

श्री वि. ज्ञानचन्द्र सेठ : अगर आप नहीं चाहते कि मैं आगे कुछ बोलूँ तो मैं बैठ जाता हूँ। अखिल भारतीय हिन्दू महासभा का सेशन पटना में हो रहा है जिस में कि मैं जा रहा हूँ और इसीलिए मैं चाहता था कि आप दो, चार मिनट मुझे और बोलने देते लेकिन चूँकि अब आप इजाजत नहीं दे रहे हैं इसलिए मैं बैठे जाता हूँ।

Mr. Deputy-Speaker: We have to take up non-official business. Shri Harish Chandra Mathur wants to go away today. If the House agrees—

Shri Harish Chandra Mathur: I am not prepared to speak now. There is no question of trying to accommodate me. I would never like to take the House in a manner like this.

Mr. Deputy-Speaker: Shri Muthiah.

15.32 hrs.

COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS

SIXTY-FOURTH REPORT

Shri Muthiah (Tirunelveli): I beg to move the following:

“That this House agrees with the Sixty-fourth Report of the Committee on Private Members’ Bills and Resolutions presented to the House on the 21st April 1965.”

Mr. Deputy-Speaker: The question is:

“That this House agrees with the Sixty-fourth Report of the Committee on Private Members’ Bills and Resolutions presented to the House on the 21st April, 1965.”

The motion was adopted.

12.32½ hrs.

RESOLUTION RE: INSTITUTION FOR REDRESS OF PUBLIC GRIEVANCES—contd.

Mr. Deputy-Speaker: We shall now take up the further discussion of the following Resolution moved by Dr. L. M. Singhvi, on the 9th April, 1965, namely:—

“This House is of opinion that a Committee of Members of Parliament should be constituted to examine the form and feasibility of bringing into existence suitable machinery for investigation and redress of public grievances, including the possibility of establishing an institution analogous to the institution of Ombudsman existing in Scandinavian countries as well as in New Zealand.”

Three-minutes have been taken, and 1 hour 27 minutes remain Dr. Singhvi.

Dr. L. M. Singhvi (Jodhpur): Mr. Deputy-Speaker, Sir, I was referring to the various commitments of this Government to the idea of creating and establishing an adequate machinery for the redress of public grievances. In this context, I had invited the attention of this House to the discussion on the demands for grants under the Ministry of Law on 3rd April, 1963, when I raised this issue, in answer to which the Law Minister had the occasion to make the observation that while the institution seemed full of possibilities, as a matter of policy it was for the Prime Minister to decide. On the 3rd November, 1963, the late Prime Minister made a remarkable statement in respect of the possibilities of this institution and his reactions to it. He said that this system of Ombudsman fascinated him, for, the Ombudsman had overall authority to deal with the charges of corruption even against the Prime Minister.

[Dr. L. M. Singhvi]

ter, and commanded the respect and confidence of all.

After this, while laying the report on the creation of the Central Vigilance Commission on the Table of the House, the Home Minister made this statement on the 16th December, 1963, wherein he himself said:

“The importance and urgency of providing machinery for looking into the grievances of citizens against the administration and for ensuring just and fair exercise of administrative powers is fully reorganised. But it is considered that this problem is big enough to require a separate agency or machinery, and that apart from this, the Central Vigilance Commission would be overburdened if this responsibility were to be placed upon it, and the Commission might as a result be less effective in dealing with the problem of corruption.”

So, it is quite clear that the Government recognised at the time of bringing into existence the Central Vigilance Commission that this would not meet the requirement of the situation in so far as the redress of citizen's grievances was concerned.

We are aware that certain recommendations were made by the Santhanam Committee but it is a long time since those recommendations were made and if they have not been shelved, certainly they have been given the go-by for a very considerable time. I would like to draw your attention to the assurance given by Shri Hathi in reply to the discussion on a private Member's resolution which I had the honour to move on April 3, 1964, and April, 22, 1964, in which he accepted the idea of ombudsman in principle. On that day, during the discussion, the House had the occasion to witness a powerful consensus of opinion from all sides of the House, and Members who are known for their special know-

ledge and interest in the field of administration, Members who lead and create public opinion in this country had all given their support to this idea.

As late as 31st March, 1965, nevertheless, we had nothing more than an assurance of the hon. Home Minister in answer to a starred question in this House that the Government was still considering the functions and the compositions of such an institution for the redress of grievances.

I find from the newspaper reports that on the 9th April, 1964, the day on which I moved this resolution, the executive committee of the Congress Parliamentary Party had also a discussion on this subject. This discussion was initiated by my steemed friend and colleague, Shri Harish Chandra Mathur, who has taken very considerable interest in the idea and who by a concrete recommendations of the Committee which he headed in Rajasthan, has helped to bring this idea to the fore of national discussion.

I find further that the Prime Minister is reported to have made a statement which appears in the *Times of India* of the 14th April, 1965 that he was considering the appointment of a national panel in this connection. I do not know what the details of the proposal under his consideration are. It does seem that though there is a concatenation and sequence of events which have strengthened the impression that the idea has been generally accepted in this country, that it is generally supported by men not only in public life but by persons of the eminence of the former Attorney-General, Shri M. C. Setalvad and the present Chief Justice of India, one is, nevertheless disappointed to find that the Government has taken much too long to consider the functions and the composition of this institution. I know that the problem is complex, and would not like the Government to be hustled into a decision which is not

born of mature consideration, but year after year has passed without any action being taken by the Government, without any earnest consideration being in evidence on the part of the Government.

I would like to point out that there is no particular virtue in having the impression that we are on our way unless we know what our destination is. The cautious traveller is not known to be averse to a guide-book. Even a casual pedestrian likes to look at the signposts on his pathways. But it seems that in spite of the contemporary experience and the current sign-boards which all point to the way for creating a machinery for redress of public grievances, the Government has not taken head of them in a manner and in a spirit which shows its earnestness or its awareness. I am sorry to have to say this, but I have no option but to say this. I find that one excuse or another explanation is always put forward for not doing anything concrete about this proposal.

The very climate of politics in our country and the worsening weather all around suggest that in the hurricane of accusations and of known cases of corruption, in the endless discoveries and disclosures of corruption and of maladministration and of arbitrary exercise of administrative power, it is necessary that we should have an adequate and a reliable compass and if we are to find such a dependable machinery, it would have to be through an institutionalised form of redressing public grievances.

Mr. Deputy-Speaker, Sir, I do not think that half-way houses will do. I do not think that drift and inertia and indifference will solve the problem. Time may heal many wounds, but time will not always solve problems. I do not think that evasive answers or pleas of postponement would satisfy this House either. I feel very strongly that the Government cannot continue to lapse into the kind of political jay-walking to which it has become accustomed. We must

know which way the Government is proceeding, what way the Government's mind is functioning and what the Government specifically propose to do about the proposal for such a machinery. That is why I was persuaded, instead of moving a detailed resolution about the functions and powers of an institution such as the Ombudsman or *Lok-ayukta* as I term it, I have moved a resolution asking for the appointment of a Committee of Members of Parliament or for a study panel of Members of Parliament who would go into all these questions, who would consider all these complex factors and would come forward with an acceptable solution, acceptable to the whole of the nation.

We need not bring into this any political fears or apprehensions. I am, for the sake of this discussion, not even pointing out the various specific instances in which this House felt that the Prime Minister or the Cabinet Sub-Committee was not really an adequate body to go into the grievances or accusations or allegations. I find from a Press report of the discussion in the Executive Committee of the Congress Party that even there it was considered that neither the Prime Minister nor the Sub-Committee of the Cabinet were really a substitute for the appropriate institutional framework for redress and investigation of public grievances.

Sir, if we are to regard legislation as modern social engineering, if we are to regard our task in the light of the complex problems that confront our society and which beset democracy all over the world, we must realise that there must be some way of making democracy and making the spirit of democracy truly effective. We must realise that the Question Hour in this House is not a substitute because before we get to asking any specific questions the Chair would always rule that this House cannot during the Question Hour go into specific instances. We also know that the various other methods which are available to a common citizen for ventilating his grievances are not adequate.

[Dr. L. M. Singhvi]

Indeed, as I have pointed out in my earlier speeches, even the methods which are made available to us by the Constitution, namely Chapter III enshrining the fundamental rights in our Constitution and the constitutionally guaranteed rights of going to the High Courts and the Supreme Court under the writ jurisdiction, are not adequate. As I pointed out in an earlier occasion, as Lord Denning said, just as the pick and shovel have ceased to be effective instruments of agriculture in modern society, in the same way the writ jurisdiction which is strewn with legal complexities and procedure has ceased to be fully adequate instrumentality for securing justice for the common man.

I should like to point out that the institution of Ombudsman attracted very considerable and widespread interest in the United Kingdom, and now we know that the present Government of the United Kingdom had assured the electorate and is going very shortly to bring forward a legislation to establish this institution in the United Kingdom. What led to the town of tide in the public opinion in that country is this remarkable report by Justice on *The Citizen and the Administration—The redress of grievances*, commonly known as the "Whyatt Report". Prefacing this report, Lord Shawcross had this to say:

"But the nature of governmental and local governmental activity is now such that large areas of disceadation are created in regard to all sorts of matters affecting the lives and rights of ordinary people in varying degrees. The general standards of administration in this country are high, probably indeed higher than in any other. But with the existence of a great bureaucracy there are inevitably occasions, not insignificant in number, when through error or indifference, injustice is done—or appears to be done. The

man of substance can deal with these situations. He is near to the establishment; he enjoys the status or possess the influence which will ensure him the ear of those in authority. He can afford to pursue such legal remedies as may be available. He knows his way around. But too often the little man the ordinary humble citizen, is incapable of asserting himself. The little farmer with four acres and a cow would never have attempted to force the battlements of Crichel Down. The little man has become too used to being pushed around: it rarely occurs to him that there is any appeal from what 'they' have decided."

Mr. Deputy-Speaker, it is for this little man, this humble citizen that an institution such as the Ombudsman must be brought into existence in our country. It is for the sake of securing justice and for cleansing the public life of the augean stable of corruption, real and imaginary, that such an institution must be brought into existences. It is in order to protect those in public life and those in administration itself that such an institution must be brought into existence. It is to provide an alternative to the cold and protracted formality of procedure in courts of law that such an institution should be brought into existence. There is every conceivable reason today which impels us to the consideration and to the conclusion that such an institution is now overdue in our country.

Unless the present Government wish to apply the principle of selective inattention, the process of delusion the process of editing out of one's cognition and consciousness all these factors which perhaps offer a somewhat distressing stimuli, the Government cannot afford to wait too long or to postpone the decision too long.

I do not want, Mr. Deputy-Speaker, to go in any considerable detail about the functional frame work of this institution. Earlier I had occasion to explain the framwork of this institution in various countries. As we look around, we find that all the countries of Scandinavia have a functioning Ombudsman. We find that a country of the Commonwealth, the country of New Zealand, had accepted this institution a few years ago and has come out very well in the functioning of that institution. We find that Great Britain is on the threshold of bringing into existence this institution in fulfilment of the promise the Labour Party had made to the electorate. Even the countries of Soviet Union and other East European countries have the institution of procurator which is analogous, and which is supposed to secure to their citizens a measure of speedy justice.

There are many aspects of the working of this institution, but as I have submitted this resolution only for the constitution of a study panel of Members of Parliament, a committee of Members of Parliament, I would like to make this plea to the Home Ministry to accept this resolution in the spirit in which it has been moved.

Mr. Deputy-Speaker: Resolution moved:

"That this House is of opinion that a Committee of Members of Parliament should be constituted to examine the form and feasibility of bringing into existence suitable machinery for investigation and redress of public grievances, including the possibility of establishing an institution analogous to the institution of Ombudsman existing in Scandinavian countries as well as in New Zealand."

There are some amendments. Are they being moved:

Shri Yashpal Singh (Kairana): Sir, I beg to move:

That in the resolution,—

Omit "including the pos-

sibility of establishing an institution analogous to the institution of Ombudsman existing in Scandinavian countries as well as in New Zealand." (3).

Shri Vishwa Nath Pandey (Salem-pur): Sir, I beg to move:

That in the resolution,—

"Members of Parliament",, *insert—*

"consisting of ten Members of Lok Sabha and five Members of Rajya Sabha, with instructions to make a report to this House within three months,". (1).

Shri D. C. Sharma (Gurdaspur): Sir, I beg to move:

That in the resolution,—

after "Members of Parliament", *insert—*

"consisting of five Members of Lok Sabha and two members of Rajya Sabha with instructions to make a report within six months," (2).

Mr. Deputy-Speaker: The resolution and the amendments are now before the House for discussion. A large number of hon. Members want to take part in this discussion. Therefore, hon. Members will take five minutes each.

Dr. L. M. Singhvi: Sir, that will amount to throttling the debate completely. There is no point in having a debate when you are allowing those who want to speak only for five minutes.

Mr. Deputy-Speaker: Is it the pleasure of the House that the time should be extended?

An hon. Member: No.

Mr. Deputy-Speaker: It is being opposed.

Dr. L. M. Singhvi: Then, let us better close the debate. There is no point in having discussion for such a short time. Let the time be extended.

Mr. Deputy-Speaker: I will put it to the House. Is it the desire of the House that the time allotted for this resolution should be increased?

Several hon. Members: Yes.

Mr. Deputy-Speaker: All right. I will extend it by one hour. The Minister would be taking half an hour and there should be time for Dr. Singhvi to reply. So, each Member will have 5 or 6 minutes.

Shri Warrior (Trichur): Mr. Deputy-Speaker, I rise to support this Resolution. In fact, every Member will support it. It will be interesting to know from which quarter the opposition really comes. There must be some opposition. Otherwise, Government should have accepted this Resolution, or at least the substance of this Resolution when it was considered by the Lok Sabha earlier. What was it that made the Government hesitant to accept it in full? Is it because there is no experience of the working of Ombudsman, either in this country or in any other country? I think that is not the reason. Because, there are several institutions, almost of the same type, from the Scandinavian countries in the north down to New Zealand in the south. So, experience has been gained in the working of that institution. Not only that. We cannot say that all of them are of the same stereo-typed pattern. Each country has adopted it according to its own necessities, its own demands, to meet particular situations; so, by and large, their pattern remains the same. The details can be worked out by each country, according to its shown requirements. So, the main substance of the Resolution should first of all be accepted, then Government. If the substance or spirit of the Resolution is accepted, there are ways and means of proceeding further, by slow process.

I do not agree with Dr. Singhvi that it should not be a half-way house. It is not a question of half-way house or taking it piece-meal. In the begin-

ning, its scope should be limited. Later on, as more and more experience is gained, its scope can be widened. The whole gamut of administration need not be brought under the orbit of Ombudsman initially. First of all, only the main or important things need be taken up by this institution.

15.54 hrs.

[SHRI KHADILKAR in the Chair]

The scope of its empire could be extended and widened later.

We know that there are sections of the population in this country which are against the establishment of such an institution. But we should not be guided by them. What are the main characteristics of such an institution? It is meant mainly to safeguard the common man, who cannot go in for costly litigation to seek redress of his grievances in courts of law. For the common people there should be some institution which will give redress to their grievances, which will safeguard them from injustice, because bureaucracy is hardening itself more and more.

We are thankful to the Lok Sabha Secretariat for bringing out an excellent brochure on this subject on the eve of the discussion of this Resolution. In that report, special reference is made to the situation obtaining in the United Kingdom, to which a reference was made by Dr. Singhvi. The brochure says:

"The general standards of administration in this country (UK) are high, probably indeed higher than in any other. But with the existence of a great bureaucracy there are inevitably occasions, not insignificant in number, when through error or indifference, injustice is done—or appears to be done. The man of substance can deal with these situations. . . . But too often the little man, the

ordinary humble citizen, is incapable of asserting himself....."

This is a very important point. It is one of the basic principles on which this institution is created. Still more important, by the establishment of this institution we do not say that our courts of law or other institutions to rectify or remove grievances and injustice are not properly functioning. Far from it. There is no such reflection involved. The only thing is that this institution should be free from pressurisation from any quarter whatsoever.

It must be directly responsible to Parliament. It must be free to act with sufficient authority and force in the manner it thinks fit on given circumstances, without fear or favour, whoever may be the person in office, however high, with whom it is dealing. It must be responsible only to Parliament, and not to the executive. The independence of this institution is the primary thing. Unless that is safeguarded, it will not be able to function at all.

There is so much talk of eradicating corruption. Even the official life of our present Home Minister is in jeopardy because of this corruption.

Shri Hari Vishnu Kamath (Hoshangabad): He has taken a vow to eradicate corruption within two years.

Shri Warrior: We cannot completely eradicate corruption, whether it is two years, seven years or seventy years. It will continue. But that is not the point. The conditions in India are the same as in any other country, like United Kingdom, Scandinavia or New Zealand. Those countries have this institution. Even in countries where chances of corruption should be very little, where deterrent punishments like death penalties and shooting are prescribed, even in those countries we find people in high positions being at times caught red-handed. When that is the position in other countries, there is no reason why we should not have such an institution when similar

conditions are obtaining here. The Sathanam Committee and other committees have referred to corruption in high places. From high places it percolates down below. If it is not nipped in the bud, in the higher circle itself, we cannot get relief from this malady of corruption. This institution should be so powerful to deal with any person, however high, without fear. Then alone can we expect some work in the eradication of corruption from this country. With these words, I wholeheartedly support this Resolution.

Mr. Chairman: Shrimati Tarkeshwari Sinha. Hon. Members should not take more than 6 to 7 minutes.

Shrimati Tarkeshwari Sinha (Barh) Sir, more than my limitation, I understand your limitation and so I will not take more time. You have been very kind in giving me this opportunity. Because, on the last occasion, though I wanted to speak on this, because of some statements which were to be made, I could not get an opportunity.

So much has been said about the significance and importance of Ombudsman like institution in our country that it is needless for me to develop the point about the importance of this institution. The consensus of the House that we have taken and also the opinion which is available outside this House have convinced us that there is need for this institution. Last time also when Shri Hathi, the Minister of State for Home Affairs, was replying to the debate, understood the basic spirit behind the expression of this House and he said that the Government was going to examine the possibility of bringing about any such institution not exactly on the lines of Sweden, Norway, or New Zealand but according to the genius of this country itself.

16 hrs.

I would like to mention here that not only Sweden, Norway or New Zealand, of which mention has been

[Shrimati Tarkeshwari Sinha]

made so much in the past, have had this institution functioning but there are many other countries also which have felt the need for bringing about such kind of an institution. Why? Because the need for justice not only to the ordinary citizen is very unique, not only the need for removing corruption in the country is also very significant, but the greatest force that the Ombudsman derives is from the fact that all democratic countries in the 20th century have left behind the *laissez faire* system of life and there has been a definite shift towards a positive policy of the state. The state is interfering in our day to day life and the state has developed for itself wide discretionary powers against individuals, against institutions—against everybody. Therefore to bring about a balance between the discretionary powers of the state and the freedom of the individual and for preserving the dignity of the individual—I am more concerned about the dignity of the individual—so that the dignity of the nation can also be preserved, there is need for having such an institution. I think, a balance should be brought about and a balance can only be brought about by having such sort of an institution.

I would like to say that not only such countries but also countries which follow the Communist pattern of statehood, like the USSR, Yugoslavia and Czechoslovakia, have adopted with certain modifications an institution like this. There may be a difference in the functioning of the institutions prevailing in the Scandinavian countries and in the USSR and Yugoslavia, but the basic spirit is the same.

Even in West Germany, the Federal Republic of Germany, they had this institution for military personnel and if the morale of military personnel cannot be distorted by such institutions, it is all the more necessary to have such institutions not only for mi-

litary personnel but for civilian personnel as well.

Then, there is another institution in the Philippines and in Singapore; even in Greece and Canada. Canada also has a federal structure and it is a much more difficult problem that faces the administrative structure of a federal institution, more than what we face in our country; yet, Canada is seriously thinking of bringing about this institution.

I also express my thanks to the Parliament Secretariat for preparing this kind of a brochure. I would request, through you, the Speaker and the Secretariat working with the Speaker as also the Chairman of the other House, to prepare such information for the benefit of Members so that while discussing subjects of such importance we can take objective attitudes. Through you I would convey the thanks of the House to the Secretariat for doing this kind of useful work.

There are two or three problems that I want to bring to your notice because I myself have been a very unfortunate victim of such a situation. I was praying in my mind that if an institution like the Ombudsman had been there probably I would not have felt the agony and humiliation which I suffered. But I do not want to make a complaint about all those things. I do not want to dig something from the grave. But I am convinced more and more, not because it has happened to me but because it can happen to so many people, to anybody, that harassment and discretion can be exercised not only to the advantage of the state but also to the advantage of certain individuals who may be functioning through certain agencies. I would, therefore, submit to you that this kind of an institution is the spine and substance of parliamentary life.

As my time is very short, there are two or three suggestions that I would make. There was a meeting of the

Congress Parliamentary Party whose report I have studied. One of the Ministers, who was invited to the meeting, suggested that complaints should be channelised through Members of Parliament. It is all right that we represent public opinion and we are in a position to bring certain complaints to light, but to leave to Members of Parliament alone that they should prepare the complaints or that only through parliamentary or governmental agencies these complaints should be scrutinised, the whole procedure again becomes so cumbersome. Even in my case the complaint appeared a year before and one whole year it took for the Government to arrive at the judgement, whether good, bad or indifferent. Can anybody repay me the long time that it had taken for the investigation? No person could be in normal.....

Mr. Chairman: There is a misconception. Ombudsman is not the person to take up ministerial complaints.

Shri Harish Chandra Mathur (Jalore): Certainly, that is the very idea..... (*Interruption*). His job is to go into ministerial complaints. .. (*Interruption*).

Shrimati Tarkeshwari Sinha: A very distinguished and eloquent Member, Shri Mathur, was appointed the Chairman of the Rajasthan Administrative Reforms Committee and there is a very important recommendation that they made. The country is not interested in corruption of the kind where somebody has taken four annas, eight annas or one rupee; the country is interested in corruption at high places. Therefore any such institution which can give effect to the country's satiment and make an impact on the problem of corruption at high places can only be such an institution.

The one or two suggestions that I have to make are these. Whatever shape and form the Ombudsman may take, whoever may be in charge of this Ombudsman, the nominee should be appointed by the President with

the recommendation not only of the Chief Justice of India but of the Speaker and Chairman of the two Houses respectively. He should be the nominee. Then, there should be a panel working under him and that panel also should be appointed with the recommendation of the chief personnel which the President would appoint for this Ombudsman.

Then, there is also another suggestion of mine. There is a great institution, called the Central Bureau of Investigation. Whatever has happened to the history of the Central Bureau of Investigation, every day we are hearing some report or the other. Somebody is condemning the Central Bureau of Investigation; somebody is not condemning it; somebody is defending it. But the situation that has been facing us is that the whole basis of this inquiry is being questioned. There is unanimous opinion that this basis of inquiry has not been able to satisfy either the Government or the country or the House. Therefore, I would request you to convey to the Government that the CBI, or whatever institution it may be, should be directly made responsible to Parliament and not to any department of Government.

There is another small suggestion of mine, namely, that there should be separate Ombudsmen—one for civil purposes and another for military purposes. There are many things in the military to which publicity is not given, while on the civil side publicity about corruption cases and highlighting the defects of personnel in authority has really to be given. Therefore there should be two institutions. Whatever form the institutions may take, I am sura, the Government will be able to do it.

Before I conclude there is a couplet that I would like to recite. What has happened about the history of these investigations being carried into corruption cases about me I do not want to say anything more than this:

[Shrimati Tarkeshwari Sinha]

मेरी कलम से बेहतर है मेरी खामोशी, न जाने कितने सवालों की आबरू रखली । किसी ने अपना सफ़ीना डुबों के साहिल पर हजार डूबने वालों की आबरू रख ली ।।

Shri D. C. Sharma: Mr. Chairman, our late Prime Minister once said that every inhabitant had a problem and that India had about 40 crores of problems. When he said that our population was 40 crores. If I should think in terms of our grievances, I think, everyone has at least half a dozen grievances. How are we to redress those grievances?

Some persons tell us that those grievances should be routed through the political party. The political party sends those grievances to the persons in charge and the persons in charge get the reply from those very particular persons against whom those grievances are made. How can there be any justification? Again, it is said that there is writ petition and I think, if you look at the history of the High Courts in India and of the Supreme Court, you find there is plethora of writ petitions. Why is that so? It is because people find that they get justice through writ petitions from the Judges of the High Courts and the Supreme Court.

An Hon. Member: Do they get it.

Shri D. C. Sharma: There are strikes and hunger-strikes. Every section of the population of this country is going on strike at one time or another.

An Hon. Member: Even MPs.

Shri D. C. Sharma: The teachers go on strike; the patwaris were on strike at one time in my State. There was the linguistic agitation in my State; there was the Hindi agitation,

the Punjabi agitation and all that. There are all kinds of agitations. Now I want to ask one thing. Do we want that our country should be in this condition all the time on account of one agitation or another? How is this to be solved? I think the only way of solving this agitational approach to our problems is this that we should have an independent agency like the Election Commission to look into the grievances of the people. I think our country is passing through a phase of political, mental and social ill-health. Unless that is done, nothing is going to happen because the idea has gone abroad that the Government understands only one type of language—I say so with great humility and I say so also with great regret—and that is the language of agitation. What is going to come between the Government and the agitation.

Shri Dinen Bhattacharya (Serampur): D.I.R.

Shri D. C. Sharma: D.I.R. has not been able to curb men like you.

The only thing is... (Interruption).

The Minister of State in the Ministry of Home Affairs (Shri Hathi): You are addressing the Chair.

Shri S. M. Banerjee (Kanpur): It applies to the Chair.

Shri D. C. Sharma: Sir, you are a very honourable Member of this House. I was submitting very respectfully that the agitational approach is gaining ground in this country from the student community right up to the highest officer in this country. If we want to restore our democracy to good health and to sound health, we should not encourage this approach. Somebody goes on hunger-strike; somebody does *havans*; somebody does *Akhand Path* and somebody else resorts to other religious things so that he can get his grievances redressed.

All kinds of devices are resorted to in order to get the grievances redressed.

Shri Kapur Singh (Ludhiana): The hon. Member implies that the *Akhand Path* is a spurious device. I protest against it.

Shri D. C. Sharma: No, no. I also do *havans*; I also do *Akhand Path*.

Shri Kapur Singh: May be so. But leave *Akhand Path* alone.

Shri D. C. Sharma I have very great respect for *Akhand Path* and *havans*. I was submitting very respectfully that the people are having recourse to these things to get their grievances redressed and, I think, you should find a safety valve for these grievances. You should have a tribunal like the Election Commission so that it can go into these questions. It should not only be at the Centre but it should also be in the States because the States are as much to be blamed as the Centre is to be blamed.

The hon. lady Member was referring to himself. She had to undergo a great deal of agony. I know that. Of course, she has got a clear chit now. But, I think, if there had been some kind of a commission of grievances, as it is to be found in other countries of the world, she would not have had that kind of agonising experience which she had. Therefore, I support the Resolution moved by my friend Dr. Singhvi and I say that in order to decide about the functions and the working of this body, we should have a Committee of Members of Parliament drawn from both the Houses. I know the Government will take half a century to get this thing done. The Government believes in delay in postponement, in postponing the thing from one day to another day. Therefore, I believe, if we want to get it expedited, it should be referred to a Committee and the countrymen will have a sigh of relief that there is something between them and the bureaucracy which is always trying

to overdo which is always trying to exercise power in a way which is not conductive to the welfare of the citizens.

Shri Surendranath Dwivedy (Kendrapara): Mr. Chairman, Sir, I congratulate the mover of this Resolution which gives an opportunity to the House to devote some attention to this question. But I do not feel enthusiastic in giving my full support to the Resolution because the very fact that he has suggested another Committee seems to me to be playing into the hands of the Government.

Sir, on the last occasion we had a very elaborate discussion on this organisation of Ombudsman and Mr. Hathi, who was replying on behalf of the Government, had said—

he did not oppose the principles of the Resolution—

“The Santhanam Committee Report is there and that it would be discussed in the House, the Government would consider it, and that let us see what is the outcome of that and then we will decide it”.

I do not know when and how long they will actually take to have a discussion in this House on the Sathanam Committee Report and whether they are going to have it at all...

Shri Hathi: On Monday.

Shri Surendranath Dwivedy: That is not the discussion on the Santhanam Committee's Report. It will be a discussion on the Demands of the Home Ministry. Don't take shelter behind that. The Santhanam Committee's Report is a different thing altogether. The Santhanam Committee has given some suggestions so far as the eradication of corruption at high levels is concerned. They have accepted certain recommendations but not this very recommendation which affects corruption at the political level. They have not yet come to a decision. It goes against them. It is suggested that there should be a penal which

[Shri Surendranath Dwivedy]

should go into the question of any grievance as to whether there is a *prima facie* case or not. Once the *prima facie* case is established, then they may go to the law courts or then they should appoint a commission of inquiry, etc. etc.

Now, Sir, it seems that the Government is having second-thoughts on this question. As I find now, they adopt a novel procedure so far as corruption at political level is concerned. This time, the Home Ministry itself took the responsibility of going into the question of corruption against some political leaders. They made use of their own machinery, the C.B.I., to go into it. They found that the scandals revealed by the C.B.I. were of such a nature that these will probably expose the entire Government machinery and the functioning of the Congress organisation in the States. So, they are having second-thoughts now. After getting the report which established a *prima facie* case, they did not want to appoint any commission of inquiry as such. There is now opposition to any such inquiry commission being appointed, even if there are really cases brought against persons who are in the administration indulging in mal-practices, to enquire into those things. The agitation is now going on and the thinking is going on in the Congress Party to the effect, "No, no. This thing should never be done. The C.B.I. should never be sent there." They are also not prepared to appoint a judicial commission of inquiry for this purpose. It is clearly stated in the Santhanam Committee's Report that if 10 Members of Assembly or Parliament make allegations—they are very responsible persons—the Government should immediately go in for a judicial inquiry. They are afraid to appoint a judicial commission of inquiry to go into the allegations of such a nature. Now, what else remains? The executive naturally deals with these things. As a re-

sult, the people feel that the executive, being a Party Government, wants to protect their own Party men. This actually happened in some recent cases. We have seen that in Orissa, Mysore, Bihar and other places. So, I would suggest that there should be no question of a committee being appointed for the purpose. If Government are not prepared to appoint a commission of inquiry in such cases, if they are not prepared to accept the Santhanam Committee's suggestions, if they are not prepared to have even a CBI inquiry into such matters, and at the same time they say that the Ombudsman organisation is laudable and there is no objection to it, then let them here and now state that they are prepared to accept this organisation of Ombudsman as the only method for dealing with public grievances. After all, why do the people want a judicial inquiry? It is because they have very little faith in the executive government. Since the Ombudsman is an organisation which will be responsible to Parliament, it will be an impartial body, so to say, because it will come within the purview of Parliament and the people could have complete faith and further the report of the Ombudsman could be discussed here.

I have found that there is almost unanimity on this matter; I found this on the last occasion, and I find it on this occasion also, so far as the setting up of an organisation like this is concerned, and Government have no objection to it. Therefore, while the hon. Minister replies, I would expect him to announce,—whether he accepts this resolution in this particular form or not—since the fact has been mentioned by the hon. Mover himself that the Congress Party itself is thinking along such lines, that Government are going to set up this Ombudsman organisation as soon as possible.

श्री विश्वनाथ पाण्डेय : डा० लक्ष्मीमल्ल
सिंघवी ने सदन के समक्ष जो संकल्प प्रस्तुत
किया है वह प्रशंसनीय है। उस संकल्प का

मुख्य आशय यह है कि प्रशासन में जो कुव्यवस्था है और देश के अन्दर जो भ्रष्टाचार है उस का निवारण किया जाय और जनता को सुगम, सरल, समुचित और कम व्यय वाला न्याय मिले। इस प्रस्ताव का स्वागत सदन तो करता ही है और मैं समझता हूँ कि सदन के बाहर राष्ट्र भी उस का स्वागत ही करेगा। जिन जिन देशों में ऐसी व्यवस्था की गई है वहाँ पर इस का मुख्य लक्ष्य और कार्य यह रहे हैं :—

“The Ombudsman was not only an instrument of Parliament for supervising the administration but also a protector of the rights of the individual. This institution not only afforded a fulfilment of the sense of justice and fairplay inherent in every individual but also provided supervision on behalf of the people of the day-to-day activities of their government, even if the government were elected by the people at specified period.”.

यह उस के मूल सिद्धान्त हैं। यहाँ उस के ऊपर बहस हो चुकी है और जैसा कि माननीय सदस्य ने बतलाया भी है और उस को दृष्टि में रखते हुए हमारे गृह-मंत्रालय ने कुछ कदम भी उठाये हैं। एक सतर्कता आयोग उन्होंने बनाया। सदाचार समिति की उन्होंने स्थापना की। उसके पहले भ्रष्टाचार निवारण समिति भी बनाई थी। लेकिन इन सब के होते हुए भी भ्रष्टाचार और कुव्यवस्था प्रशासन से दूर नहीं हो सकी है। लेकिन मैं इतना अवश्य कहना चाहता हूँ कि अम्बुड्समैन से मिलती जुलती जैसी संस्था बनाने के लिये माननीय सिधवी साहब ने संकल्प रखा है इस से देश में फैली सब बुराइयों का खात्मा नहीं हो सकता है। इतना ही हो सकता है कि इस के द्वारा इन चीजों पर रोकथाम हो और बुराइयों की रोकथाम करनी आवश्यक है। लेकिन अम्बुड्समैन जैसी कोई संस्था बनाने के लिये हमें गम्भीरता से

विचार करने की जरूरत है क्योंकि हमारा देश एक विशाल देश है। जिन देशों में यह लागू की गई है जैसे कि स्वीडन, फिनलैंड, डेनमार्क, नार्वे और न्यूजीलैंड, मैं समझता हूँ कि उत्तर प्रदेश का जो हमारा प्रान्त है उस की जनसंख्या के बराबर उन सब की मिला कर जनसंख्या होगी। इसलिए जब अपने जैसे विशाल देश के लिए इस तरह की कोई कमेटी बनाई जाय, या संस्था बनाई जाये ताकि बुराइयों दूर हो तो हमें उन सभी आवश्यक चीजों का इस में समावेश करना चाहिए।

मैं आप के सामने एक और चीज कहना चाहता हूँ। यदि कोई व्यक्ति अनुदान ले या ऋण ले या न्यायालय में जाय, कचहरी में जाय तो बिना रिश्वत के उस का काम नहीं चलता है। अगर कोई व्यक्ति दरख्वास्त दे अदालत में, मिनिस्टर के पास या सरकार के पास तो उस की कोई सुनवाई नहीं होती है। होता यह है कि जिस अधिकारी या व्यक्ति के खिलाफ उस ने आवेदन पत्र दिया होता है, शिकायत की हुई होती है उसी के पास वह रिपोर्ट के लिए भेज दी जाती है। इसलिए आवश्यकता इस बात की है कि इस देश के अन्दर कुछ ऐसी व्यवस्था हो, एक ऐसी संस्था हो जिस संस्था के माध्यम से जनता की शिकायतों का सुगम रीति से निवारण हो सके और जनता को समय में न्याय मिल सके।

हमारा देश गरीबों का देश है। गांधी जी ने इस देश में त्याग, तपस्या और सेवा की भावना का आदर्श लोगों के सामने रखा था लेकिन खेद का विषय है कि आज उस का अभाव दृष्टिगोचर होता है। जब तक देशवासियों का चरित्र निर्माण नहीं होगा, उन का नैतिक स्तर उन्नत नहीं होगा तब तक यह समस्या हल होने वाली नहीं है और तब तक यह भ्रष्टाचार जो कि देश के कण कण में व्याप्त हो गया है वह दूर नहीं हो सकता है।

मैं इस के साथ यह भी अर्ज करना चाहता हूँ कि संविधान में जो धारा 311 और 314

[श्री विश्वनाथ पांडेय]

के अन्तर्गत बड़े बड़े सरकारी कर्मचारियों को संरक्षण दिया गया है उन को संविधान में से निकाल दिया जाय । इसी तरह से प्रीवेंशन ऑफ करप्शन एक्ट की दफा 6 के जरिये जो लोगों पर मुकद्दमा दायर करने के बारे में प्रतिबन्ध लगा है उसे भी मंत्री महोदय हटा दें तभी कुछ काम हो सकता है ।

जिस तरीके से प्रशासन में काम करने वाले कर्मचारियों के लिये हम चाहते हैं कि वे ईमानदारी के साथ और निष्पक्षता के साथ अपने कर्तव्य का पालन करें, सेवा का उच्च आदर्श उपस्थित करें उसी तरीके से राजनीति में कार्य करने वाले सार्वजनिक राजनीतिक कार्यकर्ताओं के लिये भी कोई एक आचार संहिता बनाई जाय जिस से कि वे यह साबित कर सकें कि वे इन सरकारी अफसरों और कर्मचारियों से इस माने में ऊंचे हैं । ऐसा होने पर ही यह कुव्यवस्था और भ्रष्टाचार देश से दूर हो सकता है । इन शब्दों के साथ मैं डा० सिधवी के संकल्प का स्वागत व समर्थन करता हूँ ।

श्री श्रीनारायण दास (दरभंगा) :

सभापति महोदय, डा० सिधवी ने जो प्रस्ताव सदन के सामने उपस्थित किया है वह बहुत ही विचारणीय है । मैं समझता हूँ कि ओम्बुड्समैन जैसी मिलती जुलती जैसी संस्था की स्थापना जिन दूसरे देशों में लागू की गई है उस प्रकार की संस्था की आवश्यकता हिन्दुस्तान के लिए मैं समझता हूँ और मानता हूँ लेकिन जैसा कि अभी एक माननीय सदस्य ने कहा कि हमारे देश में एक यूनिटरी फॉर्म ऑफ गवर्नमेंट नहीं है, इतना बड़ा हमारा देश है जहां पर कि 18 प्रांतीय सरकारें भी चल रही हैं उस जगह पर इस प्रकार की संस्था कहां तक उपयोगी होगी और कहां तक व्यावहारिक होगी इस बात पर विचार करने की आवश्यकता है । इसलिए माननीय सदस्य ने यह जो संकल्प रखा है कि संसद् सदस्यों

की एक समिति बनाई जाय इस बात पर विचार करने के लिए मैं समझता हूँ कि वह बहुत समयोचित है । यह जो समिति बनेगी वह विभिन्न देशों में जहां इस प्रकार की संस्था या इस प्रकार के अधिकारी की जो स्थापना की गई है उन के काम की भी जांच करेगी और यह भी जांच करेगी कि हमारे देश में यह संस्था किस प्रकार स्थापित की जा सकती है? मैं समझता हूँ कि माननीय सदस्य ने जो इस में रखा है कि इस कमेटी का काम इस तरह के संगठन के रूप फीज-बिल्टी, उस की व्यावहारिकता के बारे में विचार करना होगा, इस चीज को स्वीकार करने में मेरी समझ में सरकार के सामने कोई बाधा नहीं आनी चाहिए । इस प्रकार के प्रस्ताव पर विचार करने के बाद फिर जो उस समिति की रिपोर्ट होगी वह इस सदन के सामने आयेगी और सदन इस बात पर विचार करेगा कि समिति की रिपोर्ट समयोचित है अथवा नहीं और इस तरह की समिति की स्थापना हमारे देश में व्यावहारिक हो सकती है या नहीं । मैं समझता हूँ कि सरकार को इस प्रस्ताव को मान लेना चाहिए ।

इस सम्बन्ध में मैं एक दो बात और कहूंगा । प्रजातांत्रिक प्रणाली में प्रजातन्त्र के तीन मुख्य अंग होते हैं, लेजिस्लेचर, एक्जीक्यूटिव और जूडिशियरी । यह तीनों अंग एक दूसरे पर नियंत्रण लगाने के लिए बनाये गये हैं । लेजिस्लेचर का काम जहां कानून बनाना है, वहां कानून को लागू करने, अमल में लाने का जितना काम है वह हमारे देश में एक्जीक्यूटिव के जिम्मे है । जूडिशियरी, न्यायपालिका का काम लोगों को न्याय दिलाना है । उस का काम लेजिस्लेचर और एक्जीक्यूटिव के कामों पर निगाह रखना है और जहां भी वह संविधान का उल्लंघन होते देखती है वहां न्यायपालिका दखल देती है । लेकिन हमारे देश में न्याय

विभाग का जो संचालन होता है वह इतना खर्चीला है और उस में इतना समय लगता है कि साधारण नागरिक उस न्यायिक सुविधा का पूरा पूरा लाभ नहीं उठा पाता है। इस लिए भी मैं समझता हूँ कि ओम्बुड्समैन जैसी संस्था की जरूरत हो सकती है कि जिस में न ज्यादा खर्च करने की जरूरत हो और न ही समय ज्यादा लगे। मुझे मालूम नहीं है कि यह ओम्बुड्समैन जैसी जो संस्था होगी इस में कोई एक सदस्य होगा या कोई एक समिति होगी क्योंकि एक आदमी अगर पार्लियामेंट से नियुक्त कर दिया जाय और वह सारी शिकायतों को, जो कि 46 करोड़ जनता की हैं, उन शिकायतों की जांच करने में लग जाय तो यह सम्भव नहीं हो सकता है। मैं कहना चाहता हूँ कि यद्यपि प्रजातन्त्र में जो यह लेजिस्लेचर है, कार्य पालिका है या न्याय विभाग है, यह तीनों एक दूसरे के ऊपर नियंत्रण रख कर प्रजातन्त्र को सफल कर सकते हैं। लेकिन मेरा अनुभव मुझ बतलाता है कि प्रजातन्त्र से भी जनता को थोड़ी शिकायत रहती है अगर जनता की शिकायत ठीक समय से दूर न की जाय, जनता को न्याय अगर ठीक से नहीं मिले और वम खर्च में अगर जनता को न्याय न मिले तो जनता प्रजातन्त्र से भी ऊब जाती है और ऊब कर वह तानाशाही या डिक्टेटोरशिप की ओर बढ़ जाती है। अगर हम अपने देश में प्रजातन्त्र की रक्षा करना चाहते हैं, तो हमारे लिए यह बहुत जरूरी है कि हम यहां पर इस प्रकार की संस्था का निर्माण करें, जो जनता की शिकायतों की छान बीन कर के, बिना देर और खर्च के, जल्द से जल्द न्याय कर सके। अगर हम कोई इस प्रकार की संस्था खोज कर निकाल सके तो यह बहुत ही महत्वपूर्ण काम होगा।

मैं माननीय सदस्य के प्रस्ताव का समर्थन करता हूँ। इस बारे में कोई मतभेद नहीं है कि एक कमेटी बना कर इस प्रकार की व्यवस्था की आवश्यकता, वांछनीयता और व्यावहारिकता की जांच की जाये। अगर वह हमारे देश के लिए उपयोगी हो, तो उस को मान लिया जाये।

इस सम्बन्ध में निर्णय करने का अधिकार इस संसद् को होगा और वह समय पर निर्णय करेगी।

मैं समझता हूँ कि इस प्रस्ताव को अस्वीकार करने से हम एक ऐसे मौके को खो देंगे, जिस से लाभ उठा कर हम इस समस्या की पूरी जांच कर सकते हैं, जिस के द्वारा हमारे देश में प्रजातन्त्र की रक्षा हो सकती है और प्रजातन्त्र सबल और स्थायी हो सकता है।

श्री यशपाल सिंह : सभापति महोदय, यह रेजोल्यूशन लाने के लिए मैं माननीय सदस्य, श्री सिंघवी का बड़ा आभारी हूँ और उन को बड़ी मुबारकबाद पेश करता हूँ। उन्होंने ने इस देश की जरूरत को समझा है। हमारे देश में लाखों आदमी ऐसे हैं, जिन को इन्साफ नहीं मिलता है। महात्मा गांधी ने कहा था कि अगर इस देश में सच्चा राम-राज्य लाना है, तो इन मोटी मोटी फाइलों को जला दो — इन फाइलों को जला देने से लोगों को डायरेक्ट और सीधा इन्साफ मिलेगा। आज हालत यह है कि पांच पांच साल से मुकदमे पड़े हुए हैं, लेकिन उन का कोई फैसला नहीं हो पाता है। यह मानी हुई बात है यक इन्साफ करने में जितनी देर होगी, लोग इन्साफ से उतने ही वंचित होंगे—जस्टिस डीलेड इज जस्टिस डेनाइड।

जस्टिस में डीले को समाप्त करने का केवल यही तरीका है कि हम अपने देश में कोई इस तरह की व्यवस्था बनाय, उस को ऐसी संस्था का रूप दें, जो हर जगह जा कर लोगों की शिकायतों को सुन सके और उन को फारन दूर कर सके।

मेरी समझ में नहीं आता कि हमारे देश में अंग्रेज का सिस्टम कब तक चलता रहेगा। हम जानते हैं कि अंग्रेज ने यहां पर जो कुछ किया था, वह इसलिए किया था कि हिन्दुस्तानी परेशान रहे, हिन्दुस्तानी कभी चैन की सांस न ले सके। लेकिन आज आवश्यकता इस वान की है कि अंग्रेज के उच्च सिस्टम को खत्म कर दिया जाये। आज हालत यह है कि दफ्तर के एक कमरे में दो

[श्री यशपाल सिंह]

मेज हैं और एक मेज से दूसरे मेज तक किसी कागज को पहुंचने में दो तीन महीने लग जाते हैं।

इन सब दिक्कतों को दूर करने के लिए यह जरूरी है कि इस रेजोल्यूशन में जिस प्रकार की संस्था का मुद्दा दिया गया है, उस संस्था को कायम किया जाये। जब संसद ने यह जिम्मेदारी ली है कि देश के लिए इन्साफ और न्याय का एक सत्ता तरीका अपनाया जायेगा, तो समझ में नहीं आता कि सिवाय श्री सिधवी के रेजोल्यूशन को स्वीकार करने के हम और क्या उपाय करेंगे जिस से देश के हर इन्सान तक हमारा इन्साफ पहुंच सके।

जहां तक ला का ताल्लुक है, एक जज कुछ इंटरप्रेंटेशन करता है, दूसरा जज कुछ और इंटरप्रेंटेशन करता है और तीसरा जज कुछ और इंटरप्रेंटेशन करता है। यह ठीक है कि इस से उन का दिमागी डेवलपमेंट तो होता है, लेकिन इस में मुद्दई और मुद्दालेह हमेशा के लिए खत्म हो जाते हैं। स्वर्गीय पंडित मोतीलाल नेहरू ने कहा था कि एक शक्स के पास पचास लाख रुपये थे और वह हमारी हाई कोर्ट में जाया करता था, लेकिन बीस साल की मूकदमेबाजी के बाद उस के पास पांच रुपये भी नहीं रहे।

इस स्थिति में सुधार करने का एक ही तरीका है कि ओम्बुड्समैन प्रणाली को अपनाया जाये। यह प्रणाली जनता को बहुत ही सस्ती पड़ेगी और उस को न्याय के लिए खर्च नहीं करना पड़ेगा। इस के अलावा उस से हमारे देश की इज्जत भी बढ़ेगी। आज तक हमारे देश में इस प्रकार इन्साफ होता था कि लोग बंटी बजा कर और सीधे दरखास्त दे कर न्याय करने वालेसे मिल लेते थे। आज हालत यह है कि श्री कर्णीसिंह जी, बीकानेर के महाराज, ने कहा है कि एवरेस्ट पर चढ़ जाना बहुत आसान है, एवरेस्ट पर आदमी चढ़ सकता है, लेकिन मिनिस्टर या प्राइम मिनिस्टर से मुलाकात करना बिल्कुल असम्भव कार्य है।

यह बात किसी गैर-जिम्मेदार आदमी ने नहीं, बल्कि पार्लियामेंट के एक बहुत ही वरिष्ठ सदस्य ने कही है।

इस लिए यह बहुत जरूरी है कि माननीय सदस्य, श्री सिधवी, ने जो प्रस्ताव रखा है, उस पर अमल किया जाये। सिधवी साहब से मेरी दरखास्त है कि वह इस रेजोल्यूशन को वापस न लें और होम मिनिस्टर साहब से मेरा निवेदन है कि वह इस रेजोल्यूशन को मंजूर कर लें, क्योंकि यह बहुत इन्सॉसैट रेजोल्यूशन है। यह रेजोल्यूशन और इस में सुझाई गई व्यवस्था सब के लिए है, सारे भारतवर्ष के लिए है। इस में किसी पार्टी का सवाल नहीं है। हम उस देश में रहते हैं, जिस में महाराजा विक्रमादित्य के पास आठ साल के बाद एक मुकदमा आया था और उन्होंने मौके पर जा कर उस को तय कर दिया। लेकिन आज हमारे देश में इन्साफ इतना महंगा है कि लाखों रुपये खर्च करने के बाद भी तारीख नहीं मिलती है, इन्साफ नहीं मिलता है। एक अदालत कुछ लिखती है और दूसरी अदालत कुछ और लिखती है। यह ठीक है कि इस से जज साहबान की दिमागी डेवलपमेंट होती है, लेकिन उन की दिमागी डेवलपमेंट के लिए या स्टेट पे करे या जज साहब खुद पे करें। आज स्थिति यह है कि उन की तो दिमागी डेवलपमेंट होती है और मारे जाते हैं मुद्दई और मुद्दालेह। मैं यह नहीं कहता कि जो गलत निर्णय करते हैं, उन पर जुर्माना करना चाहिए। लेकिन उन को पूछना चाहिए कि उन्होंने किस घड़ी में बैठ कर ला को गलत इंटरप्रेंट किया है।

यू० पी० में इतना बड़ा बवंडर खड़ा हुआ और हाई कोर्ट तथा एसेम्बली में इतना ज्यादा वाद-विवाद चला। अगर सिधवी साहब का यह रेजोल्यूशन आज से एक साल पहले मान लिया गया होता, तो यह नौबत न आती और इस का बड़ा आसान इलाज हो सकता था। अगर इन्साफ की रक्षा करनी है, तो महात्मा गांधी के लफ्जों में इन्साफ

इस्ता देना पड़ेगा। अगर इन्साफ़ सस्ता मिलेगा, तभी देश तरक्की कर सकेगा, वना देश मुकदमों में उलझता चला जायेगा। आप आज के इन्साफ़ को देखिए कि कोई मेरा सिर फोड़ता है और मैं दावा दायर करने जाता हूँ, तो मुझ से कोर्ट फ्रीस मांगी जाती है—मेरा ही सिर फूटता है और मुझ से ही कोर्ट फ्रीस मांगी जाती है।

अगर यह रेजोल्यूशन पास कर दिया जायेगा, तो ये बहूदगियां खत्म हो जायेगी, सब दिक्कों खत्म हो जायेंगी और देश में सत्य और न्याय का राज्य कायम हो जायेगा।

Shri Muthiah (Tirunelveli): Mr. Chairman, I support the Resolution moved by Dr. Singhvi. There is imperative need today for a machinery in India to investigate and redress people's grievances. This machinery should be based on the model of the Ombudsman popular in Sweden, Denmark and New Zealand. There should be a public grievances officer or commissioner in our country today, because of the circumstances and conditions prevailing now.

The functions of the public grievances officer are to investigate people's grievances impartially and redress them quickly, to eradicate corruption at all levels, to redress administrative wrongs and excesses and to safeguard the liberties of the common people. This officer will have the authority to investigate complaints against officials and legislators. He will receive complaints from the common people and investigate them impartially and quickly. He should have the authority to summon any person or call for any document and examine any person on oath.

This officer should be appointed at all levels. There should be a public grievances commissioner at the central level, at the state level and at the district level. The volume of work naturally will be very large and so this public grievances officer should be assisted by adequate staff. He should be accessible to all people.

The qualifications for such an officer are adequate legal knowledge, absolute integrity, absolute independence and freedom from all government pressures and vested interests, ability, efficiency and easy accessibility to all people. This officer should have easy access to all files and materials.

I will mention the reasons why the appointment of such an officer has become necessary. There are too many procedural delays and obstacles in administration which handicap poor people in our country today. The redress of the common man's grievances is the sheet anchor of a popular democracy. The courses of remedy now open to a citizen are to publish his grievances in newspapers, represent them to legislators or ministers and resort to courts and secure writs to vindicate his rights. Resort to courts is very difficult for the common man for it is very costly for him in the first instance, then it involves too much delay in getting justice, and then, sometimes it ends in miscarriage of justice.

There is need for such an officer in India and this need has been stressed by very prominent citizens in our country. It has been commended by the present Chief Justice of India, Justice Shri Gajendragadkar, a former Chief Justice of India, Shri Sinha, a former Attorney-General of India, Shri Setalvad, and several leading lawyers in India. The statement of the Home Minister, Shri Nanda, in December, 1963 in Parliament is relevant in this context. He said:

"A machinery for looking into grievances of citizens against the administration is urgent. The Central Vigilance Commission cannot take up this work for its main task is to deal with corruption. So a separate machinery to deal with people's grievances is necessary".

Such a machinery is sure to ensure the rule of law and justice for all and peace and prosperity for all the people of this country

Shri A. N. Vidyalkar (Hoshiarpur): Mr. Chairman, I want to oppose this motion not because I do not subscribe to the idea of eradication of corruption or of grievances. I also wish that there should be some procedure for the removal of grievances. I oppose this motion not because I do not appreciate the intentions of the hon. Mover but because I think that what he has proposed is unnecessary. He is proposing a Committee of Members of Parliament that will go into this question. In their report on administrative reforms the Home Ministry have said on page 5:

"It was decided to have an immediate review in all the Ministries of the internal arrangements existing for handling complaints and grievances particularly in those areas where they or their attached and subordinate organisations came into contact with the public and to have separate complaints' cells under the direct charge of a senior officer for expeditious handling and disposal of complaints."

Then they say:

"In the context of the oft-repeated demand for an institution on the lines of the Ombudsman obtaining in Sweden and elsewhere, the question of having a Commissioner for the redress of the grievances of the citizens is being considered."

So, Government has accepted the principle of introducing this system in a different form. The name may be different. You may call it a commissioner or Ombudsman. Since Government had accepted it in principle, we should insist and press the appointment of the commissioner.

I agree with Mr. Dwivedy when he says that the executive should not take upon itself to give decisions. If an officer like the ombudsman is appointed and he is part of the executive, I cannot understand how he will be able to deal with allegations of a serious nature. In such matters, I

think the judiciary should be empowered to deal with such cases. There is a misconception about this demand that Government can eradicate corruption by these agencies. Government agencies can take some action against the corruption cases but I do not believe that Government alone can eradicate corruption. It can be done by the effort of the people, by better and proper education and building up character because after all what is the Government? Who forms the policeman? After all they come from the people and whatever is the standard of character, that will be prevalent among the government servants or policeman or any other agency. All the agencies among us will share all the vice and virtues that are common among our people. If an agency comes into existence, we will say: we have appointed this agency and we have eradicated corruption. I do not think corruption can be eradicated in this manner. I deeply sympathise with the hon. lady Member: I deeply appreciate her feelings of agony. I think that there should be some redress. But how are these cases relevant? For instance there are many cases of murder and for several years, months and months and years, they are pending before the High Court or the Supreme Court or other agencies. We have in our experience that there are election petitions pending for a long time. The person undergoes all the agony. Therefore, I do not think that the CBI could be criticised. It is an executive agency that investigates the matter and it should have access to all the official papers. If there is misuse of any power it can be looked into and redressed but that does not mean that we should outright condemn such agencies and go on adding more agencies and officers and officers. It is a serious matter and it should not be treated lightly; it requires serious consideration. So far as the Government is concerned, Government has to a certain extent stated that they had started the experiment. Let us see whether that

succeeds and what result comes out of it. Then only we can, on the basis of that experience, formulate further proposals.

Shri Narendra Singh Mahida (Anand): Mr. Chairman, I rise in support of Dr. Singhvi's resolution and also Shri Vishwanath Pandey's amendment for having in the Committee ten Lok Sabha Members and five Rajya Sabha Members to make a report to the House in three months. Parliament is a sovereign body and Members representing the different sections and making this Committee can go a long way in solving many problems. We receive so many complaints and representations from various sections of our people but we feel helpless sometimes because we are not able to assist them by merely listening to them or running after the different Ministries to redress those grievances. By having such a Committee we will be doing a useful service to the nation and Parliament and to our people. The Swatantra Party was the first in supporting such a scheme or Committee and I am proud of that Dr. Singhvi has taken it up and is forcefully putting it up in this Resolution. Except for one or two Members, there is universal acceptance. There is no response to public grievances from the bureaucracy, Unless there is a storm or agitation or unless a man goes on hunger strike nothing moves in this country. This idea should be removed. I welcome Mr. Mathur's suggestion in the Rajasthan committee; he gave a very useful idea and he has given the qualifications age, etc. The Home Minister should take note of it and see that these ideas are taken up and implemented. In my State, I had so many difficulties about foodstuffs and rationing. People had to wait for weeks to get oil, wheat and rice. The Governor was feeling helpless; the Chief Minister of Gujrat was feeling helpless. If these people approached the Prime Minister or the President or the Members of Parliament, we all would feel helpless because indi-

vidually we could not do anything. We have to synchronise all our efforts and do something for the good of the people. If we have an Ombudsman or rather a parliamentary panchayat—call it by any name you like which befits our democracy—many things could be solved. Corruption also, at the highest level, at whatever level it may be, even the Ministerial level, it will be dealt with. It will enhance the reputation of the Ministers if they appeared before such a committee and cleared themselves. That will give them a good and great reputation, and a good reputation to the Members of Parliament and to the country as a whole.

I am surprised that in such a large country as ours, one of the biggest democracies in the world, has not followed this system. Even small countries—small in respect of area and population—like the Scandinavian countries and also New Zealand, have this system. Even in the USSR, they have what is called the Procurators-General, and they have thus introduced this system. Why should we not think of it, because India has the panchayat raj for such a long time and it has been there through the panchayat system in our democracy. We should now also have a parliamentary panchayat as suggested.

My point is that even the Chief Justice and the Attorney-General and many leading jurists have supported this idea. I do not know why one Member here has opposed this resolution. If the Government is honest and if they mean business and if they want to drive out corruption, why should they oppose this resolution? When it is supported by Members of Parliament, it should be accepted.

I feel that some times smaller people are being harassed a lot. I know of a case in an erstwhile State in Gujrat where, after merger, the concerned government servants did not get their pension for seven years. I

[Shri Narendra Singh Mahida]

know that mention was made the other day about a Harijan not having received his pension for 17 years. These things are going on, and one feels helpless in the matter of giving justice to the smaller people. I therefore think that such a body or committee as the Ombudsman will be very helpful. I am quite sure that the hon. Minister will accept this resolution and see that this sovereign house is represented in a committee as suggested.

श्रीमती सहोदरा बाई राय (दमोह) :
हम को कल भी मौका नहीं दिया गया, आज तो कम-से-कम देना ही चाहिये।

Shri Ansar Harvani (Bisauli): Mr. Chairman, Sir, I am not one of those who think that every politician in this country is corrupt. I am not one of those who will make sweeping remarks about ministers at the Centre or in the States about their corruption cases. But I am really one of those who believe that our ministers like Caesar's wife should be above suspicion.

In the recent past there have been many affairs. We still remember the Mundhra affair; we still remember the Dalmia affair; we still remember the Punjab affair; the Orissa affairs is too recent. These affairs have shaken the confidence of the people in parliamentary democracy, in our politicians, in our ministers, Central as well as of the States. Therefore, it is the duty of the Congress Government to evolve a certain formula and set up an organisation and an apparatus to clear the position of these people who day in and day out are being accused of corruption.

We remember it very well that for many years in Punjab, allegations were made against the late Chief Minister there. We kept on sitting idle; we kept on sitting silent; we kept on doing nothing. We kept on brushing aside the charges that were brought not by the members of the

opposition but by the members of the Congress party themselves. But ultimately, circumstances forced us to make an enquiry into them, and the result of that enquiry is very well known. It is not necessary for me to repeat the result of that enquiry.

In the recent past, we resisted, and resisted to the last, any sort of enquiry into the affairs of the Orissa Government. We thought that a genius was ruling over the State of Orissa and that there was no necessity for making any enquiry about the affairs. I am not personally very much satisfied with the way in which that enquiry was made. Can you or can you not think of it? An ordinary inspector of the CBI or even an IG of Police finds it awkward to make an enquiry about a Chief Minister or a Minister. However, the CBI enquiry was made, and I am not prepared to go into the controversy whether the CBI report which has been placed on the Table of the House is genuine or fake, but even then, the result is very well known, and as a result of this report or that report—it has not been disclosed to us—the Chief Minister of Orissa had to go and the Chairman of the Planning Board there had to go. That shows the state of affairs.

Therefore, it is in the interests of the ruling party, it is in the interests of the Congress ministers, both at the Centre and in the States, that they should present themselves for some sort of enquiry and that enquiry should be in a dignified way, in a dignified manner, by a dignified organisation, by a dignified apparatus, and not by the CBI or anyone of the police organisations. I will go further and say that I support to a very great extent the demand of a section of the Opposition that a judicial enquiry should be made into the Orissa affair. We should not shirk it, and we should not be ashamed of it. If a man is corrupt, if my brother is corrupt, or my father is corrupt or if my colleague is corrupt, we should

hand them over to a public enquiry, because I am not for corruption. I hope and trust that the talks of corruption that are going on at all levels should be stopped. Today, India's greatest problem is corruption. Democracy cannot survive, the parliamentary democracy cannot survive, if our ministers are suspected.

A few years ago, at the Bangalore session of the Indian National Congress, I moved a similar resolution, but ultimately, I withdrew it, because an assurance was given that the income-returns or income-tax returns of the ministers and the legislators will be called for by the party. But when the decision came to be implemented, what happened? The adult sons have been exempted from filing their income-tax returns, and we only know so well their position, and we know so well how some of the adult sons of some higher-ups have been acting.

With these few words, without taking more time of the House, I support the resolution.

श्री रणजय सिंह (मुसाफिरखाना) : सभापति महोदय, आप की बड़ी कृपा है कि मुझे भी इस संकल्प पर बोलने का अवसर मिल गया जबकि वक्त बहुत कम था ।

डा० सिधवी ने जो संकल्प रक्खा है मैं समझता हूँ कि उस की भावना बड़ी उत्तम है । देश की वर्तमान दशा को देखते हुए आवश्यक है कि स्थिति के सुधार के लिये जितनी जांच पड़ताल हो सके हो । जो दशा है देश की उस में जो भी उपाय सम्भव हो उसे करने के लिये सब प्रकार से प्रयत्न किया जाना चाहिये । हम चाहे जो भी साधन अपनायें, लेकिन उन साधनों को सोच समझ कर अपनाना चाहिये जिस से कि वास्तव में बुराइयों को सामने लाने में सुविधा हो और किसी को भी शिकायतों का अवसर न रहे । शिकायतें बहुत हैं । उन को दूर करने के लिये किसी ऐसी संस्था को मैं आवश्यक समझता हूँ ।

इसलिए मैं डा० सिधवी के संकल्प का समर्थन करता हूँ ।

16.57 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Shri P. K. Deo (Kalahandi): Mr. Deputy-Speaker, Sir, I take this opportunity to congratulate my hon. friend Dr. Singhvi for having brought this most timely resolution. I fully support the resolution. When this cancerous growth of corruption has been corroding the moral fibre of the nation and when we hear of corruption even in the case of ministers and those who are placed high in the administration, we lose all faith in the government. People have been groping in the dark; they did not know from which quarter they could get redress. So, ultimately, they approached the Prime Minister who is the fountain head of the executive. In this regard, I most respectfully submit that the executive, instead of handing over the investigation of the corruption charges to a judicial body or to some other independent body, by arrogating the power of a judge they tried to decide those cases. The authority in power, with its brute majority, has been throwing its mantle to give protection to these corrupt people, the corrupt ministers. That is our experience in the case of Orissa affair. That is our experience in the case of Bihar and also Mysore. Only yesterday, a memorial has been submitted by the M.L.As. and M.Ps. of Rajasthan against the Rajasthan Government. We all know what will be the fate of this memorial or memorandum. But, at the same time, I feel that it is high time that some procedures were laid down as to how these serious charges or allegations are going to be decided.

17 hrs.

In this regard, I beg to submit that at the moment there is no regular procedure where these charges could be processed and various methods are being adopted. We know the case of the S. R. Das Commission. The report of

[Shri P. K. Deo]

S. R. Das Commission never saw the light of day, but we know what are the recommendations. It is now high time that we must have an institution like the Ombudsman in this country, who will be directly responsible to the Parliament, who will be an officer of this House and who will draw his authority from the elected representatives of the people. He will be appointed by the President, so that he will be properly insulated against any political pressure. We can expect justice only from such a body like the Ombudsman if there is the institution of Ombudsman on the model of Scandinavia and New Zealand.

In this connection, Sir, I would be failing in my duty if I do not point out that dealing with a case here and there is not going to solve the problem. Killing a mosquito here and there is not going to solve the mosquito problem. It has to be tackled at the breeding place. The breeding place of corruption is permits, licences and quotas. This system of permits, licences and quotas has to go. That is why the Swatantra Party has been harping from the very beginning that administration of licences, permits and quotas should be done by an independent authority. Then only we will be able to combat this menace of corruption to a great extent.

Shri Khadilkar (Khed): Mr. Deputy-Speaker, Sir, the House knows that there was a Committee set up known as the Prevention of Corruption Committee on which my hon. friend Shri Nath Pai and myself happened to be members. This problem, the subject matter of the resolution, the question of appointment of an institution of Ombudsman, was thoroughly gone into by that Committee in all its aspects, and while taking the question of corruption into consideration the Committee devoted considerable thought and devised certain means to eradicate corruption because corruption at several levels

must be looked at from different points of view.

For instance, speaking in Delhi a few months back, Shri S. G. Barve, who has recently assumed charge as Member of the Planning Commission, has made the following observation which is worth quoting:

"It is the corruption at the political level to which a good part of the administrative corruption is directly or indirectly accountable. Apart from the wider circle of corruption and nepotism so generated, the want of moral standards in public life is degrading to public morality itself. The cynicism and coarsening of outlook in the younger generation induced by this depravity in high places is amongst the heaviest tolls that the country is having to pay for this degradation of public life."

So the Committee had suggested a panel so far as ministerial corruption is concerned. So far as the institution of Ombudsman is concerned, the Committee felt that we should not import this institution as it is in Scandinavian countries or some other countries because political and social climate in this country must be taken into consideration while devising ways and means to remove the major grievances that are there.

So the main question is this. The subject matter of the resolution is Ombudsman. The principle is all right; it should be discussed. But the question is, can we just import that institution and implant it here. I do not think it is possible, it is feasible and it will help to eradicate the general feeling that there are grievances at all levels and they must be removed.

The main thing is, how to redress the grievances of citizens, what is the machinery for it and how can we check the uncontrolled power of administration, because today though it a democracy, in practice with the dif-

fusion of powers at various levels the checks and balances are not in existence and therefore certain uncontrolled power is exercised by the administrative personnel at different levels.

Therefore, the Committee had suggested a Directorate of Public Grievances. Unfortunately, while accepting the major recommendation of a Vigilance Commission, this part has not been accepted by the Government. Though they are considering how to bring about or how to bring into existence some machinery to remove public grievances, I am sorry to say that they have made a wrong beginning because they are going to entrust this work to some officer in the Ministry. I am very sorry to say this, because if an officer belonging to a ministry is supposed to look at the grievances there is no possibility of justice being done. Even if justice is done, people will never feel that justice is being done, therefore, taking into consideration the opinion expressed by the Chief Justice, as so many people have said, or the Attorney-General and other big people in public life, I would plead with the Home Minister that some machinery independent of the administrative machinery, independent of the bureaucracy must be made available to the common citizen to remove all his grievances. This is very essential. We should, as Shri Barve has observed, clean our political life. Unless we clean our political life, the general atmosphere will never be clean in this country. That recommendation also, regarding the setting up of a panel must be taken into consideration and in some form it should be accepted.

Mr. Deputy-Speaker: How long will the Minister take?

Shri Hathi: Half an hour.

An hon. Member: The time may be extended.

Mr. Deputy-Speaker: It has already been extended. I will call him at 5.15.

श्री श्रीकार लाल बेरन्ना (कोटा) :
उपाध्यक्ष महोदय, मैं इस प्रस्ताव का समर्थन करता हूँ। वैसे तो भ्रष्टाचार ने श्रीर महंगाई ने दोनों ने एक तरह का कम्पटीशन कर रखा है, जिस-जिस तरह से महंगाई बढ़ती जाती है उसी तरह से भ्रष्टाचार भी बढ़ता चला जा रहा है। पहले जब हमारे यहां दो रुपये मन डेढ़ रुपये मन गेहूँ बिकता था उस समय अगर 6 पर सेंट करप्शन था, तो आज जब गेहूँ बीस रुपया मन बिकता है तो करप्शन भी दस गुना ज्यादा बढ़ गया है। और जैसे जैसे हम ने इस का इलाज किया वैसे वैसे ही यह बीमारी बढ़ती चली गयी। सरकार ने भी कोई कमी नहीं की, लेकिन शासन की डिलमिल नीतियों के कारण यह मर्ज बढ़ता ही चला गया। इस की दवा पार्लियामेंट के सब सदस्य कर रहे हैं लेकिन मर्ज ठीक नहीं हो रहा है। अब डाक्टर साहब ने भी इस की एक दवा बताया है कि इससे भ्रष्टाचार खत्म हो जायगा। लेकिन मेरी समझ में नहीं आता कि बीमारी कैसे खत्म होगी। हमारे शासन की यह नीति रही है कि अगर कोई बड़ा सेठ साहूकार पकड़ा जाता है और वह देखते हैं कि यह दस हजार चन्दा दे सकता है तो उस को भी कर दिया जाता है, और देखा कि यह नमक मिर्च बेचने वाला है इसके पास तो साबत धोती भी नहीं है, यह क्या चन्दा देगा, उसको पकड़ लिया जाता है। इसलिए हम चाहे जितनी कमेटियां बनावें, चाहे जितनी समितियां बनावें, इसका इलाज होने वाला नहीं है। जब तक हिन्दुस्तान में चन्दा चलेगा तब तक यह भ्रष्टाचार भी चलेगा। इन दोनों में आपस में यही सम्बन्ध बना हुआ है।

हम छोटे छोटे आदमियों को पकड़ते हैं, किसी पटवारी को पकड़ लिया, किसी सिपाही को पकड़ लिया, किसी तहसीलदार को पकड़ लिया लेकिन जसा कि हरवानी साहब ने कहा मुख्य मंत्रियों के खिलाफ

[श्री श्रीकार लाल बेरवा]

आरोप लगाए जाते हैं, तो उन को छोड़ दिया जाता है। मैं इस बारे में ज्यादा नहीं कहूंगा क्योंकि मुझे गृह मंत्रालय की मांगों पर बोलना है। मैं केवल इतना कहना चाहता हूँ कि अगर केवल एक दो मिनिस्ट्रों को सख्त सजा दे दी जाती, अगर एक को भी दिल्ली के चांदनी चौक बाजार में शूट कर दिया जाता तो भ्रष्टाचार खत्म हो जाता, लेकिन उन को तो प्रोत्साहन दिया जाता है। अगर मंत्री पद से इस्तीफा दे दिया तो उनको राज्यपाल बना दिया जाता है। सख्त सजा नहीं दी जाती इसीलिए भ्रष्टाचार बढ़ रहा है। आप केरल में देख लीजिए, पंजाब में देख लीजिए उड़ीसा में देख लीजिए क्या मामला है और हमारे राजस्थान में देख लीजिए गुड़ खा गए और यहां गुड़ और लोहा खा गए। सरकार पुलिस की जांच को नहीं मानती समिति की जांच को नहीं मानती। कहते हैं कि पहले मुख्य मंत्री के पास ने आओ फिर कोई जांच आगे चलेगी। समिति जो बनाई जाय वह निष्पक्ष होनी चाहिए। हमने गांवों में ग्रामवासियों को ईसाफ दिलाने के लिए ग्राम पंचायतें स्थापित कीं लेकिन वहां जो गड़बड़ हुआ उसे कौन नहीं जानता है? ग्राम पंचायत के पांच मੈम्बर बन गये, इधर उधर देख लिया, किसी गरीब को कुचल दिया तो किसी के ज्वार व मक्का के खेत में बैल छोड़ दिया। काफ़ी अंधेरगदीं इन ग्राम पंचायतों द्वारा की जा रही है। जितना हम इस तरह से शासन की यूनिट्स को छोटा करतें गये उतना ही हम ने देखा कि काम गड़बड़ हुआ है। एक जमाना वह भी हमारा देखा हुआ है कि जब एक अंग्रेज़ अफसर आ जाता था तो तमाम दफ्तर के लोग चौकन्ना हो जाते थे और उनकी बोलती बन्द हो जाती थी लेकिन आज वह बात कहां है? मंत्री महोदय, इंजीनियर या और भी कोई बड़ा अफसर दफ्तर में चला जाये तो उन पर कोई खास असर नहीं पड़ता है और अगर पूछो भी तो खट के कह देते हैं कि डरने की क्या बात है,

हमारी अपनी सरकार है, यह चीफ़ इंजीनियर या अफसर साहब तो टैम्पोरैरी प्राये हैं हम तो परमानेंट सर्वेंट हैं हमारा यह क्या बिगाड़ सकते हैं?

दरअसल जब तक यह महंगाई समाप्त नहीं होगी और सस्ता जमाना नहीं आयेगा तब तक यह भ्रष्टाचार बढ़ता ही जायेगा क्योंकि आज गरीब कर्मचारियों को निरंतर बढ़ती हुई महंगाई के कारण विवश होकर भ्रष्टाचार करना पड़ता है क्योंकि उन्हें अपना तथा अपने बालबच्चों का पेट पालना होता है। गरीब अगर रिश्वत लेता है या अन्य भ्रष्टाचार करता है तो वह अपना तथा अपने परिवार वालों का पेट पालने के लिए करता है। लेकिन यह बड़े लोग उच्च सरकारी अधिकारी या मिनिस्टर्स लोग जो भ्रष्टाचार करते हैं तो यह अपने भाई भतीजों के लिए करते हैं और कुनबापरवरी के लिए करते हैं। यह ठीक है कि इन सब बुराइयों को दूर करने के लिए और जनता की शिकायतों का निवारण करने के लिए कोई एक ओम्बुड्समैन जैसी समिति स्थापित की जाय और उसके द्वारा इन बुराइयों पर रक लगाई जाय लेकिन खाली समिति बनाने से ही काम नहीं चलेगा, एक समिति नहीं दस समिति बना दें तब भी कुछ विशेष नहीं होने वाला है इसलिए जरूरत इस बात की है कि सख्ती के साथ नियन्त्रण लागू किया जाय और खतावारों के साथ कठोरता से पेश आया जाय और उन्हें सख्त से सख्त सजा मिलनी चाहिए।

Shrimati LakshmiKanthamma (Khammam): Mr. Deputy-Speaker, Shri Jawaharlal Nehru once said that it took him 8 to 9 months to form a small co-operative society. That is because of the way in which our administration is functioning. Here in Parliament we have got the Public Accounts Committee which goes into misuse of government money. We have also got the Estimates Committee.

Mr. Deputy-Speaker: This Resolution relates to Ombudsman,

Mr. Deputy-Speaker: She should conclude now.

Shrimati Lakshmikanthamma: Exactly. I am coming to that. I do not know what exactly Dr. Singhvi wants to achieve by the establishment of this institution. I feel the need of the time is to appoint a Committee of Members of Parliament from all sides, on the lines of PAC and Estimates Committee, to go into the grievances of the public.

Shrimati Lakshmikanthamma: Today in the public life Nandaji has got the greatest regard, whether he has been able to root out corruption or not, because he is sincerely working towards that end. Nobody could root it out completely. Even Krishna could not root out evil from the face of earth. If every one does his duty, whether he is a member of the public, politician, businessman or an administrator, corruption can very easily be rooted out from this country.

For instance, take the Public Accounts Committee and the way in which it is functioning. Though we have achieved freedom and we are an independent country, we are still working under the same old rules. The rigidity of the old rules still continues. Only the other day, we were presented with a big volume of the Report of the Public Accounts Committee on the working of Bharat Sevak Samj. That is not the only instance. There are, for instance, the Central Social Welfare Board, the Khadi Board and other boards. I had a discussion with the Chairman of this Committee and I came to know that it is working under certain limitations, because the rules are such. I feel that there should not be such difficulties when we are dealing with the general public. The Committee which I suggest should deal with the grievances of not only the public but also certain institutions which have their own difficulties or grievances with the administration.

Shri Hathi: Mr. Deputy-Speaker, most of the hon. Members have covered a field which is much beyond what the Resolution seeks to do. But as is my habit, I will not go into various other points which have been covered by several Members. I will confine myself to the Resolution, to the spirit of the Resolution, to the attitude and approach of the Government to the Resolution and to the subject matter of the Resolution and nothing further than that. I will not deal with either the CBI or the Orissa matter or any other matter not relevant to the resolution that has been referred to by hon. Members here.

Shri Nath Pai (Rajapur): That is embarrassing to the Government.

Shri Hathi: It is not embarrassing to the Government but, as I said, as is my habit, I stick to the points under discussion.

Shri Nath Pai: Which you think is convenient.

It has proved a success in countries like Finland, Norway and Sweden because the conditions prevailing there are different from our own. I feel that the difficulties faced by the PAC and other committees are due to the fact that the administration is not oriented or adapted to the present day conditions. Most of the corruption in administration is due to the long delay in the movement of files. All these aspects will have to be studied by the Committee which I have suggested.

Shri Hathi: But there is a force of habit—one force of habit is to have running commentary on whatever one speaks, the other force of habit is to stick to the theme which is before the House.

So far as the subject is concerned, Members have perhaps combined the two different aspects—one is the question of corruption and the other is the question of redress of public grievances. So far as the appoint-

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ment of a committee is concerned, we had already a committee appointed, known as the Santhanam Committee, and that committee was charged with the task of not only looking into the eradication of corruption but also to recommend what other measures it deems fit and in the wisdom of the committee and the members of the committee they recommended that there should be a central vigilance commissioner and this central vigilance commissioner should have three organisations under him—one would be a director for the redress of public grievances, one should be a police organisation for the purpose of investigation and the third to deal with vigilance matters.

If there is a question of appointing a committee of Members of Parliament, that committee had already been appointed and the report of the Committee is already before the Government. Now the question is of implementation of that report. What is the attitude of the Government in this behalf? Shri Khadilkar was perfectly right when he said that if you appoint an officer in the Ministry itself, the hierarchy of officers is generally prone to support what its department has done and therefore though that remedy exists, that may not be a fool-proof remedy.

There is also another aspect to consider and that is this. What is this redress of public grievance? That is in a way to see that the administration is responsive, that it looks to the complaints or grievances of the people, that it is geared up to such a strength that delays do not occur and that the administrative machinery itself is capable of dealing with matters that are entrusted to it in a way that the public may have the least cause of grievance. So, it is not that this officer who is sought to be appointed or who would be appointed will be in charge of grievances only; he will also see that whatever comes to him is properly disposed of and there may

be a superior officer also who could look into all these things.

Now, these are the questions which are being considered. But as to what form that should take, whether it should be an Ombudsman in the spirit or in the form which exists in different countries or it should be something different, is a matter to be considered. Some of the Members have thought that in order to eradicate corruption among people at the political level, such a machinery would be a cure for all evils. Even if we take the Ombudsman as it exists in Sweden, what is its function?

Its function is not to look to the corruption at the political level. I have an article by a very learned author here and there he has very ably said:

“Supervision by the JO covers, with certain exceptions, all central and local government officials. However, members of the Government are exempted from his control. The reason for this is that members of the Government formally have no power of decision of their own. All matters belonging to the Government are resolved in Cabinet Council where according to the Constitution the King alone decides. From a formal point of view, the members of the Government are counsellors only. How the ministers fulfil their duties as advisers is controlled exclusively by Parliament which may order the prosecution of a minister before a special court....”

The other article which is even by one of the members of the Ombudsman has also said that the Ministers are not subject to the supervision of the Ombudsman.

If we refer to the brochure which has been prepared by the Lok Sabha Secretariat we find this:

“The Swedish Ministers are not, either collectively or individually directly responsible for the indivi-

dual acts of civil servants outside their relatively small Ministries and do not come under the purview of the Ombudsman."

Then, further, it is stated:

"The Danish Ombudsman's jurisdiction comprises Ministers, as also others in the service of the government. Ministers in Norway and New Zealand do not come under the jurisdiction of the Ombudsman."

Then it is said:

"When judging whether there is need for J.O.'s control on the Ministers, it should often be kept in mind that Ministers have no responsibility, etc."

He has also said that this should not be a political ambit in the sense that there should not be any political pressure. If the Ministers are also brought within the purview of the Ombudsman, then there is likelihood of political pressures being brought in and it is one of the reasons why they have been kept apart.

Mr. Dwivedy put one question. He said that he did not want me to say that I accept the Resolution and that he would be satisfied if I say that we accept the idea of Ombudsman.

Shri Surendranath Dwivedy: You are going to do it.

Shri Hathi: Even if the idea of Ombudsman is accepted, the question will be of the powers, duties and functions. That may not perhaps respond to or satisfy what the Members want, that is, it may be the Ombudsman of the Swedish pattern where the Ombudsman may not have the jurisdiction over the Ministers. Then the very object with which you suggest that the Ombudsman should be there will not be satisfied.

Shri Surendranath Dwivedy: But you accept those objectives.

Shri Hathi: We have not accepted that. What we have accepted is this that there should be some machinery for the redress of public grievances. We have accepted that. I said so last time and I say so even now. What my hon. friend said was that if I said that we accepted the idea of Ombudsman then he would be satisfied. Now, supposing for a moment I say that I accept the idea, but in regard to the constitution, we take the Swedish pattern, then what will he say?

Shri Surendranath Dwivedy: It should be taken not merely in name but also in content.

Shri D. C. Sharma: We can expand its functions here.

Shri Hathi: As I have just pointed out, his idea has not been accepted in three of these countries. Therefore, the mere fact that the Ombudsman is there may not solve the problem which members want to solve or provide an answer to the question that we have before us. This is the first point that I would like to make.

The second point that I am making in this that the Ombudsman by itself is a good name, but if we look to the functioning of the Ombudsman, we find that it has a very vast and wide function. It has the power of inspection. If one reads through the reports of its working, one will find that in those countries many of the complaints which have been investigated have not been complaints lodged by individuals, but they are complaints which have arisen because of the power of inspection. The Ombudsman has got the power of inspection, and during these inspections, it has found such cases. The Ombudsman is given the power to inspect the courts also, and the judiciary is under the Ombudsman. I shall read out and point out what powers of inspection it has:

"At the inspection of the courts it is checked that there is no balance of work and that the cases

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are decided as soon as possible. At every court, the files of 25 civil cases and 25 criminal cases are selected at random and examined in detail with regard to the preparation and decision. At an inspection at the public prosecutors' it is checked *inter alia* that the time between crime and prosecution is made as short as possible, that preliminary investigations are conducted in a correct way and that detention is ordered only in accordance with the law."

This is the duty of the Ombudsman. It has the power to inspect courts. Then, it is said:

"Ever since the creation of the office, the J.O. in connection with his tours of inspection visited the prisons and by conversation with the prisoners secured information with regard to their treatment. It is interesting to compare the minutes of J.O.s prison inspection 150 years ago with those of today. Previously, terrible conditions.."

So, we find that the Ombudsman gathers information from the inspection of various offices, various agencies and various departments, and finds out what is wrong, what the causes of delay in the redress of the grievances of people are, and having done that, the Ombudsman recommends to Government: the Ombudsman has no power to punish directly the man; of course, it has the power to prosecute, and it can institute prosecution. But it has no power to punish directly the man, and it has to recommend to Government.

Now, let us see the number of cases dealt with, by this organisation. Let me take the case of Sweden, for example. The population there is about 7.5 millions. The complaints that the Ombudsman disposed of in 1959 was 780 and the complaints disposed of in 1960 was 983. In 1959, therefore, we find that three were 780 complaints disposed of. Out of these, 39 were

those arising out of the newspapers, 84 arising as a result of inspection, 619 investigated by officers concerned but no action taken by the J.O., in 8 proposals were made to Government and in 5 prosecutions were instituted. 780 cases in a year is all right in a country like Sweden with a population of 7.5 millions. But in a country like India, even one Ministry would have more complaints than 780. In each Ministry, therefore, we have started.....

Shri Surendranath Dwivedy: There may be the organisation in the States also.

Shri Hathi: That is apart from this. I am talking now only of the Central Government.

Dr. L. M. Singhvi: The same reason can be advanced for saying that the grievances are too many that they can never be redressed, and, therefore, we must suffer misgovernment and mal-administration.

Shri Hathi: No, no. We have to find out what should be done. We have taken steps to see that as far as possible, this is done. In each of the important ministries which have to deal with the public, we have opened a cell for dealing with complaints. So they are being dealt with. I have got figures.

Shri Surendranath Dwivedy: That is no answer.

Shri Hathi: That is no answer. I know. . .

Dr. L. M. Singhvi: Neither will justice be done, nor will it appear to be done.

Shri Hathi: What I mean to say is that we want the essence of the thing. We do not want the form. We want that the grievances of the people should be redressed.

Shri Surendranath Dwivedy: Which is the machinery to do it?

Shri Hathi: That is the point. We want there should be a suitable machinery to redress the grievances of the people. But let the two ideas not be combined—the question of corruption and the question of grievances. For corruption cases, we have already a Central Vigilance Commission, for dealing with corruption among government officials. So far as the redress of grievances is concerned, that also, is with Government. If a man has a grievance with any business firm, for example, for that this machinery would not be of any use. That is not even the idea. The idea is to redress grievances arising from the operation of government agencies or government machinery. For that, what should be the procedure and what should be the machinery.

One machinery has already been suggested by the Santhanam Committee, that there should be a Central Vigilance Commissioner and under him there should be a Director of Public Grievances who would look into the grievances. That idea is already there. Whether that itself would be sufficient or not is a question to be decided.

Therefore, what do we do? If there is an arbitrary decision by an officer, there must be some forum where it could be challenged. If there is delay, there should be some machinery by which it could be eliminated. These delays occur because of certain procedures, certain bottleneck, a certain way of handling things and inefficiency. What is the root cause of all these grievances? It may be because of a corrupt official who may not do justice, though justice should be done to the aggrieved. That is one thing. Wherever justice has not been done, there steps in the Central Vigilance Commissioner. A complaint can be made to him. He looks into it. Wherever there is neglect of duty or dereliction of duty, there also he comes in. Wherever there is delay because of not any *mala fide* reasons,

but because of certain procedures or a certain way of handling things, then comes the question of tightening up the administrative machinery. If we take steps to tighten the administrative machinery, much of the delay could be eliminated.

These other two grievances I referred to are—either dereliction of duty, neglect of duty or corruption, wherever there is a bias, wherever there is any prejudicial treatment to a person because of a certain bad motive or certain *mala fide* consideration. If that is proved that would be enquired into by the Central Vigilance Commissioner. Therefore, they have got the forum. Then comes the other question, the other difficulties which arise not because of any *mala fide* but because of certain other delays. We have to pinpoint why these delays occur. There you may say that the ombudsman has powers to look into various cases. We have appointed, as the House knows, four committees. These committees do not go into those things but into the procedural bottlenecks, the cause of the delays, why they occur and so on and they suggest to the Government the remedy for these. One of the teams in which there is Shri Mathur, has suggested certain reforms and the Commerce Ministry has already accepted that. Supposing a man goes for a licence and he has to go there a number of times because of certain procedures, that is a grievance and that could be eliminated if the procedure is set right. If the person does it not because of any bottleneck in the procedure but with a view to take bribe, then it comes under the case of corruption. For that we have already a machinery. But that is a complicated matter which is to be looked into in detail.

Shri Manoharan (Madras South): Even after the Vigilance Commissioner pronounced on officer or officials to be corrupt, I want to know whether Government was prompt enough to take action or failed to take action or delayed taking action.

Shri Hathi: I will give you the figures, the number of cases that had been started against officials. The percentage of successful prosecutions is 87; that is to say, 87 per cent convictions. Some action might have been taken departmentally. I want to distinguish between two different aspects; let us not combine the two. Today, unfortunately they are combining two things. One is the redressal of public grievance and the other is corruption. All these combined together naturally affect the common man; I fully agree. Where a man is aggrieved because of corruption, we have already a machinery. Wherever a man is aggrieved not because of corruption but because of neglect of duty or dereliction of duty which does not amount to dishonesty, we have to look to the cases how these delays occur and if we take out the root of the delay, then this very cause of the grievance will not remain. It is a matter which requires further studies. I was going to say that Government's attitude in this respect was to move forward in a way that it should be possible for us to meet the demands of the people so that their grievances are redressed.

Shri D. C. Sharma: When will it move?

Shri Hathi: It is already moving . . . (An. Hon. Member: They are considering to move). It is not considering to move. Mr. Deo made a point about the licences. There also both these things are there. It may be corruption; it may be a public grievance not minus corruption. It is not that the Government has not moved or "when it will move". It has already moved. The House is aware that we have already a special consultative group of the Members of Parliament consisting of both the Houses, the Lok Sabha and the Rajya Sabha and as recently as the 14th April, if I am not mistaken there was a meeting of this committee. The Members of this group are, Shri M. P. Bhargava, Shri Sudhir Ghose, Shri A. D. Mani, Shri M. Govinda Reddy, Dr. Siddhu, Shri

B. K. P. Sinha and Shri Gopi Krishna Vijayavargiya from Rajya Sabha and from Lok Sabha Shri Chaturvedi, Shri Hanumanthaiya, Shri Ansar Harvani, Shri Hari Vishnu Kamath, Shri Y. P. Mandal, Dr. Sarojini Mahishi, Shri Masani, Shri Harish Chandra Mathur, Shri Vasudeven Nair, Shri Sham Lal Saraf, Shri D. C. Sharma—he was not there on that day unfortunately—and so on. At that meeting, this very question was discussed. The question of such a machinery as Ombudsman was or what should it be was considered by this group on administrative reform. This special group on administrative reform which consisted of Members of both the Houses considered the question. At that meeting, the Home Minister, intervening, said:

"The Government did not want the Vigilance Commissioner's organisation to get mixed up with a machinery for redress of grievances. The idea of giving supervisory powers to an outside agency in respect of redress of grievances has still not been accepted and requires to be very carefully examined in the context of the demand made for Ombudsman. This question could be one of the matters to be studied by the Group if so desired."

श्री हुकन चन्द बछवाय (देवास) :
उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। मंत्री महोदय जवाब दे रहे हैं और हारस में कोरम नहीं है।

Shri C. K. Binattacharyya (Raiganj): Appoint an Ombudsman.

An hon. Member: Let the Home Minister continue.

Mr. Deputy-Speaker: When the question of quorum has been raised, he cannot continue. Let the quorum bell be rung—Now, there is quorum, The hon. Minister may continue.

Shri Hathi: Ultimately concluding the discussion for the day, the Home

Minister said that on three items, this committee or group of Members of Parliament consisting of both the Houses where all the parties were represented, should concentrate in the first instance. Therefore, a panel of Members of Parliament from this group with certain other Members also can be there.

Dr. L. M. Singhvi: The idea is to see that it is postponed at least until 1967.

Shri Hathi: The three subjects were: firstly, the question of administrative delays, secondly, the question of having a machinery for the redress of grievances in the context of the demand for Ombudsman; thirdly, the question of controls. These three are the subjects which will be taken up for study by the special consultative group of Members of Parliament on administrative reforms.

Therefore, what I mean to suggest is this. I am not at all opposed to the idea of having a machinery for redress of grievances. There should be some machinery. Last time also I accepted the principle and I gave an assurance that we are considering the matter. We have moved a bit further in the sense that we have had several cells in different ministries. In addition to that there is now this study group of Members of Parliament.

Shri Narendra Singh Mahida: That study group is not appointed by the House.

Shri Hathi: It is not. That is exactly the point. Do we want work to be done or do we want a particular fashion only?

Dr. L. M. Singhvi: We do not want it to be indefinitely postponed as has been done hitherto all the time.

Shri Hathi: It will not be indefinitely postponed. Therefore, Sir, for two reasons I cannot accept the resolution. One is that a Committee of

Parliament had already been appointed. The Santhanam Committee has made its recommendations. Now the question is one of implementation. This special consultative group will advise, and I can say in all sincerity that whatever the study group advises it shall be our endeavour to have some machinery which would redress public grievances. I would, therefore, request Dr. Singhvi to withdraw his resolution.

Shri Shree Narayan Das: Will it be included in its terms of reference?

Dr. L. M. Singhvi: Sir, I am extremely thankful to all the esteemed and honourable colleagues who have participated in the discussion, who have contributed a great deal to the crystallisation of ideas and to make the demand more intense and more pressing in the country and on the Government. The Government must have been impressed, I hope, if it is impressed by anything democratic, by the remarkable near unanimity and consensus of opinion from all sides of the House (*Interruption*). It appears to me that this was a meaningful consensus and by ignoring this consensus the Government is really undoing its own image deliberately by not respecting democratic opinion.

Shri Hathi: We are not ignoring.

Dr. L. M. Singhvi: I am particularly grateful to Shri Dwivedy who clinched the issue by putting categorically a forthright question to the Minister. He asked, what are the intentions of this Government in respect of this vital issue, and whether it intends to do anything at all except to postpone the issue, except to make sure that this proposal is not implemented into a proper institution for the benefit of this country.

Shri Vidyalankar sounded a slight note of dissent. I should like, in particular, to say that the two reasons which he had adduced actually cancelled each other. He said that the resolution does not lie because the report of the Home Ministry on page 5

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already accepts the idea of Ombudsman. Secondly, he said that one more institution like the Ombudsman would do no good. I am not able to reconcile the two arguments by any stretch of logic or imagination. I have great respect for my hon. friend, Shri Vidyalankar, but....

Shri A. N. Vidyalankar: I said, one more institution in addition to what the Government already has.

Dr. L. M. Singhvi: Precisely that.

I do not think we have here even an earnest attempt, a token of the government's seriousness or sincerity in the matter.

The hon. Minister started out his reply by saying that we already had a Committee namely, the Santhanam Committee. It has been used, I think, more as an excuse, a very lame excuse. I should like to ask the hon. Minister as to why the Government has not been able to accept the most important recommendation of the Santhanam Committee in respect of appointing a national panel for eradicating corruption in high political places. This was the question raised here in the course of the discussion by a member of the Santhanam Committee, Shri Khadilkar. He asked this question, and I know the Minister has no reply to give. Nearly one and a half years or more have lapsed and the Government, each time we put a question or raise a discussion, say that the matter is receiving attention. They have learnt at the feet of their precursors, the bureaucrats, this language which deeply displeases us all, and I think this bulk-passing is only going to do a tremendous amount of damage to the cause of progress and to the cause of creative effort in streamlining our constitutional and administrative machinery.

Shri Bakar Ali Mirza (Warrangal): He says, it does not include politicians and Ministers.

Dr. L. M. Singhvi: I do indeed. I am afraid, I am not impressed by any

of the arguments of the Minister, even though I have very great personal regard for my hon. friend, Shri Hathi.

He said that the Santhanam Committee had not recommended Ombudsman. The Minister would be good enough to recall that the Santhanam Committee was appointed only for the purpose of working out procedures for the eradication of corruption. As I have pointed out, Ombudsman is not only an institution for eradication of corruption, it is something more, in addition to it; it is an institution for making available to the common citizen of this country, an adequate machinery for ventilating, for having his grievances investigated and for having his grievances redressed.

In the first place, the Minister does not implement the recommendations of the Santhanam Committee in respect of appointing a national panel. In the second place, he says, at any rate, we had a Committee of Members of Parliament. And yet the Minister would claim that we are considering the matter which is extremely complex, which defies all human effort, so far as the Government of India is concerned and, therefore, the Government of India is still considering what the functions of this body should be, and how this body should be brought into existence. It is a very sad commentary on the understanding and the earnestness of this Government.

I would like to draw your attention to another argument which was adduced by the hon. Minister. He says that there is no need to appoint any other Committee of Members of Parliament. And yet he has I think adduced the best argument for appointing another committee. Because, for the last two and a half years whenever I have been raising this subject, time and again, on the floor of the House, all that I could elicit from them was there are different kinds of Ombudsman in different countries, they have different functions, they have different jurisdic-

tions,—as if I am not aware of the variations—and, therefore, the Government of India is considering as to what would be the best to adopt for our own country. Now, this is precisely the purpose for which I thought that perhaps if the Government of India were not able to see the light, we would be able to show them the light, if the Government do not have the capacity of entangling confusion, the capacity of willingness or readiness to accept in an open-minded spirit a suggestion made by a Member with the feeling that such a suggestion would contribute to the benefit of the nation.

Mr. Deputy-Speaker. I would like to know why it is that the Government all the time express their inability or difficulty in being able to finalise the functions of this institution. The Vigilance Commission, the Minister has pointed out, is only for official corruption; it does not deal with ministerial corruption. The national panel which was recommended by the Santhanam Committee is not accepted by the Government as yet. But, so far as the redressal of grievances are concerned, the Government it content to repeat *ad infinitum* and *ad nauseam* that it is receiving their most benevolent consideration, perhaps in the perspective eternity.

It appears to me that the Government has been prone, as in many other fields, to hunt with the hounds and hide with the hare. They do not want to completely disown an idea, which is a popular idea, and yet they have not the courage, they have not the imagination or the creative approach to face up to new ideas. If the old Walrus were around, he would not have talked of cabbages and kings but he would have referred to the utter confusion which characterises the administration of this country.

We were greatly heartened when the present Home Minister, soon after he took the mantle of his present office, came out with what appeared to be a very audacious, and, what

now appears to be, a somewhat thoughtless declaration of his intention to sacrifice himself in a spirit of self-righteous self-immolation if he were not able to eradicate corruption from this country within a few years. I do not know what his intentions in that respect are, but I do not think that the country is entitled to ask this Ministry and this Government to give us an earnest of its willingness and its sincerity really to constitute a body, really to bring into existence a mechanism which would serve the purpose which I have outlined.

Shri Nanda, I should like to say in brief and in passing, has a touch both of the yogi and the commissar. He has a bit of the Sadhu Samaj and a bit of the Congress Socialist Forum; a bit of astrology and a bit of planning. It is, therefore, very difficult for me to solve the riddles in which the Government formulate their stand.

Shri Kapur Singh: Planning goes well with astrology.

Dr. L. M. Singhvi: It seems that the spectre of corruption hovers over this country very heavily today. It seems that grievances of the people are crying to the skies and that corruption has acquired the quality of a lurid and grotesque dream in this country which haunts the body-politic all the time. I fear that the reply, which the Minister has given, will crack the image of its sincerity. Perhaps it is too much to hope that this Government might yet be able to pick up the livid fragments into which the image has broken by taking up this idea and seeking to implement it in right earnest before it is too late.

Shri Bakar Ali Mirza: What about politicians and ministers? Are they included?

Dr. L. M. Singhvi: Yes, they would be included in the idea that I have outlined.

Before I conclude, I only have this to say. I would characterise the

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Minister's reply as a brush-off reply, a reply which does not redound to the credit of a minister who is as understanding and responsive as Shri Hathi is known to be, a reply which, I think, constitutes one of the many fragments in the pile of broken promises of the Government and a reply which perhaps suggests that the Government thinks that it is quite self-sufficient, that it does not have to make a reasoned rebuttal of a good case in Parliament because it has a brute majority....

Shri Hanumanthaiya (Bangalore City): Do not say "brute majority".

Dr. L. M. Singhvi:a reply which is so obtuse that it is completely confined to its own private mythology in these matters and is not open-minded at all. I am very sorry that it has now become a matter of conscience and I am unable to withdraw the Resolution.

Mr. Deputy-Speaker: I will put the amendments to the vote of the House first. The question is:

That in the resolution,—

after "Members of Parliament",
insert—

"consisting of ten Members of Lok Sabha and five Members of Rajya Sabha, with instruction to make a report to this House within three months,".
(1)

The motion was negatived.

Shri Narendra Singh Mahida: There was not a single "No".

Mr. Deputy-Speaker: I will put it again then.

Shri Kapur Singh: It is no use putting it again. Now the matter is closed; it is over now. You cannot put it again. But we merely wish to

represent that there was not a single "No".

Mr. Deputy-Speaker: Then, I shall put Shri D. C. Sharma's amendment.

Shri D. C. Sharma: I withdraw it.

*Amendment No. 2 was, by leave,
withdrawn.*

Mr. Deputy-Speaker: Now I shall put Shri Yashpal Singh's amendment. The question is:

That in the resolution,—

omit "including the possibility of establishing an institution analogous to the institution of Ombudsman existing in Scandinavian countries as well as in New Zealand".
(3).

The motion was negatived.

18 hrs.

Mr. Deputy-Speaker: The question is:

"This House is of opinion that a Committee of Members of Parliament should be constituted to examine the form and feasibility of bringing into existence suitable machinery for investigation and redress of public grievances, including the possibility of establishing an institution analogous to the institution of Ombudsman existing in Scandinavian countries as well as in New Zealand."

Shri Hari Vishnu Kamath: There should be quorum when the vote taken. There is no quorum now.

Shri Vasudevan Nair: There quorum.

Mr. Deputy-Speaker: There quorum.

An hon. Member: There is no quorum.

Mr. Deputy-Speaker: I will count the number.

Mr. Deputy-Speaker: There is quorum.

श्री हुकम चन्द कछवाय : कोरम नहीं है कोरम के बिना कार्रवाई कैसे हो सकती है?

Lok Sabha divided:

Division No. 15]

AYES

[18.02 hrs.

Alvares, Shri
Aney, Dr. M.S.
Dwivedy, Shri Surendranath
Himmatsinghji, Shri
Kachhavaiya, Shri Hukam Chand

Kamath, Shri Hari Vishnu
Kapoor Singh, Shri
Krishnapal Singh, Shri
Mahida, Shri Narendra Singh

Mohan Swarup, Shri
Singhri, Dr. L. M.
Warior, Shri
Yashpal Singh, Shri

NOES

Alva, Shri A. S.
Azad, Shri Bhagwat Jha
Balakrishnan, Shri
Balmiki, Shri
Basappa, Shri
Bhattacharyya, Shri C. K.
Brajeshwar Prasad, Shri
Chavan, Shri Y. B.
Chuni Lal, Shri
Dass, Shri C.
Hanumanthaiya, Shri

Hem Raj, Shri
Kripa Shankar, Shri
Krishna, Shri M.R.
Krishnamachari, Shri T. T.
Malhotra, Shri Inder J.
Muthiah, Shri
Pratap Singh, Shri
Raju, Shri D. B.
Raju, Dr. D. S.
Ramdhani Das, Shri
Rane, Shri

Rao, S hri Jaganatha
Samanta, Shri S. C.
Sen, Shri P. G.
Sharma, Shri D. C.
Shree Narayan Das, Shri
Siddananjappa, Shri
Subbaraman, Shri
Tiwary, Shri R. S.
Valvi, Shri
Venkatasubbaiah, Shri P.
Vidyalankar. Shri A. N.

Mr. Deputy-Speaker: The result of the division is: Ayes*—14, Noes—37.

The motion is lost.

The motion was negatived.

“This House is of opinion that the arrangements for defence of Indian borders (with Pakistan, China and Burma) should be further improved and their protection should be under the overall supervision of the Defence Forces.”

Mr. Deputy-Speaker: He may continue the speech on the next day. The House stands adjourned to meet again on Monday at 11 A.M.

18.05 hrs.

RESOLUTION RE: DEFENCE OF INDIAN BORDERS

Shri Krishnapal Singh (Jalesar): I propose to move:

18.06 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, April 26, 1955/Vaisakha 6, 1887 (Saka).

*Ayes: The name of one member could not be recorded.

**Noes: The names of four members could not be recorded.