

SHRI SURESH KALMADI: We have full faith and you know that..

SHRI ANNA JOSHI : You have faith but what about your own department?

SHRI SURESH KALMADI: Sir, we are earning revenue to the tune of Rs. 22 thousand crores. Whereas Rs. 15 thousand crore comes through freight etc, as against it there is a claim of rupees 25.2 crore only. Railway has a vast network of 60 thousand kilometers, 12 thousand trains run daily and about 1.5 crore people travel in them daily. Even after such a big network the loss is nominal. Therefore, I would like to submit that the railway is always dependable.

SHRI ANNA JOSHI: Would you please conduct an enquiry into it that even when the railway wagons are available, the goods were sent by truck.....(Interruptions)

[English]

MR. SPEAKER: You both come from the same place and so, you can talk with each other later. (Interruptions)

[Translation]

SHRIMATI LOVELY ANAND: Mr. Speaker Sir, I would like to know from the hon. Minister through you that when the work of Conversion of Samastipur railway line into broad gauge and connecting it with the Saharsa district of Bihar which is lying pending is likely to be completed?

MR. SPEAKER: This question does not arise out of it.

SHRI KALKA DAS: Mr. Speaker Sir, it appears from the reply of the hon. Minister that theft incidents are on the increase in the railways. It is very sad that besides the outsiders, the departmental people are also involved in it. Their number is increasing. I would like to know from the hon. Minister the number of railway employees arrested for pilferage and what sort of punishment is given to them?

SHRI SURESH KALMADI: 1600 outsiders and 120 railway employees have been arrested for pilferage and book-consignment. Their number is going down every year. This year it is 120, whereas 9500 outsiders and 550 railway employees have been arrested for stealing railway materials and fittings. This year, i.e. during 1994-95, 81 railway employees have been convicted under the theft cases.

Comprehensive Lokpal Bill

*142. SHRI RAJNATH SONKAR SHASTRI: Will the PRIME MINISTER be pleased to refer to the reply given to Unstarred Question No. 1304 on 22nd March, 1995 and the news-item captioned "Lokpal Ki Niyukti par Supreme Court ne sujaho mange" appearing in the 'Nav-bharat Times' dated 12.8.95 and state:

(a) the reaction of the Government thereto;

(b) whether the Government propose to bring a comprehensive Lokpal Bill of its own in the event of the political parties and leaders not coming round the table for a consensus; and

(c) if not, the justification therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND

MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA) : (a) The Govt. is not aware of any such direction of the Supreme Court seeking suggestions on Lokpal.

(b) and (c) Efforts to evolve a broad consensus are on.

[Translation]

SHRI RAJNATH SONKAR SHASTRI: Mr. Speaker Sir, I am sorry to say that such a serious question raised by me has been taken lightly by hon. Minister. It is generally talked that the public representatives are, indulging in corrupt practices. Politics is being treated as a means of manipulation, fraud, merry making and earning money. The bureaucracy is engrossed in corruption. Such allegations which are being levelled against Legislative, Executive and Judiciary, are marring their image. The Lokpal Bill, which has been brought to control all this, is yet to take off, even after the lapse of 27 years. Lokpal Bill was introduced 5 times in the House from 1968 to 1989. Therefore, I would like to know from hon. Minister as to what has compelled the Government to introduce this Amendment Bill once again as Lokpal Bill without appointing any Lokpal or waiting at least for its impact.

Sir, the part (b) of the question is whether any political party has opposed this Bill or the appointment of Lokpal as mentioned in the Bill? If so, the names of the parties and leaders who, in the name of consensus are opposing this Bill and the time by which this consensus will be reached?

[English]

SHRIMATI MARGARET ALVA : Sir, the hon. Member has said that I have taken the issue lightly, but I do not think it is quite true. It is because over and over again we have been making efforts - in fact, five efforts have been made by Governments headed by different political parties who have come to power at the Centre, it has not only been made by one political party or the other — but consensus on this issue has deluded Parliament so far and therefore, the Bill has not been passed. But this issue was raised twice in this House and in the Rajya Sabha and there were two detailed discussions to which I have replied in detail and the Prime Minister himself had intervened and said that when after a national debate on this issue, a consensus emerges, we would be prepared to come to the House with a consensus Bill.

Sir, accordingly, we have been taking steps in this regard. After the last budget session of Parliament I wrote to 49 leaders of various political parties in the two Houses and requested that they might send us their comments on the earlier Bills — because we had circulated them — so that we could arrive at a consensus. Some of them, actually, out of the 49, we received replies from leaders of five political parties. Subsequently — as we had not received the written replies of the other Political leaders — yesterday the hon. Home Minister had a meeting of the leaders of political parties to work out a consensus on this issue. I think, a broad consensus is emerging. Yesterday in the meeting we have assured the leaders — earlier we had assured the House — that we would work out something and come back to the House.

[Translation]

Names of the political parties and leaders who opposed (Interruptions)

SHRI RAJNATH SONKAR SHASTRI: Yes, please state.

SHRIMATI MARGARET ALVA : I want to say that we had received five replies. One of the parties has suggested the Government not to take up this matter as the new Government which will assume power after elections should take up this matter.

SHRI RAJNATH SONKAR SHASTRI: What are their names? Which are these political parties or their leaders who are opposing it?

SHRIMATI MARGARET ALVA: Still efforts to evolve a consensus are on and when a consensus will emerge on this matter, the Government will certainly face the House.

SHRI RAJNATH SONKAR SHASTRI: We want your protection, Sir, and would like to know the names.

MR. SPEAKER: Whatever correspondence is made with one another is never disclosed. It will be very difficult for me to explain all the rules.

SHRI RAJNATH SONKAR SHASTRI: Sir, my second question is whether under the present rules and regulations the Prime Minister has been exempted from the purview of Lokpal while the present Prime Minister Shri Rao himself is stating that he has no objection if the Prime Minister is being brought under the purview of Lokpal Bill?

Sir part (b) of the question is, it was asked, whether the Prime Minister remains unscathed because Lokpal has no administrative machinery as such?

Part (c) of my question is by what time the Lokpal Bill will be introduced in the House and the time by which the appointment of Lokpal is likely to be made in the country?

[English]

SHRIMATI MARGARET ALVA : Sir, the Prime Minister himself stood up in the course of the discussion earlier and said that he would like the office of the Prime Minister also to be brought under the purview of the Lokpal. So, there is no debate about it. The question is about when. You are asking me for the time schedule. The consensus has emerged, as I said, in yesterday's meeting that the Bill which had been introduced in 1985 should be reintroduced with some changes because the Joint Committee had gone into that Bill. Therefore, we will come back to the House with the Bill. The Law Ministry will have to look at it and then I will come back to the House.

[Translation]

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, this Bill has been pending for a long time. We have been demanding for the appointment of Lokpal and bringing politicians in its purview. Is it true that there are two hurdles in the way of emerging consensus. The first hurdle is that the ruling party wants to keep the Prime Minister out of its ambit but it is not clear. Our demand is that hon. Prime Minister should also be brought under its purview. Otherwise who will enquire into the allegations levelled against the Prime Minister

and where will the enquiry be conducted?

Mr. Speaker, Sir, second issue is about the investigating machinery to assist Lokpal. If the Lokpal works with the present machinery then neither he will be able to create reliability nor will be able to construe the truth. Lokpal should be equipped with all the powers to mobilise its own investigating machinery.

Mr. Speaker, Sir, thirdly, I would like that there should be a provision in the Bill that the person who is levelling charges against anyone should do it with full responsibility and if, after enquiry, these allegations found false, then action should also be taken against such person. I would like to know about the objections to bring the Prime Minister under its purview?

[English]

SHRIMATI MARGARET ALVA: The Bills that were introduced up to now did not envisage an independent investigating agency. The Lokpal was supposed to be essentially an advisory body which would look into things and then the normal process of the law courts would have to take care of the normal course. We have an Act of Parliament, as you know, we have the law against corruption. The Anti-Corruption Law is there. We must say that we have the normal system of courts.

The Lokpal Bill does not envisage creating a parallel legal sort of outfit which would investigate, then bring to trial and also punish. It is essentially a body to which complaints can be made. They would call for the necessary records, evidence and so on and once they have found someone guilty, then the normal processes of law would have to take their normal course. That is why we have been saying this. We have the CVC—the Central Vigilance Commission for Government employees — which is only an authority which can give advice. We have the CBI which is the investigating authority. Therefore the question has arisen as to what would be the ultimate functioning of the Lokpal. Can it be independent of the judiciary; or would it have to give its decision and then the judiciary would look into it like in the case of the Lokayukt in the States?

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, you might remember that I have been a Member of several select committees and every time this issue has been raised whether the Prime Minister should be brought under its purview or not? The demand has been repeated every time that there should be a body empowered to summon even the person holding the charge of high offices, could investigate the matter and set up its own investigating machinery.

The way the description of a body is being made by Shrimati Alva is nothing but just an ostentation, that's why we do not have any interest in such an institution.

When I had received a letter for resuming talk on Lokpal bill I had said that you had already spent five years and your mind was still not clear as to what you want? I want to ask Mr. Speaker, whether a system can be devised for investigation against Ministers and Prime Ministers? This kind of system is already working in some parts of the globe.

Ex-presidents are being sent to Jail. The Prime Minister of Italy had to step down. You do not misunderstand that I am speaking this fact keeping you in mind. This will apply to the coming Prime Minister as well. Mr. Speaker, Sir, there should be some system. What we will do with this kind of Lokpal bill, in which there is water only and no milk at all.

[English]

SHRIMATI MARGARET ALVA: Sir, Mr. Vajpayee has made his stand very clear. In fact, they have replied to us which also said that they were not in favour of rushing it at this stage; that the new Government alone should come out with the Lokpal Bill; and that we should not do it. That was their Party's stand. But the question that has been raised is about the Prime Minister being brought within the purview of the Bill and I would, with your permission, Sir, quote what the Prime Minister had said in the other House while intervening during Question Hour on 15th December, 1994. He said:

"I will not resile from the position that the Prime Minister's office should form part of it."

He had made it very clear that he wants that the Prime Minister's Office to be brought under the purview of the Lokpal. Sir, if the hon. Member wants from me the details as to what the Bill envisages, I have got the details as to what the Bill envisagēs, I can give him. The Bill which was discussed yesterday as a kind of a consensus to be brought to the House, in that, there is a provision that the Lokpal may authorise any officer, subordinate to him or any officer of an investigating agency, to search for and to seize any document and so on and so forth. It also speaks about the type of outfit which will be made available to him by the President by order and various other powers. It has been said that the Reports of the Lokpal would have to go to the competent authority to decide on the follow-up action. That is where I say and according to the Bill which has been now envisaged, that it is not envisaged to be another Court or a judicial body.

SHRI INDER JIT: Sir, as we all know, the CBI has not always covered itself with glory. So, I would like to ask the hon. Minister whether there is any proposal to strengthen the Office of the Lokpal by giving him a Prosecutor-General with an investigating machinery of its own which would be independent of the functioning of any Government of the day.

SHRIMATI MARGARET ALVA: No, Sir, I do not envisage any body in this country which can be independent of everything else. After all, there must be some accountability and responsibility at some stage.

SHRI INDER JIT: There will always be accountability in so far as Lokpal is concerned to Parliament. Many countries have Prosecutors-General. The Prosecutors General should not be influenced by official considerations. So, if we really want to invest the Lokpal with a kind of integrity which we want to give him, why do we not think in terms of having a Prosecutor-General?

MR. SPEAKER: It will be premature to discuss the content of the Bill which will come here. Otherwise without the Bill being presented, if we discuss the contents, the people are likely to be misled. So, we should avoid this kind of a discussion.

SHRI SAIFUDDIN CHOUDHURY: Sir, in view of the Vora Committee Report it has become necessary that some mechanism is created and possibly this Lokpal institution to tackle this matter of increasing corruption in public life. Now, if the Prime Minister's Office is not included in this, then there is no need of a Lokpal. A reference had been made in the Vora Committee Report regarding politicians, bureaucrats and the judges...*(Interruptions)*

MR. SPEAKER: Again we are presuming that his Office is not going to be included. You please understand this. First of all, this Question itself should not have come before the House because a Question relating to the legislation is not asked. You can come with a Private Member's Bill. Because it is a very important issue, therefore it was allowed. Now, we are going into the details of the Bill when the Bill itself is not before us.

(Interruptions)

SHRI SAIFUDDIN CHOUDHURY : Sir, I am not going into the details. I am only saying that certain people have been referred to in the Vohra committee report, politicians, bureaucrats and even judges have been referred to in the report. Everyone should be brought under the purview of this Bill. It should be a multi—member lokpal and that should be instituted. May be, they will not give the judgement in parallel to the system of court that is there in our country. They will form an opinion and law will take its own course. I agree with you. But it should be a multi member Commission; there the appointments should be impartially done and their removal should be done through an impeachment motion in the House. Kindly tell us whether that concept is agreeable to you or not.

SHRIMATI MARGARET ALVA: Sir, these are the suggestions....*(Interruptions)*

MR. SPEAKER: I will expect the Minister to bear in mind the good suggestions which are given by the hon. Members while drafting the Bill.

[Translation]

SHRI RABI RAY: Mr. Speaker, Sir, I just want to say that the reply of Mrs. Alva to the said question misleads the House. This is a matter of shame for this House and our country as well. The Government had given us a repeated assurance that it would bring the Lokpal Bill. Germany based Transperate international has discovered that names of America and India also figure among the corrupt countries of our world. Whether this has come to the notice of our Hon. Minister? This is a very unfortunate thing. The Government is in its saddle ever since 1991. It is talking of consensus ever since 1991. It is, in fact, concealing its insight under the cover of the consensus. The Government has been making its commitment ever since 1991 that it would bring the Lokpal bill. The Lokpal Bill should be brought so that the charges levelled against Ministers of the Union Government could be investigated. The Government could not evolve consensus since 1991. Now the Term of this House is also nearing its end. It is still being said that consensus is being evolved. What does it mean? What is the achievement to the credit of Government since 1991.

[English]

SHRIMATI MARGARET ALVA : Sir, I am sorry, I am not trying to politicise the issue ... (Interruptions) I would request that we do not politicise the issue because you can say, why we did not do it and I can ask you, why you did not pass it when you were in the Government twice... (Interruptions)

SHRI BASUDEB ACHARIA : Only for 11 months ... (Interruptions)

SHRI RABI RAY : That is not the answer. You are in the dock now... (Interruptions)

SHRIMATI MARGARET ALVA : Sir, I am not in any dock... (Interruptions)

SHRI RABI RAY : Mrs. Alva, you are in the dock and not the previous Government. Do not try to give that answer... (Interruptions)

SHRIMATI MARGARET ALVA : They introduced the Bills and they were also not able to pass them twice . (Interruptions) Sir, I am only saying that if we are bringing any legislation, we are bringing it as per the opinion of the Parliament and not to please any international agency, who may come with any reports. We are not concerned about it ... (Interruptions) It is not going to be determined by the agencies sitting outside (Interruptions)

[Translation]

SHRI RABI RAY : Shri Chidambaram has said that he will place the report on the table of the house.

[English]

Shri Chidambaram has said twice that he would supply the reports twice. You should know that ... (Interruptions)

SHRIMATI MARGARET ALVA : We are only going by the opinion in this country and I am not concerned with who says what sitting somewhere else in the world.

MR. SPEAKER : I am happy that Kumari Mamata Banerjee has come and I welcome her here. I will allow her to put a question.

KUMARI MAMATA BANERJEE : Sir, I am very grateful to you for having allowed me to put a question.

Sir, this is a very important question. I have gone through the Vohra Committee Report, whatever Report that we have received. It is fact that this is the highest forum of democracy and the politicians, the mafia, the criminals and all other agencies are working together. It is a fact that if this is continuing, then this Parliament will have no authority to deal with the people's matter and now whatever we are saying that the Government is of the people, by the people and for the people will become the Government of the mafia (Interruptions) Let me finish my question. If it is not done (Interruptions) I do not know why there are shouting now. When you have put some questions, why do you not allow me to put a question? ... (Interruptions)

SHRIMATI MARGARET ALVA : She is referring to West Bengal ... (Interruptions)

KUMARI MAMATA BANERJEE : Then it will become.

the Government of the muscle power, by the money power and for the misuse of the Chair. I am not saying about only the Central Government but about the State Government also. Sir, what about the marriage of Jayalalitha's son? How much money has been spent? I know in my State how the corruption is going on. Madam, until and unless it is not brought up in the House, it will be very difficult to deal with the Mafia gang and the nexus between politicians and criminals. Therefore, the Government must bring a comprehensive Bill before the election so that no politician - he may be from any political party - should misuse his power in this country. As a politician, he should not have any link with the national or international Mafia gang for winning the election.

SHRIMATI MARGARET ALVA : Sir, I agree with the hon... Member's concerns.

SHRIMATI MALINI BHATTACHARYA : Sir, the Jain hawala scandal and the tardiness of the CBI in investigating it has raised certain questions in the minds of the public regarding donations being accepted by political parties and the sources of finance that are coming to the various political parties. There is also the Supreme Court's directive that political parties should make public the sources of their finance. Since the hon. Minister has said that a consensus has been emerging, I want to know whether there was any discussion on this and if so, whether any consensus has been arrived at regarding this point.

SHRIMATI MARGARET ALVA : Sir, the question of political donations is not part of the Lokpal Bill.

SHRIMATI MALINI BHATTACHARYA : It is related to corruption.

SHRIMATI MARGARET ALVA : Sir, 15 political parties have been asked by the Supreme Court to submit this information. She or her party or anybody else, it is for you all to decide altogether what should be the response on this issue.

SHRIMATI MALINI BHATTACHARYA : The Government has a responsibility. What about that?

MR. SPEAKER : Let us not discuss what is going to be there in the Bill. When the Bill comes, you will know it and if you are not satisfied, you can move amendments.

SHRI RUPCHAND PAL : By now we are quite familiar with the response of different sections of this House to such a Bill like Lokpal Bill. But pending such an enactment of such a Bill, the reports are coming out and the nation is discussing about corruption in high places. It is being revealed daily in the newspapers and otherwise also that no less than 10 Ministers are involved in a hawala racket and when I asked such a question, the Minister has misled the House that because it is *sub judice*, figures and information cannot be divulged. Sir, may I know from the Government whether the Government, as they favour such a Lokpal Bill, should come out with a practice of Ministers just coming to this House and giving their personal explanation as to their involvement in the hawala racket?

SHRIMATI MARGARET ALVA : I have no answer.

MR. SPEAKER : If you are not in a position to say what is going to be there in the Bill, then you should say it by standing up.

SHRIMATI MARGARET ALVA : I am sorry, Sir. About the hawala case, I just do not know how it is related to this.

Garbage-Based Power Plants

*143. SHRI BOLLA BULLI RAMAIAH :

SHRI D. VENKATESWARA RAO :

Will the PRIME MINISTER be pleased to state :

(a) whether some foreign countries have shown keen interest to invest in garbage-based power plants in large cities;

(b) if so, the details thereof;

(c) the reaction of both Union and State Governments to the proposals; and

(d) the time by which a final decision is likely to be taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF NON-CONVENTIONAL ENERGY SOURCES (PROF. P.J. KURIEN) : (a) to (d): A statement is laid on the Table of the House.

STATEMENT

(a) & (b) : Ten companies/firms from the U.S.A., U.K., Italy, France, Netherlands, Newzealand and Australia have shown interest in garbage based power plants in large cities. However, no foreign government have shown any such interest. The interest shown by the companies/firms are in the form of preliminary enquiries before formulation of specific investment and/ or technology proposals.

(c) & (d) : Both Union and State Governments have responded favourably to the above foreign firms. Final decision could be taken on receipt of detailed project proposals and necessary tie ups by concerned agencies for investment and technology transfer.

SHRI BOLLA BULLI RAMAIAH: India's first biomass power producing 15 MW from waste wood, is likely to be started at Ramagundam in the premises of NTPC. And with the use of various wood waste and other things, I would like to know whether the project has been evaluated, whether any foreign assistance is being contemplated. What is the state of this project?

PROF. P.J. KURIEN: Sir, the hon. Member has asked a question.

(Interruption).

MR. SPEAKER: You are complimenting him.

PROF. P.J. KURIEN: Thank you, Sir.

The hon. Member has asked a question about the foreign proposal with regard to waste management in municipalities. The question that has been referred to now is a particular and specific one which has nothing to do with foreign investment. So, that it needs a separate notice.

SHRI BOLLA BULLI RAMAIAH: Sir, is it a fact that the Ministry of Non Conventional Energy Sources has already

had some Australian proposal regarding bio-mass energy generation from the various cities like Bombay, Madras, Calcutta and other places which are generating more than five thousand tonnes of garbage per day? I would like to know whether that proposal has been examined by the Government. If so, they can generate nearly thousand M.Ws of power from it and they can also dispose of all the waste in this country. I would like to know whether the Government has made any proposal on this and whether they are also providing any financial assistance in the Eighth or Ninth Plan period.

PROF. P.J. KURIEN: It is true that there are some foreign terms who have come forward with proposals for waste management and for conversion of energy from the municipal waste. But they are only in the nature of enquiries/exploratory questions. No specific proposal has been received by us. What I mean by specific proposals is that they should explain the financial tie-up, they should say what technologies they are using and they should specify a location etc. Such specific proposals have not been received. In fact, we have received nine proposals from abroad from municipal waste management. We are encouraging them. We are waiting for specific proposals. I can assure the hon. Member that if any specific proposal has reached the Ministry, we will clear it and we want to clear it and we are taking it as a very important one because we know that we can produce energy from garbage, which is a problem today for the municipalities. It serves us in both ways. It will clean the municipalities and also we can generate energy from this. So, if we receive any proposal, from abroad or from within the country, we want to encourage them. But the only thing is that they should have the best technology. If you go in for a technology which is outdated, then finally it comes to nothing. So, I can assure you that such proposals will be examined and cleared favourably.

As far as the Australian proposal is concerned, we are waiting for specific proposals with all necessary tie-ups.

SHRI RAM KAPSE: Sir, garbage clearance is a very big problem as far as all municipalities and corporations are concerned.

The Kalyan Corporation has thought of a garbage clearance scheme and a London-based company had already given a proposal to them. I would like to know from the hon. Minister about this because it is in the interest of energy production as well as garbage clearance. I would like to know whether this Kalyan Corporation scheme has reached your office and whether it is cleared or not.

PROF. P.J. KURIEN: Sir, as I already told, we have received nine proposals. But they are only in the nature of enquiries. We have not got any specific proposal. We can consider a proposal only if it is specific. I mean it should give details of financial tie-up, technology tie-up etc. It is also very important that technology should be appropriate.

So far as the proposal mentioned by the Hon. member is we have not received such specific proposals. If this particular proposal which the hon. Member has mentioned is made specific, I can assure you that we will consider it.

SHRI A. CHARLES: As rightly pointed out by the hon. Minister, the disposal of garbage is a very serious