

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Friday, 10th April, 1953

The House met at Two of the Clock
[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

3-2 P.M.

ELECTION TO COMMITTEE

INDIAN CENTRAL COCONUT COMMITTEE

Mr. Deputy-Speaker: I have to inform the House that upto the time fixed for receiving nominations for the Indian Central Coconut Committee, 6 nominations were received. Subsequently 4 Members withdrew their candidature. As the number of remaining candidates is thus equal to the number of vacancies in the Committee, I declare the following members to be duly elected:—

1. Shri Kamal Krishna Das.
2. Shri P. T. Chacko.

INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT BILL, 1952

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move for leave to withdraw the Bill to amend the Industries (Development and Regulation) Act, 1951.

By way of explanation I would like to state that this Bill was introduced in the last session. It had a very limited scope and even at that time the Ministry was considering certain other amendments which covered a wider field. It was anticipated that the Amendment Bill of 1952 would be

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passed in the last session, but that was not possible. Since further amendments are sought to be made, the House would have to consider two Amendment Bills, if another Bill is now introduced. To avoid the inconvenience that would be caused to the House thereby, it has now been decided to withdraw the Amendment Bill of 1952 and introduce one Amendment Bill covering not only the amendments proposed in the 1952 Bill but also the new proposals that are now on hand.

Mr. Deputy-Speaker: The question is:

“That leave be granted to withdraw the Bill to amend the Industries (Development and Regulation) Act, 1951.”

The motion was adopted.

INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill to amend the Industries (Development and Regulation) Act, 1951.

Mr. Deputy-Speaker: The question is:

“That leave be granted to introduce a Bill to amend the Industries (Development and Regulation) Act, 1951.”

The motion was adopted.

Shri T. T. Krishnamachari: I introduce the Bill.

RESOLUTION RE INVESTIGATION INTO WEALTH AND PROPERTY OF GOVERNMENT OFFICERS

Mr. Deputy-Speaker: The House will now proceed with the further discussion of the Resolution moved by

[Mr. Deputy-Speaker] -

Sardar Hukum Singh on the 28th November 1952:

"This House is of opinion that Government should take steps to investigate into the wealth, fortune, or property, whether held in his own name or of any member or members of his family, jointly or severally, of any person who—

(a) holds an office under the Constitution; or

(b) is a responsible officer of the Government of India or of any State in India; and in particular, is authorised to place contracts, issue licences, collect revenues or taxes or control the procurement, storage, distribution, movement or sale of any commodity; and in particular, any person who is about to relinquish his post or office or retire from Government service; and for this purpose appoint a Commission which should be authorised to call for any witness or document and make a thorough investigation into all the possessions of such an officer.

This House is further of opinion that if as a result of such an investigation any officer is found to be owning, or holding, or to have accumulated any property, which in the opinion of the Investigation Commission is substantially in excess of what could be accumulated by an honest and upright officer, the matter should be reported to this House which will after such further consideration take such action as it deems just and necessary in each case."

I would like to bring to the notice of the House that there are as many as six motions on the Order Paper. The House has already spent 3 hours and 17 minutes over this resolution and as many as 15 hon. Members have participated in the discussion. If the House is desirous of proceeding with the other resolutions, I would like to know how long the debate on this resolution should continue and when I should call upon the Minister to reply. Shall we have it up to five o'clock?

Some Hon. Members: Five o'clock would be all right.

Mr Deputy-Speaker: How long would the hon. Minister take to reply?

The Minister of Home Affairs and States (Dr. Katju): About half an hour.

Mr. Deputy-Speaker: Then I shall call him at 4-30.

Sardar Hukum Singh (Kapurthala-Bhatinda): Shall I have an opportunity to reply after the Minister, Sir?

Mr. Deputy-Speaker: I have no objection. Then we shall close this resolution at 5-15.

Then, I would like the House to discuss at least the next two resolutions. Shall we take one hour over Mr. Nambiar's resolution?

Shri Nambiar (Mayuram): I would take about 25 to 30 minutes; then it is left to other Members.

Mr. Deputy-Speaker: Mr. Gidwani.

Shri Gidwani (Thana): It is the general feeling in the country, on which there seems to be no two opinions, that corruption is prevalent throughout the country. The reason is that today our Government is complacent about this evil. They do not try to find out the real culprit. If ever a case in which high officers are involved is taken up after a great deal of agitation, it takes a long time to bring them to book. I will read to you, Sir, only a small paragraph from a book by Shri Shibbanlal Saksena, who was a Member of Parliament, regarding this matter. He has written a letter to the Congress President—not the present President but Babu Purushottamdas Tandon when he was the President of the Congress—in regard to some corruption matters, and this is what he says:

"I ask you, Tandonji, to kindly ponder over these letters. The Inspector General of the Special Police Establishment, who is the highest anti-corruption officer of the Government of India, registers a case against some of the highest officers of the E.P. Railway and according to the rules, demands immediate transfer of these officers to enable a proper investigation to be carried out.

Mr. Nilkanthan, Staff Member of the Railway Board, was in duty bound to accept the request of Mr. Bambawala and should have transferred these officers according to rules. But he went out of his way not only to refuse the transfers, but even pleaded good reputation on their behalf. Obviously, Mr. Nilkanthan was personally interested in shielding these officers and so he went out of his way to refuse the transfers. The reason given for refusal is most interesting."

Mr. Deputy-Speaker: What is the book he is reading from?

Shri Gidwani: I am reading from the book "Why I have resigned from the Congress" by Shri Shibbanlal Saksena, M.A., an ex-Member of Parliament. He wrote a letter to the Congress President. It is a published document. I am reading from that.

Mr. Deputy-Speaker: I have already said previously that when hon. Members want to make reference to any particular official, previous intimation may be given to the Minister concerned so that he may be ready to answer. If an hon. Member suddenly brings up a book—after all it may be in print—and reads from it, the Minister must have an opportunity. I have been reiterating in this House that when any particular instance relating to the conduct of any particular officer in his public capacity is referred to, that matter may be intimated to the Minister previously so that he may be ready to answer.

Shri Gidwani: How is it possible when we are to speak on any particular Resolution to inform the Minister beforehand?

Mr. Deputy-Speaker: How is it possible for the Minister to answer it? (*Interruption*). It is not as if they have to give the names for having the permission of the Minister to refer to them; only to put him on guard. It is another matter if we do not want to finish this and drag it on to some other day. When references are made to particular officers, the information may be correct or not. In view of the fact that the officers have no opportunity of explaining their own conduct here or of defending themselves, this is a wholesome rule, from whichever side an attack may be made upon the integrity of a particular officer.

Shri Gidwani: The Minister may be given an opportunity.....

Mr. Deputy-Speaker: When?

Shri Gidwani: Later on. He need not give a reply to it immediately. Sir, this will be a very bad precedent.

Mr. Deputy-Speaker: This is what is being adopted. When they want to bring individual cases of officials to the notice of the House there are ways of bringing it. I am not saying that any permission is necessary either of the Speaker or of the Government; only intimate to them "I am going to refer to such and such person".

Dr. Ram Subhag Singh (Shahabad South): Then he will have to furnish the whole story.

Dr. S. P. Mookerjee (Calcutta South-East): He has to give a draft version of his speech, and not merely say—"I want to refer to X" because unless the Minister knows what actually the charges are he cannot be ready with the reply. And if we are expected to give a list of all the points to the Minister beforehand, then there is practically no debate. In this case I hope, Sir, you will kindly consider this fact, as the hon. Member himself has stated, that he is referring to a document which has been published and obviously Government must have knowledge about it. Of course the hon. Minister may have thrown it into the waste paper basket.....

Dr. Katju: I cannot be expected to read everything that has been published.....

Dr. S. P. Mookerjee: He is expected to know if there are such allegations.

Dr. Ram Subhag Singh: It was referred to in Parliament also.

Mr. Deputy-Speaker: So far as publications are concerned, if it is a publication by Government, Government must be expected to know all about it. Any other publication by any individual person may be referred to. I am not objecting to the reference to any such publication, whosoever might have published it, whether it is Shri. Shibbanlal Saksena or others. But it is an allegation made on the floor of the House against an important officer. What are the chances for the Minister to explain? That is exactly what I would like to know.

Dr. S. P. Mookerjee: I would beg of you, Sir, to appreciate the logic of your ruling. Very often charges are hurled against us by the Government. Some documents are thrown at us which we are supposed to reply to. We should also be supplied beforehand with the particulars so that we may be able to reply. Then there is no debate on either side.

Mr. Deputy-Speaker: Hon. Members would have seen that individual hon. Members are not allowed, so long as I have been here, and ought not to be attacked by Government or any other side.

Dr. S. P. Mookerjee: Not individual hon. Members. I would ask you, Sir, to appreciate the seriousness of your ruling. Suppose charges are made against a political organisation. There may be persons who are not here to give a reply. Very often the Prime Minister and the Home Minister have thrown such documents before the House and said "this is the sort of

[Dr. S. P. Mookerjee]

speeches which are being made". We should be supplied with the particulars beforehand so that we may be able to give a reply. I would request you to appreciate the seriousness of your ruling. It will be impossible for us to carry on.

Mr. Deputy-Speaker: I have no objection to consider my ruling. There is a world of difference between officers of the Government and any other person.

Dr. N. B. Khare (Gwalior): There should be no discrimination.

Mr. Deputy-Speaker: Here it is a question of aspersions being cast on an officer of the Government without any notice to the Government and when the officer is not here to defend himself. If it is the intention of the House to carry on with this Resolution so as to give an opportunity to the Minister, I have no objection. If any hon. Member wants to have the right to refer to an officer even without giving notice, all right, Government will have its own time to give an answer.

Shri H. N. Mukerjee (Calcutta North-East): Sir, would you please consider the object of bringing in a resolution like this? When instances of alleged corruption are referred to, the object is not that Government should immediately conduct an investigation into the matter. But we want to refer to something just in the air, something published in the newspapers as well as pamphlets, etc. and we do not expect from the Ministers an immediate factual reply to every single allegation in detail, but we want to give a general view of the situation wherein we find these kinds of reports being circulated. Unless we have the right to refer to reports which are being circulated or to cases of alleged misconduct which have come to our notice, not without making up our own mind, we cannot represent the case.

Mr. Deputy-Speaker: The hon. Member has misunderstood me. I am not objecting to his referring to such cases at all. All that I am saying is suppose there is a statement and a court of law has come to the conclusion and decided the matter there is no further proof necessary and they can say "it should be referred to and notice should be taken of it". But with respect to matters which are merely in the stage of allegation, the other side must have an opportunity to say whether they are true or false. I am not saying that they are not relevant. They are all relevant. But the other side must have

notice. Subject to that I would ask hon. Members to continue. There is no difficulty.

Dr. S. P. Mookerjee: That is, not mention names but only say A. B. C?

Mr. Deputy-Speaker: Oh, yes.

Shri Gidwani: Sir, I am reading some of the letters published in this book exchanged between Shri Bambawala and Shri Nilkanthan. These letters are now in possession of the Government.

"D.O. No. 6686 31/CSR/49-D, Inspector General of Police, Delhi, Special Police Establishment, Ministry of Home Affairs, New Delhi, Dated the 19th October, 1949.

SUBJECT:—Case against Eye Testing Staff of E.P. Railway, Delhi.

DEAR SHRI NILKANTHAN,

A secret enquiry into allegations of corruption and misconduct has been made by Railway Sectional Officer, Shri R. B. Nangia.

The evidence so far collected has been scrutinized by my Prosecuting Inspector attached to the Headquarters, who has prepared the report incorporating it (copy enclosed).

2. The results obtained so far necessitate the formal registration of a case against the D.M.O. Dr. H. S. Chachhi, Dr. T. S. Arora and Dr. Amar Nath and Inder Singh, Optician.

3. Smooth investigation will not be possible, unless these officers are transferred, as most of the witnesses are Railway employees, who will not find themselves safe, in case they make free and true statements, while these officers are here.

4. I would, therefore, request that early steps be taken to move Dr. Chachhi away from Delhi.

Yours sincerely,

(Sd.) T. A. BAMBAWALA.

Shri V. Neelakanthan,
Member (Staff) Railways,
Ministry of Railways,
New Delhi.

No. 6685/31/CSR/49-D, dated 19th October 1949.

Copy to Shri Daya Chand Jain, Chief Administrative Officer, E.P. Railway, Delhi, with a copy of the report of the Prosecuting Inspector for information.

with the request that early steps be taken to transfer Dr. Arora, and Dr. Amar Nath from Delhi.

(Sd.) T. A. BAMBAWALA.

No. 6687/31/CSR 49-D, dated the 22nd October, 1949.

Copy together with a copy of the

(Sd.) HARI RAM ANAND

For Inspector General of Police,
D.S.P.E."

This is the reply from Shri V. Nilkanthan:—

"Ministry of Railways,
New Delhi.

D.O. No. E49EL2/29/3/D,
25th November, 1949.

DEAR SHRI BAMBAWALA.

Reference your D.O. No. 6686/31/CSR/49-D, dated 19th October 1949, the Railway Board have given very careful consideration to the request, from the information made available to them, they can, however, see no justification for taking the action suggested, which they consider would result in serious damage to the morale of the service. Dr. Chachi is an officer who has consistently earned excellent reports throughout his service, and the Board feel themselves to agree, on the facts placed before them, that there are not any grounds for transferring him from Delhi. The Railway Board, therefore, much regret that they are unable to accede to your request.

2. The Board, however, consider that this appears to be a case which is better fitted for being dealt with departmentally and would be glad if the S.P.E. will make available to them such evidence as they may have collected and as can be disclosed in order to enable them to consider further action.

3. I should like to add that if the Board's view given above is not acceptable to you or to the Home Ministry, H.M. Railways, desires that no orders should issue unless the case is circulated both to the H.M. Home and to H.M. Railways. In cases which affect the interests of officers of standing in Railways and where the Railway Board's views differ from yours, H.M. Railways has ruled that on receipt of the Railway Board's reply unilateral orders from the Home Ministry or H.M. Home should not be obtained and acted upon until H.M. Railways is consulted.

Yours sincerely,
V. NILKANTHAN."

Shri T. A. Bambawala,
I.G.S.P.E., New Delhi.

LETTER No. 3.

Note sent by Mr. T. A. Bambawala on 4th February 1950, to Mr. Ghoshal, Deputy Secretary, Ministry of Home Affairs.

[MR. SPEAKER in the Chair]

If you have objection, I will not mention the names.

Shri Shibbanlal further says in his letter to Shri Tandonji: "The staff member of the Railway Board says that if the accused officer is transferred, it could result in serious damage to the morale of the services." There is also the threat that if the, I.G.P. did not agree to drop the investigation, the Railway Minister would intervene and get it dropped by reference to the Home Minister."

Mr. Bambawala was shocked at the letter. Here we see the highest officer of the Government of India, who was in charge of eradicating corruption, confessing his helplessness to eradicate it. He complained that the Staff Member had not only refused to transfer these officers but that there were many other cases in which such normal requests for transfers had been refused. Thus the request for the transfer of the Chief Engineer in the B.N. Railway against whose brother a corruption case was being investigated was refused. An officer who was accused of having cheated the Railway of several lakhs of rupees, instead of being transferred was granted leave. The Chief Engineer refused to transfer a subordinate Engineer for similar reasons. Does not this behaviour on the part of this officer in the Railway Board give room for a strong suspicion that whenever a high Railway Officer gets into the clutches of the S.P.E. he has only to see this officer and get the case again himself dropped. Should such a person be allowed to remain Staff Member of the Railway Board for a minute longer? Can corruption in Railways be stopped so long as such a man is at the helm of affairs of the Railway? Will not this behaviour of the Railway Board Member and the support he has obtained from the Railway Ministers demoralise the Anti-Corruption Department itself?"

Thus one of the highest officers who was appointed to eradicate corruption and the other officer who was in charge of investigation have left. Mr. Nangia who investigated the case has left. He was forced to leave his service. He was victimised and harassed.

Then I will refer to the Import and Export offices. Everybody is aware that corruption in those departments

[Shri Gidwani]

is increasing and everybody talks about it that without paying something nothing can be done. I am not referring to the two cases that are going on in Delhi. I am referring, Sir, to two cuttings from the *Times of India*; one of them relates to the judgment of a Special Judge in Bombay:

"Special Judge V. S. Bakhle said today (17th January 1953), we find a bribe being freely demanded in the Export and Import Control Office.

Shri Bakhle made this observation while convicting Mr. M. K. P. Nair, a clerk in the office of the Deputy Chief Controller of Exports and Imports, of accepting a bribe.

Remarking that the offence deserved a deterrent punishment, the Special Judge sentenced Shri Nair to nine months R.I.

"The Exports and Imports Control Office is one which in the wider public interest should be absolutely free from any corruption of this type", the Judge said.

Shri Nair was accused of demanding a bribe for helping a businessman to obtain an income-tax registration number from the office of the Controller of Exports and Imports."

There is another case. I had put a question about it but which was not allowed.

I will now refer to it from another cutting from the *Times of India* dated 19th February 1953, page 5:

"A charge-sheet was preferred three years after his arrest, against G. R. Mankikar, former Assistant Deputy Chief Controller of Exports, the principal suspect in what is known as the 'Export Scandal Case', before Mr. V. M. Gehani, Presidency Magistrate, Ballard Pier Court, Bombay, on Wednesday.

Among the 14 charges made against him are that he aided and abetted in the cheating of the Government of India by dishonestly inducing the Customs Department to permit the export of certain goods, the export of which had been banned, and abetted fabrication of documents.

Other former employees of the Export Department, G. J. Kale,

B. M. Sapre, P. M. S. Mehta, S. G. Kamat and R. N. Devi, a merchant R. R. Shah, and R. N. Desai were also charge-sheeted on different counts connected with the alleged offences. Eight more persons, who had been implicated in the case were ordered to be discharged as the sanction of the Government of India for proceeding against the principal accused in the matter on two related offences was not given it is stated.

All the 16 suspects had been taken into custody by the Yellow-gate Police during a period spread over ten months in 1950".

Now, Sir, from these two cuttings that I read before you, you will see that many cases of corruption are occurring in the country and very few are brought to light. In that matter also, sufficient vigilance is not exercised and higher officials are interfering and trying to shift their responsibilities to their subordinates. My object in bringing these things to the notice of the House is to point out that we should not be complacent, and if we take the present attitude that we have taken or say that to talk of scandals is a scandal, then, we will go on multiplying a series of scandals. It is therefore high time that the Congress Government—which has been in power for the last 51 years without any obstruction, because they have an absolute majority and they can do what they like and take any measure they want and the Opposition parties will help them if they want their co-operation in such matters, should wake up. Unfortunately, the whole attitude is an attitude of complacency: an attitude which indicates as if nothing was wrong. The other argument that is advanced is that in other countries in the world, things are worse. I have never heard that kind of argument. Supposing five thefts are committed in another house and two in my house, it is a poor consolation to say that, in my house because five thefts are not committed conditions are better and needs no improvement. That is no argument. We have to set up a very high standard. I need not refer again to the cases that are pending. But, you see, Sir, that these are not isolated cases. These are two out of a large number of cases that have come to light. There are innumerable cases of that nature which go undetected. Therefore, the resolution which has been brought by Sardar Hukam Singh should be supported by the Government. I see no reason why the Congressmen should vote against this

harmless, good and beneficial resolution. It will do good to the country. Government should come forward and say, "we accept the resolution, and see no objection in accepting and implementing it." It is high time that we took some adequate and effective measures to eradicate corruption. In other countries, you have seen, in Egypt, what action they have taken even against the King, and other officers; in Iran and other countries, Governments are taking very strong action against corruption. Therefore, I would appeal to my Congress friends who stand for purity of administration to extend their support wholeheartedly to the resolution. Yesterday they were talking of khadi being the mother of independence. Khadi, if it represented anything, represented purity; it represented sacrifice; it represented service; it represented our identification with the masses. If we allow this kind of corruption to go on, and if we take a complacent attitude, we will have to face very bad days. Therefore, I would appeal to my Congress friends—I am not in the Congress now—to support the resolution. Government should also welcome the resolution and accept it.

Shri Punnoose (Alleppey): Mr. Speaker, I rise to move an amendment to the Resolution under discussion that:

"This House is of further opinion that notwithstanding anything contained in any other law for the time being in force, no person who volunteers to give information regarding receipt of illegal gratification or bribery by any government servant shall be proceeded against under any such law."

Mr. Speaker: I have not been able to follow. Where that portion is to be added?

Shri Punnoose: At the end.

Mr. Speaker: Will he repeat his amendment? Is it put on paper?

Shri Punnoose: It is No. 26.

Mr. Speaker: Yes. It has already been moved.

Shri Punnoose: It is with a definite objective that I move this amendment. The question of corruption in our administration and in our social set up is not a new one. There is no point in saying that from the date of the Congress coming into power this rot began in this country. No, Sir. It was there throughout. The coming of the Congress into power has not checked corruption. I am sure there will

be very little difference of opinion upon this count. Many hon. Members on the other side, will admit in the House that they have not been able to check corruption. I believe the hon. Home Minister himself, in informal talks, could generously admit that they have not been able to register success in this.

I do not in the least mean to say that no attempt has been made to check corruption. Many enquiry committees have been appointed, volumes have been written, experts have gone into the question. I do not know, sometimes, experts in corruption themselves have tackled the question. But, the net result is that you and I, people generally, do not feel that in the new set up corruption has been successfully fought and that they can proceed safely. I want to bring it to the notice of the House that there has been a fundamental weakness in all the approaches, in the various enquiries made and in the announcements of good intentions made by the Government. I concede that there are many good men on the other side who really want to do things. I am aware of anxious minds who are spending time over this question. But, one particular factor, I believe, the most important factor, is lost sight of. That is, that corruption can be fought and rooted out only when and if the general masses of our people are given a proper place in the picture. Because, they are the people who are vitally interested in uprooting corruption. I personally, on moral grounds, or philosophical grounds, on grounds of taste, may dislike corruption. But, when I want to get a second class ticket from here to Madras to travel to my place, in conditions of extreme necessity and I do not know—I have never been placed in that type of situation in the past—whether I will not take to some short cut to get the berth booked. But there are masses of people in this country, workers, poor peasants, small salaried people, millions of them, who gain nothing by corruption, and who stand to gain by rooting it out, and who stand to lose by allowing corruption to prosper. Therefore, I want very much the Government today to liberate the energies of our people and channelise them in that direction. Let the people come forward and point out who have been the oppressors, and who have looted them. Let them come forward and bring the charges. No matter whether or not these charges are as beautifully arranged as the Home Minister would like them to be codified; let them come forward and say that this Minister, this leader, this officer is doing this havoc or has taken bribes from me. If such a thing is

[Shri Punnoose]

allowed, you will find that many people who pass for gentlemen, who are respected in society today, are not able to answer the charges.

I am aware of cases where greedy men, influential men in society, in search of profit, have participated in corruption. A moneyed man, going in for a contract, enters into a sort of relationship with the officer concerned, gives him a few thousands of rupees and makes profit. I am aware of such men. I have no illusion that by declaring that no proceedings will be launched against people who have been compelled to give bribes, such people who have actively participated in this sort of thing, such big guys will come into the picture. They will never come forward to fight corruption. But the large percentage of cases of corruption has occurred because our people had no other go. In many cases, people give bribes simply because they could not help it. Therefore, I would request the Government not only to accept the Resolution, but also accept this amendment and call upon the people to come forward.

I would point out an instance. I would point out how this question has been tackled in our neighbouring country, China. I am not now, at the present moment, interested in the social order or change that has been brought about in China, but everybody admits that the question of corruption has been most seriously and earnestly tackled; and we have got very authoritative statements from Indian visitors that they have successfully solved it. How was it possible? The "Anti-Three" and "Anti-Five" movements were launched against the corruption of Government officers, and, believe me, leading Party men, leaders of the Communist Party, were asked to stand before the people and answer questions and charges of corruption. If such a procedure is taken, and if our people are allowed the initiative, if they are allowed to come forward, I am sure corruption can be fought. But, nothing short of it can do it. Nothing less than this can fight corruption, because it will hide somewhere. It is not very easy to catch these clever fellows who cheat society.

You are aware that according to the present law, the Indian Penal Code, the bribe-giver will also be booked, and last year we passed a law by which it becomes a cognizable offence. This would plainly prevent and hamper the initiative of the ordinary people. Therefore, in order to implement this Resolution and make a determined attack against corruption, nepotism, favouritism and all the rest of it, I

would request this House to accept the Resolution with this amendment, and I am sure Sardar Hukam Singh himself will be happy to accept my amendment.

Shri Khardekar (Kolhapur *cum* Satara): It is needless to say that I rise to support the Resolution. I found that during the last session even some Congressmen supported it. It was a very pleasant surprise. And that leads me to think that love of honesty is not the entire monopoly of this side.

My only regret is that this Resolution does not go far enough. It refers only to officers. I would like to include legislators, Ministers and persons or Members who are members of the Party in power.

I am more concerned with the corrupt mind rather than with different samples or illustrations of corruption, because, a man is selfish not so much sometimes for himself as it may be due to tribal instincts. Now, supposing I were a Maharashtra Minister, I would see that my Ministry has more Maharashtrians. A Bengalee more or less does the same. That is a kind of provincial corruption. Then there is the community affair. Supposing Mr. Deshpande or myself, if we were to be Hindu Mahasabhaites, we would not like a Muslim to enter our office as far as possible—I mean, frankly speaking. But then, it is also very likely that if I were a Muslim Minister and also a very great patriot and nationalist, I would see that my Ministry has a good quota of Muslim officials. This is a kind of corruption, I think, from which we suffer a great deal.

From community we come to caste, sub-caste, family, even name. There are some persons who are so great that they adorn a great name, but there are many who are adorned by that great name, and they derive a good deal of benefit. I think although Shakespeare was a great poet, he definitely blundered when he said:

"What is in a name?

That which we call a rose

By any other name would smell as sweet."

It would smell as sweet, but I do not know whether it would fetch half the price, and in this world and in public life, it is not your intrinsic worth that counts as much as your capacity to advertise yourself and to sell yourself properly.

Now, let me come to the question of legislators, because we are legislators, and how and why we should declare

our possessions. Last year, when I was in Poona, I went to see one of the Ministers. That was the first time I went there, and I hope that would be the last. There was a regular *darbar*, with 25 legislators in the house. The Minister himself is a good man. What could he do? He had to see the legislators. And then I asked the Minister: "How do you carry on your work?" He said: "I have to spend two or three hours every day like this." Then I went to the Council Hall, and I enquired why most of those were not active in the Assembly at all. Then I was told, and I believe that is true, that some of the legislators—well, it is their practice—and a practice that brings them something better than the practice of lawyers in the legal profession. So, here, I must disagree with the Deputy-Speaker who very often says that Members should go and see the Ministers and have a few points thrashed out. I would like a law to be made that no legislator should bother a Minister. Let the Ministers do their work, and any important matter should be brought on the floor of the House. Otherwise, there are some of us who go to the Ministers, who know important persons, and as a result that leads to corruption.

I know whenever I go back to my constituency, some highly respectable persons ask me: "You must have met Panditji several times." And if I were to convince them that I have met Panditji several times and if I am inclined to make some money from businessmen and so on, it is quite possible. But they get scandalised and shocked when I tell them: "Well, I have not met Panditji, nor have I any intentions of meeting him." Then, they say: "Why?" Because, first of all, he is a busy man, and secondly, I have always something interesting to do rather than meeting even important persons. So, this kind of corruption, I think is extremely bad.

Now, unfortunately, my friend who spoke the other day was rather critical about me, and I want to say some thing to him in reply in this connection, as far as corruption is concerned. Now, he said or suggested that I am to be found round 'bars' or something. This is a time when I want to purify myself and make certain admissions and confessions. I will narrate an experience of mine which will convince you as to how this corruption sets in when there are bad laws. During the last election, as part of my election campaign, I was addressing a village meeting, and in a light-hearted manner, I was trying to criticise the Bombay Government and its policy. I said: "Thanks to the Bombay Gov-

ernment now, because of prohibition, everything is so good; one need not go to any particular place; inside a village or outside—all that you have got to do is put your hand like that and a bottle comes up." It was just meant to create some fun. But, surprised I was very much to find that some of the village leaders—well, I could see some glint of appreciation in their eye. And after the meeting was over, I went to my car and started driving myself. My chauffeur said: "Two villagers came and have deposited two bottles in appreciation of your talk." I thought that it must be milk or honey or something like that. Curiosity must be satisfied, and as soon as I got out of the village, I stopped the car, and opened one of the bottles. Lo and behold what was there! Water, not just water, but 'water that had blushed at the sight of the lord'. Now, I was on the horns of a dilemma. If I were to hand over those bottles to the police, I know what the police would do with it.

An Hon. Member: You should have taken it.

Shri Khardekar: Yes, I ought to have. I thought I should throw them out, because I am a law-abiding citizen. But at the same time, I am a great patriot, and I did not want to waste valuable indigenous property. Not being able to decide what to do, I do not remember what I did,—for, how can you?

Then about offices and so on, I find only three offices that are not corrupt. One is the post office, the other is the telegraph office, and the third is the Parliament Office. And here, I have some humble suggestion to make to you, Sir. It would be better, whenever there are so many Members very anxious to speak, if you could fix some kind of fees, say Rs. 50 and so on, and then the speeches would become valuable. The condition should be that if the speeches were just tolerable, that Rs. 50 would be returned, and if the speeches were better than that, then some contribution of Rs. 100 should be made. I assure you, Sir, that you would not lose. At the end of the year, all this amount should be collected, and from an unknown admirer, the money should be sent to Mr. Deshmukh, so that on the day of the Budget, he will read out that particular letter saying 'Here is so much money that has come from an unknown man.' If that is done, the House will improve, and there will be much less tedious talk. And here I have to put in a word for the hon. Deputy-Speaker. For, in your absence, he has to sit there. He cannot even yawn, whereas

[Shri Khardekar]

we can snooze a bit, and he cannot make his own name significant. His name is Ananthasayanam, i.e., that the man should be sleeping endlessly. But he cannot sleep even for a little bit.

Then, this question of patronage is very important. I think it is the vilest kind of corruption. The intoxication of power is worse than the intoxication of alcohol. Those who get drunk on power go on distributing patronage in such a manner that they are guilty, as I said, of the vilest corruption, and we find persons who have no values in their lives are out to set up priorities, and distribute patronage. They feed those who flatter them, and those who admire their follies; and by creating a list of priorities, in newspapers and so on, honest criticism is put an end to. We saw, for example, in Bombay, the way the *Times of India* is punished, and *Sakal* from Poona is punished. My point is that those in office should be particularly careful. With regard to officers, Ministers and so on,—not so much at the Centre—there is considerable indirect corruption. The Ministers, particularly the State Ministers are very fond of going out, touring—almost picnic they consider it—and they go with their families, and spend a good time. I know one instance when as many as eight to ten persons went along with a Minister. Then, of course, the collector had to be there, the DSP had to be there; the conscience of the Minister was so very much awake that at the end of the third day, he asked for the bill and paid Rs. 4-8-0. The officers had to spend about Rs. 500. They are not going to spend from their pockets. They have to take that money from the merchants and other people. So, this indirect sort of corruption has got to be stopped.

I forgot, in reply to my friend, what I wanted to say. I was telling how a certain stuff comes to me. I would like my friend to tell me how permits go to their particular friends. Of course, I wanted to quote Shri Rajabhoj who chanted earlier sort of devotional song:

‘रघुपति राघव राजा राम,
टाटा बिड़ला तेरा नाम
सब को परमिट दे भगवान ।”

Therefore the lord of permit Permit-Govind should be able to tell us how permits can be had. I have been quoting enough today, that I have forgotten the other things.

My submission is that this corruption in various forms must be ruthlessly cut an end to. And when we cannot put an end to corruption, as it seems

today, I think it is our duty to follow Plato. Plato, in his 'Republic'—I hope some Members have read it, and those who have read remember—says that if you want to have purity of administration, see that the administrators or the guardians do not have what leads them to corruption. Like gay bachelors, they should be doing their work, eating out in a mess, living, say, in the Constitution House. There need be no starvation or inhibition, but because of interest in other persons, some of us are inclined to be very corrupt.

Then there are elections, where we find a number of corrupt practices going on. And it does not refer to any particular party or group, but it has been noticed allround. I remember one very interesting incident that happened during the last elections. In one part of the country, where bulls are not respected only but worshipped, beautiful bulls were kept standing on the way to the polling booth, and the object, of course, was that those voters who would come that way would naturally bow down to the deity, and then they were led to the polling booth, and the workers told them 'Now you have worshipped the bulls outside. Inside you have to go and all that you have to do is to put your votes for our party bulls, into the box having the bulls as the symbol'. This kind of working on the religious sentiment of the people has happened. It might have happened elsewhere also. This is not a cock and bull story, though cock happened to be my symbol.

My point is that there is no use singling out officers. Officers are not a set apart. They are part of the society. The officers are corrupt, because I think we, the Indian people, are corrupt. The corruption amongst officers is in just the same proportion as corruption amongst ourselves. That is my submission.

Shri M. S. Gurupadaswamy (My-sore): This problem of corruption has focussed a lot of public attention in recent times.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Corruption has gone too deep in our body-politic. Nobody can say that after Independence, we have a better record in this, and that the people are satisfied. I feel, after attainment of *Swaraj*, corruption in all its forms has been mounting up, and many social evils have flown from this. On the floor of the House, on many occasions, many hon. Members have drawn the attention of the various Ministers to the

practices of corruption that are prevalent. And we know how the Government of India is too slow in its attitude in curbing this evil. We have many interesting cases of corruption, which are being tried in the courts of Delhi. They are *sub judice*; we cannot discuss them here. But anyway, Sir, they are very interesting cases. They reveal a lot of things—how, in what form and by what methods corruption is being encouraged and practised by officials. My friend who spoke just now was referring to favouritism and patronage prevailing in the public and Legislature as well as in the Ministry. He was making general remarks about corruption.

I want to draw the attention of the House particularly to official corruption. Corruption among officers, is growing day by day and no effective action has been taken by the higher authorities. I refer to one or two particular cases where Government has not taken effective action. You must have heard of what is called the Ferozepur Cantonment scandal. It is an old case, but till today no action has been taken by the Government. The person who was a victim to this scandal lodged a private complaint to the concerned authorities and he also made a representation that in the Ferozepur Cantonment area the police officials were responsible for this scandal. I do not want to discuss this scandal in detail, because it is so scandalous, so bad and almost nauseating that I do not want to repeat it here; but I only say that till today no effective action has been taken against police officers who were responsible for this scandal.

I refer to another case, Sir.

Shri V. P. Nayar (Chirayinkil): What is scandalous? The scandal itself or not taking action?

Shri M. S. Gurupadaswamy: There is another case, Sir, of a man who was guarding Rajghat. Because he took some interest in finding out some corruption in certain departments, he was assaulted by some people who were assisted by officials. So, this shows that the Government is mostly responsible for the growth of corruption in the body politic.

Now, the problem is: what are the measures which should be taken to checkmate this corruption? It is a very important question, Sir. We may discuss about various forms of corruption and we may quote various cases. But the main problem is, how to bring about moral purity, how to

cleanse public administration? It is a very important question and all of us should pool our intellectual resources to find out a solution to this problem.

Sir, I wish to draw the attention of the Home Minister to certain old circulars issued by the Punjab Government during the British regime. Those circulars are very interesting and they show how the then Government of Punjab took effective action to checkmate corruption, I do not mean in any way that corruption was not prevalent in those days. It was prevailing, but the action taken by the then Government to overcome it was very effective. Circulars were issued to all the departmental officials that they should conform to certain standards of conduct. The Punjab Government had analysed the various forms of illegal gratification. I am quoting, Sir:

"There is the man who extorts, and there is the man who merely accepts (the gratification). There is the bribe that is given for a particular purpose, whether that purpose is to pervert justice, to obtain a contract, to cover bad work done or to secure an unlawful advantage in any other way, and there is especially in the lower grades of the service, the customary perquisite paid at regular intervals without definite object and largely because it is the custom".

Sir, this tendency we are seeing even today in all branches of administration but in an attenuated form. It is particularly necessary to note that there cannot be corruption or bribery without two parties. We know that. Unless there is a bribe-giver, there cannot be a bribe-taker. For that, the Punjab Government then in its circular said:

"So long as there are private persons foolish enough or dishonest enough to give bribes, there will always be some officials who will not scruple to take them. Bribe-taking will only stop when bribe-giving ceases, it is with the public, therefore, that the remedy rests."

It goes on to say:

"Every man who gives a bribe is the enemy of the public. One bribe leads to another, justice hides her face, avarice is encouraged, and insecurity increased among the subjects. Treat the bribe-giver therefore as your enemy. Refuse to smoke or

[Shri M. S. Gurupadaswamy]

drink with him. He has shown discord and injustice; let him reap aversion and contempt".

It says further,

"Bribes are not taken in the bazar but secretly."

So if any genuine complaint is made against the officials that there is a case of bribery or corruption, then those officials should be immediately suspended and put to trial. So quick and effective action should be taken. We have got a department set up for this purpose, that is, the Special Police Establishment. This is going through various corruption cases. I have heard a lot of allegations against this department also. I have received complaints that many cases have been unduly delayed, investigations have been prolonged and evidence distorted and a lot of bribes are being taken by officials from parties. So if these very men, this very department which is meant for checking or eradicating corruption, succumb to corruption, then how is it possible to cleanse public administration? How is it possible to raise administrative morality? So stricter and sterner action is necessary. The Ministers themselves should take more drastic steps and, if possible, they should set up a Committee of Inquiry immediately to inquire into all the departments and to suggest measures for eradicating corruption. Unless this is done, it is very doubtful whether there can be any co-operation from Opposition to solve other vital problems.

Further, I have got one or two more points to bring to the notice of the Minister. Corruption starts, as you know, from politics. First of all we must be very careful that the Ministers should not take into confidence some of the professional traders in permits. Nowadays their number is increasing in the public, and they are becoming more and more friendly with the Ministers. The Ministers may not know this, but the public are watching. So it is very necessary that the Ministers should take proper care in giving interviews to such people or in mixing with those people. A clever device that is being adopted nowadays is to invite a Minister to a particular party, or a social gathering and to make his friendship and then the friendship of his wife, his sons etc. By that way, they indirectly wield influence over the Minister and the Minister will ultimately become a victim to their

nefarious influence. So, we find that the Ministers are helping these professional corruptors of society to trade in their own way and to amass a lot of wealth. That sort of thing should be immediately stopped. An Enquiry Committee on behalf of Parliament, consisting of parliamentary Members may be set up now to enquire into all these and other matters.

There is an amendment to the resolution by my friend. He has suggested that even the legislators should be included. I have seen during my short experience many legislators who have amassed large amount of wealth both in the States as well as in the Centre. I do not know by what means. It may be by rightful means or it may be by other means. I cannot say. But, anyway, the fact is that many Members of the legislature have a lot of money in their hands and by displaying their money, by displaying their position they are playing havoc against society. Many innocent people are being hoodwinked or falling victims. That should be stopped.

In this connection, I want to draw the attention of the hon. Minister concerned to the fact that here in Delhi we are seeing lots of palatial buildings in various parts. They are owned by contractors who have taken contracts under the CPWD and other departments. A total valuation of all their properties should be made. I may point out that there was one contractor who was penniless, who came from Punjab and now he is owning 5 or 6 buildings including the Regal Building. He is now rolling in wealth and it would be very interesting for us to enquire as to how this gentleman, within his own lifetime, earned so much. I have seen so many people who within the last few years, say within half a dozen years, have become men of lakhs and they have even millions of rupees in their hands. How is it possible? Except by a miracle, you cannot think of people, having no means of their own before, acquiring so much of property within a few years.

Pandit K. C. Sharma (Meerut Distt. —South): Money also produces.

Shri M. S. Gurupadaswamy: If you expect people to have any belief or confidence in the existing Government, then you must clear doubt in their minds and show that this ad-

ministration is above corruption, and this stands for its ruthless eradication. Today you ask any man in the street, he will tell you, 'Oh, this administration is full of corruption; without bribe nothing is done'. That is the general feeling. You must destroy this psychological feeling; it is very bad, very devastating. It will have disastrous consequences on the morale of the public. So, unless the administration is pure, unless the Government which administers the country is pure, unless there is a satisfaction among the public that this Government stands for justice and justice alone you cannot expect co-operation from the people for your schemes, for your Five Year Plan and your multipurpose programmes. Much harm is being done by these corrupt contractors and corrupt officials. So, if you want public money to be utilised properly, if you want the development of the country, if you want prosperity of the people you must get the co-operation of the public. And to get public co-operation, mere talking of it is not enough, mere sending of appeals and advertisements in papers is not enough. You must show in action that you are the real enemy of corruption, and that you are out to condemn and suppress corrupt activities. If you show honesty and zeal, then automatically, all the sections of the public will come and support you in all your schemes. Unless this is done, it is very difficult and even doubtful that this administration will lead the country to prosperity.

Several Hon. Members rose—

Mr. Chairman: I find that Shri Algu Rai Shastri has already spoken and similarly Shree Narayan Das has also spoken on this resolution. There is no rule allowing a person to speak twice on the same motion.

Shri S. N. Das (Darbhanga Central): I have not spoken Sir, I have only moved my amendment.

Mr. Chairman: On the 28th of November, he is supposed to have spoken and taken ten minutes.

There are many amendments, about 26 amendments on the agenda paper. If I were to allow every Member to have a speech, I think there will not be time enough.

Shri Algu Rai Shastri (Azamgarh Distt.—East cum Ballia Distt.—West): Have I spoken, Sir?

Mr. Chairman: Yes.

Prof. Mathew (Kottayam): I assure you, Sir, that I wish to raise only one or two points for clarification by the hon. Mover of the resolution.

May I begin by saying that we, on this side, are as keen on this question of rooting out of corruption as any on the other side. Whatever corruption exists in the country must be rooted out. Every effective step must be taken and I claim to be as keen as, if not more keen, than, any one on the side of the Opposition. But, Sir, my difficulty is this. I do not quite understand how this resolution could really and effectively help it. I would only concentrate on one essential point of procedure. Say, a Commission is appointed to go into these cases. What cases? It has to go into the savings of every "responsible officer". I do not quite understand what is meant by "responsible officer". Who are responsible officers and who are irresponsible officers? So, it has to go into the savings of every officer in the whole of the Union of India to see whether it falls within the legitimate bounds of his salary! That is the first point. I am prepared to swallow this difficulty and to concede that a Commission may be appointed. I know there are hundreds of cases of corruption which may happen during a year. What surprised me was this—I rubbed my eyes to see whether I read it all right—that all these cases should be reported to this House! Is this House to decide what is to be done in each of those cases? Suppose the Commission sends up only one hundred cases. What is this House to do with them? Without some documents, without some data being placed before us, we cannot go into the question and be convinced that these *prima facie* cases of corruption are real. Then what are we to do? Is this legislature to convert itself into a judiciary? How can this Parliament convert itself into a judiciary and say what ought to be done in each case? That is what I fail to understand. If this doubt of mine is cleared, and it is shown how it is an effective way of reducing corruption, I shall certainly vote for the resolution. But, just at the moment, I fail to see the workability of this scheme, of hundreds of cases being reported to this House and this House being called upon to decide in each case what ought to be done. Certainly, it would seem to me that it is not the effective way of doing things. That would be rather going in the wrong way. It was said by

[Prof. Mathew]

some Members that it is not going far enough. As far as I can see, it is a roundabout and impractical method. If this doubt can be cleared and it can be shown to me that this is effective, I shall be most happy to vote for the resolution.

श्री पी० आर० राव (बारांगल) : मे
इसका जवाब देना चाहता हूँ ।

Mr. Chairman: Others also can reply. After all, I cannot call every hon. Member.

Several Hon. Members rose—

Mr. Chairman: Pandit K. C. Sharma. He should finish by 4-30.

Pandit K. C. Sharma: I am grateful to you, Sir, for giving me this opportunity. The problem is not such an easy one as the resolution supposes it to be, because public servants as a class are not very much different from people working in other walks of life. As human beings, they are both related, and the factors that tempt people in other spheres to think of easy money are the very factors which also tempt public servants to yield to temptations. So, you cannot differentiate public servants from others.

The fact of the matter is that this habit of corruption has a long history. It is not a thing that has come yesterday or a few years before today. The root cause is that for centuries we as a people have been influenced by the positional rather than the functional attitude. Any man who does not care to do things remains static. He lacks the courage to face facts. I submit that it is as much corruption to say that because some people are of a particular colour or religion or caste, therefore they should have a State of their own simply because they want a certain fool to be raised to the position of a minister—it is as much corruption to fight for an uneconomic State as it is for a sub-inspector to take a few hundred rupees and send five people instead of seven to a trouble-spot, and with the help of the money send his daughter to school. You go to the marriage market. A handsome young man is there. He does not get the girl. Another fool who is dirty, ugly and characterless gets her, simply

because he has lot of money. Is that not greater corruption? Is the sub-inspector a worse criminal than such a man?

Why do these things happen? Because for centuries we have not had the courage in us to make headway, to fight against heavy odds and difficulties. That has been the bane of our life. What is the secret behind the amassing of wealth? It is the lack of confidence in our children. The parents themselves lack confidence in their children. They believe that their children cannot make their way in life and hence they must leave enough for them.

You take a Minister. He should be there, because he knows the job; he does the job; he is expected to do the job. If he fails in that he fails the people. It is the duty of the Cabinet to see that every man works properly; he is competent; what he has done has brought enough credit to keep him in his office. If people say that a certain man is worthless, that he does not do his job, then the Cabinet's first duty is to kick him off. If you do that with regard to higher officers the sub-inspector would not be corrupt.

Now, I come to the services. What is wrong with them? The other day I enquired how many people from the Ministries were on the U.P.S.C. A certain number was given and it was said that they were all professors of poetry, drama, fine arts and so on. I ask a simple question: are people who look at the skies and delight in imagination competent to judge the character and capacity of the young men who are to face the facts of administration? Face the facts. Is it not true that before you there is a hard and difficult life which requires a lot of courage, patience and hard work? To my mind, never was the world in a more difficult situation than it is today with regard to administration, and India is no exception. Formerly, a certain class of people who were born, bred and trained for administration were there to take up the job. They had many great qualities. That class has vanished today. Common people have come in. They have to learn to face difficulties. You have to change people and make them fit to do the job. You must see that every link in the administration is well-placed.

There are several stages. You have the U.P.S.C. You have the Administrative Training School. From

the stage of a student, you select men and take them up to the stage of their gradation in service. I met some ten or fifteen people who came out successful in the I.A.S. Examination. I asked some of them why they had chosen Government service. To my surprise, all of them said: "Here we get more pay". Now, is Government service a *bania* shop? There is no greater disqualification, to my mind, than for a young man to say that. He should say that he gets better opportunities; he gets better work. Public service is not a profit-making proposition. No administration can be good enough and acceptable to any self-respecting people if public officers are joining the services only for better pay. That is impossible, because once that is accepted, the corollary follows that the man must get a beautiful wife to have an easy way; he must get friends who can give him an easy life and provide comforts. What you read in the papers for the last few days is a necessary corollary to it. Only one man's case has come before the public, but there would be dozens and I daresay that such cases would be inevitable the moment you look at things from a possessional attitude and not a functional attitude.

Now, regarding this resolution, I appreciate its spirit, but it is not acceptable to me, because it reduces the House to the position of a judge. The function of the House is to legislate, not to pass judgments. That is the business of the judiciary. We have changed our old ways, and the Constitution has created three distinct departments, viz., the legislature to make laws, the executive to carry them out and the judiciary to administer justice. So, the function suggested for Parliament in the resolution does not fit in with the scheme of our Constitution.

One word more and I have done. My hon. friend Shri Gurupadaswamy says that everywhere you find corruption. He says that the man-in-the-street talks of corruption: this man is corrupt; that officer is corrupt; and so on. It is not such a simple affair. The fact is that he finds life difficult. His attitude is one of drift. You must have come across people who resort to this drifting way. Supposing a man is sick. Instead of running to the chemist's shop and getting medicine, he says: "What is the good? I cannot be cured. The medicine may not be effective." This is what is called drifting, that is, looking at things in a loose way. This is

the character of a class of people who are incompetent to face facts and meet the difficulties and lacking the will to face danger. I have done.

Dr. Katju: We have had a very full debate on this Resolution. I have heard many speakers, I confess, with a great sense of sorrow and grief. It is not because I do not share the general opinion against the evil of corruption. It is detestable wherever it may be found. But I confess I was hurt by the great exaggeration and the over-statement in many speeches. Not only in this debate, but on previous occasions also, this topic has been dealt with, not with a sense of horror, but with a sense of great relish, great gusto, as if we were enjoying the whole of this discussion.

We are forgetting that the public servants whom we condemn so particularly are our own kith and kin; they are our brothers, our sons, our nephews, and I say respectfully that when you condemn them so broadly, so generally, you condemn yourself, because there must be some defect in the upbringing, some defect in the environment, in the family surroundings, which make these youngmen when they enter into public service to become so horrid as you try to paint them. Indeed, one of my hon. friends here, who made a speech which was generally liked as being humorous, ended by saying that all Indians were corrupt. Therefore the problem was insoluble, because if we are all corrupt we cannot stop corruption. That is why I have a feeling that we do not take this problem seriously and it is becoming almost a fashion these days to indulge in general vituperation on this topic.

Secondly, there is another matter. My hon. friend the Mover of the Resolution started by saying that he read in some newspaper that the Government was going to oppose it. I think he was correctly informed. I am here to oppose this Resolution on many grounds, not only because it is badly worded and badly designed, but I should say because the whole structure is bad. This point was very briefly touched by my hon. friend who preceded me. Just see how it runs. I should like to make a little analysis of it, because we may be apt to forget the structure of this resolution:

"This House is of opinion that Government should take steps to investigate into the wealth, fortune or property, whether held in his own name or of any men-

[Dr. Katju]

ber or members of his family, jointly or severally, of any person who...

Now look at the ambit of it. It will not be an investigation, it is likely to become an inquisition.

"(a) holds an office under the Constitution;"

Now, the House is aware of people who hold office under the Constitution. The topmost of them is the President himself. The President of India holds office under the Constitution. Then we have the Judges of the Supreme Court and the Judges of the High Courts. I notice that in one of the amendments this was taken note of and there is a suggestion that the Judges should be excluded from this investigation. But not the President. Then you have, of course, the Vice-President. Then we have the Hon. the Speaker, the Deputy-Speaker, the Chairman, the Deputy Chairman of the Council. Then we have the Chairman of the Public Service Commission. Then there are many others—the Comptroller and Auditor-General and so many officers who hold office under the Constitution and this Resolution hits all of them.

Then it says:

"or (b) is a responsible officer of the Government of India,"—

whatever that may mean "or of any State in India". I imagine that every member of the All-India Services, the Indian Police, the Indian Administrative Service, the Indian Financial Service, the Accounts Service, Engineering Service, is a responsible officer of the Government of India.—

".....and in particular, is authorised to place contracts, issue licences, collect revenues";—

That would include in the United Provinces every tahsildar, every Deputy Collector,—

".....or taxes, or controls the procurement, storage, distribution, movement or sale of any commodity".

Every railway officer will come into this because he is handling wagons

and every officer of the Food Department will be covered by this.

".....and in particular, any person who is about to relinquish his post or office or retire from Government service;

and for this purpose appoint a Commission which should be authorised to call for any witness or document and make a thorough investigation into all the possessions of such an officer."

Now, I ask, is it going to be one Commission? If you are going to deal with this on an all-India basis, you may require a hundred commissions, because it is not a joke. It will require about 10,000 officers or 20,000 officers. No one will be safe. Whom have my hon. friends in mind? They have viad with each other in regard to extending its scope. Poor legislators come into it; poor Ministers are "responsible officers" and come into it.

Shri Aju Rai Shastri: Even contractors have been suggested.

Dr. Katju: So, practically you are going to spread the net all over India. So, not one commission will do. If my hon. friend the Finance Minister were here, he would have said that it would require about Rs. 50 lakhs for payment to the members of this Commission and I am perfectly certain that when these Commissions have been appointed, there will be a super-Commission to investigate into the conduct of the members of the Commission themselves. Where will it end? I am not trying to laugh off or laugh out the thing. But here it is; let us understand what it means. Then, how is it to end? Supposing the Commission reports, or does succeed in making a report.

The Resolution further runs:—

"This House is further of opinion that if as a result of such an investigation any officer is found to be owning, or holding, or to have accumulated any property, which in the opinion of the Investigation Commission is substantially in excess of what could be accumulated by an honest and upright officer.....

Absolutely vague,—

"the matter should be reported.....".

To whom? Not to a learned judge in any court of law,—

"to this House.....",

whose conduct is also to be investigated according to amendments moved, because none of us is safe. Legislators are to be subject matter of investigation by the Commission and that matter should be reported to this House!

".....which will after such further consideration take such action as it deems just and necessary in each case."

With all due respect to my hon. friend whom I esteem—and he knows it very well—it is really a hopeless proposition—never heard of it—turning Parliament, a legislature of this kind, into an investigation into the affairs of Deputy-Collector 'A', or Contractor 'B', or licence holder 'C'. Are we going to turn Parliament into an investigating body? It is no function of Parliament. I am speaking with great respect. While we may inspire confidence in the public mind in matters of legislation, experience in other countries has shown that Parliament does not inspire confidence, when it functions on a party basis, in matters of judicial investigation. In the olden days the House of Commons used to sit in judgment over election petitions. In my old college days I have read of them like the case of Charles James Fox in the Westminster Elections. But they found that it was no good. The result is that the House of Commons has now divested itself of that power.

Dr. S. P. Mookerjee: That is why we are dissatisfied with so many of your decisions.

Dr. Katju: Undoubtedly you are. I am not saying that you are not. But I am talking of judicial matters, not executive matters.

This is the structure of this resolution. And one hon. Member has gone a step further and in an amendment that has been moved he says—it is not the Government who have to appoint the Investigation Commission—but twenty-one members of the House should form a Committee who should "consider the necessity, desirability and feasibility of appointing an Investigation Commission" and then the Investigation Commission is to report to the House itself as to what should be done.

My respectful submission is that this resolution as it stands would be the most harmful imaginable. It would

be injurious to the morale of the country. After all the public services are not so bad as they are painted. Please remember that there are lakhs and lakhs of people there, all our relations, the flowers of our universities. I am not saying that every one of them is absolutely perfect and honest and clean—I wish all of them were. But everybody knows that the Second World War played havoc with public morals and morals of public services also, not only in this country but in other countries as well. The conditions of the war made it compulsory that hundreds of crores of rupees should be spent within a month with no check, and the result was that many people succumbed. But I am sure—I come across most of the public servants myself—that they are honest, hard-working and as proud of Free India as I am and as willing to work to the best of their ability as anybody here. If you condemn them straightoff in general, vague language, blanketing them all, making no distinction, then it is bound to hurt. It is not only bound to hurt; it is also bound to cause very injurious consequences. Because, if once the sense of discipline, the sense of restraint, the sense of self-respect is gone, I do not know where people would stand.

This Resolution has taken no note of what actually is the legal position. I should like to remind hon. Members as to what the actual position is. Under the Standing Rules, the Government Servants Conduct Rules, there is a provision which requires all officers to submit an annual return of their immovable property. These Conduct Rules, in the case of the Indian Administrative Service, will also require submission of returns to Government of the acquisition of movable property also exceeding Rs. 200 in value. There is a proposal to make a similar provision in regard to the Central Services also. And then, wherever there is any suspicion of lack of integrity amongst holders of political offices or among Government servants, it can never go completely concealed. The House will also recollect that last year it passed an Act, which was called the Commissions of Enquiry Act, to go into these matters. This Act is very wide in its terms and it authorises Government to appoint Commissions of Enquiry in which the enquiring officer can go deeply into the matter, is not bound by rules of evidence and can hold any enquiry possible. Similarly, I would also refer to the Act which was passed in 1947 and which was recently amended, the Act which is called the Prevention of

[Dr. Katju]

Corruption Act (II of 1947). The House would recollect that in that Act there is an offence called offence of criminal misconduct. And when a public servant is tried for that offence, the offence of criminal misconduct, evidence is admissible on the side of the prosecution, general evidence, which enables the prosecution to show that the accused possesses more property than he could have honestly acquired by the emoluments of his office. If that can be shown, then the onus is thrown upon the public servant to prove affirmatively as to where he got the property from.

I submit, that these are quite sufficient for all purposes. The difficulty is this. And I am here speaking from some experience. Do you or do you not want a judicial and a fair trial? If you want to proceed upon mere vague, general rumours which may be circulated by opponents, rightly or wrongly, who want to condemn a man, then you may as well say: hang him first and try him afterwards. But if you do insist, as the Constitution itself provides, that you must try him and that you must give him a proper chance of clearing himself, then the result to-day is that the judge or the enquiring officer finds himself in a difficulty because people will not come and give evidence. I hear sometimes with great regret "Look at this Congress Government, what a set of—shall I say—half-witted people they are? They have made even bribe-giving an offence"—a bribe-giver according to them is somebody who ought to be given a garland—"Here is the Congress Government which says that a bribe-giver is a serious offender and guilty of an anti-social act". The result is this. Suppose you do not condemn the bribe-giver and the bribe is given and there is no social opinion against that act, it is not condemned by social opinion; the man who gives the bribe and the man who takes the bribe, both are not socially boycotted, both are not made the victims of social wrath. Then the result is that the man will not come and give evidence. And if he does not come and give evidence how are you going to condemn him, how is any Investigation Commission going to condemn him? Some hon. Member said here: make the public informers, give the bribe-giver's immunity, they should be immune from prosecutions. Generally they are. But they will not come forward.

My point is that while we are concerned about the prevailing evil, though it is not to the extent that it

is painted, the measure we take to stop this rot should not defeat its own end, should not cause a spirit of general discontent. By a measure so sweeping in its nature which brings in everybody, which lets out no one, which creates an impression to the outside world that Indians stand self-condemned, that the Government in this country and everybody in this country is corrupt, from top to bottom, high officers, low officers, legislators, Members of Parliament, highest officers from the President downwards, cannot be trusted and must submit themselves to examination, I say if you create that impression, are you going to lower yourself in the eyes of the world or to raise yourself? I will repeat for the third time that there is no desire whatsoever on the part of the Government; not to stop these things or to allow corruption to be abominable but I found particularly on the opposite benches no inclination, no desire whatsoever to acknowledge what had been done in the past.

I do not want to take a long time but in the speech which was delivered by my hon. friend, Mr. Gadgil, he gave certain figures which I should like just to read in order to refresh the memory of the House. Mr. Gadgil said that in the years 1947 and 1952, 118 gazetted officers were prosecuted, 21 cases were pending and 37 convictions had been obtained. As regards the overall position, I might inform the hon. Members that in the year 1949, the Special Police investigated 576 cases, launched 396 prosecutions and the convictions were 155. In 1950 the figures were 362, 169 and 40, and in 1951, they were 219, 102, and 70. This indicates that Government is not a slave or unconscious of the evil that prevails and of the immense desirability of putting it down but let us take a sober and a serious view of the matter and not be taken away by a general desire for vituperation because the more you talk about it in this general fashion, I submit, you create greater discontent in the general public because whatever we say here, comes from the highest quarters. We are supposed to be the representatives of the people, chosen by 7 lakhs of people and generally—very rightly—the public attaches great weight to what falls from the lips of their representatives. If Sardar Hukam Singh says that the country is corrupt, if some other hon. Member says even in a humorous way that all Indians are corrupt, then what is the effect? Well, we are doomed. Not

only should this Government be got rid of but all the Members of the Parliament also should be got rid of because they themselves say that there should be a special investigation for enquiring into the conduct of each hon. Member. Every hon. Member even on the other side.....

Some Hon. Members: Why not?

Dr. Katju: Everybody including myself. Now, hon. Members might say that if anybody wants to get a passport, he can try to get it with some influence on the Home Minister. Now it is a very laudable enterprise. It is not a corrupt enterprise.

I beg to oppose this Resolution as I said on many grounds. Structurally it is bad, inherently it is not very appealing and the evil that it paints is overdrawn. It is exaggerated. It is unworkable. This Investigation Commission simply is astounding. Sardar Hukam Singh has been an administrator himself. Can he imagine one Investigation Commission will be able to cope with 20,000 to 40,000 responsible public servants, beginning from the President downwards?

An Hon. Member: No.

Dr. Katju: I do not want to tire the House by repeating my arguments or enlarging upon what I have said. When I was hearing my hon. friend, the humorous Member, I was reminded of the English.....

Dr. S. P. Mookerjee: So many humorous points.

Dr. Katju: I was reminded of that English proverb "When salt itself loses its savour, where shall it be salted from". If we are all corrupt, how can we endeavour to improve each other? We all stand condemned. The House did not agree with that general condemnation. Sir, I oppose.

Shri Feroze Gandhi (Pratapgarh Distt.—West *cum* Rae Bareilly Distt.—East): On a point of information. Will the hon. Home Minister inform us whether it is not correct that the Government of Jammu and Kashmir have introduced such a measure and have asked all the officers to do exactly as in the Resolution of Sardar Hukam Singh.

Dr. Katju: It may be that the Jammu and Kashmir Government may have done that. I should like to stand on my own legs and not be directed by the Jammu and Kashmir Government.

Shri Feroze Gandhi: It is a part of Indian territory.

Dr. S. P. Mookerjee: Why should not India accede to Jammu and Kashmir for this purpose?

पंडित अल्लू राय शास्त्री: क्या उत्तर प्रदेश ने भी इस तरह की कोई चीज़ की है ?

Sardar Hukam Singh: जी हाँ, की है ।

At least, once in my life, I have had this opportunity of replying to the Minister. We have been listening so far to the criticism of the Opposition that ours is always a destructive criticism but I wonder whether the Government Benches would offer us any constructive suggestions so far as this Resolution is concerned. At the very beginning I made it clear that I am not happy with the language I have used. I do not restrict the discretion of the officers that I have mentioned. I want that the underlying spirit should be accepted and not anything else. It was said that bad language has been used. I admit that I am no master of this language and I cannot put in beautiful phrases but at least I can disown responsibility so far as this phraseology is concerned because last time also I made it clear that it has been recast by the office and it was not my language. I may admit that perhaps mine has been worse. I do not say mine was better. So far as this stands, I cannot accept the responsibility because it was recast by the office and it is not my language.

We have just now listened to a very devout disciple of Mr. Sherlock Holmes. This is how Dr. Katju described himself and he can take pride to call himself a devout disciple of Sherlock Holmes because he was famous for the analysis, criticism and such other observations that he made and he has really followed those footsteps. So far as this Resolution was concerned, I am constrained to note that he was speaking as a lawyer and not with the spirit that underlay the Resolution. He did not pause for a moment to say that really the spirit was there, and if he had come with some amendment, if any Member from the opposite side, if any Member of the Congress Benches had come to suggest that this was not the proper language, this part of it was not practical, this portion of it ought to be substituted by something else, I would have been glad to accept it. As I made it clear on the very first day, I am not really wedded to anything particularly. What I want is the purification of the services.

[Sardar Hukam Singh]

Now we have been told that we are over painting the picture. I rather made it clear in my first opening remarks that I admit that there are a good number of officers with a very high standard. I praised them; I paid my tribute to them; I made it clear on the very first day. Then, to say that I am painting these officers or these public servants as if they are all corrupt, is not a correct appreciation of what I said.

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Government Benches or their spokesmen have only criticised it so far as the language is concerned, that it has a larger ambit, that it touches everybody. One of our friends, Mr. Telkikar said that it reminded him of the jail experience that everybody was to be searched. When I said this should be investigated into, Parliament has the power, the Government has the power. The resolution if accepted in spirit, they can call upon the officers to file a declaration of their property. That is not objected to in any State. The American President has to file a declaration of his assets when he enters upon his office and when he quits. There is nothing strange in this resolution which may be objected to on principle that is there. I may tell my hon. friends on the opposite side that as soon as this Resolution was published in the papers, Pakistan has adopted it. The U. P. has adopted it; certain other States have adopted it. (An Hon. Member: Kashmir also.) Yes. Kashmir has also adopted it. There is nothing wrong in the resolution; there may be everything wrong in the language; but that can be improved. An amendment can be made; even now I am prepared to accept it. Now, I should say, the only conclusion that I can draw is that the Government is not prepared to take that spirit and proceed according to the gist of the resolution, that is, the underlying motive.

We were told that this was political exploitation. I wondered at the remarks that were made by one of our hon. friends on the other side that there was political exploitation. If even putting this to the House that we should ask the public servants to put in a declaration of their property, is political exploitation, I think there can be nothing far from it. We were told and even now our esteemed friend the Home Minister has argued that it would be painting ourselves too black.

Even on that day, an argument was made out that when the Chinese traveller Huentsang came here, there was no theft at all. Certainly he did say that there was no theft at all. But, because he said that there was no theft, is it an argument that we should remove sections 379 and 380 of the Indian Penal Code?

Shri Nambiar: 420 also.

—Sardar Hukam Singh: Yes; 420 also. Is that an argument?

Shri Algu Raj Shastri: Section 420 will remain so long as my friends like these are there.

Sardar Hukam Singh: Because Huentsang said that there was no theft, if we say that there are thefts, is it wrong on our part? What I have said is, certainly there is corruption. Whatever percentage it may be, it is not denied; it is admitted on every hand. Leaving aside all these criticisms that have been made, because I find that it was only out of one motive—I use that word—because they wanted that this should not be accepted, I say, it has not been accepted. It is only the intransigence of the Government that is taking up that attitude. Otherwise, practically, I am glad that it has been accepted in this big volume on which we have spent lakhs of rupees.

Dr. Lanka Sundaram (Visakhapatnam): Twenty-six lakhs.

Sardar Hukam Singh: Yes, twenty-six lakhs. I will read one line after another to show that much of what I have said has been accepted. (An Hon. Member: Read.) I am going to read out.

Dr. Katju: Then, why press the Resolution?

Sardar Hukam Singh: It is said, we are examining it; but you are repudiating it.

Dr. Katju: Not at all. May I just say a word, Sir. I did not say that I did not like or that I did not admire the spirit of the Resolution. What I wanted to say was that we are doing our best to root out corruption in the proper manner.

Shri Raghavaiah (Ongole): Then, accept the Resolution.

Sardar Hukam Singh: Here it is said in Chapter VI, relating to Reform of Public Administration,

"That service, more specially in a State, which aims to become a welfare State, depends on the goodwill, appreciation and co-operation of the public."

It goes on to say:

"Cooperation and goodwill are obtained when there is a belief in the integrity and efficiency of the administration."

That is the only object in my resolution as well.

Then, how is that integrity achieved? It is said:

"Integrity in public affairs and administration is essential and there must therefore be an insistence on it in every branch of public activity. The influence of corruption is insidious. It not only inflicts wrongs which are difficult to redress, but it undermines the structure of administration and the confidence of the public in the administration. There must, therefore, be a continuous war against every species of corruption within the administration as well as in public life generally and the methods to root out this evil should be constantly reviewed."

Exactly this is what I mean to say. The war should be on all fronts: preventive, curative and punitive also. The wording of the resolution is preventive and curative. The provisions in the Prevention of Corruption Act of 1947 and the sections 161 and 165 of the Penal Code are punitive. They punish the people who have been brought to book. My Resolution is that we should prevent persons from taking that attitude. Then, the report says:

"The opportunity for corruption in various forms might arise almost anywhere in the administration, but it exists in a larger measure in some fields of public activity than in others."

Exactly this is what my resolution says when it talks of those charged with the granting of licences and other things. They really open out the scope for corruption. This is what my resolution says and it is supported here also. Further they say:

"Frequently, however, the remedy comes long after the event....."

An Hon. Member: That is the trouble.

Sardar Hukam Singh: That is exactly why I gave this Resolution, that we should nip the evil in the bud. The report says:

"Some measures to ensure standards in public life when these are grossly abused are necessary in the interest of democratic Government itself. Some machinery for this purpose should be devised in order to enquire into cases of alleged misconduct on the part of persons who hold any office, political or other. Where there is *prima facie* case for an enquiry, such an enquiry should be held in order to find out and establish facts....."

Then it goes on to say:

"The law relating to offences involving corruption has been recently strengthened." The law that I was just referring to—"The Prevention of Corruption Act, 1947, provides for the offence of criminal misconduct on the part of public servants in the discharge of official duty, and..... It also provides for cases in which a public servant may be found to have come into possession of pecuniary resources of income which he cannot account for satisfactorily."

This is what my resolution wants:

"It does not, however, provide for those cases in which a public servant's near relations may have been found to have become suddenly rich."

That lacuna, my resolution fills up.

The report proceeds to say:

"We suggest that the possibility of removing this lacuna should be studied and the necessary legislation undertaken."

This is the suggestion and recommendation. This is exactly what I want to say: that it should be placed before Parliament so that Parliament may consider and advise whether it should pass some legislation or appoint some Commission or Board to go into these cases. It is not in the initial stages that one is dubbed as a criminal. The investigation is only for a declaration of his property. Then the report says:

"It would be useful to consider whether public servants should be required to furnish a return each year concerning movable assets acquired by them or their near

[Sardar Hukam Singh]

relations during the preceding year. The present practice in this respect is confined to returns of immovable property."

Exactly this is what my resolution says: that the return should be of movable property as well as immovable property. These are the recommendations made in the Five-Year Plan. My Resolution embodies all these recommendations that we find here. There is nothing strange.

Dr. Lanka Sundaram: Were these taken from your resolution, or you took them from this?

Sardar Hukam Singh: My resolution was much earlier.

These criticisms that it is impracticable, that it is not worded in good language, that the suggestions that are there would dub the whole nation as criminals, are not based on any argument, I find the hesitation of the Government is only due to the fact that, as I said previously, and as also appeared in the Papers as well, it is not prepared to accept anything coming from the Opposition however good that might be. If the Government is so unresponsive, then, it should not expect that the criticisms offered must be constructive criticisms. It should not complain of that. At least in today's debate, Government has demonstrated that it follows the footsteps of the Opposition of which it complained very much.

Mr. Chairman: Now, I shall put the amendments to the vote of the House. I would rather like to know if any of the hon. Members want to withdraw any of the amendments, because the number is very large, as much as 26.

There are two amendments which want to substitute certain matters for the Resolution; others want either to add to or subtract from it. I would like to know if any hon. Member wants to withdraw any of the amendments moved. Otherwise, I will put all of them, one by one, to the vote of the House.

Shri N. P. Sinha (Hazaribagh East): Sir, I withdraw my amendment No. 9.

The amendment was, by leave, withdrawn.

Mr. Chairman: Or, if the House so agrees, I will put the first two amendments which seek to substitute certain other things for the resolution separately to the vote of the House, and the

rest of them together. So, I will proceed to put the first amendment by Shri S. N. Das. The question is:

That for the original resolution, the following be substituted:

"This House is of opinion that a Committee consisting of twenty-one members of the House of the People to be nominated by the Speaker be constituted during this session of the House to consider the necessity, desirability and feasibility of appointing an investigation Commission to investigate into the wealth, fortune or property whether held in his own name or of any member or members of his family, jointly or severally, of any person who,—

(a) holds an office under the Constitution; or

(b) is a responsible officer of the Government of India or of any State in India; and in particular is authorised to place contracts, issue licences, collect revenue or taxes or control the procurement, storage, distribution, movement or sale of any commodity; with a view to find whether the person concerned was owning or holding or accumulating any property which in the opinion of the Commission is substantially in excess of what could be accumulated by an honest and upright officer.

The Committee so appointed shall submit its report to the House of the People by the first week of the next session of the House of the People."

The motion was negative.

Mr. Chairman: The question is:

That for the original resolution, the following be substituted:

"This House views with grave concern the allegations of corruption made in this House and outside against officers of the Government, and is of the opinion that Government should take immediate and strong measures to put down all kinds of corruption among all ranks of officials of the Government of India and the States as also all the legislators including Ministers of Government and with a view to achieving this object, either appoint a Commission with powers of inquiry and investigation or by the reorganisation of the Central Intelligence

Department with suitable powers of investigation, into the wealth, fortune or property of any individual."

The motion was negatived.

Mr. Chairman: I will not put the other amendments to the vote of the House.

The question is:

That after the words "take steps to investigate" the word "periodically" be inserted.

The motion was negatived.

Mr. Chairman: The question is:

That after the words "steps to investigate" the words "if they deem fit" be inserted.

The motion was negatived.

Mr. Chairman: The question is:

That for the words "of any member or members of his family, jointly or severally" the words "in the name of any person as "Benamidar" be substituted.

The motion was negatived.

Mr. Chairman: The question is:

That before the existing part (a) the following new part be inserted, and the existing parts (a) and (b) be relettered as parts (b) and (c) respectively:—

"(a) was elected in or after the year 1945 to either House of Legislature of any State".

The motion was negatived.

Mr. Chairman: The question is:

That in the amendment proposed by Shri K. S. Raghavachari printed as No. 6 in this list of amendments, the words "and at the Centre" be added at the end.

The motion was negatived.

Mr. Chairman: The question is:

That in part (a) after the word "Constitution" the following be inserted, namely:—

"or has held such office after the 15th of August, 1947".

The motion was negatived.

Mr. Chairman: The question is:

That in part (a) after the word "Constitution" the following be inserted, namely:—

"Or is a member of Parliament or of the State Legislature".

The motion was negatived.

Mr. Chairman: The question is:

That in part (b), for the words "a responsible officer" the words "an employee" be substituted.

The motion was negatived.

Mr. Chairman: The question is:

That for the word "officer" wherever it occurs, the word "employee" be substituted.

The motion was negatived.

Mr. Chairman: The question is:

That after part (b) the following new part (c) be inserted:

"(c) is a member of the police service and holds the office above the rank of a sub-inspector."

The motion was negatived.

Mr. Chairman: The question is:

That after part (b) the following new part (c) be inserted:

"(c) serves as a Minister in the Union or in any of the States."

The motion was negatived.

Mr. Chairman: The question is:

That after part (b) the following new part (c) be inserted:

"(c) is a non-official holding Government post or is a legislator of a State or is a member of Parliament."

The motion was negatived.

Mr. Chairman: The question is:

That the words "and is about to relinquish his post or office or retire from Government service" be omitted.

The motion was negatived.

Mr. Chairman: The question is:

That for the words "and is about to relinquish his post or office or retire from Government service" the words "before he relinquishes his office or retires from Government service" be substituted.

The motion was negated.

Mr. Chairman: The question is:

That for the word "possessions" the words "movable and immovable properties" be substituted.

The motion was negated.

Mr. Chairman: The question is:

That after the words "make a thorough investigation into all the possessions of such an officer" the following be added:

"as and when the Commission has sufficient reasons to believe or a complaint being lodged or an information being received from either the government or the public, that such an employee is owning or holding or to have accumulated wealth or property in excess of what could be accumulated by an honest and miserly employee."

The motion was negated.

Mr. Chairman: The question is:

That in the last paragraph for the word "officer" wherever it occurs the word "person" be substituted.

The motion was negated.

Mr. Chairman: The question is:

That in the last paragraph for the word "officer" occurring for the first time the word "employee" be substituted.

The motion was negated.

Mr. Chairman: The question is:

That for the words "upright officer" the words "upright employee of his grade" be substituted.

The motion was negated.

Mr. Chairman: The question is:

That the following be added, at the end:

"This House is also of opinion that all persons of the above mentioned categories be asked to declare periodically their wealth, fortune or property, and, if required, specify the sources from which it was acquired and for this purpose the necessary provision be made in Government employment rules".

The motion was negated.

Mr. Chairman: The question is:

That the following be added at the end:

"This House is further of opinion that all persons referred to above be required to submit all their assets and possessions at the time of appointments or elections."

The motion was negated.

Mr. Chairman: The question is:

That the following be added, at the end:

"This House is further of opinion that henceforth all persons mentioned above be required to submit their annual returns of incomes specifically mentioning their sources."

The motion was negated.

Mr. Chairman: The question is:

That the following be added, at the end:

"This House is of further opinion that notwithstanding anything contained in any other law for the time being in force, no person who volunteers to give information regarding receipt of illegal gratification or bribery by any Government servant shall be proceeded against under any such law."

The motion was negated.

Mr. Chairman: Then, I put the Resolution to the vote of the House.

The question is:

"That this House is of opinion that Government should take steps to investigate into the wealth, fortune or property, whether held in his own name or of any member or members of his family, jointly or severally, of any person who—

(a) holds an office under the Constitution; or

(b) is a responsible officer of the Government of India or of any State in India; and in particular, is authorised to place contracts, issue licences, collect revenues or taxes or control the procurement storage, distribution, movement or sale of any commodity; and in particular, any person who is about to relinquish his post or office or retire from Government service; and for this purpose appoint a Commission which should be authorised to call for any witness or document and make a thorough investigation into all the possessions of such an officer.

This House is further of opinion that if as a result of such an investigation any officer is found to be owning, or holding, or to have accumulated any property, which in the opinion of the Investigation Commission is substantially in excess of what could be accumulated by an honest and upright officer, the matter should be reported to this House which will after such further consideration take such action as it deems just and necessary in each case."

House divided: Ayes, 52; Noes, 174.

AYES

Division No. 6]

[5-15 P.M.

Ajit Singh, Shri
Anandchand, Shri
Bahadur Singh, Shri
Banerjee, Shri
Basu, Shri K. K.
Boovaraghasamy, Shri
Chakravarty, Shrimati Rentu
Chaudhuri, Shri T. K.
Chowdary, Shri C. R.
Chowdhury, Shri N. B.
Das, Shri B. C.
Das, Shri Sarangedhar
Deogam, Shri
Gidwani, Shri
Gurupdaswamy, Shri M. S.
Hukam Singh, Sardar
Jaisoorya, Dr.

Khardekar, Shri
Krishna, Shri M. R.
Mahata, Shri B.
Mascarene, Kumari Annie
Menon, Shri Damodara
Missir, Shri V.
Mookerjee, Dr. S. P.
More, Shri S. S.
Mukerjee, Shri H. N.
Muniswamy, Shri
Murthy, Shri B. S.
Nambiar, Shri
Nanadas, Shri
Narasimham, Shri S. V. L.
Nayar, Shri V. P.
Punnoose, Shri
Rajabhoj, Shri P. N.

Raghavachari, Shri
Raghavaiah, Shri
Ramasaani, Shri M. D.
Randaman Singh, Shri
Rao, Shri P. R.
Rao, Shri P. Subba
Rao, Shri Vittal
Reddi, Shri Ramachandra
Rishang Keishing, Shri
Saha, Shri Meghnad
Singh, Shri G. S. ;
Singh, Shri R. N.
Soren, Shri
Subrahmanyam, Shri K.
Sundaram, Dr. Lanka
Swami, Shri Sivamurthi
Trivedi, Shri U. M.
agimare, Shri

NOES

Abdullahai, Mulla
Abdus Sattar, Shri
Achal Singh, Seth
Achuthan, Shri
Agrawal, Shri M. L.
Alagesan, Shri
Amrit Kaur, Rajkumari
Azad, Maulana
Balakrishnan, Shri
Balasubramaniam, Shri
Balmiki, Shri
Barman, Shri
Barupal, Shri P. L.
Basappa, Shri
Basu, Shri A. K.
Bhagar: Shri B. R.
Bharati, Shri G. S.
Bharatiya, Shri S. R.
Bhatkar, Shri
Bhonsle, Shri J. K.
Biral Singh, Shri
Bose, Shri P. C.
Brajeshwar Prasad, Shri

Buragobain, Shri
Chandak, Shri
Chandrasekhar, Shrimati
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri G. L.
Chettiar, Shri Nagappa
Choudhri, Shri M. Shafiee
Dabhi, Shri
Das, Shri B. K.
Das, Shri K. K.
Das, Shri Ram Dhani
Das, Shri Ramenanda
Das, Shri S. N.
Datar, Shri
Deb, Shri S. C.
Desai, Shri K. K.
Deshmukh, Shri K. G.
Dholakia, Shri
Dhuaiya, Shri
Dube, Shri Mulchand
Dutt, Shri A. K.
Dutta, Shri S. K.

Ebenezer, Dr.
Elayaperumal, Shri
Gandhi, Shri V. B.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Gounder, Shri K. S.
Hari Mohan, Dr.
Hazarika, Shri J. N.
Hem Raj, Shri
Hembrom, Shri
Ibrahim, Shri
Iyyani, Shri E.
Iyyanni, Shri C. R.
Jagivan Ram, Shri
Jajwara, Shri
Jangde, Shri
Jayashri, Shrimati
Jena, Shri K. C.
Jena, Shri Niranjan
Joishi, Shri Jethalal
Joishi, Shri Krishnacharya
Joishi, Shri M. D.
Joishi, Shri N. L.

Jwala Prasad, Shri
Kajrolkar, Shri
Kakkan, Shri
Kale, Shrimati A.
Kanungo, Shri
Karmarkar, Shri
Katham, Shri
Katju, Dr.
Kazmi, Shri
Kesar, Dr.
Khedkar, Shri G. B.
Khongmen, Shrimati
Kirolikar, Shri
Lal, Shri R. S.
Laskar, Prof.
Lingam, Shri N. M.
Lotan Ram, Shri
Maitra, Pandit L. K.
Majhi, Shri R. C.
Malliah, Shri U. S.
Mathew, Prof.
Mathen, Shri
Maydeo, Shrimati
Minimata, Shrimati
Mishra, Prof. S. N.
Mishra, Shri Bibhuti
Mishra, Shri M. P.
Mishra, Pandit Lingaraj
Mohd. Akbar, Sofi
Mohiuddin, Shri
Morarka, Shri
Mudaliar, Shri C. R.
Mukne, Shri Y. M.
Mussif, Giani G. S.
Muthukrishnan, Shri

Namdhari, Shri
Natesan, Shri
Nathwani, Shri N. P.
Nehru, Shrimati Uma
Nijalingappa, Shri
Pannalal, Shri
Paragi Lal, Ch.
Patel, Shri B. K.
Patel, Shri Rajeshwar
Pillai, Shri Tharu
Prabhakar, Shri N.
Radha Raman, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Raghubir Singh, Ch.
Ram Dass, Shri
Ram Saran, Prof.
Ram Subbag Singh, Dr.
Ramaswamy, Shri P.
Ramaswamy, Shri S. V.
Ranbir Singh, Ch.
Rane, Shri
Raut, Shri Bholaj
Reddy, Shri Janardhan
Reddy, Shri Viahwanatha
Roy, Shri B. N.
Roy, Shri Patiram
Rup Narain, Shri
Sahu, Shri Bhagbat
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Sakhare, Shri
Sankarapandian, Shri
Setyawadi, Dr.
Sen, Shri P. G.

Sen, Shrimati Sushama.
Sewal, Shri A. R.
Shah, Shri R. B.
Sharma, Prof. D. C.
Sharma, Shri R. C.
Shastri, Shri Algu Rai
Siddananajappa, Shri
Singh, Shri Babunath
Singh, Shri L. J.
Singhal, Shri S. C.
Singh, Shri B. P.
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri N. P.
Sinha, Shri S.
Sinha, Shri Satya Narayan
Sinha, Shrimati Tarakeshwari
Subrahmanyam, Shri T.
Suresh Chandra, Dr.
Suriya Prasad, Shri
Swaminadhan, Shrimati Amma.
Syed Mahmud, Dr.
Telkikar, Shri
Thomas, Shri A. M.
Tiwari, Pandit B. L.
Tiwari, Shri R. S.
Tiwary, Pandit D. N.
Uikey, Shri
Upadhyay, Shri S. D.
Vaishya, Shri M. B.
Varma, Shri B. B.
Varma, Shri B. R.
Venkataraman, Shri
Vyas, Shri Radhela
Wodeyar, Shri

The motion was **negated**.

Shri B. S. Murthy (Eluru): What about neutrals?

RESOLUTION RE SAFEGUARDING OF NATIONAL SECURITY RULES

Shri Nambiar (Mayuram): I beg to move:

"This House is of opinion that the Safeguarding of National Security Rules 1949 introduced in the Railways, Postal, Defence and all the other Central Government Services to discharge Government employees without recourse to normal procedure of disciplinary rules be cancelled forthwith and all those discharged or suspended under these rules be reinstated."

This is a resolution which has been moved under the circumstances that prevail today. Today the Government servants are afraid that for any reason whatsoever, very often under the guise of political colour.....

Shri M. L. Dwivedi (Hamirpur Distt): On a point of privilege, Sir. There was a voting just now in the House. I was working in the Library, and as soon as I heard the division bell, I came run-

ning to the House, and the door was open. As soon as the bell was stopped, I had entered half inside the lobby, and I was half outside. But I was forcibly dragged out and debarred from voting.

Mr. Chairman: So far as that Resolution is concerned, that has been voted upon already. And the result has been decided. If the hon. Member has got any complaint, he can make it to the hon. Speaker.

Shri M. L. Dwivedi: I would have voted, had I not been forcibly kept out. I have been debarred from voting, and I have lost my privilege of voting, and at the same time been insulted.

Mr. Chairman: The result of the voting has been announced already. It cannot be changed now. The only question now is that if the hon. Member had been allowed to enter, he would have voted. That is the only point. And in respect of that, the hon. Member can certainly make a complaint to the hon. Speaker.

Shri M. L. Dwivedi: My point is that I was forcibly kept out of the gate when I was half in.