

expressing its points of view. It is in the fitness of things that he makes the announcement here. In this matter he should assure that Parliament is sovereign and Government should provide the opportunity to the House to express its points of view on this national and very important issue. Therefore, there should be a discussion in the House, and Government should take the benefit of ascertaining the views of all sections of the House.

With these words, I request that the hon. Minister may make a statement on this.

MR. SPEAKER: The hon. Home Minister may move his motion. (*Interruptions*).

SOME HON. MEMBERS *rose*—

MR. SPEAKER: No, please sit down.

SHRI DINEN BHATTACHARYYA (Serampora): Why don't you ask the Government to make the announcement?

MR. SPEAKER: If he wants, he can announce. I cannot compel anybody.

AN HON. MEMBER: About 40 Members of this House have already written. He should not ignore the wishes of the Members of this House.

MR. SPEAKER: If he wants, he can announce. I cannot ask him. (*Interruptions*). I do not know whether he will make a statement now because it is a very important issue. The hon. Member has made his observations already.

The Home Minister.

—

13.04 hrs.

LOKPAL BILL—*Contd.*

THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH): Today on the order paper appears a motion in my name regarding consideration of the Lokpal Bill. But,

instead, in deference to the wishes of the hon. Members on both sides of the House, Government has decided to refer it to a Joint Committee. So, with your permission, Mr. Speaker, I would like to move a motion for suspension of a proviso to a rule. I have given notice of my intention to move the following motion during the current session of the Lok Sabha. I beg to move:

“That this House do suspend the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for reference of the Bill to provide for the appointment of a Lokpal to inquire into allegations of misconduct against public men and for matters connected therewith to a Joint Committee of the Houses”

MR. SPEAKER: The question is:

“That this House do suspend the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for reference of the Bill to provide for the appointment of a Lokpal to inquire into allegations of misconduct against public men and for matters connected therewith to a Joint Committee of the Houses.”

The motion was adopted.

SHRI CHARAN SINGH: Now, with your permission, I move:

“That the Lokpal Bill, 1977, be referred . . .”

SHRI NARENDRA P. NATHWANI (Junagadh): On a point of order, I should be allowed to raise a point after the hon. Minister has finished his speech. It is an important point that I want to raise.

SHRI CHARAN SINGH: It is now Lunch time; shall I continue after the Lunch Hour?

MR. SPEAKER: Yes, we shall adjourn now till 1405 hrs.

The Lok Sabha adjourned for lunch till five minutes past Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at five minutes past Forteen of the Clock.

[MR. SPEAKER in the Chair]

LOKPAL BILL—contd.

SHRI CHARAN SINGH: I beg to move:

“That the Lokpal Bill, 1977 be referred to a Joint Committee of the two Houses consisting of 33 Members 22 from this House, namely:

Shri Shyamnandan Mishra,

Shri Mangal Deo,

Shrimati Mrinal Gore,

Prof. R. K. Amin,

Shri Hari Vishnu Kamath,

Shri Narendra P. Nathwanl,

Shri Gauri Shankar Rai,

Prof. Dilip Chakravarty,

Shri Madhu Limaye,

Shri Ram Jethmalani,

Shri Kanwar Lal Gupta,

Dr. V. A. Seyid Muhammed,

Shri C. M. Stephen,

Shri B. Shankaranand,

Shri K. Suryanarayana,

Shri M. V. Krishnappa,

Shri Sasankasekhar Sanyal,

Shri Charan Singh,

Shri Jagannath Sharma,

Shri Arif Beg,

Shri Saugata Roy, and

Shri Nathu Ram Mirdha,

and 11 from Rajya Sabha . . .”

SHRI V. ARUNACHALAM (Tirunelveli): Sir, nobody has been included in the Joint Committee from our Party. I would request the Chair to see that representation is given to our party also, because the Bill would have jurisdiction over the activities of the State Governments also. That is why, it is the responsibility of the Chair to accommodate one or two members from our Party also.

SHRI CHARAN SINGH: I would try to do that, but for the present, these are the names and before the discussion closes, I will let the chair know.

MR. SPEAKER: Please see if one Member of the All India ADMK can be included.

SHRI C. K. CHANDRAPPAN (Cannanore): CPI Party is also not included in this list. The Minister may consider that also.

SHRI M. N. GOVINDAN NAIR (Trivandrum): Are we to make claims like this in the House?

SHRI V. ARUNACHALAM: It is but fair on the part of the ruling party to give representation to all concerned. It is an important bill and a long-cherished one.

SHRI VAYALAR RAVI: The usual practice has been that the Minister for Parliamentary Affairs discusses with the different opposition groups in order to give representation to the maximum groups; it can also be on the basis of the strength of Members in the House. At the same time, the practice has been to accommodate different views from the opposition side. I would appeal to the hon. Speaker to see that this practice is followed in future.

MR. SPEAKER: Kindly think over the matter. You can have the names submitted later.

SHRI CHARAN SINGH: I will say a word about what the hon. Members opposite said.

I wanted to limit the number so that the deliberations can be easily held. If a larger number is included, it becomes a crowd. That was my difficulty. Otherwise, I have no objection to including any of the members of the opposite. I will consider and let the Chair know.... (*Interruptions*). There is no dispute about it. My only point was that I do not want to have a very large committee... (*Interruptions*). I will try to do it.

I have not completed the motion:

“... that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 11 members to be appointed by Rajya Sabha to the Joint Committee.”

MR. SPEAKER: You will be considering the claims of both AIADMK and CPI.

SHRI CHARAN SINGH: Then, the number will go up.

MR. SPEAKER: That does not matter. Both CPI and AIADMK want representation.

SHRI ANNASAHEB GOTKHINDE (Sangli): The number from the Rajya Sabha will also consequently go up.

श्री चरण सिंह: कान्सीक्वेंशल तब्दीलियां अपने आप हो जायेंगी। अगर कमेटी के सदस्य 45 होंगे, तो 30 यहां के होंगे और 15 राज्य सभा के।

पेशतर इसके कि मैं कुछ अर्ज करूं, मैं माननीय सदन को, और आप को भी, यह सुझाव देना चाहूंगा कि इस बिल के लिए दो दिन की डिबेट रखी गई थी—यह तय किया गया था कि दो दिन में यह बिल यहां से पास हो जायेगा, लेकिन अब चूंकि यह बिल जायंट कमेटी में जा रहा है, इसलिए आज ही इस पर बहस खत्म हो जानी चाहिए। इस पर इस वक्त कुछ बहुत ज्यादा कहना नहीं है। जब जायंट कमेटी से यह बिल आयेगा, तो माननीय सदस्य डीटेल में अपनी बात कह सकते हैं। और तब इस सदन के लिए चाहे जितना समय निश्चित कर सकता है।

यह विधेयक आकार में बहुत छोटा है, लेकिन जिनना आकार में छोटा है, होमियोपैथिक मैडिसन के उसूल के मुताबिक हम रे सारे जीवन और देश के लिए उतना ही अधिक महत्वपूर्ण है। (व्यवधान)... माननीय मित्र कह रहे हैं कि श्री राज नारायण का कुछ तो असर पड़ना चाहिए। वह तो पड़ता ही है।

मैं फिर दोहराना चाहता हूं कि यह मामूली बिल नहीं है, साधारण विधेयक नहीं है, इस का बहुत बड़ा महत्व है। हर मुल्क के लिए ऐसे बिल का महत्व होता है, लेकिन हमारे देश की परिस्थिति में इस का कहीं अधिक महत्व है।

एडमिनिस्ट्रेटिव रिफार्मज कमीशन गालिबन 1964 में नियुक्त हुआ। हमारे माननीय प्रधान मंत्री उस के अध्यक्ष थे। 1966 में उसने रिपोर्ट दी। 1964 में

[श्री चरण सिंह]

श्री सन्तानम् इस प्रकार की रिपोर्ट दे चुके थे कि हमारे सार्वजनिक और प्रशासनिक जीवन को करपशन का कीड़ा लग गया है, उस को खा रहा है, भ्रष्टाचार का कैसर उसे लग गया है, और उसे मिटाने के लिए यह जरूरी है कि एक निष्पक्ष कमेटी—ऐसी कमेटी, जिस के प्रति सब का आदर हो, इस तरह के व्यक्ति को कमेटीया कमीशन या संस्था या इंस्टीट्यूशन, जो कुछ भी कहिए—अपने देश में कायम की जाये। अक्सर इस सिलसिले में जिक्र हुआ स्वीडन के ऐम्बुडमैन की इंस्टीट्यूशन का और कहा गया कि यहां भी इस किस्म का इंस्टीट्यूशन कायम किया जाय। एडमिनिस्ट्रेटिव रिफार्म्स कमीशन कि सिफारिश के फलस्वरूप सन् 68 या 69 में यहां एक बिल पेश हुआ। वह सन् 1969 या 70 में लोको सभा में स्वीकृत हो गया। वह राज्य सभा में विचाराधीन था तो लोक सभा भंग हो गई। बिल लैप्स हो गया। फिर 1971 में एक बिल आया। तब से अब तक वहां जहां का तहां पड़ा है। जिस तरह से लोक सभा ने स्वीकृत किया था उसी रूप में बिल यहां पेश किया गया लेकिन उममें कोई प्रगति आगे नहीं हुई।

अब यह बिल यहां आया है। पेशनेर इसके कि यह किन मानों में पुराने विधेयक से मुञ्चलिय या भिन्न है वह अर्ज करूं, उस के पहले मैं फिर इस के महत्व की और ध्यान दिलाना चाहता हूं इन अल्फाज में कि जिस देश में राजनीतिक जीवन और उसके फलस्वरूप प्रशासनिक जीवन भ्रष्ट हो जायगा वह कभी किसी क्षेत्र में किसी प्रकार की प्रगति नहीं कर सकेगा। कोई प्रोग्रेस कर ही नहीं सकता किसी माने में क्यों कि भ्रष्टाचार ऐसी चीज है कि वह न मालूम कितने रूप में फूट निकलता है। अब इस वक्त तो इस का मतलब केवल फाइनेंसियल

करपशन या मिस-कंडक्ट की जो भी डेफिनीशन आती है उस से लिया जाता है लेकिन भ्रष्टाचार शब्द बहुत व्यापक है। इस का मतलब केवल यही नहीं है कि कोई आदमी नियम के विरुद्ध अपने स्वार्थ में और देश के हित के विरुद्ध रुपया ले ले, बल्कि जो आदमी अपने कर्तव्य का पालन नहीं करता वह भ्रष्ट है, जो वचन दे कर उस को पूरा नहीं करता वह भ्रष्ट है, जो झूठ बोलता है वह भ्रष्ट है। भ्रष्टाचार की इतनी परिभाषा हो सकती है, इतना व्यापक यह शब्द है कि इस को डिफाइन करना मुश्किल है। घर में एक बाप या घर का कोई एक आदमी झूठ बोल रहा है तो यह एक आदमी झूठ नहीं बोल रहा है, उस का सारा असर बच्चों पर पड़ रहा है। इसी तरीके से अगर किसी सूत्रे का चीफ मिनिस्टर या किसी बदकिस्मत देश का प्राइम मिनिस्टर ऊंचे स्टैंडर्ड कायम नहीं करता है तो सारे देश में तो स्टैंडर्ड अपने आप फेल जायगा। इसलिए जरूरी यह है कि पोलिटिकल करपशन की जड़ पर कुल्हाड़ा चलाया जाय क्यों कि वह जड़ है हमारे सारे रोगों की।

आप कानून कितना ही बना लीजिए, टैक्स कितना ही लगा लीजिए, कर्जा कितना ही ले लीजिए, कांस्टीट्यूशन कितना ही अमेंड कर लीजिए, कितना ही व्याख्यान दे लीजिए कि जनता इन्वाल्ड नहीं है प्लान्स जो बनते हैं उनके अंदर, वगैरह वगैरह लेकिन अगर हम लोग ईमानदार नहीं हैं, जो जनता के नुमाइंदे हैं वे अपनी ड्यूटी अगर नहीं करते हैं और अपने स्वार्थ के लिए काम करते हैं, पोलिटिकल पावर को एक जरिया समझ लेते हैं अपना घर भरने का तो देश कभी भी तरक्की नहीं कर सकता है। जो पोलिटिकल पावर को या मिनिस्ट्री के पद को या चीफ

मिनिस्ट्री के पद को या किसी भी पद को साध्य बना लेते हैं बजाय देश की सेवा करने के साधन के—मैं फिर अर्ज करना चाहता हूँ कि जो पोलिटिकल आफिस को एन्ड बना लेते हैं बजाय उसको मीन्स समझने के, पोलिटिकल पावर मिली, आज चीफ मिनिस्टर हुए, या प्राइम मिनिस्टर हुए या मेम्बर हो गए असेम्बली के या पार्लियामेंट के तो उसका अर्थ यह हुआ कि आप को ज्यादा सेवा करने का मौका मिल गया, इट इज ए मीन्स टु डू पब्लिक सर्विस, लेकिन बदकिस्मती यह हो गई कि अधिकतर पोलिटिकल पावर एम हो गया है, एन्ड हो गया है, जब हम चीफ मिनिस्टर या मिनिस्टर हो गए तो हमें करने के लिए शेष कुछ नहीं रह गया है, अब तो हमें इसकी रक्षा करनी है कि किस तरह यह कायम रह सकती है, यह हो गया है, जबकि होना चाहिए उलटा। वह मीन्स है सर्विस का लेकिन बदकिस्मती इस मुल्क की है। एक मोटी सी बात है, कोई नयी बात नहीं। हम सभी लोग शायद अपनी भोटिंग में कह देते हैं कि आजाद नीचे से ऊपर को जाना है, यह ऊपर से नीचे को आता है। गांव के प्रधान या सभासद का असर गांव के लड़कों पर पड़ेगा। म्युनिसिपैलिटी के चेयरमैन का असर उस कस्बे के सभी नागरिकों पर पड़ेगा। जैसा भी उसका करैक्टर हो, अगर खराब है तो खराब असर पड़ेगा और अगर अच्छा है तो अच्छा असर पड़ेगा। एक चीफ मिनिस्टर के चाल-चलन की चर्चा घर-घर में फैलेगी। अगर अच्छा काम करेंगे तो खुशबू की तरह से वह काम घर घर में फैल जायेगा, दुगुना और चौगुना होकर फैलेगा। लोग कहेंगे कि फलाना चीफ मिनिस्टर तो किसी की परवाह नहीं करता, वह तो सभी को एकसां समझता है, अपने भांजे को भी और गैर से गैर को भी। उसकी निष्पक्षता और इमानदारी की बातें गांव गांव में फैल जायेंगी। एक जगह मैं ने पढ़ा था, महात्मा बुद्ध ने कहा है कि अच्छा काम हवा के विरुद्ध भी फैल जाता है, चारों

तरफ उसकी खुशबू फैल जाती है। हवा के अनुकूल तो उसको फैलना ही है लेकिन महात्मा बुद्ध से कहा कि नेकचलनी की खुशबू, चरित्र की खुशबू हवा के विरुद्ध भी चारों तरफ फैल जाती है। इसलिए अगर हमारा मुल्क ठीक न हो तो हमारी बदनामी होगी, किताबों में चाहे जो कुछ लिखा हो, स्कूलों में कुछ भी पढ़ाया जाता हो और कुछ भी व्याख्यान हम देते हों या सुनते हों—वह सब बेकार हो जायेंगे। महात्मा गांधी जब जिंदा थे, जब देश गुलाम था, इंडिपेंडेंट नहीं था उस गुलामी के जमाने में भी महात्मा गांधी के पर्सनल करैक्टर और उनकी सर्विसेज की वजह से दुनिया के दूसरे देशों में इस गुलाम मुल्क का स्टैचर बढ़ गया था। इस सिलसिले में मैं सिर्फ एक मिसाल ही देना चाहता हूँ। सैकेन्ड वर्ल्ड वार में जिस वक्त इटली ने हथियार डाल दिए तो ब्रिटिश ट्रूप्स गईं और इटली पर कब्जा कर लिया। इंडियन ट्रूप्स भी वहां गई थीं। जो इंडियन ट्रूप्स लौट कर आईं उनमें से कुछ मेरे जानने वाले थे जिन्होंने बतलाया कि हमने वहां पर कोई घर नहीं देखा किसी गांव या कस्बे में यह महात्मा गांधी की तस्वीर न लगी हो। क्यों? किसी तस्वीर से कोई आदमी इंसपिरेशन ड्रा करना चाहता है, प्रेरणा लेना चाहता है। तो उस वक्त गुलाम मुल्क के लीडर से भी आजाद मुल्क के लोगों को प्रेरणा मिल रही थी। वे समझते थे कि गांधी जी जैसा नेता जो गुलामों के जमाने में पैदा हुआ यह दुनिया को कोई नया सन्देश देगा। हम लोग जब जेलों में पड़े हुए थे तब क्या क्या स्वप्न नहीं देख थे कि देश आजाद होगा और आर्थिक और सैनिकदृष्टि से महान् बनेगा। क्या हमने महान् बना दिया? इसके पीछे नीतियों की गस्तियां तो हैं ही लेकिन सबसे बड़ा कारण देश के प्रगति न करने का है पोलिटिकल कर्रप्शन।

इसीलिए आज यहां यह बिल आया है। इस बिल में पिछले बिल के मुकाबले में

[श्री चरण सिंह]

5-6 विशेषतायें हैं जिनकी ओर मैं सदन का ध्यान खींचना चाहता हूँ। पहली विशेषता तो यह है कि पहले बिल में प्राइम मिनिस्टर, मेम्बराने पार्लमेंट और चीफ मिनिस्टर्स का कोई जिक्र नहीं था। इस बिल के जूरिस्टिकशन में सभी लोग आ जायेंगे। प्राइम मिनिस्टर भी इससे नहीं बचेंगे, हम लोग इससे बचने वाले नहीं और सभी प्रदेशों के चीफ मिनिस्टर्स इससे बचने वाले नहीं हैं। पीछे हमारी कोशिश रही है कि हम प्राइम मिनिस्टर हो गए तो मामूली कानून से हम ऊपर हो गए। इक्वैलिटी बिफोर दि ला—जो कांस्टीट्यूशन में दिया हुआ है कि बड़े और छोटे सभी कानून के सामने बराबर हैं—इस उसूल को हम भूल गए। कहीं दुनिया में यह नहीं हुआ है कि उसका प्राइम मिनिस्टर कानून से ऊपर हो। हमारे यहां यह कोशिश की गई कि हमारे देश के प्राइम मिनिस्टर के खिलाफ कोई सिविल या क्रिमिनल केस नहीं चलेगा। मेरे सामने जो दोस्त बैठे हैं—डा० कर्ण सिंह जी को तो मैं जानता हूँ, हितेन्द्र देसाई जी को भी कुछ-कुछ जानता हूँ, उस समय पार्लियामेंट के जो मेम्बर थे, वे उस समय यहां मौजूद हैं या नहीं, मैं नहीं जानता, लेकिन मेम्बर हों या न हों, इस से कोई फर्क नहीं पड़ता है, मैं इस बात को मानता हूँ कि सर्कमस्टेंशेज से लीडरशिप बन कर सामने आती है। हम सब लोग एक ही मिट्टी के बने हुए हैं, लेकिन फिर भी कहीं कोई सीमा तो होनी चाहिये थी। जब हम ने यहां लोक सभा में एक कानून पास कर दिया कि प्राइम मिनिस्टर कोई जुर्म करेंगे, कोई क्राइम करेंगे, पीनल ओफेन्स करेंगे तो वे कानून के ऊपर हैं, उन पर कोई केस नहीं चलेगा, कोई सिविल लाइबिल्टी होगी तो भी कोई केस नहीं चलेगा, इतना ही नहीं, जब तक वे प्राइम मिनिस्टर हैं तब तक ही नहीं, बल्कि जब तक जिन्दा रहेंगे, चाहे बाद में प्राइम मिनिस्टर रहें या न रहें, तब भी उन पर कोई केस नहीं चलेगा—इस का क्या मायने हैं? मैं अपने

उन मित्रों से पूछना चाहता हूँ जिन्होंने इस के लिये उस वक्त वोट दिया था, वे एनलाइटन करें, जूरिसपूडेंस का कौन सा उसूल था जिस के तहत प्राइम मिनिस्टर को संविधान से ऊपर रख दिया? दुनिया में कहीं-कहीं यह उसूल तो है कि प्रेजिडेंट या गवर्नर के खिलाफ कोई क्रिमिनल केस नहीं चलेगा, जब तक वे आफिस में हैं, लेकिन आफिस के वैकैट करने के बाद भी नहीं चलेगा, सिविल नेचर का केस भी नहीं चलेगा, ऐसा नहीं है? इस के पीछे क्या उसूल है? क्या इस तरह से मुल्क चलने वाला है?

मान लीजिये—बेईमानी या ईमानदारी के हज़ार तरीकों से हमारा प्राइम मिनिस्टर इलैक्शन जीत कर आ गया या आ गई, तो उम के खिलाफ, जैसे दूसरे लोगों के खिलाफ जो मामूली लोग इधर बैठे हैं, हाई कोर्ट में पैटीशन फाइल हो सकती है, उस तरह से प्राइम मिनिस्टर के खिलाफ हाई कोर्ट में पैटीशन फाइन नहीं हो सकती, उसके लिये अनग से एक बोर्ड बनेगा, यह बोर्ड क्यों बनेगा? मैं फार-गार्डेंस-सेक आप से पूछना हूँ—ऐसा क्यों किया गया, कानून के ऊपर उन को क्यों रखा गया, क्या कोई आदमी प्राइम मिनिस्टर होने से आम सिटिज़न्स से ऊंचा हो जाता है? डेमोक्रेसी का उसूल क्या है?

Everyman is equal in the eyes of law.

लेकिन हमारे यहां यह एट्टेम्प्ट की गई कि उस को कानून से भी ऊंचा कर दिया गया।

अध्यक्ष महोदय, हम अपने प्राइम मिनिस्टर को, जिस तरह से हम लोग यहां बैठे हैं और जितने हमारे अधिकार हैं, उस से ज्यादा अधिकार देने की तैयार नहीं हैं। कांस्टीट्यूशन और कानून की दृष्टि में हमारा प्राइम मिनिस्टर इस माननीय सदन के माननीय सदस्यों की तरह से ही नहीं, बल्कि मामूली नागरिक की हैसियत का होगा, उस से ज्यादा बड़ी हैसियत उस की नहीं

होगी । यह हमारा उसूल है और इसी लिये हम ने उन को भी इस में शामिल कर दिया है ।

इसी तरह से पार्लियामेंट के मेम्बरों की बात है । हमारे पास कुछ इस तरह की रायें आईं कि पार्लियामेंट के मेम्बर को सौ काम करने पड़ते हैं, पब्लिक इन्टरेस्ट में सौ तरह की बातें मिनिस्टर को आ कर कहनी पड़ती हैं—इस में कहीं कोई लाइन तो खींचनी होगी । मैंने कहा कि लाइन तो खिंची हुई है—कोई लफ्ज इस में ठीक न हो तो लफ्ज को बदल दो, लेकिन किसी से भी यह बात छिपी नहीं रहेगी कि जो बात इन्होंने गवर्नमेन्ट से कही है, वह लोगों के हित में कही है या नहीं कही है । कोई भी बात छिपने वाली नहीं है । हम ने अपने देश में ब्रिटिश जूरिस्पूडेंस को एडाप्ट किया है । उस का बुनियादी सिद्धान्त यह है कि किसी आदमी को सिर्फ शुब्ह की बिना पर सजा नहीं मिलेगी, चाहे गिल्टी छूट जाय, लेकिन जब तक उस का गुनाह पूरा साबित नहीं होगा, तब तक सजा नहीं मिलेगी । इस का नतीजा यह होता है कि शायद ही कभी कोई केस ऐसा हुआ हो, जिस में किसी बेगुनाह को सजा मिली हो । इस में ऐसा हो सकता है कि 100 में से 90 गुनाहगार छूट जाएं, लेकिन ला-कोर्टस में किसी बेगुनाह को सजा नहीं मिलती और अगर मिल भी जाय तो इस में ऐसा प्रावी-चन रखा है कि लोकपाल अपनी रिक्मेण्डेशन प्रेस्क्राइब्ड आथारिटी को भेजेंगे और वह आथारिटी है—हमारे प्राइम मिनिस्टर और वे उस को कैबिनेट के सामने रखेंगे । फिर उन को कहा जा सकता है या अपने आप डिसाइड किया जा सकता है कि इसमें कोई भूल हो गई है क्योंकि हर आदमी भूल कर सकता है और लोकपाल भी मनुष्य होगा आखिर । तो यह भी इसमें एक प्रोबिजन रखा

है लेकिन मैं आपके जरिये से इधर और उधर बैठने वाले दोस्तों से यह अर्ज करना चाहता हूँ कि अगर एक बार अगर लाखों केसेज में से एक सही मेम्बर आफ पार्लियामेंट के खिलाफ भी जजमेंट हो जाए, तो वह बेहतर होगा बजाए इसके कि हजार केसेज में दोषी मेम्बर आफ पार्लियामेंट बच जाएं क्योंकि आज हम कितने आदमियों को रिप्रेजेन्ट करते हैं, यह आप देखें । आज हम 12 लाख आदमियों की रिप्रेजेन्ट करते हैं और आप अपनी कांस्टीटुयेन्सी में चाहे जाते हों या न जाते हों, आप यह न भूलें कि हमारी जनता चाहे वह बेपट्टी-लिखी हो, हमारे कामों पर नजर रखती है । अब तो इस इलैक्शन के बाद, हमारी बहन श्रीमती इन्दिरा जी के डेढ़ साल के आक्रोश के बाद, हमारी जनता और भी ज्यादा जागृत हो गई है और मैं तो यह समझता हूँ कि यहां जो कुछ भी हो रहा है, हमारे गांवों के लोगों को उसके बारे में बहुत ज्यादा पता होगा । उनको इनर पार्टी पालीटिक्स का भी पता है और न केवल कांग्रेस वालों की ही बल्कि मेरे जो भाई इधर बैठे हैं वे मुझे माफ करेंगे, जनता पार्टी की भी कोई बात उनमें छिपी हुई नहीं है ।

तो अध्यक्ष महोदय, मैं यह अर्ज करूंगा, मैंने तो अपने एडमिनिस्ट्रेटिव एक्सपीरियन्स में देखा है और मेरा बहुत लम्बा एडमिनिस्ट्रेटिव एक्सपीरियन्स है, कि आम आदमी गलत किसी को नहीं फंसाते हैं । मैं आपको चकबन्दी की बात बताऊं । मेरे पास जब चकबन्दी के बारे में किसान शिकायत लेकर आते थे और कहते थे कि हमारा चक खराब हो गया है, तो मैं किसान से पूछता था कि क्या अधिकारी ने रिश्वत ली है तो कसम खा कर कहता था कि नहीं रिश्वत नहीं ली है और गलती से ऐसा हो गया है । वह जानता था कि अगर उसने यह कह दिया कि अधिकारी ने रिश्वत लेकर ऐसा किया है तो मैं सबसे पहले एसिसटेंट कंसोलिडेशन आफिसर को सस्पेंड कर दूंगा ।

[श्री चरण सिंह]

इसलिए वह किसान झूठ नहीं बोलता था और कहता था कि गलती से ऐसा हुआ है और आप किसी अफसर को वहां भेज कर इसको ठीक करवा दीजिए। तो मेरे कहने का मतलब यह है कि गांव का बे-पढ़ा भी बिना बजह राज्य कर्मचारी को, मेम्बर आफ पार्लियामेंट का तो कहना ही क्या, कभी यह दोष नहीं लगाता कि इसने रिश्वत ली है। हां, तीन महीने देखने के बाद वह कहता है कि वह करप्ट है और उसके खिलाफ इन्क्वायरी कीजिए। इसलिए इसमें कोई खतरा नहीं है कि हमारे लोग कुछ बेगुनाहों को फंसा देंगे बल्कि उल्टी बात यह है जैसा कि मैं पहले भी कह चुका हूं और उसी कांटेक्सट में कह रहा हूं कि कुछ सेवा जाने में या अनजाने में अगर लोगों की आपके द्वारा हो जाती है तो वे आप पर लुट जाते हैं और तारीफ करते-करते करते थकते नहीं हैं। इसलिए अगर हम ईमानदारी से काम करें, तो इस तरह की कोई आशंका वहीं है। यह मैंने मेम्बर आफ पार्लियामेंट के बारे में कही है।

अब चीफ मिनिस्टर्स की बात है। चीफ मिनिस्टर्स को हमने इस बिल में अपने लोगल एक्सपर्ट्स, अपने ला डिपार्टमेंट और अपने ला मिनिस्टर के मशिवरे में रखा है। उनका मशिवरा यह है कि चीफ मिनिस्टर्स को भी इसमें शामिल किया जा सकता है। मैं कानूनी बारीकियों में तो नहीं जाना चाहता लेकिन वे कहते हैं कि सन् 1964 में भी माननीय नेहरूजी के सामने एक कंड आफ कंडक्ट बना था जिसमें गवर्नमेंट आफ इण्डिया को यह अधिकार दिया गया था कि वह चीफ मिनिस्टर के खिलाफ इन्क्वायरी कर सकती है और उसके खिलाफ कमीशन आफ इन्क्वायरी एपाइन्ट कर सकती है। हां, उनके जो मिनिस्टर होंगे उनकी इन्क्वायरी चीफ मिनिस्टर स्वयं करेगा लेकिन चीफ मिनिस्टर के कंडक्ट या मिस-कंडक्ट की

इन्क्वायरी गवर्नमेंट आफ इंडिया कर सकती है। तो जिस उसूल पर वह बेस्ड था और कांस्टिट्यूशन के जिन लफ्जों पर वह बेस्ड था, ला मिनिस्टर का मशिवरा है कि चीफ मिनिस्टर साहब को भी लोकपाल की परिधि में रखा जा सकता है। तो अध्यक्ष महोदय, सबसे बड़ी विशेषता इस बिल की यह है।

दूसरी बात यह है कि हमने इस बिल में से पब्लिक सर्वेन्ट्स को निकाल दिया है और पब्लिक वर्कर्स, पब्लिक लीडर्स और पब्लिक-मैन को इसमें रखा है। अगर पब्लिक सर्वेन्ट्स को इस बिल में रखते तो उससे बहुत ज्यादा कन्फ्यूजन हो जाता क्योंकि पब्लिक सर्वेन्ट्स को इसमें रखने से हाई कोर्ट से भी बड़ी कोर्ट लोकपाल की बनानी पड़ेगी। कितने सारे केसेज उनके होंगे, कितना बड़ा यह मुल्क है और कितने सारे अफसर हैं। इसलिए इसकी परिधि में से पब्लिक सर्वेन्ट्स को निकाल दिया है। उनके मिस-कंडक्ट से डील करने के लिए आलरेडी विजिलेंस कमीशन वगैरह नियुक्त हैं। आवश्यकता हुई तो इसको एग्जामिन करेंगे कि मौजूदा जो तरीका है, वह कामयाब हुआ है या नहीं और उसमें किसी मुद्धार की जरूरत है। अगर आवश्यक हुआ तो फिर मैं कोई नया बिल या विधेयक सदन के सामने लेकर उपस्थित हूंगा लेकिन इस वक्त पब्लिक सर्वेन्ट्स को इनके साथ जोड़ा नहीं गया है। इस तरह से दूसरी विशेषता इस बिल में यह है जोकि पहले वाले बिल में नहीं थी।

अध्यक्ष महोदय, तीसरी बात यह है कि लोकपाल तो होगा ही लेकिन कभी-कभी कोई विशेष बड़ी भारी तहकीकात आ जाए और लोकपाल के पास समय नहीं है तो स्पेशल लोकपाल को लिमिटेड परपज के लिए नियुक्त करने के लिए भी इसमें प्रोविजन किया गया है। स्पेशल लोकपाल भी हो सकते हैं। वही शर्तें होंगी। लोकपाल तो हम चाहते हैं कि सुप्रीम कोर्ट के जस्टिस या चीफ जस्टिस

की हैसियत का आदमी हो। उसी तरह का पेशान लोकपाल भी।

चौथी बात यह है कि लोकपाल की नियुक्ति प्रेसिडेंट करेंगे स्पीकर, राज्य सभा के चेयरमैन और चाफ जस्टिस के मशिवरे से। इन तीनों के मशिवरे से प्रेसिडेंट नियुक्त करेंगे।

एक माननीय सशस्त्र : पूनानिमम या बाई मंजोरिटी ?

श्री चरण सिंह : मान्यवर, मैं समझता हूँ कि यह मानने एमे हाने हैं कि आम तौर पर पूनानिमम ही हाना है और उसमें पोलिटिक्स नहीं होता।

श्री हितेन्द्र देसाई (गांधरा) : लीडर आफ दी अपोजीशन नहीं हाना ?

श्री चरण सिंह : स्पीकर रिप्रेजेंट करना है अराजीबन के मेम्बरों का भी और ट्रेजरी वेंचर के मेम्बरों का भी। इसीलिये हमने लीडर आफ दी हाउस को नहीं रखा है। पी० एम० को नहीं रखा है और इसलिये लीडर आफ दी अपोजीशन का भी नहीं रखा है। लीडर आफ दी अपोजीशन का पहली बार रखा गया तो मुझको बतलाया गया मैंने तो वह डिबेट पढ़ी नहीं कि जब राज्य सभा में बिल गया तो राज्य सभा में अपोजीशन ने कहा कि हमारे लीडर को भी रखा जाये। तो स्पीकर और चेयरमैन सारे हाउस के रिप्रेजेंटेटिव हैं, उन सबके हितों के वह संरक्षक हैं और हाउस को वह पूरी तरह से रिप्रेजेंट करते हैं। तो इस प्रकार नियुक्ति होगी।

जो सिफारिश उनकी आयगी उसके लिये गालिबन तीन महीने का समय रखा गया है कि प्रेस्क्राइड अथोरिटी तीन महीने के अन्दर कोई ऐक्शन लेगी या इनीशियेट करेगी। लेकिन अगर तीन महीने के अन्दर कोई ऐक्शन

नहीं लिया जाता है तो लोकपाल को यह अधिकार होगा कि वह अपनी रिक्मेन्डेशन को प्रेसिडेंट के नाटिस में लाये कि हमने यह सिफारिश भेजी थी मेम्बर, चीफ मिनिस्टर या प्राइम मिनिस्टर के खिलाफ और उस पर कोई ऐक्शन नहीं हुआ। और यह भी चाह सकता है कि दोनों सदनों के सामने उनकी भेजी हुई रिपोर्ट रख दी जाये ताकि हाउस का मालूम हो जाय कि क्या रिक्मेन्डेशन थी ताकि जवाब-तलब करे कम्पिटेंट अथोरिटी से, प्राइम मिनिस्टर से और कैबिनेट से कि आपने कार्यवाही क्यों नहीं की।

इसके अलावा एक सबसे बड़ी बात यह है जो पहले बिल में नहीं थी, और वह यह कि जो इन्वेस्टिगेशन एजेन्सी हानगी लोकपाल के डिमपोजल पर वह बिल्कुल इन्डिपेंडेंट होगी। यह नहीं है कि लोकपाल सी० बी० आई० के किसी अफसर से तहकीकात कराये या किसी डिस्ट्रिक्ट मैजिस्ट्रेट या सरकार को हुक्म दे कि तहकीकात करो। यह लांग सब गवर्नमेंट के कंट्रोल में हैं। वह कैसे इन लोगों के खिलाफ तहकीकात कर सकते हैं। इसलिये उनसे यह कहना उनके साथ अन्याय होगा। अब किसी गवर्नमेंट अफसर से यह कहना कि वह इन लोगों के खिलाफ तहकीकात करे, उसके साथ ज्यादाती होगी। तो हमने यह रखा है कि बिल्कुल इन्डिपेंडेंट इन्वेस्टिगेटिंग एजेन्सी हानगी जो लोकपाल को ही आन्मरेबल होगी, और किसी को नहीं होगी। और गवर्नमेंट के कंट्रोल और डिस्प्लिन के बाहर वह एजेन्सी हानगी। अब कोई आदमी बीच में रिटायर होना चाहे, जाना चाहे, कोई गलती निकल आये तो उस बारे में तफसील के साथ रूलस में भी प्रोवीजन होगा और दो, तीन सेक्शन्स भी इसमें रखे हैं जिनकी तफसील में मैं इस वक्त नहीं जाना चाहता। लेकिन उसूल की बात कहना चाहता हूँ कि इन्वेस्टिगेटिंग एजेन्सी गवर्नमेंट की

[श्री चरण सिंह]

नहीं होगी, बल्कि बिल्कुल इंडिपेंडेंट होगी और उनके कंट्रोल और डिसिप्लिन के मातहत होगी। पहले के बिल में शायद नहीं था, हम यह चाहते हैं कि कोई आदमी शिकायत करे तो कब की, कब के मिसकंडक्ट की करे ? कल जो हुआ उसकी करे ? नहीं, बल्कि जिस रोज वह शिकायत करता है, उसमें 5 साल के अन्दर जो मिसकंडक्ट हुआ है, उस सब की शिकायत कर सकते हैं। हर व्यक्ति लोकपाल के सीधे ही नोटिस में ला सकना है। एक फार्म शायद बनाया जायेगा, उसमें एफीडेविट होगा और 1,000 रुपया सिक्वोरिट्री का देना पड़ेगा, ताकि बिल्कुल फ्रिबोलस शिकायत न हो। अगरचे 1,000 रुपये में वह रुकती नहीं है, 1,000 रुपया कोई भी किसी के खिलाफ दे सकता है। लेकिन हमने मोचा कि कुछ भी नहीं रखा जायेगा तो और फ्रिबोलस शिकायत हो जायेंगी। आप टम पर विचार कीजिये।

असल बात जो मैं अर्ज कर रहा था, वह यह कि जिस वक्त कोई शिकायत करता है, उस वक्त उसकी जिम्मेदारी होगी कि वह 1000 रुपया जमा करे। लेकिन जो इम्पार्टेंट और अहमियत वाली बात है वह यह है कि अब से 5 साल के अन्दर जो गलतियां हुई हैं, जो रिश्वतखोरी हुई हैं, जो रुपया कमाया गया है, जो एब्ज्यूज आफ पावर किया है, उस सब की शिकायत वह आदमी कर सकेगा। (व्यवधान)।

कुछ माननीय सदस्य : इसे सन् 1952 से लेकर कर दें।

श्री चरण सिंह : अध्यक्ष महोदय, मैं अपने दोस्तों को यकीन दिलाना चाहता हूँ कि मुझे इस इंटरैक्शन से खुशी हुई है। हमारे दोस्तों का जजबा सही है। जो देश की बर्बादी हुई है, उसको देखते हुए अगर 25 साल कर दिया जाय तो मैं उसको कोई नाजा-

यज या अनुचित नहीं समझता हूँ। लेकिन मैं उसे प्रैक्टिकेबल नहीं समझता हूँ। यह बहुत पुरानी बातें हैं, शहादत वगैरा मिलना मुश्किल होगा। इसशिये मे समझता हूँ कि 5 साल ही काफी है।

एक माननीय सदस्य : 10 साल कर दीजिये।

श्री चरण सिंह : मैं इस मामले में साठे साहब की बात मान लूंगा। अगर वह 10 साल के लिये राजी हो जायेंगे तो मैं भी राजी हो जाऊंगा।

श्री बसन्त साठे (अकोला) : मैं तो 30 साल के लिये राजी हूँ।

श्री चरण सिंह : खैर, 30 साल के लिये हम राजी नहीं हैं, क्योंकि उसकी शहादत मिलनी मुश्किल है। यह मामला अब सर्वेक्ट कमेटी में आयगा, वहां बहस कर सकते हैं।

अध्यक्ष महोदय, इन शब्दों के साथ मैं अपने कथन को समाप्त करता हूँ और मैं फिर दोहराना चाहता हूँ कि मैं विचार करूंगा कि तादाद बढ़ानी चाहिये या नहीं, और डिबेट के क्लोजर से पहले आपके सामने अर्ज कर दूंगा। अब आप इस पर इस तरह से डिबेट रीगुलर करें कि साढ़े 5 बजे तक यह डिबेट कं लीट हो जाये।

श्री हरिविष्णु कामत (होशंगाबाद) : अध्यक्ष महोदय में एक स्पष्टीकरण चाहता हूँ। क्या गृह-मंत्री बताने की कृपा करेंगे कि लोकायुक्तों की नियुक्ति का प्रबंध स्वयं केन्द्रीय सरकार करने वाली है या आपने राज्य सरकारों को उस काम को सौंप दिया है ? क्या वह विधेयक लाने का काम राज्य सरकारों को सौंप दिया है ?

श्री चरण सिंह : जहां तक सर्विसेज का ताल्लुक है, गवर्नमेंट आफ इंडिया की सर्विसेज का ताल्लुक है, या उसके डिसिप्लिन और कंट्रोल का ताल्लुक है, आई०ए०एस०

श्री आई.पी.एस. के अफसरान स्टेट गवर्नमेंट के अधीन काम करते हैं, बहुत हद तक डिसिप्लिनरी कंट्रोल भी उन्हीं का है। सिर्फ यह कि वह ऐसा काम करते हैं, गलती करते हैं, जुर्म करते हैं, गफलत करते हैं जिसके फल-स्वरूप उनको रिमूव या डिसमिस किया जा सकता है, सर्विस से अलग किया जा सकता है, तो वह गवर्नमेंट आफ इंडिया की इजाजत से ही कर सकते हैं। एक तरीके से वे भी गवर्नमेंट आफ इंडिया के मातहत ही आते हैं। प्रावीन्शियल सर्विसेज के लोग उसके कंट्रोल से बाहर हैं। उनके लिये अलग विधेयक लाना जरूरी हुआ तो वह यहीं आयेगा। बाकी स्टेट की सर्विसेज और मिनिस्टर्स के लिये स्टेट को अधिकार होगा कि लोकायुक्त बिल लाये।

MR. SPEAKER: Motion moved.

"That the Lokpal Bill, 1977 be referred to a Joint Committee of the two Houses consisting of 33 Members, 22 from this House, namely:

Shr Shyamnandan Mishra,
 Shri Mangal Deo,
 Shrimati Mrinal Gore,
 Prof. P. K. Amin,
 Shri Hari Vishnu Kamath,
 Shri Narendra P. Nathwani,
 Shri Gauri Shankar Rai,
 Prof. Dilip Chakravarty,
 Shri Madhu Limaye,
 Shri Ram Jethmalani,
 Shri Kanwar Lal Gupta,
 Dr. V. A. Seyid Muhammed,
 Shri C. M. Stephen,
 Shri B. Shankaranand,
 Shri K. Suryanarayana,

Shri M. V. Krishnappa,
 Shri Sasankasekhar Sanyal,
 Shri Charan Singh,
 Shri Jagannath Sharma,
 Shri Arif Beg,
 Shri Saugata Roy, and
 Shri Nathu Ram Mirdha,

and 11 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 11 Members to be appointed by Rajya Sabha to the Joint Committee."

SHRI O. V. ALAGESAN (Arkonam): Sir, we welcome this Bill on behalf of the opposition. We also appreciate that the mover has taken into account the views of all sections of the House—his party as well as parties on this side—and chosen to refer the Bill to a Joint Committee. This shows an attitude of flexibility and give-and-take and I hope this will extend to the other business as well that is coming before us tomorrow and the day after. That there is necessity to refer the Bill to a Joint Committee has been amply borne out.

[Shri O. V. Alagesan]

by what has been said in the statement of objects and reasons, namely:

"In the light of this re-examination, it is proposed to alter the scheme of the Lokpal as incorporated in the 1971 Bill in material respects for making the institution of Lokpal an effective instrument to combat the problem posed by corruption at higher political levels."

So, material changes have been made in this Bill. Also, it is not a small Bill as the mover tried to make out. He compared it to the Homoeopathy bill. Perhaps he was still under the influence of the Health Minister, Shri Raj Narain, who prescribed a lot of homoeopathic and ayurvedic medicines this morning, in spite of your warning that he does not hold a certificate of registration as a doctor! So, it is not a small Bill and the provisions of the 1971 Bill have been altered in material respects. Therefore, it has to go before a Joint Committee and the hon. members of the committee will take into consideration the suggestions that will be made during this debate.

The mover, unfortunately, went into the motivations of the previous Bill and the present Bill. I do not want to go much into it, but I would say that when the Congress Government brought the Bill, it was to bring within its scope only Ministers minus the Prime Minister, I admit. But at that time there were only Congress ministers.

SHRI KANWAR LAL GUPTA (Delhi Sadar): Why was the Prime Minister excluded?

SHRI O. V. ALAGESAN: All that has been discussed. You may kindly refer to those proceedings. Also, it did not include Members of Parliament. As far as the opposition parties were concerned, their members were only MPs and not ministers. So, positively we included the ministers who could be only Congress ministers

and negatively, we did not include MPs, and all the opposition members were only MPs. So, I submit at the outset that no malafide can be attributed to us. There cannot be any two opinions that corruption should be removed from all levels of public life, from top to bottom. That is the only way to cleanse public life and bring the much-needed confidence among the people vis-a-vis their representatives and rulers.

And it is a sad reflection that so soon after the passing away of the Father of the Nation who placed the highest moral standards before the country, before the politicians and people in all other walks of life, we have fallen very low in our standards. It is a matter for regret and any step that we take to correct that position should be welcome.

Now, I should like to point out, and I think that was the object of the interjection of my friend, Mr. Kamath, who was also a Member of the Administrative Reforms Commission along with Mr. Morarji Desai, the present Prime Minister, that the Bill has travelled far far away from the original concept. It has travelled very far away. It is very different because at that time the prominent idea in the minds of people was that a machinery should be provided, a machinery should be created for redressal of grievances by ordinary citizens against maladministration, against wrong decisions etc. Now, there is no machinery for that. This mostly concerns itself with the question of corruption, removal of corruption and punishment for corruption wherever it is found and proved, but it has nothing to say about redressal of grievances. This is the imbalance which I hope the Government will soon correct and will soon bring a Bill to create this machinery so that the ordinary citizen when he wants certain things, when he wants to appeal to an authority

against certain miscarriage of administration, he will be having a forum where he can go to.

Now, I would like to say something about inclusion of Chief Ministers. The Chief Ministers were not in the purview of the ARC Report or in the Bill that was brought before the House here. The Chief Ministers have been included for the first time. Here there is a legal point and a constitutional point into which the hon. Minister did not want to go. But I would like to mention here, in passing that how far we violate the federal principle of the Constitution has to be taken into consideration because you know, the Janata Party made much of glorifying the principle of federalism. It tried to show as if we, in the Congress Party, have given the go-bye to the principle of federalism and they are the guardians of the principle of federalism. That was what they tried to put before the public before the elections. So, how far do we violate the principle of federalism when we bring the Chief Ministers under the purview of this Act? Does this House possess the constitutional right to legislate on behalf of Chief Ministers? Here again, there is a contradiction. If you can very well bring the Chief Ministers within the net of this Act, why do you leave the State Ministers? What applies to Chief Ministers will also apply to State Ministers. So, if the Constitution is all right, if the legal niceties are all right and if you bring the Chief Ministers within the purview of this Bill, why have you left out the State Ministers? Again, only yesterday the Prime Minister while addressing the Conference of Chief Ministers, said: "We would not like to take even an iota from the independence of the States." I mean, from the autonomy of the States, from the powers that States at present enjoy. But he wanted a strong Centre and a strong Centre will be possible if there are strong States. Strong States go to make a strong Centre and a strong Centre goes to make strong States. That is the principle enunciated by the Prime Minister. So, soon

after that, are we going to include the Chief Ministers? This is the question. I hope the Joint Committee will go into this.

Then, there is the question of the inclusion of the Prime Minister, about which much was made. We welcome the provision including the Prime Minister. Here also I may be excused if I point out a lacuna that is found in the present Bill. With reference to competent authority, in the case of some it is the Prime Minister. With reference to others it is "such authority as may be prescribed". When the Lokpal makes a report against the Prime Minister himself, the competent authority will be the Prime Minister. What is the Prime Minister expected to do on it? The Prime Minister is expected to place that report before his own Council of Ministers.

SHRI HARI VISHNU KAMATH: If I may interrupt him, I just want to correct a wrong impression.

MR. SPEAKER: It is not correct to say that the Administrative Reforms Commission excluded the Ministers in the States. You are wrong there.

SHRI HARI VISHNU KAMATH: That is what I wanted to submit.

SHRI O. V. ALAGESAN: I am sorry, I stand corrected.

In the case of the Prime Minister, the competent authority is the Prime Minister himself. When a report is made by the Lokpal to the Prime Minister against the Prime Minister himself, he places it before his own Council of Ministers. So, I would like to submit to the members of the ruling party that what they propose to give by one hand, they seem to take away by the other. So, this should be guarded against. We should like to have it this way that wherever the person concerned is the Prime Minister, then the report by the Lokpal should be submitted either to the Speaker or to

[Shri O. V. Alagesan]

the House itself. Similarly, if ultimately the Chief Ministers and also Ministers in the States are going to be brought within the scope of this Bill, if the report is against the Chief Minister, the Lokpal can submit that report either to the Speaker or the Legislative Assembly itself of the State. If it is going to be a report against a State Minister, then the competent authority to whom the report will be submitted by the Lokpal will be the Chief Minister concerned. I hope this will be taken care of by the Joint Committee.

Then I come to the exclusion of Secretaries and others. If we have walked away from the Ombudsman, it is to give more prominence to corruption, which is very much related to Indian experience. The ARC has recommended the inclusion of Secretaries also. I am not able to understand why they should be excluded at this stage. It is stated that there is the Vigilance Commission to take care of them. Only today morning I read in the papers that no less a person than the retired Chief Justice or chief judge of the Bombay High Court has opined that the existence of the Vigilance Commission is not enough to bring to book the erring officers. It has been our experience that the Ministers and the Secretaries are so closely connected that one almost goes with the other. We have got the recent example of the proceedings before the Sarkaria Commission. There we have seen how the officers, Secretaries and others, have collaborated with the Ministers in committing wrong acts. So, I do not see any justification for excluding the officers from the purview of this Bill. I would like the Joint Committee to consider whether it is not necessary to include them within the scope of the Bill. Not all officers, but Secretaries and also, mind you, Managing Directors of Public sector companies.

15.00 hrs.

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Then I come to the very delicate question of the inclusion of Members of Parliament within the purview of this Bill. I would like to say that Members of Parliament do not stand on all fours with Ministers. Members of Parliament have no executive power, in the first instance, by definition. What is it that they can do? The utmost that they can do is to very strongly recommend things to the Ministers. If you are going to bring them within the scope of this Bill, I am afraid their style of functioning will be very much cramped. Not only that. This Bill will erode the sovereignty of this House and all the safeguards that have been provided for the hon. Members of this House by the practice which has continued so long and by our Constitution.

So, are we going to include Members of Parliament also? I do not mean to say that they are angels, that they are above the law but they can be caught by other means, and we have got enough precedents in this House. When Members erred, they were brought to book by the House itself. They were asked to appear before the bar of the House and they were punished. One Mr. Mudgal was expelled. So, when there is provision to take care of Members of Parliament, is it necessary that they should be brought within the purview of the Bill?

Here you would perhaps excuse me if I quote from the very famous book of Messrs Kaul & Shakhder, *Practice and Procedure of Parliament*. This is what they say under "Involvement in Cases of Corruption":

"Conduct of members involving corruption in the execution of their office as members is treated by the House as a breach of privilege. Thus, the acceptance by any member of a bribe to influence him in his conduct as such member or of

any fee, compensation or reward in connection with the promotion of, or opposition to any Bill, resolution, matter or thing submitted or intended to be submitted to the House or any Committee thereof is a breach of privilege. It would also be a breach of privilege or misconduct on the part of a member to enter into an agreement with another person, for a sum of money, to advocate and prosecute in the House the claims of such person."

So, it is amply provided for under this.

Then, under "Procedure for Enquiry into Conduct of a Member", they say:

"Anyone who has a reasonable belief that a member has acted in a manner which, in his opinion, is inconsistent with the dignity of the House or the standard expected of a member of Parliament, may inform the Speaker or the Leader of the House about it."

Sub-clause (d) of Clause 3(1) of the Bill says:

"if he fails to act in any case otherwise than in accordance with the norms of integrity and conduct which ought to be followed by the class of public men to which he belongs."

If there is any class of persons for whom norms of conduct and integrity have been laid down in the Bill, it is Members of Parliament. There are no norms governing other people. So, this sub-clause in my opinion has been very loosely worded as if it applies to all people. So, as far as Members of Parliament are concerned, I have got very grave doubts whether they should be included within the purview of the Bill.

Another authority that I would like to quote here is Shri Santhanam. He has been very particular that there should not be any corruption to erode our public life. It was he

who had submitted that if 10 Members of Parliament or 10 Members of the Legislative Assembly submit a complaint against a Minister or even the Prime Minister or the Chief Minister, that should be inquired into. He was also asked to tender evidence before the Joint Committee which went into the question in 1969 and he was of the considered view that Members of Parliament should be excluded from this piece of legislation. So, I would like to appeal that this cannot be taken or treated in a light manner. It should be gone into in all its ramifications and I hope, the Joint Committee will come to a proper conclusion in the matter.

Then, I would like to know the person whom the Prime Minister will consult in the appointment of Lokpal. The hon. Minister has tried to explain away why there is no provision for consulting the Leader of the Opposition. He is the most important man in this connection. The Janata Party takes pride just on the fact that they have given him the status of a Cabinet Minister. Are we going to be satisfied with this? Are we not to be consulted in vital matters? There is no substitute for the Leader of the Opposition. Neither the Speaker of the Lok Sabha nor the Chairman of the Rajya Sabha can be a substitute for the Leader of the Opposition. So, I want to put it emphatically that in the matter of appointment of Lokpal, the Leader of the Opposition should be consulted. The previous Bill that was moved by the Congress Ministry and was before the House, also provided that the man who has been elected by all the opposition groups should be consulted as there was no official opposition then. We went even to that extent. Now, they want to take away completely the right of the Leader of the Opposition.

Then, about the period of five years, it looks as if they want to catch those who have not joined them. Why is this five-year limit? Why

[Shri O. V. Alagesan]

should it not be from the beginning of the Constitution? If you want to do it, we have no objection. What is the sanctity of five years? Because so and so was not in the Ministry at that time and he happens to be there now?

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): It is an age of Five Year Plans.

SHRI O. V. ALAGESAN: Even that has been given a go-by. We have had three Annual Plans.

You want to bring in so many things within the net. I would like to tell the hon. mover that if he wants to take action against people who were just before Ministers and holding the positions of responsibility, he can do it by appointing any number of commissions under the Commission of Inquiry Act. Nothing prevents you from doing that. So, either you have it with prospective effect or, if you are going to give retrospective effect, let it be from the date of the beginning of the Constitution. I am glad to find that the hon. mover has got an open mind on it.

Now, I want to come to the question of qualifications of the Lok Pal. Clause 5 gives the qualifications of the Lok Pal. You will find here that these are all negative qualifications—he should not be this and that and so on just as the Vedas say about God, *Neti, Neti* not this, not this. It is only negative qualifications that have been given. No positive qualification has been given. Though judges will not be excluded from this, in spite of our desire to have judges on these matters, our faith in the judges has been somewhat shaken because it has been our experience, with due respect to you, Sir, that the judges also are made of the same stuff of which others are made. So, we are not able to make a departure and give a positive qualification that he should be a judge though judges are not excluded. It is only a negative qualification.

Supposing a Member of Parliament is appointed to the office of the Lok Pal, what happens. He resigns. By an act of resignation, he is supposed to have got over all his past. If he is a businessman, he severs connection with his business. Immediately he becomes a completely new transformed person. It has been our experience that even a sanyasi who has come from *grahasth* ashram has not been able to completely get over his *poorva* ashram connections.

Then, clause 26 speaks of delegation. It can be a very important job that has been entrusted to the Lok Pal under clauses 14, 15 and 16; he can simply delegate this to anyone of his officers, to anyone of his staff. It is a very dangerous provision. So, in the matter of delegation, you cannot take such a light view.

Again, in clause 23(1) and (2), the President, that means, the Central Government, has been empowered to confer additional functions behind the back of Parliament. Whether the President, that means, the Central Government should be empowered to confer additional functions on the Lok Pal is a thing which has to be seriously considered.

Further, the President can also make complaints directly to the Lok Pal. The President is not an ordinary citizen. It is the Central Government. Here, you have given a facility to ordinary persons to make complaints. If the President himself starts making complaints against people, I do not know what to call it. If the President or the Central Government wants to make a complaint against anybody, they can appoint a commission of inquiry. But as far as the Lok Pal is concerned, the President, that is, the Central Government, should not be empowered to forward any complaint and ask the Lok Pal to inquire into as if it has been sent by an ordinary person.

With these words, I conclude.

15.15 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

PROF. R. K. AMIN (Surendra-nagar): Mr. Deputy-Speaker, Sir, I am very glad that the hon. Members from the Opposition have welcomed the Bill.

SEVERAL HON. MEMBERS: We all welcome it.

PROF. R. K. AMIN: We also welcome the Bill.

श्री विनायक प्रसाद यादव (सहरसा):

उपाध्यक्ष महोदय, मेरा प्वाइन्ट ऑफ ऑर्डर है। हम लोगों ने इस बिल में एमैजमेंट मूव किया है, दूसरा या तीसरा नम्बर है। हम लोगों को बोलने के लिये कैसे टाइम मिलेगा?

PROF. R. K. AMIN: My friend has referred to and the Home Minister has also very explicitly stated that certain changes have been made in the Bill which was proposed before and in the Bill which is proposed now. In the present two significant changes have been made. Earlier, the Prime Minister and the Members of Parliament were not included. Now they are included.

I would just like to draw the attention of my friend, Mr. Alagesan, to the difference between the Joint Committee's Report which was published in 1969-70 on this Bill and 1977. This difference had clearly indicated that the Prime Minister as well as the Members of Parliament should be included, if we really want to avoid the emergence of dictatorship. But I am also glad that the Bill has been referred to the Joint Committee. I would like to ask for the consideration of the House that had this Bill been passed in 1970, had the Bill included the Prime Minister as well as Members of Parliament in its scope and had the provisions were like this, could we expect the situation which

arose in this country where democracy was jeopardised, could we have a Lokpal strong enough to stand against such situation . . .

MR. DEPUTY-SPEAKER: Mr. Amin, excuse me, you are a Member of the Select Committee and I think it is not proper if you speak like this.

PROF. R. K. AMIN: I am just asking . . .

MR. DEPUTY-SPEAKER: I am saying that you are a Member of the Select Committee. So, you should not speak on the Bill or it was a mistake because . . .

PROF. R. K. AMIN: Therefore, I would like to point out about the experience of the emergency. Because of the experience of emergency, it is very necessary . . .

AN HON. MEMBER: It is a political speech.

PROF. R. K. AMIN: No, it is not a political speech. Because of the experience of emergency, it is good to bring this Lokpal Bill forward. But I am glad—I have also another reason—that this Bill has been brought forward now and hope that it will be implemented as early as possible in our Planning Commission, after the experience of 30 years, it is indicated that despite the fact that we are having good schemes, we have always failed, as far as implementation of those schemes is concerned.

On the face of it, if you take the community project schemes, nobody can find out any fault with the scheme as such, yet it has not been possible to effect development in this country. You take the drought prone area schemes, small farmer schemes, marginal farmer and agricultural labour schemes and so on. If you see the review made, as far as implementation of those schemes is concerned,

[Prof. R. K. Amin]

you will be convinced that despite the fact that good objectives have been included in those schemes, on the face of it, they have not been able to deliver the goods because of their implementation; and in the implementation, the administration has always come in the way. Why has it been happening so? It has been happening so because of the nepotism at the top, because of the inefficiency at the top and because of the corruption at the top, the administration has become so corrupt that all our schemes for economic development, despite the fact that they were very good schemes, could not deliver us the goods. Therefore, if you really want to make our country prosperous economically and otherwise, then it is very necessary that the Lokpal must be appointed, that there should be no corruption at the top, that the top should be in a position to control it, so that the administration also becomes very good. You know very well Churchill's reputation: the moment Churchill was declared to be Minister of any department, right from top to bottom, all of a sudden, everything would be so set right that nobody would dare to indulge in any corrupt practice, from top to bottom; the moment his name was heard, the moment it was known that Churchill would be taking up such and such a department, there would be no corruption there because his reputation was such that no corruption would be allowed to flourish in his department. If we also have that sort of top in our country—Ministers and Members of Parliament—, if that sort of reputation is established, then no corrupt practice will enter into the civil servants; from the level of Secretary to the lowest level, the example will percolate very easily. That is why I welcome, even for economic reasons, the introduction of this Bill and the passing of this Bill, and I hope that it will be implemented as early as possible. I would only like....

MR. DEPUTY-SPEAKER: Mr. Amin, you may wind up your speech because I have already drawn your attention to the fact that you are a member of the Joint Committee.

PROF. R. K. AMIN: Only one or two things more. I would only like to urge that, while passing this Bill, care should be taken to ensure that the approach of the Chief Justice or whosoever is the Lokpal should be a little different from that which has been adopted so far in inquiries into corrupt practices because at the top, when you are responsible, when you are elected, when you have to be responsible to the people, you have to use your discretion, you have to take your decision fearlessly, you have to abide by the mandate which has been given by the people. Because of this, the approach of the Lokpal should be somewhat different from the approach which has been adopted so far by the Vigilance Commission or all other Commissions. That is why, some of the Clauses like the need for depositing a sum of Rs. 1,000 and elimination of the complaints by the Lokpal—because we have found that hardly six per cent of the complaints has any substance whatsoever—are good. If these things are established, if these guidelines are introduced, if some mechanism is there to remove unnecessary complaints, then my friends need not worry if Members of Parliament are included.

Now that the Bill is being referred to a Joint Committee, I will conclude by saying that I welcome this Bill and I hope that the Joint Committee will do its job as early as possible and the Lokpal will be appointed in the next Session.

श्री जगदम्बी प्रसाद यादव (गोड्डा) :
उपाध्यक्ष महोदय, जॉयंट कमेटी के सदस्यों को तो कमेटी में अपने विचार प्रकट करने का अवसर मिल जायेगा। इसलिए दूसरे सदस्यों को यहां चांस देना उचित होगा।

उपाध्यक्ष महोदय : अब मैं जायंट
कमेटी के सदस्यों को नहीं बुलाऊंगा ।

MR. DEPUTY-SPEAKER: Mr. Asoke Krishna Dutt.

SHRI NARENDRA P. NATHWANI (Junagadh): Sir, on a point of order. I rose on a point of order before the lunch interval and said that I would raise it after the Home Minister's speech. I thought I would be given a chance to speak, but since I happen to be a member of the Joint Committee, I may not be allowed. Therefore, I want to raise my point of order and would request you to consider it. It has already been pointed out by an hon. Member on the opposite that the Bill seeks to deal with the mis-conduct of Members of Parliament of both Houses—it is important to bear this in mind...

MR. DEPUTY-SPEAKER: What is your point of order?

SHRI NARENDRA P. NATHWANI: My point of order in this. It involves an encroachment on the rights of the other House and *vice versa*. This is an important piece of legislation. Clauses (2) and (3) of Art. 105 do not admit of such a proposal.

MR. DEPUTY-SPEAKER: I think it is better you state it in the Select Committee itself.

SHRI NARENDRA P. NATHWANI: I want to bring it to the notice of the entire House. It is a question affecting the rights and privileges of the entire House and I am placing my doubts before it. This is rather an important point because the Bill seeks to deal with the mis-conduct of Members of both the Houses. Art. 105, as amended in 1976 speaks of the powers, privileges and immunities of 'each House'. But now this House is trying to lay down princi-

ples governing investigation into the mis conduct.....

MR. DEPUTY-SPEAKER: I think I can rule it out on the face of it because it does not go into the powers and privileges of the other House at all. It is a general law governing all Members of Parliament. It has nothing to do with the Members of any particular House. Therefore, I think your point is out of order.

SHRI NARENDRA P. NATHWANI: Please hear me fully.

MR. DEPUTY-SPEAKER: I have heard you and I know the point you are raising. I think it is out of order. This Bill does not specifically go into the privileges of the other House: it does not deal with the privileges of any Member as a Member of the Rajya Sabha alone but deals with the Members of Parliament as a whole. For example, what happened in the case of the 'Salaries of Members' Bill? It was passed in this House though it covered the salaries of Members of both the Houses.

SHRI NARENDRA P. NATHWANI: The entire House can look into the mis-conduct of any Member, but this Bill is now being referred to a Select Committee.

MR. DEPUTY-SPEAKER: We are not going into the mis-conduct of Members. This is only a Bill providing for an authority which will probably go into the mis-conduct of Members. I think your point is out of order. Please sit down.

Now, Shri Asoke Krishna Dutt.

SHRI ASOKE KRISHNA DUTT (Dum Dum): Mr. Deputy-Speaker, Sir, I congratulate the Home Minister for introducing this Bill in the House. As he has stated in his explanatory statement, this Bill was intro-

[Shri Asoke Krishna Dutt]

duced twice earlier—once in the Fourth Lok Sabha and once in the Fifth Lok Sabha and, on both the occasions, they were allowed to lapse. It is laudable that now, almost at the beginning of the term of the Sixth Lok Sabha, this Bill has been introduced so that we can see it passed into an Act. As a Member of this House, I feel proud that he has included Members of Parliament within the definition of 'Public men' under Section 2 (g) because, if only Ministers were included and Members were excluded, a criticism might have been made that the Members are trying to shirk their responsibilities and are trying to avoid enquiry. Now, if any undue criticism is made against any Member, we can always say that the Lokpal Act is there and anybody having valid criticism against the Members can take recourse to this Lokpal Act. Therefore, it actually helps us and it definitely improves the stature of the Members of Parliament before the country.

I was very carefully listening to the speeches of the Hon. Member of the Opposition Mr. Alagesan. He is a senior Member and has held executive office previously. But I was rather amused to hear his speech. Initially, when he said that he was supporting the Bill, I applauded him, but he later brought on the argument that the previous Government had introduced a better Bill where the Ministers all belonging to the then ruling Congress Party had been brought within the ambit of the Bill but Members including all Members of the Opposition were left out—as though they were showing great indulgence to the Opposition. It is very amusing. Shri Alagesan has finished his speech and left the House, but I believe, some other responsible Members will be speaking from the opposition Congress benches. I would put two questions to them, through you, Sir. First, if such an indulgence was being given to the opposition, why was this Bill never passed and why was it

never enacted? Why was the Bill introduced in the Fourth Lok Sabha and allowed to lapse and why was it introduced in the Fifth Lok Sabha and again allowed to lapse?

SHRI M. RAM GOPAL REDDY (Nizamabad): Should I answer it?

MR. DEPUTY-SPEAKER: He is not putting the questions to you, but to the chair.

SHRI ASOKE KRISHNA DUTT: Shri Alagesan emphatically said that they were taking a positive step by including the Congress Ministers. If they were so positive, why did those very Congress Members positively exclude the then Prime Minister from the jurisdiction of Civil Courts and Criminal Courts by introducing Constitutional amendments—dark amendments to the law?

While congratulating the hon. Home Minister on bringing this Bill, I would like to draw the attention of the House to two particular matters. This Bill is being sent to the Joint Committee of the two Houses and I believe, the Joint Committee will seriously consider these points. First, the scope of Section 2(g) of the Bill, which defines public men should be widened. Here, I find that it has included Ministers, Members of Parliament, Members of the Council of Ministers for a Union Territory, Members of the Legislative Assemblies for any Union territory, Members of the Executive Council of Union territories and only the Chief Ministers of the States. I feel very strongly that the legislators of the States should also be included within the scope of Section 2(g) and the definition of public men should be widened to bring within its scope Members of the Assemblies and Councils of the different States.

There can be two objections to it. First, it being a State subject, why should the centre go into that. By including the Chief Ministers of the States, it has already been answered

that it is not a State subject and it can be done. The other argument that can be advanced is that there would be too much work for only one Lokpal, as has already been said. Section 8 lays down that if necessary, Special Lokpals can be appointed. Therefore, we can easily have, if there are sufficient cases against Members of Legislature of particular States, one or more Special Lokpals for that purpose. The Act provides for that.

The hon. Home Minister was giving instances of excesses during the emergency; we in some of the States have also got experience of the corruption in the States. In the State of West Bengal, from where I come from, the Wanchoo Commission was appointed with a lot of fanfare and an enquiry was made into the affairs of the Ministers, but for various obvious reasons, the Chief Minister who was controlling the whole show did not publish the main portion of the Wanchoo Commission recommendations; only a small portion was published so that he could take advantage of this report and blackmail his political opponents inside his own party and set one against another. These matters are coming to light. It has been published in various newspapers today that during the last administration in the State of West Bengal, police files were prepared about Ministers at the instance of the Chief Minister himself, so that he can blackmail them. Now, these were never published. We want them to be published. We want some agency like the Lok Pal to go into these things because it may be our experience in our State shows that not only may be but it was a fact that in that particular administration, the Chief Minister deliberately got prepared false files to blackmail his political opponents.... (Interruptions) He is going out for obvious reasons. It is for this reason I would emphatically assert that legislators of the States, MLAs and MLCs should be brought within the scope of 'public men' in this Bill.

Otherwise, if there is no uniform law throughout the country, in all the States particularly, then unscrupulous political leaders and unscrupulous Chief Ministers...

SHRI SOMNATH CHATTERJEE (Jadavpur): like?

SHRI ASOKE KRISHNA DUTT: I do not like to mention names. It is obvious. They can always take advantage. So, we should have a uniform law throughout the country. The question of checking corruption should have a uniform law throughout the country. For that reason, the scope of Section 2(g) should be widened and where it is stated 'only of the Union Territory', 'members of the various States of the Indian Union' should also be included.

The other suggestion that I wanted to make was that I felt while congratulating the Home Minister and asserting that this law is definitely going to curb corruption, I felt at the same time that there should be some specific provision for protection against malicious proceedings and harassment. We, in this House, enjoy certain privileges. I do not want to repeat what Mr. Alagesan said about the privileges and the well known reasons of our having these privileges is that we can freely discuss various things in this House without all the time fearing the law of defamation. We can be free to discuss various matters as public representatives before this greatest forum in the country. So, if we are constantly reminded that we must be careful to see if we are treading on the tail of somebody, we cannot discuss various matters freely. Here also I find some protection has been given in the nature that Rs. 1000 security is to be given by the person by whom a proceeding is started. If it is found that there is no justification for the proceeding, then Rs. 1000 or a portion thereof can be given as compensation to the person complained against. This is not adequate. Look at the scope of this Bill. Anybody can send

[Shri Asoke Krishna Dutt]

a complaint, not only people in jails but I do not know why this was included. I find that people even in a lunatic asylum can send complaints. It has been specifically provided that people in lunatic asylums also can send complaints. I do not dispute that. May be some people might have been wrongly put into the lunatic asylums by some Chief Minister. We have that experience also. I do not dispute that. What I was saying is: let these provisions be there. But we should have some protection that if it is proved that the entire proceeding was a harassing proceeding or was a malicious proceeding, then there should be some provision for proceeding against those people who instituted these proceedings. Rs. 1000 may be, for 90 per cent of the people in this country, a lot of money, but for those people who are interested in harassing Members of Parliament, it is a very paltry amount. So, in that case, if it is definitely proved that the entire proceedings were malicious, the entire proceedings were merely of a harassing nature, then there should be some provision in this law where some heavy damage could be obtained from those people who were instituting malicious and harassing proceedings. There are other things too. You have already stated that our time is limited. I believe you have already given a warning bell. I do not want to drag the speech. But before ending I will say that we are grateful to the Home Minister for introducing this Bill.

This Bill is a unique Bill and when passed into law, it will be a unique enactment for the whole world and we can boast that our country is taking a definite stride in eradicating corruption.

श्री बसंत साठे (अकोला) उपाध्यक्ष जी, मैं हिन्दी में बोलना चाहता हूँ। पहले तो मैं श्री चरण सिंह, गृह मंत्री जी का अभिनन्दन करना चाहता हूँ कि उन्होंने इतना अच्छा बिल यहाँ पर पेश किया है। अब

नुकताचीनी में जाएं, नोटिफिकेशन करें कि किसने क्या किया और क्या नहीं किया और कुछ छीटाकशी करें, तो इस में कोई तथ्य नहीं है और इस से कोई फायदा होगा, ऐसा मुझे नहीं लगता लेकिन चन्द बातों में ग्राम तौर से इस बिल के बारे में कहना चाहता हूँ।

श्री चरण सिंह ने यह कहा और वे भूमिका बना रहे थे कि भ्रष्टाचार जो है वह केवल आर्थिक मामले का नहीं होता, पैसे के लेनदेन का नहीं होता, बल्कि अन्य सवालों का भी होता है। उन्होंने कहा कि जो आदमी झूठ बोलता है, वह भी भ्रष्ट है। मैं अनुरोध करूँगा कि गृह मंत्री जी, अगर आप को रुक न हो तो यह जो सलाह मशिवरा जारी है, इस को थोड़ी देर के लिए मुलतवी कर दें।

रेल मंत्री (प्रो० मधु दण्डवते): जो आप ने पहले कहा है, उस को मैं बतला रहा था।

श्री बसंत साठे: जब मैं ने शुरू किया था, तो मंत्री जी आ गये थे। इसलिए आप को बताने की जरूरत नहीं है।

तो मैं यह कह रहा था कि गृह मंत्री जी ने यह कहा कि जो आदमी झूठ बोलता है, वह भ्रष्ट है। मैं 1968 को अपनी संसद की डिबेट पृष्ठ 2721 में से कुछ पढ़ कर बताना चाहता हूँ।

“मेरे द्वारा अंकित किये गये दस्तावेज (अ) में 1 जनवरी, 1965 को डोडसल प्राइवेट लिमिटेड द्वारा व्यवस्थापकीय पदों पर नियुक्त कर्मचारियों की सूची है और इस दस्तावेज में श्री क्रांति देसाई का पांचवा नाम है। इस से यह साबित हो जाएगा, कि श्री मोरारजी देसाई ने यह सूचित कर सदन को गुमराह किया है कि उन के लड़के जून, 1964 से कम्पनी से अलग हो गये। तथ्य यह है कि उन के प्राइवेट सैक्रेटरी बनने के बाद भी उन

के लड़के ने न सिर्फ फर्म के साथ अपना व्यवसायिक सम्बन्ध जोड़े रखा बल्कि कम्पनी के लिए काम करना बन्द कर देने के बाद भी वह वही वेतन और वही कमीशन लेते रहे। इस से न सिर्फ यह पता चलता है कि उप प्रधान मंत्री ने सच बात नहीं कही, बल्कि इस से यह भी साबित होता है कि उन के लड़के की तथाकथित बहुमूल्य सेवा असली अर्थों में सेवा नहीं थी बल्कि उन के पिता की स्थिति और प्रभाव से ठेका और लाइसेंस लेने के लिए दी गई रिश्वत या भुगतान था और वे कानूनी तौर पर कम्पनी के कर्मचारी बराबर बने रहे।”

श्री श्रीम प्रकाश त्यागी : (बहराइच) : यह स्टेटमेंट किस का है ?

श्री बसन्त साठे : पढ़ लूँ। यह बड़े बुरे आदमी का है।

आगे पृष्ठ 2729 पर यह लिखा है”
“लेकिन मुझे कान्ति भाई के कारनामों में दिलचस्पी नहीं है। मुझे मतलब सिर्फ मोरारजी देसाई की गलत बयानी से है। मुझे आपत्ति इसलिये है कि उन्होंने अपने बेटे को अपना निजी सचिव बनाया, सत्य को छिपाने की तथा असत्य सूचित करने की उनकी साजिश का एक नमूना और देखिये। जब उप प्रधान मंत्री से पूछा गया कि आपने अपने बेटे को निजी सचिव को इंटरनेशनल मोनीटरी फंड के सम्मेलन में भारतीय प्रतिनिधि मंडल में सलाहकार किस आधार पर बनाया और उन्हें भारतीय प्रतिनिधि मंडल के सलाहकार के रूप में क्यों भेजा गया तब उस पर उन्होंने

श्री श्रीम प्रकाश त्यागी : पीइंट आफ आर्डर।

श्री बसन्त साठे : मैं खत्म कर दूँ तब बोलियेगा। पहले पढ़ दूँ।

श्री श्रीम प्रकाश त्यागी : मैं यह पूछना चाहता हूँ कि यह स्टेटमेंट पढ़ रहे हैं या किसी ने यहां भाषण दिया है। उसको पढ़ रहे हैं ? उस भाषण को पढ़ कर यह प्रधान मंत्री पर इनडायरेक्ट वे में जो लांछन ला रहे हैं झूठ बोलने का यह कहां तथ्य सही है, इस पर आप अपनी व्यवस्था दें।

श्री बसन्त साठे : लांछन तो पहले लाया गया है। यह इसी सदन का कथन है जो लाया गया है। मैं नया कुछ नहीं ला रहा हूँ।

MR. DEPUTY-SPEAKER: What are you quoting and from whom?

SHRI VASANT SATHE: This is from Lok Sabha Debates, 1968, the volume relating to the month of August.

जब उप-प्रधान मंत्री से पूछा गया कि आपने अपने बेटे को निजी सचिव को इंटरनेशनल मोनीटरी फंड

MR. DEPUTY-SPEAKER: From where are you quoting?

SHRI VASANT SATHE: This is Mr. Madhu Limaye speaking on a motion of censure against the then Deputy Prime Minister, Shri Morarji Desai.

श्री श्रीम प्रकाश त्यागी : रेलीवेंसी क्या है ?

श्री बसन्त साठे : मैं तो माननीय चरण सिंह की ताइद कर रहा हूँ कि जो झूठ बोलते हैं वह भी भ्रष्ट हैं, इस बात की पुष्टि में मैं यह बतला रहा हूँ और क्या कह रहा हूँ।

श्री दिनेन भट्टाचार्य (सीरमपुर) : आप तो झूठ को दोहराते हैं तो आप भी झूठे हो जायेंगे।

श्री बसन्त साठे : : सलाहकार किस आधार पर बनाया और उन्हें भारतीय प्रतिनिधिमंडल के सलाहकार के रूप में क्यों भेजा ? तब उसका उन्होंने भ्रजीबो गरीब जवाब दिया । मैं उनके जवाब से एक ही वाक्य पढ़ता हूँ । कि वे कते है

Shri Kanti Desai was given an adviser badge to permit his entry to the precincts of the conference hall and to enable him to attend social functions organised in connection with the meeting.

यह इंटरनेशनल मनीटरी फंड के बारे में है ।

श्री हरि बिष्णु कामत : जहां तक मैं समझ पाया हूँ, यह श्री मधु लिमये का आरोप था । क्या यह प्रमाणित हुआ है ?

श्री बसन्त साठे : प्रमाणित करने के लिये तो लोकपाल आ रहे है । मैं आगे नहीं कह रहा हूँ । मैं यह कहाँ कह रहा हूँ कि यह प्रमाणित हुआ है ? मैं यह कह रहा हूँ कि लोकपाल का जो बिल आया है, वह लोकपाल, भ्रष्टाचार, और झूठ भी भ्रष्टाचार होता है, उसको भी देखेंगे ।

SHRI R. MOHANARANGAM (Chengalpattu): Sir, we are discussing a very pertinent issue under this Bill. I would request you to speak in English so that we are in position to understand what the leaders like Shri Kamath says.

SHRI VASANT SATHE: I would help you.

Sir, I have got two or three points to make. Firstly, in this Bill, you are trying to bring in corrupt practices; you want to stop corruption. That is the idea. The objective behind this Bill is to stop corruption in high offices and high places. That appears to be the objective behind this Bill. This is similar to Ombudsman in Sweden or Parliamentary Commissioner in U.K. as well as in Newzealand.

But, I do not understand one thing when in this unique bill you are trying to define the word 'misconduct'. First of all you say that corruption includes anything that is punishable under Chapter IX of the Indian Penal Code or under the Prevention of Corruption Act, 1947.

You are further going to define in clause 3 what is meant by 'misconduct'. That is as follows:—

"3(1) A public man commits misconduct—...."

That means anything under the sun may come under that. Even if you go home and sleep, that also may be included. This is so comprehensive in the sense that it may cover anything. For example look at (3)(1) (b). What does it say? It says:

"If he fails to act in any case otherwise than in accordance with the norms of integrity and conduct which ought to be followed by the class of public men to which he belongs;

Clause 3(1) (a) says:

"if he is actuated in the discharge of his functions as such public man by motives of personal interest or other improper or corrupt motives..."

Clause 3(1) (c) goes on to say:

"if he directly or indirectly allows his position as such public man to be taken advantage of by any of his relatives or associates and by reason thereof such relative or associate secures any undue gain or favour to himself or to another person or causes harm or undue hardship to another person".

If an associate does something, that comes under this clause. My friend Shri Chatterjee, is an eminent lawyer. He may agree with me that we have so many associates. How does he keep watch over the associates? Is it possible at all? I have one request to make. For heaven's sake, in your

enthusiasm, do not bring in the word 'Members of Parliament'. Somebody in the Janata Party also said that we should not include Members of Parliament. How can you say that the Home Minister should now include M.Ps and M.L.As. At least I want to be honest. What we are trying to do is to prevent the misuse of powers given to persons in authority. What executive powers do the Members of Parliament have? I would like to know. Your power is only to request Charan Singhji to do something or let off somebody or arrest somebody. Not only an MP but any man in the country—with some hold—can go to any Minister and persuade him to do something and have the things done. How are they better than an MLA or M.P. An M.P. if there is breach of conduct as Member of Parliament can be punished by Parliament. If they commit other crime they can be punished under the ordinary law.

AN HON. MEMBER: What about Tulmohan Ram?

SHRI VASANT SATHE: He is facing charges in the court of law. When Chief Ministers are included logically the MLAs will also be included. Why not then also include the Municipal Committee members and members of Gram Panchayats, etc. Where will it all lead to. This will become ridiculous. Therefore, for heaven's sake, do not include the MPs.

Sir, my last point concerns Section 26 which deals with delegation of powers. Here I may quote Section 26:

"The Lokpal may, by general or special order in writing and subject to such conditions and limitations as may be specified therein, direct that any powers conferred or duties imposed on him by or under this Act.....may also be exercised or discharged by such of the officers, employees or agencies referred to in sub-section (1) or sub-section (2) of section 9, as may be specified in the order." What does

it mean? You will find he has to do nothing. He can ask the Secretary to record the evidence and the other officials under him to do other things and all that he will have to do is to sign. Sir, my submission is that in this process you will open the flood gates of mischief. Therefore, Sir, there is a serious lacuna in this Bill. The Bill is, no doubt, well-motivated. There is a ticklish point about the inclusion of the Prime Minister. If you ask me frankly I would say, "Do not include him." It is your Prime Minister today. I tell you 'why'. He is the head. He appoints the other ministers at his discretion. Now, what will happen? The report will go to the Prime Minister himself which you say he will place before the Cabinet. Now, you want to start a fight in the Cabinet between one group against another group to catch the Prime Minister on the wrong foot'. (*Interruptions*).

16 hrs.

If your party loses faith in a particular man, you remove him from the Prime Ministership. But do not put him in jeopardy because that will reduce his leadership capacity in the Council of Ministers. Please calmly consider this. He is equal in the eyes of law. If you want to include him, then, as you say, use this power. As one of the hon. Members has pointed out just now, any man can make any complaint, any businessman who wants to blackmail any person for Rs. 1000 or some money, may prepare a complaint and send it to Lokpal. It will be published next day. Today you believe in persecution and prosecution through press and propaganda. The first thing to be published would be a complaint by so and so against so and so making such grave charges. When it is published already, people will take it for granted that it is true. Therefore, if you want to perpetuate that, you will be doing that by installing emergency permanently by giving powers to C.B.I. to do every-

[Shri Vasant Sathe]

thing that you want. Then that will be worse than Emergency. Therefore, do not talk of Emergency. Here is a Bill, a good Bill; but consider all these lacunae, try to remove them. I hope the Select Committee will apply its mind.

MR. DEPUTY-SPEAKER: Mr. Dinen Bhattacharyya, I know whom I should call. You please do not tell me whom I should call. I am making this remark for all the debates to follow, not only for this debate, but for all the future debates also.

SHRI DINEN BHATTACHARYYA: Why are you telling this to me alone?

श्री श्याम सुन्दर दास (सीतामढ़ी) : अध्यक्ष महोदय, मैं माननीय गृह मंत्री, अपनी सरकार और प्रधान मंत्री सभी को धन्यवाद देता हूँ और भारत की जनता को भी धन्यवाद देता हूँ कि आज एक ऐसा अवसर आ गया है भारत की राजनीति में जब कि यह लोकपाल विधेयक शीघ्र ही कानून के रूप में परिवर्तित होगा। श्री वसंत साठे मेरे सम्मानित मित्र हैं। मैं उन्हें भी धन्यवाद दूंगा क्योंकि उन्होंने बड़ी इमानदारी से एक स्वीकारोक्ति की है साइ वांट टु बी आनेस्ट। लेकिन अगर साठे साहब ने यह स्वीकारोक्ति एमर्जेसी के वक्त की होती तो संभवतः आचार्य विनोबा भावे से जो बात हुई थी उस में सिर्फ अनुशासन पर्व का उल्लेख श्रीमती इंदिरा गांधी के द्वारा प्रचार के रूप में नहीं किया जाता। यदि श्री साठे साहब उस समय भी ईमानदार होने का प्रयास किए होते तो पूरी व्याख्या शासन, अनुशासन, राजसत्ता का शासन और आचार्य का अनुशासन जिस की आचार्य विनोबा भावे ने बाद में व्याख्या की वह उन को न करनी पड़ती क्योंकि वह मेरे मित्र के सामने पहले कर चुके थे लेकिन समाचार पत्रों में सिर्फ अनुशासन पर्व आया और बसों पर अनुशासन पर्व छपा गया। लेकिन मैं उन्हें उन की बात के लिए धन्यवाद दूंगा।

श्री बसन्त साठे: मैं उस समय भी ईमानदार था। वहां उन्होंने लिख कर दिया था। उस समय वह मौन थे, बात नहीं करते थे। एमर्जेसी के आगे उन्होंने देवनागरी में लिखा-अनुशासन पर्व। यह उन के हाथ का लिखा हुआ था। इसलिए मैं उस समय भी ईमानदार था।

श्री श्रीम प्रकाश त्यागी : उस का अर्थ यह था . . .

श्री बसन्त साठे : अर्थ मत बताइए। अर्थ तो बाद में आया। उस समय जो उन्होंने लिखा था वह मैं कह रहा हूँ। मैं उस समय भी ईमानदार था।

श्री श्याम सुन्दर दास : माननीय उपाध्यक्ष महोदय, मैं उन्हें इस बात के लिए भी बधाई देना चाहता हूँ। सचमुच ही माननीय गृह मंत्री जी ने भ्रष्टाचार की जो व्याख्या की वह व्याख्या अत्यन्त प्रासंगिक है। साठे साहब और इस सदन के बहुत से माननीय सदस्य उस झंडे के नीचे कभी काम कर चुके थे जिस झंडे और दल का नेतृत्व आचार्य नरेन्द्र देव, डा० राम मनोहर लोहिया और लोकनायक जय प्रकाश नारायण करते थे। उस दल में कभी साठे साहब भी थे। मैं उन्हें धन्यवाद देता हूँ कि उन्होंने भ्रष्टाचार की डाइमेंसन्स आयागों में झूठ को भी शामिल किया है। माननीय साठे जी ने सम्भवतः 1968 की श्री मधु लिमये जी की स्पीच का उल्लेख किया है। चूंकि यहां पर श्री मोरारजी देसाई का रेफ्रेन्स आया है, मैं अपने प्रतिपक्ष के मित्रों को स्मरण दिलाना चाहूंगा—मुझे दुःख के साथ नाम लेना पड़ रहा है—कि इस देश के प्रथम प्रधान मंत्री पं० जवाहरलाल नेहरू के निजी सचिव, श्री मथाई के सम्बन्ध में भी अखबारों में कितनी चर्चा हुई थी। उस चर्चा को भी सदन स्मरण रखे। श्री दुर्गादास ने “फ्राम कर्जन टु नेहरू” में इस बात की चर्चा की है कि किस तरह से पं० जवाहरलाल नेहरू एक डायनेस्टिक रूल बनाना चाहते थे जिसको श्रीमती इन्दिरा गांधी

से वास्तविकता के रूप में परिणत किया। मैं उन्हें इस बात का स्मरण दिलाना चाहता हूँ कि यह विधेयक उतना ही निदांष है, उतना ही यह साधु प्रस्ताव है जितना कि श्री कामत का प्रस्ताव जोकि उन्होंने इस सदन में पहले रखा था। माननीय कामत साहब ने कहा था कि जिन मूल्यों के लिए लोकमान्य तिलक, महात्मा गांधी, नेताजी मुभाषचन्द्र बोस जिये और मरे उन्हीं मूल्यों की रक्षा के लिए लोक-नायक जयप्रकाश जी के आह्वान पर उनसे लोग जेल गए जिनने सन् 42 के आन्दोलन में भी नहीं गए थे। उन्हीं मूल्यों की रक्षा के लिए जिस प्रकार की संस्थाओं की जरूरत है, जिस प्रकार के इंस्टीट्यूशनल फ्रेमवर्क की जरूरत है उसी प्रकार के इंस्टीट्यूशनल फ्रेमवर्क के अंग को लाने के लिए माननीय गृह मंत्री जी ने यह विधेयक यहां पर पेश किया है क्योंकि 1947 से लेकर आज तक का अनुभव वह सिद्ध करता है कि जो समाजवाद सिर्फ सेक्यूलरिज्म, डेमोक्रेसी और इक्वैलिटी—इतने पर ही अपने को सीमित रखेगा, जिसमें आध्यात्मिक और नैतिक मूल्यों की चर्चा नहीं होगी, जिस समाजवाद में मीस और एन्डस के मन्तृलन पर ध्यान नहीं दिया जायेगा वह आध्यात्मिकता से विहीन समाजवाद इस देश में चल नहीं सकता है। इसीलिए कामत साहब ने आध्यात्मिक और नैतिक मूल्यों की चर्चा की थी। मैं साठे साहब और प्रतिपक्ष के नेता जो इस समय सदन में उपस्थित नहीं हैं, उनसे आशा करता था कि यह बिल इसी मंत्र में पास कर दिया जायेगा क्योंकि हमारे घोषणापत्र में तथा हमारे प्रधानमंत्री और गृह मंत्री द्वारा विभिन्न वक्तव्यों में यह बात स्पष्ट कर दी गई थी कि हम शीघ्रताशीघ्र भ्रष्टाचार निरोध के लिए कानून बनाना चाहते हैं। माननीय गृह मंत्री जी ने सही बात कही है कि देश की जनता ज्यादा सजग हो गई है। पिछले 20 महीनों में श्रीमती इन्दिरा गांधी और उन के पुत्र राजकुमार संजय जो क्राउन प्रिंस थे, उन्होंने अपने कारनामों से भारतीय जनता को इतना सजग बना दिया, इतना सतर्क बना दिया कि आज भारत के मतदाता बड़े गौर से देख रहे हैं कि हम लोग

क्या कर रहे हैं। गृह मंत्री जी ने ठीक ही कहा कि पार्टियों के अन्दर क्या हो रहा है—यह भी लोग पढ़ रहे हैं। यहां तक कि अब सोवियत रूस और सी० पी० एम० एक दूसरे के नजदीक आ रहे हैं। श्री प्रमोद दास गुप्त सी० पी० आइ० को सर्टिफिकेट दे रहे हैं और इन्दिरा जी फिर धीरेन्द्र ब्रह्मचारी को छोड़ कर पवनार आश्रम जा रही हैं—यह बात सब का मालूम है। राजनीति में फिर से इंदिरा जी के आने से क्या आध्यात्मिक मूल्यों की रक्षा हो सकेगी, नैतिक मूल्यों की रक्षा हो सकेगी? विधान सभाओं के चुनाव में कांग्रेस पार्टी ने जो अपना घोषणा पत्र दिया था उसमें जनतन्त्र सर्वधर्म समभाव (यह शब्द इन को पसन्द नहीं है, इन को सैकुलर शब्द ज्यादा पसन्द है) सैकुलर शब्द का प्रयोग किया था। सैकुलरिज्म और सर्वधर्म समभाव में कितना अन्तर है—साठे साहब इस को निश्चित रूप से जानते हैं। दक्षिण के नेता इसे न जाने मैं इस बात को नहीं मानता। इन सारी चीजों पर फिर प्रपंच, पाखण्ड और झूठ की राजनीति चलाई जा रही है।

हमारा प्रतिपक्ष इस सदन में अल्प-मत में है, लेकिन राज्य सभा में बहुमत में है। राज्य सभा का बहुत से लोग मजाक में परलोक सभा भी कहते हैं, इसलिये नहीं कि यह कोई निन्दा की बात है, बल्कि इसलिये कि लोक सभा में देश का वर्तमान प्रतिबिम्बित है, इस में देश के भविष्य को बनाने वाले बहुमत में हैं और उस में बहुमत उन लोगों का है जो राजनीतिक दृष्टि से परलोक चले गये हैं, पता नहीं स्वर्ग में गये है या रौखारक में गये हैं! हिन्दुस्तान की संस्कृति में पवित्र हो या अपवित्र, पापी हो या निर्दोष—किसी की जब मृत्यु होती है तो कहा जाता है कि स्वर्गीय हो गये। इसीलिये शायद राजनीतिक मजाक के रूप में उस को परलोक सभा कहा जाता है। परलोक सभा में बहुमत उन दलों का है जो दल यहां पर विपक्ष में हैं। मुझे बड़ी खुशी होती यदि प्रतिपक्ष की ओर से माननीय साठे साहब या माननीय अलयेसन साहब यहां यह कहते

[श्री श्याम सुन्दर दास]

कि सचमुच अब कांग्रेस जनतन्त्र में विश्वास कर रही है। जो कांग्रेस रूख थी, वह अब रिजकटेड है और वह कांग्रेस रीजुनिट होने के लिये फिर से उन्हीं मूल्यों को मानती है, जिस की लोकमान्य तिलक, महात्मा गांधी और सुभाषचन्द्र बोस मानते थे। यदि रिजकटेड कांग्रेस को आप रीजुनिट करना चाहते हैं तो फिर इस बिल को संयुक्त प्रवर समिति में भेजने की जरूरत नहीं थी। प्रतिपक्ष के नेता अपने मुझावों को लेकर आते और गृह मंत्री जी को प्रसन्नता होती—उन के मुझावों पर विचार करने के बाद, जो भी संशोधन उचित होते, न्यायसंगत और धर्मसंगत होते, उन को स्वीकार करते। हमारे मित्र धर्म को रिलीजन मानते हैं, क्योंकि अंग्रेजी में धर्म का इक्विव-लेंट रिलीजन है, लेकिन वास्तव में रूल आफ ला रूल आफ धर्म है। आज इस देश की जनता ने प्रपंच और झूठ की राजनीति को सदा-सदा के लिये दफना दिया है। हम लोगों ने लोक सभा में आपचारिकता और वानुन की दृष्टि से शपथ ली है, लेकिन महात्मा गांधी की समाधि पर पहले शपथ ली थी। एक बार फिर श्री कामत ने इसी सदन में उल्लेख किया था कि जो ट्रिनिटी है, उस ट्रिनिटी की आपसी एकता को कायम रखना चाहिये।

श्री हरि विष्णु कामत : त्रिमूर्ति ।

श्री श्याम सुन्दर दास : त्रिमूर्ति में तीनमूर्ति ही जाना है और तीनमूर्ति का एम्पे-सिंशन जवाहरलाल जी से है और इन्दिरा जी से भी है और इसलिए मैं तीनमूर्ति नहीं कह रहा हूँ।

श्री हरि विष्णु कामत : त्रिवेणी कहिये।

श्री श्याम सुन्दर दास : मैं आप के माध्यम से प्रतिपक्ष के सामने यह चीज रख रहा हूँ कि प्रतिपक्ष सचमुच में जनतंत्र के प्रति अपना आदर प्रकट करे और इस झूठ, प्रपंच और पाखण्ड की राजनीति को अब वह

छोड़े और हमारे प्रधान मंत्री और गृह मंत्री के हाथ मजबूत करे। इन लोगों के हाथ पाप से काले हो चुके हैं और अब किसी समिति या प्रवर समिति में रखने के बे पात्र नहीं हैं। अब ऐसी उन में पात्रता नहीं है, ऐसा कहते हुए मैंने उन को नहीं सुना। उपाध्यक्ष महोदय, आप को याद होगा कि जिस समय हमारी सरकार नहीं बनी थी उस समय डिफेन्स मिनिस्टर के जो निजी सचिव थे, उनका सी० वी० आई और के० जी० वी० से सम्बन्ध था और आज वे मंत्री प्रतिपक्ष के माननीय नेता हैं। उन के निजी सचिव गिरफ्तार हुए थे, जिस के बारे में मैं एक ध्यानाकर्षण प्रस्ताव भी लाया था। 42 वां संशोधन विधेयक और दूसरे काले कानून आपातकाल के दौरान बनाए गए। उस वक्त इन लोगों ने कुछ नहीं कहा। फिर क्या नैतिक हक है आप लोगों को कि आप हमें नैतिकता की रक्षा के लिए, भ्रष्टाचार के निवारण के लिए कोई उपदेश दें। मेरा कहना तो यह है कि कोई उपदेश देने में पहले आप अपने पिछले आचरण को देखें। चौधरी साहब ने पांच वर्ष की बात कही है लेकिन कहता हूँ कि एक वर्ष पहले का इतिहास आप देख लें। उस समय जब जनतंत्र की हत्या हो रही थी तो आप देख रहे थे और आप कुछ नहीं बोले।

उपाध्यक्ष महोदय, मैं एक चीज की और सदन का ध्यान दिलाऊंगा। इस देश में अब राजनीतिक घुबीकरण की प्रक्रिया बड़ी तेजी से चल रही है और अब आप उपदेश देना छोड़ दें। लोग चाहते हैं कि इधर के दरवाजे भी खुले छोड़े जाएं। हमारे दरवाजे खुले हुए हैं लेकिन हम चाहते हैं कि जरा बदलो और जरा त्रिवेणी में हाथ धो कर और पवित्र होकर इधर आओ। चाहे आप ला आफ्र नेचर पर विश्वास करते हों और चाहे आप ला आफ्र धर्म पर विश्वास कीजिए, मार्कसिस्ट डाइलेक्टस यही कहता है, वेदांत भी यही कहता है कि इतिहास किसी को माफ नहीं करता। मैं डेनियल डीफो जे कि रोबिनसन क्रूसो का

क्रियेटर था, का एक स्टैंडार्ड कोट करना चाहता हूँ। जो कविता उस ने लिखी है, उस की कुछ पंक्तियाँ मैं यहाँ पर सुनाना चाहता हूँ :

"The very lands we all along
enjoyed;
They ravished from the people they
destroyed,
All the long pretences of descent
Are shames of right to prop up
Government,
It's an invasion, usurpation all,
It's all by fraud and force that we
possess,
And length of time can make no
crime the less,
Religion's always on the strongest
side."

जनता हमारे साथ है, जनार्दन हमारे साथ है। आप भी मच्छाई के नाम पर धर्म आध्यात्मिकता और नैतिकता के नाम पर उन समस्त राजनीतिक मूल्यों के नाम पर जिनको ले कर 26 जनवरी को रावी के तट पर श्री जवाहर-लाल नेहरू ने पूर्ण स्वतंत्रता की घोषणा की थी, करांची अधिवेशन में समाजवाद का नारा लगाया था, लेकिन 30 वर्षों में ऐसा समाजवाद लाये हैं जो सदा याद रहेगा इन पंक्तियों का हिन्दी अनुवाद करने में थोड़ा समय लगेगा लेकिन इतिहास आपको भी माफ नहीं करेगा। और मैं उपाध्यक्ष महोदय के द्वारा सरकार और अपनी पार्टी को भी कहता हूँ कि इतिहास पूरे सदन को माफ नहीं करेगा अगर यह लोकपाल विधेयक शीघ्रतिशीघ्र कानून के रूप में परिवर्तित नहीं हुआ। और भ्रष्टाचार का स्रोत, जो राजनीतिक भ्रष्टाचार है, उसको जड़ मूल से अगर नहीं निकाला गया तो शायद देश का न तो आर्थिक विकास होगा और न कुछ और ही भला होगा। क्योंकि जो कम्युनिस्ट बंधु हैं वह जानते होंगे कि पोजनान में सबसे पहले नारा लगा था

"No bread without liberty."

हमने कहा "not by bread alone"

जनता पार्टी लिबर्टी और ब्रेड दोनों देगी, प्रतिपक्ष इसमें विश्वास रखे।

मान्यवर, मैंने जो राज्य सभा का रेफरेंस दिया था उस समय माफी मांग ली थी क्योंकि उसका नाम लोगों ने मजाक में परलोक सभा रखा है, क्योंकि यहाँ वर्तमान है और वहाँ भूत है।

SHRI SOMNATH CHATTERJEE (Jadavpur): Mr Deputy-Speaker, Sir, on principle we very strongly support the legislation and welcome it, which is overdue. But there are certain features of this Bill, we are constrained to point out later about which we have certain reservations.

16.22 hrs.

[SRI DHIRENDRANATH BASU in the Chair.]

Sir, this country, and the people of this country have been looking forward to the setting up of some sort of a forum for redressal of public complaints against the powers that be. Such proposal has had a chequered history in this country. As you know, the Santhanam Committee Report which came out in 1964 went into the matter in some depth. But there was hardly any follow-up action. Then, the Administrative Reforms Commission, which was headed by the present Prime Minister gave its report in 1966. It came out with a draft Bill also. But in the absence of real political will though it was passed in Lok Sabha, it was halted in Rajya Sabha and even till 1969, until the dissolution of the Lok Sabha in 1970 that Bill was not passed in the Rajya Sabha although sufficient time was there. Then there was the pinnacle of inaction and that was that though in 1971 in the Fifth Lok Sabha a Bill with some sort of fanfare was introduced, they could not find time to have it discussed or passed in the House, although six years had elapsed, although the House could find time to pass that infamous legislation, the 42nd Amendment Bill. Time

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was found to pass the 39th Constitution Amendment Bill to put an individual in this country above the law. Time was found to pass laws like MISA, MISA (Amendment) Bill; time was found to pass the Bonus (Amendment) Bill and what not. We had almost become mere spectators in the last House. In spite of our objection, Bills had been passed and Mr. Sathe is today talking about his support to the Bill. I believe initially he tried to support this Bill although he exposed himself completely in his true form towards the later part of his speech when he diluted his support. But they never found time to pass the Lokpal Bill because the fountain head of corruption was heading the Government. That was the position in the country. Although an attempt was made and although deliberately the Prime Minister was kept out of it, what about the other Ministers? Who will take action against the other Ministers? The person who was encouraging corruption, during whose regime political corruption in this country reached its highest level—with Maruti scandal and what not? No opportunity was given. On the other hand, the Rajya Sabha passed a bill, a Constitution Amendment Bill, to put an individual beyond the reach of ordinary laws of this country. Once a person becomes the Prime Minister, he or she will never be guilty of any wrong, either under civil or criminal laws. This was the attitude of the previous government. Therefore, we are happy that within a few months of taking over of the government by the Janata party, this bill has been brought. Let us hope that ultimately this bill will find a place in the Statute Book. It is the faith of the people in the system of administration which sustains that system. If people lose faith in the system, the people's lack of faith in that system cannot be substituted by any activity which may even do some good to the people of the country. We have seen a system of govern-

ment, of administration in this country during the last 30 years when administrative corruption has become what has been described as a way of life; and we find that it has now been embedded in what is called the institutional and attitudinal remnants of a traditional society, as Myrdal has put it. Therefore, we have to get out of this morass. For a long number of years, corruption was encouraged, political corruption was tolerated for party purposes, personal purposes and for political ends. Let us hope that we give a go-by to that now, for good. We need not say these things; they are all well-known. But it is good that we remind ourselves from time to time; and it is good that the people of this country give their views through their representatives in this House. Corruption has eaten into the vitals of the society. To-day the widespread prevalence of corruption in the country is not only corroding all the values which we should cherish, but has an adverse effect on the country's progress towards the democratic fulfilment of its ideals; and it had helped the progress towards authoritarianism. If I may, with your permission; Sir, quote one sentence of from Gunnar Myrdal's "Asian Drama": "The habitual practice of bribery and dishonesty paves the way for an authoritarian regime." That precisely happened in this country. We had the gruesome experience in the recent past of seeing how authoritarianism, with the help of corruption, nepotism, jobbery and political patronage was at its highest. Therefore, we strongly support the principles behind this Bill because it seeks to tackle—although belatedly and maybe, Sir, we consider peripherally—this grave problem, this disease which is cancerous and which is working as a blockade to the proper development of this country. The people of this country have come to believe that without corruption and without bribery, nothing can be done and that the wheels of government cannot be moved. You cannot ignore this reality. People are not happy to pay bribes to Minis-

ters or other high officials; but they cannot get things done otherwise. We have seen not only bureaucratic corruption, corruption among the officials, but what is a greater danger—about which there does not seem to be two opinions even inside this House—i.e., corruption at the ministerial and political levels. To-day the situation is so unfortunate that as a citizen of this country, I feel that Ministers are deemed to be corrupt unless proved to the contrary. This is the state of affairs we have come to. Political patronage, personal interest and family interests had been over-riding features which were having a field day in this country. The exercise of executive power and authority in this country were treated as negotiable. For money many things could be done, which otherwise would not have been done. Therefore, the necessity for a law like this cannot be over-emphasized, and we are definitely of the opinion that some drastic steps have to be taken to eradicate corruption from this country. Lokpal is one method. The method should be not only curative but should also be preventive and deterrent. That should be the object. The activities of the Lokpal and the decisions of the Lokpal should lay down such standard of behaviour in the country that not only the people who have indulged in misconduct in the past will suffer, but people will not dare commit such misconduct in future. This should be the real achievement of a true institution like Lokpal or Ombudsman. That is why we want a person of unimpeachable integrity and character who would be totally impartial about the selection of whom I have one or two things to say at the end.

The other thing that I would request the Home Minister to keep in mind is that whatever may be the situation, whatever may be your good intentions, an institution like Lokpal will not end corruption in this country. You have to take steps, and radical steps for that matter, to get at the root, to get rid of corruption

in the country. For that we feel that there should be reconstruction of society, reconstruction of the moral and economic structure in this country.

We have seen the link-up of big business, the growth of black money, succumbing to lobbies and vested interests, company donations, personal interests and what have you in this country. Unless we can dissociate ourselves from this, unless the political life is free from such vested interests and the link-up with the economic powers that be, we cannot really solve the problem of corruption in this country. We have seen how easy-going the lives of Ministers have become, we have seen the affluence of the Members of the Legislative Assemblies or Members of Parliament, sudden acquisition of affluence, with no accountability to anybody. We have seen how sycophants and self-seekers were placed around those in power and authority and how even sincere attempts on the part of executive authority, including Ministers, were set at naught by pressures brought from various quarters. Therefore, when this abuse of official and administrative power for personal gains has become the accepted method of governance in this country, we must do something of a radical nature to rectify the situation which is prevalent.

I agree with hon. Minister, if I may say so, that it is a misnomer to think that corruption moves towards the top from the bottom: Our experience in the country is that it steps down from the top. Unless proper examples are set by people at the top positions, you cannot expect that at the bottom level the people will behave in a different fashion. Therefore, serious thought has to be given to the question how to eradicate corruption. Unless we have proper re-organisation of the different structures of the society in this coun-

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try, unless economic links with big business are scrapped, we will never be able to get rid of this malady in this country. That is our view. What we want, what the people of India want, is integrity in the administration, absence of corruption and impropriety, which alone can bring about efficiency in the administration.

In the world we have seen many countries have experimented with this. It is known that the Scandinavian countries have been experimenting with this. Denmark has become almost successful since 1899. It was followed by Finland, Sweden and Norway. New Zealand introduced it in 1962. Even in England which has established traditions of public behaviour they had to set up a Parliamentary Commissioner, but within the framework of parliamentary control, in 1966, to go into cases of ministerial corruption. It was found that other mechanisms were not adequate to control the activities of the officials and Ministers.

We have to have, and we do have, faith in the political and civic consciousness of the people. What do they want? They want to bring to the notice of some authority their *bona fide* complaints about the lapses on the part of Ministers or officials in the administration, but they do not have a trusted guide or protector who would ensure that these complaints would be looked into dispassionately, without political overtones, without any sense of vindictiveness. The people want this and therefore the necessity of setting up a forum like this cannot be gainside.

A commission of inquiry cannot be a permanent body. Necessarily it is time-consuming. It can only deal with cases specifically referred to it. Therefore, it cannot be a permanent or a perpetual body for the purpose of investigating into this challenge.

I will read out, with your permission, a passage from the Administrative Reforms Commission's Report which says:

"These institutions are generally a supplement to Parliamentary Control, independent of any political affiliations, outside the normal administrative hierarchy and free from the formalism, publicity and delays associated with governmental machinery. They work unobtrusively to remove the sense of injustice from the mind of the adversely affected citizen and yet uphold in a very large measure the prestige and authority of the administration, instilling public confidence in its efficiency and faith in its working and introducing a proper perspective of it in the mind of the public. In our country, a reform in all these directions is required as a *sine qua non* of democratic functions and as an essential pre-requisite of the progress and prosperity on which the fulfilment of our democracy depends."

The Administrative Reforms Commission made this Report in 1965 under the Chairmanship of the present Prime Minister, and I hope that the institution of Lok Pal which is going to be set up will accept these principles and keep them in mind in the discharge of its functions.

I shall now make one or two submissions with regard to certain features of the Bill. We do definitely welcome the inclusion of the Prime Minister within the scope of the Bill. Mr. Sathe, for reasons which are very well known, did not agree. He took pains to read out a passage from Mr. Limaye's speech. I am not holding a brief for Shri Morarji Desai, Shri Kanti Desai or Shri Limaye, but if they felt that such was the activity on the part of the Minister, why did they not bring a provision like this, and why did they not refer the case to a forum like the Lok Pal, if they genuinely believed in that? If they

believed that there was ministerial indiscretion or corruption, I would like to know from my hon. friends sitting on that side, what steps they took. On the other hand, we have found that whenever even serious charges were made against high-ups in the Congress like Shri Bansilal, the former Defence Minister and Chief Minister of Haryana, by a large number of Members of Parliament and Members of the Legislative Assembly, although the Santhanam Committee has recommended that 10 Members or MLAs would be sufficient, it was studiously avoided. Shri Bhagwat Dayal Sharma had to go to court because the Prime Minister could never find a *prima facie* case against her political progenies and loyalists like Shri Bansilal. When similar was the position, what steps were taken? Therefore, we have seen that during the last ten years, there was dification of a single individual in this country and the Prime Minister was, therefore, sought to be kept outside the ambit of the 1971 Bill. We are glad and we must think the present Government that the deliberate omission has now been rectified and a perversion in the political system of this country is sought to be rectified today.

With regard to the Chief Ministers, we have submitted our amendment on the basis not of protecting any of the Chief Ministers of this country, but on the basis of true concept of federalism in this country. As the matter is going before the Select Committee, views will be expressed there. Certainly, we would like that those views should be considered. But I would like to indicate our views. We have given amendments for that. We are not saying that the Chief Minister should be out of any investigation whatsoever. What we are saying is that let the provision for enquiry into the conduct of the Chief Minister be made by this Bill because there may be many States where no law will be passed for obvious reasons. So, let the law be passed. But the inquiry or the in-

vestigation against the Chief Minister or the State Ministers should be done by a different forum and that the person should be chosen in a different manner, namely, by the State authority, by the Chief Justice of the State, the Speaker of the Legislative Assembly, the Chairman of the Council of States, if there is any, and the Opposition groups; whatever they are. That is our suggestion and as we are not discussing this Bill finally, we are indicating that this will be our stand. Some indication has been given by some of our friends here. I believe in the sincerity of the Home Minister because he wants to decentralise the powers and he wants that proper federal structure should be maintained in this country, not in words as was used to be done previously, but in true spirits. So, I request the Home Minister most sincerely please do not think that I am trying to keep the Chief Ministers away. As a matter of fact, my amendment brings even MLAs within the ambit of this Bill. But the machinery should be separate and not within this.

THE MINISTER OF HOME AFFAIRS (Shri Charan Singh): I may say that Government will give very serious consideration to the proposal made by the hon. Member.

SHRI N. SREEKANTAN NAIR (Quilon): He should not follow the Urs Ministry in Karnataka and escape punishment.

SHRI SOMNATH CHATTERJEE: Our amendment does not say that the Chief Minister should be kept out of the provision of the Lokpal Bill. We say that there should be such a forum or the machinery, even under the Central Act, which should work in the manner I have indicated.

With regard to the selection of the person, I believe there can be no two opinions on this that we want the most suited impartial and independent person with no political affiliation, who will command the faith

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of the largest number of this country. The representatives of the people of this country are there, different groups are there, different parties are there; they represent different views, and I would request the Government to please try to incorporate the provision where the process of consultation will not be restricted. You have brought in important persons who are expected to be beyond all controversies like the Chief Justice, the Speaker and the Chairman of the Council and all that. I agree with Mr. Alagesan on this point but he has restricted it to the Leader of the Opposition. Every group and every party has got their own view. Since their views are not final and it is only a mere consultation, I would request the Government to please consult them. In this way, you will get involved everybody in the process of selection. And the greatest acceptability will be that everybody's views, every group's view and views of every section of the House are taken into consideration. That will inculcate a spirit of involvement in the process of selection and greater faith will be generated in the institution of Lokpal.

With regard to the MPs, we have one submission to make, namely, there are some routine functions. I am not saying that corrupt MPs should be protected, I am not saying that MPs who are found guilty of misconduct should be protected. That is not our view. But there are some routine matters. If a constituent comes to us and says, "You just make a recommendation" and we do it *bona fide*, having no executive power or authority—sometimes even Ministers do not care to reply to us....

AN HON. MEMBER: Even now that is the position.

SHRI SOMNATH CHATTERJEE: There is a welcome change; now at least we get an acknowledgement. Therefore, I submit—that is the amendment I have given—if there is

no charge of corruption or misconduct, it may be routine duties in respect of such public men, like, MP's and MLAs who have no executive power or authority, they should be kept out of it. Let this matter be a food for thought for the Joint Committee and, I hoped that this will be looked into.

With regard to period, it is a very important thing. Jokingly, somebody said, let it be 30 years. It is not a serious suggestion....

AN HON. MEMBER: It is not a joke.

SHR SOMNATH CHATTERJEE: I stand corrected. It is an impracticable suggestion. As against 5 years, we have recommended 7 years. You can say, why 7 years, why 10 years and all that. I say, why 5 years even. In the light of the experience we have had in this country for the last couple of years, we should have gone in for at least 11 to 12 years. From 1966 onwards, all the political norms were thrown to the winds, in the beginning, slowly but later on at a very fast rate. The ordinary administrative activities have been changed. The pinnacle was reached for which Mr Sathe is singing praise. After making sojourns to Paunar and what not. I do not know. This is the position. But some time-limit has to be given. Let us have a reasonable period. We say, 7 years, because the last five or six years have been such a period that the people have had traumatic experience and, we believe, 7 years in this case might be a reasonable period. But this can always be a matter of discussion. I hope the Joint Committee will go into that.

About the definition of misconduct, it has to be looked into and, I hope, the Joint Committee of which the Home Minister will be a member will go into that in depth. There may be some loose ends here and there. Even *bona fide* activities may be sought to be brought into this with the object of causing harassment. As Mr. Sathe said, even if I go back now home and sleep, one can say, I am not discharging my duties as a Member of Parli-

ment which I should have done. Should I sleep on a working day instead of attending Parliament? Unless I am ill or I have some other business to do instead of attending Parliament, one may raise such a question. This may seem ridiculous. But when we are making a law like this, it should be treated with utmost seriousness and we want to make it as foolproof as possible. My suggestion is that it should be a better law and if possible, a good law, to make it as foolproof as possible so that at least some people who would like to be out it cannot get out of it by legal squabbles.

Lastly, about the deposit, my request to the hon. Minister is, let the Lok Pal be given the power to require a deposit to be made. That is my amendment. Initially, you say, without Rs. 1000, no complaint can be filed. There may a large number of people wanting to file a complaint. Please do not forget that the victims of administrative corruption and political corruption are not the rich people alone. The poor people, the common people, teachers, students, ordinary small traders and so many other people are victims of corruption, administrative corruption. If you insist that they should put in Rs. 1000 before making a complaint they should ask for exemption from the Lokpal Bill, it will only delay the procedure. This is not to prevent ordinary people who have not got money to make complaints. Look at it from the point of view of compensating the so-called victims. There may be victims; there may be innocent victims of this. But, hardly, it is a compensation; Rs. 1000 is no compensation. The spirit of compensation should not be there out of this Rs. 1000. But we also feel that there should be an attempt to stop frivolous complaints or reduce the scope of the complaints. Before the Lok Pal entertains a complaint on merit, he can go through it and say that I require the amount to be deposited. Otherwise, I shall not go through it. This is what is there. These are some of the suggestions which we are making. We believe

and hope that the setting up of this forum will not only have a better effect on the political life of this country, but certainly it will clean the administration, the politics and the society, this country and the public conscience will be roused. We believe that having recourse to this law will be a deterrent factor. With these words, I have done.

SHRI K. LAKKAPPA (Tumkur): Mr. Chairman, Sir, my friend is already committed the position that we are going to support the Bill does not mean that we have to support all the irrelevant sections engineered by the hon. Minister. My friend has also stated certain inherent lacunae in the Bill which amplifies the spirit in which the hon. Home Minister has brought forward this Bill, ignoring certain aspects and provisions made by the earlier Lokpal Bill as enunciated by the Congress Party, Congress Government.

Therefore, the other side has very much criticised the previous Government. He, at least, made several attempts to bring certain measures to combat this big menace, the corruption, not only in the higher-ups but also in the society. I do not want to go into the history of corruption which has eroded the very basic structure of this country. (*Interruptions*) The Lokpal Bill, as it is, is said to be a remedy for political corruption. But I doubt very much whether it will be sufficient enough to clean public administration by introducing this Bill. I have got my own doubts.

I am one of the signatories to the Report of the Commission. Shri Nath Pal was a Member of the Santhanam Commission. He was one of the great parliamentarians of his times. Subsequently, Mr. Kamath, was also associated with Mr. Morarji Desai in the Administrative Reforms Commission. He has along with me suggested certain valuable suggestions to avoid corruption. I was also associated with him. I was very fortunate... (*Interruptions*) Please do not disturb me. It is not that I jointed the Congress;

[Shri K. Lakkappa]

the Congress joined me. I never joined the Congress. (*Interruptions*) Therefore, do not say that I joined the Congress; it was the Congress which joined us. The spirit of democracy, secularism and socialism made those people in the United Congress to join our way of thinking. (*Interruptions*).

I was the first signatory to that. I have referred to the Santhanam Committee's report. 30 legislators signed a memorandum containing serious charges of corruption, all types of corruption, on the part of the then Chief Minister Mr. Nijalingappa and his colleagues—Mr. Ramakrishna Hegde, General Secretary of the Janata Party now, and Mr. Virendra Patil, Observer in Tamil Nadu—appointed by Mr. Charan Singh or somebody else, I do not know. Charges were brought by my friend, Mr. Dwivedi, against the then Chief Minister of Orissa...

AN HON. MEMBER: No Lokpal then.

SHRI K. LAKKAPPA: Because we were the Lokpals then on behalf of the people of this country; we, in the Opposition, were the Lokpals; Mr. Kamath was a Lokpal. I think, at that time, Mr. Charan Singh was in full colours of the Congress. (*Interruptions*). Therefore, he cannot claim to fight corruption in this manner.

We brought the Anti-Defection Bill in all sincerity and we wanted to see that it was passed. It took very long deliberations. My friend, Mr. Kamath, gave very useful evidence. It is on record. But it did not see the light of the day. We in the Congress were very serious about it, that there should be a deliberation on the floor of the House. I thought that the present Government would bring it forward with all seriousness, but they are bringing it the other way; they are engineering defections either directly or indirectly. People who were involved in corruption charges are all

adorning important, pivotal places. (*Interruptions*) Has the present Government any competency to bring such a measure? Mr. Charan Singh! The Home Minister should hear me at least. I have never said anything unparliamentary...

श्री श्रीम प्रकाश त्यागी : सभापति महोदय, मेरा व्यवस्था का प्रश्न है... (व्यवधान)

SHRI K. LAKKAPPA (Tumkur): When we tell the truth, there should not be any point of order. That should be made a norm if democracy is to function. (*Interruption*). I have not called anybody corrupt.

श्री श्रीम प्रकाश त्यागी : आपको इतनी भी सभ्यता नहीं है कि मिनिस्टर को कैसे बोलते हैं।

SHRI K. LAKKAPPA: They are all guilty persons. How can they implement legislation when they themselves are guilty? You have brought all these people through the back-door to fill up the vacancies in the Janata Party. Therefore, firstly you do not believe in bringing up an Anti-defection Bill and you are not going to bring it unless this process is complete. So the Home Minister wants to see that this Lokpal Bill is implemented in this country. (*Interruption*). I do not want to enter into an argument but they are provoking me.

The Home Minister Mr. Charan Singh himself is not observing the norms. A Government has been established through corrupt means and malpractices like allurements etc. So how can the Government bring or implement such a Bill? All persons who are in high places are known corrupt people, but the charges were immediately withdrawn by this Government. Shall I quote the names? It is not just one name; how many names can I quote. If I do, the whole lot of Ministers will have to resign tomorrow. If the Bill is to be imple-

mented with any sincerity, Mr. Charan Singh will be the first casualty. All the Ministers sitting in the first row will be the first to go. It is such people who want to run the machinery! First of all, you must see that the political machinery is not corrupt and then draft people into such a political organisation. But where is the machinery for that in this Lokpal Bill? No man known for his malpractices should be drafted into the political arena whether it is from this side or that side.

स्वास्थ्य और परिवार कल्याण मंत्री
(श्री राज नारायण) : मैं यह कह रहा हूँ
कि जब तक लकप्पा साहब बोलें तब तक सदन
के माननीय सदस्यों से मेरा निवेदन है कि
मुनना ही बन्द कर दें ।

SHRI K. LAKKAPPA: He does not want to hear anybody; he does not want to hear even stories!

So, if democracy is to be respected, there should be cooperation and understanding. Corruption is not a Partly matter. So, only good people should be drafted into such an organisation, whether it is from the Opposition or from the ruling Party. Today, what is the composition of the Janata Party. How can you bring in any legislation because at the moment, you are filling up the vacancies and doing nothing else... (interruptions) When corruption charges were raised against Goenka, what happened? He was given protection of the party... (interruptions).

श्री यज्ञदत्त शर्मा (गुरदासपुर) : सभा-
पति महोदय, आखिर इस सदन की कोई गरिमा
है । माननीय सदस्य जिस तरीके से हर एक
पर वेग चार्जज लगा रहे हैं, वह सहन नहीं
होगा । (व्यवधान) या तो वह साबित करें,
वर्ना यह चल नहीं सकता है । मैं उन्हें चैलेंज
करता हूँ कि वह साबित करें । वह हमारी
पार्टी को गालियाँ देते चले जा रहे हैं । यह
भाषा सहन नहीं होगी । (व्यवधान)

SHRI K. LAKKAPPA: It is meaningless to have political freedom unless we have economic freedom. Unless there is general economic prosperity in the country, you cannot eradicate corruption in full, whatever you may do. You have been talking of progressive legislation. Where is that? You have not done anything in so far as land reforms are concerned, you have no belief in socialism and you have been encouraging feudalism, which breeds corruption.

While the present Lokpal Bill covers the public men like Ministers and others, the bureaucracy has been left out; there is no provision to hook them. The Ministers and other public men operate through their private secretaries. They are also responsible for corruption. How is it that the bureaucracy has been excluded from the purview of this Bill. This is one of the important aspect which needs to be considered.

Further, if we have to implement seriously measures like this, we have to have structural changes in the operational machinery. That machinery should be free from corruption. And I would like to know and I am asking a very pertinent question to the Home Minister, Mr. Charan Singh. Will you kindly assure that there will not be any political vindictiveness, and that there will be no witch-hunting? The Prime Minister on the first day said that there would be no witch hunting. To-day you could not even get one small shark in your 100 days regime and that you are only bringing commissions and other things and providing jobs to the retired High Court Judges. Except that nothing has come out.

‘खोदा पहाड़, निकला चूहा ।’

This is how it is happening. Therefore, I want an assurance. We will support you to any extent in your fight against corruption and especially, political corruption. Recently I got

[Shri K. Lakkappa]

credible information and I do not know how it passed—

That is reported in the Press.

श्री श्रीम प्रकाश त्यागी : सभापति महोदय इस तरह की बात को या तो आप रोकिए, नहीं तो यह हाउस नहीं चलेगा ।

SHRI K. LAKKAPPA: There are so many loopholes in this Bill. To create confidence, it should not be a party affair. It should not be political vindictiveness. You must see that all sections of the House are taken into confidence and a collective idea evolved and proper changes wherever necessary should be made in the Bill and also its implementation in letter and in spirit ensured. I know this government will fail to implement when the question of implementation comes.

With these words, I conclude.

SHRI GAURI SHANKAR RAI (Ghazipur): When a point of order was raised, why don't you listen? Kindly do not allow all sorts of things.

श्री श्रीम प्रकाश त्यागी : सभापति महोदय हम आप से बार-बार प्वाइंट आफ आर्डर कहते हैं और आप उन को बैठाते नहीं हैं । अभी इन्होंने कोका कोला का नाम ले कर***

(इस को आप एक्सपंज कीजिए)

MR. CHAIRMAN: That will be expunged.

Now, time is very short. The Minister will reply at 5.30.

SHRI P. G. MAVALANKAR (Gandhinagar): I am on a point of order. I have been watching. Because you were allowing an hon. Member from the Opposition to continue his speech and since it was your plea-

sure to allow him to speak, I did not interrupt. I do concede the point that the Member of the Opposition has every right to say what he wants to say. That is why I did not get up to raise a point of order when my friend, Shri Lakkappa was speaking. He has every right to speak whatever he wants to speak provided he speaks relevantly, provided he speaks on the Bill, provided he speaks in the language which is in conformity with parliamentary decorum and decency, provided he will make this debate in the Parliament something relevant and important.

My point of order is this, I have nothing to say against Mr. Lakkappa because we all like him. Now he has entertained us for quite some time. So far so good. My point of order is (interruptions) I am very serious

(Interruption)

I am not passing any comment on my friend, nor I am casting any reflection on him. I have said he has every right to say whatever he wants to say in this House. But I want your rulings on two points—

Is it not the duty of the Chair to see that the quality of the debate in this House does not deteriorate by seeing to it that all speeches are relevant, to the point and full of dignified language?

I ask you a simple question. If tomorrow, not even in the distant future, someone wants to look into the proceedings of today's discussions on the Lokpal Bill, what will he think that we in this House tolerated all these speeches and all these gentlemen without improving the quality of debate! Since the time is limited, some of us who wanted to speak cannot do so. If we cannot speak it does not matter, but my point is—please regulate the debate in such a way that we do not have to get up and ask 'point of order' interrupting people. And, secondly, that we speak to the point, relevant, in a dignified language and

***Expunged as ordered by the Chair.

we do not enter into wilful insinuation. That is all.

MR. CHAIRMAN: Prof. Mavalankar is correct. You are correct. I have already instructed the Department to expunge that portion of the proceedings.

SHRI VAYALAR RAVI (Chirayinkil): I am on a point of order. My point of order is 1. You upheld the contention of Prof. Mavalankar that decorum....

SHRI K. LAKKAPPA: Please take my speech to see if in my speech any comma, full stop is irrelevant and is not within the procedure. Nothing is irrelevant and is within the parliamentary decorum and decency. I think my friend is in the other world. He is in the literature world. Probably he may not understand the political stigma of all those people. I have not said anything or any word which is unparliamentary.

श्री उपसेन (देवरिया) : माननीय सभापति जी, मेरा व्यवस्था का प्रश्न है। माननीय मावलंकर जी ने अभी सदन में आप से निवेदन किया कि सदन की कार्यवाही आप इस तरह से चलायें कि जो माननीय सदस्य बोलें वे बिल्कुल विषय पर बोलें, संक्षेप में बोलें और ऐसा न हो कि एक दूसरे पर छीटाकशी की जायें लेकिन ठीक उसके बाद जबकि अभी उस पर पूर्ण विराम हुआ नहीं, आपने व्यवस्था दी नहीं और माननीय लकप्पा फिर खड़े हो गए, फिर उनको जो कुछ कहना था कह दिया। वही रफ्तार बेंदगी जो पहले थी वह अब भी है। उन्होंने फिर वही बात शुरू कर दी।

SHRI VAYALAR RAVI: Prof. Mavalankar has raised a very important point of order. He drew attention to the important matters. Everybody agrees that the speech should be relevant to the Bill. But wisdom comes very late. Many of the hon.

members on the other side invited Ministers to join them....(interruptions).

Shri Chatterjee also spoke. Of course, he was a lawyer. He was very relevant but at times he went at a tangent.

If you look to all the speeches in the House except the Minister's who made very important recommendations of the Bill, many of the hon. Members who made speeches, went out of the Bill and criticised the Congress Party. Please go through the records. (Interruptions).

Let me finish. Speeches were made in Hindi, if they were translated correctly, they had criticised the Congress Party. But when Shri Lakkappa made a sarcastic speech, they got upset. They were not prepared to hear that. I want to know which are the portions that you are expunging?

MR. CHAIRMAN: Only the words regarding the amount and the name.

(Interruptions)

SHRI K. P. UNNIKRISHNAN (Badajara): Shri Lakkappa said that before*** took over the Ministry of Industrial Development or whatever it is called, there was an allegation regarding the licence given to Coca Cola*** by some people.

Sir, this matter was first raised in this House during the Debate on the Demands of the Ministry of Industry by Mr. Madhu Limaye. There is no question of expunging that. That is not the convention of the House. Regarding such allegations, hundreds of them have been made. There is no question of expunging them. If they are prepared to send that charge, I am making a challenge. Let the Lokpal take this as the first item. If the Home Minister accepts this challenge, we will produce evidence regarding this.

***Expunged as ordered by the Chair.

MR. CHAIRMAN: If he has mentioned 'some people' then I have not asked them to expunge that. But he has mentioned the name of the Minister.

SHRI P. M. SAYEED (Lakshadweep): The other day Mr. Jyotirmoy Bosu said that the Congress party took lakhs of rupees and that has gone on record. That has not been expunged. How can this be expunged?

SHRI SHYAMNANDAN MISHRA (Begusarai): May I make a submission on this? We, in this House, have consistently observed two practices. Let us not make any departure from them. We do not make any wild charges against any other Member or the Minister. If any such charge has to be made, the charge has to be submitted in writing first to the Speaker; and the charge has to be made known to the person concerned in advance. Otherwise the charge is not made. If any such charge is made, it is expunged from the proceedings of the House.

So, Sir, you have been quite in order to ask for the expunction of those wild charges which have been made by the hon. Member, Mr. Lakkappa. We have consistently observed this practice in the House.

SHRI K. A. RAJAN (Trichur): It should not be one-way traffic in this House. We have to keep up the decorum and dignity of this House. We have to keep our image among the public. Every group, every party, every individual, has to keep the decorum and dignity of the House.

श्री रीतलाल प्रसाद वर्मा (कोडरमा) : सभापति महोदय, मैं गृह मंत्री जी द्वारा प्रस्तुत लोकपाल विधेयक का हार्दिक स्वागत करता हूँ, क्योंकि यह बिल अपने आप में इतना व्यापक अर्थ रखता है, जन-स्वास्थ्य में भ्रष्टाचार का विरोध करने की दिशा में यह पहला बहुत ही सराहनीय कदम है। 1966 में प्रशासनिक सुधार आयोग ने जो रिपोर्ट दी

थी, उस में आयोग ने कहा था कि इस देश में भ्रष्टाचार पर काबू पाने के लिये ऐसा कानून बनाया जाय। लेकिन जब पिछली कांग्रेस सरकार ने यह देखा कि उन के सभी कार्यक्रम भ्रष्टाचार से सन्निद्ध हैं, तो वे 1968 की चौथी लोक सभा में यह बिल लाये, लेकिन उस लोक सभा के समाप्त होते ही वह बिल भी समाप्त हो गया।

देश में भ्रष्टाचार का रूप सुरसा की तरह से विक्रम होता चला गया, सारे कांग्रेस बंधु उसी दिशा में चल पड़े और इसका परिणाम यह हुआ कि 30 वर्षों का समय गुजर जाने के बाद भी आज हम जहाँ-कहाँ पड़े हैं। गरीबी हटाओ के नाम पर जो नाटक रचा गया—उस का कोई परिणाम नहीं निकला। अब जनता पार्टी की सरकार आई और इस ने घोषणा की कि हम देश के अन्दर आचरण को शुद्ध करने के लिये, चरित्र को शुद्ध करने के लिये लोकपाल बिल लायेंगे और इसके द्वारा अपने राजनीतिक लोगों के ऊपर काबू करेंगे, जनसेवकों पर नियन्त्रण होगा, भय का वातावरण होगा और देश को राजनीतिक, सामाजिक और आर्थिक भ्रष्टाचार से बाहर ले जा कर देश में स्वस्थ वातावरण पैदा कर सकेंगे। देश की जनता को जो हम से अपेक्षाएँ हैं, पिछले 30 वर्षों में जनता ने आशा की थी कि उन को सुख और मुविधा की आजादी मिलेगी, उस बहुजन हिताय और बहुजन सुखाय की भावना को हम सार्वजनिक कर सकेंगे। उसी तरह से मूझे लगता है कि यह जो लोकपाल बिल है, यह एक तरह का भय का वातावरण पैदा करेगा और जिस तरह से शनि, राहु और केतु आदि ग्रहों का जब योग हो जाता है, तो पूजा, पाठ और जाप करना पड़ता है उसे शान्त करने के लिए, उसी प्रकार से मैं समझता हूँ कि जो राजनीतिक भ्रष्टाचार इतना व्याप्त है और इतना व्यापक रूप उस ने धारण कर लिया है और जिसका परिणाम यह है कि आम जनता के जो अधिकार हैं, जो संवैधानिक अधिकार उस को मिलने चाहिएं

वे नहीं मिलते हैं, इस लोकपाल विधेयक के द्वारा उन अधिकारों को दिलाने का मार्ग प्रशस्त होगा। आज जो राजनीतिक जीवन में भ्रष्टाचार व्याप्त है और पक्षपात, जातीयता और प्रांतीयता के कारण जो अन्य लोगों की उपेक्षा होती रही है, उस के ऊपर भी निश्चित रूप से कड़ा प्रहार होगा, भ्रष्टाचार के ऊपर तो इस का कड़ा प्रहार होगा ही।

मैं यह भी समझता हूँ कि पहले जो शासन में थे और उस शासन की जो प्रधान होती थी प्रधान मंत्री और दूसरे राजनीतिक लोग जो होने थे, वे इस तरह के कानून की परिधि से बाहर हो जाते थे लेकिन इस बार हमारे गृह मंत्री जी, प्रधान मंत्री, दूसरे सभी मंत्री और इन के अलावा कारपोरेशन और जितने भी दूसरे प्रशासन में आने वाले जन सेवक हैं, उन सभी को इस के अंदर वे ले आए हैं और इस प्रकार इस विधेयक के आ जाने से बड़ी ही कारगर कार्यवाही होगी और इस बिल के द्वारा मैं यह भी समझता हूँ कि जो अनैतिक-पूर्ण जीवन है, उसे खत्म करने में बहुत सहायता मिलेगी।

इस विधेयक पर मैं दो चार मुझाव भी देना चाहता हूँ और मैं ने यह संशोधन भी दिया है कि इस लोकपाल बिल में जातीयता न रखी जाए, और प्रांतीयता को भी न रखा जाए और उस पर मैं यहां पर जोर देना चाहता हूँ क्योंकि मैं ने अपने व्यवहारिक जीवन में कुछ ऐसी चीजें होती देखी हैं। मैं बिहार के कोडरमा क्षेत्र से आता हूँ जहां पर कोयले और अबरक की खाने हैं। वहां पर प्रांतीयता के आधार पर और जातीयता के आधार पर जो बाते होती हैं उन से साधारण जनता को बड़ी हानि होती है। नियोजन के कार्यक्रमों में वे लोग अपने ही लोगों को काम दे देते थे और अपने व्यक्तिगत स्वार्थों की पूर्ति करते थे। मैं समझता हूँ कि यह लोकपाल विधेयक इस प्रकार के लोगों के अंदर एक

भय पैदा करेगा और उन पर नियंत्रण रखेगा। इसलिए यह जो संशोधन मैंने इस बिल में रखा है, उस पर विचार किया जाए। इस लोकपाल बिल में इस तरह के जो और प्रावधान किये गये हैं, वे बहुत अच्छे हैं लेकिन इस के साथ साथ मैं यह भी कहना चाहूंगा कि प्रतिवेन देने के लिए जो एक हजार रुपये का प्रावधान इस में किया गया है और जिस पर मैंने अपना संशोधन भी दिया है, उस पर विचार किया जाए। आपस में दुश्मनी हाने के कारण, एनमिटी होने के कारण कोई आदमी किसी के खिलाफ प्रतिवेदन दे सकता है और इस तरह से वह उसको बदनाम कर सकता है। प्रतिद्वन्दिता के कारण किसी को बदनाम किया जा सकता है। इसलिए मैं चाहूंगा कि इस रकम को 5 हजार रुपया कर दिया जाए ताकि कोई किसी पर कदाचार और भ्रष्टाचार का आरोप लगाने से पहले अच्छी तरह से सोच ले और अगर वह आरोप सिद्ध हो जाता है तो उस पर कड़ी कार्यवाही की जा सके। मैं माननीय मंत्री जी से निवेदन करना चाहूंगा कि इस तरह का संशोधन होना चाहिए ताकि जो शुद्ध चरित्र के जन सेवक हैं, उन पर बिना सोचे-समझे कदाचार के आरोप न लगाए जा सकें। अभी जो माननीय सदस्य ने कहा था, उस तरह से लांछन न लगाए जाएं क्योंकि लांछन लगाना आसान है लेकिन उन को प्रमाणित करना बहुत मुश्किल है। इसलिए मैं यह कहना चाहता हूँ कि जनता सरकार की जो नीति है और उस आधार पर जो यह लोकपाल बिल लाई है, वह बहुजन हिताय बहुजन सुखाय की नीति है और इस से सभी लोगों को बहुत लाभ होगा।

इस दिशा में यह जो लोकपाल बिल लाया गया है वह एक महत्वपूर्ण स्थान रखता है और इतना कह कर मैं समाप्त करता हूँ।

MR. CHAIRMAN: The Home Minister.

SHRI P. M. SAYEED: Sir, since this is an important Bill I would suggest that the discussion may continue upto 6 PM and the hon'ble Minister may reply tomorrow.

MR. CHAIRMAN: Since the Bill has been referred to Select Committee you will have a chance to present your case there. (Interruptions)

गृह मंत्री (श्री चरण सिंह) : सभापति महोदय, 10 मिनट का समय बढ़ा दिया जाय क्योंकि साढ़े पांच हो गये हैं। तो मेरा प्रस्ताव है कि 10 मिनट का समय बढ़ा दिया जाय और मैं 8, 9 मिनट में ही बोल लूंगा।

MR. CHAIRMAN: Is it the pleasure of the House that the time of the House may be extended by ten minutes?

SHRI EBRAHIM SULIMAN SAIT (Manjeri): So many groups have not been given the chance to participate in the debate. How will it be possible to complete the discussion in ten minutes?

श्री चरण सिंह : आप इनको रोकिये न। 10 मिनट का अलाउ हो गया है, तो मुझे बोलने दीजिये।

सभापति जी, जिस वक्त मुबह मैंने प्रस्ताव पेश किया था कि विधेयक जोइंट सेलेक्ट कमेटी के सुपुर्द कर दिया जाय तो उस वक्त मैं यह समझा था एक ही दिन इस पर बहस की जाय बजाय दो दिन के दो दिन जो रखे गये थे इसके कंसीडरेशन के लिये, विचार करने के लिये और पास करने के लिये, तो वह समय तो बाद में मिलेगा। अब एक दिन और एंडीशनल सदन को मिला बहस करने के लिये क्योंकि मैं सेलेक्ट कमेटी का रिजोल्यूशन लाया। मैं माननीय मित्रों से कहना चाहता हूँ कि बिल बेशक महत्वपूर्ण है। मैंने शुरू में ही कहा कि हम सब इससे सहमत हैं कि बिल अहमियत रखने वाला है। लेकिन आखिर उस पर बहस की कोई लिमिट तो होगी? अब यह सेलेक्ट कमेटी

में जा रहा है, फिर सदन के सामने आयेगा फिर अपनी बातें लोग कह सकते हैं। लेकिन क्योंकि यह बिल महत्वपूर्ण है लिहाजा अब सब बोलें तो मैं समझता हूँ कि वह गैर जरूरी होगा और उससे कोई जनहित सम्पादित नहीं होगा। मैंने 8, 10 मिनट ही आपसे कहे थे और सदन ने प्रस्ताव स्वीकार भी कर लिया। मैं ज्यादा समय नहीं लेना चाहता। जो माननीय मित्रों ने भाषण दिये उनसे अधिकतर इस का स्वागत किया गया। मुझे नहीं मालूम है कि हमारे लाकप्पा जी की क्या राय है? और बाकी तो सब को स्वीकार है . . .

(व्यवधान)

सभापति महोदय, अगर बीच में इस तरह से बोला जायगा तो नहीं चल सकता है। मैं यील्ड नहीं करना चाहता। मैंने सिर्फ यह कहा

(व्यवधान)

मैं यह अर्ज कर रहा था कि जैसे मुबह माननीय राज नारायण जी ने कहा था कोई भी एक या दो सज्जन मदन की सारी कार्यवाही को रोक सकते हैं। तो हमको इस प्रकार से काम करना है जिममे लोगों को सबक मिले, जो शोभाजनक हो। लेकिन नहीं। लाकपरा जी ने जिस तरह से स्पीच की है, मुझे मालूम हुआ है कि उन्होंने कहा कि "वह चरण सिंह जा रहा है।" यह क्या बात हुई कि वह चरण सिंह जा रहा है? यह भले आदमियों की भाषा नहीं कि वह चरण सिंह जा रहा है। अगर आप मुझे वह चरण सिंह कहेंगे, तो मैं तो सब बातें छोड़ देता हूँ, उमर में आपसे 25 साल बड़ा होगा चरण सिंह, अगर आप इसके मुताल्लिक कहेंगे और मैं न भी कहूँ तो मेरे साथी न मालूम क्या क्या कहेंगे। यह तरीका नहीं है। इस तरह से फ्री डिबेट नहीं होगी। अगर फ्री-हैंड डिबेट चाहते हैं तो सभ्यता से काम लेना होगा। तभी आपकी बातें इधर सुनी जायेंगी और हमारी बातें आप सुनेंगे। लेकिन मजाक उड़ाना, वे-सिरपैर के

चाजज लगाना, हो सकता है आप समझते हों कि बड़ी भारी बात कह दी, बड़ा भारी भाषण हो गया, कुछ लोग हंस लिये, इससे शायद आपकी तसल्ली हो गई, लेकिन इससे सदन का सम्मान गिरता है।

अगर मेरे खिलाफ कोई चाजज है कि इनकी बाबत कोई स्टोरीज हैं, तो हम तो जान-बूझकर, और माननीय प्रधान मंत्री जी के मतान्तरिक हैं, तो इससे ज्यादा हम क्या सबूत दे सकते हैं अपनी ईमानदारी का, आपके चाजज को फस करने का कि हम स्वयं इस बात का बिल ला रहे हैं। अगर आप में मारेल करेज हो, हमारे खिलाफ चाजज हों तो आप उनको लगा सकते हैं। लोकपाल बिल बन रहा है।

जो सदन के मेम्बर नहीं हैं, उनके खिलाफ किसी तरह के चाजज लगाना और कोई इशारा करना, वह भी भलमनसाहत का काम नहीं और क्लस के भी खिलाफ है।

अध्यक्ष महोदय, मैं यह कहने जा रहा था कि जो नाम मुबह मैंने कहे थे
(व्यवधान)

SHRI M. N. GOVINDAN NAIR (Trivandrum): Sir, on a point of order. Whether the Home Minister is replying to the debate here without allowing some of us to speak on this?
(Interruptions)

श्री चरण सिंह : अब यह प्वाइन्ट आफ आर्डर क्या हुआ ? (व्यवधान)

श्री इब्राहीम सुलमान सेठ : आपने फैसला किया था कि 10 मिनट का वक्त दिया जायेगा (व्यवधान)

SHRI M. SATYANARAYAN RAO (Karimnagar): Sir, I want to make a request to the Home Minister in regard to the point of order raised by Mr. Govindan Nair. He is not an individual Member. He is the leader of the CPI. As a matter of fact, the procedure should have been followed

by the Chair. As you know, it is referred to the Joint Select Committee. In that case, all the party Members should have been given a chance to speak. Instead of that, you have given chances to the Janata Party Members and the Congress Members also. It is not fair. (Interruptions)

श्री चरण सिंह यह तो प्वाइन्ट आफ आर्डर नहीं हुआ।

SHRI C. M. STEPHEN (Idukki): I rise to a point of order. You put a motion to the House as to whether the House agrees to the debate being extended by 10 minutes. The House agreed, and then you made an announcement to this effect. Now, you have to settle this point. The hon. Home Minister cannot reply now.
(Interruptions)

AN HON. MEMBER: He is making his observations. (Interruptions).

SHRI CHARAN SINGH: I had already a motion that the Bill be referred to the Joint Select Committee and now I am replying to the debate. Therefore, there is no question of point of order. I am now replying to the debate.

SHRI C. M. STEPHEN: That is exactly the point on which I am raising this point of order, because you put the motion to the House whether 10 minutes extension be allowed. And you announced the consent of the House for the extension of the debate by 10 minutes. That is on record. (Interruptions)

MR. CHAIRMAN: You can examine it and then you can move your Bill at 6 O'clock.

SHRI CHARAN SINGH: I have already moved a motion for referring the Bill to the Joint Select Committee. There was a debate on my motion. Now, I am replying to the debate on the Bill which has already been moved. The motion moved was for sending the Bill to the Joint Select Committee.

SHRI C. M. STEPHEN: I want a ruling on my point of order... (*Interruptions*) The Home Minister should advise his colleagues; this is not the way to behave. A submission was made that sufficient time might be given. The Home Minister then made a submission that the time might be extended by ten minutes and then he would reply. You then put it to the House and the House agreed to extend the time for this debate by ten minutes. Once that has been done, the Home Minister can begin only after the debate is allowed to take place for ten more minutes. Ten more minutes may be given to the hon. Members to make their submission.

स्वास्थ्य और परिवार कल्याण मंत्री (श्री राज नारायण): मेरा निवेदन है कि जब साढ़े पांच बजे, तो होम मिनिस्टर ने कहा कि मैं प्रस्ताव करना हूँ कि दस मिनट का समय बढ़ा दिया जाये। पहले मदन साढ़े पांच बजे उठने वाला था। होम मिनिस्टर ने अपने रेप्लाय के लिए दस मिनट का समय बढ़ाने के लिए कहा था, न कि विरोध पक्ष के और सदस्यों के बोलने के लिए (व्यवधान)

श्री इब्राहिम सुलेमान सेट: मिनिस्टर साहब सही नहीं कह रहे हैं। आपने कहा था कि दस मिनट अन्ना डी० एम० के० और सी० पी० आई० को बोलने के लिए दिये जायेंगे। (व्यवधान) आपने कहा कि होम मिनिस्टर अव-जर्वेशन करेंगे, जब कि होम मिनिस्टर कहते हैं कि यह उन का रेप्लाय है।

श्री राज नारायण: महापति महोदय, आप सेक्रेटरी से पूछ लीजिए कि क्या सदन साढ़े पांच बजे तक ही बैठने वाला था या नहीं। अगर ऐसा है, तो होम मिनिस्टर ने जो प्रस्ताव किया कि समय को दस मिनट बढ़ा दिया जाये, उसका मतलब यही था कि दस मिनट में वह अपना रेप्लाय दे देंगे। (व्यवधान)

SHRI M. N. GOVINDAN NAIR: I do not want to speak. You can have your own way.

[*Shri M. N. Govindan Nair then left the House*]

SHRI C. M. STEPHEN: May I make an appeal? ... (*Interruptions*) I am not making a plea for the Congress Party. No congressman need be called to speak now.

MR. CHAIRMAN: The time was extended by ten minutes so that the Home Minister can reply.

SHRI M. SATYANARAYAN RAO: On a point of order. Time was extended by ten minutes for the debate, not for the Home Minister to speak. The Home Minister was to reply at 5.30 and he started his reply at 5.30. Where is the question of extension? I do not understand.

श्री चन्द्र शेखर सिंह (वाराणसी): मेरा प्रस्ताव है कि मदन का समय नब तक के लिए बढ़ा दिया जाये, जब तक कि होम मिनिस्टर अपना रेप्लाय न दे दें। (व्यवधान)

श्री इब्राहिम सुलेमान सेट: मैं होम मिनिस्टर से अर्ज करूंगा कि यह कहा गया था कि अन्ना डी० एम० के० और सी० पी० आई० को बोलने के लिए दस मिनट का समय दिया जायेगा और उसके बाद आप जवाब देंगे। इसलिए इन पार्टियों को बोलने का मौका दिया जाये।

श्री चरण सिंह: आपको याद होगा आपने मुझसे पूछा था कि आप किस वक्त बोलेंगे तो मैंने कहा था कि पांच बजे कर 20 मिनट पर बोलूंगा और मैं केवल दस मिनट लूंगा। . . . (व्यवधान) . . . अब आप मुझे बोलने देंगे या नहीं बोलने देंगे ?

श्री एम० सत्यनारायण राव: मेरा प्वाइंट आफ आर्डर है . . . (व्यवधान) . . .

SHRI C. M. STEPHEN: The Minister said that he would reply at 5.30. (Interruptions)

SHRI VAYALAR RAVI (Chirayinkil): It is a question of accommodation. Please accommodate others also:

SHRI C. M. STEPHEN: It is not a question of accommodation. It is a question of implementing the decision of the House. The House decided that the debate will be extended by ten minutes.

(Interruptions)

SHRI CHARAN SINGH: For my reply. (Interruptions).

SHRI SHYAMNANDAN MISHRA: It was with a view to enabling the Minister to make a reply. That is the point. (Interruptions).

SHRI C. M. STEPHEN: What about representation of AIADMK? 24 Members are from that party.

श्री चरण सिंह : सभापति महोदय, मैं ने पहले 33 नाम पेश किए थे। उस समय यहां विपक्ष की तरफ से यह कहा गया कि नहीं। ए० डी० एम० के० और मी० पी० आई० के लोग इसमें नहीं लिए गए हैं, तो मैंने कहा कि मैं इसको कंसिडर कर लूंगा। मैंने कंसिडर कर लिया और अब 45 नाम मैं आपको सुना देता हूँ। मैंने पहले कहा था कि 33 आदमियों की ज्वाइंट सेलेक्ट कमेटी बनेगी जिसमें 22 आदमी इस हाउस के होंगे और 11 उस हाउस के लेकिन जब विपक्ष की तरफ से यह आया कि दो तीन आदमी और इसमें एकोमोडेट किए जायें तो मैं इस नतीजे पर पहुंचा हूँ कि पहले भी ज्वाइंट सेलेक्ट कमेटी 45-45 सदस्यों की होती रही है तो यहां इसमें भी 45 सदस्य रखे जाएं। तो मैं इनके नाम सुना देता हूँ जो फाइनल नाम हैं गवर्नमेंट की तरफ से—

1. श्री आर० के० अमीन
2. श्री आरिफ बेग

3. श्री दिलीप चक्रवर्ती
4. श्रीमती मृणाल गोरे
5. श्री आर० डी० गट्टानी
6. श्री कंबर लाल गुप्त
7. श्री रामजेठमलानी
8. श्री एच० बी० कामत
9. श्री एम० बी० कृष्णप्पा
10. श्री कृष्ण कांत
11. श्री एम० कल्याणमुन्दरम्
12. श्री बी० सी० कांबले
13. श्री मधु लिमवे
14. श्री एस० एन० मिश्र
15. श्री नाथूराम मिर्धा
16. डा० बी० ए० सैयद मुहम्मद
17. श्री एन० पी० नयवानी
18. श्री बी० बी० पाटिल
19. श्री चांद राम
20. श्री सौगत राय
21. श्री गौरीशंकर राय
22. श्री सी० एम० स्टीफन
23. श्री बी० शंकरानन्द
24. श्री के० सूर्यनारायण
25. श्री एस० सान्याल
26. डा० जगन्नाथ शर्मा
27. श्री सोमनाथ चैटर्जी
28. श्री एस० डी० सोमसुन्दरम्
29. श्री मंगल देव विशारद
30. श्री चरण सिंह

ये नाम हुए लोक सभा की तरफ से और 15 राज्य सभा की तरफ से होंगे। अब मैं केवल एक बात आपसे कहना चाहता था कि आपने जब मुझसे पूछा तो मैंने यह कहा था कि मैं 5 बज कर 20 मिनट पर बोलूंगा। लेकिन वह बहस होती रही और प्वाइंट आफ ऑर्डर उठते रहे। जब मैंने देखा कि साढ़े बांच बज गए तो मैंने प्रस्ताव यह पेश किया था कि दस मिनट बढ़ा दिया जाये मेरे रेप्लाय के लिए। मैं उसमें आठ या नौ मिनट ही बोलूंगा। तो मेरी समझ में यह नहीं आया कि मेरे दोस्तों को इस बात की क्या शिकायत है ?

इन शब्दों के साथ मैं यह प्रस्ताव करता हूँ कि जो मेरा मोशन है वह पास किया जाय।
..... (ब्यवधान)

उसमें और बढ़ाने में मुश्किल होगी। फिर सदस्यों की संख्या 45 से पचाम हो जायगी मुझे तो कोई दिक्कत नहीं है लेकिन उसमें फिर मुश्किल होगी।

MR. CHAIRMAN: The question is:

"That the Lokpal Bill, 1977, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:—

Shri R. K. Amin,
Shri Arif Beg,
Shri Dilip Chakravarty,
Shrimati Mrinal Gore,
Shri R. D. Gattani,
Shri Kanwar Lal Gupta,
Shri Ram Jethmalani,
Shri Hari Vishnu Kamath,
Shri M. V. Krishnappa,
Shri Krishan Kant,
Shri M. Kalyanasundaram,
Shri B. C. Kamble,
Shri Madhu Limaye,

Shri Shyamnandan Misra,
Shri Nathu Ram Mirdha,
Dr. V. A. Seyid Muhammad,
Shri Narendra P. Nathwani,
Shri Balasaheb Vikhe Patil,
Shri Chand Ram,
Shri Saugata Roy,
Shri Gauri Shankar Rai,
Shri C. M. Stephen,
Shri B. Shankaranand,
Shri K. Suryanarayana,
Shri Sasankasekhar Sanyal,
Shri Jagannath Sharma,
Shri Somnath Chatterjee,
Shri S. D. Somasundaram,
Shri Mangal Deo, and
Shri Charan Singh,

and 15 from Rajya Sabha.

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to the house by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.