

course, the Industries Disputes Act working class as incidental to their political philosophy. The workers have got sense and they will gravitate towards the union which has got more or less their interests at heart.

Now, seeing the present state of the trade union organisation in this country, Government has come to the conclusion that the existing state of affairs is not such as would require immediate enactment of a law compelling the employer to recognise even unions with five per cent membership. It will only retard the growth of the trade union movement and would even weaken the movement as it exists today. However, I may tell the House that if the facts are placed before the Government that a very large number of employers are recalcitrant, not being exceptions, and if genuine trade unions with sound membership are also not recognised, then we will consider, as Shri Rajaramji has said, under what circumstances and with what conditions the unions may be recognised.

As far as the question of balloting is concerned, I am totally opposed to it. What is a ballot, after all? When a ballot is going to be taken on a particular day, some sentimental ground may be created, as my friend Shri Shibbenlal Saksena created at the time of taking the ballot. Just a few days before the ballot was to be taken, he went on a hunger strike.

**Shri Punnoose:** What about the general election?

**Shri Khandubhai Desai:** As a result of it sentiment was created and the people may have voted for it, but if the ballot had been taken a month or two later, it would have gone entirely against him. The people are led away by sentiments like that. That is not sound trade union movement. A trade union can be considered sound only on the basis of whether it has got permanent paying membership, and whether the members of those unions or the workers of a particular unit or industry are attached to the unions from

day to day and not carried away by some emotion or sentiment one day or the other.

I need not reply to all the sentiments that have been placed before this House. I am one of those who believe that a sound trade union movement can be there only if it is properly backed up by the working class—to whatever ideology it may belong, I do not mind. As far as Government are concerned, they have no discrimination against one union or the other. If the workers recognise a union substantially, the employers will have got to recognise that union; and that has been the experience of our trade union workers. As I said, I cannot vouchsafe for all the employers, for there may be certain recalcitrant employers. But we have got to find out how many such people are there. If on a scrutiny it is found that there is a large number of such employers who do not recognise even a sound trade union movement with representative character; well, I can say that Government will consider this proposition and will sponsor some statute which while safeguarding the interests of the workers will not act in such a way as to disrupt the very laudable object which we have all got in view.

**Mr. Chairman:** The question is:

“That the Bill further to amend the Indian Trade Unions Act, 1926, be taken into consideration.”

*The motion was negatived.*

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## PREVENTION OF CORRUPTION (AMENDMENT) BILL

*(Amendment of section 5)*

**Shri U. C. Patnaik (Ghumsur):** I beg to move:

“That the Bill further to amend the Prevention of Corruption Act,

(Shri U. C. Patnaik.)

1947, be circulated for the purpose of eliciting opinion thereon by the end of July, 1955."

I have proposed an amendment of section 5 of Act II of 1947, to this effect:

After sub-section (3) of section 5 of the Prevention of Corruption Act, 1947, the following sub-section shall be inserted, namely:

"(3a) Where in any trial of an offence punishable under sub-section (2), the accused person is found guilty, such finding being based, either wholly or partly, upon a presumption arising under sub-section (3), the Court shall, while awarding the punishment under sub-section (2), direct that in addition thereto, the pecuniary resources or property disproportionate to the accused person's known means of income, the possession of which resources or property by the accused or by any person on his behalf in the circumstances laid down under sub-section (3) gave rise to the presumption thereunder, be forfeited to the Union or State Government or to the quasi-government administration, as the case may be, under which the accused person was serving."

**Shri T. N. Singh** (Banaras Distt.—East): It is as involved as corruption itself.

**Shri U. C. Patnaik**: To explain the background in which the Prevention of Corruption Act...

**Mr. Chairman**: Has the proposed amendment been given notice of by the hon. Member?

**The Deputy Minister of Home Affairs (Shri Datar)**: This itself is the amending Bill.

**Shri U. C. Patnaik**: In explaining the provisions of the amending Bill,

I would like to point out the background in which the Prevention of Corruption Act, 1947, was passed. During and after the war period, corruption in the services became a byword in India. Even after that, we find a reference to it in the various reports of the Auditor-General as also in the reports of the Public Accounts Committee of this Parliament, to which many hon. Members here are parties. We find reports relating to corruption, black-marketing and other activities, blackmarketing being supported by certain corrupt officials. We have also seen that certain ICS officers, and very highly placed dignitaries of the State had to be suspended, dismissed, or prosecuted and convicted, too. In the Defence organisation also, taking advantage of the secrecy involved, there have been cases of corruption and acquisition of large properties in the names of individual persons, by giving preference to certain small mushroom companies as intermediaries for purchases and contracts. Besides individual officers deriving benefits for themselves, tremendous losses have thereby been caused to the country, financially and otherwise.

Of course, under the Government Servants Conduct Rules, there is a provision that every Government servant shall disclose his property when entering into service, when getting promoted into gazetted ranks; periodical reports are also produced for. Even in the latest amendment to the Rules we had about a week ago, there is a provision relating to disclosure of properties by Government servants. But that is more or less a dead letter. Disclosures sometimes are correct and sometimes incorrect, and they are kept in the confidential files of the officers concerned, consigned more or less to oblivion, unless it be that at some stage they may be required when the conduct of the particular officer comes into question. Practically very little check is being exercised upon these lists that are

submitted by the officers, because they are kept somewhere in the confidential files of the officers.

The Planning Commission also found this a very intriguing question, and they felt that while planning was to be done for socio-economic betterment of the country there should also be an attempt to check corruption; and Shri Gorwala was asked to give a report on the same. He submitted a report but we do not know whether or not the same has been implemented till now. In fact, when I raised this question in the House about a couple of years ago, I was told that apart from the Gorwala report, there was also a reference to Bakshi Tek Chand and another report was being asked for. But we do not know what the latter report was and what action has been taken thereon and how far corruption has been checked.

We however, find that in spite of all Acts, regulations, rules, and even prosecutions, there has been a good deal of corruption; corruption is the main problem facing the country. Our so-called development drive will not be a success unless we can have the people with us, check corruption and restore popular confidence in the integrity of the administrative machinery.

In fact, large-scale corruption began during the war-time. The ICS officers who had hitherto been known for their integrity and high standard of honesty and efficiency, when they found huge war supply moneys coming into their hands, deteriorated and fell into the trap; and then began the period of corruption, a period when drinks, dinners and acquisition of monetary profits began to rule the day. After the war, we now have the development drive; that also has paved the way for corruption for the ordinary officers, because it gives ample scope to people to do that. They have to deal with huge amounts of money, of the order of lakhs and crores of rupees, and, at the same time, there are no proper rules to check them, with the result that there

is no fear element, to keep them under control, and just as during the war period lot of corruption was going on taking advantage of war moneys and war supplies, likewise during the peace period also, during this development drive, we are having various items of corruption, where people are making money and acquiring properties by wrongful means. It does not matter even if a man were to go to jail for a few months, if he can acquire sufficient property to keep in store for his family and children; it does not matter to him so long as you cannot pursue against the ill-gotten property. Sometimes in 1946, there was an Ordinance relating to cases of bribery, I refer to Ordinance No. 6 of 1946, where there was a special provision regarding punishment, namely, that in addition to the imprisonment or the fine that was to be levied, an additional fine amounting to the value of the property acquired or benefit derived by the particular officer could also be levied by the court while inflicting the punishment. But then, I take it that that Ordinance has lapsed due to efflux of time or otherwise....

**Shri Datar:** No, that Ordinance is still in force.

**Shri U. C. Patnaik:** I am glad that the Ordinance is in force, although it has not been sought to be revived within six months or before three weeks of the following session as other Ordinances are. This is a peculiar Ordinance which is said to be in force from 1946 to 1954. I do not know if there is any special provision under which this Ordinance has been kept alive. But even this Ordinance refers to two things which I distinguish from the present Bill of mine, namely, it is confined to cases under the schedule to the Ordinance namely, offences of bribery (sections 161 and 165), misappropriation (sections 406, 408 and 409), receiving of stolen property (sections 411 and 414), cheating and all that (sections 417 and 420), and offences punishable under the Hoarding and Profiteering

[Shri U. C. Patnaik.]

(Prevention) Ordinance of 1943 and under rules made or said to have been made under the Defence of India Act of 1939. There are two points of difference: One is that the Ordinance refers to certain specific Acts—perhaps the Acts themselves have gone out of existence now. Secondly, it refers to the money value of the property involved as an additional fine. Subsequently, that is after this Ordinance No. VI of 1946 was promulgated, an Act was passed—the Prevention of Corruption Act of 1947. You will bear in mind the circumstances in which the Act was passed. That was the time when after war, supplies and corruption resulting therefrom evoked a statement by our Prime Minister that corrupt men and black-marketeers have to be hanged. That was the period when the present ruling Party was out to see that corruption was wiped out of the country. At that time, the Prevention of Corruption Act—Act No. II of 1947—was passed. Of course, it was enacted on an experimental basis for a period of three years—it has been amended now to continue in force for ten years. It is still in a sort of experimental stage, and has created a new offence, and that is “criminal misconduct in the discharge of duty”. It is laid down in section 5, which says:

“A public servant is said to commit the offence of criminal misconduct in the discharge of his duty—

(a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than legal remuneration as a motive or reward such as is mentioned in section 161 of the Indian Penal Code;

(b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been or to be or to be likely to be concerned in any proceeding or busi-

ness transacted or about to be transacted by him or having any connection with official functions of himself or of any public servant to whom he is subordinate or from any person whom he knows to be interested in or related to the person so concerned;

(c) if he dishonestly or fraudulently misappropriates or otherwise converts to his own use any property entrusted to him or under his control as a public servant or allows any other person to do so; or

(d) if he by corrupt or illegal means or by otherwise abusing his position as a public servant obtains for himself or for any other persons any valuable thing or pecuniary advantage.”

These items have been declared as substantive offences under this section. Under sub-section (2), it is laid down that any public servant who commits criminal misconduct in the discharge of his duty shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both. This is the punishment part of it. Then the third sub-section deals with the procedural side—this is the most important—it says:

“In any trial of any offence punishable under sub-section (2), the fact that the accused person or any other person on his behalf is in possession, for which the accused person cannot satisfactorily account, of pecuniary resource or property disproportionate to his known sources of income may be proved and on such proof, the court shall presume, unless the contrary is proved, that the accused person is guilty of criminal misconduct in the discharge of his official duty and his conviction therefor shall not be invalid by reason only that it is based solely on such presumption.”

So these three aspects have to be considered: firstly, that certain

offences have been declared to be substantive offences amounting to misconduct in the discharge of one's duty, secondly, a fairly heavy punishment of seven years imprisonment with fine or with both has been prescribed for these offences, and thirdly, the procedure has been laid down; a presumption has to be raised—it is not 'may be raised' but, 'shall be raised'. If proof is given that a certain officer has acquired properties beyond his known sources of income and if he cannot disclose the source or indicate how he got the properties, then the presumption arises; it is a presumption of law because the court shall presume that the properties were acquired by illegal means by way of misconduct in the discharge of one's duty, and as such, the officer is liable to be punished with seven years imprisonment and fine, and that sentence is not invalid simply because it was based upon presumption and not any other evidence. It is unfortunate that after the passing of this Act, including this particular section, there has been very little attempt to take advantage of this section to proceed against corrupt officers and to take advantage of their properties beyond their known sources of income—to ask the court to draw the presumption based on that. For instance, an officer who gets a pay of a few hundreds or even a few thousands of rupees, if he has got property worth some lakhs of rupees, then under this section, apart from other evidence of bribery and corruption, under this section alone, he is liable to be convicted to seven years imprisonment. And that conviction can be based only on the presumption arising out of the fact that he owns properties in his own name or in the names of others beyond his known sources of income—if he is not able to prove how he got them. Of course, if he has got by inheritance, that is a different thing; if he has got it by acquisition, by any legal means, that is also a different matter. No one wants his properties to be interfered with, however extensive they may be, however big they may be, on those grounds. But

then once it is found that he is not able to indicate the source by which he got the properties and if it is also found that they are far above his known sources of income, then a presumption has to be raised, and a case has to be launched on that basis alone.

Here also there is a lacuna because, under the Act, though the Court can raise a presumption of guilt under sub-section (1) and sub-section (2) that he possesses properties beyond his normal means and convict him on that presumption alone, yet his property cannot be touched. This is rather a strange state of affairs. For the last three or four years, this House has been coming across cases of corruption in various reports. Questions are being put on the subject and resolutions are being moved, all to ensure good conduct in official dealings. In spite of it there is this lacuna that a man may acquire property worth three or four lakhs of rupees and then may go out of service, he may be dismissed and may undergo imprisonment for six months as there have been cases recently, and yet after imprisonment he comes back to enjoy this three or four lakhs worth of property which he had got by bad means during his official service and nobody can question that.

My amendment seeks to get rid of that lacuna. It is a very minor amendment. It is a very small incidental change that is being introduced in order to help the hon. Shri Datar in maintaining honesty in his services. It is a very small thing because all that I have proposed here is that when a court has tried somebody for an offence punishable under sub-section (2), which I have just now read, and sentenced him to imprisonment for seven years—I do not want any thing else—only when he is found guilty and when such finding is based either wholly or partly upon the presumption arising under sub-section (2), that is, if he is found to be in possession of properties far above his normal means of income and

[Shri U. C. Patnaik.]

if he is unable to disclose the source of his property, then the court shall, while awarding punishment under sub-section (2) direct that in addition thereto, that is, in addition to the punishment prescribed under sub-section (2) of section 5, the resource or property disproportionate to the accused person's known means of income, the possession of which property or resources by the accused or by any person in his behalf in the circumstances laid down in sub-section (3) gave rise to the presumption therein, shall be forfeited to the Union or State Government or to the quasi-government administration, as the case may be, under which the accused person was then serving.

My argument is that once the court finds on evidence that the accused is liable for conviction—which is based wholly or partly upon the presumption arising out of the possession of properties whose source he could not disclose, then that property, whose source he could not indicate and which led to the presumption and the legal finding, is certainly not his property but is property acquired by dishonest means which has been found by the court to be substantiated by presumption. Therefore, that part of the property should be forfeited to the Union Government or the State Government or the quasi-government organisation under whose services the officer was serving when, taking advantage of his official position, he had acquired that property. This is also what you find in various other legislations. For instance, in the Control Acts in certain sections, and in the Indian Penal Code also you have got such provision for forfeiting certain properties to Government. I am not comparing those cases individually but I simply submit that there are provisions in other laws also. . . . .

**Mr. Chairman:** May I point out one thing? This is a motion for circulation. Under the rules only a discussion on the principle is allowed. Of course, in allowing that discussion,

the provisions of the Bill may also be discussed in a general way but not detailed discussion of it is necessary. I want to point out that only two hours have been allotted for the discussion of this Bill. If the hon. Member ever expects any success of his Bill, he should give other Members also an opportunity to express their opinion. This is a very important amendment that he is suggesting and he has already taken twenty minutes. He has sufficiently discussed the principle involved.

**Shri U. C. Patnaik:** I will follow your advice, Sir, and leave it to my hon. friends; but, I may be given an opportunity to reply at the end.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Prevention of Corruption Act, 1947, be circulated for the purpose of eliciting opinion thereon by the end of July, 1955."

**Shri Bogawat (Ahmednagar South):** This amendment is very essential so far as corruption is concerned. After the second World War there were controls and these controls brought a curse upon this country. I may humbly submit that India is a young democracy and it is quite necessary that in order to occupy a rightful place in the democracies of the world, the internal danger must be washed away. Outwardly our reputation is very high but so far as this internal danger is concerned, I am very sorry to say that it is not being dealt with as it ought to be. Unless severe steps are taken to root out corruption, it is not possible for our country to go ahead as fast as we expect. We have got a democratic system of government and all people enjoy sovereign rights and the people are the rulers and they reflect the content and character of the Government. No doubt, corruption is now decreasing to some extent but it has not decreased to the extent we expected. We know some big nations in the world have perished because of this curse. For instance, Chiang Kai Shek's China. And, after

Chiang's downfall, the present Government very severely dealt with corruption. In the same manner, we have to deal with this question. We may even go to the length of hanging some persons in cases of corruption where lakhs and tens are involved. There are cases where we find that big officers have devoured lakhs and tens and acquired very huge properties. We know that enquiries are not made so far as officers are concerned. I can give an instance. I complained about an Income-tax Officer. Nowadays, it has become very easy for officers of the Income-tax and Sales Tax Departments to take thousands of rupees by way of bribe. These Income-tax officers devour lakhs and lakhs. After making a complaint, an enquiry was made and the income-tax officer was dismissed; he was from my district. I can see that in the other districts also these things are going on. It is an open secret that in the sales tax department corruption is rampant. It is the same case with the Defence department; corruption is also rampant in the disposals department. Unless a severe attempt is made in this direction, it is no use to make some rules here and there.

My friend, the hon. Home Minister has recently made some rules and invited information in regard to these things—property, movable or immovable. But I do not think the officers who are corrupt would directly purchase the property in their names or in the name of their wives or directly make some purchases so that they can be found out. Corrupt persons are very very intelligent people. Unless they are intelligent they are not able to swallow these thousands and lakhs of rupees. So this will be a useless way. There may be some use no doubt by making some rules and calling for the property they had purchased....

**Kumari Annie Mascarene** (Trivandrum): Is it an insult to intelligence.

**Shri Bogawat:** I say it; if it is an insult, I am very sorry.

**An Hon. Member:** It is a tribute.

**Shri Bogawat:** My friend has brought this amendment with a clear desire that such persons should be dealt with very severely. Out of hundreds and hundreds of cases, very few persons are found—one Venkataraman or Krishnaswamy. What is the punishment? Six months or one year and a thousand rupees or less fine, when they have devoured thousands and tens of rupees. It is no use. In Act the punishment is provided for seven years. If we consider the offence committed several times, it is nothing. My friend wants that the property that he is found to be in possession illegally and disproportionate to this known means of income, should be forfeited.

That is the substance of his amendment. I would like to go further and say that it is not enough. Why not the whole property be confiscated? There should be such an amendment. Why it should be restricted to only that property which is disproportionate to his means. There should be some such severe punishment. He should be made a beggar; he should work like a labourer. Such a man is a nuisance to the society and is doing social injustice. He is guilty in the whole society. Such a man must be dealt with very severely.

**Shri Bhagwat Jha Azad** (Purnea *cum* Santal Parganas): Do not make him a beggar; hang him.

**Shri Bogawat:** This Government is not so severe. We are still wedded to non-violence and our Government is a non-violent Government. I do not think that this Government will go to the length of hanging a man. It is only in China that it is done.

We must understand the importance of the amendment that is brought forward by Shri U. C. Patnaik. He wants forfeiture of the property which is in the possession of the culprit or the convict disproportionate to his known means. That should be done. Not only that. I request the hon. Home Minister that there should be

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a further amendment. He says that he will have that Bill extended. I do not know upto what period it will be extended. If the period is very short, I request him that the life of this Act should be extended even upto 1960 or 1965. If there is this amendment or a further amendment of the total forfeiture of the property and a very severe punishment, I think we will be able to bring the corruption under control and not otherwise.

श्री शिवमूर्ति स्वामी (कुष्टगी) : यह बात छिपी हुई नहीं है कि मुल्क में करप्शन या घूसखोरी बढ़ रही है। मैं इस करप्शन पर बोलने के बजाय चन्द तजवीजें गवर्नमेंट के सामने पेश करना चाहता हूँ जिस से कि यह कम हो सके। कोई भी इस बात से इंकार नहीं करता, इस हाउस में भी और इस हाउस के बाहर भी, कि करप्शन नहीं है। लेकिन इस करप्शन के बढ़ने के क्या कारण हैं। अगर हम इस की वजह को ढूँढने चलें तो यह मालूम होता है कि हर डिपार्टमेंट में अफसरों के हाथों में कॅसेटेशन आफ पावर इतना है कि वे करप्शन को दूर करने के नाकाबिल बन जाते हैं और इस में चुल मिल जाते हैं। मैं हैदराबाद से आ रहा हूँ। निजाम दरबार तो हिन्दुस्तान में मशहूर है। इस दरबार में हम जानते हैं कि करप्शन के एक दो नहीं, लाखों केस हुए और वे किसस बत्ता भी सकते हैं लेकिन मोटे तौर पर हम महसूस करते थे कि निजाम के दरबार में बहुत सी करप्शन हैं लेकिन अब हमारे हिन्दुस्तान में स्टेट्स भी बढ़ गई हैं और इसके साथ साथ करप्शन भी बढ़ गया है। पुलिस एक्शन के बाद या आजादी मिलने के बाद लोगों को महसूस होने लगा है कि निजाम गवर्नमेंट में कुछ अच्छी थी। यह इसलिए कहते हैं कि जब चीफ सेक्रेटरी के साथ हमें कुछ बातें करने का मौका मिलता है और

उनको यह बातें बताते हैं तो उन बातों को बड़े बड़े अफसर और यहां तक कि मिनिस्टर भी उसको छपाने की कोशिश करते हैं, किसी बुरी नियत से नहीं लेकिन बदनामी से बचने के लिए। वे किसी बुरी नियत से छपाने की कोशिश नहीं करते हैं। इस बात पर ज्यादा जोर न देते हुए सोल्यूशन के तौर पर दो चार बातें कहना चाहता हूँ। आप कभी देखें आपके आई० सी० एस० अफसरान के मातहत जो काम करते हैं और जब कभी वे कोई रिपोर्ट देते हैं आप कोई एक्शन नहीं लेते और आई वाश करना चाहते हैं। आई वाश करना बिल्कुल ठीक नहीं होगा.....

**Dr. Suresh Chandra (Aurangabad):** I rise on a point of order, Sir. The hon. Member has just stated that even Ministers try to hide the cases of corruption. I would like to say that he has made a very serious charge against the Ministers and I would like him to substantiate that charge or withdraw it.

**An Hon. Member:** It is too general.

**Mr. Chairman:** I do not think that such charges should be allowed on the floor of this House unless the hon. Member can substantiate them by instances. Otherwise, such vague charges cannot be made on the floor of this House. I shall find out the language that he has used and if I find it objectionable, I would not allow it to go into the record.

**Shri Datar:** Even Ministers are suppressing certain irregularities or defects—that is what he said.

**Shri Bhagwat Jha Azad:** If I understand Hindi all right the meaning of what he said is this. He said that people outside say that some times even the Ministers try to hide the parties.

**Shri Datar:** He made a reference to the talk with the Chief Secretary.



श्री शिवमूर्ति स्वामी : मेरा मतलब था कि वे सेट एसाइड करना चाहते हैं। किसी बुरी नियत से नहीं करते लेकिन उसको सेट एसाइड करने की कोशिश करते हैं। रिपोर्ट उन के पास प्राप्त है कोई नक्वायरी नहीं करते लेकिन सेट एसाइड करते हैं। इनक्वायरी तो ज्ञान दीजिए हाथ में लेकर वे उस पर गौर करने की कोशिश भी नहीं करते।

**Dr. Suresh Chandra:** It comes to the same thing; he is repeating his charge.

**Mr. Chairman:** Is it not a reflection on the Minister?

**Shri Punnoose (Alleppey):** Which Minister?

**Mr. Chairman:** Whichever Minister it may be, if he makes a general charge, it means all or any Minister. So, he must substantiate it by citing instances or particular cases; otherwise such charges cannot be allowed.

**Shri Datar:** Secondly, it is not desirable to criticise on the floor of this House the conduct of the State Governments or the State Ministers who have no chance of coming here and defending themselves.

**Mr. Chairman:** That is all right; I shall look into the language and decide.

**Shri Raghavachari (Penukonda):** May I submit that even if it is necessary and appropriate that the instances and particular details should be given, it again becomes a matter which is not very appropriate on the floor of this House; the difficulty arises even then.

**Mr. Chairman:** Which Minister is the hon. Member referring to—Central or State? That is the first point. If he is a State Minister, this point is quite irrelevant here. If it be a Central Minister, then under our Rules the Minister ought to be given previous intimation.

**Shri Bhagwat Jha Azad:** I want to know after what you have said whether we are entitled to criticise the  
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policy of the State Governments which concerns the Central Government also and say that people outside say that cases of corruption sometimes involve Ministers also. It is only a general charge. If we cannot say it, we cannot say anything about the policy of the Government.

**Shri Datar:** The hon. Member has made a number of reservations and makes the whole thing innocuous.

**Dr. Suresh Chandra:** The hon. Member himself has said that he cannot interpret the meaning of the words he has used.

**Shri U. C. Patnalk:** He has specifically referred to Ministers. The Report made under the direction of the Planning Commission by Gorwala specifically refers to Ministers also.

**Shri Raghavachari:** The hon. Member has said this about Ministers. We are not concerned whether he is a State Minister or a Central Minister. It is a Bill to amend the Prevention of Corruption Act; and we are prohibited, in the interests of propriety, from going into details, no matter whether it relates to a State Minister or a Central Minister.

**Mr. Chairman:** I will read the Rules. Rule 333 says:

“No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of reply:

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.”

Therefore, if it be any insinuation against any Minister of the State, my

[Mr. Chairman]

view is that first of all that Minister of the State should be informed.

But, if any such incriminatory or defamatory expression is made in this house, the Rule provides that before that is made, the Minister concerned should have intimation of it and also the Speaker. Therefore, if we take an analogy from that, such allegations against any Minister of State also cannot be made here. Secondly, if it be any allegation against any Minister here, the Rule definitely says that before any such allegation or defamatory statement is made, both the Speaker and the Minister concerned should be intimated. It has not been done in this case. So, such a vague allegation does not serve any purpose and should not be made. I think there should be no further discussion on it.

**Dr. Suresh Chandra:** Do we understand that the hon. Member has withdrawn his charge?

**Some Hon. Members:** What charge?

**Mr. Chairman:** Whatever has been said has been recorded and the Speaker will take action.

**श्री शिववर्ति स्वामी :** अफसोस है कि मेरी बात गलत समझी गयी। लेकिन ग्राम तौर पर मैंने इस तरह की लेंक्वेज पब्लिक एकाउंट्स कमिटीज की रिपोर्टों में पढ़ी है।

मैं इस बिल को बहुत जरूरी समझता हूँ। जैसा कि पटनायक साहब ने बतलाया अगर लाखों रुपया खर्च करके किसी को दो चार महीने की सजा दे भी दी तो उससे कुछ फायदा नहीं हो सकता। लिहाजा जब तक हम इस चीज को ठीक से हाथ में लेकर इसकी छानबीन नहीं करते तब तक ऐसा नहीं मालूम होता कि इस देश से यह करप्शन दूर हो सकेगा। यह हमारे लिए क्या बड़ी बात है। हमने भारतवर्ष से सत्याग्रह करके अंग्रेजों को भगा दिया लेकिन आज यह धूलखोरी जो कि सब जगह ग्राम तौर

पर दिखायी देती है, इसको हम दूर नहीं कर सकते। जितने जितने हम कानून लाते हैं यह बढ़ती ही जाती है। कंट्रोल आया और चला भी गया लेकिन करप्शन नहीं रुका। अब प्राहि-बिशन डिपार्टमेंट में करप्शन की बजह से पुलिस की बहुत बदनामी हो रही है। गवर्नमेंट को यह मानना होगा कि वह करप्शन को रोकने में नाकाम रही है। अगर इसको नहीं रोका गया तो यह बढ़ता ही चला जायगा और देश की बही दशा हो सकती है जैसी कि चीन की हुई थी। च्यांकाई शेक का उदाहरण हमारे सामने मौजूद है। मैं चाहता हूँ कि गवर्नमेंट की मैशिनरी शुद्ध और साफ हो। जब तक यह नहीं होगा। तब तक आप चाहे जितना खर्चा करें और प्लानें बनायें वह इफेक्टिव नहीं होगा। इसलिए आपको इस करप्शन को तो जरूर ही दूर करना होगा। इसके लिए आप चाहे जो अधिकार ले लीजिये।

अगर किसी विभाग में कोई बड़ा अफसर रिश्तव लेता है और कोई छोटा अफसर उसकी शिकायत करता है तो सरकार को उसे इनाम देना चाहिए। आज होता यह है कि उसकी हालत और खराब हो जाती है। आपके यहां कांटेक्ट्स में और दूसरे कामों में बहुत करप्शन हो रहा है। यह भारतवर्ष को शोभा नहीं देता। इसको दूर करने के लिए जो पटनायक साहब की तहरीक है मैं उसका पूरा समर्थन करता हूँ।

**Shri Bhagwat Jha Azad:** The amendment put forward by Mr. Patnaik is very essential for what we are seeing in the country. Though it is a controversial amendment, yet I feel that Mr. Patnaik is adding nothing to the Act itself, because you will find that this sub-section (3a) is the logical conclusion of what we are saying in sub-section 3 of section 5.

There is no denying the fact that all of us, either belonging to the Government or the Opposition, to the Congress Party or the Communist Party.

are unanimous that we should try our best to check corruption in the country and especially among the officers. It is a well-known saying that Caesar's wife must be above suspicion—because the officers are in charge of framing the policy of the Government. So, it is essential that there should be nothing against them in record. We want that the charges that are levied in this House or outside the House should be

properly investigated and if found correct, the persons concerned should be punished.

5 P.M.

**Mr. Chairman:** The hon. Member can continue his speech next time.

*The Lok Sabha then adjourned till Eleven of the Clock on Saturday the 19th March, 1955.*

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