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Title: Discussion on the motion for consideration of the Lokpal and Lokayuktas and other related Law (Amendment) Bill, 2014 (Bill Deferred).

THE MINISTER OF STATE OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION, MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE, MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY AND MINISTER OF STATE IN THE DEPARTMENT OF SPACE (DR. JITENDRA SINGH): Respected Sir, I beg to move:

"That the Bill to amend the Lokpal and Lokayuktas Act, 2013 and further to amend the Delhi Special Police Establishment Act, 1946, be taken into consideration."

Sir, as you know, the Bill introduced earlier seeks to propose certain amendments in the Lokpal and Lokayuktas Act, 2013 To put it briefly, Sir, one of the amendments proposes to make provision for the inclusion of the Leader of the single largest Opposition Party in the House of People as a Member of the Selection Committee when there is no Leader of Opposition recognized as such in that House. ...(*Interruptions*)

There is another provision which seeks to provide that the eminent jurist shall be nominated for a period of three years and shall not be eligible for re-nomination. The amendment also provides that no appointment of a person in the Search Committee or the proceedings of the Search Committee shall be invalid merely by reason of any vacancy or absence of a Member in the Selection Committee or absence of a person in the Search Committee as the case may be....(*Interruptions*)

It is also provided that the Secretary of the Lokpal has to be of the rank of not less than Additional Secretary and there is another amendment in Section 3.1.3 Section 16(1)(f) of the Act which proposes to be amended so as to allow that the Lokpal could have its headquarters anywhere in the National Capital Region NCR of Delhi.

The amendments also provide for harmonizing provisions relating to filing of information regarding assets and liabilities by different categories of public servants, that is, Members of Parliament, Government employees, employees of statutory bodies, PSUs, NGOs, etc. under the provisions of the Act with the provision of the relevant laws, rules and regulations as applicable to each category, such as, for example, Representation of People's Act (RPA), All India Services Act, rules made under Article 309 of the Constitution, etc....(*Interruptions*)

Another significant amendment of Section 4(b)(a) provides for qualification for appointment of Director of Prosecution in the CBI, being the officer of the level of Joint Secretary to be eligible for appointment as Special Public Prosecutor under the CrPC.

In the absence of an eligible officer referred to in the clause (a), a person who has been in practice as an advocate for not less than 15 years and has experience in handling cases on behalf of Government relating to offences under the provision of Corruption Act, 1982, would also be considered eligible....(*Interruptions*)

As far as Section 6(a) is concerned, which requires Government permission for inquiry against any officer of the level of Joint Secretary or above and the Section was turned down following a writ petition, the amendment seeks to omit Section 6(a) from the Act.

Another important amendment to it is that in case of difference of opinion between the Director of the CBI and the proposed Prosecution Director, the matter shall be referred to the Attorney General of India for his advice and such advice shall be binding. The Annual Performance Appraisal Report of the Director of Prosecution shall be recorded and maintained in the Ministry of Law and Justice in such manner as may be prescribed....(*Interruptions*)

15.00 hrs.

Insertion of a new Section 7 to confer power to the Department of Personnel and Training (DoPT) to frame rules regarding the recording of the Annual Performance Appraisal Report of the Director of Prosecution is also being envisaged in this.

Sir, I move this Bill for consideration.

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill to amend the Lokpal and Lokayuktas Act, 2013 and further to amend the Delhi Special Police Establishment Act, 1946, be taken into consideration."

Dr. Shashi Tharoor to speak.

...(*Interruptions*)

मेजर जनरल (सेवानिवृत्त) भुवन चन्द्र खंडूड़ी, एचीएसएम (गढ़वाल): माननीय अध्यक्ष जी, मैं इस बिल के समर्थन में बोलने के लिए खड़ा हुआ हूँ।...(*व्यवधान*) यह बिल बहुत महत्वपूर्ण है। हमारे देश में कई वर्षों से लोकपाल बिल बनाने की चर्चा हो रही थी। पिछली लोकसभा में बहुत कठिनाई के बाद, अन्ना हजारे जी के आंदोलन के बाद, अनेक प्रकार के धरने और प्रदर्शन के बाद लोकपाल बिल बनाया गया और आज सरकार ने उसके संशोधन की चर्चा की है।...(*व्यवधान*) भारतवर्ष में, हमारे देश में भ्रष्टाचार के खिलाफ लोकपाल के बारे में बहुत चिंता है, यह सर्वमान्य है। आज विश्व में भारत भ्रष्टाचार से ग्रस्त देशों में गिना जाने लगा है। यह हमारी ऐतिहासिकता और पृष्ठभूमि के अनुरूप नहीं है।...(*व्यवधान*) मैं सभी लोगों से प्रार्थना करता हूँ कि इस बिल का समर्थन करें। मंत्री जी ने अच्छी तरह और विस्तार से वर्णन किया है, इसके आधार पर अमेंडमेंट दिए हैं।...(*व्यवधान*)

मेरा औभान्य रहा कि जब मैं उत्तराखंड का मुख्यमंत्री था, तब बहुत अच्छा और मजबूत बिल वहां पास किया गया था, जिसे पूरे देश ने सराहा था। मैं कांग्रेस के साथियों को बताना चाहता हूँ कि उस समय भी कांग्रेस पार्टी ने इस बिल का समर्थन नहीं किया था। इस बिल का इतिहास इस प्रकार है। एक नवम्बर को उत्तराखंड विधान सभा ने सर्वसम्मति से एक बिल पास किया था। कांग्रेस में विपक्ष के लोग थे, सबने इसका समर्थन किया था। ... (व्यवधान) यह बहुत शक्तिशाली बिल था। इसके पारित होने के बाद वहां के गवर्नर ने भी तुरंत इसे पास किया था। इसके बाद इसे केंद्र सरकार के पास भेजा गया। केंद्र सरकार, यूपीए ने डेढ़-दो साल तक अपने पास रखा और आगे नहीं बढ़ाया। जब केंद्र को बहुत चर्चा के बाद इसमें कोई खाती नहीं मिली तो महामहिम राष्ट्रपति जी के पास इसे भेजा गया। महामहिम राष्ट्रपति जी ने कयीब 18 महीने बाद बिल को पास किया। ... (व्यवधान)

HON. DEPUTY SPEAKER: The House stands adjourned to meet again at 3.10 p.m.

15.04 hrs

*The Lok Sabha then adjourned till Ten Minutes
past fifteen of the Clock.*

15.10 hrs.

The Lok Sabha re-assembled at Ten Minutes past Fifteen of the Clock.

(Hon. Deputy-Speaker *in the Chair*)

...(Interruptions)

HON. DEPUTY-SPEAKER: Hon. Members, please take your seat.

15.10 ¼ hrs

At this stage, Shri Rajesh Ranjan, Shri Kalyan Banerjee, Shri Ravneet Singh, Shri P. Karunakaran and some other hon. Members came and stood on the floor near the Table.

HON. DEPUTY-SPEAKER: Hon. Members, I want to make a mention of what happened at Three of the Clock. I strongly object to the manner in which the hon. Member Shri Rajesh Ranjan did it. He was throwing paper at me. If you are accepting this procedure, then, you have to take a decision.

...(Interruptions)

HON. DEPUTY-SPEAKER: I am very sorry for that. You have a right to express your anger. I have no objection to it. But you have thrown the paper at me. Why have you thrown it on me?

15.11 hrs

At this stage, Shri Rajesh Ranjan went back to his seat.

SHRI RAJESH RANJAN (MADHEPURA): No, Sir. *...(Interruptions)*

HON. DEPUTY-SPEAKER: This is very bad. It is a very bad precedent you have created. That is not correct because you have to respect the Chair. You have thrown it at me. I am very sorry for that. That is not the way of behaving in this House. Throwing paper at me is not the correct way. I am asking you: Is it a democratic way? Are the Members accepting it? Is throwing paper at the Chair correct? You did it. You have thrown the paper at me.

...(Interruptions)

HON. DEPUTY-SPEAKER: I am telling what you have done is very bad. I take strong objection to that. I am very sorry for that. You cannot throw the paper at the Chair. You can raise your objection. That is different. You have thrown the paper at me. That is why, I adjourned the House. That is not fair on the part of the hon. Member. Not giving respect to the Chair is not correct. You have your right to say but you should not behave that way. I am sorry for that. Why have you thrown paper at me?

...(Interruptions)

HON. DEPUTY-SPEAKER: Please go back to your seats. That is not the way. I am telling you. You are running back.

...(Interruptions)

HON. DEPUTY-SPEAKER: Maj. Gen. (Retd.) B.C., Khanduri to speak now.

मेजर जनरल (सेवानिवृत्त) भुवन चन्द्र खंडूड़ी, एवीएसएम (गढ़वाल): महोदय, मैं बता रहा था कि उत्तराखण्ड विधान सभा में एक सशक्त लोकपाल बिल पारित किया गया था। कांग्रेस के सदस्य भी उत्तराखण्ड विधान सभा में थे, उन्होंने सर्वसम्मति से यह बिल पास किया था। उस बिल को भी लागू नहीं करने दिया गया, उसे राष्ट्रपति ने स्वीकृति दी, उसके बाद कांग्रेस सरकार उत्तराखण्ड में आई। उन्हीं सदस्यों ने, जिन्होंने उसका समर्थन किया था, सर्वसम्मति से पारित किया था, उन्होंने उसे निरस्त कर दिया है। जहां तक इस बिल का सवाल है।...(व्यवधान)

15.14 ½ hrs.

At this stage, Shri Rajesh Ranjan came and stood on the floor near the Table.

HON. DEPUTY-SPEAKER: What do you want to say?

SHRI MALLIKARJUN KHARGE (GULBARGA): I want to make one request. We have great respect for you. You are a senior-most leader. You have got great experience in the House as also in parliamentary democracy. We respect you. We do not have any intention to insult the Chair. Our anger is only towards the Government because they are not listening to us, they are bulldozing everything. As you know, even the Parliamentary Affairs Minister openly said: "I am a Sangh Pariwar man. I am proud of that. I am an RSS man. I am proud of that." He is making such irritating statements just to disturb the House and not to allow the proceedings to go smoothly. We want the proceedings should be smooth because we know our limitations also. That is why, we are conducting ourselves within the Rules of Procedure and Conduct of the Business. But they are threatening. Even he has threatened saying: "Tomorrow, the results of the Jammu & Kashmir and Jharkhand Assembly election will be out. You go and see the result and then you will come to know." It is not intentionally done. If anything is hurting you, I regret it. That is why, please do not take it seriously.

HON. DEPUTY-SPEAKER: Already you have regretted. That is all right.

SHRI MALLIKARJUN KHARGE : They should mend their ways. They should not show their arrogance; they should not show their might. If they go on telling like this, one day, *Basmasura* will come to them. ...(Interruptions)

15.15 hrs

At this stage, Shri Ravneet Singh and some other hon. Members came

and stood on the floor near the Table.

...(Interruptions)

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIHA NAIDU): *Basmasura* will come on unwise people; we are wise people. Nothing to worry. ...(Interruptions)

मेजर जनरल (सेवानिवृत्त) भुवन चन्द्र खंडूड़ी, एवीएसएम : उपाध्यक्ष जी, ऐसे महत्वपूर्ण बिल के बारे में भी विपक्ष व्यवधान पैदा कर रहा है, यह ठीक नहीं है। मैं विपक्ष से प्रार्थना करता हूँ कि यह महत्वपूर्ण बिल है, इस पर गंभीरता से चर्चा करें।

मैंने आपको बताया कि किस प्रकार से उत्तराखण्ड में सर्वसम्मति से बिल पास हुआ था, लेकिन सरकार बदलने के बाद, कांग्रेस के जिन लोगों ने समर्थन किया था, उन्होंने उसे निरस्त करवा दिया, यह बहुत दुर्भाग्यपूर्ण है। जहां तक वर्तमान पार्लियामेंट का सवाल है, तो माननीय मंत्री जी ने स्पष्ट कर दिया है कि यह किन कारणों से दिया गया है, तथा स्टेट ऑफ ऑब्जर्वेशन-टीजन में बहुत अच्छी तरीके से, ओ अमेंडमेंट क्यों किया गया है, उसका विवरण दिया गया है। मैं समझता हूँ कि इसमें ऐसी कोई गंभीर बात नहीं है।...(व्यवधान)

श्री एम. वैक्कर्या नायडू : जो बोलना था, माननीय खंडूणे जी ने बोल दिया, आप क्यों चिंता करते हो, छोड़ दो। यह महत्वपूर्ण बिल है, पूरा देश आपकी ओर देख रहा है। आपने जो बोलना है, बोलिये।...(व्यवधान)

मेजर जनरल (सेवानिवृत्त) भुवन चन्द्र खंडूड़ी, एवीएसएम (गढ़वाल): उपाध्यक्ष महोदय, अगर हाउस इसी तरह चलना है तो My speech may please be taken as read. If they do

not want to listen to me, there is no point my talking in this commotion and chaos. Let it be taken as read. (Interruptions) उपाध्यक्ष जी, इस महत्वपूर्ण बिल के बारे में बहुत चर्चा हो गई है... (व्यवधान) यहां जिस प्रकार का वातावरण बना है, यह ठीक नहीं है। ... (व्यवधान) जितने भी संशोधन दिए हैं, मैं उनका समर्थन करता हूँ... (व्यवधान) मैं सिर्फ एक बिन्दु पर कहना चाहता हूँ, क्योंकि स्टेटमेंट ऑफ़ रीजन्स में काफी अच्छी तरह समझा दिया गया है... (व्यवधान) उपाध्यक्ष जी, इसमें अच्छी तरह कारण बता दिए गए हैं कि क्यों संशोधन ताए गए हैं... (व्यवधान) मुझे एक ही संशोधन पर टिप्पणी करनी है। माननीय सदस्य श्री महताब ने सजैस्ट किया है कि अगर कोई सदस्य गैर हाजिर है तो वह अमान्य होना चाहिए... (व्यवधान) मेरी आपसे प्रार्थना है कि यह एक सदस्य को वीटो पावर देने की बात है, इसलिए नहीं देना चाहिए... (व्यवधान) इसलिए मैं इस संशोधन का समर्थन नहीं करता... (व्यवधान) मैं बिल का समर्थन करके अपनी बात समाप्त करता हूँ।

SHRI B. SENGUTTUVAN (VELLORE): Hon. Deputy-Speaker, I am extremely obliged to you for affording me this opportunity to speak on the important subject of "Lokpal and Lokayuktas and Other Related Law (Amendment) Bill, 2014". This Bill seeks to introduce some amendments in Chapter I to the Lokpal and Lokayuktas Act, 2013 and some more amendments in Chapter II to the Delhi Special Police Establishment Act, 1946.

In the past fifty odd years, there had been many attempts to bring in the Lokpal Bill. But that went without any success. At long last, the Lokpal and Lokayukta Bill was passed in both Houses of Parliament in December 2013. The Lokpal and Lokayukta Act received the assent of the President on the 1st of January, 2014 and it came into effect on the 16th January, 2014.

The Bill was passed not due to the generosity of the Government of the day but due to the compelling necessity. The Government of the day faced allegations of colossal corruption and was exposed to severe public opprobrium. Anna Hazare had then undertaken a fast that until the Lok Bill was passed, he would not give it up. This constrained the Government to pass the Bill through both Houses of Parliament in record quick time. Perhaps, due to this haste in passing the Bill, several lacunae in the Bill went unnoticed and now it is being sought to be removed by way of this amendment. This Lokpal and Lokayukta Act sets up a mechanism in the form of an Ombudsman called Lokpal to inquire into allegations of corruption and acts of malversation leveled against such public servants as are mentioned in it.

The first of the amendments relates to section 4(1)(c) of the principal Act. clause (c) of sub-section (1) of section 4 would state "Leader of Opposition in the House of the People". It is a matter of convention that where none of the Opposition parties has 10 per cent of the total strength of the House, the House shall be without a Leader of Opposition. As of now, there is no Leader of Opposition in this House. Hence the amendment is very relevant now. The amendment seeks to substitute clause (c) of sub-section (1) of section 4 with these words:

" the Leader of Opposition recognized as such in the House of the People or where there is no such Leader of Opposition, then the Leader of the single largest Opposition Party in that House "

The purpose of this amendment is quite clear. The second amendment relates to clause (e) of sub-section (1) of section 4 which confers the tenure for the eminent jurist who could be nominated by the Selection Committee. When the Prime Minister, Speaker, Leader of Opposition and Chief Justice of India have a defined tenure, the tenure of the eminent jurist has not been defined in the Act. Therefore, the proviso has now included limiting his tenure to a period of three years without there being re-nomination.

The third amendment proposed is to sub-section (2) of section 4 that "No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Selection Committee". The fourth amendment proposed to be made is a proviso following the second proviso in sub-section 3 of section 4 to the effect: "Provided also that no appointment of a person in the Search Committee or the proceedings of the Search Committee shall be invalid merely by reason of any vacancy or absence of a Member in the Selection Committee or absence of a person in the Search Committee, as the case may be." The reason for this is that the appointments shall not be delayed or invalidated merely because the post of a Member was vacant or he was otherwise absent.

The fifth amendment proposed to be made is to section 10 of the principal Act to substitute the words "Secretary to the Government of India" with the words "Additional Secretary to the Government of India".

The seventh amendment proposed is to section 23 of the principal Act to omit the phrase "or section 6A of the Delhi Special Police Establishment Act, 1946."

The eighth amendment is proposed to be made to sub-section (2) of section 44 of the principal Act. This deals with the Declaration of Assets by the public servant. Whilst the earlier sub-section confines itself to the declaration of assets and liabilities by the public servant relating to those of his, his spouse and his dependent children, this amended provision seeks to enlarge the scope. The new provision seeks to substitute sub-section 2 of section 44 by which a public servant shall within a period of 30 days from the date on which he makes or subscribes on oath or affirmation to enter upon his office, furnish to the competent authority the information relating to his assets including:

- (i) immovable property owned by him, or inherited or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
- (ii) movable property inherited by him or similarly owned or acquired or held by him;

(b) all his debts and other liabilities incurred by him directly or indirectly"

In seeking to enlarge the scope, it will open up a can of worms. The provisions in the principal Act relate to assets owned by him, his spouse and his dependent children. On the other hand, the amendment seeks to embrace within its scope not only the properties of the public servant but all members of his family as well as any other person. I think this sub-clause [j] of clause [a] of sub-section 2 of section 44 insofar as it relates to "any member of his family or in the name of any other person" is wholly unwarranted. The original provision itself is comprehensive enough: the amendment mandates that the public servant shall declare only those properties held by him in his own name, in the name of any other member of his family or in the name of any other person.

In the logical interpretation, there is no requirement, according to this amendment, to declare the assets of the spouse and other members of his family or any other person if the properties are not held by him.

In other words, the amended provision requires to disclose the benami holdings. After all, under the provisions of section 6 of the Benami Transactions [Prohibition] Act, 1988, benami transactions are proscribed. No person shall enter into any benami transaction. It is visited with the penalty of imprisonment for a period of three years if he does so. Benami properties are liable for acquisition without compensation. No suit or claim can be made to recover any such property held benami. This being so, would any public servant come forward to declare the properties held in the name of other persons as his own benami property? So this particular amendment requires a re-look and I request the Ministry concerned to look into it more properly. Section 45 of the Lokpal and Lokayuktas Act 2013 prescribes penalty for non-declaration or faulty declaration. The public servant runs a risk of prosecution. Therefore, in this context the amendment to sub-section requires a re-look.

The other amendments are of course only cosmetic in nature. At the time when the Lokpal Bill was passed and also at the time when it was referred to the Select Committee, it was pointed out by our Party Members echoing the views of our Party Chief that the Bill was far from perfect. Through our Members, our Party Chief pointed out several subsisting lacunae in the Bill and suggested the viable course of action to follow. However, the suggestions put forth by us have not been heeded. Now the Centre comes up with these cosmetic amendments as if they would provide a panacea for all corruption in public places. It has been the consistent stand of our party that both the Prime Minister of India as well as the Chief Minister of the State should be excluded from the ambit and purview of inquiry and investigation by the Lokpal and the Lokayukta respectively, for if any inquiry whether on *bona fide* or *mala fide* grounds is instituted against the Prime Minister or the Chief Minister by the Lokpal and the Lokayukta as the case may be, it would affect effective governance.

It is not the stand of our party that they are both entirely immune to prosecution. On the other hand, it is our view that the existing framework of laws are sufficient to proceed against them in case of any misfeasance or malfeasance on their part. If there is any inquiry to be made against the sitting Prime Minister or the Chief Minister, it would definitely detract from their authority and attach an unwarranted stigma; and the end losers would be the people as the business of governance will become lax and indifferent. They would not be able to enforce discipline among the subordinates. That is why our party has been urging the Centre and the Parliamentary Committee to exempt the Prime Minister and the Chief Minister from the inquiry by the Lokpal and the Lokayukta respectively.

The present Act, though gives a limited degree of immunity to the Prime Minister under section 14, this is not sufficient. It is the stand of our party that the Prime Minister should not come within the ambit of inquiry by the Lokpal. It is the consistent stand of our party, that the choice of constitution of Lokayukta should be left to the State Governments, and the State Governments may enact a suitable legislation as it deems necessary in the interest of public; and the Office of the Chief Minister should be outside the purview and ambit of inquiry by the Lokayukta.

Our party feels that the safeguards provided to a public servant in the matter of sanction as set out in section 197 Cr.P.C. and section 19 of the Prevention of Corruption Act as well as other relevant laws on the subject ought not to have been so easily scrapped as it would facilitate only witch-hunting and political vendetta. The policy is that honest public servants should not be made victims of political vendetta and false prosecution. This is also the reason why our party suggests that the penalty for making false accusations and complaints as provided under section 46 in Chapter XIV relating to Offences and Penalties should be enhanced.

The Act provides under section 46 (1) that the false accuser shall on conviction be punished with imprisonment for a term which may extend to one year and with fine which may extend to Rs.1 lakh. The substantive sentence under section 46 (1) may be increased to three years and the fine may be increased to Rs.10 so that none but the bonafide approach the Lokpal and the interlopers and the publicity-seekers are deterred from preferring false complaints against high personalities and public servants.

With these words, I welcome the amendments and on this note, I conclude, thank you very much.

SHRI RABINDRA KUMAR JENA (BALASORE): Sir, I thank you for giving me an opportunity to speak on the Lokpal and Lokayukta and other related Law (Amendment) Bill, 2014.

I also thank my party leaders who have given me an opportunity to speak on this very important Bill.

The amendment got necessitated during the current structure of the 16th Lok Sabha, where we do not have a Leader of Opposition. So, one of the primary objectives of this Bill is to include the leader of the largest Opposition Party as a member of the Selection Committee and Chairperson and members of Anti-Corruption bodies.

The Selection Committee has Lok Sabha Speaker, the Chief Justice of India or his authorized representative as a member of the Apex Court Judge and an eminent jurist who could be nominated by the President or any other member besides the Opposition Leader. This amendment virtually brings the Lokpal Act in line with the Central Vigilance Act, 2003 and RTI Act, 2005. The eminent jurist on the panel shall be nominated for a period of three years and he or she will not be eligible for reappointment. The amendment Bill provides for qualification of appointment of Director Prosecution in CBI and its functional independence. Sir, I underline the words 'functional independence' and draw the attention of the Government and the Minister to this particular issue. I will deal with it later.

The Prime Minister, the Members of Parliament and the Civil Servants will be out of the purview of this Bill. The logic that is being put forward is that this particular Act is in conflict with the Representation of People's Act and the Civil Services Act. Both these Acts provide for declaration of assets and liabilities. We, as Members of Parliament, before we file our nomination we file a statement regarding assets and liabilities. After getting elected we also file a statement regarding our assets and liabilities to the Parliament within three months.

Having said that, I will come to two very-very critical observations made and draw the attention of the hon. Minister through you to a very-very pertinent point. For the selection of Director (Prosecution) it is specifically and explicitly said about the functional independence but if you go a little later the Act also says the Annual Performance Report of the Director (Prosecution) shall be recorded and maintained in the Ministry of Law and Justice. Let us look at the literal meaning of the words 'recorded and maintained'. If we record it and maintain it, on the face of it, it appears that we are keeping a record of it or there is a silent and slow departure from the very independence of CBI. Are we going to look at a scenario where, during 15th Lok Sabha there was a bigger debate, the Supreme Court went to the extent of saying that the CBI, the premier investigating agency, has become a caged parrot in the hands of the Government. Hon. Members who are sitting in the Government today at that point of time opposed tooth and nail. Today, we are advocating the principle of independence, equity, justice and transparency. By saying so, are we again going back where the CBI and a Director Prosecution again become a tool in the hands of the Ministry of Law and Justice? Can we afford to do that? Can we afford to allow that? Are we not compromising with the basic principle by which this independent agency is working? This is quite contrary to the finding of the Standing Committee Report on this particular issue.

I will sincerely and very seriously urge upon the Government, through you, Sir, that let this Bill be sent back to the Standing Committee on this issue and let it be examined. Let us not do away with this principle by which we are again giving so much of authority to the CBI so that it again become a tool in the hands of the Government. Today, you are in the Government. Yesterday we became a victim. Tomorrow you may become another victim. Please do away with this. My sincere suggestion and urge to the Government is to please send it to the Standing Committee, take a considered view and then take a decision on the floor of the House. This is a very-very pertinent point which I need to urge upon.

The second most important observation is that the proposed Bill provides that no appointment shall be invalid merely by reason of vacancy or absence of a Member of Committee. By doing so, the amendment Bill is virtually doing away with the requirement of a quorum. When there is no requirement of a quorum, are we again advocating the principle of justice and transparency? So, I would again urge upon the Government not to push for this and ensure that all the Members of the Committee are present while the selection is made.

With these words, I thank you and once again urge that let this Bill be sent to the Standing Committee so that the transparency is maintained. Thank you, Sir.

HON. DEPUTY SPEAKER: Now, Dr. Ravindra Babu to speak.

DR. RAVINDRA BABU (AMALAPURAM): Sir, I thank you for giving me this opportunity ...(*Interruptions*)

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU):

Sir, it is a very important Bill. There had been agitations across the country earlier also. This Bill was discussed by a Committee earlier also and they made certain recommendations. Keeping that in mind, the Government had brought forward this legislation...(*Interruptions*)

Now the main Opposition Party is not taking part in the discussion and then some of the other parties are also saying that it needs a thorough discussion and further debate. As far as the Government is concerned, we want to make CBI totally independent and we want to be totally transparent. That being the case and if the House desires that we should refer it again to the Standing Committee, the Government has no objection. Sir, you can refer it to the Standing Committee once again.

HON. DEPUTY SPEAKER: If the House feels that this Bill should be referred to the Standing Committee, then it can be referred. Therefore, we are referring this Bill to the Standing Committee.