the Secretaries? The hon. Minister, Shri Janardhanan is smiling. He should rather forgive them for they do not know what to do. That is what I have to submit. He is being misled; he is becoming a..*

in the hands of the bureaucrats. So, he should try to get above them. Otherwise, elimination of corruption among the bureaucracy will not be possible. With these words, I conclude.

* Expunged as ordered by the Chair.

>SHRI B.M. MENSINKAI (DHARWARD SOUTH): Madam, I am very happy that you have given me time to speak. I expect that you will give me at least five minutes to take part in this discussion.

Anyhow, since I belong to a supporting party, Lok Shakti I support it. But the problem is that our nation is burdened with so many laws without any work. I am fed up with all these Acts. The new Acts are always brought forward but the people are not acting according to those laws. Then, another Act will be passed. Things are going on like this. This Parliament is burdened with thousands of laws making process.

In this connection, I would like to bring to your kind notice that in Karnataka, when our leader, Shri Ramakrishna Hegde was the Chief Minister, the Lokayukta Act was passed in 1984. According to that Act, the definition of a public servant should be clarified. The Members of the Assembly have to submit a return of their income and assets annually to the Lokayukta before 30th June of each year. Nobody used to submit that.

When I was the Municipal President, I had made an experiment since 1979-80 declaring my assets along with all the work done. Such a statement is to be given by the public servant as such. I asked all the hon. Members also that they must declare their assets voluntarily. At the time of filing the nomination to the Parliament, I filed a declaration regarding my assets. If this thing is done by representatives of Public, then only, corruption can be controlled. It cannot be wiped out from the society. At least to control corruption, we have to make a sacrifice. In all the offices, the representatives of the people must give a lead. Then, the bureaucracy will follow it. Otherwise, the bureaucracy will act according to the wishes of the representatives who are corrupt. In Karnataka, there are about 52 Ministers out of whom 30-35 Ministers have not submitted their return of wealth or statement of assets. In spite of that, they are continuing in office.

Similarly, here also, it goes on like this. Nobody wants to be transparent in society. I want that transparency should be there. Then only, the corruption in public life and in the bureaucracy could be controlled.

I think, I have read in some newspaper that Shri Vittal, Central Vigilance Commissioner told that the smugglers' property will be confiscated according to that Act by the Government. Similarly, if that provision is introduced here, then there is no question of amending this Act also.

There is the Vigilance Wing in Income Tax Department. If the Minister of Finance gives them full powers, they would collect information about all the blackmarketeers and hoarders of black money. They will assess the cases on the basis that if there is an undisclosed income or it is disproportionate to the known sources of income, that will be taxed. Similarly, the disproportionate income will also be taken back by the Government. If that provision is inserted in the Income Tax Act, then, everything is possible to curb the corruption in the public life. Therefore, if these officers are not men of credibility, this Act would not help anything.

Even I wrote a letter to the Prime Minister regarding the Lokpal Bill which was to be brought before the House. It is not possible that the people who are making laws, should be punished by themselves. That is why I would like to say that that law is not useful here. Even if the Prime Minister is included in the Lokpal Bill, he cannot be punished. Then, who is going to be punished? It is because the officers have to take action. Can they take action against him? Take the example of Karnataka. The Chief Minister was included in the Lokayukta Act but nobody could take action against him. The Officers cannot take action against him. That is why I would like to say that all such laws should be omitted just as they have done in Philippines. Marcos amassed crores and crores of rupees when he ruled that country, which was later confiscated when the new rulers came.

Anyhow I am supporting this Bill. But the point is that such laws cannot work. Any man executing the law must have the credibility in the society.

With these few words I conclude my speech.

>SHRI T.R.BAALU (MADRAS SOUTH): Madam Chairperson, first of all, I would like to welcome the Bill brought by this Government as per the advice of the Supreme Court for giving statutory authority to the Central Vigilance Commission which will now be a multi-member body. The powers of this Commission, after passage of this Bill, would be to monitor, superintend, to control over the Central Bureau of Investigation, to order inquiry on its own or with the Central Bureau of Investigation, to call Report on corruption from any Department and so on. I wholeheartedly support and welcome this Bill.

At the same time, if the Bill is brought forward with good intentions, it is to be welcomed. There is an Ethics Committee in the Parliament. This Government is talking loudly about bringing the Lokpal Bill. What happened to the Lokpal Bill? What happened to the Ethics Committee's Report? As per Ethics Committee's Report, I understand that if any Member of Parliament goes wrong, then, the Report will prevail. I want to have a clarification from the Government. If a Member of Parliament with the powers he is having, indulges in corrupt

practices, what will happen to him? I want to know whether the Ethics Committee will correct him or the Central Vigilance Commission will have its own say or the proposed Lokpal Bill will prevail. It is good, Madam, provided this Government or the people having the powers do not interfere with the Judiciary. As far as corruption charges are concerned, there are special courts. The corruption cases must be heard daily. Those cases must be expedited. My request is that let there not be any interference from the people in power.

For your information, and for information of the House, a person who had earned only one rupee per month in office for five years, what would have been her income? Her income would have been only Rs. 60. During 1989 elections, she did not have any money even to contest elections. She had to borrow.

But after demitting her office, her own total income was just Rs.60. Now, how come she could purchase 10,500 silk sarees worth Rs.7,000 to Rs. 8000 each? She was in possession of 350 pairs of chappals. How come jewellery worth crores and crore of rupees she would be having?... (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF FINANCE (BANKING, REVENUE AND INSURANCE) (SHRI KADAMBUR M.R. JANARTHANAN): Madam, are we discussing these things here or are we discussing Central Vigilance Commission Bill?

people are aware of the fact that Imelda Marcos of Philippines was having only 2000 sarees and only 200 chappals... (Interruptions)

MR. CHAIRMAN :Shri Baalu, please conclude now, the time allotted to you is over.

office, is facing the Special Court, but the Law Minister of this Government has issued an executive order to transfer the cases to other courts. I would like to know what is the locus-standi he has got to issue an executive order when the matter is pending with the judiciary... (Interruptions) Madam, this kind of interference would not in any way... (Interruptions)

SHRI CH. VIDYASAGAR RAO (KARIMNAGAR): Madam, I am on a point of order... (Interruptions)

MR. CHAIRMAN: Yes, what is your point of order? Under what Rule?

SHRI CH. VIDYASAGAR RAO : Madam, my point of order is that name of no individual should be attributed like this...(Interruptions) This is not correct... (Interruptions)

MR. CHAIRMAN: Please, Shri Baalu, I am dealing with it.

MR. CHAIRMAN: You are not in the Chair. I am here to decide on that.

Shri Vidyasagar Rao, under which rule you are raising a point of order?

SHRI CH. VIDYASAGAR RAO : Madam, the hon. Member should confine within the ambit of the Bill. He can discuss anything on the Bill which we are going to pass. But he should not attribute anything on an individual who is not here... (Interruptions) I totally oppose this.

raising his point of order?

MR. CHAIRMAN: Shri Baalu, thank you very much for helping me. But I can deal with this matter.

... (Interruptions)

SHRI SATYA PAL JAIN (CHANDIGARH): This is under rule 352... (Interruptions)

quote that rule... (Interruptions)

SHRI SATYA PAL JAIN : Madam, under rule 352 there are 3-4 conditions and a Member cannot level any allegation against any other person ... (Interruptions)

(Interruptions) I was narrating what has happened during the course of time... (Interruptions)

THE MINISTER OF POWER, MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF NON-CONVENTIONAL ENERGY SOURCES (SHRI P.R. KUMARAMANGALAM): Madam, Rule 352 says:

"A Member while speaking shall not--

(i) refer to any matter of fact on which a judicial decision is pending;

(ii) make personal reference by way of making an allegation imputing a motive to or questioning the bonafides of any other Member of the House unless it be imperatively necessary for the purpose of the debate being itself a matter in issue or relevant thereto;..."

That also he must realise.

"...(iv) use offensive expressions about the conduct or proceedings of Parliament or any State Legislature;"

(Interruptions)

SHRI P.R. KUMARAMANGALAM: Madam, I have not yielded... (Interruptions)

expression I have used... (Interruptions)

MR. CHAIRMAN: Shri Baalu, you had been a Minister. Why cannot you restraint yourself for a couple of minutes?

... (Interruptions)

(Interruptions)

MR. CHAIRMAN: No, I have allowed him. He is on a point of order.

... (Interruptions)

(Interruptions)

MR. CHAIRMAN: Shri Baalu, you should restrict yourself to the subject and not divert from that.

... (Interruptions)

I was telling that a particular person... (Interruptions)

MR. CHAIRMAN: Shri Baalu, please keep quiet and let me listen to the hon. Minister.

SHRI P.R. KUMARAMANGALAM: Madam, he cannot reflect upon the conduct of persons unless the discussion is based on a substantive motion. Why is he reflecting upon the conduct of people who are not in the House and when it has nothing to do with the subject matter here? Why is he on this matter? There are opportunities he will get. He should have the right to say. I am not saying 'No'... (Interruptions)

SHRI BASU DEB ACHARIA : Madam, he has not referred to any person ... (Interruptions) He has not mentioned any name... (Interruptions)

MR. CHAIRMAN : Wait a minute. Shri T.R. Baalu, there should not be a slanging match between you and the hon. Minister.

I think, the hon. Minister, Shri P.R. Kumaramangalam has raised a very pertinent point. We shall look into the matter and the offensive words will not form part of the records.

... (Interruptions)

to delete ... (Interruptions)

MR. CHAIRMAN: Shri T.R. Baalu, we shall settle it later on. Now, you conclude.

now and raised a point of order. When I have started speaking, he was not in the House. ... (Interruptions)

MR. CHAIRMAN: We shall go through the records and find out the portion to be deleted.

... (Interruptions)

(Interruptions)

MR. CHAIRMAN: You cannot dispute the Chair's decision.

... (Interruptions)

SHRI BASU DEB ACHARIA (BANKURA): Madam, he has not mentioned any name ... (Interruptions)

MR. CHAIRMAN: Shri Basudeb Acharia, you should not forget that you are in the Panel of Chairmen; you should not encourage such things.

... (Interruptions)

SHRI BASU DEB ACHARIA : Madam, I am cooperating with the Chair. I am helping the Chair. ... (Interruptions)

MR. CHAIRMAN: I do not need support from any quarters.

... (Interruptions)

MR. CHAIRMAN: Shri Basu Deb Acharia, you should be on the side of the Chair and nobody should really dispute the decision of the Chair.

Shri T.R. Baalu, please conclude now.

out against the Chair's ruling. ... (Interruptions)

MR. CHAIRMAN: Shri T.R. Baalu, you have had enough time and you must conclude your speech within a minute.

... (Interruptions)

there is no place at all. I am walking out. ...(Interruptions)

*Expunged as ordered by the Chair.

MR. CHAIRMAN: Your party's time is over. Please conclude.

my speech; he just came and raised a point of order. ... (Interruptions)

MR. CHAIRMAN: I feel sorry. You had been a Minister. This is not the way to behave.

... (Interruptions)

(Interruptions)

MR. CHAIRMAN: You must conclude your speech within a minute.

... (Interruptions)

not having any money even to contest the election in 1989 ... (Interruptions)

MR. CHAIRMAN: You must conclude now within a minute.

... (Interruptions)

a minute. ... (Interruptions)

MR. CHAIRMAN: It is all right. You will get only one minute. ... (Interruptions)

have to voice my feeling. I have not mentioned anybody's name. ... (Interruptions)

MR. CHAIRMAN: Whatever he speaks after one minute will not form part of the record.

... (Interruptions)

walking out in protest against the Chair's decision.

... (Interruptions)

* Expunged as ordered by the Chair.

1702 hrs

(At this stage, the hon. Members, Shri T.R. Baalu and

Shri S. Arumugham left the House.)

श्री दिलीप संघाणी (अमरेली): सभापति महोदय, आपके निर्णय के बाद क्या कोई सदस्य उसके खिलाफ चर्चा के बीच में जा सकता है ?

सभापति महोदय : इस बारे में निर्णय हम बाद में कर लेंगे ।

श्री दिलीप संघाणी : मेरे विचार से नहीं जा सकते हैं और यह चेयर की अवमानना है । इसके खिलाफ सट्टिक्वर पास करना चाहिए ।

सभापति महोदय : इसके बारे में बाद में विचार कर लेंगे।

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श्रीमती कैलाशो देवी (कुरुक्षेत्र): सभापति महोदय, इस बिल के बारे में मेरे से पूर्ववक्ताओं ने अपने-अपने विचार रखे हैं, लेकिन मैं अपनी एक छोटी सी धारणा इस बिल के बारे में व्यक्त करना चाहती हूँ।

हिन्दुस्तान को आजाद हुए ५० वर्ष हो गए हैं। इन ५० वर्षों के दौरान जहाँ हिन्दुस्तान ने अनेक समस्याएँ हल की हैं, वहीं हिन्दुस्तान में अनेक समस्याओं ने विकराल रूप धारण किया है। आज भ्रष्टाचार हिन्दुस्तान की विकारात्मक समस्याओं में से एक है। भ्रष्टाचार को बढ़ावा देने के लिए ब्यूरोक्रेट्स और राजनेता बराबर के दोषी हैं। यह सच है कि जहाँ राजनेताओं ने भ्रष्टाचार में नए से नए कीर्तिमान स्थापित किए हैं, वहीं हर्षद मेहता जैसे ब्यूरोक्रेट्स ने उन कीर्तिमानों को तोड़ा है।

सभापति महोदय, ब्यूरोक्रेट्स इतने अभ्यस्त हो चुके हैं और इतनी बारीकी से भ्रष्टाचार किया जाता है कि जांच एजेंसियाँ कितना ही अपना माथा पीट लें, लेकिन जानकारी के स्तर पर उनको कोई भी बात हासिल नहीं होती है। इसलिए जब तक

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जांच एजेंसियों को स्वतन्त्रता और स्वायत्तता पूरी तरह से प्रदान नहीं की जाएगी, ये एजेंसियाँ अपना कार्य स्वतन्त्र होकर, निष्पक्षता से निर्भीक होकर नहीं करेंगी, तब तक इन समस्याओं का समाधान संभव नहीं है और हर बार सरदार जोगिन्दर सिंह जैसे डायरेक्टर लाए जाते रहेंगे और राजनीतिक दबाव के चलते हटाए जाते रहेंगे। इन संस्थाओं को स्वतन्त्रता और स्वायत्तता देने के साथ-साथ ही इन संस्थाओं में कार्यरत कर्मचारियों की सुरक्षा सुनिश्चित करनी होगी, क्योंकि राजनीतिक दबाव, माफिया दबाव और अन्य प्रकार के दबावों के कारण जान खतरे में बनी रहती है।

इस प्रकार समस्या को हल करने के लिए ये एजेंसियाँ तुरंत स्वतंत्रता प्राप्त करके किसी भी भ्रष्ट से भ्रष्ट राजनेता और आफिसर का पर्दाफाश करके, स्वतंत्रत और निष्पक्ष जांच करके दूध का दूध और पानी का पानी देश के सामने रख दें, तब जो भी भ्रष्टाचार में लिप्त पाया जाता है- उसमें चाहे कोई भी मंत्री हो, चाहे ५ प्रधानमंत्री भी हो, कोई भी बड़े से बड़ा ब्यूरोक्रेट्स क्यों न हो, उसे सजा देने के लिए कड़े से कड़ा कानून बनाया जाना चाहिए। जब एक भ्रष्टाचारी के लिए फांसी की सजा का सरकार प्रावधान करने जा रही है तो जो रोजाना भारतमाता के साथ खिलवाड़ करते हैं, उनके लिए मौत की नहीं, बल्कि उन भ्रष्टाचारी हाथों को काट कर फेंक देना चाहिए।

... (व्यवधान)

यदि हम इतना भी नहीं कर सकते तो कम से कम उम्र कैद का प्रावधान तो जरूर किया जाना चाहिए। भ्रष्टाचार रूपी कैंसर, जिसका अंत मौत के रूप में ही सामने आता है उससे देश उत्पीड़ित रहेगा।

सभापति महोदय : मुझे ऐसा लगता है कि ज्यादा समय इसलिए लग रहा है क्योंकि सब लोग बिल को न डिसकस करके करप्शन को इश्यू बना रहे हैं। यहाँ जो दो-तीन माननीय सदस्य बोलने के लिए बैठे हैं वे कृपा करके बिल पर बोलें तो बहस भी जल्दी खत्म हो जाएगी और आपका भी समय बचेगा। कवाड़े जी, मुझे उम्मीद है कि आप बिल पर बिलकुल सटीक भाषा बोलेंगे।

प्रो. जोगेन्द्र कवाड़े (चिमूर) : महोदय, केन्द्रीय सतर्कता आयोग का जो बिल लाया गया है, उसके बारे में मैं आपके द्वारा दिए हुए समय में अपनी पार्टी की तरफ से चंद बातें कहना चाहूँगा। केन्द्रीय सतर्कता आयोग विधेयक की परिधि में केन्द्र सरकार के आधीन स्थापित निगमों, स्थानीय प्राधिकरण, केन्द्र सरकार के स्वामित्व में या उसके नियंत्रण में आने वाली सरकारी कम्पनियों, सोसायटियों, लोकसेवक के आधीन कार्यरत संस्थाएँ, अधिकाधिक अपराधों की जांच करने के लिए केन्द्रीय सतर्कता आयोग विधेयक लाया गया है। इसके जरिए हमारे देश से भ्रष्टाचार का उन्मूलन करने की एक पुरजोर कोशिश की जा रही है। हम सभी जानते हैं कि एक संथानम कमीशन बना था। यह जो विधेयक लाया गया है, संथानम जी के वक्त से लेकर आज तक कई आयोग बने। भ्रष्टाचार के कई मामले, घोटाले हुए, लेकिन संथानम जी के वक्त से लेकर आज तक जो भी भ्रष्टाचार के इनवेस्टीगेशन के लिए आयोग बना उसका आज तक इवेल्यूएशन कभी नहीं किया गया। किये गये

मूल्यांकन को सदन और देश के सामने कभी नहीं रखा गया। भ्रष्टाचार के विरोध में हमारे देश में सबसे बड़ी संस्था सी.बी.आई. है। सी.बी.आई. ने कई भ्रष्टाचार के मामलों का इनवेस्टीगेशन किया, लेकिन आज तक हमने यह नहीं सुना या पढ़ा कि सी.बी.आई. ने भ्रष्टाचार के मामले में लिफ्ट, जिन-जिन लोगों पर आरोप लगाया उनको कभी जेल में डाला या उनके खिलाफ कोई कार्यवाही हुई, ऐसा आज तक हमें दिखाई नहीं दिया। अगर केन्द्रीय सतर्कता आयोग इसी तरह चलता रहेगा तो फिर एक सफेद हाथी पालने की हमारी सरकार को क्या जरूरत है, यह सवाल इस बिल के माध्यम से मैं पूछना चाहता हूँ।

सभापति महोदया, हमारे देश में आज भ्रष्टाचार चरम सीमा पर है। हमारी बहन यहां बोल रही थी कि चाहे राजनेता हो, समाजसेवक हो या कोई निजी क्षेत्र में काम करने वाला व्यक्ति हो, जो भी भ्रष्टाचार के मामले में लिफ्ट हो उसके खिलाफ कड़ी से कड़ी कार्यवाही करने का प्रावधान हमारे कानून में होना चाहिए।

इस विधेयक में होना चाहिए, ताकि भ्रष्टाचार करने की कोई हिम्मत न कर सके। आज भ्रष्टाचार के बारे में निर्लज्जता इस तरह से बढ़ी हुई है कि भ्रष्टाचार का समर्थन करने वाले लोग भी हमारे देश में हैं। भ्रष्टाचार का समर्थन करते हुए यह कहा जाता है कि भ्रष्टाचार तो ग्लोबल फिनोमिना है। भ्रष्टाचार की स्थिति निमार्ण करने वाली व्यवस्था को नष्ट करके हमारे देश से भ्रष्टाचार को निर्मूल करने के लिए पूरी तरह से बुनियादी कोशिश अगर यह सतर्कता आयोग करता है, तो बहुत अच्छा होगा।

... (व्यवधान)

सभापति महोदय (प्रो. रीता वर्मा): कवाडे साहब, आप मुझे एंडेस कीजिए। आप दूसरे से मत बोलिये।

प्रो. जोगेन्द्र कवाडे (चिमूर) : मैं आयोग की बात करूंगा, मैं दूसरी बात नहीं करूंगा। आयोग में एक केन्द्रीय सतर्कता आयुक्त होगा और कम से कम तीन आयुक्त होंगे। चार से ज्यादा नहीं होंगे, जैसा माननीय रघुवंश प्रसाद जी ने कहा, चार से ज्यादा नहीं होंगे। हम यह पूछना चाहते हैं कि केन्द्रीय सतर्कता आयुक्त जो होगा वह भी ब्यूरोक्रेसी से आने वाला है। सरकारी सेवा से रिटायर होने के बाद वह यहां आकर सतर्कता आयुक्त बनेगा। जो मैम्बर होंगे वे भी ब्यूरोक्रेसी में से होंगे। मैं यह जानना चाहता हूँ कि केन्द्रीय सतर्कता आयुक्त की नियुक्ति होने के बाद जो तीन मैम्बर होंगे क्या उसमें अनुसूचित जाति, जनजाति, महिलाओं और पिछड़े वर्गों को इसमें प्रतिशत मिलेगा। यह मैं आपके माध्यम से मंत्री महोदय से पूछना चाहता हूँ। इस बात का मैं स्वागत करता हूँ कि राष्ट्रपति जी सेंट्रल विजिलेंस कमीशन का निर्माण करेंगे और इसकी सिफारिश करने के लिए हमारे देश के प्रधान मंत्री, होम-मिनिस्टर और लोक सभा के विपक्ष के नेता, इन तीन सदस्यों की समिति केन्द्रीय सतर्कता आयोग के निर्माण के लिए राष्ट्रपति जी से सलाह-मशविहरा करेगी और इनकी सिफारिश से केन्द्रीय सतर्कता आयोग का निर्माण होगा। यह बहुत अच्छी बात है। लेकिन इस पांच नं. की उपधारा में जो बातें हैं कि केन्द्रीय सतर्कता आयुक्त की अवधि जो चार वर्षों की रखी गयी है, यह कुछ ज्यादा लगती है। पैंसठ वर्ष सर्विस करने के बाद जब वह चार वर्ष के लिए वहां जायेगा तो इस अवधि को चार वर्ष के स्थान पर तीन वर्ष किया जाए।

... (व्यवधान)

जहां तक उनके वेतन, भत्तों और सुरक्षा का सवाल है, आप जो भी देना चाहें, उसपर हमें कोई एतराज नहीं है। हमारे देश से भ्रष्टाचार दूर करने की गारंटी क्या केन्द्रीय सतर्कता आयोग दे सकता है, यह हमारा बुनियादी सवाल है। मैडम, आज तक कई संस्थाएं बनीं, फिर भी एक के बाद एक भ्रष्टाचारी पैदा हो रहे हैं और सारे देश को खोखला बना रहे हैं। भ्रष्टाचार की हमारे देश में एक समानांतर अर्थव्यवस्था बनी हुई है जिसकी वजह से हमारे देश की अर्थव्यवस्था खोखली बनी हुई है। इससे हमारा देश तरक्की नहीं कर सकता है, हमें दूसरों की तरफ हाथ फेंकना पड़ता है। क्या भ्रष्टाचारियों को दंडित करने के लिए कठोर से कठोर दंड की व्यवस्था आप इसमें कर सकते हैं, यही हम मंत्री महोदय से पूछना चाहते हैं। सरकार से मेरी यह मांग है कि सतर्कता आयोग बनाना है तो जरूर बनाएं लेकिन इस बात की गारंटी देश को सरकार दे कि इसके बाद भ्रष्टाचार करने वाला चाहे हिमालय की चोटी से भी ऊंचा आदमी हो, चाहे जमीन का आदमी हो, जो भ्रष्टाचार करेगा, उसको हम नहीं छोड़ेंगे, यह गारंटी हमें मिलनी चाहिए। इन्हीं शब्दों के साथ आपका धन्यावाद करते हुए मैं अपनी बात समाप्त करता हूँ।

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>SHRI BIKRAM DEO KESHARI (KALAHANDI): Madam Chairman, I wholeheartedly support the Central Vigilance Commission Bill which has been initiated by the Government because this Government, led by the hon. Prime minister, Shri Atal Bihari Vajpayee, has been voted to power against corruption. It was the corruption in high political places which has voted this Bhartiya Janata Party Government to power under the able

leadership of Prime Minister, Shri Atal Bihari Vajpayee. Besides, the Supreme Court judgement necessitated to create a Central Vigilance Commission and accordingly the President of India promulgated an Ordinance which is going to lapse shortly and will become infructuous unless this Bill is passed by the Parliament. Keeping this in view, the Government has brought this Bill and as per the sense of the House, which we have just heard, it is going to be passed unanimously.

I do not have much to say, but one thing I would like to say that the Commission which has been created, is going to be a transparent Commission because the annual reports of the Commission will eventually be placed in the House and the pros and cons of the findings will be subject to discussion. Basically, this Commission will act as a watchdog to the Prevention of Corruption Act, 1988 which was not coming out with any positive results. During the Jain Havala case, the Supreme Court had directed that if a Commission was not created, corruption in high places could not be dealt with.

The problem of corruption started overflowing. It may be at the Chief Minister's level or at the bureaucratic level or even at the Prime minister's level, the needle of suspicion started pointing towards them, whether it was the Bofors scandal or the Bihar chara scandal, or the urea scandal, or the sugar scandal, or the telecom scandal, or the havala scandal, or the share scandal of Harshad Mehta, or whatever it was. If you start naming the scandals, there is no end to it. Therefore, our Government has taken a decision in the right direction to nab the culprits, who, by virtue of the vpters, come here to this august House to rule the country. The people have faith in us. They think that we shall deliver the goods to them. But instead of delivering the goods to them, we give them corruption. Therefore, this Bill which is being discussed today is for the good of the country and for a healthy democracy.

Some hon. Members from the Opposition benches cited the example of the Law Commission. They said that the directions of the Law Commission were not followed. But here I would like the hon. Minister to clarify during his reply whether the Law Commission's reports are mandatory to be placed before the House because unless these are placed before the House, unless they become the property of the House, unless they are made public, they cannot be discussed. Therefore, it should be clarified that whatever recommendations are made by the Law Commission, they will be given proper weightage in future. Once this Vigilance Commission Bill is passed and becomes an Act, if there are some lacunae found afterwards, it can be amended to suit the electorate and to suit the situation of the country. As of now it is legal. If it becomes an Act, it can always be amended.

Therefore, Madam, after this Bill is passed, the Commission will be headed by an impeccable retired bureaucrat or if a bureaucrat who is in service is appointed as the Commissioner, then he will be automatically deemed to have been retired. Considering this, Madam, after the passage of this Bill, we will get justice in future and corruption can be stemmed or killed at its roots.

With these words, I conclude.

श्री शैलेन्द्र कुमार(चायल): सभापति जी, मैंने नोटिस दिया है, मुझे बोलने का समय दिया जाये।

सभापति महोदय: समय खत्म हो चुका है। आपकी पार्टी से मोहन सिंह जी काफी अच्छा भाषण दे चुके हैं। सबको समय से ज्यादा वक्त दिया गया है। अब मिनिस्टर साहब को बोलने दीजिये।

श्री रामानन्द सिंह (सतना): सभापति जी, भ्रष्टाचार का मामला है, आप सबको बोलने दीजिये।

सभापति महोदय : नहीं, यह नहीं हो सकता।

श्री रामानन्द सिंह : आप समय बढ़ा दीजिये।

सभापति महोदय : नहीं, समय पहले ही बढ़ाया जा चुका है।

>SHRI KADAMBUR M.R. JANARTHANAN : Madam Chairman, I would like to thank all the Members who have given their opinions or valuable suggestions on this Bill.

(Translation) *I wish to speak in Tamil, my mother tongue. I had given notice in writing in this regard. This Bill seeks to eradicate corruption and bribery totally. I mention this when the Statutory Resolution was moved by hon. Member, Shri Acharya. Let me explain as to why we were compelled to promulgate an Ordinance. As per the directions of the Supreme Court, on 18.12.1997, the then Gujral Government brought this Bill. On 7.4.1998, when this was sought to be implemented, the then CVC resigned. So, it became necessary to promulgate an Ordinance on 9.8.1998.*

1722 hrs. (Shri Raghuvansh Prasad Singh in the Chair)

That has been elaborated in the explanation. Before the Cabinet Meeting and the meeting in the Ministry, the Law Commission Inquiry Report has also been received. I have already told very clearly to hon. Members, Shri Acharya, Shri Upendra and others that the matter was explained in the Bill itself.

As far as possible, I would like to reply briefly. When the hon. Member from Andhra Pradesh, Shri K.S. Rao, was speaking, he was telling about what was happening, that is, only lower level employees like the bus conductors are being punished and that high level officials are not being punished. While speaking, he has given some suggestions. In general, all the Members were telling that we are being misled by the bureaucracy. I would like to submit that in this democratic country, so many sat in the minister's Chair. After being a Member for 12 years, I am now sitting in the Chair of a minister. When we have the political will and apply our mind properly, the bureaucracy cannot mislead us. That much confidence we, the politicians, should have. I can assure you that this Government has not been misled by the -----

----- Translation of the speech originally delivered in Tamil.

bureaucracy.

On the issue of tackling corruption, the highest Court has given directions to the two Houses. Some hon. Members were saying that our Parliament is superior and we are sitting in this Parliament with that objective.

I thank Shri Satya Pal Jain for supporting the Bill. At the same time, he said that along with the Government, it should go into corruption cases in bureaucracy and public life. That has to be gone into.

Shri Upendra asked as to why there should be a difference of one year between the tenure of the Chairperson and that of the Members. The tenure of the Chairman is four years while that of a Member is three years. This is done to ensure the supremacy of the Chairman as well as to maintain continuity in the Commission.

Hon. Member, Shri Mohan Singh has moved an amendment to the Bill. In this connection I would like to draw the attention of the august House to the fact that the Central Vigilance Commission is being conferred statutory status by this Bill as per the directions of the Supreme Court in the Vineet Narayan case which was accepted by the Government. In this case, the Supreme Court had, inter alia, directed in paragraph 58.2 of their order dated 18-12-1997 that selection for the post of Central Vigilance Commissioner shall be made by a committee comprising the Prime Minister, the Home Minister and the Leader of Opposition. The court had given no direction to include the Chief Justice of India as a member of the committee. The Parliamentary Standing Committee has also accepted the present formulation with a certain clarification regarding the Leader of Opposition which has been accepted by the Government. The amendment necessary for that has been moved. Therefore, the Government is not in favour of accepting this amendment. Corruption at high places can be discussed when the House takes up the Lok Pal Bill also.

An hon. Member asked about the Personal Secretary. Personal Secretary has been included and it has been rescinded. Dr. Raghuvansh Prasad Singh spoke about the appointments of the four Vigilance Commissioners. Appointment to these posts will also be made by the High Powered Committee of which the Leader of Opposition is a member. Hence, there is no cause for any apprehension that the Government will not appreciate any Vigilance Commissioner. The amendment introduced will ensure that the CVC and the Vigilance Commissioners will not be belonging to any one service. It is not here. He made a particular point and, therefore, I replied to it.

Shri Radhakrishnan said that the CVC should decide disciplinary cases of Government servants and employees of the public sector undertakings. The persons who will be covered under this have been decided based on the directions of the Supreme Court and recommendations of the Law Commission as well as under the supervision of the Standing Committee. Under clause 27, the Committee is constituted for selecting the Directors of CBI and ED strictly as per the directions of the Supreme Court.

Hon. Member belonging to Lok Shakti party talked about transparency and that the Ministers should submit their property returns. I agree with him. It is being done even now. As a Minister, I have given it and everybody is giving it.

Hon. Member Shri Baalu also spoke on the Bill. When I speak in the House I speak as a Member who has been here in the House for 14 years.

After my fourteen years of experience in Parliament, if I do not say who I am politically, I will be failing in my duty. I was a person who was attracted to the ideology of Arignar Anna in 1949 when I was a student. I never thought that I would become a Member of Parliament or a Minister. I came from that line of workers.

It was Arignar Anna who had drawn me into his fold. During the times of Puratchi Thalaivar MGR, I came to the House, thanks to Navalar. Dr. Navalar was a chosen one, chosen by none other than the great Anna who called him to lead the party as his younger brother.

He was in full power in Anna's period. Navalar was able to give me a Parliamentary seat. During MGR's period, I became a Member of Parliament from the AIADMK party. That was after 37 years of my political career.

This is the thing about Tamil Nadu. I do not want to mention any name. I am an example. I am a coin. I am a test tube in the Dravidian history. Everybody knows, how we have been toiling, working and shedding our blood for the language, for the country and for the nationality. I want to say that when China attacked us it was our Anna who said:

* Let us strengthen the hands of Nehruji.*

(Original in English) He was released from the Vellore jail as he was put behind the bars for leading an agitation against the price rise. ... (Interruptions)...During 1962, he was not a Chief Minister. In fact, Anna was defeated in the Assembly elections.

on record.

SHRI KADAMBUR M.R. JANARTHANAN: Why?

replying to me... (Interruptions)

SHRI KADAMBUR M.R. JANARTHANAN: *I am drawn by Anna. Whereas he was drawn by somebody else. So, I can give him a befitting reply... (Interruptions)...I am drawn towards a great leader, Anna. He was attracted by somebody else. So, I need not give him a reply.*

Jayalalitha... (Interruptions)

SHRI KADAMBUR M.R. JANARTHANAN: How he got attached with this party, I need not tell. The country knows, the world knows about it. This is a pity... (Interruptions)

He was also a Minister, and I am also a Minister now. But there is a difference... (Interruptions)... He said that the ladies wear only saris... (Interruptions)...Ladies do not wear lungis.

---- Translaltion of the speech originally delivered in Tamil.

** Expunged as ordered by the Chair.

* Without mentioning name, he referred accusatively to 1989. Hon. Balu who now refers to 1989 may not know of the party and what it was in 1950-57. Even the leading speakers do not know of the times. I know about him. He may sit down... (Interruptions)*

am not like you who is just going here and there... (Interruptions)... I am not like you. I am a man of stature and strength... (Interruptions)

SHRI KADAMBUR M.R. JANARTHANAN): *If there is anything between us, let us sort it outside. Shall we?... (Interruptions)*

(Interruptions)... Sir, he is calling me to fight outside. It is...**

(Expunged as ordered by the Chair)

SHRI KADAMBUR M.R. JANARTHANAN: He is talking of the integrity. I challenge him openly in regard to integrity. I am ready... (Interruptions)

out of Parliament and fight with him... (Interruptions)

SHRI KADAMBUR M.R. JANARTHANAN: I challenge him. When he joined the party, what was he? And, what was our leader in 1960?... (Interruptions)...And, what is he today? Can he tell me?... (Interruptions)... The person, with whom he was working in 1989, was living in a hut... (Interruptions)

(Interruptions)

SHRI KADAMBUR M.R. JANARTHANAN: What was Dr. Karunanidhi during 1960s?

nothing at that time... (Interruptions) He should not raise his party matters in the Parliament... (Interruptions)

---- Translation of the Speech originally delivered in Tamil.

** Expunged as ordered by the Chair.

श्री कांतिलाल भूरिया (झाबुआ) : सभापति महोदय, आपस में डायरेक्ट वार्तालाप हो रहा है।

SHRI KADAMBUR M.R. JANARTHANAN: *His leader was living with Shri Dravidamani in North-Madras. That man is still alive. Shri Dravidamani can tell us what was Dr. Karunanidhi then. I speak Tamil what Anna had taught us. But his Tamil is what he learnt from his leader Dr. Karunanidhi.*

(Interruptions)

MR. CHAIRMAN : Hon. Minister, please address the Chair.

SHRI KADAMBUR M.R. JANARTHANAN: Can he come outside? I am challenging him. I am ready... (Interruptions)

MR. CHAIRMAN: Please confine yourself to the reply only.

... (Interruptions)

श्री रामानन्द सिंह (सतना): पार्लियामेंट में जो बिल आ रहा है उस पर बोलिये, आपस में मत बोलिये।

SHRI KADAMBUR M.R. JANARTHANAN: What is he and, what are we? (Interruptions)...Come on. Tomorrow, if the elections are held, and I am defeated, I will resign from my post... (Interruptions)...Will he also do it? MR. CHAIRMAN: Shri Janarthanan, please address the Chair.

SHRI KADAMBUR M.R. JANARTHANAN: Mr. Chairman, he is talking in singular. ... (Interruptions)... I am talking in Tamil... (Interruptions)...This is the difference between him and me.

Let me ask whose Government was dismissed on corruption charges in 1976.

(Original in English) I worked for 30 years in my Party and only then I contested election and I won. It is a proof that people have faith in us. You have seen it. (Interruptions) I know better English than him. I can tell him in English also.

MR. CHAIRMAN : You confine yourself to your reply. You should not be provoked.

----- Tranlation of the speech orginally delivered in Tamil.

SHRI KADAMBUR M. R. JANARTHANAN: Why has he provoked me? I have to reply in a decent and civilised manner.

SHRI KADAMBUR M. R. JANARTHANAN: I am here as Minister because the people of Tamil Nadu have accepted me, not you. You are being boycotted... (Interruptions) They are the people who beat a lady in the Assembly. They are the Party who beat a lady in the Assembly and they are talking of decency here... (Interruptions)

SHRI KADAMBUR M. R. JANARTHANAN: I want to inform the House that about 60 per cent to 70 per cent of cases are ready for conviction. Therefore, they need not doubt the bona fides of the Commission.

I am really very sorry because something very nasty, something which is not connected with this Bill has been uttered in this Parliament. ...(Interruptions) Senior Members like Shri Indrajit Gupta are here. I am very sorry the former Speaker Shri Balram Jakhar is here. I got provoked by a man who has talked nothing which is connected with this Bill. Therefore, if anybody is feeling, I have got to explain my position. I have to explain the political position of my party, Anna DMK. They have raised the name of Anna.

...(Interruptions) It is none of our fault.

With these words, I request all hon. Members to support and pass this Bill.

*m17

श्री बसुदेव आचार्य (बांकुरा) : सभापति महोदय, मंत्री जी ने इस सभा में जो जवाब दिया है, उस संबंध में मैं कहना चाहता हूँ कि एक महीने में एक नहीं दो आर्डिनेंस किए गए हैं। जो आर्डिनेंस पहली बार प्रोमलगेट हुआ वह

within a gap of one month. That was a fraud on the nation.

इसलिये सुप्रीम कोर्ट को दोबारा सरकार को निर्देश देना पड़ा कि पहला जो आर्डिनेंस प्रोमलगेट किया गया था, वह सुप्रीम कोर्ट के डायरेक्शन और विधि आयोग के मुताबिक नहीं था। जब आर्डिनेंस प्रोमलगेट हुआ तो उसकी समालोचना हुई जिसमें मंत्रिपरिषद के सदस्य भी थे। उस समय प्रधान मंत्री जी ने बयान दिया था कि इसकी जांच होगी।

Who was responsible for that? Who was responsible for drafting it without bringing it before the Cabinet, if it was a fact? The hon. Minister Shri Ram Jethmalani reacted sharply to it and a statement was made by the hon. Prime Minister that that would be inquired into. Was there an inquiry? What was the result of the inquiry? Was any responsibility fixed and any action taken against somebody who was responsible for that? The hon. Minister has not replied to this aspect.

What was the need for the promulgation of an Ordinance when there was enough time with the Government to bring a regular Bill and that Bill was being considered by the Standing Committee of Parliament. In spite of all this, they promulgated an Ordinance, not once but twice. He has not explained the need for the promulgation of the Ordinance. This is why I do not find any justification to withdraw my Statutory Resolution. I do not find any justification because he has not explained it and he has not replied to the points which I made during my initial remarks on why I have brought the Statutory Resolution.

I am not, in principle, against the Bill because I am also in favour of strengthening the Central Vigilance Commission, removing the lacunae and weaknesses which were there in the Central Vigilance Commission, an impartial vigilance commission, changes in the procedure of appointment of Chairman and Members of the Commission. But I am not in favour of promulgation of successive Ordinances within one or two months and thus bypassing the importance of this Parliament. By bypassing this Parliament, the Government is resorting to Ordinance-raj. This should be avoided. There was enough time with the Government. They could have brought a Bill to this House but without doing that and without giving the Members an opportunity, they have promulgated Ordinances. They are now bringing a Bill to replace the Ordinance. I am against this. I do not find any justification for withdrawing my Statutory Resolution. I am in favour of my Statutory Resolution. I have already moved my Resolution and I am not withdrawing my Statutory Resolution.

MR. CHAIRMAN : The question is:

"That this House disapproves of the Central Vigilance Commission Ordinance, 1999 (No. 4 of 1999) promulgated by the President on 8th January, 1999."

The motion was negatived.

MR. CHAIRMAN: The question is:

"That the Bill to provide for the constitution of a Central Vigilance Commission to inquire or cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by certain categories of public servants of the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House shall now take up clause by clause consideration of the Bill.

Clause 2

MR. CHAIRMAN: The question is:

"That clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3

Amendment made:

Page 2, after line 27 insert--

"Provided further that while appointing the Central Vigilance Commissioner or the other Vigilance Commissioners, the Central Government shall ensure that they do not belong to the same service or category of person referred to either in clause (a) or clause (b)". (4)

(Shri Kadambur M.R. Janarthanan)

MR. CHAIRMAN: 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

श्री मोहन सिंह (देवरिया): सभापति महोदय, मैं निम्नलिखित संशोधन प्रस्तुत करता हूँ:-

पंक्ति ४८ के पश्चात् निम्नलिखित अंतःस्थापित

किया जाए -

'(ख) भारत का मुख्य न्यायमूर्ति - सदस्य'। (१)

महोदय, हमारा अमैंडमेंट यह है कि चीफ विजिलेंस कमिश्नर और कमीशन की नियुक्ति में तीन लोगों की कमेटी बनाने का प्रावधान है। उसमें सुप्रीम कोर्ट की कोई साझेदारी नहीं है। मेरा संशोधन है कि एक और जोड़ दिया जाए कि मुख्य न्यायाधीश, सर्वोच्च न्यायालय भी उस कमेटी के सदस्य होंगे। इसमें कोई गैर-वाजिब बात नहीं है क्योंकि इस कमीशन को गठित करने के संबंध में सुप्रीम कोर्ट ने ही निर्देश दिया था। सुप्रीम कोर्ट संकोचवश और लिहाज़वश अपना ऐसोसिएशन इसकी नियुक्ति में नहीं रख पाया। इसलिए इस संसद का कर्तव्य है कि चीफ विजिलेंस कमिश्नर की नियुक्ति के समय चीफ जस्टिस ऑफ इंडिया की भी राय ली जाए और वे भी उस कमेटी के सदस्य मनोनीत किए जाएं, ऐसा मेरा संशोधन है।

सभापति महोदय : मैं श्री मोहन सिंह द्वारा रखे गए संशोधन नम्बर १ को सदन के सामने रखता हूँ।

संशोधन अस्वीकृत हुआ

Amendment made:

Page 2, line 38, insert--

'Explanation-- For the purposes of this sub-section, "the Leader of the Opposition in the House of the People" shall when no such Leader has been so recognised include: the Leader of the single largest group in opposition of the Government in the House of the People.' (5)

(Shri Kadambur M.R. Janarthanan)

MR. CHAIRMAN: 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

Amendments made:

Page 3, after line 7, insert--

"(ab) any diplomatic assignment, appointment as administrator of a Union territory and such other assignment or appointment which is required by law to be made by the President by warrant under his hand and seal." (6)

Page 3, line 22, for "Provided further that", substitute--

"Provided further that if the Central Vigilance Commissioner or any Vigilance Commissioner is at the time of his appointment, in receipt of retirement benefits in respect of any previous service rendered in a corporation established by or under any Central Act or a Government company owned or controlled by the Central Government, his salary in respect of the service as a Central Vigilance Commissioner or, as the case may be, the Vigilance Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that" (7)

(Shri Kadambur M.R. Janarthanan)

MR. CHAIRMAN : 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 and 7 were added to the Bill.

Clause 8

Amendments made:

Page 4, line 6 after "Prevention of Corruption Act, 1988", insert-

"or an offence with which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial." (8)

Page 4, line 11, after "the Prevention of Corruption Act, 1988", insert-

"or an offence with which such public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial." (9)

Page 4, line 14, after "the Prevention of Corruption Act, 1998", insert-

"and an offence with which such official may, under the Code of Criminal Procedure, 1973, be charged at the same trial". (10)

Page 4, line 17, after "Act 1998" insert-

"or the public servant may under the Code of Criminal Procedure, 1973, be charged at the same trial". (11)

Page 4, for line 29, substitute-

"(a) members of all-India Service serving in connection with the affairs of the Union and Group 'A' officers of the Central Government;" (12)

(Shri Kadambur M.R. Janarthanan)

MR. CHAIRMAN: The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended was added to the Bill.

Clauses 9 to 19 were added to the Bill.

New Clause 19A

Motion for suspension of Rule 80(i)

SHRI KADAMBUR M.R. JANARTHANAN: I beg to move:

"That this House do suspend clause (i) of rule 80 of the 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 Government amendment No.13 to the Central Vigilance Commission Bill, 1998 and that this amendment may be allowed to be moved."

MR. CHAIRMAN: The question is:

"That this House do suspend clause (i) of rule 80 of the 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 Government amendment No.13 to the Central Vigilance Commission Bill, 1998 and that this amendment may be allowed to be moved."

The motion was adopted.

Amendment made:

Page 6, after line 24, insert-

"19A. The Central Government shall in making any rules or regulations governing the vigilance or disciplinary matters relating to persons appointed to public services and posts in connection with the affairs of the Union or to members of the all-India-Services, consult the Commission." (13)

(Shri Kadambur M.R. Janarthanan)

MR. CHAIRMAN: The question is:

"That new clause 19A be added to the Bill".

The motion was adopted.

New clause 19A was added to the Bill.

Clauses 20 to 26 were added to the Bill.

Clause 27

श्री रामानन्द सिंह (सतना): सभापति महोदय, मेरा एक मिनट का हस्तक्षेप यह है कि केन्द्रीय सतर्कता बिल की भी वही दुर्गति न हो, जो मध्य प्रदेश के सतर्कता बिल की हो रही है। वहां सतर्कता आयोग ने १५ मंत्रियों के खिलाफ भ्रष्टाचार के आरोप लगाकर उनको निकालने के लिए कहा, लेकिन किसी के खिलाफ कार्रवाई नहीं हुई। कहीं यह स्थिति केन्द्रीय सतर्कता बिल की न हो। मंत्री जी एक बार पुनः देख लें कि इसमें कोई छिद्र न हो। वैसे इस बिल का स्वागत सभी लोग कर रहे हैं।

सभ पति महोदय (श्री रघुवंश प्रसाद सिंह) : इसका अभी मौका नहीं है। भाषण का समय

खत्म हो गया।

Amendment made:

Page 8, for lines 40 to 45, substitute-

"27.(1) the Central Vigilance Commission Ordinance, 1999 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act." (14)

(Shri Kadambur M.R. Janarthanan)

MR. CHAIRMAN: The question is:

"That clause 27, as amended, stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

The Schedule was added to the Bill.

Clause 1

Amendment made:

Page 1, line 4,

for 1998 substitute 1999" (3)

(Shri Kadambur M.R. Janarthanan)

MR. CHAIRMAN : 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.

Enacting Formula

Amendment made:

Page 1, line 1,-

for "Forty-ninth" substitute "Fiftieth" (2)

(Shri Kadambur M.R. Janarthanan)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

MR. CHAIRMAN: The question is :

"That the Long Title stand part of the Bill.

The motion was adopted.

The Long Title was added to the Bill.

SHRI KADAMBUR M.R. JANARTHANAN: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.
