

We only know from what we hear from various sources that the position has not improved. We are also afraid that there is a liaison between the fifth columnists on the one side and the Chinese on the other side of the border. This liaison is only becoming stronger, and their not also is being spread over larger areas. How much of truth there is it is not possible for us to know, nor can we check these rumours that come to us. We only know from past experience that our Government, in its civil as well as military arms, has not been effective, has not been efficient.

**Mr. Deputy-Speaker:** Does the hon. Member want more time?

**Shri Ranga:** Yes, Sir.

**Mr. Deputy-Speaker:** He may continue on the next day. Now we shall take up non-official business.

14.30 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS  
FORTY-FIRST REPORT

**Shri Muthiah (Tirunelveli):** I beg to move:

"That this House agrees with the Forty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th April, 1964."

**Mr. Deputy-Speaker:** The question is:

"That this House agrees with the Forty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th April, 1964."

*The motion was adopted*

14.31 hrs.

RESOLUTION RE: PEOPLE'S PROCURATOR—*contd.*

**Mr. Deputy-Speaker:** The House will now proceed with the further discussion of the resolution moved by Dr. L. M. Singhvi on the 3rd April, 1964. One hour and fourteen minutes are left.

**Dr. L. M. Singhvi (Jodhpur):** My submission is that the time for the debate on this should be extended by at least half an hour.

**An Hon. Member:** By one hour.

**Dr. L. M. Singhvi:** You might see later on.

**Mr. Deputy-Speaker:** We will see. Dr. Singhvi may continue his speech. He has already taken sixteen minutes.

**Dr. L. M. Singhvi:** Mr. Deputy-Speaker, Sir, when the debate was adjourned on the 3rd April, 1964, I was submitting that there has been very little creative thinking regarding administrative institutions and processes in our country. I was advocating the appointment of a committee like the Franks Committee in the United Kingdom, and I was advocating the formulation of a uniform administrative procedure code for the entire country. I was also emphasising the need for adequate machinery for ventilating and redressing public grievance, which indeed is the principal purpose of the resolution before the House.

Sir, I raised this matter in a regular debate when we were discussing the Demands for Grants of the Ministry of Law on April 3, 1963, and when I asked the hon. the Law Minister whether Government were inclined, aware as they were of the implications of this matter, to consider this proposal, the Law Minister said:

"That is for the Prime Minister. I cannot answer for this Government on an important matter of policy like this, particularly when

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Government has not considered this point up till now at the governmental level at all."

Then again the Law Minister went on to say:

"Possibly, a resolution may be moved, a non-official resolution on which possibly it will be answered by the Prime Minister himself; and then we might carry on thinking on this subject, seeing at the same time how it succeeds in a system of parliamentary democracy like that of England or New Zealand or ours where there is a very strong Parliament and a strong judiciary".

After this statement by the Law Minister we had the statement of the Prime Minister which he made while addressing the All India Congress Committee at its Jaipur session on November 3, 1963. During this speech he said that the system of Ombudsman fascinated him, for an Ombudsman had overall authority to deal with charges, even against a Prime Minister, and commanded respect and confidence of all. But he felt that in a big country like India that system might not be the right solution.

I would deal also with the statement made by the Union Home Minister, Shri Nanda, on December 16, 1963 in this regard. He said:

"The importance and urgency of providing a machinery for looking into the grievances of citizens against the administration and for ensuring just and fair exercise of administrative powers, is fully recognised. 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."

The Union Home Minister went on to say:

"Accordingly the Commission will not have a Directorate of General Complaints and Redress. The question of evolving a machinery for dealing with the grievances of citizens against the administration is being separately examined, and the Department of Administrative Reforms, which is contemplated, will work out the details of such a machinery".

As a matter of fact, I think that this august House is entitled to regard this as an assurance on the part of the Union Home Minister, and no amount of semantic subterfuge which has been sought to be employed thereafter would entitle the Government of India to wriggle out of this commitment which the Union Home Minister solemnly gave to this House, namely, to take steps for setting up an institution for ventilating and redressing public grievance, whatever the detailed form it might take.

I should like to draw the attention of the House to the report of the Committee on Prevention of Corruption, popularly known as the Santhanam Committee, on this aspect of the matter. The Santhanam Committee has in my humble opinion done excellent work and it deserves a tribute from this House for the path-breaking work it has done. Nevertheless, in this respect I think it has been limited by a somewhat timid approach. It has sought to suggest that while there is a large consensus of opinion that a new tradition of integrity should be established in this country, and while it has suggested that a code of conduct for Ministers should be evolved and that specific allegations should be enquired into even against Ministers by the Prime Minister's own agency to which he may delegate such powers of investigation, the Santhanam Committee has, however, not proceeded to draw the logical conclusions which it

should have drawn from the assumptions it accepted. The Santhanam Committee has said:

"The Central Vigilance Commission should not deal with complaints against the Ministers nor would it be desirable to establish any permanent tribunal. The proper course would be for the President to constitute, on the advice of the Prime Minister, a 'National Panel'. Whenever allegations against a Minister require to be inquired into an *ad hoc* committee should be selected out of this national panel by the President."

My submission is that this is advocating an *ad hoc* approach or an approach of postponement to a vital problem which concerns our administrative institutions and processes. I submit that we cannot deal with the problem in an *ad hoc* indecisive manner or by an approach of postponement. I submit therefore that this matter should be looked into here and now, and the hon. Union Minister of State for Home Affairs should reiterate the commitment given to this House by the Union Home Minister.

Sir, I should like to refer to the large body of informed public opinion in this country which has favoured the establishment of an institution such as the one advocated by me. I should like to draw the attention of this House to the Convocation Address delivered by the Chief Justice of India, Shri P. B. Gajendragadkar at the Indian Institute of Public Administration on the 15th July, 1963, wherein he advocated serious consideration for the establishment of an institution like the one I have suggested.

I should like to draw the attention of the House to the joint statement by thirteen leading lawyers practising at the Supreme Court who have also endorsed the suggestion for the establishment of an institution such as the one suggested by me.

Shri M. C. Setalwad, former Attorney-General of India and a distinguished jurist of this country has also emphatically suggested the establishment of an institution such as the Ombudsman.

The idea has also been endorsed by the former Chief Justice of India, Shri B. P. Sinha.

I could multiply the numerical strength of these supporting opinions, but it is clear from what I have mentioned before the House that there is a large body of informed and knowledgeable public opinion in this country which favours the establishment of this institution, and Government would ignore this advice tendered by these eminent jurists in this country only at the peril of endangering the progress and the growth of administrative institutions on a democratic basis in this country.

I have also dealt with the built-in inappropriateness or inadequacy of formal judicial remedies which are available to the citizen today for the redress of some of his grievances. I have also shown in the first part of my speech that parliamentary interrogation and interpellation does not fully serve the purpose of redressing and ventilating public grievances.

Now I shall deal with the device of *ad hoc* enquiries which has been advocated by the Santhanam Committee, and I shall answer the question whether these enquiries, whether they are public enquiries or departmental enquiries, could possibly answer the exigencies created by the whole complex of administrative and political problems in this country. A departmental enquiry is a greatly constricted process and it does not evoke public confidence. It is usually considered to be a hush hush affair. Whenever the feelings and tempers are frayed and the controversy is at a high pitch, or when the complaint is against the administration itself, the departmental enquiry would always invariably fail to satisfy public opinion. An *ad hoc*

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public enquiry such as could be appointed under the Commission of Inquiry Act is an elaborate procedure and it is designed to deal with major scandals. It cannot be invoked with any measure of facility for the day-to-day grievances of the common citizen. These *ad hoc* enquiries into mal-administration are seldom ordered unless there is a strong public clamour and pressure. Public inquiries under the Commission of Inquiry Act may be attended by spectacular, even festive, fanfare, but it would not be conducive to constructive and substantial results. It is also not a readily available and accessible means.

I should also like to deal with the benefits of having an institution such as Lok Ayukta. The main benefit is that we would be establishing an impartial machinery which would be independent of the real and apparent pressures and influences of the Government. It would be free from actual or assumed interference by the Government. The security of tenure and the stipulation against removal of Lok Ayukta that I have provided for would constitute an insurance for the independence of the Lok Ayukta and would evoke public confidence generally.

Another great benefit which would flow from this institution would be the informality of its procedure. We know very well that judicial proceedings are formal and sometimes fail to give redress even where there has been a wrong. The Lok Ayukta would not work as a brake or impediment on the normal processes of administration and would, therefore, not slow down the processes of departmental functioning. What is more, the Lok Ayukta, as contemplated in my resolution, would have complete access to files and materials, so that he would be able to determine and adjudicate on the basis of all the materials. Parliamentary interrogation and interpellation and parliamentary debate can legitimately be subjected to the criticism that an adroit minister may

quite often get away with deliberate evasions. Therefore, I feel that this is the only institution which can really fulfil the main demands and requirements generated by the administrative complexities of the present day.

There are three main objections to the institution which I have contemplated in my resolution. One objection was voiced by the Law Minister when he replied to the debate on the Demands for Grants of his Ministry. He said, this would require constitutional amendment and legislation. This is a lame excuse. A Government which has been seeking to amend the Constitution day in and day out cannot claim that the Constitution as it is in force is sacrosanct and is beyond the process of amendment. In this case particularly there can be no valid objection against the amendment of the Constitution and enactment of new legislation, because what we are seeking to do is not to change the existing institutional procedures, but to engraft new institutions. The Law Minister said that our adoption of this institution would depend on the experience in other countries. I do not have the time to go into details of the working of this institution in other countries. But I can say without any hesitation and without any fear of contradiction that this institution has worked very successfully in the countries in which it has been adopted, which include an English-speaking country also for it seems that the Law Minister has a particular weakness for Anglo-Saxon systems. New Zealand, which is a member of the Commonwealth, has worked this institution with a conspicuous measure of success.

Another objection raised is that such an institution cannot function successfully and effectively in a large country like ours, which also has a federal framework. This also is an ill-conceived objection to the institution of Lok-Ayukta. For one thing, if the objection is based on the appre-

hended volume of complaints before the Commissioner, it is quite clear that in a country like ours, where there would be not only an Ombudsman at the Union level, but there would be Ombudsman at the level of each State or each zone, there would be no difficulty about the volume of complaints.

I do not have the time to go into figures and statistics. If I had the time, I could illustrate from figures in Denmark and Sweden that the volume of complaints has been no problem at all.

**Mr. Deputy-Speaker:** He should conclude now.

**Dr. L. M. Singhvi:** Yes, Sir; I am concluding in a minute. I think by and large the objections against this institution have stemmed from a fear of the unknown, from a sort of administrative superstition, which has got itself entrenched in the machinery of the Government.

Before I conclude, I would like to quote Lord Shawcross. This is what he has to say while commending this institution in his preface to the Report of the Whyath Committee:—

“But the nature of governmental and local governmental activity is now such that large areas of discretion are created in regard to all sorts of matters affecting the lives and rights of ordinary people in varying degrees.

With the existence of a great bureaucracy there are inevitable 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 possesses 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. As this Report shows, too often in fact there is not.”

Sir, with these words, I commend this resolution to the House in the hope that it will find general support and meet with sympathetic response from the Government.

**Mr. Deputy-Speaker:** Resolution moved:

“This House is of opinion (a) that an Officer of Parliament to be known as the People's Procurator (Lok Ayukta), broadly analogous to the institution of Ombudsman in Sweden, Denmark and New Zealand, be appointed, under suitable legislation for the purpose of providing effective and impartial investigating machinery for public grievances, for eradicating corruption at all levels, for redressing administrative wrongs and excesses, for securing the liberties of citizens, and generally for strengthening the basic foundations of parliamentary democracy as a system of government;

(b) that the People's Procurator should be a person of known legal ability and outstanding integrity and should be appointed by the President of India on the recommendation of both Houses of Parliament. The term of each Procurator shall be coterminous with that of each Parliament and a Procurator shall not be eligible for re-appointment as such and shall not accept any office of trust or profit at the disposal or in the dispensation of the Central Gov-

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ernment or any State Government for at least ten years after his laying down the office of Procurator. The Procurator shall be removable only in accordance with the procedure laid down in article 124(4) of the Constitution.

(c) that broadly the People's Procurator or Lok Ayukta should have the following powers and functions:—

(i) The Procurator shall have the power to investigate any decision or recommendation made or any act done or omitted, relating to a matter of administration affecting any person or body of persons in or by any of the Ministries and departments or by any Minister, Officer, employee or member thereof in the exercise of any power or function conferred on him by any Statutes, rules or directives. The Procurator shall make general and specific recommendations to the Government and shall suggest action against those, who in the execution of their official duties, have through partiality, favouritism or any other cause or consideration, omitted any unlawful act or neglected to perform their duties properly;

(ii) The Procurator may make any such investigation either on a complaint made to him in accordance with requirements to be detailed in a suitable enactment or on his own motion;

(iii) Without limiting the foregoing provisions, the Procurator shall also investigate any petition that may be referred to it by either House of Parliament or any Committee thereof subject to the directives of

the referring House or Committee and shall submit his report thereon;

(iv) The powers of the Procurator shall be exercised in accordance with the principles and directives laid down in a motion to be passed by the House of the People and approved by the Council of States from time to time;

(v) If any question arises whether the Procurator has any jurisdiction to investigate any case or class of cases, the Procurator may, if he thinks fit, apply to the Supreme Court for an advisory opinion in the matter;

(vi) The Procurator shall have power to summon any documents or persons and shall have power to examine any person on oath;

(vii) The Procurator shall in each year make at least one comprehensive report to Parliament on the exercise of his functions;

(d) That People's Procurators, with analogous powers and functions should also be appointed in all the constituent States of the Indian Union, and that necessary steps should be taken expeditiously in order suitably to amend the Constitution and to enact legislation for effectuating the aforesaid purposes."

There is an amendment by Shri Sidheswar Prasad.

**Shri Sidheshwar Prasad** (Nalanda): I beg to move:

That in the resolution in—

(i) Para (a), line 9—

for “generally” substitute “primarily”.

(ii) Para (b), line (3)—

after “President of India on the” insert unanimous”.

(iii) Para (c) (iv), line 3,—

(i) after “passed” insert un-  
animously”.

(2) for “House of the People” substitute “Lok Sabha”.

(iv) Para (c) (iv), line 4,—  
for “Council of States” substitute Rajya Sabha”.

(v) Para (c) (v), lines 3 and 4,—

for “apply to the Supreme Court for an advisory opinion in the matter” substitute “request the Parliament for direction”

(vi) Para (c) (vi), line 1,—

before “The Procurator” insert—“Except the President, or the Parliament, or the State Legislatures, as the case may be”.

(vii) Para (c) (vii), line 2,—

after “Parliament” insert “for discussion”.

(viii) add at the end—

“(e) that simultaneously with the appointment of Lok Ayukta or the People's Procurator immediate steps be also taken to reconstruct the structure of

general administration and judiciary in such a way that both may be more efficient, cheaper, quicker and thus, in a way, be helpful in the work of the Lok Ayukta.” (1)

**Mr. Deputy-Speaker:** The resolution and the amendment are before the House. The time allotted is 1½ hours. Hon. Members will take five minutes each.

**Dr. L. M. Singhvi:** It is no use having a debate like that. This is a complex and specialised subject. I have cited statements from responsible persons including the Prime Minister. It is a subject engaging the attention of the whole country. So, if Members are asked to confine themselves to five minutes, it is asking them to do the impossible.

**Shri Surendranath Dwivedy** (Kendrapara): No useful discussion can take place if only five minutes are allowed. At least 10 minutes should be given to each.

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

**Hon. Members:** Yes, Sir.

**Mr. Deputy-Speaker:** All right. The time for this resolution is extended by 1 hour. Upto 4.40 this will go on. Shri Mathur.

**Shri Harish Chandra Mathur** (Jalore): Sir, I will take 15 minutes. Otherwise, I cannot make out my points.

**Mr. Deputy-Speaker:** He may take 10 or 12 minutes and try to finish as early as possible.

**Shri Harish Chandra Mathur:** Sir, I rise to give my full and unqualified support to the resolution moved by my esteemed friend, Dr. Singhvi. This

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incorporates the idea which we have been arguing on the floor of the House for the last five years. Whenever the Demands for Grants relating to the Ministry of Home Affairs have come in for discussion we have put forth this suggestion all the time. Sir, the process of democracy, as it is, does take time, but I think we have arrived at a situation when we must take stock of the conditions obtaining in this country and take certain positive steps.

What is the problem before the country, before the citizens and before the administration? To my mind the problem No. 1 before the country, before the citizens and before the administration is that we must have a clean political life and a clean administration. Every one feels agreed that there is a general impression all over the country that the administration does not enjoy that respect and confidence which it ought to have. For whatever reasons it may be, I think there can be no greater harm done to a government or an administration if it loses the faith and confidence of the people at large.

In most of the countries surrounding us the political life has gone to such a low ebb that the politician and the political life have gone down the drain and along with that the democracy also. It is only this great country which has sustained administration, which has sustained democracy, of which we can very well be proud of. It was largely due to the fact that we had in the political life leaders who had the imagination, who had caught the imagination of the people and for whom the people in the country, by and large, had a great fascination. Now that old lot is dying out and we have got factions and even those leaders that we have been talking so low at each other, that the respect which the political life must command is not what it ought to be.

Another factor which had a very great demoralising effect on the political life is the factions amongst the Congress Party itself, which has percolated down to the lowest level. They have also distorted the image of the political life in the country and the respect for the politicians. The same party and the same persons have been in power for a long time. That also has its effect and impact on the public mind.

Then, we have in our Prime Minister an outstanding personality. The Prime Minister has been one of the greatest assets for this country. He gave this country continuity of administration. He gave this country integration. He has been responsible for keeping this country together. But, unfortunately, it had also a very adverse effect on the political life on the other side, because most of the people in political authority have, instead of having their eyes, ears and conduct tuned to the sensitivity of the public opinion, always rivetted their attention on the Prime Minister, how to keep him pleased and how to keep those who surround him pleased and flattered. This also has undermined and damaged very considerably the image of political life in this country.

Another important factor which we have to take note of is that we had no Opposition worthwhile in this country. It is only just because of historical facts and because the Opposition has no alternative programme to project before the public mind. They have very much depended on the abuses, on abusing the ruling party, on the negative aspect of pulling-down the prestige of the Congress and on the failures of the Congress. That also has further contributed in bringing down the respect for political life.

**An Hon. Member:** I question that.

**Shri Harish Chandra Mathur:** But it is unfortunately a fact, that instead of having any political programme their main stay is the weakness of the



Congress. They bank only upon the weaknesses and failures of the Congress. (*Interruptions*). There may be loud protests, but these loud protests have no substance. (*Interruptions*). That, unfortunately, is a fact.

**Shri Surendranath Dwivedy:** That does not mean that the party in power only has a positive programme and no other party has. Because one party has come into power, it does not mean that the other parties have no positive programmes. Shri Mathur should devote more time in studying the programmes of other parties before he makes such statements.

**Shri Ranga (Chittoor):** Sir, I would only appeal to my hon. friend not to spoil his very good speech by making these unnecessary remarks about other parties. Surely, it is not good.

**Shri Harish Chandra Mathur:** I think my hon. friends in the Opposition should appreciate what I have said regarding the Congress Party itself, its weaknesses and its failures, and they must be prepared to accept that their main strength is not their party programme but all the parties with varying different programmes getting together and exploiting only the weaknesses and failures of the Congress Party. This has been their only strength wherever they have achieved success. (*Interruptions*).

**Mr. Deputy-Speaker:** Order, order. Hon. Members will have their chance to oppose. (*Interruption*).

**Shri Ranga:** He is unnecessarily importing an irrelevant point. We did not interrupt him. He was making an excellent speech.

**Shri Harish Chandra Mathur:** I am very grateful to my hon. friend, Shri Ranga, for his valuable advice. But let him understand the political situation as it obtains in the country today. What I am saying is...

**An Hon. Member:** It simply does not arise.

**Shri Alvares (Marmagoa):** Why does he want to balance the weakness of the Congress by the exploitation of the Opposition parties?

**Shri Harish Chandra Mathur:** Now, Mr. Deputy-Speaker, this is why the political life in this country has gone down very much in the estimation of the people, and we have got to take a serious note of that fact.

Again, in the administration, what has happened is, there was a big vacuum and along with that vacuum what happened was that war-time controls corrupted the administration very considerably. We had to take that inheritance. Even after the war-time controls what further corroded the administration was that we had a sort of a concept of a Welfare State and a developing economy and there were further controls. So it opened fresh fields, fresh pastures for the administrative services. Then came the corrosion of the services and of the political life by unhealthy political pressures about which my hon. friends Shri Ranga, Shri Kapur Singh and others were so vociferous today during the Question Hour when I made a strong point of another aspect.

All these are factors which are before us. If we are to save democracy, if we are to inject a clean political life, we must have a certain institution which will be able to serve that purpose. What are those institutions which we have at present? My hon. friend, the Minister of Home Affairs, after all the gusto, the drive and the expectations which he created, gave us a Vigilance Commission. I may tell him that even the Chief Justice of India, the present Chief Justice of India, who speaks with all the restraint and dignity of a head of the judiciary, said that this Vigilance Commission—in a speech which I attended—will not serve the purpose for which it is meant. It will be just

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another department of the Government and we cannot expect very much from it.

Another thing about the political life is that they expect that the Home Minister will take action against ministers, the Chief Minister will take action against his colleagues. I do not think there can be any more puerile, any more ridiculous sort of arrangement to punish the ministers. Shri Deshmukh wanted certain cases to be taken up, but he could not present those cases because he was convinced there was no agency worthwhile before which the cases could be placed. I gave four or five cases to the Home Minister myself and told him that in those cases no further enquiry was necessary because from the records it was proved that action could be taken in them. 2½ years have passed and nothing has happened so far. I also told him in that letter that I was prepared to give him another half-a-dozen cases provided I was satisfied that some action, some effective action could be taken. So, this Ombudsman or the Commission for Parliamentary Institutions will have to be absolutely independent, held responsible only to Parliament, to be appointed on the recommendation of Parliament for the tenure of the period of Parliament and that effective instrument will be able to deliver the goods. This has happened in other countries, where I have got instances of Ministers, Ambassadors and high officials who have been dealt with in quick time and how the citizen has been able to find great relief through this instrument of parliamentary investigation.

15.00 hrs.

If we are to give teeth to our democracy, if we are to give spine and substance to Parliament itself, this institution is very necessary. What is happening in Parliament today? We discuss many things and allegations are thrown against ministers and senior officers; yet, no action

is taken. If we just observe what has been discussed during this very session, the budget session, here as well as in the various States, serious charges have been levelled against Ministers, top officials like Chief Secretaries and others. Yet, no action has been taken and no action is likely to be taken. This creates a very bad climate. Further, this is intended not only to wipe out corruption but also to save Ministers and others from character assassination. Unless and until we have such an institution which commands the respect of the people and the Legislature, we will not be able to discharge this function.

**Mr. Deputy-Speaker:** He should conclude now.

**Shri Harish Chandra Mathur:** I will conclude in a minute. In the Constitution we have provided that the people must have social, economic and political justice and liberty. What have we provided for that, apart from law courts? And we know the functioning of law courts.

This institution of Ombudsman is not an alternative either to law courts or administrative Tribunals. It is an independent institution to take care particularly of those people who are in political authority at the highest level and in administrative authority. It is the people's watch dog, a very powerful friend of the citizen. I have not been able to conceive of any person who can be such a powerful friend of the citizen to give him justice and all that.

To my mind, the results which will flow will be that it will make Parliament and the State Assemblies really effective bodies, because instead of discussions it will provide them with an answer, it will provide them with a parliamentary officer who will pursue, who will take note of what is

happening in parliament and in the country. He is a person who can take action *suo motu*. It is not as if things have to be reported to him. He can *sue motu* take action, he can take notice of what has come out in the press, what is stated in parliament, apart from what is directly reported to him.

So, this will give real backbone and teeth and thus make our democracy strong. It will strengthen the faith and confidence of the people in Parliament and parliamentary institutions. It will save Ministers and other high officials from blackmail and character assassination, because it will give its report to Parliament of its findings. It will provide the most effective deterrent against corruption and corrupt practices. It will also guard against administrative or official excesses.

As I said, it is not an alternative to law courts. In the Rajasthan Administrative Reforms Committee we have given thorough consideration to this matter and in the report we have made clear cut recommendations as to what should be the State level and what we should do. It is time that we have done something in this direction so that we are not to go down the drains as some other countries have gone. It is time that we inject health in our political life, in our administrative services so that we can be able to see that the largest democracy has not gone that way down the drains.

**Shri Ranga:** Mr. Deputy-Speaker, Sir, I wish to thank both the mover of this Resolution, Dr. Singhvi, as well as Shri Mathur. So far as this House goes, I think it is Shri Mathur who has had to his credit the record of raising this subject to this importance and prominence by his questions and supplementaries and also by the Resolution that he has moved earlier to this effect. So, I personally would like to express my gratitude to both of them. I also thank one of our

elder statesmen, Shri K. M. Munshi, who for the first time brought before the public the need for organising, developing and accepting this institution of Ombudsman.

This word is a strange one, a foreign one too, difficult to pronounce, difficult also to understand what it means. Similar is the word that has been coined by my friend, Dr. Singhvi. But I do not have any other word with me. So, for want of any better word, I would accept this word for the time being.

**Shri Sidheswar Prasad:** The word is 'Ayukta'.

**Shri Ranga:** This is a kind of Sanskrit which I do not understand. According to us, *Ayukta* means something undesirable; *yukta* and *ayukta*. Therefore, let us not go into that and unnecessarily waste our time.

Evidently, it is accepted by all that there is corruption in all ranks of life today, unfortunately; in all walks of life that deal with public work and public life, and it is not only the ruling party that has to concern itself about it. All political parties, all public workers, social workers, any one who is interested in the welfare of not only himself but also of other people in his own small locality or village or city, in the local politics, panchayat politics or municipal politics or State politics, all of us must take special interest in order to see that corruption is brought down. It is not only the responsibility of the Government but also the responsibility of all political parties and of all of us here. And it is from that point of view that I would like to congratulate my hon. friend, Shri Surendranath Dwivedy, Shri Hem Barua, Shri Kamath and the late lamented friend of ours, Shri Feroze Gandhi, who have played their role so effectively in Parliament by utilizing Parliamentary practices to bring to the fore some of the most outstanding instances of political corruption. It stands to their eternal credit that two Cabinet Ministers have had to resign

[Shri Ranga]

from their high posts because of the revelations that they had so courageously placed before this House and to the country through this House. At the same time, we must also see the trend of the remark made by Dr. Singhvi that there are limitations beyond which parliamentary interpolations and parliamentary procedures cannot go. Therefore, it is necessary that we should have an institution like this.

Now, who is to appoint this institution, this particular officer? The Parliament itself. Therefore, the ruling party need never be afraid of it. So long as parliamentary system continues, whether they continue or we continue or any other political party continues, the party in power will have a very big say in its appointment.

**Shri Harish Chandra Mathur:** There must be unanimity in its appointment.

**Shri Ranga:** The party in power will have a very big say. We do not want to have a major say. Anyhow, it will have such a commanding powerful say that no political party which happens for the time being the ruling party need be afraid of the consequences of allowing Parliament, helping Parliament or enabling Parliament to bring into existence such an officer.

As my hon. friend has already said it, I need not repeat it, but I do emphasise that it will safeguard the prestige and the position of every one of the members of the ruling party, their Ministers and also the leaders of the Opposition and their members in Parliament. For very good reasons, my hon. friend, the late Pandit Thakur Das Bhargava was responsible for helping Parliament to get the Offices of Profit Act passed. It has served a very good purpose. At the same time, see the limitations of it. It was because of the existence of that Act that one of our members, a prominent

front-bencher on the side of the Congress was obliged to resign his membership when he accepted an important position in one of the public corporations or commissions. But then what happened? After having gone there, he continues to be one of the leaders and he continues to be in the Working Committee. How can one be expected to deal with things in an impartial manner when he happens to be the chairman of a non-political commission and at the same time continues as one of the national leaders of the ruling party? Therefore, there are limitations behind that also.

Then, what happens? My hon. friend, Shri Mathur, has already referred to it. These ministers and ex-ministers are accusing each other. There was a time when we had complete faith in the Prime Minister himself. Whenever there were any complaints that we had to make against any of the ministers, either at the Centre or at the State level, we used to refer it to the Prime Minister. But, unfortunately, for us....

**Shri Harish Chandra Mathur:** I said, "All-India leaders". That includes Rajaji.

**Shri Ranga:** Quite right. I do not know, what he means by it.

**Shri Harish Chandra Mathur:** Now Rajaji is speaking against the Prime Minister and the Prime Minister speaking against him.

**Shri Ranga:** I am not dealing with it. We had so much faith in the Prime Minister that we referred all these things to the Prime Minister. But, unfortunately, just as certain powers of the King in England had come to naught because of disuse or because of not being used, the faith that the people had reposed in the Prime Minister had come to be wasted away by the Prime Minister himself by his failure to come to grips with this particular problem and dealing

with it in an impartial, powerful and effective manner.

So, the time has now come when Parliament must make up its mind with the help of the ruling party and of the leaders of the opposition parties on this, namely, that there should be this institution which would be above the Prime Minister and which would be capable not only of prying, inspecting and examining even the activities of the Prime Minister but also of sustaining the reputation of the Prime Minister as well as every one of the Members of Parliament.

Now we must go far beyond it. There is no question of the size of this country. My hon. friend has answered it very effectively by saying that we can have one Ombudsman for every State. Therefore, there is no question of the size of this country. What is more, the so-called decentralisation through panchayats and all these things has really not brought about any decentralisation and has not brought down corruption but, on the other hand, has spread the tentacles of corruption from Delhi right down to every village at the time of elections and in the management of the panchayats and so on. Then there are the co-operatives and various other kinds of institutions that are being brought into existence through community development, panchayati raj and 101 things. We have our complaints against the Government that they are spreading their own tentacles. They say that we are trying to use them for political purposes. But what is really happening is that all these controls through the Government are increasing and so all the greater is the need for an institution like this in order to help every one who is working in every one of these institutions—democratic, independent, partisan, political, non-political, social, all these institutions—to see that all those who are placed in charge of these institutions are controlled, supervised and also sustained in their reputation. Then alone public life will come back again to its own as it

used to be when Mahatma Gandhi was our leader and when it was a pride for all of us to say that we are public workers and politicians. Today most unfortunately because of the failure of the Government—I say 'unfortunately' because I was associated with them for so many years and even then I used to tell them but they did not heed my warnings which were given then in their own interest and in the national interests also in the name of Mahatma Gandhi—because of all these things today to be a politician and a public worker has come to be a very dangerous thing indeed for any one who really cares for his own reputation.

**श्री सिद्धेश्वर प्रसाद :** श्रीमान् मैं माननीय सदस्य, डा० सिधवी, को बधाई देता हूँ ।

**डा० मा० श्री अणे (नागपुर) :** माननीय सदस्य अंग्रेजी में बोलें । इस प्रश्न का सार देश से सम्बन्ध है ।

**श्री सिद्धेश्वर प्रसाद :** ... कि उन्होंने एक महत्वपूर्ण प्रस्ताव सदन के सामने विचारार्थ प्रस्तुत किया है । मैं अपने संशोधनों के साथ इस प्रस्ताव का समर्थन करता हूँ ।

इस में कोई सन्देह नहीं है कि हमारे देश में भ्रष्टाचार की समस्या ने जो गम्भीर रूप धारण किया है, वह किसी विकास-शील अर्थ-व्यवस्था के लिये कोई नई बात नहीं है । जिन अन्य देशों में लोगों ने प्रजातांत्रिक प्रणाली से राष्ट्र के नव-निर्माण का कार्य अपने हाथ में लिया था, वहाँ ऐसी समस्याएं उत्पन्न हुई थी । लेकिन इस में भी कोई सन्देह नहीं है कि इंग्लैंड या अमरीका, फ्रांस या जर्मनी जैसे देशों से हमारा देश कई अर्थों में भिन्न है । इस लिये हमें इस समस्या का समाधान भी उन देशों से कुछ भिन्न तरीके से ढूँढना होगा ।

[श्री सिद्धेश्वर प्रसाद]

माननीय सदस्य, डा० सिधवी, के अतिरिक्त श्री माथुर और प्रांफेयर रंगा ने इस प्रस्ताव का समर्थन करते हुए इस समस्या के महत्व की ओर इस सदन का ध्यान आकृष्ट किया है। यदि हम चाहते हैं कि हमारे देश में प्रजातन्त्र सफल हो, तो एक ऐसे व्यक्ति की निःशर्त आवश्यकता है, जो ऐसे किसी भी व्यक्ति के बारे में जांच कर सके, जांच करने के बाद फैसला दे सके और सरकार को इस सम्बन्ध में उचित कार्यवाही करने के लिये राय दे सके, जिनके विरुद्ध भ्रष्टाचार की कोई शिकायत हो, फिर चाहे वह व्यक्ति कोई मंत्री हो, कोई ऊंचा आफिसर हो, हाई कोर्ट या सुप्रीम कोर्ट का कोई जज हो, जिसके विरुद्ध भ्रष्टाचार की कोई शिकायत की जाये।

यद्यपि यह एक बहुत महत्वपूर्ण प्रश्न है लेकिन फिर भी मैं यह अनुभव करता हूँ कि केवल एक लोक-आयुक्त की नियुक्ति से, अथवा इसी प्रकार राज्य-स्तर पर भी लोक-आयुक्तों की नियुक्ति से इस समस्या का समाधान सम्भव नहीं है। इसी लिये मैंने अपने संशोधनों में इस बात की ओर संकेत किया है कि यदि हम सचमुच यह चाहते हैं कि हमारे देश में भ्रष्टाचार की समस्या का कोई स्थायी समाधान निकाला जाय, लोक-आयुक्तों की नियुक्ति के अतिरिक्त हमें प्रशासन के ढाँचे में सुधार करने के लिये और प्रशासन के स्तर को ऊंचा उठाने के लिए तुरन्त कोई ठोस कदम उठाना होगा।

इस समय हमारे देश में प्रशासन का जो ढाँचा है, उसको देख-सुन कर निश्चय ही बहुत दुःख का अनुभव होता है। न केवल किसी काम को करने में काफी विलम्ब होता है, जिससे भ्रष्टाचार में वृद्धि होती है, बल्कि इसके साथ ही हमारे देश के नागरिकों राष्ट्रीय चरित्र का स्तर अत्यन्त निम्न होने की वजह से ऐसी बहुत सी समस्याएँ उत्पन्न होती हैं

जिनका समाधान आसानी से ढूँढना सम्भव प्रतीत नहीं होता है। इस लिये इन मामलों की जांच करने के लिये और कोई अधिकारी नियुक्त करने के बजाय यह बेहतर होगा कि लोक-सभा के द्वारा लोक-आयुक्त के रूप में एक अधिकारी की नियुक्ति की जाय, जो कि भ्रष्टाचार के मामलों की जांच कर सके। लोक-सभा हमारे देश की सर्वोच्च प्रतिनिधि संस्था है। यदि लोक-सभा के द्वारा अपने कार्य-काल तक के लिये लोक-आयुक्त की नियुक्ति की जाती है, तो वह न केवल वह भ्रष्टाचार के मामलों की जांच और उनके बारे में अन्तिम निर्णय शीघ्र से शीघ्र करेगा, बल्कि उसका एक बहुत बड़ा लाभ यह भी होगा कि हम इस कदम के कारण लोक-सभा में, जनतन्त्र में, जनता का और अधिक विश्वास उत्पन्न करने में सफल हो सकेंगे।

15.18 hrs.

[MR. SPEAKER in the Chair]

मेरे माननीय पूर्व-वक्ताओं ने इस बात की ओर संकेत किया है कि हम लोक-सभा में अक्सर तरह-तरह की बातों की चर्चा करते हैं, इन चर्चाओं में भ्रष्टाचार की बात भी आती है और कोई दूसरी बातें भी आती हैं, लेकिन लोक-सभा में इन बातों की चर्चा से जिस लाभ की ओर तुरन्त कार्यवाही की जाने की आशा की जाती है, वह आशा पूरी नहीं होती है। इस सदन में लगभग हर एक विषय पर अनेकों बार चर्चा होती है, लेकिन उसका कोई परिणाम नहीं निकलता है।

अगर हम चाहते हैं कि जनतन्त्र में जनता का विश्वास और दृढ़ हो, लोग इसमें ज्यादा दिलचस्पी लें और जनता से अच्छे प्रतिनिधि चुन कर लोक-सभा में आयें, तो इसके लिये जनता में लोकतन्त्र के प्रति निष्ठा उत्पन्न करने के लिये यह आवश्यक है कि लोक-सभा ऐसे मामलों पर विचार करने के लिए सर्वोपरि-अधिकार-प्राप्त सत्ता के रूप में

काम करे। यदि लोक सभा सर्व-ममत्ति से लोक-आयुक्त की नियुक्ति करती है, तो हम इस समस्या का समाधान ढूँढ़ने में बहुत दूर तक सफल हो सकेंगे।

जिन देशों के उदाहरण दिये गए हैं, उनकी परिस्थितियाँ निश्चय ही हम से भिन्न हैं और हमारा संविधान भी उनसे भिन्न है। हमारा एक संघीय संविधान है। इस की वजह से भी दिक्कत हो सकती है। लेकिन इसके वावजूद मैं अनुभव करता हूँ कि हमारे देश में ऐसे लोक-आयुक्त की नियुक्ति की नितान्त आवश्यकता है और इसीलिए मैंने माननीय सदस्य, डा० सिधवी के प्रस्ताव का समर्थन किया है।

इस सम्बंध में मैं यह भी कहना चाहता हूँ कि लोक-आयुक्त की नियुक्ति के समय हमें इस बात का ख्याल रखना पड़ेगा कि हम कैसे जनतंत्र के लिए अनुकूल वातावरण के निर्माण में सफल हो सकते हैं। जब तक हम इस बात को ध्यान में रख कर लोक-आयुक्त की नियुक्ति नहीं करेंगे और इसके साथ ही प्रशासनिक ढाँचे में और लोक-सेवा के दूसरे पदाधिकारियों की नियुक्तियों में भी इस बात का पूरा ध्यान नहीं रखेंगे, तब तक केवल लोक-आयुक्त की नियुक्ति से इस समस्या का समाधान सम्भव नहीं होगा।

इसी सिलसिले में संतानम कमेटी की रिपोर्ट की तरफ भी हमारा ध्यान आकर्षित हुआ है। निश्चय ही संतानम कमेटी की रिपोर्ट की मैं एक अत्यंत महत्वपूर्ण मानता हूँ। संतानम कमेटी ने जहाँ ऊँचे अफसरों और मंत्रियों तथा राजनीतिक कार्यकर्ताओं में फैले हुए भ्रष्टाचार की चर्चा की है वहाँ इस बात की ओर हमारा ध्यान आकर्षित किया है कि बड़े बड़े पूंजीपतियों ने और उनकी जो संस्था है, चैम्बर्स आफ कामर्स एंड इंडस्ट्री, उसने इस भ्रष्टाचार के उन्मूलन के कार्य

में किसी प्रकार का सहयोग देने से इन्कार किया है। यदि किसी भी प्रकार का सहयोग हमारे देश के पूंजीपति भ्रष्टाचार के उन्मूलन के काम में नहीं देंगे तो वैसी स्थिति में भ्रष्टाचार का उन्मूलन सम्भव नहीं है। संतानम कमेटी ने स्वयं स्वीकार किया है कि ऊँचे अफसरों तथा ऊँचे तबकों में जो भ्रष्टाचार पाया जाता है, उस भ्रष्टाचार की बहुत कुछ जिम्मेदारी हमारे देश के पूंजीपतियों पर, हमारे देश के उद्योगपतियों पर है। ऐसी स्थिति में यह आवश्यक है कि इन मसलों को हल करने के लिए इस समस्या के इस पहलू की ओर भी हम ध्यान दें।

सरकार की आलोचना बहुत की जाती है। लेकिन यह जो दूसरा पहलू है उसकी तरफ हमारा ध्यान नहीं जाता है। अखबारों में संतानम कमेटी की रिपोर्ट की बहुत चर्चा हुई है। लेकिन उस आलोचना में भी इस बात का अधिक ध्यान नहीं रखा गया है, इस ओर अधिक ध्यान नहीं दिया गया है कि किस प्रकार से सरकारी उच्च अफसरों और दूसरे महत्वपूर्ण पदों पर नियुक्त व्यक्तियों को भ्रष्ट करने में इस वर्ग का भी अत्यंत महत्वपूर्ण हाथ रहा है।

तीसरी महत्वपूर्ण चीज जो है, वह राष्ट्रीय चरित्र निर्माण की है। इन सारी समस्याओं को हल करने के लिए मैं ऐसा अनुभव करता हूँ कि जब तक हमारे देश के निवासियों का, हमारे देश के नागरिकों का राष्ट्रीय चरित्र का स्तर सामान्य तौर पर उंचा नहीं होता है तब तक हम इस समस्या का समाधान ढूँढ़ नहीं सकते हैं। अक्सर ऐसा होता है कि किसी ऊँचे अफसर के विरुद्ध किसी प्रकार की अग्रर शिकायत की जाती है और उसके परिणामस्वरूप उसकी बदली हो जाती है तो दूसरा अफसर जो उसके स्थान पर आता है, उसके विरुद्ध भी उसी प्रकार की शिकायत होती है, इसी प्रकार की शिकायत सुनने को मिलती है। इसी प्रकार से अग्रर किसी दल के राजनीतिक

[श्री सिद्धेश्वर प्रसाद]

कार्यकर्ता के विरुद्ध कोई शिकायत होती है तो दूसरे राजनीतिक दल के कार्यकर्ता के विरुद्ध भी वैसी ही शिकायत मुनने को मिलती है। इसलिए यह आवश्यक है कि राष्ट्रीय चरित्र को भी उन्नत बनाने की ओर हमारा ध्यान जाए।

इन शब्दों के साथ तथा अपने संशोधनों के साथ श्री सिंघवी के महत्वपूर्ण प्रस्ताव का मैं समर्थन करता हूँ और विश्वास करता हूँ कि हमारी सरकार तथा गृह मंत्री जी इस समस्या का समाधान ढूँढने में इस सदन में जो विचार व्यक्त किए गए हैं, उनकी तरफ ध्यान देंगे और कोई रास्ता निकालेंगे जिससे भ्रष्टाचार समाप्त हो सके। लोकतंत्र के सफल संचालन के लिए इस का अन्त होना बहुत जरूरी है। जो सुझाव यहाँ दिये गये हैं अगर उनकी तरफ ध्यान दिया गया तो इस समस्या का समाधान ढूँढने में बड़ी मदद मिल सकती है।

**Shri Surendranath Dwivedy:** Mr. Speaker, Sir, I congratulate my friend Dr. Singhvi for bringing forward this resolution for discussion in the House. The time is very appropriate for such a resolution to be discussed in the House and I would have thought that if there were a larger attendance in the House, more serious thought should have been given to such a proposition. The time is past when any allegation of corruption was just taken as if made because of some malaise or some other consideration. Now it is an admitted fact that there is corruption not only limited to any sphere of administration but the whole political life. The whole political life today is demoralised and downgraded on account of corruption at all levels in political life and administration. This question is not a party question, nor

can we only accuse the ruling party for all that has happened. Surely, it was the duty of the ruling party, when they took over power, to institute some machinery and to make the organisation clean and efficient. They have failed very largely because of the particular circumstances in which we live in this country and again mostly because there has been no challenge to the ruling party. As it is said, absolute power corrupts absolutely. This has been the ultimate reason for this unfortunate development.

Sir, we have a different tradition in this country so far as public life is concerned. Mahatma Gandhi generated the idea of service to the poor. That was the call to which the public worker had to devote himself entirely selflessly for the service of the poor. Actually, he popularised that spiritual incentive is much better than the monetary incentive. That was the main idea behind the movement that was launched in this country not only to free our country from foreign domination but also to help our countrymen in developing and working for a society in which everybody will have his equal share. Of course, whatever may be the feelings, I take it for granted that in this country, by and large, everybody wants that we must have a regulated development of democracy and we must have a clean administration. If that is so, the question is how it is to be achieved. I am not going into the question of grievances here and there and the complaints that we often make. The whole point is this. Today when we admit that the situation is such, how are we going to meet it? There has been some piecemeal approach. The Home Minister himself has come forward with the proposal and he has already instituted the Vigilance Commission. But, I think, that is no reply. That hardly fulfils the desire and the purpose for which it is meant. After all, it is not even a statutory body. So much thought has been given to this problem and



often times demands have been made that let there be an independent statutory authority which can go into this question of corruption at all levels and will have power and authority to inquire into and investigate the charges of corruption against any authority even including the highest authority of the President and the Prime Minister if it comes to that. We want some such authority. I think the country would have appreciated it, even if it was necessary to amend the Constitution, if the Government had provided such an authority so that the country feels that here is an authority which is independent and which can go into the question of corruption at all levels. What has been done? The Central Vigilance Commission is meant only for Government officers. It is an authority which is appointed by the Home Ministry and you know, Sir, it will have its own limitations. What we want is this. We would like to have an authority which will actually be a people's authority in the sense that it will have nothing to do with the Government. The Government will have nothing to do with it. Such an authority, I think, is provided in this resolution. We should not reject it by merely saying that the countries like Sweden and Denmark, the Scandinavian countries, are small countries, that there is personal element in this whole affair and, therefore, they can do it, but we cannot do that. I do not think that is a valid argument. If in a small country they could do it, we can amend it to suit our own country and to see how this authority can be an impartial and effective one under the existing circumstances in our country. But what appeals to me is this that in those countries where democracy is more or less established—not only democratic Government—they are proceeding towards social welfare system also because they have been able to give a clean administration to the people. They have been able to proceed in other directions. In our country, we should make an earnest attempt to see that such an institu-

tion is a success. In this resolution, it is suggested that if Parliament recommends and the President appoints the authority, or a person, then the whole Parliament is committed to such a person or an authority which is brought about. That again means that Parliament which is represented by all parties or all sections of opinion of the country is also committed to see that that authority is a success for the purpose for which it is established. This is an established fact. So, we want a person in whom people will feel really confident enough that if there is a complaint, that will be looked into. Not only that. He will *suo motu* go into any complaint in case he feels that there is not only corruption but there are also some administrative irregularities or there are arbitrary powers used.

**Shri Ranga:** Misuse of power also.

**Shri Surendranath Dwivedy:** Yes, Misuse of powers also. Even from that point of view, we can look into the matter. I can give you one instance—I am not going into details of corruption as such in this country. As you know, there is hardly a difference between the State, the political party and the Administration. If you go into the root of the question, you will find that because of this, the party in power, that holds power today feel as if they form part and parcel of the Government. There is a feeling in the administration also that if they displease Congressmen, probably, they will have no place in the administration. (*Interruption*).

**An hon. Member:** Is it so?

**Shri Surendranath Dwivedy:** It is so and it is an admitted fact. You will find in the services some young men, efficient men, clean men and courageous men. If you go to a Government servant privately and enquire from him, he will say that for an honest

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man, there is no place in the administration. If he goes in appeal for anything, nobody would listen to him. To be successful in the administration to-day, all that is needed is to be a corrupt and dishonest person. That is the run of the day. We must not close our eyes by saying that this sort of . . . . .

**Mr. Speaker:** The hon. Member's time is up.

**Shri Surendranath Dwivedy:** What I want to submit is that not only corruption but also the Administrative lapses should be gone into by this authority. There is no distinction between the State, the political party and the Administration in our country. Democracy will be a success if a clear distinction is maintained. I know Santhanam Committee and other Committees have suggested certain measures. Again there are 'ifs' and 'buts'. They have suggested a national panel. If a complaint is made by one person, the President will. . . .

**Shri Ranga:** Again the Home Ministry takes that up.

**Shri Surendranath Dwivedy:** I would suggest that this is the most acceptable and democratic method in which people have complete faith and I, therefore, request that if the Government are not in a position to accept this Resolution as such, let them assure the House that we are going to introduce an authority on these lines. Then, probably, the purpose of this Resolution would be served.

**Shri N. C. Chatterjee (Burdwan):** Mr. Speaker, Sir, this resolution tends to focus the attention of this House as well as of the country on the basic problems of democracy. Yesterday, you may remember that the hon. Finance Minister declared that there was a good deal of corruption not only in the taxation department but a good deal of corruption in the business world. We have got to remember that there is corruption at all levels, and we shall be failing in our duty

as the representatives of the people if we do not set up a machinery adequate enough to check this expanding corruption which is the greatest evil today.

I am supporting this resolution of my hon. friend Dr. L. M. Singhvi on three grounds. Firstly, it will promote the rule of law. Secondly, it will save parliamentary democracy, and streamline it. Thirdly, I submit that it will be the best guarantee for the effective redress of people's grievances.

It is not correct that only in small countries or in the Scandinavian countries this system of Ombudsman has been invented and tried. It has also been tried in Poland. I remember that when Mr. Khrushchev invited an Indian lawyers' delegation, I happened to be a member of that. Then, I met one of the biggest lawyers of England. You know him, and he is Mr. D. N. Pritt. He happened to be here. Mr. Pritt told me 'Mr. Chatterjee, when you are going to Moscow for heaven's sake, do not merely go to the Supreme Court of Moscow or do not merely talk to the Chief Justice and the judges of the Supreme Court and merely attend the people's court; but the most important thing in the entire Soviet system is the Procurator-General'. Having regard to my political past, I went to Moscow with a jaundiced mind, and I made a very critical approach, but I ought to tell you that apart from the appointment of the official delegation with the Law Minister, I had a special appointment with the Procurator-General for a number of days and I was satisfied that that was a system which was well worth trying and had done something to bring in certain elements of democratic rights in the totalitarian State.

I thought that the Procurator-General in Moscow was really meant to secure the majority party completely immune from all criticisms and from all onslaughts from any quarter;

possibly, it was meant really as a check even against judicial invasion on the majority party's rights. But I found that it was not so. Any citizen of the USSR could approach the Procurator-General for the redress of his grievances, if he made a complaint that there had been some injustice done to him either by a court of law or by a Minister or by a Supreme Court judge or by any other official in that State. I was amazed to find that in a large number of cases, the Procurator-General, took up the cause of the ordinary man and secured him redress.

This Ombudsman has been tried also in Poland, and in Poland it has been successful. You know, Sir, that it has been extended to one Commonwealth country also, namely New Zealand. At one time, we did not know whether it had been successful in New Zealand or not. But I would ask the hon. Minister to read one article which has been written by Dr. M. P. Jain of the Indian Law Institute, who is a distinguished scholar and professor. He has written an article on Ombudsman in New Zealand. New Zealand had the first appointment of this Ombudsman only, if I remember right, on 1st October, 1962. But after a proper study, competent critics have declared their clear verdict that it has been successful. I ought to tell you that out of 26 cases investigated by the Ombudsman, in New Zealand he has succeeded in securing relief in 20 cases. The other cases have not been turned down, but they are still under investigation.

Let us not utilise this opportunity for pointing an accusing finger to any particular Minister or on any particular political party. The other day, Shri Nanda invited the leading Members of Parliament to a conference. I am genuinely convinced that the hon. Home Minister honestly wants to eradicate corruption thoroughly and effectively. Of course, his idea is fantastic that it will be eradicated in two years. But that is a good sign of the day.

One of my colleagues in this House said that all politicians are suspect. Why are all politicians suspect? Why are all Ministers suspect? Why is there so much of graft in the public services? Will you be able to cleanse the administration unless you set up some machinery?

With great respect to Shri Santhanam, I do not think that the institution of a Vigilance Commission will be at all effective. I do not think that his recommendation of having a national panel or his other recommendation that when grave allegations are made against a Minister, there should be an *ad hoc* committee recruited from that panel, will work.

I think that this Ombudsman or a People's Procurator, will be much more effective. Any ordinary citizen should be allowed to approach him and place his grievance against a Minister, against a judge or against any officer or against any abuse of power or against any perversion of authority, and the Procurator should have the power to go into the matter and to make a report.

I ought to tell you that I had the privilege to discuss this matter with some of the greatest lawyers of England, both Lord Denning and Lord Shawcross. Both Lord Denning and Lord Shawcross have not yet finalised it but they are of the opinion that some such system is desirable and should be introduced; and they have expressed their opinion in some periodicals which have come out in England; they say that although the rule of law is very strongly established there, yet it is much better to have an independent people's tribune who will have the power to take up any cause, irrespective of the limitations of law. You know, Sir, as a lawyer and as an ex-judge, what happens in the courts. The judicial process suffers from many limitations; particularly, it is very costly, and then there is a lot of delay, and thirdly, there is the question of limitation, *res judicata* and *lis pendens* and all those old maxims which operate. But the Pro-

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curator is free from all this. There is no limitation when there is a question of corruption; there is no question of *res judicata* when there is a question of graft or any abuse or perversion of power or of authority.

**An Hon. Member:** The question of evidence also?

**Shri N. C. Chatterjee:** When we are thinking of an expanding welfare State, it is bound to happen, whether we like it or not, that the Ministers and other people will have expanding power and authority, and there is greater chance of abuse. 90 per cent of matters are disposed of below the ministerial level. Therefore, there is a greater chance of abuse there, because they are handled by subordinate officials. Therefore, it is imperative that we should now take up the matter seriously; if we honestly want a real parliamentary democracy, if we honestly want to weed out corruption, then there must be a public censor who will have the competence to go into it, a man of unquestioned integrity, who can easily find anything out and who will have the courage and wisdom to probe into the matter; there is no question of his not looking into evidence; he will certainly maintain the essential norms of judicial procedure. He will certainly give the a hearing. *Audi alteram partem* is the basic principle of all fairplay; no man should be condemned unheard. Therefore, he will certainly give that man a complete opportunity of defending himself or vindicating himself.

Therefore, I submit that this is a resolution which should be accepted by the Government and by the House.

**श्री सिंहासन सिंह (गोरखपुर) :**  
प्रधक्ष महोदय, गांधी जी ने राजनीति के बारे में कहा है :

“भरे लिए धर्म शून्य राजनीति महा गलीज चीज है, हमेशा दूर रहने लायक है।”

आज दुर्भाग्य है कि हमारी राजनीति धर्म-शून्य हो गयी है, आचरण-शून्य हो गयी है।

**श्री यशपाल सिंह (कैराना) :** धर्म निरपेक्ष का अर्थ तो यही है।

**श्री सिंहासन सिंह :** आज सन् १९४७ से लेकर १९६४ का समय बीत गया। हमें आशा थी कि कांग्रेस के राज्य में क्योंकि गांधी जी के पदचिन्हों पर चलने वाले लांग शासनारूढ़ होंगे, इसलिए किसी प्रकार की गड़बड़ी और किसी प्रकार की दुरवस्था नहीं होगी। लेकिन आज उसका उल्टा हो रहा है।

आज जो प्रस्ताव सदन के सामने रखा गया है वह अपने स्थान पर उत्तम होते हुए भी पर्याप्त नहीं है। अगर आज पार्लियामेंट आमबुड्समैन नियत भी कर दे तो काफी नहीं होगा क्योंकि हमने कुछ ऐसे मौलिक कानून बना रखे हैं जिन के कारण यह दिक्कत हमारे रास्ते से दूर नहीं हो सकती। उदाहरण के लिए हमने अपने संविधान में धारा ३११ बना रखी है। इसके अनुसार हम किसी सरकारी अधिकारी के खिलाफ कोई कार्रवाई नहीं कर सकते इसके पहले कि उसको नोटिस दिया जाए। उसके बाद उस को दूसरा नोटिस देना होता है कि उसको सजा क्यों न की जाए, और अगर इनमें कहीं कोई खामी रह गयी तो वह आदमी छूट जाता है, चाहे उसने कैसा भी जघन्य अपराध क्यों न किया हो, चाहे उसने कितनी भी घूस क्यों न ली हो।

हमारी सरकार ने कागज में तो इसके लिए गृह नियम बनाए हैं कि यह बुराई दूर हो। हमने सन् १९४८ में ही एक प्रिवेंशन आफ करप्शन ऐक्ट बनाया। यह करप्शन को रोकने के लिये बनाया गया और उसमें बस खोरी को कागनिजेविल आफेंस बना

दिया यानी ऐसे केस में पुलिस मुकदमा चला सकती है। लेकिन इस कानून में दफा ६ लगा दी जिसके अनुसार मुकदमा साबित होते हुए भी किसी अधिकारी के खिलाफ कार्रवाई नहीं हो सकती जब तक कि उस अधिकारी को नियुक्त करने वाला इसकी स्वीकृति न दे कि इस पर मुकदमा चलाया जाए। चाहे किसी अधिकारी पर घूस का केस साबित होता हो लेकिन उस पर तब तक मुकदमा नहीं चलाया जा सकता जब तक कि उसको नियुक्त करने वाला इसकी स्वीकृति न दे। अब यह नियुक्त करने वाला केन्द्रीय सरकार भी हो सकती और प्रदेश सरकार भी हो सकती है। इसका नतीजा यह है कि एक छंटे से क्लर्क से लेकर सेक्रेटरी तक पर मुकदमा नहीं चलाया जा सकता। मैंने सदन में पहले भी कहा था कि जब तक इस दफा को नहीं हटाया जाएगा तब तक करप्शन बन्द नहीं हो सकेगा। यह दफा करप्शन को रोकती नहीं बल्कि बढ़ाती है। इसी प्रकार संविधान की धारा ३१४ आई० सी० एस० आफिसर्स को प्रोटेक्शन देती है। उनके खिलाफ हम कुछ नहीं कर सकते। पंजाब में इस तरह का मामला उठा, उसमें कहा गया कि प्रदेश सरकार इन लोगों के मामले में कुछ नहीं कर सकती। अब यह सवाल है कि केन्द्रीय सरकार कर सकती है या नहीं। केन्द्रीय सरकार कुछ कर सकती है या नहीं यह तै नहीं है। तो इस प्रकार संविधान की ३११ और ३१४ धाराएं हमारे रास्ते में बाधा डाल रही हैं। हमने स्वयं सरविसेज को इस प्रकार बचाव की गारन्टी दे रखी है। संथानम ने भी अपनी रिपोर्ट में कहा है कि ये धाराएं हमारे लिए सहायक नहीं बल्कि बाधक हैं। इसी प्रकार प्रिवेंशन आफ करप्शन ऐक्ट की धारा ६ है।

प्रिवेंशन आफ करप्शन ऐक्ट की दफा ५ में लिखा है कि यदि कोई अधिकारी अपनी आमदनी से ऊपर रहन सहन पर खर्च करता

है तो यह मान लिया जाएगा कि वह करप्ट है। मैं सरकार से पूछना चाहता हूँ कि इस प्रकार कितने आदमियों पर मुकदमे इस धारा के अधीन चले हैं। हम देखते हैं कि बहुत से अधिकारी अपनी आमदनी से ऊपर अपने रहन सहन पर खर्च करते हैं। इसी कारण शासन के प्रति लोगों में श्रद्धा नहीं रह गयी है। आज मादुर साहब ने भी कहा कि शासन के प्रति लोगों में श्रद्धा नहीं रह गयी है। शासन के प्रति लोगों में श्रद्धा तभी हो सकती है जब कि वह शासकों को पब्लिक देखें। आज केवल सरविसेज पर ही अंगुली नहीं उठायी जा रही बल्कि विधायकों और मंत्रियों तक पर अंगुली उठायी जा रही है। रोज हम अखबारों में पढ़ते हैं कि फलां मंत्री ने यह किया फलां ने वह किया, फलां विधायक ने यह किया, फलां विधायक ने वह किया। आज जब हमारे ऊपर ही अंगुली उठायी जा रही है तो हमें अपनी ओर भी देखना चाहिए और अपनी बुराई को दूर करना चाहिए। इसीलिए मैं कहता हूँ कि यह प्रस्ताव अपनी जगह पर उत्तम होते हुए भी काफी नहीं है।

नन्दा जी ने बड़े गर्व के साथ कहा है कि हम दो वर्ष में करप्शन को दूर कर देंगे। हम चाहते हैं कि वह ऐसा कर सकें। लेकिन रास्ते में दिक्कतें हैं। हमने जो कानून बना रखे हैं वे हमारे रास्ते में सहायक नहीं बाधक बन रहे हैं। उनको पहले दूर करना चाहिए।

एक समय विधायकों के लिए कहा गया था कि अपना अपना हिसाब दें। लेकिन इस सिलसिले में ज्यादा कुछ नहीं हुआ। कांग्रेस कमेटी ने भी इस दिशा में कुछ कार्रवाई नहीं की। कुछ लोगों ने अपना हिसाब दिया लेकिन उसके बारे में जांच पड़ताल नहीं हुई कि इसके पास तीन लाख से ६ लाख कैसे हो गया या तो तीन हजार से एक लाख कैसे हो गया। मेरा तो ख्याल है कि जब हर एक पार्लियामेंट का सदस्य अपने पद की शपथ लेता है उस समय उसको अपनी

[श्री सिंहासन सिंह]

प्रापर्टी भी डिक्लेयर करनी चाहिए। उसे बताना चाहिए कि इतनी उसकी प्रापर्टी है और इतनी उसकी आमदनी है। ऐसा नहीं होगा तब तक जनता में शासन के प्रति आस्था नहीं होगी। और तभी सरविसेज में भी सुधार होगा।

संधानम कमेटी ने अपनी रिपोर्ट में कहा है कि अगर पंचवर्षीय योजना में ५ परसेंट का भी घाटा होता है तो १ अरब २४ करोड़ रुपये का घाटा होता है। अगर यह घाटा दस या १२ परसेंट हो तो और भी ज्यादा बड़ा घाटा होगा हम यह रुपया बाहर से ले कर और भीतर से लेकर खर्च करते हैं और यह इस तरह से बहा जा रहा है। कहीं देखते हैं कि जो मकान बनाया गया है वह गिर रहा है, कहीं कुछ देखते हैं।

अन्त में मेरा सुझाव है कि अगर हम करप्शन को दूर करना चाहते हैं तो हमको संविधान की धारा ३११ और ३१४ को निकालना चाहिए और इंडियन पीनल कोड की धारा १६१ से १६५ के अनुसार सिटीजन को रिश्वत के मामलों में अधिकारियों पर केस चलाने का अधिकार होना चाहिए। अगर आप ऐसा नहीं करेंगे तो आप करप्शन को दूर करने में सफल न होंगे और रोज गालियां सुनेंगे।

विरोधी पक्ष के माननीय सदस्य माथुर सहाब से नाराज हो गए, लेकिन इस मामले में हमारी और उनकी वोजीशन समान है। हम सबकी जिम्मेवारी है कि इस बुराई को दूर करें। लेकिन हम देखते हैं कि आज जितना इस मूल को धोने का प्रयत्न किया जाता है उतना ही यह बढ़ रहा है।

**Shri S. N. Chaturvedi (Firozabad):**  
I welcome this resolution which Dr. Singhvi has moved, because most of the ills from which we are suffering today arise from pervasive corruption

in almost every department of our life. Sometimes it is said that when the whole atmosphere is corrupt, how can you expect the services to be otherwise, they also represent the general level of morality. But this vicious circle has to be broken, and those who are paid to be honest must set an example and lead the way. That applies equally to Members of Parliament, Ministers and others occupying positions of power.

In our Constitution, we have promised the establishment of justice, social, political and economic, in this country, but it appears that in this process, the very instruments by which this is to be brought about are being tainted, and even elementary justice has gone by the board.

In the law courts, justice is beyond the reach and means of the common man, not only because litigation is very expensive, but also because palms have to be greased at every stage, for every minor thing that has got to be done, howsoever legitimate.

So far as administrative abuse is concerned, there is not even proper forum to which people can go and ventilate their grievances. So many persons knock in vain at the doors of departmental officers. In rare cases they get a patient hearing, rarer still impartial justice. By and large, the answer to the common man is that the saheb is otherwise busy. How many persons, when they are aggrieved, find access to superior officers?

Even Parliamentary procedure does not provide ample remedy for this. It is much too complicated and cumbersome, and it is not always possible to bring people's grievances for redress here. So, an impartial tribunal or a person who is absolutely unconnected with and independent of the executive, is very necessary.

The Santhanam Committee made its recommendations almost on the lines of the Ombudsman. It is only

in the transition period that this Vigilance Commission is to remain attached to the Home Ministry, but after the necessary legislation it will be directly under the control of Parliament, if we read through the recommendations, we find that it also recommended a Directorate for the redress of complaints and grievances of the common man as part of the Commissioner.

I submit that administrative reform cannot replace the need of an Ombudsman or of an officer who can function as a grievance man.

Although we are thinking, in terms of a Welfare State, what do we find in practice? The woes of the common man are multiplying because the administration touches him at numerous points.

How much time have I got?

**Mr. Speaker:** Six or seven minutes.

**Shri S. N. Chaturvedi:** How much have I taken?

**Mr. Speaker:** About six. He may have one or two more minutes.

**Shri S. N. Chaturvedi:** Even grants, subsidies and loans under welfare schemes are made available to him at a price. All this results in waste and misdirection of the resources, distortion of our economic policies and plans. Production is hampered and the quality of work deteriorates. Artificial shortages are created, and costs increased; productivity and output decline. Where money and influence count, there is no incentive for honest and hard work. Worth and merit languish and go unrecognised and unrewarded, while cunning and manipulation forge ahead in every sphere, which undermines the morale of the people and gives them a sense of frustration and helplessness. Extra burdens are thus imposed on the common man. How then can he feel the inspiration to give his best, how can there be a release of that mass energy which is required for a dynamic and progressive State?

I submit that under these conditions despite our best intentions, it all makes a mockery of the Welfare State. With the ever-expanding sphere of State activity and a corrupt administration, not all the trappings of democracy can save it from degenerating into a virtual tyranny.

"Bureaucracy", says Straus, "is one of the most prominent monsters of our time", and adds:

"Its shadow hovers over all organised efforts of modern man, but its most frightening aspect is due to an intimate alliance with Leviathan itself—the State."

This is the feeling in countries where corruption is practically absent. The pernicious effects of this alliance where corruption is rampant and pervades every department of Government can scarcely be imagined.

So, I welcome this resolution, and hope that the Government will take steps to implement it.

**Shri S. M. Banerjee (Kanpur):** I rise to support the resolution moved by my hon. friend Dr. Singhvi. I congratulate him on bringing this resolution in such a nice manner, and it convinces almost every Member of this House that such a body is not only desirable, but essential.

**Mr. Speaker:** It may be a very nice manner, but the length of the resolution is certainly open to objection. I allowed this as a special case. Ordinarily I would not allow such a long resolution in this form.

16 hrs.

**Shri S. M. Banerjee:** Very kind of you.

I take this opportunity of referring to the Vigilance Commission and also the report of the Santhanam Committee. The tall talk about eradicating corruption from the country within two years reminds me of the story

[Shri S. M. Banerjee]

of the eradication of malaria from the country. It says that malaria will be eradicated, but the mosquitoes will be there. So, I hope it may not be on the same analogy that corruption will be eradicated, but the corrupt people will be still holding offices in our Government. Because, we feel that there are numerous cases where the Ministers' integrity has been questioned. Recently, I was reading with keen interest a pamphlet issued by someone quoting Sheik Abdulla's utterances where he stated that nearly 700 route-permits had been given to many politicians and high-ups both in Delhi and Punjab during the Bakshi regime. I do not know the truth of it. But surely this deserves immediate investigation and enquiry. My attention was also drawn to the auctioning of CD cars in Delhi. You remember a lot of questions were raised in this House and the manner in which these cars were sold by the diplomats was questioned. Ultimately it was decided that the STC should auction these cars and I am told that a Minister of the Cabinet rank had purchased a car worth Rs. 80,000 recently. How a Minister can get Rs. 80,000? This deserves investigation. I would request my hon. friend Shri Hathi to let us know whether Ministers are in a position to purchase cars worth Rs. 80,000. I do not mention names. There are sweeping charges against the ex-Chief Minister of Orissa.....

**Mr. Speaker:** We are going from Delhi to Orissa and other places.

**Shri S. M. Banerjee:** I shall come back to Delhi very soon. In this House it was mentioned that there were certain charges against the Deputy Minister and the same charges were referred to the Attorney-General. I raised the question why similar charges were not investigated in the case of the other Chief Minister, for instance, Orissa Chief Minister, Punjab Chief Minister, the ex-Prime Minister of Kashmir and so on. Why

were these cases not referred to the Attorney-General? It is the pull that matters. I would request hon. Minister to give his specific objections to accept this Resolution which will cater to the need of the people and improve administrative efficiency and at least minimise corruption in the country in administrative services, ministerial and legislators. If the backbone of the country is broken, it is only because of the deep-rooted corruption in our administration. If you go to the Chelmsford Club or any other club, you will find small officers, low-paid officers, playing rummy with the wives of senior officers and just losing money. They should not win. Immediately they win, their confidential report is spoiled. Poor fellows have to go to the club and lose some money at the cost of their happiness, of their family, of their children and they must lose to the wives of senior officers.

**Mr. Speaker:** Why should they go at all?

**Shri S. M. Banerjee:** I can only wish, Sir, that your observations are conveyed to them. We must remember that they have to serve in the corrupt administration. I am mentioning this case because I have seen during my seventeen years of service as a small administrator in a particular department and I have seen how various administrators function. My feeling is that corruption will go only if we uproot it from the top. Right from the Prime Minister, every one should be interested to see that if we cannot eradicate or root-out corruption, let us minimise it. That is possible and I hope this Resolution will be accepted without any hesitation on the part of the Government.

श्री यशपाल सिंह : माननीय अध्यक्ष महोदय, मैं डा० सिंघवी को हृदय से स्वागत-बाद देता हूँ कि उन्होंने देश की सब से बड़ी जरूरत को पूरा करने के लिए कदम उठाया



है। सरकार से भी मेरा निवेदन है कि इतने इन्फोर्मेंट प्रस्ताव को वह यूँ ही न टाल दे, बल्कि इस को मंजूर करे, क्योंकि सरकार और पब्लिक दोनों को इस की जरूरत है। जब तक हम इन्फोर्मेंट के लिए कोई कदम नहीं उठायेंगे, तब तक हम कानून को किस तरह से मनवा सकते हैं ?

मैं किसी पर एतराज नहीं करता हूँ, लेकिन मैं देखता हूँ कि कल जो सरकार में थे, दूसरे मिनिस्टर्स के साथ जिन की ज्वायंट रेस्पॉन्सिबिलिटी थी, जिन के देखते हुए प्रिबेंटिव डिटेन्शन एक्ट बना था, जिन के देखते हुए डिफेंस आफ इंडिया रूल्स बने थे, जिन के देखते हुए यह कायदा बनाया गया था कि किसी को भी उठा कर जेल में बन्द कर दिया जा सकता है, न अपील, न दलील, न वकील, चूंकि आज वह सरकार में नहीं रहे हैं, इसलिए आज वह सुप्रीम कोर्ट और हाई कोर्ट में खड़े हो कर वकालत करते हैं कि ये कानून इनह्यूमन, इल्लिगल और अनकांस्टीट्यूशनल हैं।

इसलिए ऐसी कोई एथारिटी जरूर कायम करनी पड़ेगी, जो मनुष्य के आचार पर, मनुष्य के राजनीतिक जीवन पर निगाह रखे और यह देखे कि कल उस ने क्या कहा था और आज वह क्या कह रहा है। हमारी राजनीति ऐसी नहीं है कि कहीं से हम को कोई नीकरी मिल गई, कहीं से कोई मेहनताना मिल गया, तो हम अपने उसूलों को बदल दें। उसूलों को बदल देने से समाज का पतन होता है।

माननीय सदस्य, डा० सिधवी, का यह कहना बिल्कुल सही है कि जब तक सरकार इस बारे में सही कदम नहीं उठायेगी, तब तक किसी तरह भी सुधार नहीं हो सकता है। जिन देशों ने अपनी डेमोक्रेसी को खिन्दा रखा है, उन्होंने अपने नैतिक स्तर को भी ऊँचा किया है। मैं आप को जापान का उदाहरण देना चाहता हूँ कि वहाँ पर सिर्फ इतना हुआ कि एक शक्ति को स्टैंड कर के,

छूरा घोंप कर, खत्म कर दिया गया और इस पर जापान का होम मिनिस्टर मुस्तफ़ी हो गया। उस ने कहा कि मुझको मिनिस्टर रहने का कोई अधिकार प्राप्त नहीं है, क्योंकि मेरे अधीन देश में ऐसी घटना हुई कि एक बेगुनाह शक्ति को छरा घोंप कर खत्म कर दिया गया।

यहां सरकार की आंखों के सामने दिल्ली में न जाने कितनी डकैतियां, कितने कत्ल और अपहरण (अग्रवा) होते हैं, लेकिन . . .

**अध्यक्ष महोदय :** माननीय सदस्य ने जापान के सिर्फ एक केस का जिक्र किया है। वहां पर ऐसे बहुत केस होते हैं।

**श्री यशपाल सिंह :** वहां के होम मिनिस्टर ने इस बुनियाद पर इस्तीफ़ा दिया कि उस ने अपने आप को ना-अहल समझा। यह दो चार साल पुरानी बात नहीं है, बल्कि इसी साल की बात है।

इंग्लैंड में मिस कीलर ने एक खत लिखा था, जिस से वहां के प्रधान मंत्री का बिल्कुल कोई ताल्लुक नहीं था, लेकिन उस खत में थोड़ी सी ऐसी गंध थी, जिस से वहां के प्रधान मंत्री पर लांछन आता था। इस आधार पर वहां के प्रधान मंत्री ने इस्तीफ़ा दे दिया।

हमारे देश में ऐसा कोई दंड-विधान नहीं है, ऐसी कोई आचार-संहिता नहीं है, जिस के अन्तर्गत ऐसे शक्ति को सजा दी जा सके, जो समाज में दुराचार और भ्रष्टाचार फैलाता है, जो खुद करप्ट है और लोगों को करप्ट बनने की तरफ़ीब देता है। हमारे यहां ऐसी कोई एथारिटी नहीं है, जिस के पास जा कर हम ऐसे शक्ति की शिकायत दर्ज करा सकें और उसे सजा दिला सकें।

हमारी आंखों के सामने सिगरेट के एडवर्टाइजमेंट लगे हुए हैं, बड़े बड़े बोर्ड लगे हुए हैं। सिगरेट पीना हमारे धर्म के विरुद्ध है, लेकिन उस की नुमाइश की जाती

[श्री यशपाल सिंह]

है, एग्जहिबिशन की जाती है, उस का एडवर्टाइजमेंट किया जाता है। आज डाल्डा और कोटोजम के बोर्ड लगाए जाते हैं, बिहस्की और वाइन के बोर्ड लगाए जाते हैं। और फिर कहते हैं कि यह महात्मा गांधी की भूमि है, ऋषि-मुनियों और गुरुओं की भूमि है।

इन बातों का समूलोन्मूलन करने के लिए, नाश करने के लिए और आज के कर्पणन को खत्म करने के लिए वाकई एक ऐसी एयारिटी की जरूरत है, जिस का जिक्र डा० सिषवी ने किया है। वह एयारिटी पार्टी-पालिटिक्स से बिल्कुल ऊपर हो। जिस तरह हम अध्यक्ष महोदय के सामने खड़े हो कर हर एक बात कह सकते हैं, चाहे वह कांग्रेस पार्टी के खिलाफ हो और चाहे हमारी पार्टी के खिलाफ हो, उसी तरह से वह एक ऐसी एयारिटी होगी, जहां जा कर हम बगैर किसी हिचकिचाहट के अपनी फरियाद कर सकेंगे।

हम देखते हैं कि कोई डकैती होती है और जो व्यक्ति उस की रिपोर्ट दज कराने के लिए जाता है, उस से रुपया मांगा जाता है। हमारे मानव धर्म-शास्त्र का, हमारे याज्ञवल्क्य स्मृति का कथन है कि अगर किसी के यहां डकैती पड़ती है, तो सरकार उस का नुक्सान पूरा करे। जब वह सरकार को टैक्स देता है, तो उस की हिफाजत की जिम्मेदारी सरकार पर है और जितना उस का नुक्सान हो, उस को सरकार पूरा करे। यहां उलटा हिसाब है। जिस के यहां डकैती पड़ती है, उस को साबित करने का भार भी उसके ऊपर है, कोर्ट फीस भी उस के ऊपर है, तमाम जितनी परेशानियां हैं, वे भी सब उस के ऊपर हैं और उस को हमेशा उलटे डर लगा रहता है कि मैं कहीं डकैती में फंसा न लिया जाऊं। इस नौकरशाही को खत्म करने के लिए, इस ब्यूरोक्रेसी को खत्म करने के लिए सब से

ज्यादा जरूरी है कि श्री सिषवी ने जो तजवीज हमारे सामने रखी है, उस को मान लिया जाय और देश को भ्रष्टाचार से बचाया जाय।

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** Sir, it really an important resolution and it has provided an opportunity to think on the subject, which is uppermost in the minds of the Government and the people in the country. Apart from whether I may accept it or not, I very much appreciate the intentions of the hon. mover of this resolution. It has given an opportunity to the House to consider this question and in a number of ways it has really been useful.

I may assure the hon. Member that we have not in the least taken his resolution in any spirit of ill-will. While moving the resolution, he remarked.

"I do not wish to point any accusing fingers at any one. It is not my intention to censure the civil service or its sins of omission and commission. It is not my purpose to impute the motives which impel politicians to act in a particular manner".

I can assure him that I have taken his resolution in the spirit in which he has been inspired to move it. The question of eradication of corruption, of administrative reforms and dealing with public grievances and allied subjects has been considered by Government for sometime past. It is not that the Government is not alive to the importance of this question. A good, neat and pure administration is required and unless the Government is able to give a neat and clean administration, it cannot survive for a long time. If there have been delays, the causes of the delays have to be looked into. If there is corruption, the causes of the corruption have to be looked into. If there are grievances

of the people, they have to be looked into. This question has been considered since a good time and various suggestions have been made. One of these suggestions was the appointment of a privy council to advise the President, an idea which was mooted by Shri B. N. Rau. Then there was another idea also. It was the setting up of an independent tribunal to enquire into complaints against high-placed members of government and public services. Shri C. D. Deshmukh had given this idea. The hon. mover also referred to the speech of the Chief Justice of India, Shri Gajendragadkar. He gave the idea of transplanting the Ombudsman of Sweden. Then the idea of having an administrative tribunal was given by the Law Commission. The Estimates Committee of this House also gave the suggestion that a special officer to investigate into the complaints be appointed to work under the Prime Minister. Then, the present Home Minister has also in an article entitled "Redress of Grievances" recommended, among other things, the setting up of a committee of Parliament to look into complaints. The Prime Minister also has supported that there should be a machinery which should look into all the grievances of the people and there should be a machinery to look to the administrative reforms also.

It was for this purpose that the Government appointed a committee known as the Santhanam Committee. The Santhanam Committee has made several recommendations. These recommendations are under the consideration of the Government. But, in the meantime, in order to show the sincerity of the Government to tackle this question as quickly, as early and as effectively as possible, the first and the important recommendation, namely, that of the appointment of a Vigilance Commission, has been accepted, and the Vigilance Commissioner is functioning.

So far as the administrative reforms are concerned, we have taken some steps. A separate department in the Ministry of Home Affairs has started functioning, which will take into consideration the various recommendations which have been made from time to time by various individuals and various committees. It is also an important aspect of the Santhanam Committee's report and it is also envisaged by the mover of this resolution.

I do not think, there is anybody either on this side or on the other side who is not keen to achieve this object. How far that could be achieved, in what manner it could be achieved and how quickly it could be achieved is a different matter. But everyone is agreed on this, that there should be a clean, neat and pure administration devoid of corruption and every man should have a right to get his grievances redressed.

It is really gratifying that today we have diverted our attention to something which perhaps on very few occasions we give our mind to, namely, that of the moral character, the code of conduct of Members of Parliament, the code of conduct of legislators, the code of conduct of ministers, the code of conduct of public officials and the moral and the national character. It is really the national character which will either bring good name and fame to the country or will drag us to somewhere we do not know. It is that national character which is of utmost importance, and I am, at least personally, happy that today we have all been thinking in terms of moral character and national character. Unless that fabric of national character and moral character is woven to that strength, to that requisite strength, no man or any administrative machinery can improve the present circumstances through which we are passing. It would be wrong to think that when

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one such officer is appointed by this House, he will be able to do everything and he will work like a magic wand. It is wrong. Even if we appoint an officer, in this vast country with so many political trends, with so many people trying to do something against another, he will not be able to give us that result which we all sincerely want. Therefore it is that I am happy that atleast two of the members who have spoken have spoken on the importance of character building. Although the Santhanam Committee's report has not yet been discussed, I am sure hon. Members have with them copies of it or at least they gone through it.

16.20 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

**Shri Surendranath Dwivedy:** We have not received copies of it.

**Shri Hathi:** Probably it is under print. As soon as it is available, it will be circulated to the hon. Members.

He has also dealt with the code of conduct for the Members of Parliament, for members of State Legislatures and politicians. That is very important.

The Home Minister had announced that he will eradicate corruption within two years. There is all the sincerity behind his expression and he does want it. As hon. Members, leaders of various political parties, know he had convened a meeting of all the parties. Shri N. C. Chatterjee has also referred to that. But then there was one difficulty, and the difficulty was, though the members themselves were very keen in their individual capacity to work on the committee, perhaps on political grounds they cannot work on such committees.

**Shri Surendranath Dwivedy:** May I correct the misunderstanding? Because there were no concrete proposals as such when we met and the only ques-

tion was whether we would serve on the Central Sadachar Samiti we thought that *sadachar* will better do without political parties.

**Shri Hathi:** Let us not fight the *sadachar samiti*. It is not a question of our liking or disliking the word *sadachar*. The object of every body, including Shri Ranga, who have spoken today is, whatever may be the functions of that body—on which, each one had a different idea—its object is to help the people, to meet together and try to screen the complaints from the public and pass them on to the Vigilance Commission or some such machinery which is sought to be evolved. Whatever it may be, I do not want to raise that controversy, if at all it creates or raises that controversy; I do not want to touch on that. But what I want to impress once more is this. The Santhanam Committee has dealt with all these things. It has to be discussed and the machinery has to be evolved; whether it may be a national panel, whether it may be something else, whatever it is, we will have to consider the various proposals and see how far they would be consistent with the conditions in the country, the position under the Constitution and so on. But, I for one am not going to put as an argument that because of the constitutional difficulty we cannot do it. I, on my part, would not bring that as an obstacle or reason for not accepting the Resolution.

But, Sir, as you will see, this Resolution has six important objects in view, and they are, the eradication of corruption, redressal of administrative wrongs and excesses, securing the liberties of citizens, strengthening the basic foundations of parliamentary democracy as a system of government and so on. These are some of the objects, and very laudable objects I should say.

But if we take into consideration the functions of the Vigilance Commission, they are nearly the same as expected of this machinery. The

Central Vigilance Commission would in fact be performing the functions of the Ombudsman in respect of corruption or that of integrity of public servants. It has also the powers to investigate any complaint against a public servant who has exercised, or refrained from exercising, his power for improper or corrupt purposes.

That is one main or important thing which this Resolution aims at.

Now, it has been argued that this Vigilance Commission is under the Home Ministry and it may work as an attached office. But the Committee has recommended that it should be something like a statutory body, such as, the Union Public Service Commission or the like. But before it could be given that status, we thought that rather than wait till all these formalities are undergone, it would be better if something starts. It is always better to start in right earnest rather than wait till a particular thing is done and not do anything at all. For that purpose it had been done.

Then, the question of evolving a suitable machinery for dealing with the grievances of the citizens against the administration will be separately examined and the Department of Administrative Reforms which will start functioning soon will work out the details of this machinery. So, the second important function which this Resolution aims at is also under the consideration of the Government.

So far as the question of rights of citizens is concerned, we have got various provisions in our Constitution which give the rights and opportunity to the people to move any court. Anybody can move the highest court and get his grievance redressed. But what has been argued is that this is a costly affair and every man cannot....

**Shri Sinhasan Singh:** Nobody can move a court of law against any official without the permission of the appointing authority.

**Shri Hathi:** I am not talking of a citizen moving a court of law against an officer. This is about the redress of wrongs so far as his civic rights are concerned. So far as the officer is concerned, I think, the hon. Member has in mind article 311 of the Constitution. There also, if you have seen the Santhanam Committee Report, you will find that they have made certain recommendations. But what the hon. Member wants to refer to is article 311.

**Shri Sinhasan Singh:** Section 6 of the Prevention of Corruption Act.

**Shri Hathi:** These are administrative matters. There are certain legal difficulties which have to be removed. That is exactly what I say. The other thing is fundamental.

So, on the whole, I agree with the fundamental or important objects which have been enunciated in the Resolution and which the hon. Member wants. Everybody on this side and on that side agrees with the importance of having some machinery to redress the grievances of the people whereby people can get administrative reforms and corruption would be eradicated. With all these objects everybody agrees. The question is as to what type of machinery it should be, whether this particular machinery, namely, the Ombudsman, would be a feasible thing here because a person—one man—should be unanimously appointed by both the Houses. If we have one such man, naturally, it would not be possible for one man to deal with the number of cases that would come up. If we look to the type of cases which they have taken up in those countries, we will find that there are a number of or variety of cases. One man may not be able to cope with this.

To that the reply is that it may be that for each State we can have one. That means, all the legislatures of the

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country should appoint each one of them. I am not arguing this with a view to oppose this; I am arguing this with a view to put it in a practical way. Different standards, different decisions, different judgments and different codes will be evolved by 15 or 16 different people. Now, that is also an idea a thing to be done, to look to whether we will have one set or 15 sets in the country or how we will do it. Therefore, all these questions have to be considered and considered in a way so that we are able to evolve a system which will satisfy and suit the conditions in this country. I am not at all going to say that it would be impossible to do it. But I would say that perhaps it will not be practicable. It is why that though I fully appreciate and sympathise with the principles laid down in the resolution, I feel that the way in which it is sought to be implemented either by constitutional amendment or by legislation or by so many other things may not be, at present, practicable. Moreover, we have before us a very good report which the Santhanam Committee has submitted and which is now before the House. Let us also consider that report and after discussing that, whatever the House decides as being in the interest of the country, I do not think the Government will object to that approach which would try to get the result which we all aim at. I, therefore, request the hon. Member, through you, Sir, that he should be pleased to withdraw the resolution.

**Dr. L. M. Singhvi:** Mr. Deputy-Speaker, Sir, I am grateful to my esteemed colleagues in the House who have participated in this discussion. I am also grateful to the hon. Minister of State for Home Affairs who has intervened in a constructive spirit. It was never my purpose to claim that the institution of Ombudsman would be a panacea for all our administrative ills. It was not my purpose to claim that once this institution is brought into existence, we

will be able to bid final farewell to all our problems of corruption or problems arising from unredressed grievances of the common citizen. The House has witnessed today a powerful and unanimous consensus of opinion. A galaxy of eminent Members of Parliament have participated in this discussion and they have lent the support of their powerful opinions to the underlying idea of my resolution. This should be the greatest persuasive force, the greatest sanction, on the Government for accepting the underlying idea of my resolution. I am sorry that the Minister has not found it possible to accept the resolution as it has been moved. It was not my intention to insist on the various details which I have incorporated in my resolution. These details were incorporated mainly to give hon. Members an idea of the broad outlines of the proposed institution. I would certainly think that it is in this spirit that hon. Members of this House have participated in this discussion and have lent their support to this resolution.

I would once again appeal to the hon. Minister to say in unequivocal and clear terms that he accepts the principles of the resolution as embodied in the first part of the resolution which only calls upon the Government to enact suitable legislation for bringing an institution for the redress of people's grievances and for the maintenance of parliamentary democracy.

The institution of Ombudsman, as has been rightly emphasised by eminent Members who participated in this discussion is the legitimate offspring, a conceptual corollary of parliamentary democracy confronted as it is, in the mid-twentieth century, with the complexities of social and political organisation. We witness today serious and grave deficiencies in the organisational structure and the operational processes of administration, but it is meet and proper that

we who hold the reins ultimately of the governance of the country should ponder over the institutional devices which may remedy and rectify these defects. Any delay in this matter may prove to be perilous and hazardous to the developing democracy in our country.

I hope that it is realised by Government that the liberties and rights guaranteed in the Constitution and subscribed to by many liberal philosophers and politicians would remain, vague, mystical and inchoate unless an institutional base and medium is devised for the redress of the grievances of the common man, who much too often, to our great dismay, is pushed aside and pushed about.

It is quite clear that the creation or the establishment of such an institution as the Ombudsman would create greater public confidence and would cleanse the administration in such a way that it would better serve the ideals and objectives to which our society is committed.

I would like finally to submit to you in respect of the vote on this resolution only after the hon. Minister is able to give a definite and unequivocal expression of his views so far as the principle of this resolution is concerned, because my main purpose was to focus the attention of the country and of this House on the subject of this resolution. I do not want that this resolution should be defeated in this House by a forced majority. We have come to realise that this House is wholly in support of the idea of Ombudsman, and I would like to leave it at that, in case the hon. Minister is prepared to give an unequivocal expression of his view that very soon such an institution would be devised for redressing public grievances and that he accepts the fundamental principle of this resolution, which is unquestionably sound.

**Mr. Deputy-Speaker:** Is the hon. Minister prepared to give such an assurance?

**Shri Hathi:** I have already said what I wanted to say. As I have said, we accept the underlying principle, and everybody accepts it. What sort of machinery it should be will depend. We have before us the Santhanam Committee's report. The only question is what sort of machinery should be there. It may not be Ombudsman, but it may be something else. So, I cannot give that assurance.

**Dr. L. M. Singhvi:** In that case I would beg leave of the House to withdraw the resolution.

**Mr. Deputy Speaker:** There is an amendment to the resolution, moved by Shri Sidheshwar Prasad. I shall now put that to vote.

*The amendment was put and negatived.*

**Mr. Deputy-Speaker:** Has Dr. L. M. Singhvi the leave of the House to withdraw his resolution?

**Several Hon. Members:** Yes.

*The resolution was, by leave, withdrawn.*

**Shri Harish Chandra Mathur:** It is withdrawn in the light of the assurance.

16.39 hrs.

#### RESOLUTION RE: DISPARITY IN INCOME

श्री श्री० प्र० यादव (केसरिया) :  
अध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि :

“इस सभा की यह राय है कि सरकार को अगली दो या तीन योजना अवधियों में निम्नतम और अधिकतम आय के बीच असमानता को