

THE PRIME MINISTER (DR. MANMOHAN SINGH): Madam Chairperson, Sushmaji quoted in the morning one of my favorite couplets.

There are some very special moments in the life of a nation. This is one such moment. The nation awaits with bated breath how the collective wisdom of this august House will be reflected in the vote at the end of the debate on the Lokpal and Lokayuktas Bill, 2011.

16.42 hrs

(Madam Speaker *in the Chair*)

Madam, the broad provisions of this Bill have been vigorously debated both in the public domain and by political parties. It is my honest belief that the Bill that is now before this august House lives up to the promise that Members of this House collectively made to the people of this country by way of the sense of the House at the end of the debate on 27th August, 2011.

The task of legislation is very serious business and must eventually be performed by all of us who have been constitutionally assigned this duty. Others can persuade and have their voices heard. But the decision must rest with us. At the same time we must keep in mind the fact that corruption and its consequences eat into the body politic. We have seen how public anger has manifested itself in the last one year. Let us, therefore, endorse this Bill as proposed. In drafting this legislation, we have had a wide range of consultations. I compliment the hon. Members and the Chairman of the Standing Committee which looked into this Bill in great detail. We have been enriched by the wisdom of political parties and all shades of opinion that have been taken into account.

I wish to state that when our Government was elected to office in 2004, we wanted our policies to be people-centric. We believe in transparent, open governance and the well-being of the *aam aadmi* is central to all our policy prescriptions. Our ideological commitment to 'open governance' led us to bring the Right to Information Act in 2005. To further our people-centric policies, we enacted the National Rural Employment Guarantee Act, 2005. The Right of Children to Free and Compulsory Education Act, 2009, is evidence of our desire to empower the disadvantaged and marginalized. The National Rural Health Mission addresses the health concerns of the poor in the rural areas. We have

attempted to rejuvenate our cities through the Jawaharlal Nehru National Urban Renewable Mission. 

The Rajiv Awas Yojana aims to provide housing to the poor and homeless in cities. The introduction of the National Food Security Bill, 2011, is yet another step to secure the poor and the malnourished from the consequences of hunger and deprivation. The Land Acquisition, Rehabilitation and Resettlement Bill, 2011 seeks equity for the farmer and those deprived of livelihoods. We have tried to create a more egalitarian and inclusive India delivering the fruits of growth to the less privileged. That is and shall continue to be our Government's mission.

Madam, on corruption, our Government, like none before, has taken decisive steps. In the last one year, we have been working on certain landmark legislations. The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011, is before Parliament. The Public Interest Disclosure and Protection to Persons Making the Disclosures Bill, 2011, and the Lokpal and Lokayuktas Bill, 2011, await Parliament's approval. The Judicial Standards and Accountability Bill, 2010, has already been cleared by the Standing Committee and awaits Government's consideration. The Electronic Delivery of Services Bill, 2011, is being introduced which will ensure that essential public services are electronically delivered at the doorstep of the citizen. These are landmark and unprecedented pieces of legislation.

Madam, on the administrative side, our Government seeks to streamline decision making consistent with the principles of transparency and accountability. We are formulating public policy measures on procurement. A Group of Ministers has recommended elimination of discretion in administrative matters where possible. This work is in process. We began with the Right to Information Act. We will not end the fight against corruption with the Lokpal and Lokayuktas Bill.

Madam, we must embrace a holistic approach in our fight against corruption. Our laws must be all pervasive if we are genuine in our endeavour. Legal sophistry cannot be used to argue that State Legislatures must not adopt the model law proposed or delay its enforcement. Corruption is corruption whether in the Union or in the States. It has no legislative colour. I urge leaders of all

political parties to rise above partisan politics to demonstrate to the people of India that this House means business in its effort to combat corruption. All of us are party to the resolution reflecting the sense of the House in which we committed to establish Lokayuktas in the States along with the Lokpal. We would be in breach of the promise that this House made to the nation if we do not provide for the mechanism of the Lokayuktas by taking recourse to citing articles of the Constitution as impediments. Such a course of action should not derail the sense of the House. I urge all my colleagues in Parliament to rise to the occasion and look beyond politics to pass this law.

Madam, the Central Government is responsible for providing a limited number of public services directly to the citizen. The real problem lies in the domain of State Governments where the *aam aadmi* feels the pinch of petty corruption on a daily basis.  is for this reason that Group C and Group D employees have been brought within the ambit of Lokayuktas in States. Local as well as State authorities are charged with providing essential services to the common man. It is here that the bane of corruption needs to be fought. Water, electricity, municipal services, land records, policing, transport, ration shops are but a few examples of essential services provided by State and local authorities that affect the life of the common person. Setting up of Lokayuktas in States will go a long way in addressing the sense of frustration that is reflected in the anger that we see now around us.

Madam, even the major flagship schemes of the Central Government are implemented by public functionaries working under the State Government. Everyday in this and the other House, Members express their disillusionment with the way our Central schemes are implemented by States. We need to remedy this. Unless Lokayuktas are put in place, the cancer of corruption will spread. Let us not delay the issue any further. Federalism cannot be an impediment in our war against corruption.

Madam, as regards the CBI, we believe that the CBI should function without interference through any Government diktat. But no institution and no individual, howsoever high he may be, should be free from accountability. All institutional structures must be consistent with our Constitution. Today, we are

given to believe that a Government that is directly elected by the people and accountable to it cannot be trusted but a body that will not derive its legitimacy from the people directly or be accountable to it, could be trusted to wield its immense powers with honour and trust. No entity should be created inconsistent with our Constitutional framework and charged with onerous executive responsibilities without any proper accountability. In the ultimate analysis all institutions within the framework of this Constitution are accountable to Parliament and Parliament alone. In our enthusiasm to enact this law, we must not falter. I believe that the CBI should function independently of the Lokpal. I also believe that the CBI should function independently of the Government. But independence does not mean absence of accountability. We have, therefore, proposed a process of appointment of the CBI Director, which involves the Prime Minister, the Chief Justice of India or his nominee and the Leader of the Opposition in the Lok Sabha. None should have doubts about the integrity of this process. As far as the issue of CBI functioning under the Lokpal is concerned, our Government believes that this would create an executive structure outside Parliament, which is accountable to none. This is anathema to sound Constitutional principles. I believe that the Bill, which is now before this House, contains a judicious blend of functional autonomy and accountability of the CBI. I am sure that the wisdom of this august House will rise to support our Government's proposals as reflected in this Bill.

Madam, in the course of this debate, bureaucracy has been at the receiving end. While I agree that public functionaries must be above board and that delinquents must be dealt with expeditiously and decisively, I must express my deep appreciation for many a public servant who have shown exemplary integrity in discharging their functions in an environment of distrust. 

I do not think all public functionaries need to be painted with the same brush just as all politicians should not be presumed to be dishonest or corrupt. We must not throw the baby out with the bath water. Without a functional, efficient administrative system, no Government can deliver for its people. Let us not supplant the system with one in which the public servants will hesitate to fearlessly record what they think and in that process endanger the very soul of

good governance. In judging the conduct of public servants, we must not lose sight of the need to distinguish genuine and honest mistakes in the discharge of their duties from patently illegal acts. Very often our public servants have to take decisions under conditions of great uncertainty. The future being inherently uncertain, it is possible that an action which *ex ante* appears to be rational may *ex post* turn out to be faulty. Our systems of reward and punishment must not lose sight of this fact.

Madam, all systems of governance must be based on trust. It is the people's trust that we in Government reflect and protect. Rampant distrust of all authority imperils the foundations of democracy. Our polity with its enormous size and diversity can only be held together when we put our faith and trust in institutions that we have carefully built over the last 63 years. The power of the electorate is the ultimate authority which brings accountability to our democratic institutions. In endangering democracy, we will only be unleashing the forces of chaos and anarchy where reason will give way to emotion.

Madam, we are creating something for the future in response to the inadequacies of the present. We have to be mindful of the pitfalls when we look into the future. Let us not create something that will destroy all that we cherish—all in the name of combating corruption. Let us remember that the road to hell is paved sometimes with good intentions.

We, as the representatives of the people, must act now to start yet another journey to rebuild the trust that is essential for a strong and vibrant India. I thank you.