

pal will look into complaints against administrative lapses of Ministers and Secretaries to the Government at the Centre and in the States (this letter was signed by Shri Morarji Desai) and a Lokayukt is to be appointed in each State and one at the Centre for the Union Territories, too look into complaints against administrative acts of authorities below the level of Secretaries. This was the scheme envisaged and incorporated in this slim report of the ARC in October 1966.

[SHRI N. K. SHEJWALKAR in the Chair]

16.05 hrs.

Now it is strange that the Bill, as it has emerged out of the Joint Committee, makes a wide departure from the recommendations of the ARC, which were unanimous. In the ARC, there were five members, four of the Congress Party, then ruling party, and I was the only member from the opposition. We were all unanimous with regard to the recommendations made in the Report. Now the Joint Committee of the two Houses of Parliament has made some very vital changes, radical changes I would say, which perhaps were not very necessary.

First I would take up the provision about "competent authority." Competent authority—is it really necessary? Is not the Lokpal of such a calibre, of such a status, of such competence himself that he cannot decide whether a particular complaint should be inquired into or not? Why should it go to a competent authority for preliminary examination or investigation, preliminary probing, because that will make cumbersome the entire machinery

[MR. SPEAKER in the Chair]

16.06 hrs.

MR. SPEAKER: Mr Kamath, will you permit me to disturb you just for a minute, just for an announcement?

16.06 1/2 hrs.

#### ANNOUNCEMENT RE. LEADER OF OPPOSITION IN LOK SABHA

MR. SPEAKER: There has been a request for change of official Leader of the Opposition, and in view of the changed circumstances, I have consulted Shri Stephen, he has no objection to my designating Shri Y. B. Chavan as the Leader of the Opposition. I accordingly designate Shri Y. B. Chavan as the Leader of the Opposition.

[SHRI N. K. SHEJWALKAR in the Chair]

SHRI KANWAR LAL GUPTA (Delhi Sadar): We want to congratulate Mr. Chavan.

16.77 hrs.

(Interruptions)

SHRI R. VENKATARAMAN (Madras South): It is a domestic arrangement.

MR. CHAIRMAN: Mr. Kamath, you can continue.

SHRI HARI VISHNU KAMATH: Mr. Chairman, this has been an important and pleasant diversion because it evoked both sympathies and congratulations, sympathies verging on condolence.

SHRI A. BALA PAJANOR (Pondicherry): I take objection to this. It is a musical chair. So, anybody can go and occupy and rotate also.

MR. CHAIRMAN: What is the objection there?

SHRI HARI VISHNU KAMATH: You want to harp on music? I have no objection.

SHRI A. BALA PAJANOR: Mr. Kamath said, condolence for Stephen. I said, it is not like that.

SHRI HARI VISHNU KAMATH: Sympathy verging on condolence.

**SHRI A. BALA PAJANOR:** That is the matter I wanted to get clarified. After all, it is in a good spirit, in a sportive spirit, I said it is a musical chair. I wish it may come round also like that.

**MR. CHAIRMAN:** That stage will apply to those who do not get any chair.

**SHRI A BALA PAJANOR:** No. I may go this way or that way.

**SHRI HARI VISHNU KAMATH:** Mr. Bala Panjanor, it is more likely that you may have music without the chair.

16.06 hrs.

LOKPAL BILL—Contd.

**SHRI HARI VISHNU KAMATH:** Mr. Chairman, I was talking about the competent authority. The competent authority, Sir, is an original idea generated by the fertile brain of the Joint Committee, collective brain of the Joint Committee, but I do not know whether it will not add to the cumbrousness of the entire procedure and process of the entire institution, make for dilatory procedure. That means, in a way it will also make people think that we do not trust the discretion and judgment of the Ombudsman or the Lokpal himself. But if the competent authority should be there, has to be there, then the various authorities prescribed in the Bill—I am sure you will also agree with me, Mr. Chairman, not when you are there up above, but down below here—that some of them are preposterous, to use a very mild word. I do not know how, the Prime Minister can be the competent authority in his own case, the Deputy Speaker to be the competent authority in the case of the Speaker etc., it is very strange. We tried our best, some of us, to reverse it in the Joint Committee, but the majority did not agree

with this view that the Prime Minister should not be the competent authority in his own case, that the Deputy Speaker should not be the competent authority in the case of the Speaker etc. If at all there should be a competent authority, I personally think that in the case of the Prime Minister the competent authority should be the President, but unfortunately there is here a snag, a difficulty imposed upon us by the Constitution. Under the Constitution, the President is obliged to act on the advice of the Council of Ministers. So, I have suggested that the President in this particular case should act in his individual judgment, but for that purpose the Constitution may have to be amended. I do not know whether it is necessary, but if necessary it should be amended because the ARC in its first report, of which I spoke earlier, clearly states that at some stage the Constitution may have to be amended. They say in Para 37, and I quote:

“The Constitutional amendment and any consequential modification of the relevant statute can follow.”

So that, if necessary, a constitutional amendment may be brought in to enable the President to act in his individual judgment in this matter.

Or, the Vice-President should be the competent authority, because the Vice-President is not obliged to act on the advice of the Council of Ministers. There is no such obligation on the Vice-President, and in the Warrant of Precedence he stands higher than the Prime Minister, and therefore he should be the competent authority in the case of the Prime Minister. In the case of Members of Parliament, I suppose it is the Speaker. We can go into further details when the clauses are taken up.

There are two other features of the Bill as it has emerged from the Joint Committee to which I wish to refer. On the others I reserve my further