

[Mr. Deputy Speaker]
before Parliament for a period of
thirty days."

The motion was negatived.

Mr. Deputy-Speaker: The question
is:

"That the following amendments
made by Rajya Sabha in the Bill
to consolidate and amend the
law relating to companies and
certain other associations, be
taken into consideration:

Clause 199

(1) That at page 100, line 23, for
the words "two years" the words "one
year" be substituted.

Clause 324

(2) That at page 170, for lines 24
to 26, the following be substituted,
namely:

"(3) Copies of all Rules pres-
cribed under sub-section (1)
shall, as soon as may be after
they have been prescribed, be laid
before both Houses of Parliament.

(4) A copy of every notification
proposed to be issued under sub-
section (1) shall be laid in draft
before both Houses of Parliament
for a period of not less than
thirty days while they are in
Session; and if, within that period,
either House disapproves of the
issue of the notification or approves
of such issue only with modifi-
cations, the notification shall not
be issued or, as the case may re-
quire, shall be issued only with
such modifications as may be
agreed on by both the Houses."

The motion was adopted.

Shri M. C. Shah: I beg to move:

"That the amendments made
by Rajya Sabha in the Bill be
agreed to."

Mr. Deputy-Speaker: The question
is:

"That the amendments made by
Rajya Sabha in the Bill be
agreed to."

The motion was adopted.

**PREVENTION OF CORRUPTION
(AMENDMENT) BILL**

**The Minister of Home Affairs
(Pandit G. B. Pant):** I beg to move:

"That the Bill further to amend
the Prevention of Corruption Act,
1947, and to make a consequen-
tial amendment in the Criminal
Law Amendment Act, 1952, be
taken into consideration."

This is a simple Bill, but though
the measure is a minor one, it has a
laudable purpose. I am confident
it has a laudable purpose. I am con-
fident that it will be readily accept-
ed by the House.

The Bill has been designed in order
effectively to combat the evil of cor-
ruption. Certain lacunae have been
noticed in the Prevention of Corrup-
tion Act which was passed in 1947
and as a result it has been found
necessary to introduce this Bill.

As hon. Members may be aware,
the Prevention of Corruption Act pre-
scribed a procedure for facilitating
the investigation and trial of corrup-
tion cases, but it was restricted only
to sections 161 and 165 of the Penal
Code. Section 161 relates to the tak-
ing of a bribe by a public servant,
and section 165 to the obtaining of
any valuable things without consid-
eration by a public servant. Clauses
162, 163 and 164 which deal with
allied matters and almost the same
subject were, however, then left out.
It is necessary to prescribe a similar
procedure for these offences too.

As I said, section 161 relates to the
taking of illicit gratification by a
public servant. Section 162 relates to
the taking of gratification by corrupt
or illegal means in order to influ-
ence a public servant, and section 163
relates to the taking of similar gratification for
the exercise of personal influence by

a public servant, and section 164 relates to abetment by a public servant of the offences defined in sections 162 and 163. So, it is intended to apply the same methods for the investigation and trial of cases that may fall under sections 162, 163 and 164. I do not expect any opposition from any quarter. So, it does not seem to me necessary to elucidate what is stated in the provisions of the Bill or to further advance any elaborate arguments.

I am prepared to simplify the Bill further. I would myself suggest the omission of clause 2 from the Bill as sections 162, 163 and 164 have now been included in the list of cognizable offences by the Criminal Law Amendment Act. As the provision has been made, it is not necessary to have this clause. It has become superfluous.

I am also prepared to delete clause 3 as it says that these offences will not be investigated except by officers of a certain rank. I do not think that such an exception is necessary. So, I will be prepared to agree to the omission of this clause too. The rest is simple. So, I hope this motion will be accepted by the Members unanimously without any further discussion.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Prevention of Corruption Act, 1947, and to make a consequential amendment in the Criminal Law Amendment Act, 1952, be taken into consideration."

Shri V. P. Nayar (Chirayinkil): I was listening to the speech of the Mover, thinking that he would give a little background of this piece of legislation. I do not consider that this measure is as simple as the Mover sought to make it out to be.

You know, Sir, that amendments to the law relating to the prevention of corruption have come before this House for discussion; not in the very long past, but in April this year when

Shri U. C. Patnaik, brought forward a Bill. It was a private Member's Bill in which he sought to include certain provisions for the confiscation of property which was found by a Court which enquired into the case to have been acquired by illegal means. That Bill was circulated for eliciting opinion, and here I find that almost every State Government has forwarded the opinion of either its judiciary or its executive officers. Why I say this is because the hon. Mover said that it is so simple, and my submission is that it is not so very simple.

Mr. Deputy-Speaker: He said the amendment was simple, not the Bill itself.

Shri V. P. Nayar: The amendment as it reads may be simple, but the law relating to the prevention of corruption has to be modified in a different way. This is not the way in which it has to be modified.

Mr. Deputy-Speaker: We are going into the fundamentals. That is not the object of the Bill.

Shri V. P. Nayar: Sir, I am not going into the fundamentals. I am saying this because on another occasion when an amendment was sought by a private Member, the Government gave an assurance—I remember that it was given by Shri Datar—that the principle of the Bill would be accepted and the relevant provisions in the Criminal Law Amendment Act also would be made up to date. I was looking forward, when we knew that this particular enactment was being amended, that Shri Datar or the Home Minister would certainly act up to the promise which was given. I may be permitted to read a sentence or two from the speech of Shri Datar made on the 2nd April, 1955 when Patnaik's Bill was being discussed:

"As I pointed out, we are going to consider the question of incorporating such a provision as was envisaged in the Bill of Shri U. C. Patnaik in the Criminal Law Amendment Act."

[Shri V. P. Nayar]

Later on, he said:

"I may point out to the House that Government are also examining the underlying purpose that the hon. Member has as to the way in which it can be brought about otherwise than by accepting or dealing with the Bill."

My submission is that Government committed themselves by a positive declaration that the principle of the private Member's Bill was accepted and that they did not propose to oppose the Bill being circulated. But now, after several months, they have come forward with this measure seeking to amend, and making up to date, the law relating to the prevention of corruption. Sir, I am not going into the fundamentals because that may not be called for, but I must submit that in amending these particular provisions in this Bill, Government have not taken all the aspects into consideration.

When I went through the debate on the original Bill in 1947, I found that as a Member you Sir, were also very keen on making the law up to date, and I find several amendments in your name, although you did not make any speech. But you will remember that when Sardar Vallabhbhai Patel introduced the Bill in 1947 on the eve of Independence, this is what he said. I shall read from the speech of Sardar Vallabhabhai Patel on the 3rd February 1947. I am unable to place my hands upon the exact portion....

Mr. Deputy-Speaker: The substance may be given.

Shri V. P. Nayar: Yes, Sir. He said that nobody disputes that there is corruption in the official world and nobody disputes that it is assuming alarming proportions. Of course, Sardar Vallabhabhai Patel attributed as one of the main reasons, the controls prevailing at that time, which had been introduced as a result of the war

situation. And later on, you will find that he also said that the Special Police Establishment was an organisation which was primarily set up for fighting corruption.

Now, Sir, if at all the original Act seeks to eradicate corruption—it is called the Prevention of Corruption Act—this amending Bill also is said to aim at making corruption less and less, then only one form of corruption, that is, bribery, is attempted to be tackled by these legislations. I need not go on describing the various forms of corruption, but we find—and everybody will agree, even the hon. Members opposite will agree—that of every known form of corruption there are exponents, and very clever exponents at that, in the service of Government. I do not say that all Government servants are corrupt: not at all. But there are corrupt people, and I must say that the entire administration, as a result of the corruption on the part of a few, is being corroded to its very core.

The Planning Commission also took into consideration the prevailing corruption when they drafted the First Five Year Plan, but did not arrive at a solution. Now, when the First Five Year Plan is coming to a close, and we are considering how the Second Five Year Plan has to be evolved, I submit that an amendment of this nature to the law relating to the prevention of corruption will serve no purpose, unless it be that Government want by this legislation to include within the ambit of the special protection which the Prevention of Corruption Act now gives to Government officials, certain other lesser offences also. That is why I said that certain sections which are sought to be amended by this legislation ought to have been amended further and Government ought to have come forward in the present context with a different amendment, to which I shall come later.

Mr. Deputy-Speaker: I find that out of order. Through his amendment, the hon. Member wants to omit particular clauses of the original sections of the Act to which some provisions are going to be added now. He can oppose the inclusion of these new provisions, but he cannot now say that the original section itself ought to be omitted.

Shri V. P. Nayar: I was myself not very certain about their admissibility. But I ascertained from the offices that the scope of an amendment given notice of by a Member is restricted to the section which is sought to be amended. In that case, if Government have the right to come forward with a legislation seeking to amend a little of an existing section, I presume that the Members have a right to ask for the deletion of the section, because that is also an amendment to the existing legislation. I do not want to enter into that controversy now because you will certainly consider it at the stage when you admit my amendment.

But the point is this. It is no purpose saying that we are bringing the Act up to date in order to eradicate corruption. If they have a will to eradicate corruption, it is well and good, but I do not think they have, for we find that even the number of cases detected by the Special Police Establishment, whose primary object is to detect corruption, has been on the decrease; that does not mean that corruption is on the decrease. For instance, when Sardar Vallabhbhai Patel introduced the original Bill, he said that the Special Police Establishment covered about 1100 cases, covering an aggregate of about Rs. 5½ crores which was the amount involved in those cases. For the sake of giving some more details to the House, I tried to ascertain what was the position of the Special Police Establishment and what was the number of cases which they had taken up in the current year.

Mr. Deputy-Speaker: Are we going now into the general history regarding

the Act, the administration of the Act and so on?

Shri V. P. Nayar: No. I am not going into that, Sir.

Mr. Deputy-Speaker: The point at issue is simple. All that Government want to do now is to make some more offences cognizable. Under the original Act, only offences under sections 161 and 165 of the Indian Penal Code are cognizable offences. Now, they want to add offences under section 164 and some other sections also. In the case of the offences which were cognizable under the original Act, prosecutions could be launched only with the consent of a higher authority. Now, the offences under some other sections also have been added and brought on the same category as the others. Therefore, the sanction of the higher authority is sought to be included in the case of those offences also.

Therefore, the simple question is whether these offences ought to be cognizable or not. That is point No. 1. The second point is, if they are made cognizable, is it necessary that sanction should be obtained for prosecution in respect of those offences also. These are the simple issues before us.

Shri V. P. Nayar: The issue is quite simple. But my point is slightly different from yours. Merely by making one or two offences cognizable or merely by making one or two offences triable by a special court or merely by saying that this offence shall also be enquired into or investigated by a specially nominated police official, there will be no improvement in the situation in so far as corruption among the officials is concerned. I again say that I have no case that cent. per cent. of the officials are corrupt. We have got very good very honest officials. But we must reckon with this fact that among them there are very corrupt officials whom it is the purpose of this Bill to prevent from continuing their nefarious activities. That being the case, my case is that a mere declaration of certain offences as cognizable will not serve any purpose. If you go on

[Shri V. P. Nayar] modifying or amending certain laws which we are having now....

Pandit G. B. Pant: Does the hon. Member oppose the amending Bill?

Shri V. P. Nayar: Does the hon. Mover expect me only to say whether I oppose or support the Bill?

Pandit G. B. Pant: I only wanted to know whether he was supporting or opposing the Bill.

Shri V. P. Nayar: If the hon. Mover listens to me, he will find out what I intend doing.

Pandit G. B. Pant: I am prepared to listen to the hon. Member. But I only wanted to know where he was leading us to.

Mr. Deputy-Speaker: The hon. Home Minister has put a question which in fact I ought to have put. I am only trying to find out what the hon. Member's intention is. Of course, I am trying to allow only relevant material to be placed before the House. If the hon. Member says, this piece-meal legislation is useless, I am going to oppose it, for all these reasons, these things must have been included, and so on, then he could refer only to a few of them and not to the entire thing. That is how the hon. Minister wanted to know whether he was supporting or opposing the Bill.

Shri V. P. Nayar: I am not proposing to do that either. As you know, the subject of corruption is so vast; and you yourself have told me several times that I was a little bit of a specialist in finding it out. But I am not going into those details at all.

I remember that Tacitus, the Roman historian once wrote that the more corrupt a State is, the more laws it will have. Unless this law is intended for preventing corruption, what is its purpose? And here it is that I want a particular reference to be made to the application of the provision in clause 5. The hon. Minister has said that he does not insist on clause 2 being there. But what is the original section which he seeks to amend? Under the Criminal Law Amendment Act, I admit that Government have a cer-

tain power to appoint a special judge or a special magistrate for the purpose of trying a case in which a Government servant is accused of an offence.

Now, the offences under sections 161 to 165 are all related—I concede that also. But what is the case before Government to exclude government servants from trial in the ordinary courts of our land?

[PANDIT THAKUR DAS BHARGAVA in the Chair]

When the original Bill was passed, the context was slightly different. The Criminal Procedure Code which was then in force was a code which, according to the predecessor of the Mover, did not enable the speedy disposal of cases. It did not ensure speedy justice, as Dr. Katju repeatedly told us. In 1947, when we had that code, we could understand it. It was the case of Government when they brought forward the amendment to the Criminal Procedure Code in so many sections that the code, as was sought to be amended, would serve the purpose very well and that hereafter there would be no delay in the trial of criminal cases and law would be administered in the quickest possible time. Now, when according to the Government, their case is that the Criminal Procedure Code has been made up to date in order to ensure speedy justice, what is the case of Government to come forward and ask us for permission to have special judges and special courts which are courts of acquittal—we have always found that when political cases are concerned, the special courts are courts of conviction, and when government servants are concerned, they are courts of acquittal. So what is the case before Government for bringing all these allied sections unless they want to exclude government servants from the scope of ordinary courts. Just let us consider certain other offences which are not included. By way of comparison, I would like you to consider this. When a government servant commits murder or is standing trial for a case of

rape, arson or any other grave offence, he does not get this protection. Then the Government do not want him to be tried by a special magistrate, but when it comes to a question of bribe-taking or abetting the taking of bribe or functioning as a go-between, between the bribe giver and an officer, they want that also to be included as a matter which will be decided upon by a special judge, for which Government will have the special power to appoint a judge. That is the point, which, I think, is not quite so simple as the hon. Minister tried to pose it to be.

Then there is another provision which seeks to amend section 6 of the principal Act. Clause 4 reads:

"In section 6 of the principal Act, in sub-section (1), after the words and figures 'under section 161', the words and figures 'or section 164' shall be inserted".

At a time when we are amending this provision, is it not necessary that we should look back upon the purpose for which the original section was framed, if we are to make the law relating to this up to date to meet the requirements of our present circumstances? It is a very peculiar case. When we were discussing it, I remember how much you yourself were against giving government servants a special consideration in the matter of cases of defamation. This is a similar case. When government servants commit wrongs, when they are found to have committed certain offences, the sanction of Government is necessary. We know the *modus operandi* of issuing the sanctions. I would certainly agree if the hon. Minister himself were to go through every case and issue sanction. But that does not happen, nor does he have the time to do it, because hundreds of cases are coming up. This is again entrusted to a machinery of Government in which, as has been repeatedly said by spokesman of Government, including the late Sardar Vallabhbhai Patel, there are many corrupt elements. What is the necessity for a special sanction? If

Government's purpose is to root out corruption, why not that case, if it is a cognisable offence, be considered as any other cognisable offence, especially when graver offences than these do not require the special sanction of Government, even when they are committed by government servants? I find no reason why section 6 of the original Act should not be deleted. I am saying this because the Mover said—and I think he repeated once or twice—that this is so simple a measure and it only wants to bring this within the scope of the special provision in the original Act, the Prevention of Corruption Act and also makes certain amendments in the Criminal Law Amendment Act. My case is slightly different. It is that there is no purpose now in retaining section 6. I would very much like to ask the hon. Minister—who asked me whether I was opposing the Bill or supporting it—whether in the context in which we are today, he is agreeable to have section 6, which lays down that every case described in sections 161 to 165 of the Indian Penal Code requires the special sanction of Government, deleted with a view to preserve the integrity of our administration and to eradicate corruption? It is possibly the only way in which the vipers of corruption whom we have in our midst can be crushed, and crushed to such a position that they will not be able to inject their poison again.

Now, we know of several cases—I must say here that I am not speaking in general terms, as the hon. Minister will certainly object if I do—and in this House it has come on several occasions—if you go through the evidence tendered before the Public Accounts Committee which I have before me, and which Committee I had the honour to serve for three years, you will find—that there are many cases of corruption in which the punishment has been meted out only on the law of inverse proportion. If you find that the lowest officer is proceeded against for a case, you also find that the punishment meted out to him is

[Shri V. P. Nayar]
the highest. If an intermediate officer was proceeded against, then the punishment is lighter.

Shri U. M. Trivedi (Chittor): Even for smoking, the lowest people are punished.

Shri V. P. Nayar: In the case of a class I officer, invariably there is no punishment meted out worth the name—in 99 per cent. of cases, they are allowed to go scot-free.

An Hon. Member: Given promotions.

Shri V. P. Nayar: This is a factor which we must take into consideration. With our Five Year Plans, with very ambitious plans in view, we are considering how best to eradicate corruption and such a simple Bill, as the hon. Minister said, will not meet the purpose. We know here—there have been instances; I am not going into the names or into elaborate detail—that accommodation has been made in favour of sons of Ministers, rules have been modified under the guise of breaking existing monopolies of foreign interests.....

Mr. Chairman: Order, order. I am afraid the hon. Member is transgressing the limits of legitimate criticism of this Bill. This Bill is an amending Bill, as he knows very well. He has been at pains to say that in spite of this being an amending Bill, he wants to voice this criticism, and I have allowed him. But I think he is transgressing the limits of legitimate criticism, in so far as he is now going into the details of certain questions. As has been pointed out by the Deputy-Speaker, so far as amendment No. 4 for deletion of section 6 is concerned, it is very debatable if it will be allowed. He had his say in respect of that matter. I would now request him not to go into details. He was dealing with general principles and he was allowed so far. I do not think there is any further scope for going into details.

Shri V. P. Nayar: With great respect to you, I do not propose to go

into details at all. I was only trying to show how sanction would be affected, and I was asking why it was necessary that the provision regarding sanction should at all be continued in this case.

Mr. Chairman: The question of discrimination in punishment of officials does not arise here at all.

Shri V. P. Nayar: Then there is also this question, that the provision, as sought to be modified, does not conform to the constitutional equality which we are supposed to have in India today. I am not going to argue on that point.

Mr. Chairman: That means the hon. Member wants to raise objection to section 197 of the Criminal Procedure Code and so many other sections under which special sanction is required. I do not think it will be permissible; I think such criticism goes to the very root of the principles of the original Bill.

Shri V. P. Nayar: I won't go into detail. I was only pointing out, and making an attempt to show—when the hon. Minister said that this is a simple Bill designed primarily to make the law up to date in order to eradicate the evil of corruption—that by what is contained in this Bill, we are not going to achieve any substantial results.

Mr. Chairman: The hon. Member has been at pains to show....

Shri V. P. Nayar: I have never been at pains. I am only sorry that the hon. Minister who said he wanted to eradicate corruption—to root out corruption as he said—did not bring in adequate provisions in this amending Bill so that we could have believed that there was some meaning in what he said. As it stands, a provision here or a provision there is amended and the scope of a particular section is enlarged in order to take within its ambit certain more cases. I certainly say that that may be an advantage but whether it will be an advantage or not, we are unable to understand.

How can we judge that? I want to know first how many cases have been taken over by the Special Police Establishment and how many of these cases fell within the purview of sections 162, 163 and 164 which you include now. I want to know what is the total amount involved in all these cases which have been investigated by the Special Police Establishment. I made a reference to the Reference and Research Branch of Parliament. They write to me just now that they contacted a particular wing of the Special Police Establishment but could not get the information as the information was not readily available. When sections 162, 163 and 164 are sought to be made subject-matter for special courts to go into or brought within the ambit of the Criminal Law Amendment Act, is not this House entitled to know how many cases have been registered against officials—cases, which naturally fall not under section 161, but under sections 162, 163 and 164? That is my point. When I speak about this, I must say, that when the original Bill was introduced, Sardar Patel was courteous enough to give the House an idea that he brought the Bill because there were 1,100 cases covering an aggregate of Rs. 5½ crores. At least this much of information the hon. Minister should have given us before he came and asked us to vote for this particular Bill. I do not say there are very many controls today but there are certain controls, especially in the matter of supplies of certain essential commodities like iron and steel. The area which determines or the facts which determine whether a particular offence will fall under section 161 or 162 or 163 are very difficult to find out. I tried my best to get the information. In fact, I went through the report of the Home Ministry last year and I found that only 330 cases or so have been taken up by the Special Police Establishment. When it has come down from 1100 in 1946 to 300 now, we are led to believe—naturally statistics tend to that—that corruption is going down. But, apart from the documentary.

evidence which you find in the Public Accounts Committee or this evidence or that evidence, what you find is that corruption is not going down. There are officers whose looks are being converted into currency and who sell their smiles for gold. How are we going to find out whether a particular officer really took the bribe or whether that particular officer was helped by another officer to take the bribe or whether somebody was in between the bribe giver and the bribe taker? These are very difficult questions. Unless we have definite information on these points and unless Government tells us that we have say 553 cases in which the bribe givers would fall only within the ambit of 162, we have 300 and odd cases which would fall under 163 and so on, if there were figures like that, we could have applied our minds.

Mr. Chairman: Then does it mean that the hon. Member is in favour of the present provision?

Shri V. P. Nayar: When there is nothing else before us, I would choose to accept a little reform like this. But, that does not serve the purpose. That meets the question of the hon. Home Minister who asked me whether I was supporting the Bill or opposing it. In so far as this Bill goes, it goes precious little, I should say. I want to support it because I am as keen as anybody else in this House including the hon. Home Minister to eradicate corruption and I am prepared to fight corruption of any sort anywhere. In this amending legislation, as in the original legislation, only one form of corruption, that is bribery, has been sought to be prevented. As a matter of fact, we know that bribery accounts only for a fraction of the corruption which we have. There is any amount of other forms of corruption; there is nepotism, there is favouritism, venality, graft, trafficking, and several other forms. No attempt has been made....

Shri U. M. Trivedi: That is included.

Shri V. P. Nayar: You cannot include nepotism within the scope of

bribery; you cannot include venality or graft in bribe-taking. If Government is honest and if the hon. Minister wants to put down corruption, then there is no purpose in bringing forward such a piece of legislation, innocuous as he himself says, such a simple Bill. He ought to have tried to tackle corruption in all its forms and at the very root. But, so far as this particular provision goes, I would request the hon. Minister to kindly furnish us with some figures so that we can apply our minds to them.

Shri Kamath (Hoshangabad): During the last Session of Parliament the Minister of Home Affairs laid a statement on the Table of the House wherein he rightly admitted that corruption was very wide-spread—I believe it was on the 18th August, if I remember aright—and the efforts of the Government to fight corruption had not been successful. (*Interruption*). It was a frank and a bold admission on the part of Government and since then I am glad to find that Government has woken up to the need to eradicate this corruption, this multiform corruption. Corruption, as my hon. friend said, assumes various forms, gross, subtle, fine and super-fine. It is not only one form that has got to be fought. These variegated forms have got to be combated seriously and in a determined manner.

The Deputy Minister for Home Affairs, in the last Session, referred to a new division that they have set up in the Home Ministry and also said that every Ministry had been called upon or had been asked to appoint a Vigilance Officer. At that time, three months ago, only 4 Ministries had appointed Vigilance Officers. I wonder whether all the Ministries have got....

The Deputy Minister of Home Affairs (Shri Datar): All have.

Shri Kamath: The Railway Minister stated a couple of days ago that there is a separate section for anti-corruption in the Railways. Whether it is plus or minus, I do not know. The Railway Ministry is having this perhaps because corruption is so rampant

in the Railways. I do not want to go into that question because that is a matter which might require a whole day for treatment.

As regards this particular measure, it has been said by the Minister that it is a very simple measure, a non-controversial measure, an innocuous measure and what not. To a certain extent, I agree with him. But, I will not go the whole hog with him when he says that it is absolutely simple and non-controversial. On the face of it, it may be so but behind the lines or between the lines, if you examine it closely, I would venture to say that you would find that there are certain lacunae which have got to be filled in or certain matters which must be clarified by the Government before they proceed further not only with this measure but with the general fight against corruption, which, I am sure, they will have to put, in the near future, on a war footing. I readily agree that there are hundreds of honest officers, but, considering the vast increase in the number of officers, high and low, this evil has grown to protean proportions. That has been admitted not merely by the Public Accounts Committee but by several other committees. Hyderabad, I believe, had appointed a high level committee to deal with this question but no action was taken on the report of that committee in Hyderabad and the report had gone the way which many other reports have gone, perhaps to some obscure pigeon-hole in some shelf in the secretariat.

Coming to this particular measure, I would like to invite your attention and the attention of the hon. Minister and the House to section 163, which finds a place in the amending Bill, offences under which will become cognizable.

Shri Datar: May I point out that sections 162, 163 and 164 have already been made cognizable by the Criminal Procedure Code (Amendment) Act and therefore we are making some amendments here?

Shri Kamath: I heard what the Deputy Minister was saying, and now it only helps me to make my point clearer. In this section of the I.P.C., the first is the corruption of the public servant through the exercise of personal influence, that is to say, of touts or agents. I would not like to be particularly harsh in my observations, but there have been certain developments and incidents in certain States to which I should like to draw the attention of the Minister on this occasion. Who exactly could be considered to be a tout or an agent when exercise of personal influence is concerned? I am not referring to section 162 which deals with illegal and corrupt means. For the present I will confine myself to personal influence. I have already said that there are many forms of corruption and the exercise of personal influence has become today—perhaps also in the past but we have been noticing it much more during the last few years—so obvious and so rampant in certain fields that people take it for granted these days. It is a sad affair that it should be taken for granted, because I am referring to Ministers in certain States who interfere by exerting their personal influences in matters where they should not interfere. There are certain cases *sub judice* and so I would not like to go into details and I shall not refer to them. But in my own State of Madhya Pradesh charges have been made on the floor of the Assembly and, therefore, I can refer to that case....

Pandit G. B. Pant: But that does not prove anything.

Shri Kamath: So, I can refer to this particular matter. Charges have been made, not once, twice or thrice but many times, against the Chief Minister of my State.

Pandit G. B. Pant: I doubt if this is relevant to the Bill.

Shri Kamath: Who is a tout or an agent?

Mr. Chairman: The principal is punishable with three years while

the tout or the agent is punishable with one year. So far as the law goes, it is quite clear. I do not know what the hon. Member is aiming at. Does he want to define the words "tout" and "agent"?

Shri Kamath: Section 163 refers to personal influence.

Mr. Chairman: And 164 deals with the person, the public servant himself. I want to know whether the hon. Member is relevant.

Shri Kamath: The original Act refers to prosecution in such cases.

Mr. Chairman: It does. Sections 163 and 164 deal with such cases, but I want to know what the hon. Member is driving at by citing certain cases.

Shri Kamath: If you do not like examples, then I will not trouble you with them, but....

Mr. Chairman: I only want to know whether the hon. Member is relevant so far as the discussion is concerned.

Shri Kamath: If I am not relevant to the discussion before the House, you can call me to order.

May I draw your attention to the Statement of Objects and Reasons of the Bill? It is stated there that at present there is no effective method of dealing with touts and agents through whom corrupt officials secure bribes and illegal gratification. I am saying why there is no effective method at present; it is because of the Government's inefficiency and inaction.

Mr. Chairman: The why of it does not arise. The hon. Member himself says that there is no effective method....

Shri Kamath: But I want to devise an effective method and put it to the Minister. I say, why should there not be an effective remedy?

Pandit G. B. Pant: He and I both agree that this clause is necessary.

Shri Kamath: I agree, but it does not go far enough.

Pandit G. B. Pant: But let us not disagree unnecessarily.

Shri Kamath: If I were in his position, I would have gone much farther.

Mr. Chairman: So far as the fundamentals of the question are concerned, there is no difference of opinion, and both the hon. Member and the hon. Home Minister say that it has not been effectively dealt with. Therefore, this is one remedy to deal with it effectively. The question whether it does not go far enough or otherwise is really not very relevant so far as this Bill is concerned; this is an amending Bill and so its scope is limited; you cannot go to the root principles of corruption itself and suggest certain remedies. They might be suggested outside the House. I would be very happy if the hon. Member led a deputation to the hon. Home Minister and gave him certain ways or methods.

Shri Kamath: That has been done, I think, but with little effect.

Mr. Chairman: He might bring forward some legislation before the House saying that that was the proper method. But here one of the methods by which it can be effectively dealt with is by means of this Bill. To suggest that there are other effective methods is outside the scope of this discussion.

Shri Kamath: You have been very helpful and I must thank you for that. May I invite your attention again to the fact that this amending Bill seeks to deal effectively with touts and agents and that is the main provision of the Bill—how to deal with touts and agents effectively through whom corrupt officials secure bribes.

Shri V. P. Nayar: Not through anybody else.

Mr. Chairman: I think the Bill goes even further. So far as the public servant is concerned, section 164 is also made cognizable.

Shri Kamath: One of the main provisions is to deal with touts and agents; it deals with public servants also. Let me put it as public ser-

vants plus touts and agents. The main object of the Bill is how to deal with corruption on this front.

Mr. Chairman: The scope of the Bill is limited. It suggests one remedy to make the thing effective, not all the remedies. The hon. Member may go further and say that big officials and Ministers should be dealt with in such and such manner, but that is outside the scope of this Bill. In an amending Bill, we can only say what is pertinent to the Bill and cannot go to the original Act and discuss the root principles on which the whole thing is founded.

Shri M. S. Gurupadaswamy (Mysore): Can we not suggest on this occasion that the Bill is not comprehensive and does not go far enough so as to include other cases of corruption so that this opportunity could be taken by the Minister to have more comprehensive measures?

Mr. Chairman: I am careful not to rule out discussion on this Bill. I have allowed a fairly good latitude, but at the same time you cannot go to the root principles and discuss the entire matter from the original idea how corruption generally can be rooted out, etc., etc. The scope of an amending Bill is quite narrow as the hon. Member himself knows, but at the same time in general discussion even more latitude is allowed than when an amendment is discussed. Therefore I have allowed a certain latitude, but it does not mean that you can go into the root principles of this question because such an action would certainly not be relevant for the purposes of this Bill. So far as this amendment is concerned, it has got a certain limited scope.

2 P.M.

Shri Kamath: I am not at all dealing with remedies. If I go to the root principles, it will take a long time.

Mr. Chairman: I thought the hon. Member was referring to the remedies.

Shri Kamath: I am not referring to the remedies at all. I want to know from the hon. Minister categorically

and definitely as to what exactly is meant by touts and agents. Who are touts and agents—those who merely go and offer money, or...

Pandit G. B. Pant: We are concerned with clauses 162 and 163. Whoever comes within the purview of these clauses shall be governed by this Bill.

Shri Kamath: That is very fine. They will be dealt with accordingly. Therefore, I want to know from the hon. Minister whether individual Ministers of the Government exercising undue influence thereby making an officer do or not do something...

Shri V. P. Nayar: ...or functioning as tout.

Shri Kamath: I would not use that word. I want to know whether such individual Ministers will come within the purview and scope of this section and therefore of this Bill.

Pandit G. B. Pant: If the Minister does something which comes within the purview of these clauses and if he is not protected by any other law, then surely he will be governed by these clauses.

Shri Kamath: That is my difficulty. In that case I would like to know this. When there is an allegation against a Minister that he has exercised his personal influence or unduly influenced an official to do or not to do something, sanction of the Government will have to be obtained for prosecution under these sections. Sanction of which Government—his own Government, the State Government, the Minister's own Government. Can we imagine or is it possible to imagine or visualise a Minister sanctioning his own prosecution? Therefore, the necessity of amending this Bill further arises with regard to the sanction for such prosecution.

A case is now pending in the Supreme Court on this point; I do not want to refer to it. It relates to the allegations against the Chief Minister of Madhya Pradesh. I do not want to refer to the details of the case; the Chief Minister is one of the parties to

that. It is coming up for hearing shortly and we will get a ruling on that point whether sanction of the Government is necessary or not for a prosecution against the Minister. In the olden days it referred only to public servants but they have now taken shelter under this section 197 of Criminal Procedure Code—the Ministers—and therefore, sanction of the Government would be necessary. Some Courts have held that way. But if this has got to be effective and anti-corruption has to be put on a war or an extra-ordinary footing, we have to deal with all sorts of corruption—not merely giving money or cash, but also the other fine and superfine forms of corruption.

We have in this very House had so many exposures of not one scandal but so many scandals; and in some of these it was openly charged in this House that not merely officials but agents and touts—who perhaps could not be called by that name, they might be intermediaries who function in that capacity—were involved. But nothing has been done in these matters. Why should not Government take notice of these scandals where charges have been openly made for years and years? Still, Government comes and makes a statement in this House that such and such matter should be treated as closed.

Mr. Chairman: Therefore, they are making it cognizable.

Shri V. P. Nayar: But there is the sanction.

Shri Kamath: That is the biggest hurdle.

Mr. Chairman: So far as touts and other agents are concerned no question of sanction arises; it arises only in respect of public servants.

Shri Kamath: That I know. You also know, Sir; you are lawyer; you know who a tout or an agent is. What will happen to them? It is rather awkward to say so much when two Ministers are sitting before me. But there has been a case in Mysore where a Minister had to resign because of such a charge. But in Madhya

[Shri Kamath]

Pradesh no enquiry has been made and we are therefore fighting the case in the Courts. I would, therefore, request the Minister to clarify the position of the Government on these two matters: firstly, when a Minister exercises his undue influence to make an official do or not do a particular thing, whether such a Minister will also come within the purview of this section—within the mischief of this particular provision about touts and agents; will he be regarded as a tout and an agent? Secondly, I ask, whether in that case sanction of the Government is necessary. One cannot say that he did these things in the course of his official functions. Section 163 refers to exercise of personal influence. He does it in the capacity of a Minister—he happens to be a Minister all right but simply because he happens to be a Minister he should not misuse his position.

Shri N. Rachiah (Mysore—Reserved—Sch. Castes): I rise on a point of order. The hon. Member referred to an allegation against a Minister in Mysore. I come from Mysore. The Minister did not resign in connection with corruption. As such I refute such allegation.

Mr. Chairman: We are not discussing the affairs of that Minister in Mysore State. He referred incidentally to that affair; he did not refer to the merits of the question.

Pandit G. B. Pant: Defamatory statements should not be made.

Shri Kamath: He resigned on the issue of a contract; I will make it a little more detailed.

Mr. Chairman: The Minister is not here. It is not usual to make any remark against persons who are not here. It is always the duty of the Chair to see that such remarks are not allowed to be made in respect of persons who are not here.

Shri Kamath: Then the whole functioning of Parliament is impossible. We make remarks against dignitaries of foreign countries too.

Mr. Chairman: Hon. Member has been too long in the House to require any sort of advice from me. He knows very well that whenever such questions arise we never allow such defamatory remarks to be made against a public official because he is not here and cannot defend himself. Hon. Member referred only to a Minister as such; I allowed him. If he wants to make any particular reference to any particular Minister, I am afraid I cannot allow that.

Shri Kamath: The reference to the matter has appeared in the papers.

Mr. Chairman: No remarks which insinuate that a certain Minister has been corrupt should be made here even if it has appeared in the papers.

Shri K. K. Basu (Diamond Harbour): Can we not read from the papers and say that such and such thing has appeared? It has appeared in the papers that such and such incident happened; we do not say whether it was right or wrong. We may say that.

Mr. Chairman: I am not here to answer such hypothetical questions. My point is clear. If an official is not here, it is not usual to make any remark against the official which is defamatory in nature.

Shri Kamath: There were allegations of corruption against a certain Minister and then the Minister resigned from his office, soon after.

Mr. Chairman: What is the insinuation; that he resigned in consequence?

Shri Kamath: That is the inference.

Mr. Chairman: Therefore, it is not right to make any insinuation of that nature in respect of an official who is not here. Supposing such a remark was made by any person in respect of me in a privileged place and I am not there to defend myself, would that not be prejudicial and unfair? The Minister concerned is not here and he cannot say that whatever has been said against him is all wrong. Then again, you know, so far as this House is concerned any reference of that nature cannot be made a subject matter of a defamatory suit. Therefore such references are not allowable.

Shri Kamath: We have made in this House so many remarks about a former High Commissioner in London even though he was not present here to defend himself.

Mr. Chairman: I do not know what has been said before about the High Commissioner. If we have erred in the past that does not justify us to err again. Anyhow, the hon. Member can go on without insinuating against any specified official. After all, as I said, it is an amending Bill and the hon. Member has said enough in respect of the fact that this Bill should have gone further to see that other principles are accepted which would eradicate corruption.

Dr. Suresh Chandra (Aurangabad): What is the time limit for a Bill here?

Mr. Chairman: I am not able to understand why I am to answer this question to a Member like Dr. Suresh Chandra. He fully knows that so far as rules are concerned there is no time limit for Bills.

Shri V. P. Nayar: He pretends to be ignorant.

Mr. Chairman: The time limit is set by the Business Advisory Committee. I would request the hon. Member to conclude now. I have to give chance to other hon. Members and the hon. Member knows it that the time for this Bill has been limited by the Business Advisory Committee.

Shri Kamath: Though we are timeless, the time is limited.

Mr. Chairman: Both things are right.

Shri Kamath: The time is limited and in passing I may just refer to the case regarding my own State of Madhya Pradesh. I do not want to dilate upon it. Certain things have happened in the past and there have been allegations. Whatever that may be, this case, as I said, is pending before the Supreme Court now and the Chief Minister of Madhya Pradesh is a party to it. I do not want to say anything more about this matter.

Pandit G. B. Pant: The lower court has not accepted the charges.

Shri Kamath: Not charges, but the question of sanction is involved. Fortunately we have got the Supreme Court here.

Shri N. C. Chatterjee: Otherwise Shri Kamath would not have been here.

Shri Kamath: Otherwise I would not have been here, as Shri Chatterjee says. Anyway I would not have been here so soon.

Pandit G. B. Pant: It is not dignified for a Member like you to refer to the Chief Minister of your State.

Shri Kamath: I do not make any undignified allegation. As a matter of fact, the case is pending before the Supreme Court.

Shri V. P. Nayar: The facts are facts, however unpalatable they may be.

Pandit G. B. Pant: You are a distinguished Member of this House and.....

Shri Kamath: I thank you for your compliment.

Pandit G. B. Pant:...so you are expected to exercise even greater restraint than others.

Shri Kamath: I am putting a lot of restraint on myself; otherwise, if I wanted.....

An Hon. Member: You are amazed at your own restraint.

Shri Kamath: I have not said anything which can be deemed objectionable in any manner.

Mr. Chairman: Consciously you never say anything objectionable.

Shri Kamath: I only said that the case is pending before the Supreme Court and we are awaiting a decision on that. I do not think there is anything objectionable in that.

Then again, Sir, as regards touts and agents I would also like, as a matter-

[Shri Kamath]

of clarification, to know as to what exactly will happen in some particular cases. For instance when tenders are invited by the Government and in certain other things some people are brought into the picture. In such cases who will be the touts or agents and what is their definition?

Lastly, I have myself heard from a reliable authority—I do not disclose the names here because just now it has been objected to and it is not proper also—I may say, from very high police officers in my own State and also officers of the Special Police Establishment here in Delhi—some of them themselves gave me the information—that some cases have been withdrawn and some are not being taken to court because the Minister was interested. The Ministers interfere at the highest level and say that so and so should not be prosecuted for blackmarketing, profiteering or some other charge of that kind. Because of a Minister's interest in a person concerned the case is not taken to court and investigation also is not taken in hand or concluded. What would happen then? Will that amount to a Minister's exercise of undue influence in the course of justice to prevent justice from taking its course? That would be an offence within the mischief of section 163 IPC. In that case also the Minister should be amenable to action under this section, and there should be obviolation of necessity for sanction for prosecution.

These points are very important if we are serious about gearing up our entire machinery—right from the highest Ministers to the lowest official if we want to gear our machinery to fight corruption and end corruption—we must take notice of these aspects of the matter and legislate accordingly. I, therefore, give only qualified support to this measure and not whole-hearted support because it does not go far enough.

श्री सिंहासन सिंह (जिला गोरखपुर दक्षिण): यह जो विधेयक भवन के सामने है उस के सम्बन्ध में हमें इस बात पर विचार

करना है कि इस विधेयक के पारित होने के बाद आया तो भ्रष्टाचार आज देश में प्रचलित है, जिसकी ग्राम शोहरत है, जहां कहीं जायें इस बात की चर्चा है कि इस राज्य में भ्रष्टाचार बढ़ा हुआ है और यह राज्य इस बात में सफल नहीं हो पाया कि देश में चारों तरफ फैली हुई घूसखोरी और बेईमानी को रोक सके, वह क सकेगा या नहीं। हमें इस नजर से इस विधेयक को देखना है कि इसे पास कर देनेसे भ्रष्टाचार में कहां तक बढ़ोतरी हो सकती है या कहां तक हम इस पर काबू पा सकते हैं। हम न इस नजर से इस विधेयक को देखा और विचार किया तो मालूम हुआ कि इस के पास कर देने के बाद जो बुराई आज है वह और भी बढ़ जायेगी।

अभी तक इंडियन पेनल कोड के चैप्टर ६ में जो १६१ से लेकर १६६ तक की धारियाँ हैं जो कि अफसरों में फली हुई खराबियों या घूसखोरी के सम्बन्ध में हैं वह कामिजबल नहीं थीं और समन्स केसेस की तरह से ट्राईड होती थीं। किसी भी आदमी को अधिकार था कि वह किसी भी अदालत में जा कर दावा कर सकता था कि अमुक अफसर घूस लेता है और उस का ट्रायल मैजिस्ट्रेट के सामने होता था या आगे बढ़ कर सेशन्स कोर्ट में। १६५ लगायत १६६ जो क्रिमिनल प्रोसीजर कोड की धारियाँ हैं, जिन के अन्दर अफसरों को कुछ सहूलियत मिल जाती है यानी उन के ऊपर, बगैर उन अफसरों की मंजूरी के, जिन्होंने उन को नियुक्त किया हो, मुकदमा नहीं चल सकता था, व धारियाँ १६१ से लेकर १६६ धारा तक पर लागू नहीं होती थीं। अर्थात् कोई भी आदमी स्वतंत्र था कि अगर कोई अफसर उस से घूस ले रहा हो या वह घूस लेने का आदी हो, तो वह अदालत की शरण ले कर उस पर दावा कर सके। वह क्रिमिनल प्रोसीजर कोड के मातहत दावा कर सकता था कि फलां आदमी घूस लेने का आदी है और फलां फलां से घूस ली है। वह उस के लिये शहादत भी पेश कर सकता था। लेकिन १६५७ का जो मूल

विधेयक पास हुआ उस के अन्दर यह कर दिया गया कि चूँकि सरकार भ्रष्टाचार को बन्द करना चाहती थी इस लिये समन्स केसेज को कान्निजेबल तो कर दिया गया लेकिन उस में एक दफा ६ रख दी गई जिस के अनुसार कोई अदालत उन मुकद्मात को नहीं देख सकती जब तक कि उस की मंजूरी सरकार के उन अधिकारियों से न मिल जाय जिन्होंने भ्रष्टाचारी अफसर को नियुक्त किया हो। परिणाम यह हो गया कि कोई अधिकारी उस अफसर की जांच करने की हिम्मत नहीं करता। फिर जांच करने का अधिकार छोटे अफसरों से छीन लिया गया। दफा ५ के अनुसार वही अधिकारी जांच कर सकता है जो डी० एस० पी० या उस से बड़ा अधिकारी हो। उस के बाद मुकदमा तब तक अदालत में नहीं जा सकता जब तक सरकार से उस की मंजूरी न हो। आप समझ सकते हैं कि एक तरफ तो आप ने यह कर दिया कि यह सब अपराध कान्निजेबल कर दिये, उन को पुलिस देख सकती है किन्तु दूसरी तरफ मुकदमा नहीं चला सकती। अब तक भारत का एक स्वतंत्र नागरिक और पुलिस भी मुकदमा चला सकते थे लेकिन अब इस अधिकार को उनसे छीन लिया गया है। जो पुलिस को अधिकार दिया गया था कि वह पकड़ धकड़ कर सकती है उसका यह अधिकार भी दफा ६ के जरिये से छीन लिया गया है और वह भी ऐसा नहीं कर सकती है। अब तक १६१ और १६५ और १६५(ए) के अन्दर यह लागू था कि इनके अन्दर जो अपराध हों उनके ऊपर हम मुकदमा चला सकें सिर्फ उस सूरत में कि दफा ६ के अन्दर उसके ऊपर के अधिकारी से आज्ञा हासिल कर लें। अब यह जो संशोधन विधेयक है इसका एक श्वास मन्तव्य है यानी जो टाउट होते हैं या जो एजेंट्स (अभिकर्ता) होते हैं जो प्रेरित करते हैं कि घूस देवे और अनुचित काम करावे और जो अब तक पकड़े जा सकते थे वह भी अब बच जायेंगे जब यह कानून पास हो जाएगा। अगर किसी एजेंट ने किसी से ५०० या १०००

रुपया किसी का काम करवाने के लिए ले लिया हो और वह काम करवाने में सफल न हो तो अब उसके खिलाफ भी मुकदमा नहीं चल सकेगा क्योंकि दफा ६ के अन्दर इसके लिए भी मंजूरी लेनी पड़ेगी। दफा ६ इस प्रकार है :

‘Clause 6(1): No court shall take cognizance of an offence punishable under section 161 or section 165 of the I.P.C. or under sub-section (2) of section 5 of this Act, alleged to have been committed by a public servant except with the previous sanction.’

इस में आप एंड करना चाहते हैं, १६२, १६३ और १६४ :

“In section 6 of the Criminal Law Amendment Act, 1952, in clause (a) of sub-section (1), after the words and figures ‘under section 161’, the words and figures ‘section 162, section 163, section 164’ shall be inserted.”

Mr. Chairman: The hon. Member will kindly look into clause 5 which relates to the amendment of section 6 of Act XLVI of 1952. This is not the meaning. No sanction is required in respect of prosecutions under sections 162 and 163 according to the present Act.

श्री सिंहासन सिंह : इनको यहां पर इनसर्ट (निविष्ट) किया जा रहा है। जहां आज तक एक आदमी पर एक टाउट पर मुकदमा चल सकता था किसी मजिस्ट्रेट के यहां यह भी अब नहीं होने दिया जा रहा है और अब मुकदमा नहीं चल सकता।

Mr. Chairman: The hon. Member will kindly see there are two clauses: number 4 and 5. Clause 4 refers to Act II of 1947. In regard to section 164, sanction is required, and sanction is not required in regard to sections 162 and 163.

श्री सिंहासन सिंह : मेरे खयाल में इसके हो जाने के बाद मुकदमा नहीं चल सकेगा। जो एनेक्सर दिया गया है उसमें सैकशन ६

[श्री सिंहासन सिंह]

मेनशन किया गया है और सैकशन ६ के होने से वहां पर दिक्कत पड़ती है।

Mr. Chairman: I was also under that impression, but after going through the Bill, I can tell you that as a matter of fact, no sanction is required for prosecutions under sections 162 and 163. The hon. Member will look into the sections again. Clause 4 refers to Act II of 1947 and clause 5 to Act XLVI of 1952, though both the amendments are in respect of section 6 only. The amendments relate to two different Acts. One relates to prosecution and the other relates to sanctions.

श्री सिंहासन सिंह : इस में एक्टमेंट (अवसान) भी आ गया है।

आपके इस मुद्दाव के लिये मैं मशकूर हूँ। मेरे पास क्रिमिनल ला एग्जिमेन्ट एक्ट (दंड विधि संशोधन विधेयक) नहीं था। लेकिन मेरा खयाल है कि दिक्कत जो है वह ज्यों की त्यों बनी रहेगी। जब हमारे देश में कांग्रेस गवर्नमेंट का प्रादुर्भाव हुआ तो एक तरह से चारों ओर भय की लहर दौड़ गई कि अब क्या सूरत होगी, घूस बन्द होगी, क्या इसके बारे में ख़ास सक्ती की जाएगी या क्या होगा। लेकिन मेरा कहना है कि इससे उल्टा ही असर देखने में आया है। हम जहाँ कहीं भी जाते हैं यही शिकायत सुनते हैं कि घूसखोरी बढ़ रही है। यही हाल रेलों का है। इस चीज को देखकर और ऐसी बातें सुनकर हमारा सिर शर्म से झुक जाता है। हम इसको अभी तक रोक नहीं पाये हैं और इस विधेयक के पास हो जाने के बाद क्या हम इस लानत से छटकारा पा सकेंगे, इस में मुझे सन्देह ही है। इसका कारण यह है कि जब तक सैकशन ६ रहेगा आप कोई कार्रवाई नहीं कर सकेंगे। इसके जरिये से आपकी मंजूरी लेनी आवश्यक होगी। मैं आपको एक बात बतलाता हूँ। यू० पी० में एक आदमी ने एक अफसर के खिलाफ मंजूरी के लिए एक अर्जी दी। उसको

कहा गया कि तुम सबूत लाओ। एक सबूत तो भ्रमालत में, दूसरा सबूत वहाँ और वह भी सबूत लखनऊ में। अब आप बताइये कि एक आदमी जिसने किसी पेंटी अफसर के खिलाफ अर्जी दी हो वह किस तरह से लखनऊ जाए और शहादत दे। वह गरीब आदमी कहां से पैसा लाये। तो जब यह हालत है तो मेरा खयाल है कि यह एक्ट बजाय करप्शन (भ्रष्टाचार) को दूर करने के करप्शन (भ्रष्टाचार) को और बढ़ाने में मदद देगा। आज कानून इतना पेचीदा है कि हर कोई इसके दायरे से बच निकलता है और हर आदमी निर्भय होता चला जा रहा है क्योंकि हर आदमी जानता है कि इनसे कुछ होने वाला नहीं है और वह इस कानून की दफों से बच कर निकल सकता है। हम लोगों को कोई सीधा सादा कानून बनाना चाहिये था कि जिस के अन्दर अगर कोई अफसर हो जिस पर शुबह हो, उसको किसी तरह से निकाला जा सके, उसको ठीक रास्ते पर लाया जा सके।

आज हमारे देश में ऊपरी आमदनी को बहुत अच्छा समझा जाता है और यही खयाल किया जाता है कि किसी तरह से पैसा पैदा किया जाए। जिस आदमी के पास पैसा होता है, चाहे वह उसने किसी भी तरह से हासिल किया हो, उसकी पूजा की जाती है, उसकी इज्जत की जाती है। हम कोई ऐसा कानून बनाना चाहिये कि जिस से इस को समाज बुरा समझे। ऊपरी आमदनी पाने वाला आज एक अच्छा नागरिक समझा जाता है, और समाज में उसको ऊंचा स्तबा भी दिया जाता है। हम कई बार सुनते हैं कि किसी आदमी की तनख्वाह तो होती है ५० रुपये और जब ऊपरी आमदनी की बात होती है तो बताया जाता है कि वह है ५०० रुपये। इस चोरी और घूसखोरी पर हमें रोक लगानी चाहिये। पिछले अधिवेशन में हमने १६५ के दायरे को दफा १६५अ करके बढ़ा दिया कि जो घूस देगा वह भी उतना ही अपराधी होगा लेकिन उच्च नतीजा उल्टा ही हुआ।

इस्तेगसा करने वाला डर के कारण नहीं करेगा और जो काम करवाने वाला है उसका विरोध भी नहीं करेगा। हम नै कानून की परिधि तो बढाई घूसखोरी को रोकने के लिए लेकिन परिणाम उसका बिल्कुल उलटा हुआ है। यह तो यही बात हुई कि दवा की रोग को दूर करने के लिए लेकिन रोग बढ़ता ही गया। जिस सवाल पर हमें विचार करना है वह यह है कि अगर रोग महान है और संक्रामक रोग फैल रहा है तो उसके लिए क्या किया जाए। इसके बारे में जब इस भवन में प्राइवेट मेम्बर का विधेयक आया था और वह पास नहीं हुआ, उस समय कहा गया था कि एक अचञ्चल विधेयक गवर्नमेंट लाएगी लेकिन वह न आ कर के यह बिल है जो कि हमारे सामने आया है। इस रोग से छूटकारा पाने के लिए हमें इसके रूट काज (मूल कारण) में जाना होगा। मेरे खयाल में यह गलत रहन सहन के कारण पैदा हुआ है। मैं आपको एक उदाहरण देना चाहता हूं। १९४४ में जब मैं जेल से आया तो मेरे नाम से एक सप्लाई अफसर के खिलाफ किसी ने शिकायत लिख कर एक दरख्वास्त भेज दी कि वह आदमी घूस लेता है। तुरन्त कार्रवाई शुरू हुई और उस अफसर को समपैड कर दिया गया। मैं एक पब्लिक मीटिंग में बोल रहा था, एक सी० आई० डी० का इन्स्पेक्टर मुझ से मिला। मैं ने समझा कि शायद दोबारा पकड़ने के लिए वारन्ट होगा लेकिन उन्होंने मुझ से पूछा कि क्या यह अर्जी आपने दी है। मैंने कहा कि यह मैंने नहीं दी। बाद को कांग्रेस गवर्नमेंट बनी और जब इन्क्वायरी हुई तो वह अफसर छूट गए। एक दिन वह मुझे मिले और कहने लगे कि मैं आपका बड़ा मशकूर हूं कि आपकी वजह से मैं छूट गया हूं। मैं नै कहा कि यह चिट्ठी मैंने नहीं लिखी थी और आप छूट गए। लेकिन क्या मैं आप से पूछ सकता हूं कि आप इस ठाट बाठ से कैसे रहते हैं? मैं ने उन से पूछा कि आपकी तनख्वाह तो तीन या चार सौ है पर आप रहते दस हजार क ठाट से हैं, तो उन्होंने कहा कि यह तो

रहने का ढंग है। मैं ने उन से कहा कि हमें भी वह रहने का ढंग बता दीजिये। तो इस के अन्दर भी एक दफा है कि रहन सहन से भी एक प्रिजमेशन (वारणा) होगी। अभी गवर्नमेंट ने एक सरकूलर (परिपत्र) भी निकाला था कि हर एक सरकारी अधिकारी को अपनी चल और अचल सम्पत्ति की सूचना सरकार को देनी चाहिए। मैं ने इस के बारे में सवाल भी भेजा है। पता नहीं उसका जवाब कब तक मिलेगा कि वह सरकूलर जारी होने के बाद अब तक कितने गवर्नमेंट के कर्मचारियों ने अपनी चल और अचल सम्पत्ति का विवरण सरकार को बताया है। हमारे पास इसकी एन्क्वायरी करने को कोई मैशिनरी नहीं है।

मुझे यहां पर पता चला है कि जितने बड़े बड़े मिल मालिक हैं उन के एजेंट यहां पर रहते हैं। वे सरकारी अफसरों को भोटरो में घुमाते हैं और दावतें देते हैं। जाहिर है कि वे फायदा उठाने के लिए ऐसा करते हैं। अगर इन घनी मानी लोगों में से कुछ पकड़े जाते तो जरूर इससे कुछ देश का कल्याण होता। लेकिन यह जुर्म कागनिजेबिल होते हुए भी वे नहीं पकड़े जाते हैं। तो मेरा अनुरोध है कि इस दिशा में कड़ा कदम उठाया जाना चाहिये। हमारे पूज्य पंत जी के आते ही हमने सुना कि करप्शन को रोकने के लिए हर एक मिनिस्ट्री में विजिलेंस अफसर नियुक्त होंगे और यह सुन कर हमें बहुत प्रसन्नता हुई कि अब ठीक से काम चलेगा और जो देश में चारों तरफ हमको करप्शन की शिकायत सुन कर अपना सिर नीचा करना पडता है वह नहीं करना पड़ेगा। लेकिन अभी तक उसका कोई खास परिणाम नहीं निकला है। हां भाखड़ा नांगल योजना के ८ इंजीनियर पकड़े जरूर गये। उनमें एक को घर्म चक्र या वीर चक्र मिलने वाला था।

एक माननीय सदस्य : मिल चुका था।

श्री सिंहासन सिंह : यह कितने बड़े दुःख की बात है कि देश के चीफ इंजीनियर घूसखोरी के लिए पकड़े जायें। यह कोई गौरव की बात नहीं है। मुझे यह पढ़कर बहुत तकलीफ हुई। यह कितने कलंक की बात है कि देश के निर्माता घूसखोरी के लिए और देश को बरबाद करने के लिये पकड़े जायें। तो हमें ऐसा करना चाहिए कि जिससे इस की रोक जल्द से जल्द हो। यह तो शायद तभी रुक सकता है जब कि ऐसे आदमियों की सारी सम्पत्ति ले ली जाय करे या उनको सरेआम गोली से मार दिया जाय। लेकिन इस बिल में तो एक या दो साल की सजा के लिए ही प्रावीजन (उपबंध) किया गया है। और फिर अगर चर्जी साहब जैसे योग्य वकील को मूलजिम कर लेगा तो वे उसको वह सजा भी नहीं होने देंगे। इनकी सहायता से वह मलजिम बरी हो जायगा, अपनी जगह पर रीन्स्टेट (पुनर्नियुक्त) हो जायगा और उसको सरकार से अपना खर्चा भी मिल जायगा। इस तरह का हमारा यह कानून है।

हमने ब्रिटिश प्रिवेशन आफ करप्शन बिल भी देखा है। वह बहुत अच्छा ऐक्ट है। ब्रिटिश सरविसेज की ईमानदारी का चारों ओर बहुत शोर है। उनके लिए कहा जाता कि वे बहुत शुद्ध हैं। उनके कानून में यह प्रावीजन है कि उन पर मुकदमा चलाने के लिए सालिसिटर जनरल या एटार्नी जनरल की मंजूरी लेनी पड़ती है। लेकिन यहां तो दफा ६ के अनुसार सरकार से मंजूरी लेने की आवश्यकता होगी जो कि बहुत मुश्किल है। जब तक यह दफा ६ बनी रहेगी तब तक इसका कुछ ज्यादा असर नहीं होगा। मैं निवेदन करूंगा कि आपके इस विधेयक से कुछ ज्यादा लाभ नहीं हो सकता। यह केवल कोरा कागज बना रहेगा और करप्शन जारी रहेगा। अगर हम करप्शन को दूर करने के लिए तैयार हैं, और हमको इसके लिए तैयार होना चाहिए, तो हमको ऐसा विधेयक बनाना चाहिए कि जिसको पढ़कर या सुन कर ही

लोगों-में भय छा जाय। आज मझे यह बड़े दुःख के साथ कहना पड़ता है कि लोगों के दिल में कानून के प्रति भय नहीं रह गया है। ऐसा मालूम होता है कि हमारा दंड कमजोर हो गया है। इसी कारण यह सब करप्शन चल रहा है।

जब से हम लोग यहां पार्लियामेंट में आये हैं तब से करप्शन के बारे में तीन विधेयक आ चुके हैं मगर करप्शन की रफ्तार बढ़ती ही जा रही है। यह विधेयक तो पास हो ही जायगा लेकिन इससे रोग की दवा नहीं होगी। उसके लिए मैं बहुत नम्र शब्दों में निवेदन करूंगा कि कोई ऐसा विधेयक लाया जाय जिसको सुनकर ही घूसखोर लोगों में भय पैदा हो जाय। इसी प्रकार के विधेयक से यह बुराई दूर हो सकेगी। याद रखिये कि जब तक देश से करप्शन दूर नहीं होगा लोगों को यह इत्मीनान नहीं होगा कि हमारा देश प्रगति कर रहा है। आज हालत यह है कि हमारे मंत्रियों तक के विरुद्ध भ्रष्टाचार के आरोप लगाये जाते हैं। अभी मेरे पूर्व वक्ता ने मंत्रियों पर कीचड़ उछाला था। यह कितने दुःख की बात है कि मंत्रियों तक के विरुद्ध आज लोगों की भ्रंगुलियां उठती हैं। यह कोई शुभ लक्षण नहीं है। इस स्थिति को हमें दूर करना चाहिए। कहीं ऐसा न हो कि हमारी चीन जैसी हालत हो जाय जहां कि करप्शन बहुत बढ़ गया था। आज हम भी उसी तरफ लुढ़कते चले जा रहे हैं। इसलिए यह जरूरी है कि हम इस बीमारी को ठीक करें। तभी हमारा कल्याण हो सकता है। नहीं तो हम कितना भी कहें कि हम आगे बढ़ रहे हैं, पर वास्तव में हम पीछे ही जायेंगे। आज हाल यह है कि अगर हमारी किसी योजना के लिए एक्टीमेंट बनता है ७० करोड़ का, तो कुछ समय बाद वह एक अरब ७ करोड़ का हो जाता है। जब हम इसके बारे में शिकायत करते हैं तो कहा जाता है कि हमारे बजट में तो इना ही होता है, दूसरे मुल्यों में तो तीन गुना तक हो जाता है। वे दूसरे देश धनी हैं, पर हम

तो गरीब हैं। हमारे यहां तो जो एस्टीमेट बने वह खूब देख समझ कर बनाना चाहिए। लेकिन हम देखते हैं कि हमेशा उसमें बढ़ोतरी हो जाती है। वह बढ़ोतरी होने के बाद जाती कहां है इस पर गौर से ध्यान दिया जाना चाहिए।

अभी जब हम भासड़ा नांगल योजना देखने गये तो वहां पर यह लिख आये कि यहां पर एक नये राष्ट्रीय भाव का उदय हो रहा है। पर वहां से आने पर हमने पढ़ा कि वहां के सुपरिटेण्डिंग इंजिनियर और आठ और इंजिनियर पकड़ लिये गये तो बड़ा अफसोस हुआ। वहां पर करोड़ों का गबन हुआ बतलाया जाता है। आज हम इन योजनाओं पर देश का करोड़ों और अरबों रुपया खर्च कर रहे हैं और वहां इस तरह करफ्लान हो रहा है, यह जान कर बड़ा दुःख होता है।

यह विधेयक आया यह बहुत खुशी की बात है। लेकिन जब तक सख्त कानून नहीं बनेगा यह बीमारी दूर नहीं हो सकती। कानून ऐसा बनना चाहिए कि आपके कर्मचारी उससे डरें और यह समझें कि यह राष्ट्र हमारा है और इसकी तरक्की में हम सब को भाग लेना चाहिए।

Shri Tek Chand (Ambala-Simla): The amending Bill to the extent to which it proceeds is laudable; but the only question is whether it is going to be substantially helpful, if not in eradicating, at least in reducing, corruption. It is laudable, but it surprises us that these gaps in the chain of causation for so long a time should have been permitted to remain. Under section 161 of the Indian Penal Code, the bribe-taker is punished. Under section 162 of the same Act, penalty is provided for the man who, for his own personal advantage or for the advantage of another, undertakes the procurement of a bribe. Under the next provision, penalty is provided for the man who does not take money, but who brings to bear his personal influence in order to achieve a corrupt object. Therefore, it is but

logical that the seducer, the agent and similar person should be roped in and so the amendment so far as it goes is good. But one is assailed with doubts as to whether the measure which is on the anvil of the legislature is a milk and water measure, is a measure which is illusory and which is an eye-wash, or is it a measure which is really going to be helpful. I have had in a different capacity something to do with cases arising under this Act. At one stage, I was surprised as to whether the Prevention of Corruption Act really hinders corruption or helps corruption. Sometimes, one almost thinks that the provisions of this measure are such that under certain stated circumstances, they are apt to be an impediment in the way of the prosecution in laying its hands on the corrupt officer.

Section 6 is one of these provisions. In order that a person may be prosecuted, there should be a sanction. I am aware of three types of defences that are raised on behalf of an accused person in a large majority of cases and they are usually fatal to the prosecution case. One of these defences is, at what stage was the sanction obtained. If the sanction was not obtained at the earliest stage, at the very inception, and it is obtained a little later, that sanction is vitiated. The second defence that is usually raised is, who is the sanctioning authority; has the sanctioning authority the powers as contemplated under the various provisions of the section. In other words, if that authority is equipped with the power of dismissal under the third clause, then, of course, the sanction may be good. The third defence is that the language of the sanction is not clear enough. The Privy Council has thrown a flood of light in that notorious case *Gokuldas Dwarkadas Morarka versus King*, decided in 1948 and has drawn the attention of the Government as to what should be the nature of the sanction, as to what should be the facts in the forefront of the sanctioning authority and what are the powers that he has to look to.

[Shri Tek Chand]

Very often, sanctions given with the best of motives are given in a slipshod manner, and not in precise language. The result is that section 66 of this Act virtually permits the accused to say; "yes, I am guilty, yes I have taken bribe; but I cannot be convicted because the sanctioning authority did not have the power or because the language of the sanction admits of certain ambiguity". It is distressing in the extreme that a man admittedly corrupt may be able to escape by saying, "yes, I am corrupt, but you cannot hurt me because the language of your sanction is not precise or the power of the officer granting sanction is not clear or is shrouded in certain doubts". I have no doubt that if the hon. Home Minister takes the trouble of obtaining records—I dare say he must have records—he will find that a very large number of corrupt government servants have escaped conviction and the Government has failed because of the obstacles created by section 6 of this Act. Therefore, I wish to take this opportunity of counselling the Government that section 6 is not a provision which really helps in retarding or abating, much less eradicating, corruption. Section 6 is to be examined from that aspect.

Hon. friends have stated sometimes by resort to innuendoes and sometimes by resort to indirect hints that corruption is rampant. It is not an inaccurate statement if I were to say that corruption is a hydraheaded monster, its heads are numerous and its ramifications and manifestations are simply legion. It is colossal problem before the Government. These Augean stables of corruption have to be cleaned. Therefore, some really serious and stern steps have to be taken. Therefore, my feeling in the matter is that these milk and watery measures that we are resorting to may be, certainly, in consonance with logic. In the procedural sense, they seem to be in accord with what the law ought to be. But, so far as effective steps are concerned, our law seems to be rather impotent, rather helpless in bringing to book people who are foul-

ing public life, people who are besmirching the name of good and clean administration. Particularly now when Government is launching on large and ambitious schemes whereby millions are to be helped and crores of rupees have to be spent, it is necessary that the Government should take pains and make special efforts to see that the large number of wholes through which public money is being drained, so much of leakage, so much of sweepage going on day in and day out, should be effectively plugged and hermetically sealed. Therefore, while lending my fullest support to the measure, I take this opportunity of counselling the Government that corruption is a disease which does not admit of palliatives, and that some sort of incision is necessary and mere probes would not do.

Shri N. C. Chatterjee (Hooghly): There is no question of opposing this Bill. It is, as my hon. friend has pointed out, a logical corollary of what we have already enacted. But, I think it is our duty to point out to the hon. Home Minister that this kind of tinkering Bill will not do. The time has come when some real, serious, colossal effort should be made to tackle this problem. I think the Deputy Home Minister himself admitted on the floor of the House that the evil of corruption is widespread, and their efforts to fight it and eradicate it have not been successful. Therefore, it requires a really concerted effort to save our administration from disrepute and from corruption which takes so many insidious forms. I do not know how they have done it in China. But, they have done it. You know the Kuomintang regime went down because of corruption. Chiang-Kai-shek was a great man. Still, his regime was completely disrupted because of mounting of corruption in the administration. That is a great pointer. We have got Marshal Bulganin in this country. We all know that the Russian bureaucracy was very corrupt. I wish my hon. friend the Home Minister had some discussion with Marshal Bulganin

to find out how to eradicate it. You know it is a very serious problem. They say that the Russian administration is fairly uncorrupt now. It may be that totalitarian methods are very successful in doing this. They make short shrift of dishonest officials. Although we are a democratic country, it is high time that we should wake up to our responsibility and take lessons from other countries which have been able to purify the administration from the corrupt elements. As a matter of fact, we should remember that when the British administration enacted section 197 of the Criminal Procedure Code, as Sir John Woodroffe has observed in his famous book on the Criminal Procedure Code, the object of this section was to provide safeguard against vexatious proceedings against judges, magistrates and public servants and to secure the opinion of a superior authority whether it was desirable that there should be a prosecution, but it was not part of the British policy to set an official above the law of the country, or above the common law. I am quite sure that it is not the object of Pandit Pant, the Home Minister, to set the official above the common law or above the law of the land. It is not the object and that is why he has brought forward this measure. At the same time, we find in actual experience that this sanctioning procedure to a large extent nullifies the salutary object of getting conviction of corrupt officials. As a matter of fact, our friend Shri Sinhasan Singh has given you some facts, I take it speaking from conviction and experience and on actual data which he can establish. This "sanction" business has been a great impediment and something should be done to simplify it. My hon. friend Shri Tek Chand cited Morarka's case. Morarka's case shows that sanction is a will-o'-the-wisp and that sanction is a handy tool for dishonest officials. The Privy Council said that complete data or evidence should be analysed and practically the sum total of that should be placed before the sanctioning authority, and unless and until

the sanctioning authority has that amount of evidence or material before him, he cannot really do justice to it and he cannot make up his mind. Therefore, in the absence of these essential data, although there is sanction by the Governor or the higher authorities, that sanction is futile, and that being a condition precedent, you know the conviction was set aside. I am pointing out that section 6 cannot be completely eliminated and we have got to remember the public servants' point of view also. In our anxiety to weed out corruption, we should not be unfair to our public servants as a class. As a matter of fact, public servants have got to deal with citizens, and unless the citizens are corrupt, they cannot be corrupt either. Therefore, corruption works at both ends. Now, what happens is that as the State is becoming a socialist State and as we are giving more and more power to the executive to mould to a large extent the industrial life of the country and the commercial life of the nation, we have got to trust them with extended authority, and therefore they have got to give a licence or refuse a licence; they have got to give permits or refuse permits, they have got every day to pass discretionary orders, and thereby they are likely to reject many applications and to disappoint many. Therefore, some safeguards are necessary. But at the same time, I think—I say this for the consideration of the hon. Home Minister—the time has come for simplifying the sanction procedure. Do not make it rigid, do not make it inelastic, do not allow that to be utilised from the bureaucratic point of view for the purpose of making it difficult for the citizen to get at a corrupt official. Here is the experience of Shri Sinhasan Singh and other friends who have complained that this sanction business has a deleterious effect on getting justice against corrupt officials.

The whole problem is psychological, if I may say so with great respect. How can we expect our people to honestly believe that our Govern-

[Shri N. C. Chatterjee]

ment and our Parliament are serious when you find that on the "jeep scandal" the Public Accounts Committee has repeatedly been saying that there should be an enquiry, and our Ministers are doing their best to nullify the enquiry. Minister after Minister is coming here and saying there is no *prima facie* case. They are stifling, they are putting their foot down, and the gentleman responsible is being assigned important allocations. That is not fair. If you take up that attitude, you demoralise the nation, you demoralise the people. You simply encourage officials or corrupt elements in this country, and they will think if the big men can escape, they too can escape.

I am happy that in certain cases recently there have been convictions of important officials, and something has been done, but I would still appeal in all earnestness and seriousness to the hon. Home Minister that now is the time for him to bring forward a comprehensive measure and to take into account the difficulties that the citizens feel in really getting at corrupt men in the service, and a concerted effort should be made to tackle it, to quote the language of my friend Shri Kamath, on a war footing or on a footing of emergency. And unless that is done, the Government will go down. We do not mind the Government going down. We hope and wish and pray they will go down, but we do want to point out that in the process of their going down, my country will go down, the Parliament will go down, the entire morale of my nation will go down. That is why I am appealing to him to take a serious view of the situation and not to be satisfied with a tinkering or tampering Bill of this kind. The States Reorganisation Commission Report has used an expression repeatedly—"tenuous". On every thing they say it is tenuous. This is a "tenuous" Bill which does not satisfy anybody. I hope a more comprehensive, determined and serious effort will be made to tackle this problem.

Shri Raghbir Sahai (Etah Distt.—North-East *cum* Budaun Distt.—East): I entirely agree with the hon. Home Minister that the Bill is a very simple one, and I have no hesitation in giving my unqualified support to the provisions of this Bill. But you will excuse me if I say that I have my own doubts as to whether the laudable object of the Government would be achieved by bringing forward this Bill.

In the Statement of Objects and Reasons, it is stated:

"Offences under sections 161, 165 and 165A I.P.C. are made cognizable under section 3 of the Prevention of Corruption Act, 1947, but offences under sections 162, 163 and 164 I.P.C. continue to be non-cognizable with the result that there is at present no effective method of dealing with touts and agents through whom corrupt officials secure bribes and illegal gratification."

By passing and by adopting this measure, do the Government feel that an effective method will have been found to put down corruption through touts and agents? I have no shadow of doubt in my mind that the Government here as well as the Government in our States are very honest. They are honestly actuated in putting down corruption, and from time to time they have been taking steps, radical steps, definite steps, so that corruption may be put down and may be eradicated. For instance, this Act II of 1947 is one proof thereof, of the *bona fides* of the Government, that it is really anxious that corruption should be put down. This Act was amended in the year 1952. That was again another proof of the *bona fides* of the Government. And this third measure is a further proof in that direction. But we should ask whether with all these steps having been taken, they have been able to implement the intentions of the Government, and whether the objective which they have had in mind has been partially achieved. Everybody

says, as has been evident from the debate in this House at this particular moment, that corruption is rife in the country and the measures that we have already taken have not eradicated this evil in a substantial measure. This is not our view alone. This is not the view of stray Members of this House. With your permission, I will quote the considered opinion of the Bar Association of Avadh. Mention was made that Shri Patnaik's Bill was circulated for eliciting public opinion, and in connection with that Bill, the Avadh Bar Association has been pleased to record this view on the state of corruption in the country. That Association says:

"Experience gained from the trial of cases of corruption after the war shows that notwithstanding the provisions in Act II of 1947, corruption among the public servants has not to any considerable extent been checked."

3 P.M.

Shri V. P. Nayar: It has increased.

Shri Raghunath Sahai: These are significant remarks which should be borne in mind. We do not doubt the bona fides of Government. (Shri V. P. Nayar: Question.) We know that our capable Home Minister is capable of doing wonders. But he should know where we stand. Corruption has not been put down as yet, nor is it going to be put down by such measures as this. I quite agree with all those friends of mine who have said that some more effective steps should be taken.

Now, in support of what I say, I shall quote some facts and figures. With regard to this Act of 1947, I had put certain questions to Government, and I wanted to know how many prosecutions were launched since the promulgation of the Act, which was amended in the year 1952. My question has been broken into two parts. The first related to the period from 1947 to 1952, and the second related

to the period from 1952 to 1954. I would not take the precious time of this House by quoting seriatim all the items from the statement that has been given in reply to my question. But a few facts are worthy of being quoted. That statement gives the number of prosecutions which have resulted in convictions as well as the number that have resulted in acquittals. I am specially taking the cases of Bihar, Madras and West Bengal, the three major States of our country. The total number of prosecutions from 1947 to 1952 in Bihar was 27. The number of cases that resulted in conviction was 3, and the number of cases that resulted in acquittal was 14; the rest appeared to be pending. In the case of Madras, the total number of prosecutions for this period was 47; the number of cases that resulted in conviction was only 7, while those that resulted in acquittal numbered 28, and the rest were pending. With regard to West Bengal, the total number of prosecutions started during this period was 67; the number of cases that resulted in conviction was only 13, whereas the number of cases that resulted in acquittal was 39.

From these facts and figures, one can come to the conclusion that in all in 141 cases, prosecutions were launched; out of these only in 23 cases there was conviction, while there was acquittal in 81 cases. You will also find from this statement that not a single prosecution was launched in the Part B States, i.e. Hyderabad, Madhya Pradesh, Mysore, Saurashtra, Travancore-Cochin, and Rajasthan.

Shri Sinhasan Singh: All honest.

Shri Raghunath Sahai: Now, inferences can be drawn. My hon. friend Shri Sinhasan Singh says, all honest. It may be so, but the facts and figures speak for themselves. These are the facts that have been admitted, and these are the figures that have been supplied by Government for the period 1947-52.

[Shri Raghbir Sahai]

Government were pleased to give us certain figures for the period 1952-54 also. With regard to that period, I shall take up the cases of only Uttar Pradesh, Delhi and Madhya Pradesh. In 1952, in Uttar Pradesh, only three prosecutions were launched under this Act, but all the three resulted in acquittal, and there was conviction in none. In Delhi which is supposed to be the seat of the Central Government, in 1953, 22 prosecutions were launched, out of which 19 resulted in acquittal, and only 2 in conviction.

Shri V. P. Nayar: Were they not in special courts?

Shri Raghbir Sahai: In Madhya Pradesh, in 1954, 3 prosecutions were launched, and all the three resulted in acquittal. These are the facts which have been placed before us by Government themselves.

We do not doubt the *bona fides* of Government. We feel that everyone of our Ministers both in the Central Government as well as in the State Governments is honestly actuated to see that corruption is put down, but their Acts have not taken us very far.

Mr. Chairman: If the courts acquit so many persons, what can Government do?

Pandit K. C. Sharma (Meerut Distt.—South): Change the judges.

Shri U. M. Trivedi: There will be more prosecutions if there were no sanctions.

Shri Raghbir Sahai: I am very grateful to you for this remark of yours. I was just coming to the point. You may pass any legislation providing punishment for the corrupt people, but the law as it stands today helps them too much. And every corrupt official will take every possible assistance from the lowest court up to the Supreme Court. I need not expatiate on criminal law, because you, Mr. Chairman, are one of the masters of criminal law, and you know how acquittal can be secured by the skilful advocacy of a lawyer.

Shri K. K. Basu: Is it an insinuation?

Shri Raghbir Sahai: The lawyer finds out some lacuna in the prosecution or creates some doubts, and the benefit of doubt goes to the accused.

Mr. Chairman: Is it your suggestion that lawyers should not be allowed to defend such cases?

Shri U. M. Trivedi: That will hit him also equally.

Shri Raghbir Sahai: That is not my suggestion. What I wish to emphasise is that it is not enough if we merely pass legislation of this kind, and think that the problem is solved. We shall have to look elsewhere also.

If you would allow me to have my say for a few minutes more, I would say that while Government are most honest, the same thing cannot be said about the departmental heads, or the government servants who are placed in charge of District Administration having a lot of officials to work under them. If they were equally vigilant and they wanted to translate into action the most honest intentions of Government, things would have succeeded. But the fact remains that the present legislations have not taken us very far.

Mr. Chairman: What about the Constitution, which the hon. Member himself has helped in passing? What about the constitutional safeguards to public servants?

Shri Raghbir Sahai: I am not attacking the Constitution. I want that all the privileges and rights that have been conferred by the Constitution should be enjoyed by everybody, but they should not be misused and abused. That is my contention.

I would quote to you one specific instance in order to show how these big officers are not fully implementing the provisions of these laws. There was a judicial officer in my own district. The hon. Home Minister was then the Chief Minister of Uttar Pradesh. That judicial officer had a very

shaky reputation. Lawyers, litigants, ministerial staff, public men and in fact everybody knew that he was a man who was given to taking bribes.

Shri V. P. Nayar: Did he not get double promotion?

Shri Raghubir Sahai: Let me proceed. Then, some lawyers approached me and said, 'Please help us in putting down this evil'. I volunteered my services, and I said, 'I have also heard about this judicial officer, let us go to the District Magistrate, and represent our case'. All the lawyers along with me went to the District Magistrate. We put our viewpoint in a very constitutional manner. The District Magistrate appeared to be satisfied. The matter was also brought to the notice of the Chief Minister. Now, the Chief Minister asked for the opinion of the District Magistrate saying, 'what do you say about this man?' You will be surprised to know that that District Magistrate wrote back saying, 'I have heard nothing against the judicial officer, although I have heard something against his *ahalmad* and I have shifted him from that place'. When we came to know about this remark of the District Magistrate, we again approached the Chief Minister and the Chief Minister was good enough to transfer that man to another place.

Shri V. P. Nayar: On promotion?

Mr. Chairman: So that he may be active in some other place?

Shri Raghubir Sahai: He did this with the intention that at that place he would behave properly. But at that place also, he misbehaved and then again complaints reached the Chief Minister, and he dismissed him outright. I ask in all humility, why should that District Magistrate, who gave him an integrity certificate, not have been punished. When the Chief Minister asked him to express his honest opinion about that officer, he should have said, 'I also have heard that he has got a shaky reputation; please deal with him accordingly'. But instead of that, he gave him an

integrity certificate saying, 'I have heard nothing against him'. My grouse is that though the judicial officer was rightly punished, the protecting District Magistrate was not punished; why should he not have been punished? There are so many District Magistrate, there are so many superior officers under whom so many minor government servants work, who deal in corruption but who are being protected by these high officers. Until and unless you take some effective steps against those high officers, this evil of corruption cannot be put down.

As I said in the beginning, I am wholeheartedly for this Bill, but I do wish that the hon. Home Minister will find out some other methods also whereby the honest intentions of the Government are carried out in full.

Shri N. Rachiah: This is a very simple Bill and I wholeheartedly support it because it contemplates to put down corruption in the best interests of the administration which is the live-wire of the country. A democracy has three organs: the legislature, executive and judiciary. In our country, I am sure that both the legislature and the judiciary have not so much charge against them as the executive which has been there functioning from the time of irresponsible governments with certain officers drawn from the British services. Corrupt practices have been a chronic disease in the administration of the country and unless these corrupt practices are put down, as many hon. Members have pointed out frankly, we cannot be successful in our attempts or efforts to bring in a socialistic pattern of society in this great democracy.

Corrupt practices have not only spoiled or destroyed the morale of the administration, but also have eaten into the vitals of our administration. This is responsible for the backwardness of our country. After the advent of freedom, I am sure our Government have been making their best efforts to improve the adminis-

[Shri N. Rachiah]

tration and remove corruption. They have not made an attempt to reduce the salaries of the big officers even so as to see that disparity between the services is removed. Still, we find there is a lot of corruption practised because of the inequalities between the lower services and the higher services. Apart from that, even if an officer takes bribe, it won't end in taking a bribe and his making it his personal property; it actually encourages the officer to exploit or encourage the exploitation of the poor or common man in India. Suppose a police officer takes a certain bribe and does not register a case. Then the poor man, the common man, who has been subjected to all sorts of treachery, assault and injury not only gets what is called injustice, but he will be having an apprehension in his mind that there is no law or protection for safeguarding his personal right and getting justice. As such, these corrupt practices, particularly the receiving of bribes and other things, should be put an end to in the best interests of the country.

In the Statement of Objects and Reasons, it is mentioned that offences under sections 161, 165 and 165A I.P.C. are made cognisable under sections 3 of the Prevention of Corruption Act, 1947, but offences under sections 162, 163 and 164 I.P.C. continue to be non-cognisable with the result that there is at present no effective method of dealing with touts and agents through whom corrupt officials secure bribes and illegal gratification. It is not merely a question of dealing with touts and agents. What about the officers themselves? If these officers are kept under apprehension of prosecution and punishment, I am sure this evil would be eliminated. Even to get a transfer, there is what is called corruption or bribe-giving among the officials themselves. From the bottom to the top, there is corruption—full of corruption—in our country, and unless this is rooted out, the efforts of our Home Ministry which has been effectively dealing

with the administration will be infructuous.

When my hon. friend, Shri Kamath was speaking, he referred to a Minister who resigned in Mysore and said he resigned on account of some corruption. But he was not directly responsible, as stated in the papers. He was a man with reputation; he resigned on account of moral principle. But the version given by the hon. Member was not correct, that was why I defended the Minister in such a way. But how many Ministers are there who are corrupt? We, who are the true representatives of the people, cannot make a passing remark, a general remark, against all the Ministers. There may be one or two exceptions, but unless such cases are brought before the public or Government, we cannot charge any Minister, simply because those in the Opposition or some do not personally like a Minister. If there were such a case of a Minister receiving bribe, it would be something like the fence swallowing the crop in the field. There must be some confidence in our Ministers, and unless we have that confidence, we cannot have any honest government. All corrupt practices must be put an end to even by taking serious action, by taking into account or assessing the property of the officials. I think there are certain rules in that respect but they are not being implemented properly. In every branch of our administration, particularly in the executive—I do not charge the judiciary or the legislature—in the executive wing of the administration, in all branches, I am sure, there is corruption from top to bottom. I hope that our Home Ministry which has been responsible for the maintenance of honest and impartial administration in the country would take proper and immediate steps to see that such things are put an end to immediately. I wholeheartedly support this simple Bill which has been sponsored by our Government and I hope it will be properly implemented by Government.

Several Hon. Members rose—

Mr. Chairman: The matter has been sufficiently discussed. It is already 3.20. The discussion started at about 1.30 or even prior to that. We have taken so far two hours of the time allotted by the Business Advisory Committee. On a previous occasion, the Business Advisory Committee thought that this would take 3 hours. I do not think a Bill of this nature ought to take more than that time. In view of the fact that many persons have felt so much about corruption I have allowed more latitude than I ought to have. I now call upon the hon. Minister.

Shri U. M. Trivedi: I do not know whether the hon. Minister has moved a closure.

Mr. Chairman: It is not necessary for closure to be moved. We know that three hours were allotted by the Business Advisory Committee. Taking the Bill as it is, I never thought that it would have taken more one hour. After all, it is an amending Bill and I have allowed more latitude than I ought to have; on a general discussion, such a latitude is allowed. I think everything has been said which could possibly have been said on this Bill, not only on this Bill but also on corruption. I think we have taken more time than is necessary.

Shri V. P. Nayar: And corruption may go on like this!

Shri U. M. Trivedi: A very important principle was enunciated by Mr. Nayar about the amendment of section 6. If that can fall within the purview of this present amending Bill—because we are amending this section 6—we are entitled to speak on the question. Under these circumstances, when a broad principle of law is involved, I thought we would be allowed to discuss this. Since you are asking the hon. Minister to speak I do not challenge that because I do not generally challenge the rulings of the Chair.

Mr. Chairman: The hon. Member is all right. If I thought that I would be able to allow that amendment I

would have given more latitude. But, as already indicated by the Deputy Speaker—and my views are also the same—an amendment of this kind cannot be moved in this amending Bill, and I think I have allowed more time than I should have. I do not want to give a ruling at this stage because the amendment is not before the House.

Shri V. P. Nayar: I think the Chair and I agreed that the question can be considered later at the time when the clause by clause discussion is taken up. Then we can consider whether the amendment is admissible or not.

Mr. Chairman: I am still open. When the amendment comes, if the hon. Member convinces me that it is admissible, I shall consider that then. Since the hon. Member said that it can be discussed, I said *prima facie* it appears to me that the amendment is not in order.

Pandit G. B. Pant: Sir, a number of speeches have been made on the motion which I had the privilege of placing before the House some time ago. I think the debate has gone beyond the natural orbit of this Bill. The Bill, as it is, is only a corollary to the existing Prevention of Corruption Act. Nobody claimed that this Bill by itself can put an end to corruption. Mr. Nayar admitted that all government servants are not corrupt. I am, on the other hand, prepared to admit that every government servant is not necessarily honest so that the difference that there may be between us, in case there is any, may be related to the magnitude of the problem. But, so far as its existence is concerned, it is not disputed. I personally think that there is a certain amount of missapprehension on this subject. Corruption does exist. We have to eradicate it. All effective steps that can be taken for the purpose should also be adopted. So far as the general question goes, I do not see there is any ground for any misgivings or any controversy. I do

[Pandit G. B. Pant]

think that the existence of corruption, to whatever extent and in whatever measure it may be, is a blot on our society. It is a blot on our administration and it is the duty of all of us to do whatever we reasonably can to purge our society of this evil.

I believe that generally our responsible officers are honest and impartial. In fact, our administration today is being conducted by them. We have been, after all managing the affairs of 350 millions of people through this agency. Mr. Kamath has personal experience of the responsibilities which an executive officer, especially one in charge of a district or a sub-division, has to bear. These matters and this aspect should not be ignored by us. It has also to be remembered that in the discharge of public duties one has often to take action or to pronounce decisions which may not often be to the liking of some people with whom he has to join or whose affairs he has to administer, whether as a judge, as an officer or otherwise. He has, as an officer, either to accept or reject a request. No man whose case is decided against him feels very happy over it. So, there are difficulties too. I have already admitted that corruption does exist and perhaps more so in the very low stages of our administrative hierarchy. So, while admitting the existence of the evil, I should like it to be appraised at its true worth. We should look at everything in a balanced way and our approach should be, as far as possible, consistent with the size of the problem; its truth and reality. But that does not absolve us of our duty to put an end to corruption. All of us have to join hands—whether members of Government, whether Members of Parliament, whether members of Bar Associations or others who can be helpful in removing this evil to make it their solemn duty to do all they can to put an end to this blot on our good name. Our country has made remarkable progress in recent years not only internally but also in the international field. Still this canker has to be re-

moved, and we should not feel satisfied till we have completely eradicated it. So far as the objective is concerned, there is no difference here. So far as the scope of the Bill is concerned, there is not much difference either, for it is a Bill of a minor character, it does not go to the root of the problem. As I said it is only a logical corollary to the Prevention of Corruption Act. Sections 161 and 165 were covered by that Act. Sections 162, 163 and 164, which are more or less of a like character, were left out. So it is but proper that these sections also should be brought within the scope of that Act. It is not a panacea for the evil and we do not expect any miraculous results by the passing of this Bill, but it will help us to some extent. We must assess its efficacy at its correct and proper worth. So far as it goes, I think there is not much difference of opinion. Hon. Members would agree, and I think agreed, that these offences are cognizable. They have already become cognizable by virtue of the Criminal Procedure Code (Amendment) Act. I have left out another clause, rather I am prepared to agree to the deletion of the other clause which requires certain investigations to be carried out only by officers above a certain standing so that it would be open to all suitable officers to hold such investigations.

There were some enquiries as to how many cases under sections 162, 163 and 164 had been disposed of by the Special Police Establishment. These cases did not come within their purview directly and they could not enquire into them. That is the reason why these sections are now being brought within the scope of the Prevention of Corruption Act. In the circumstances there can be no figures on the subject which could be of any help to anyone, but it is obvious that when we have sections 161 and 165 in the Bill, we should have also sections 162, 163 and 164 in the same Bill. Nobody has said that the exclusion of these sections from that Bill will

be of any help to anyone. The argument so far as I have followed is only about the inadequacy of the measure. As I said, I do not claim that this is a comprehensive measure or that it will put an end to all ills. So far as the larger question is concerned, I also agree that mere law howsoever stringent cannot be effective by itself. There are many other factors, but I would not like to refer to them and it is not necessary here.

The whole question of the revision of our laws is before the Law Commission now, and so far as the basic fundamentals are concerned, if any difference has to be made in the matter of the Law of evidence, in the law of Procedure or if any amendment has to be made in the Penal Code with regard to offences which come within the scope of corruption, it will be the function of the Law Commission to look into this larger question. I would be grateful to the Commission if it could send us any proposals in this regard. I will draw the attention of the Commission to this subject and request the Commission to favour us with its views and suggestions so that we may have the benefit of its ripe experience and mature wisdom. So far as that goes, I think that is all that we can do in the circumstances. So far as the agency goes, as is known to the Members, we have now started a vigilance section with a view to look after this matter in a systematic, methodical and vigilant way. In every Ministry we have got a special officer to deal with corruption and the Director of Vigilance will be in touch with all these officers in the various Ministries and will himself see that due care is taken constantly and continuously to root out corruption. So, that is the administrative agency which we have set up. It is possible that the Special Police Establishment may have to be further expanded and we may have a network of suitable persons to look after cases of corruption, to examine the complaints and to see that the wrong-doers cannot manage to escape. Mere sending of cases to court

does not seem to be enough or even very fruitful. You have been given figures of cases which had been sent to court and cases in which the orders of acquittal were passed. I do not know whether you can blame us. The police holds investigations, sends up a case to the court and the court finds that the man cannot be convicted. At least the police is not to blame in the matter so far as the desire to get the man convicted is concerned. It sends the man to the court. Sanction is given by the authority concerned, but still the court does not consider, on the basis of the material that it has before it, proper or just to convict the man. So we have to appreciate the difficulties which have to be confronted.

Shri Raghbir Sahai: In many cases investigations can be defective.

Pandit G. B. Pant: I do think that investigations should be careful and effective, but still I think that even the best of police officers cannot always prove astute and subtle enough for the defence that is set up in courts which often proves more effective than their ingenuity and skill allow them to be.

Shri V. P. Nayar: Very often the prosecution is also deliberately inefficient in such cases.

Pandit G. B. Pant: In so far as it is so, it is regrettable; it ought not to be so. We are trying to appoint special officers to prosecute cases of this nature. If the police is inefficient, if the best of men whom we employ are not willing to do their duty, if the prosecuting officers do not prosecute, if the Judges do not convict, if the lawyers do not help, then we have to look for some millennium in this country in order to get rid of this evil but I have greater faith and greater hope. I think that most of the people have been trying to do their duty. The question of corruption is a subtle one as I have been told, I am often told that there is considerable room for improvement in the precincts of Courts. We have got the cream of our society, the best of lawyers there

and they know all perhaps with their intelligence as to what is happening. Still the evil goes on and while we see all round and say that there is a negligent man and there is that negligent fellow, still the best of our educated men are not able to tackle the problem under their very nose. This indicates the difficulty of the problem. I have often seen even persons who are as agile as my hon. friend, Shri Sinhasan Singh, eager to put an end to corruption complaining that those persons who had been punished for corruption were innocent.

Shri Sinhasan Singh: I have never complained like that.

Pandit G. B. Pant: I did not say you do but I did not say: you have not. It is a difficult problem and we have to apply our minds to it so that some solution may be found.

I am sorry that a reference was made to the jeep affair. It has been looked into, examined and thoroughly considered by a Committee of the Cabinet—a High-powered Committee. It can be a ground, I say, for moving a motion of no-confidence against the Government but so long as the Government is in charge of the administration, it has to discharge its duty and see that innocent men are not harrassed. It is one of the sacred functions that a Government has to discharge. Simply because some people held a certain view, it cannot act in a certain way. If the Government reaches the conclusion that a man is innocent, it has to be guided by its own light.

Shri Kamath: It is not 'some people'. It is the Public Accounts Committee of Parliament.

Pandit G. B. Pant: I agree. Parliament itself bears with the Government and accepts its judgements. Otherwise it is open to the Parliament to adopt that course. Where matters of decision which have been reached by Government after due consideration are questioned by Parliament, the remedy lies in removing that Government and moving a vote of no-confidence.

Shri Kamath: It is easier said than done.

Pandit G. B. Pant: What should the Government do? If the Government is satisfied that a man is honest according to its lights, then it has to be guided by its intelligence and by the collective wisdom of those who are in charge of the Government. Government has seen the question through according to the light that it can bring to bear upon that question and if after thorough scrutiny and examination Government reaches a conclusion, it has to act under the limitations which nature has imposed on it. You cannot expect it to be wider than it is.

Shri V. P. Nayar: It has been made narrow.

Pandit G. B. Pant: You cannot expect it to have more wisdom than it has. Having gone into this it reaches a certain decision. So, you cannot expect the Government to act against its own good judgement; it necessarily is expected to act according to its wisdom and experience. When it has done that it can do no more. It is either to be there or it is not to be there but so long as it is there we have to bear with it with all its faults, with all its deficiencies and with all its shortcomings.

Shri Kamath: That is what we are doing.

Pandit G. B. Pant: I am glad that you are doing that with pleasure, voluntarily.

Shri K. K. Basu: Under the pressure of circumstances.

Pandit G. B. Pant: That pressure will continue indefinitely—I tell you.

An Hon. Member: That is your pious hope.

Pandit G. B. Pant: It may be a pious hope; it is a reality today and it will continue to be so for as long as I can look at it.

Shri V. P. Nayar: You are looking at it in a very little way.

Pandit G. B. Pant: You are looking for ahead. I hope you will be able to understand that there is hardly much room for improvement in the system of Government that we have today. But you would like the whole thing to be turned upside down. Chaos and confusion will not help anybody.

So, I do not think it is necessary for me to deal with other matters in detail. In fact so far as this particular problem is concerned, the difference between us is not as sharp or acute as one would like to make it out. So, I would beg of the Members to accept the Bill as it is and if any amendment is considered necessary I do not know whether it would be in order. I may agree with them to a certain extent.

Shri Kamath: Not the fullest extent?

Pandit G. B. Pant: I hope that you will come nearer.

Shri K. K. Basu: By undue influences, you are trying to bring him nearer.

Pandit G. B. Pant: I did not catch your words; otherwise I would be prepared to tell you what I feel.

I, therefore, request that this motion may be adopted.

Mr. Chairman: The question is:

"That the Bill further to amend the Prevention of Corruption Act, 1947 and to make a consequential amendment in the Criminal Law Amendment Act, 1952, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of section 3 etc.)

Shri Datar: I beg to move:

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- (i) line 3, after '1' insert '1'; and
- (ii) after line 4, add:

"(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint."

Mr. Chairman: The question is:

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- (i) line 3, after '1' insert '(1)'; and
- (ii) after line 4, add:

"(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint."

The motion was adopted.

Mr. Chairman: I am sorry, the amendment which we have passed just now relates to clause 1. The amendment to clause No. 2 is amendment No. 3. Does the hon. Minister want to move it?

Shri Datar: Yes, Sir. I beg to move:

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for clause 2, substitute:

"2. Amendment of section 3, Act II of 1947.—In section 3 of the Prevention of Corruption Act, 1947 (hereinafter referred to as the principal Act) the words and figures "section 161 or section 165 or" shall be omitted."

There were a number of sections to be added and one to be taken away. So far as sections 162, 163 and 164 are concerned they are already made cognizable by the Criminal Procedure Code Amendment Bill and therefore they are not necessary here. Therefore, in place of the words "section 162, section 163, section 164, section 165" I am substituting a new clause by this amendment saying that the words and figures "section 161 or section 165 or" shall be omitted from the original section.

Mr. Chairman: The question is:

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for clause 2, substitute:

(2) Amendment of section 3, Act II of 1947.—

In section 3 of the Prevention of Corruption Act, 1947 (hereinafter referred to as the principal Act) the words and figures "section 161 or section 165 or" shall be omitted."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3.— (Amendment of section 5A etc.)

Shri Datar: Sir, so far as clause 3 is concerned the Government are not in favour of retaining it. Therefore, they would vote against it.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was negated.

Clause 4.— (Amendment of section 6 etc.)

Shri V. P. Nayar: I have tabled an amendment to this clause.

Mr. Chairman: I would like to hear how it is relevant.

Shri V. P. Nayar: Sir, I submit that it is beyond the competence of the Chair to rule this amendments out or order.

Shri U. M. Trivedi: Has the Chair ruled it out or order?

Mr. Chairman: He says the Chair cannot express itself on this matter.

Shri V. P. Nayar: I am submitting that an amendment can be ruled out of order only under the stipulations given in rule 118. I would like to know on what point am I to address my arguments because I find the rule thus:

"The following conditions shall govern...."

So, a mandatory provision is there. Rule 118 deals with the conditions of admissibility of amendments. You will agree, Sir, that in this particular rule sub-rules (ii), (iii), (iv), (v), (vi) and (vii) will not obviously apply to my amendment. If at all there is any possibility of the rule being invoked

to disallow this amendment is can only be under sub-rule (i) which reads:

"An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates."

I underline the word "and". Here I would only say that in the matter of interpretation of this particular conjunction which connects two separate parts it should necessarily be constructed as "or" also. The language is very clear and time and again the courts have put this interpretation. I need not go into the details but you will find that the word "and" or "or" when appearing in a context connecting two different clauses has to be construed in such a way that if the word "and" is used then it has also the meaning of "or" or if the word used is "or" it also necessarily means "and". Here is a very illuminating passage with regard to this interpretation in *Maxwell's Interpretation of Statutes*. Which I would commend for your kind perusal.

My argument is not merely confined to the interpretation of the conjunction. I also go further and say that my amendment is perfectly within the scope of the Bill. The hon. Minister was pleased to say that the scope of the Bill is to have certain provisions in regard to offences relating to public servants. A whole chapter in the Penal Code is known as 'offences relating to public servants'. I am putting this question to you in all my humility as to whether the scope would only include positive acts. If you say: "this is within the scope" is it necessary that it should include certain positive provisions? Can it not include deletion of certain provisions. If the scope is limited to this very narrow sense as to include only positive conditions, then the case is different.

I consider that in view of these two points it cannot be held that my amendments are inadmissible.

Shri U. M. Trivedi: Sir, the amendment which is being proposed by

Shri V. P. Nayar is not only within the scope but looking at what has been done just a few minutes back it is also quite in order. Just now clause 2 which sought to amend the particular Act has been entirely changed by the Government and clause 3 completely deleted.

The amendments which sought to make these changes were within the scope of this Bill. Although there are changes of some words here or some words there the sentences may still remain the same and they may be of such a nature as to affect materially the whole provision under the law. If they do affect the provision under the law it will be well within the scope of this Bill that an amendment of the nature moved by Shri V. P. Nayar be accepted. He is merely suggesting that section 6 must be put out of the statute. If anything can be added I think anything can be modified. It will not be sufficient for him to say "All right. Omit the words 'under section 161'" and therefore he says "omit all the words". That cannot, I think, be dealt with as outside the scope of the Bill.

Rule 118 says:

"An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates."

4 p.m.

We can add anything, alter anything or modify anything. These are all the things which come within the purview of the word "amendment". I think the amendment suggested by Mr. Nayar is within the scope of the Bill and you will allow me to say a few words on the merits of that amendment.

Mr. Chairman: What does the hon. Minister say?

Pandit G. B. Pant: You know more about procedure than I do.

Mr. Chairman: Certainly not.

Pandit G. B. Pant: The Deputy-Speaker, while he was in the Chair, 387 L.S.D.

indicated that this amendment would not be in order.

Shri K. K. Basu: He had doubts about it; the benefit of the doubt must be given.

Pandit G. B. Pant: Who is the criminal here? The point is this. Suppose you have a clause in a Bill which seeks to amend one of the many sub-clauses of a particular section of the existing Act. Suppose there are 10 or 12 sub-clauses, and it applies to one of the many sub-clauses. Would it be open to any person to move that the whole of the section be omitted? If that is permissible, than there is no limit to the scope of the amendments that may be moved. If you accept that principle, it will have a far-reaching effect not only on this particular Bill—I am not so serious about this amendment; it is a different thing—but it will have far-reaching effects on the whole process of legislation in this House. I personally feel that perhaps it would not be in order, but I leave it to the Chair to decide.

Shri V. P. Nayar: Under what rule or sub-rule of the Rules of Procedure...

Mr. Chairman: The hon. Minister has said what he feels about it.

Shri V. P. Nayar: But very conveniently he is avoiding an answer to my question.

Mr. Chairman: Even if he avoids, it is not for the hon. Member now to point out that he is avoiding.

Shri V. P. Nayar: He may enlighten us on this point.

Mr. Chairman: So far as the merits of the case are concerned, the hon. Member has spoken about them and hon. Minister also has given his reply. I am very sorry to say that I do not agree with the mover of the amendment. As a matter of fact, there are two sentences in rule 118 (i) says:

"An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates."

[Mr. Chairman]

So, the amendment must be within the scope of the Bill. That is the most important point. Not that the other part is not important at all, but this is the most important part. The hon. Member fully knows that so far as the scope of this Bill is concerned, it is an amending Bill and its scope is limited. What is the nature of this Bill? What is the real proposal of the hon. mover of this Bill? He wants that sections 162, 163 and 164 should become cognizable. He further wants that so far as section 164 is concerned, it may also come within the category of offences under which sanction is necessary. The hon. Member's amendment seeks to implement that the existing provision relating to sections 161 and 165 be deleted, i.e., they may also not require any sanction. That is certainly going beyond the scope of the Bill and I cannot possibly allow it. This is not without precedent.

Shri V. P. Nayar: I am only requesting you to read, instead of "and", "or".

Mr. Chairman: The hon. Member has already asked me this and I have given my reaction. This is not without precedent. The hon. Speaker gave his ruling No. 8, A.B. No. 121. It reads as follows:

"But even then the amendment sought to be moved has to be within the scope of the particular amending Bill. It cannot be beyond the scope of the amending Bill. Therefore, merely because a particular section is touched for amendment, it does not permit hon. Members to table amendments which are outside the scope of the particular Bill, though inside the section. That distinction, I believe has to be borne in mind—because the amendment has to be to a clause of the Bill as placed before the House."

Shri V. P. Nayar: May I know whether that ruling was before the Rules of Procedure were issued and made up to date?

Mr. Chairman: I have given the reference. It is No. 8, A.B. 121 dated October, 1952. Even apart from that, I have quoted the precedent only in order to reinforce my ruling. As far as this amendment is concerned, I am quite clear that it is not in order and so I rule it out. There is no other amendment to Clause 4.

Shri Datar: There is the Government amendment No. 5.

Mr. Chairman: That is for the new clause 4A. I will now put clause 4 to the House.

The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

New Clause 4A

Shri Datar: I will move amendment No 5 to the new Clause 4A.

Shri V. P. Nayar: On a point of order, Sir, You have been pleased to observe that unless an amendment is directly within the scope of the Bill as it has now come before us, it is out of order. I want a ruling from you now whether at this stage a new clause can be introduced which is not within the scope of any of the clauses now before the House. If you hold that I cannot move an amendment touching an original clause, you must also hold that no new clause can be introduced at this stage however much relevant it may be, because it becomes outside the scope of this particular enactment. It is a technical matter and I would seek your guidance.

Shri Datar: The objection that has been taken is that it is entirely beyond the scope of this Act. I submit that it is within the scope of this Bill because, as it has been pointed out, this Bill purports to deal with amendments to two Acts and the third Act, the Criminal Procedure (Amendment) Act so far as it deals with the

question of pardon has also great relevancy. The object of the Prevention of Corruption Act is naturally prevention of corruption. In such cases, if it is made possible for an accused to accept a tender of pardon, it is likely that he would give out a full and true version. Therefore, it will be found that corruption would be eradicated. This would be one of the most affective means of getting at the truth and having a full investigation also.

Mr. Chairman: The objection is that it is not within the scope of this Bill. The objection is not that it is not relevant. The hon. Minister has replied to the point that it is relevant. It is perfectly relevant. But, the objection is that it is not within the scope of the Bill. I would like to hear the hon. Minister on that point.

Shri Datar: So far as the scope of this Bill is concerned, it has been made clear in the Statement of Objects and Reasons. It has been pointed out that certain further effective steps are necessary. A few effective steps have already been prescribed in the Bill and one more effective step would be useful if the purpose of the Act is to be made absolutely fruitful.

Shri V. P. Nayar: The difficulty is, you cannot amend the Statement of Objects and Reasons. You can only amend the clauses as they have come before us. As rightly pointed out by the Chair, my objection is not based on "relevancy". Maybe, it is very relevant. But, how is it within the scope of the Bill, within the scope of any of the clauses as they have come before the House? If the Deputy Minister's case is that it has got to be added to any of these clauses 1 to 5, then his case is very strong. As pointed out by the Chair, I want to know not how it is relevant, but how it comes within the scope of the clauses as you have presented before the House. Unless you are able to convince us, this cannot be allowed.

Shri U. M. Trivedi: The question of convincing is not there. The

hon. Minister himself admits this. What he wants to do is to amend the Code of Criminal Procedure, and not with reference to the Statement of Objects and Reasons wherein he has only mentioned the Prevention of Corruption Act and the Criminal Law (Amendment) Act. He has not said one word about the Criminal Procedure Code. Even there he is on shaky grounds. I should say it is not within the scope of the Bill.

Mr. Chairman: I would like to hear the hon. Minister on this point.

Pandit G. B. Pant: I will abide by the decision of the Chair.

Mr. Chairman: As a matter of fact, I quite agree with the hon. Minister that this amendment constitutes a perfectly relevant piece of legislation which will certainly help to eradicate the evil which is the object of this Bill. There is no doubt about that in my mind. At the same time, this relates to another remedy which is not pointed out in the provisions of the Bill itself. It has got reference to the Statement of Objects and Reasons, no doubt. The preamble says, to amend the Prevention of Corruption Act and to make a consequential amendment in the Criminal Law Amendment Act. I take the scope from the provisions of the Bill and not from the Statement of Objects and Reasons. Judging it from that standpoint, I am constrained to hold that in my opinion his amendment also is not within the scope of the Bill. We proceed to the next amendment.

Shri Datar: That amendment also goes.

Mr. Chairman: It does go.

Clause 5.—(Amendment of section 6, Act XLVI of 1952)

Shri U. M. Trivedi: About clause 5, what we are intending to do is this. We are going to extend the scope of the sanction. The old provision was:

"No court shall take cognizance of an offence punishable under section 161 or section 165....."

Now, we are extending the scope

[Shri U. M. Trivedi]

of the provision to sections 162, 163 and 164. The unfortunate position in the present law is this. We do feel that to prevent some honest officers from being pestered, some sort of protection must be given against frivolous and vexatious prosecutions. At the same time, the actual position obtaining in the criminal courts is this. The corrupt is prosecuted by the corrupt by a sanction given by the corrupt. That creates the whole difficulty in our law. We have not reached a stage when a particular strata can be called to be completely honest, and everything is above board. Sometimes, sanctions take 12 months or 15 months or 18 months. Before a valid sanction is given and a prosecution is launched, every evidence that has been collected is entirely destroyed or twisted or distorted. Therefore, in my opinion, once you make this offence cognisable, the question of sanction should not be extended in any manner whatsoever. I suggest that the present Ministers—both of them are advocates—may take stock of the position and see that this bogey of sanctions must go away so far as this law of corruption is concerned. What happens is this. I am in duty bound not to disclose all the facts about cases. I remember a case where a very big officer of the Government of India, a very highly placed officer of the Government of India was forging false certificates and drawing moneys. He was recommended to be dismissed from Government service.

An Hon. Member: By whom?

Shri U. M. Trivedi: By the Union Public Service Commission. But, some Ministers found it inconvenient that that man should be dismissed. A man who forged false certificates, falsified accounts, cheated the Government and did all sorts of things which speak of moral turpitude, was protected because this question of sanction stood in the way, and the man was not prosecuted. It is such a thing which is necessary to be stopped. We

cannot always impute motives. I agree with the hon. Home Minister when he says that this will not be a panacea for all the evils. It is true; it is admitted on all sides that this cannot be a panacea. At the same time, we must strive and achieve a particular level where some sort of relief is given to the public at large, and this evil of corruption may stop. You, Sir, were one of the strong opponents of this provision. When the question of making the bribe-giver also a guilty person, equally to be prosecuted, came up, that gave a fillip to the bribe-takers. It helped the bribe-takers so much that now they cannot have any evidence of the bribe-giver against them. Apart from that, this question of sanction is such a big thing in their favour. A big officer generally may be in the good books of the.....

Shri Datar: May I just interrupt for one minute? The House is now dealing with clause 5. Clause 5 deals with section 6 of the Criminal Law Amendment Act and not Prevention of Corruption Act.

Mr. Chairman: He started with courts and is now talking about sanctions.

Shri Datar: Clause 5 have nothing to do with sanctions.

Mr. Chairman: He started with courts, etc., and protraction. So far as sanction is concerned, it is not the subject matter of clause 5.

Shri U. M. Trivedi: I am sorry; I thought I was speaking on clause 4. I am extremely sorry. If that clause is passed, that stage has passed; there is no doubt about that.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 1.—(Short title)

Mr. Chairman: I shall now take up clause 1. We have already passed an amendment in regard to clause 1.

The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula and Title

Shri Datar: I am not moving the amendment in view of the ruling.

Mr. Chairman: The question is:

"That the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

The Enacting Formula and the Title were added to the Bill.

Pandit G. B. Pant: I beg to move:

"That the Bill, as amended, be passed."

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed."

Some Hon. Members — 2504

Mr. Chairman: The time is very short. Five minutes each.

Pandit K. C. Sharma: This Bill is very simple, but the problem is not simple. It is rather complex. The question of corruption in the services cannot be solved and has never been solved anywhere by hard measures. It requires radical change in the administration, the method of recruitment, the requisites in the intending young aspirants for the public administration cadre and the rules of increment and promotion and assignment of high important officers. There have been intolerable delays in the course of promotion by seniority which should have been by the service and the capacity of the man.

Mr. Chairman: May I just remind the hon. Member that the scope of the third reading is very limited?

Pandit K. C. Sharma: I am simply saying that this measure is innocent. I do not object to it. I am for it, but what I am stressing is that the problem calls for radical changes in many directions, much more in the administration of the services, in the method

of recruitment, in the method of promotion. This question of corruption, as I said, cannot be dealt with by hard rules, because, whatever the law, every law has to take cognizance of the fact that the security of the services and their morale must be maintained, and to have a sense of security and morale in the services, you must guarantee protection against vexatious proceedings.

My friend said that one corrupt man prosecutes another corrupt man and a third corrupt man gives sanction. I do not agree with it, because a prosecution is launched with honest motives. Otherwise, why should it be launched? The process of prosecution is honest, the process of sanction is honest. The law takes its own course and of course, there are difficulties. The Evidence Act involves certain difficulties as to what is admissible, what is relevant etc., and it is a difficult question. So, my respectful submission at this stage is that the whole problem is more a social problem rather than a legal problem, and it will take a long course of time before things are adjusted to their normal course and are improved upon. So far as this law is concerned, it will do a little good, of course, but not much.

Shri M. S. Gurupadaswamy: I feel that the measure is very disappointing. I consider that by being not very serious in eradicating corruption root and branch and by failing to bring an effective measure, we are only helping to create in the country an atmosphere in which people as well as officials would think that whatever measures be passed by Parliament, they could be brushed aside; and notwithstanding any measures, any laws, any directives, any exhortations made by the Home Minister or any Minister, they can still continue to commit malpractices and escape punishment.

Either we want to root out corruption root and branch, or we do not want to root it out. If we want to root out corruption root and branch then the measures that we adopt, the measures that we pass in this Parlia-

[Shri M. S. Gurupadaswamy]

ment, should be adequate to remove corruption once and for all. The more and more we pass measures, the more and more we see the spread of this disease of corruption and bribery, and our preventive measures are in a way becoming promotional measures. This Prevention of Corruption Act has really, I feel, promoted the growth of corruption, not merely because there were some loopholes in the measure, but also because there is something wrong in the execution or implementation of the provisions of the Act. And there has been a feeling in the official world that they can commit wrong and at the same time escape.

In this measure we have been dealing with the cases of touts and agents, and I am wondering how to make a distinction between a tout and his master. Take for example a constable. He is an agent of the Jamedar, and the Jamedar is the tout of his superior officer, the sub-inspector. The sub-inspector is the tout of the inspector or the Assistant Superintendent of Police, and it is a general phenomenon that the lower officers act as agents or touts or intermediaries of their superior or higher officers. So, you will see the Government departments are nothing but a chain of touts and agents. One cannot distinguish as to who is a tout and who is not a tout. Each is a tout to his superior officer. There may be honest exceptions. I do not condemn wholesale all the officers, but exceptions are only exceptions.

After we got independence, after the Congress came to power, the one thing we expected was that the people would get justice, would get their things done by Government without making any payment. Unfortunately that has vanished. People were hopeful before, but are now losing hope and are disappointed because now nothing can be done in any department of the Government without paying *mamul*. It has become so common and so natural everywhere that without payment nothing can be done. I feel that this is very dangerous. We should

not allow this to happen. We should not allow this to continue or increase.

Some figures were quoted by an hon. Member to show that many of the prosecutions launched by the Government have resulted in acquittals—not because the officers were honest, but because there was some loophole in the law we made.

Why is this kind of thing happening? It is happening because the officials today are feeling more and more that they are not the only men who are culprits, but even the Ministers are culprits; and they feel confident that they might escape punishment because they know that their own rulers, i.e. the Ministers are not above board. I expect in our democracy that Caesar's wife should be above suspicion.

Shri Kamath: Even Caesar should be above suspicion.

Shri V. P. Nayar: Why only Caesar's wife? Even Caesar should be above suspicion.

Shri M. S. Gurupadaswamy: Yes, even Caesar; I agree. Unless the people who rule us, and who are Ministers are above board and they themselves obey the laws of the country, there is no hope for us. Everybody knows that power corrupts. Certainly, power corrupts, but in our land, it has corrupted too much both our officials as also our non-officials who are Ministers. I want that there should be a check on the corrupting influence of power on both. Today the officials are behaving as though they are not responsible either to Government or to the public, and the forms of corruption and the shades of corruption are becoming more and more subtle with the result that corruption has become a sort of fine art; and bribery and corruption have been practised on a large scale. And unfortunately all these measures which have been passed by Parliament has proved ineffective. They have proved a failure. They have become mere farce, and they have been passed just to hoodwink the public by impressing on them that the Congress Government or

the ruling party is somewhat serious to eradicate corruption. More than that, they have not achieved anything.

Let us not create a false impression in the public mind by passing half-hearted measures. Let us think seriously how we can not only control corruption but eradicate corruption. Let me point out one case in this connection. I want to know from the hon. Home Minister whether he has taken any steps to see that the ill-gotten gains or the wrong acquisitions made by officials are confiscated. Has he considered the question that some of the officials today have amassed vast amounts of wealth by illegal means? If so, how has he dealt with this question? Take, for example, the case of a sub-registrar, or a tehsildar or an inspector. The salary of an excise inspector, for instance may be very low, but you will find him owning a beautiful car, and a house of his own. In most of the cases, he does not possess his own property. And yet he would own a car, a house and a huge amount of money. Have Government been able to find out the source of their income? Has any enquiry been held in respect of these cases? I know many cases where officials carry on business or trade in the name of their relatives.

Shri V. P. Nayar: As insurance agents, for instance.

Shri M. S. Gurupadaswamy: Again take the case of lands. Government land, that is, Darkhast land is purchased by the officials in the name of their relatives. What steps have Government taken to check these malpractices? Have Government made any enquiry to find out the sources of income of these officials? I know that the Ministers do not want to do anything of that sort, because in the end it may act like a boomerang on them, for they are afraid of their own actions. That is the only interpretation that I could give. If that is not so, then why should the ruling party be afraid of conducting an enquiry

and acquiring all the properties gained by the officials by wrong means?

Mr. Chairman: I am sorry I have to interfere in the speech of the hon. Member. We are now in the third reading, and as such only such matters as arise out of the amendments that have been accepted can be discussed. The hon. Member has already roamed about this way or that way to the fullest extent of his desire.

Shri M. S. Gurupadaswamy: I shall conclude in a minute or two.

I want the hon. Minister to bring in a comprehensive measure to deal with such cases. I wish that a measure should be enacted by which all the properties got by the officials by improper means should be forfeited, and given to Government. If Government deal with these cases in such a manner then I am sure that we can create a proper atmosphere for honesty and morality in the country; otherwise, we would fail. But before we do so, I expect the Ministers themselves to behave in a very honest manner. Unfortunately many Ministers have failed our expectations.

Shri S. L. Saksena (Gorakhpur Dist.—North) rose—

Mr. Chairman: It is now about 4-35 P.M. and if we are not to exceed the time.....

Shri Kamath: Was there any time-limit for this?

Mr. Chairman: Yes.

Shri Kamath: How many hours?

Mr. Chairman: About three hours were given by the Business Advisory Committee last time for this Bill. As a matter of fact, it was not made an order of the House, for it was not put before the House, but it was a suggestion, and we accepted that suggestion. I think we have done much more so far as this Bill is concerned than we

[Mr. Chairman]

ould have done if we had been narrowed down to the natural scope of the Bill. I think the matter has been sufficiently discussed.

Shri Kamath: We did not consider any allotment of time for this Bill.

Mr. Chairman: It was suggested that we should have three hours for this Bill, and I have accepted that.

Shri Raghunath Singh (Banaras Distt.—Central): That was accepted by the House.

Mr. Chairman: This Bill has been fully discussed. So, I shall take up the next item.

Shri S. L. Saksena: There are about 20 minutes more left for today.

Mr. Chairman: Even those 20 minutes are precious in the life of Parliament.

Shri S. L. Saksena: But this is an important measure.

Mr. Chairman: All right. If the hon. Member wants to speak, he may do so. But he must confine himself to the exact scope of the third reading.

Shri S. L. Saksena: So far as the Bill goes, I welcome it. But as the hon. Home Minister has himself admitted, it is not a panacea for the evil of corruption. I, therefore, join my hon. friend who spoke just before me to say that a more comprehensive measure to eradicate corruption from our services as well as from the traders who evade the taxes etc., should be brought.

In fact, my complaint is that sometimes when occasions for corruption arise, it is said that corruption has been checked. My feeling is that probably some of our high-ups do not really realise how far this evil has come to prevail. I would wish that just as in the case of the railways you appoint a commission to enquire into the incidence of corruption in the services and other branches of administration also.

You know very well how all the district courts are full of corruption.

You cannot do anything without giving money even in the smallest case. The same thing is true of the police services also. Whenever there is a murder case, it becomes a feast for the officials who investigate into it. The hon. Home Minister has been in charge of a whole State for so long, and he knows to what extent this sort of corruption prevails. I know his zeal in the matter of putting down corruption, and I would therefore suggest, now that he is here in charge of the Home Ministry at the Centre, that he should do his best and try to bring forward a Bill which would be comprehensive enough to eradicate the biggest evil.

We are now going to have the Second Five Year Plan, and we are going to spend nearly Rs. 5000 crores on it. But we would not get full advantage of it, if half the amount goes into corrupt channels. You know, in the Bhakra-Nangal and the Damodar Valley projects there have been a lot of complaints about corruption, and enquiry committees were set up to look into the matter. I would say that we should profit by those experiences of the last eight years. Hence I would suggest that a commission of enquiry should be set up to go into all these matters so that in our new Plan, we may not be committing the same fault.

I was in China recently, and I was greatly impressed by the fact that corruption has completely vanished there. You can have shops on the platforms there without any sellers, and you can have books or stamps or tickets etc., by just putting your money into the cash box; and there will never be any shortage of cash.

Similarly in hotels, people could go and place their valuables anywhere; nobody would touch them. That is the sort of public morality and integrity that should come in our country too. In China, they had two movements—Wu fan and San fan—to eradicate corruption from government officials and traders. Officials and traders were asked to confess their crimes; if they did so, they were pardoned.....

Mr. Chairman: Order, order. May I respectfully call the attention of the hon. Member, whom I have reminded already, that he should confine his remarks within the third-reading scope of the Bill.

Rule 132 says:

"The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech, a Member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character".

Now, he is referring to what is happening in China or other countries or parts of the world. He is not in order in suggesting new things, new machinery etc. At this stage I will not allow him to roam about, as I have already allowed other Members to roam about. We are now concerned with arguments in support of or against the Bill.

Shri S. L. Saksena: But I can suggest a comprehensive measure.

Mr. Chairman: Not at this stage. We are now only concerned with the Bill as it is, either arguments in support of or against the Bill.

Shri S. L. Saksena: Can we not even discuss that? Can that be disallowed?

Mr. Chairman: There is no question of disallowing. The rule is clear. In obedience to the rules, I have pointed it out to the hon. Member. The hon. Member can adduce arguments in support of the Bill or against it; nothing more can be done.

Shri S. L. Saksena: But I have said it is not enough.

Mr. Chairman: It means, he either supports it or opposes it. He has already said that he supports the Bill; he is in favour of the Bill. Now, he is arguing against the Bill.

Shri S. L. Saksena: I support it so far as it goes.

Mr. Chairman: Of course, it cannot be supported so far as it does not go. I have read out the rule which is binding on him and me.

Shri S. L. Saksena: If I am criticising the Bill, does it mean opposition?

Mr. Chairman: The hon. Member himself said that he supports the Bill, so far as it goes. Now he could not oppose it in so far as it does not go.

Shri S. L. Saksena: I am referring to conditions of support.

Mr. Chairman: There is no question of conditions. He has said that he supports the Bill. Now he cannot attach conditions.

Shri U. M. Trivedi: He is giving conditions of support.

Mr. Chairman: At the same time, I requested him to kindly confine his remarks to the third-reading scope.

Shri S. L. Saksena: I would only suggest that this Bill is not sufficient. If you call it opposition, you may do so. There should be a more comprehensive measure to deal with corruption. I feel that with the present need for fulfilling our plans, this greatest evil in our body politic should be rooted out completely. The Commission I have suggested could go about and study how far this evil prevails in the country and suggest measures for its eradication. That is the sort of Bill we want. If the Home Minister brings forward such a Bill, it will be a monumental measure to his credit in the future. Then our Five Year Plans will have full value. I hope this will be done.

I would like to say one thing more. My friend suggested about sanction. I think in the new Bill that is before us there should be a clause that sanction for prosecution should not be there.

Pandit G. B. Pant: I do not think it is necessary for me to deal with the speeches that have been made, but I just want to make a few remarks. I think repeatedly exaggerating the extent of corruption, the existence of which is not denied, will recoil on our society and on ourselves. We want our people to be clean, but the way to clean them and to raise their standard of purity does not lie through wholesale condemnation of the entire community. Our officers are being invited by distant countries and they often come back with laurels, with plaudits and with high praise. Our machine would have cracked if it had been corrupt to the extent some people allege it to be. It has a heavy burden to carry. It has to maintain peace in this vast land. It has to work for the uplift and progress, for the promotion of unity and security, and to a large extent, it depends on the morale of our people, on the morale of our services. I must say that the few black sheep that may be here and there should not in any way delude us and lead us to the conclusion that everything is black. Let us not look at things with a jaundiced eye. Our efforts should be not to have a single corrupt man in the services. Let us remember that all those in the services today are our own kith and kin. They represent and reflect the morale and the standard of our society. If there is bribery, there is some one who gives and there is some one who takes. There are a few who resort to such practices. Let us not then unduly magnify the evil. While sticking to the determination that no single public servant should be unclean in his methods or ways, let us remember that it rests with us to a large extent to build a society which is really high in morals and in its spirits and in its ideals. Keeping that before us, let us not exaggerate the deficiencies which are really of a very limited character. On the whole, those who are responsible for running the administration of this country have been doing a fine good job for which we all should thank them.

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

UNIVERSITY GRANTS COMMISSION BILL

Mr. Chairman: Maulana Azad.

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): rose.

Shri Kamath (Hoshangabad): Is the Minister unable to be present here in the House?

Mr. Chairman: Evidently, he is absent.

Dr. M. M. Das: I beg to move:

"That the Bill to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission, as reported by the Joint Committee, be taken into consideration".

Shri U. M. Trivedi (Chittor): On a point of order. Can a Parliamentary Secretary move a Bill? He is in the capacity of a private Member, no more than a private Member. This is not a private Member's Bill. Can he move it?

The Deputy Minister of Education (Dr. K. L. Shrimall): The Parliamentary Secretary is authorised to move the Bill, and the Deputy Minister is present here.

Shri Kamath: Under what rule of procedure can he move the Bill?

Mr. Chairman: Under what rule does the hon. Member want to object?

Shri U. M. Trivedi: The Member in charge alone can move it.

Mr. Chairman: I understand the hon. Member cannot cite any rule or authority under which he raises the objection. The word 'Minister' includes Parliamentary Secretary according to the Rules of Procedure.