लींग पिट रहे हैं भीर हम देख रहे हैं। क्य <sup>न</sup>ही निकालते जनको ?

Mr. Deputy-Speaker: The Government will take appropriate steps keeping in view our civilised conduct.

14.08 hrs.

ANTI-CORRUPTION LAWS (AMENDMENT) BILL-contd.

Mr. Deputy-Speaker: Three hours have been allotted for this Bill. Will it be all right if we have two hours for general discussion and one hour for the clause by clause consideration? I think there is only one amendment. I want it to be finished by 5.00 today.

An hon. Member: Let it be 21 hours and 1 hour.

Mr. Deputy-Speaker: I have no objection.

The Minister of State in the Ministry of Home Affairs (Shri Vidya Charan Shukia): Sir, yesterday I moved the motion for considera ion of this rather non-controversial Bill further to amend the Anti-corruption laws. On the recommendations of the Santhanam Committee, a legislation was sponsored to amend various anti-corruption laws. Among others, the Prevention of Corruption Act, 1967 was also amended in 1964. Section 5(3) of the Prevention of Corruption Act, 1947 before amendment reads as follows:

"5(3)—In any trial of an offence punishable under subsection (2), the fact that the accused person or any other person on his behalf is in possession, for which the accused person cannot satisfactorily account, of pecuniary resources or property disproportionate to his known resources of income may be proved, and on such proof the court shall

presume, unless the contrary is proved, that the accused person is guilty of criminal misconduct in the discharge of his official duty and his conviction therefore shall not be invalid by reason only that it is based solely on such presumption."

This was a rule of evidence, the effect of which was that in a trial for the offence of criminal misconduct in the discharge of official duty, as soon as it was proved that the accrued was in possession of pecuniary resources or property disproportionate to known sources of income, a presumption that the accused was guilty of the offence, would arise and unless the accused succeeded in rebutting this presumption, the court could convict him on the strength of this presumption. This evidentiary burden of proof proved useful to the prosecution when the accused person had amassed wealth during a period extending to a number of years covering multiple transactions and when it was physically impossible for the prosecution to prove corruption in each and every one of such numerous transactions.

By this amending Act of 1964, subsection (3) of section 5 of the Act was inter also omitted and in its stead a new category was added to the four already existing categories of criminal misconduct by adding clause (e) to sub-section (1) of section 5 as under:

"If he or any person on his behalf is in possession or has, at any time during the period of his office, been in possession, for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income."

This clause provides that if a public servant or some person on his behalf is or has been at any time during the period when the public servant was

### [Shri Vidya Charan Shukla]

5339

in office, in possession of assets disproportionate to his known source of income for which the public servant cannot satisfactorily account, he is guilty of criminal misconduct. Before clause (e) was introduced in 1964, if the prosecution was able to prove that a public servant or any other person on his behalf was in possession of pecuniary resources or property disproportionate to known sources of income for which the accused person could not satisfactorily account, the Court was to presume that the public servant was guilty of criminal misconduct new clause makes possession of such assets itself a substantive offence of criminal misconduct. It is not necessary to draw any presumption after such proof.

Thus, the effect of the Amendment Act of 1964 was that the rule of evidence contained in section 5(3) of the Prevention of Corruption Act, 1947 was converted into a substantive offence of cruminal misconduct. That is to say, what was once a statutory reversal of burden of proof became a substantive offence in itself. But, while deleting section 5 since a saving clause was not inserted in the Amending Act, an anomalous situation arose. An accused person who had been charge-sheeted in a criminal court after the passing of the Prevention of Corruption Act, 1947, but before 18-12-64 i.e. the date on which the old section 5 (3) was emitted, gained an advantage which was never intended. As the acquisition of disproportionate assets has been prior to 18-12-64, he committed no (ffence under new section 5 (1) (e) for the simple reason that new section 5 (1) (e) was not on the statute book then. The statutory reversal of burden of proof which could be relied upon by the prosecution before the amendment cannot now be canvassed at the bar for the obvious reason that the old section 5 (8), which was on the statute book at the time of commission of the offence, is not there when the prosecutor addresses the court.

Lows (Attests) Bill

The Anti-Corruption Laws (Amendment) Act, 1964 did not contain a saving clause in regard to pending proceedings as it was assumed that the provisions of section 6 of the General Clauses Act, 1897 would be applicable. But the Circuit Bench of the Punjab High Court in their judgment dated 14-9-66, however, held that the provisions of section 6 of the General Clauses Act, 1897 were not applicable to the case

As a result of the High court judgment, cases which were pending trial m various courts on 18-12-64 and in which the prosecution was mainly relying on the rule of evidence contained in section 5(3) of the Prevention of Corruption Act, 1947 were seriously affected

With a view to safeguard these cases, the presumption obtaining under old section 5(3) of the Prevention of Corruption Act, 1947 was revived with retrospective effect from 18-12-64 in respect of cases pending before courts immediately before that date by the Anti-Corruption Laws (Amendment) Ordinance, 1967 promulgated on 5-5-67

As the presumtion has been revived with retrospective effect, the accused ed persons involved in these cases would have been prejudiced in their defence, as in the absence of presumption, they would not have attempted to explain possession of disproportionate property either by cross-examining the prosecution witnesses or by leading evidence in defence. In order to secure fair trial, right of demanding de novo trial from the stage the evidence was recorded after 18-12-1964 has been conferred on the accused.

Anti-corruption Laws Now the (Amendment) Ordiname, 1967 is preposed to be replaced by the Anti-Corruption Laws (Amendment) Bill and by this Bill it is proposed to replace the Ordinance without any modification.

Mr. Deputy-Speaker: Motion moved :

"That the Bil further to amend the anti-corruption laws, be taken into consideration."

Shri Kanwar Lai Gupta: (Delhi Sadar) The Minister has not given the number of such cases. I think it is better if he mentions the number.

Shri Vidya Charan Shukla: If you want, I will mention that in my reply.

Shri Randhir Singh (Rohtak): Sir, we have sent chits to you. Is my name here with you?

Mr. Deputy-Speaker: Yes, You will t an opportunity.

Shri Lobo Prabhu (Udipi): Sir, although the hon. Minister has been careful enough to designate the Bill as non-controversial, I feel disposed to object to it generally. The specific provisions proposed are unavoidable; they are inevitable, but I have four grounds on which this Bill and the general policy of Government in respect of orruption deserves to be condemned.

My first ground is that this Bill is not comprehensive. If it is an offence for a public servant to be in possession of assets more than can be justified by his emoluments, is it not an offence for a minister to be in possession of those same assets?

Shri Inderjit Malhotra (Jammu): Sure; they should be.

Shri Lobo Prabhu: Why should not a minister be comprehended in this Bill? If it is necessary that he should be declared a public servant, there are, I think, certain judgements of the High Courts that a minister is also a public servant. I would, therefore, suggests for the consideration of this House that this Bill is incomplete

as long as it does not inculde ministers. I say, ministers are more corrupt, or at least have more apportunities, for corruption because they are at the head of the administration. After all, an official deals in tens or hundreds of rupces; for a minister it is lakhs and crores of rupees. But there is no law for the ministers.

The Minister of Parliamentary Affairs and Communications (Dr. Ram Subhag Singh): Sir, irrelevant statements are being made. Can he prove it? What is the good of making such drastic remarks? What about himself?

Shri Lobo Prabhu: I am quite willing to be investigated. Let us begin the investigation. He wants me to give him a proof.

Shri Kauwar Lai Gupta: What the hon. Member has said is cent per cent correct.

Dr. Ram Subhag Singh: It might be true of your ministers . . . (Interruptions).

Mr. Deputy-Speaker: Order, order. Let us have a quite debate. When you make a general statement of this nature, you should try to substantiate it.

Shri Lobo Prabhu: I am willing to substantiate this statement by asking a simple question. Is there any inquiry pending against Shri K. D. Malaviya, which had been kept pending till the Serajuddin affairs were investigated? Is there any investigation now in Orissa against Shri Patnaik? Shall I refer you to Shri Sanjivayya's statement that Congressmen who were paupers yesterday have become millionaires today? Do you want more proof? What has Shri Nanda done? He dedicated himself to eradicate corruption in two years.

Shri Randhir Singh: What about you and your brother officers?

Shri Lobe Prabhu: Certainly include them. They are included. Include.

5334

[Shri Lobo Prabhu]

also the ministers. Do not baulk an inquiry. Do you want more substantiation?

Dr. Ram Subhag Singh: You can go on substantiating.

Shri Randhir Singh; Your ICS brothers are maharajas and emperors.

Shri Lobo Prabhu: My ICS friends are not being protected by me. They are serving you. They are all lackeys of these ministers.

Shri Inderjit Malhotra: They are not serving; they are ruling.

Shri Sheo Narain (Basti): We know how the ICS are serving this country.

Shri Lobo Prabhu: I am completely at one with you that the ICS officers should be investigated as also the ministers whom they serve.

श्री रणशेर सिंह: ग्राई० सी० एन० बालों से ज्यादा प्रापर्टी ्रन्दुस्तान में किसी के पास नहीं है।

श्री लोबो प्रभुः मान लिया।

Shri N. Sreekantan Nair (Quilon): His name is in the list. Why should he intervene?

Shri Lobo Prabhu: I am sorry that there is such a guilty complex on the other side that they want to protect themselves even from the suggestion of investigation.

Shri Randhir Singh: We are not protecting any one.

Dr. Ram Subhag Singh: Name all the Ministers.

Shri Lobo Prabhu: I am not naming any particular Minister or Party. I am including the Ministers of non-Congress Ministries also, I am including all the officials; I am only taking a strong exception to those who say that they should not be investigated. That is the point. This Act should include Ministers because they are public servants with greater responsi-

bility, with greater opportunities for corruption than any single official.

My second point is this.

Shri Kanwar Lai Guptrः इ.स्टर साहिद बाहर चले जार्थे। You feel it too much

Shri Lobo Prabhu: I am sorry if I am hurting the susceptibilities of the Doctor. I am not meaning any one in particular, although I cannot avoid seeing him in front of me.

Mr. Deputy-Speaker: This is a social evil to which the hon. Member is referring and it must be discussed in a very dispassionate and non-partisan manner.

Shri Lobo Prabhu: If you think that it is a social evil, it is a social evil which deserves to be condemned in the most passionate terms. It is because you people allow it to remain as a social evil and say that it should not be condemned, we are having it. I am sorry I beg to differ from you...

Mr. Deputy-Speaker: I have served on the Santhanam Committee and I know what evil there is.

Shri Lobo Prabhu: I am not naming any Party or Minister; I have only raised a general point.

Shri Vidya Charan Shukla: May I clarify that the provisions of this Bill do include the Ministers also. It is not a question of only civil servants coming under the purview of this Bill, but the Ministers also come under its purview.

Shri Lobo Prabhu: Will he kindly include the word 'Ministers' also in this, if he concedes that?

Shri N. Sreekantan Nair: The Minister is misleading the House. A Minister is not a public servant. According to the provisions of the Constitution, a Minister does not hold an affice of profit and, therefore, he is not a public servant.

Mr. Deputy-Speaker: Let the Minister clarify the position.

Shri Vidya Charan Shukla: May I submit that the hon, Members must not jump to conclusions. When I authoritatively say that the Ministers are also included in the definition of public servants, then I mean to say that they also come under the purview of the provisions of this Bill. We are not trying to shield the Ministers from this Bill.

Shri Lobo Prabhu: May I take it that the Minister concedes that Ministers are public servants and are comprehended in this Bill? I want a firm reply to that.

Shri Vidya Charan Shnkla: Yes

Shri Lobo Prabhu: Then, would it be possible for him to clarify this in the Bill?

Shri Vidya Charan Shukla: Already there is a law that they are included in public servants.

Shri Sheo Narain: Read the Bill and try to understand the Bill.

Mr. Deputy-Speaker: I am clear that it covers Ministers also.

Shri Lobo Prabhu: I regard this as the most notable gain that it is admitted that Ministers are public servants and are subject to the laws of corruption. I feel very happy that this innocuous Bill, this non-controversial Bill, has led to this one result at least that the Ministers will stand in the same array as any official and take his defence for a corruption charge.

Shri R. D. Bhandare (Bombay Central): I rise on a point of order. A statement was made that a Minister is a public servant and, therefore, he is amenable to this Act. It is a wrong statement and out of order. He should not therefore dwell on that topic at all. No Minister is a public servant and is chargeable under this Act. A Minister is not a public servant. The honourable Member, therefore, should not refer to that point at all

Shri V. Krishnamoorthi (Cuddalore): There is a lot of confusion.

Is the hon. Minister's statement correct or is the hon. Member's statement correct?

Mr. Deputy-Speaker: The hon. Minister has given a categorical assurance tha. Ministers also would be covered by the Bill. The hon. Member has raised a point that in the existing situation, Ministers are not public servants as defined in the law at the present juncture. It is for the hon. Minister now to clarify the position...

Shri K. Narayana Rao (Bobbili): It is for the courts to say that.

Shri R. D. Bhandare: Irrespective of the person, whether he be a Minister or an ordinary hon. Member of this House, nobody is above the law. I am stating as to what is the position under the law. Because a statement is made by a Minister it does not follow that it becomes the law. am talking of the law, the law which is before the House, and which is sought to be amended or abrogated or changed or modified. That is the position that I am talking of. I am not dealing with the question as to what the Minister is saying and what the other Members are say-I am confining my remarks purely to the law as it was and it as it is sought to be amended.

Ganesh Ghosh (Calcutta South): On a point of order. However much assurance the hon. Minister may give, it can never have the effect of law. The courts can never take cognizance of anything until and unless it is put down in the law itself. The hon. Minister might give any number of assurances but they can never have any effect in law. In case the hon. Minister is very serious about it, he should bring forward an amendment and put in writing what he has said

Shri V. Krishnamoorihi: On a point of order. Shri Vidya Charan Shukla has made a statement on the floor of

### [Shri V. Krishnamoorthi]

5337

this House that this Bill clearly covers Ministers also So, there must be a description of the term 'public servant' as including Ministers Either the hon Minister must show to the House that the term 'public servant' includes Ministers, or he must admit that he has mislead the House You should not allow a wrong statement to be made by a Minister that Ministers are also covered, when actually they are not covered by that term

Shri Sheo Narain, We are not going to be disturbed like this. If he wants let him move an amendment to that effec' He should not disturb us in this manner by raising points

Deputy-Speaker: The hon Mr Member may resume his seat

Shri Sheo Narain: If he wants, he can move an amendment to the Bill

Mr. Deputy-Speaker: Order, ordc Will the hon Member resume his seat?

Shri Indernit Malhotra: Shri Sheo Narain takes a good deal of interest in the proceedings of the House So. he should be treated in very dignified manner

Shri V. Krishnamoorthi your ruling on my point of order

Shri Dattatraya Kunte (Kolaba) Do I take it as an assurance from Government that in case the term 'Minister' is not included within the four corners of this Bill, Government will bring forward an amendment to the Act whenever it becomes necessary? For, the statement which has been made is a sort of assurance, and, therefore I would like it to go to the Assurances Committee now. It should be treated as an assurance and such it should go to the Assurances Committee

The assurance which has come from the mouth of a Member who represents Government Whether he is a Minister of State or a Deputy Minister or the Prime Minister is not material at all He represents Government and as such he is piloting the Bill, and, therefore, this is an assurance given by Government In case the term 'Minister' is not covered by the statute. I take it that this is an assurance that an amendment will be moved by Government to that effect, and on that basis the House should proceed

Shri Vidya Charan Shukla: I will clarify the whole position in reply rather 'han indulge in argument now

Shri Dattatraya Kunte: I am afraid he has not that authority now

Shri V. Krishnamoorthi: laised a point of order The Minister has made a categorical statement that this Bill covers Ministers also in the explaiation to the word 'public servani' there is no inclusion of the word 'Ministers' So this is really a misleading statement by the Minister

Shri Randhir Singh: He is going to reply

Shri V. Krishnamoorthi: Either the Minister must show to the House that the word 'public servan' Minister or he must come forward with an amendment in implementation of the assurance he has given, as Kunte has pointed out that Minister's are included within the meaning of 'public servant' He must explain this position. Then only we can proceed with the discussion and pass it.

Mr. Deputy-Speaker: He has already said that in his reply to the debate, he will make the quite clear. Let us now proceed with the debate

मीं कंतर साल गुप्ता: घष्यक महोदय,
मैं एक बात कहना चाहता हूं, मुत्रीम कोर्ट
का एक जजमेंट हुआ है वह है राव श्री बहादुर
मिह 1953 मुग्रीम कोर्ट रिपोर्टर नम्बर
1188, उस के अन्दर यह होन्ड किया है
कि मिनिस्टर भी पब्लिक सर्वेट की केटेगरी
में प्राता है।

मध्यक्ष महोदय, इसी प्रवार का स्टेटमेट जो सभी गुनला जी ने दिया मिस्टर हाथी ने जब यह बिल पायलट किया था 1957 में उन समय भी यह सवाल उठाया गया था और यह पूछा गया था कि पब्लिक मबेंट की कैटागरी में मिनिस्टर ग्राने हैं तो इस बिल में क्यों नहीं इस्कृड किया तो उसका जबाब ग्रन्थस महोदय, हाथी माहब ने दिया था:

"I shall read the relevant portion of the advice. It reads thus:

Sec. 2 of the Prevention of Corruption Act provides that for the purposes of this Act, public servant means a public servant as defined in sec 21 of the Indian Penal Code. The Prevention of Corruption Act is, therefore, applicable to the Ministers who are public servants as defined in sec. 21 and can be prosecuted for criminal misconduct as defined in sec. 5(1)) of the Prevention of Corruption Act".

तो वह मिस्टर हायों का स्टेटमेंट है इस में यह स्पष्ट है कि मिनिस्टर पिल्लिक सर्वेट में प्राते है और यह गवनंमेंट की कमिटमेंट है, सुप्रीम कोर्ट की क्लिंग है तो मैं सममता हूं कि इस के भ्रन्दर कोई दिक्कत वाली बात नहीं है कि पिल्लिक सर्वेट के भ्रन्दर मिनिस्टर माते हैं या नहीं। पहने भी कहा गया, सुप्रीम कोर्ट का जजमेंट भी है भीर भभी भी मिनिस्टर ने कहा है तो इस में कोई दिक्कत नहीं है।

Shri Randhir Singh: Courts are there to interpret the law.

Shri K. Narayans Rao: When courts are there to decide, no assurance is necessary on the point.

Shri Sheo Narain: On a point of order. When the Minister has given an assurance to the House that the Bill includes Ministers also within its scope, what is the difficulty? Hon. Members opposite may move an amendment to that effect and Government will accept it.

Mr. Deputy-Speaker: Let us now proceed with the debate. As he has said, he will clarify the position in his reply.

Shri Lobo Prabhu: I thank you for this

Shri K. Lakkappa (Tumkur); On a point of order. A Bill has been moved for consideration by the Minister and he has explained the Then he made a statement. we construe this as a statement made by the Minister? If it is a statement, rule 372 will apply. He must take the permission of the Speaker make such a statement. Or is it a statement of the type which he has made to mislead the House, to which he is not entitled? So first of all, you should decide whether the Minister has got any right to make such a statement and mislead the House

Shri Randhir Singh: Shri Hathi made that statement.

Shri K. Lakkappa: The statement he has made is with respect to a policy and it will take away characteristics of this Bill. By virtue of that the Minister is included in the term "public servant". But if we read this Bill it does not say that "public servant" includes Minister. Therefore; his statement has to be construed as a policy statement; and for that he must take the permission of the Speaker under rule 372 of our Rules of Procedure. We do not know whether this is a policy statement by the Minister. He must clarify that to

### [Shri K. Lakkappa]

the House. Whether this is allowed in this House is a point for your consideration, and I want a ruling on this point.

Mr. Deputy-Speaker I have permitted him to make that statement. Further, he has clarified that in his reply he will make it clear whether a Minister is covered by the definition of public servant. Till that time, let us proceed with the debate. No more points of order.

Shri Lobo Prabhu: I take it that the Minister will clarify, not modify, his statement. It is not fair to the House to prevent it from discussing this issue contingent on an explanation which will follow after all have spoken. So, may I have an assurance that it will be, if at all, in clarification and not in modification of the simple statement that a Minister is a public servant who is liable under the legislation under consideration? Since there is no demur from him, I assume that my presumption is right.

I feel that even if there is a feeling in this House that a Minister is not a public servant there should legislation to make him a public servant, or at least to bring him within the four corners of this legislation. It is most unfair that you poorly paid public servants, and you Ministers let off Ministers. have greater responsibility, they have greater opportunities and therefore they must be subject to a greater discipline and a greater judgement of the people.

Now, I pass on to my second objection to this Bill. Government makes a big play of passing Bill against corruption, but is it of any use when Government is constantly, all the time, increasing the opportunities for corruption?

I refer now to the resolutions of the Congress Working Committee. They have not been considered by that committee, they have not been considered by the public, they have not been considered by this House in the broad context of the fact that to the extent you enlarge the public sector, you are increasing the opportunities for corruption.

Shri Vasudevan Nair (Peermade): There comes Swatantra politics.

Shri Lobo Prabhu: The Swatantra Party speaks for the people as much as any other party. Please remember. that. If any party thinks that Government servants, because they are in the public sector, are impeccable....

Shri Vasudevan Nair: What about corruption in the private sector? They are the worst corrupt.

Shri Lobo Prabhu: There is corruption in the private sector but no one is creating opportunities for it. On the other hand, when you enlarge the public sector, you are enlarging the opportunities for corruption. My party has stood against the permitlicence raj, it is proud to have stood against it. It is proud because today the Government themselves have recognised that the permit-licence raj must be limited. They have decontrolled certain items. The question is whether they will decontrol all items. The more impartant question is whether they will act up to the resolution of this Congress Working Committee asking for extension of public sector to banks, insurance, cooperatives, to food supply and to State trading. That is the crux of thing. Can you on the one hand say you want no corruption and on the other, create these opportunities for corruption?

I refer you to one simple fact. People have not realised that the budget, that the demands for grants, provide for Rs. 713 crores for purchase of seed and purchase of grains and

fertilisers. Just imagine: you are giving the public servants the chance to operate Rs. 713 crores in one year in respect of one department alone. Can you then expect no corruption? Do you think that the public servants in the public sector are completely divested of any ordinary motives? If you want to reduce corruption, reduce State trading. I have the evidence of no less an authority than the Chairman of the Administrative Reforms Commission, Mr. Hanumanthaiya that because of the food subsidy, the big gap between the subsidised price and the private price. Government servants are tempted and they get an opprtunity to be corrupted. If you want, therefore, to end corruption, end the permit-licence raj.

Shri Sradhakar Supakar (Sambalpur): If a person has a head-ache, does the remedy like in cutting off the head?

Shri Lobo Prabhu: There are certain people whose head-aches can only be removed by cutting off their heads. If that is what you are saying about corruption, cut that head off even if it is the Congress head or anybody's head. I do not think that kind of similie gets you anywhere.

Shri Jyotirmoy Basu (Diamond Harbour): Two important and serious charges of corruption pending against two ministers involve the private sector; it is not the public sector that has bribed them but the private sector.

Shri Lobo Prabhu: My hon. friend is apparently referring to the cases of Orissa; he is not aware that the supply was made to the public sector at the instance of the minister. Even granting that the private sector is in fault, I am not talking any protective attitude for that sector. I am talking of an entirely different point that today the Government should not provide the public servants with opportunities to be corrupted by expanding a sector which they could

not control, by expanding a sector till it becomes too vast. That is my point.

Shri Jyotirmoy Basu: Is corruption offered by the public sector?

Shrimati Lakshmikanthamma (Khammam): Will not an ex-government servant saying this demoralise the entire public service in the country? Is it proper for him to say that all government servants are corrupt?

Shri Nambiar (Tiruchirapalli): Let him be allowed to speak.

Mr. Deputy-Speaker: If we continue this cross-questioning, it would lead us nowhere. People may put forward their point of view when they get their opportunities.

Shri Lobo Prabhu: My third point is that the Government have established Vigilance commissioners. welcome them as the third wheel the other two wheels being the departmental head and the local police. In the course of my efforts to reduce corruption in my own constituency I come to the conclusion that if any reference was made to the departmental head, there was an attitude of protection, even of partiality, to the subordinate and one did not go very far. It was my experience that the local police were not concerned with corruption at all; they are steeped in it themselves having been provided so much opportunity by prohibition. The socal police did not regard corruption as an offence-worthy of their So my faith was in Vigilance Commission and I sent some complaints to him, I recall one complaint I sent recently to the Vigilance Commission of Mysore a complaint signed by 25 people that a local section officer of the Electricity Department was demanding money, was not doing his work properly, was delaying applications obviously with corrupt motives. I had great hopes that the commission would go over and above the police, over and above the admi-

4346

[Shri Lobo Prabhu]

nistration and would enquire into this case, but to my disappointment, I received a letter recently, saying that they had passed on this letter to the head of the department

I am going to ask you I am going to ask the Home Minister are these Vigilance Commissioners only postoffices to pass on these complaints to the head, of departments?

The second point I want to mak I had reported a case, which I suppose every Member here cou'd report that no RTO-Regional Trans port Officer-renews the registration of a public vehicle without being paid to do so In my own area I had reports that the modus operand: was paying the petition writer who passes on money in due course to the staff and to the RTO If this payment was not made there was delay there was enquiry by the Mo'or Vehi cles Officer into the efficiency of the vehicle and the party has to spend much more I made this complaint in my paper I made this complaint to the Vigilance Commission here, I made this complaint to the Vigilance Commissioner of Mysore but years have elapsed and the complaint still persist. One of their Inspectors came to see me and asked me for evidence available with me I gave him the names of some people from whom he could make enquiries about the complaints I have received To date as I said no action has been If such a thing which has been condemned even by the District Congress Committee can flourish this manner openly and on a large scale in an important district what is the utility of this office of Vigilance Commissioner?

The third point I wish to raise is about the persons appointed Vigilance Commissioners Who are these Vigilance Commissioners? They are very frequently officers-

An hon, Mêmber: ICS

Shri Lobo Prabhu: Yes-who have served the Government too well, not wisely but too well, and these people are appointed Vigilance Commissioners Why should not Government appoint people who are not retired people who have responsibility their pay and position as Vigilance Commissioners? These people have received pensions for their good conduct with the Ministers should be told that they have done themselves well and it is time that they allowed others to take their place

Lastly my fourth point is this my party has complained about this 101 legislation plethora This Government is passing Bills without number Even Private Members are ot at all different in this They are also pouring out Bills This particular amendment has become necessary because the simple provision of law the simple lacuna existing in the new Act was not foreseen by the Law Ministry I would suggest 'hat unless those people responsible such mistakes mistakes which Parliament mistakes which tax courts mistakes which tax the accused if these people are no called to account you will have more legisla tion like this which is slipshd, which is hasty and which is at the expense of the people of this country

So with these general grounds against the Bill, and emphasising again the first ground-that the Ministers must take their stand in the same array as public servants in res pect of offences of corruption if corruption is to cease-with this parti cular emphasis, I conclude I thank you for having given me this opportunity to address this House

Mr Deputy-Speaker I have to a accommodate a large number of members I will request them to confine their remarks to 10 minutes each

An hes. Member: What is the total time allo'ted?

Mr. Deputy-Speaker: 3 hours, out of which 2½ hours are for general discussion.

भी रणघोर सिंह जनाव डिप्टी स्पीकर, जो बिल होम मिनिस्टर साहव ने पेश किया है उसकी मैं पूरे जोर से हिमायत करता हूं। वह मुल्क की बड़ी जबरदस्त माग है कि रिश्वत का नाश किया जाय, क्लाकमा किया बाये। यह जड़ से रिश्वत लेने वाले या देने वाले धफसर को खत्म किया जाय। इमारे देश को इस लानत ने तबाह कर दिया। यह जहरे कांतिल है जिसने हमारे जिस्म को भीर कौम के जिस्म को खोखला बना दिया है। इसका इलाज हमें नलाश करना है भीर एक वडा मोधस्सर इलाज हमें तलाश करना है।

हमारे कीम का कैरेक्टर जाता है, इमारे देश का चरित्र खराब हो गया हमे ममं प्राती है कि यहा विजिलेस कमिश्नर हैं भीर इस देश मे ऐटी करप्शन लाज है भीर यह चीज हिन्दस्तान के भलावा बाहर धौर किसी देश मे नहीं मिलेगी । इसके लिये कौन जिम्मेदार है ? डिप्टी स्पीकर साहब एक मिसाल बन गई है। पता नही ग्रंपेज दे गया था यह बात या कहा से यह बात ग्रा गयी ? भाम देहाती यह कहता है कि श्रफसर भ्रच्छा वह हैं जो रिश्वत ले क्योंकि काम तो कर देता है। अर्थातु यह अफसर बडा अच्छा होता है जो रिश्वत सेता है स्योकि वह उसका काम कर देता है लेकिन जो रिश्वत भी न ले और काम भी न करे तो वह श्रफसर क्या ? यह कितनी गन्दी जहनियत है ? इस बहानियत को बदलना है वरना यह उहानियत इमारे इस देश को नाश करके रख देगी।

मैं जो कहना चाहता हूं वह यह है कि बहु रिश्वतचोरी एक बड़ी तपेदिक की बीमारी बन गयी है भीर इस पर काबू पाने के सिये 764 (Ai) LSD-8. मामूली नुस्वे, मिनसचर गोली से काभ न लेकर बडे जोर का इंजक्शन लगाना पडेगा । होम मिनिस्टर साहब ने इस बीमारी की बात कही है। पहले सन 1947 के एक्ट के सवसैन्शन (3) भीफ सैन्शन 5 में एक प्रीजम्प्शन होता था कि एक्यज्ड जुमै का खतावार है भीर भगर वह एक्यूज्ड उस प्रीजम्प्शन को रिबर्ट करने मे नाकामयाब रहता या तो प्रदालत उसे सिर्फ उस प्रीजम्पान की बेसिस पर सजा दे सकती थी। बदकिस्मती से सन 1964 के एक्ट में वह चीज झाने से रह गई। नतीजा यह हम्रा कि पेंडिंग केसेज के सम्बन्ध मे यह प्रीजम्प्शन की नौनएवेलेब्लिटी रहने के कारण कुछ कोर्ट स मे एक्यज्ड पर्सनस को छोड दिया धीर यही कारण है कि सैकड़ो मुकदमे जो धदालतों के सामने हैं एपुलेट स्टेज में हैं भीर हाईकोर्ट भीर सुप्रीम कोर्ट मे पड़े हैं। इसलिए यह बहुत ग्रावश्यक हो गया कि सैक्शन 5(3) जो कि प्रीजम्प्शन से सम्बन्धित या उसे रिटौस्पैक्टिव इफैक्ट से रिवाइव किया जाये। मेरी सरकार से यही घर्ज है कि इस रिश्वस भीर भ्रष्टाचार की बीमारी को हमेशा के लिए खत्म करने के लिए वह जारा जीर का नक्तर लगाये। सारे का सारा प्रशासन ही खराब हो गया है। पटवारी से लेकर ऊपर तक जिनमे आई० सी० एस० अफसर भी शामिल है यह रिश्वतखोरी और घ्रष्टा-चार मौजूद है। इस हम्माम मे सारे ही नंगे हैं। इसका यह मतलब न लिया जाय कि सर्विसेज मे कोई ईमानदार लोग है ही नहीं। कुछ भले व ईमानदार वर्मचारी व प्रकसर है लेकिन कुछ करणान भी मौजूद दौर दौरा है कि शोए बे में हर स्फियर मे नीचे से लेकर ऊपर तक यह रिश्वतखोरी की बीमारी फैली हुई है। रिश्वत से इंडस्ट्रीज डिपार्टमेंट मदा पड़ा है, नहर का डिपार्टमेट भरा पड़ा है। रिश्वत से विजली का डिपार्टमेंट भरा पढ़ा है। मैं कहता हूं कि तरक्की बकी पड़ी है इस देश की । वह पटवारी भाज गांव के सिये

# [श्री रणधीर सिंह]

राजस बना हुमा है। वह पटवारी जिसकी कि तनख्वाह 60 या 70 वपये माहवार है, नेरे दोस्त जो भगली तरफ़ बैठे हैं भीर जो पटबारियों को कहते हैं कि वे एक हो आयें भीर उनकी यनियन बनाते हैं, भगर उनको पटवारियो की चुकरतुतों का पता लग जाये तो वह पटवारियों का मंह तक नहीं देखना चाहेगे । श्रव मैं श्रापको बतलाऊं कि कागजात जमाबन्दी व बसरा गिरदावरी जिसकी कि सरकारी फीस बार भाने होती है भीर यह पटवारी लोग कियानों से 200, 200, 400, 400 भीर 500, 500 रुपये तक ले लेते हैं। मब प्रगर इसका इलाज होम मिनिस्टर नही करेगे तो भीर कौन करेगा। एक नहर का मुलाजिम **बो** 100 या 150 रुपये तनस्वाह पाता है मैं हाउस को बतालाना चाहता है कि वह रिश्वत लेकर 3000, 3000 ग्रीर 4,000 4.000 इपये तक कमा लेता है। एक मामुली बो उरिसयर जो कि 100 या 150 रुपये तनस्त्राह पाता है भ्रीर सुबीरडिनेट सर्विस का होता है वह रिश्वतसतानी से महीने मे 3-4 हजार रुपये कमा लेता है भीर उसके ठाठ बाट के क्या कहते ? प्राई० सी० एस० धक्सर भी उसका क्या म्काबला करेगा?

उपाध्यक्ष महोदय, मैं प्रपने विरोधी बल के भाइयों से कहना चाहूंगा कि वह इस पर गम्भीरता से विचार करे ग्रीर चूकि यह गवर्नभेट की तरफ से मेजर श्राया है इसलिये इसे भपोज करना है तो उस नजरिये से उसको उन्हें नहीं लेना चाहिये। देश में से प्रष्टाचा र व रिश्वतखोरी का खात्मा हो यह कि कौमन सवाल है। यह सारे देश का सवाल है ग्रीर इसको वार फुटिंग के ऊपर हल करना है। यह सब से ज्यादा गरीबों को हिट करता है। हालत यह है कि इस देश में यदि किसी को बिजली का कनेक्शन सेना है तो जहां वह

गरीव किसान 5000 रुपया कनेक्शन के बिर गवर्नमेंट को देता है वहां उसे 2000 बपने बतौर रिम्वत देने पडते हैं। मैं इस बास्ते यह कहना चाहता हं कि धगर एक गरीच हरिजन 500 रुपये का कर्जा ले तो उसे 200 रुपये की रिश्वत देनी पड़ती है। प्रगर एक किसान नहर से एक मोरी भपने वहां तक के लिए बनवाना चाहता है तो उसे पटवारी से लेकर ऊपर तक लोगों का मृंह भरना होता है बरना सात साल मे नहर का पानी मिलता है। अब अगर वह किसान रिश्वत देने को तैयार हो तो वह मोरी हस्बमंशा नीची भी हो सकती है भौर ऊपर भी हो सकती है। जितना पैसा किसान दे उननी वह चौडी भी हो शकती है नहीं तो वह तंग बना दी जाती है। ग्रगर किमान पैसा दे दे तो नीचे तली भी लग जायेगी वरना वह वैसी लगा दें कि उसमे एक बुद पानी न भ्राये।

होम मिनिस्टर साहब ने जो यह एक इंजैक्शन लगाने का बिल पेश किया है मैं इसके लिए उनको बचाई देता हूं। मैं सब माइयों से अपील करता हूं कि सब इस का समर्थन करे और एक भी आवाज इस हाउस में इस बिल के खिलाफ नहीं आनी चाहिए। अगर एक भी आवाज इस बिल के खिलाफ निकलेगी तो मैं समझूंगा कि आप देश का भला नहीं चाहते। आप देशतियों का भला नहीं चाहते आप देश के गरीब किसानों और हरिजनों का भला नहीं चाहते और मजदूरों का भी भला आप नहीं चाहते हैं।

एक भाई ने कहा कि इस में मिनिस्टर का भी नाम भा जाता तो मेरा उन को कहना है कि यह कांग्रेस की सरकार है भीर यह खताबार को चाहे वह कितना ही बड़ा क्यों

न हो मिनिस्टर हो घषवा चीफ मिनिस्टर बक्तती नहीं है। इस कांग्रेस सरकार ने सब से पहले एक इतना जबरवस्त काबितयत का नमुना देश के सामने पेश किया जबकि उस ने चीक मिनिस्टर प्रताप सिंह कैरों के खिलाफ कमिशन विठाया। घरे भाई यह कांग्रेस की सरकार है भीर यह किसी को भी नही बख्यती 🛊 चाहे वह कितना ही बड़ा क्यों न हो। इस कांग्रेस सरकार ने 10 बीफ मिनिस्टरों को उनके घोहदों से बरख्वास्त किया वह तुम्हारे जैसे नहीं हैं कि खाते भी हैं और गुरति भी हैं दिन रात गलत काम करते हैं बराबी भी करने हैं और देशभक्त बनने का भी दावा करते हैं। हमें सब ग्राप का पता है। बरा अपने दिल पर हाथ रख कर पूछी कि क्या कर रहे हो? मैं उपाध्यक्ष महोदय बाप के जरिए प्रपने उन भाइयों से प्रपील करना चाहना ह कि इस बिल का पूरे हदय से वह समयत करे प्रीर एक भी प्रावाज इस के खिनाफ कियर से भी न उठे।

मैं चाहता हू कि इस बिल को थोड़ा सा ब्रोर कडा किया जाय ताकि हमारा जो करप्ट ग्राफियसं को पनिश करने का मकसद है वह पूरी तरह से पूरा हो सके भौर इस नाते इस समय जो इस के लिए सशोधन लाया जा रहा है उस का मैं स्वागत करता हुं। मैं उन को यह सुप्ताव देना चाहता हुं कि जिस अफनर के खिताफ या जिस मुलाजिम के खिलाफ पटवारी से लेकर ऊपर तक चीफ सेकेटरी तक सुप्रीम कोर्ट के जज तक मिनिस्टर हो कोई भी कितना वडा क्यों न हो बोडा सा उस के खिलाफ बगर सस्पिशन भी हो जाये शुबहा भी हो जाय करणान का तो यह प्रीजम्प्शन उस के ऊपर भी श्रीगरेट कर सके। इस के बगैर बात नहीं बनेगी। धगर किसी गवर्तमेंट प्रफसर के बारे में जरा भी शक हो जाय कि उस की इनकम भयवा जायदाद उसकी पे के लिहाज से बिस्प्रपोशी नेट है तो उस को मनग कर दिया जाय।

15 hrs.

जगह नैने के लिए बहुत से सोग है। करोड़ों हैं जो बेकार हैं। कोई भी बड़ा अफलर तीसमारखां न हो। किसी पर थोड़ा सा बी गक हो तो उस को हटाया जाये। आइ॰ सी॰ एस॰ हो, आई॰ ए० एस॰ हो, आई॰ एफ॰ एस॰ हो, आई॰ एफ॰ एस॰ हो कोई छोटा या बड़ा मुलाजिम हो उसे हटाया जाये। सिकन्दर ने, बगेंड खाँ ने, किवलाई खाँ ने नादिरशाह ने, अब्दाली ने वह तबाही नहीं मचाई जो आज कल रिस्वतखोर अफनर और मुलाजिम मचाए हुए हैं। यह लोगों का सारा खून बूस गये हैं।

मैं मिनिस्टर साहब को बधाई देता हूं
कि वह यह बिल यहा लाये। मैं उन से मजैं
करूंगा कि मैं वाहता हू कि मिनिस्टर को भी
इस में शामिल किया जाये।यहा का जो
भी कानून हो वह मिनिस्टर के लिये भी
हो। यहा पर एडिमिनिस्ट्रेटिव रिफाम्स किमणन
बनाया गया है। मैं तारीफ करता हूं इस
गवनैंमेंट की कि भामबुड्समैन जैसी चीज
यहां करने की कोशिश कर रही है। यहां पर
वैसा एक भक्तसर मुकर्रर कर रही है। भगर
इस में मिनिस्टर को भी शामिल कर दिया
जाये तो कोई हर्ज की बात नहीं है।

"हर कसेरा कि हिसाब पाक घस्त भज महासिब चे बाक घस्त"

जिस का हिसाब ठीक है उस को हिसाब लेके बाले से क्या डर है? जब हमारे मिनिस्टर्स ठीक हैं तो उन को डर क्या है? मैं कहना बाहता हूं कि मिनिस्टर को भी इस में शामिल किया जाये।

मैं मंत्री महोदय को घन्यवाद देता हूं कि उन्होंने ठीक मौके पर यह विस यहां पेख किया भीर जो लेकुना रह गया था, भाव बह पूरा होने जा रहा है।

5354

भी कंबर लाल गुप्त : उपाध्यक्ष महोदय, जिस भाव से यह विधेयक यहा पेश किया गया है, मैं समझता हु कि कोई भी उस से मतभेद महीरख सकता। एक बात जरूर है कि हमारी गवनंमेंट के पास इतना बड़ा ला हिपार्टमेंट है भीर उस पर भपने लाखो रुपये खर्च होते है, क्या वजह है कि हमारा बह ला डिपार्टमेट एक साधारण सी बात को नहीं समझ सका कि इस कानून के अन्दर सेविंग क्लाज जरुर होना चाहिये। यह दुख की बात है भीर मैं सरकार से माग करता हु कि जिन्होने यह कानून बनाया था 1964 में, उन ग्रफसरों से जवाब तलब किया जाना चाहिये कि क्यो नही यह सेविग क्लाज रक्खा। बह कोई ग्रसाधारण बात नही, योडा बहुत कान्न जानने वाला भी इस बात को समझ इकता है।

यह जो विधेयक सदन के सामने रक्खा बया है वह एक हाफ हार्टेड मटेम्ट है। यह एक पीसमील लेजिस्लेशन है श्रीर कोई काम्प्रिहेंसिव बिल सदन के सामने माना चाहिये या जिस में यह बतलाया जाना चाहिए या कि भ्रष्टाचार के विरोध में सरकार क्या क्या कदम उठाना चाहती है। दुख की बात है कि सरकार पहले एक बिल लाती है उस के बो साल बाद एक दूसरा विधेयक लाती है, इसके दो साल बाद तीसरा विधेयक लाती है। इर दो दो साल बाद इस तरह के विद्येयक धाते जाते हैं। इस भ्रष्टाचार को रोकने के लिये सोच समझ कर एक काम्प्रिहोन्सिव बिल लाया जाय इस के ऊपर सरकार भपना दिमाग नही लगाती है। मन्तानम कमेटी की रिपोर्टके ब्राघॉर पर एक ऐन्टी करप्तन ऐक्ट सन् 1964 में बना, लेकिन उस का एक ही हिस्सा उस ऐन्टी करप्शन ऐक्ट के ग्रन्दर भाषा। मैं मत्री महोदय का ध्यान विलाना चाहता हू कि 1964 में जब यह बिल रक्खा गया या ऐक्ट बनने के लिये तो **ए**स समय यह स्पष्ट मांग की गई थी कि सन्तामम कमेटी की जितनी भी रिकमेन्डेशन्स 🝍 वह पूरी होनी चाहियें। उस समय यह

विश्वास दिलाया गया था मंत्री महोदय की तरफ से कि कुछ बातें हमने की हैं। एक हमने वर्किंग ग्रुप बनाया है जो कि इस की देख भाल करेगा कि सी ०पी ० इब्ल्यू ० डी ० लाइसेंसिंग, सप्लाई का महकमा एक्सपोर्ट-इम्पोर्ट महकमे झादि के जो लोग हैं, जिन का जनता के साथ सीधा सबध प्राता है उन के ग्रन्दर का भ्रष्टाचार किस प्रकार से कम हो सकता है। वह छान बीन करेगा भौर उस की रिकमेन्डेशन के बाद सदन के सामने क्या तदबीर की गई इस का ब्यौरा सरकार सामने लाएगी। मैं पूछना चाहता ह कि इन चीजो को बारे में क्या हुन्ना? विकेश युप की रिपोर्ट बाई या नही बाई, उन्होंने कौन कौन से सूझाव दिये श्रीर श्रापने क्या कार्यवाही की ? इस के बारे में सदन को घाज तक कुछ नही बतलाया गया।

एक चीज भीर । इस सन्तानम कमेटी की रिपोर्ट मे 131 रिकमेन्डेशन्स ह। उन मे से एक रिकमेन्डेंशन जो पहला बिल था उसमे शामिल की गई, लेकिन 37 रिकमेन्डेशन ऐसी हैं जिनको सरकार ने मान तो लिया लेकिन उन पर कार्रवाई 1964 तक नही हुई। माज जनता यह जानना जाहती है कि उन पर क्या कार्यवाही हुई है। इसके मलावा 49 भीर निफारिशें ऐसी हैं जिनके लिये सरकार ने उस समय कहाथाकि वह उन पर विचार कर रही है ग्रीर विचार करने के बाद कुछ कार्रवाई करेगी। भाज मैं पूछना चाहता है कि उन 49 सिफारिशो का क्या बना? धगर धापने सन्तानम कमेटी की रिपोर्ट को माना है वो देश मे से भ्रष्टाचार खत्म होना चाहिये, जैसा कि मेरे लायक दोस्त श्री रणधीर सिह ने कहा। लेकिन हाथी के दांत खाने के भौरहोते हैं भौरविखाने के भौर। भगर सही मानों में भाप की नियत है कि देश से भ्रष्टाचार खत्म हो, तो माप को एक कास्त्रिहेन्सिव बिल लाना चाहिये था । सिफारियों तो पूरी हो गई सेकिन जो वर्किय उनमें बतलाई गई है उस को पूरा करने के लिये किस किस चीज की जरूरत है यह भाना चाहियेथा। मुझे दुःख है कि वह चीज नहीं हई।

सतानम कमेटी ने एक बहुत ही इन्पाटेंट सिफारिश की कि जो भी सन्याये, कोब्राप-रेटिव मोमायटी या दूमरी हैं, उनके जो पदाधिकारी हैं, या जो संस्थायें सरकार में मदद लेती है, उनके पदाधिकारियों को पत्लिक सबेंट्स के घन्दर लाना चाहिये। धानर श्राप धामिक संस्थाओं को छोड़ दे तो मुझे ऐंतराज नहीं। लेकिन जो कोब्राप-रेटिव सोसायटीज है, जो करोड़ों कपये खानं करती हैं.....

Mr. Deputy-Speaker: Are religious institutions free from corruption?

श्राः कंबर लाल गुप्त:No; I do not say so.

लेकिन मुझे एनराज नहीं ग्रगर किसी रिलिजस सस्या या कल्चरल संस्था को छोड दिया जाय । दरग्रसल किसी को भी प्रधिकार नहीं कि वह भ्रष्टाचार करे, लेकिन मैं खास तौर से कोग्रापरेटिव मोसायटीज के बारे मे कहना चाहता है। हर जगह सरकार कोब्रापरेटिव सोसायटीज का रेफरेंस देती है कि कोब्रापरिटव सोसायटीज पर करोड़ों इपये बर्च होने हैं, को स्रापरेटिव सो सायटी ज को करोडों रूपयों का ग्रन्दान दिया जाता है, नेकिन उनके पदाधिकारियों का चरिव कैसा है इस पर कोई ध्यान नही दिया जाता। सरकार माज उन लोगों की रक्षा करना चाहती है। मुझे माफ किया जाये, में कहना चाहता है कि सरकार ने एक क्लास फ़ौला रक्खा है उस डिपार्टमेंट के जरिये से जिस में वे लाखों रुपये बनाते हैं श्रीर भपने चरको पूराकरते हैं। मैं देख रहा हूं कि श्री श्चिव नारायण को बडा जोश झा रहा है। मै बतलाना चाहता हुं कि दिल्ली के धन्दर ऐसी बहुत सी कोग्रापरेटिव सोसायटीज हैं, जहां पर लाखों रुपये खर्च किये गये हैं, बाहे गुड़ की हो, बाहे की जले की हो, चाहे तेल की हो, चाहे खजूर की हो,

चाहे खेनी की जमीन हो, या कुछ श्रीर हो। उनकी कोब्रापरेटिव सोसायटिया है जिन में कांग्रेस के पोलिटिकल लीडर्स शामिल है। ग्रगर उनकी जाचकी जाय तो मैं गारल्टी के माथ कह सकता है कि 90 परसेन्ट केमेज में एम्बेजैलमेट मिलेगा, रिश्वतखोरी मिलेगी । लेकिन मुझे प्रफसोस के साथ कहना पडता है कि जो मदाचार की बात करते थे, जिन्होने सदाचार समिति की तस्वीर दुनिया के सामने रखनी चाही थी, उस मदाचार समिति के सामने जब मामला भ्राया तो चीफ विमिण्नर ने कहा कि पुलिस की रिपोर्ट है कि इसमें स्केन्डल है, इसमें लाखो रुपयो का गोलमाल है, लेकिन कांग्रेंस दल की बदनामी हो जायेगी, वह कांग्रेंस के अध्यक्ष है, नाग्रेस के मन्त्री है। बह कोयले हे ग्रन्दर भी शामिल, गड के भन्दर भी शामिल, खजुर के अन्दर भी शामिल। कौन सी ऐसी चीज है जिसमे वह शामिस नहीं। उड़ीसा गवर्नसेट ने माग की कि सी. बी० ग्राइ० की रिपोर्ट उनकी सरकार को दी जानी चाहिये पटनायक के सम्बन्ध में। में भी प्राप के जिर्ये से माग करता है कि सी -बी॰ ब्राइ॰ ने श्रीर दिल्ली पुलिस ने कांग्रेस के नेताओं के खिलाफ़ जो रिपोर्ट दी है वह सरकार दिल्ली ऐंडिमिनिस्ट्रेंशन को भिजवाये ताकि जिन्होंने देश के साथ गहारी की है, उनको दिल्ली की सरकार कम से कम कटघरे में खड़ाकर सके।

मेरे लायक दोस्त ने कहा कि बड़ी स्वीपिंग पावर्ज इसके प्रन्दर दी जा रही हैं। शायद इनको देना जरूरी भी हैं। पिल्लक सर्वेस्ट्स के प्रन्दर मिनिस्टर्ज भी पाते हैं। प्रकलक सर्वेस्ट्स के प्रन्दर मिनिस्टर्ज भी पाते हैं। प्रकला तो यह होता कि इस बिल के प्रन्दर यह स्पष्टीकरण कर दिया जाता लेकिन वह नहीं किया गया है। पहले भी श्री हाथी ने यह एग्योरेंस दिया हा। मुझे खुणी है कि श्री शुक्स जी ने भी ए॰ योरेंस दिया है। इसके बारे में। लेकिन मैं जनना चाहता हूं कि प्राथ तक भापने जितने मिनिस्टर्ज के खिलाफ

5358

[बी कंवरलाल गुप्त]

इसके बन्दर कार्रवाई की है ? मैं समझता हुं कि एक भी मिनिस्टर के खिलाफ 1964 से ले कर भाज तक, जब से यह एक्ट बना है, कारैवाई नहीं की गई है। क्या किसी मिनि-स्टर के खिलाफ कोई एलीगेशन नहीं सगा ? सगा है। भाग ऐसे ऐसे मिनिस्टर हैं जो गलियों में साइकल न होते हुए जूते चटकाते फिरते थे, जो साइकल पर फिरा करते थे. लेकिन माज वे राजामों भौर महाराजामों की तरह रहते ह ....

भी शशि भूवण बाजपेवी (खारगीन). मभी इनको भाए हुए यहा पर चार दिन नहीं हुए हैं कि उन्होंने लाखों रुपये के पर्रामट भपने जन संघ के जो व्यापारी हैं, उनको दिये हैं। स्त्रिरिट स्कडल इस शहर के घन्दर हुमा है। ढाई लाख रुपये का प्राफिट। गांधी मरहर केस मे जो पकड़ा गया था उसके लड़के को कराया गया है। यह इस स्पिरिट स्कैंडल के अन्दर हुआ है । मैंद्रोपोलिटन काउँसिल में एक कांग्रसी सदस्य ने यह कहा 8 1

व्याः कंबर साल गुप्त : कांग्रेस के एक सदस्य ने मेरी पार्टी पर यह इल्जाम लगाया है। मैं चाहता हं कि सी०वी० प्राई० के जरिये यह जो एलीगेशन है इसकी भी जांच हो जानी चाहिये । धगर ये एलीगेंशन ठीक निकले तो मैं इस्तीका दे दूंगा नहीं तो मैं चाहंगा कि भापके मिनिस्टर साहब इस्तीफा दे दें।

श्री वाशि भूवण बाजपेयं: मगर ये चाजिज गलत निकलें तो मैं इस्तीफा दूं बर्ना घाप दें।

भी जंबर लाल गुप्त : हम तैयार है। किस तरीके से काम होता है, इसकी हमें देखना चाहिये। सतानम कमेटी की रिपोर्ट को मैंने पढ़ा है। जब हम लोग चाहे कांग्रेस के हों या जनसंघ के हों, जो मिनिस्टर की क्सी पर बैठते हैं, मगर हमारा तरीका

ठीक नहीं होता है हम लोगों को इंस्पायर नहीं कर सकते हैं, हम पब्लिक सबेंटर को इस्पायर नहीं कर सकेंगे। हमें, उपाध्यक्ष महोदय. पहले घादशं उपस्थित करना होगा हमें घपने चरित्र से, घपने व्यवहार से एक धादमं उपस्थित करना होगा । मेरं सामनं केवल कांग्रेंस नहीं है। मेरे सामने जन सच ही नहीं है। जो भी पार्टी मिनिस्टरी में जाती है, उसका चरित्र ऊचा होना चाहिये, उन लोगों का जो मिनिस्टरी मे जाते है. बरिव ऊंचा होना चाहिये । संतानम कमेटी ने इसके ऊपर कहा भी है। मै भापकी माजा से उसकी पढ कर सूना देना चाहता है :

"There is a large consensus opinion that a new tradition of integrity can be established only the example is set by those whohave the ultimate responsibility for the governance of India, the Ministers of the Central State Governments. The problem is difficult and delicate. are necessarily leaders of the poliparty which succeeds obtaining a majority in elections based on adult franchise. There is a widespread impression ...."

Please note this.

"....There is a widespread impression that failure of integrity is not uncommon among Ministers and that some Ministers who have held office during the last sixteen years have enriched themselves illegitimately, obtained good jobs for their sons and relations through nepotism and have reaped other advantages notion of inconsistent with any purity in public life."

इसका कोई इंतजाम करना होगा । माज स्वाहिया जी का सवाल भी हमारे सामने बाता है। हमारे होम मिनिस्टर साहब ने **क**हा है कि कानुनी भड़वन है। उस पर सी॰ बी॰ भाई॰ इनक्वामरी नहीं कर सवती है। भगर यह कानून मिनिस्टर्स पर लाग होता है तो पूछना चाहता हं कि सी० बी० घाई० इनक्बायरी क्यों नहीं कर सकती है। भापने विजिलेंस डिपार्टमेंट के ऊपर केवल 1965-66 में, जो लोग वहां पर काम करते हैं, उनकी तनख्वाहीं के कपर सारे हिन्दस्तान मे 87 लाख रुपया वर्षं किया। लेकिन उसके बावजूद भी भाज क्ररप्शन बढ़ रही है। जब तक भ्राप एक एम्जैम्पल सैट नहीं करेंगे, चाहे जन संघ हो या कांग्रेस हो, तब तक कुछ नही होगा। इमारी पार्टी के इंटिरेस्ट में भी यह है कि मगर बन संघ का कोई भ्र.दमी कूरप्ट है तो उसका भोपन ट्रायल हो । जब मै यह कहता हं तो कांग्रेस बालों का जो रिकार्ट रहा है उसकी भी भाष दिल्ली में भेजिये। मै जन संघ को भी वार्न कर देना चाहता हं कि अगर उसने बा उसके प्रादिमियों ने कोई मिसलीड किया को उनके साथ भी वही व्यवहार होगा । यह मेरा ही नहीं मेरी पार्टी का भी श्राउट-सक है। कोई भ्रापको रास्ता निकालना चाहिये । संतानम कमेटी ने रास्ता बताया है कि वेनल होना चाहिये। घगर मिनिस्टर के खिलाफ एलीगेशन होते हैं तो राष्ट्रपति को तीन मादिमयों का पैनल बनाना चाहिए। ग्रगर पामा-फेसाई केस बन जाएतो उसके खिलाफ सी० की प्राई० के द्वारा इनक्वायरी करवाई जानी चाहिये। **मैं** चाहता हूं कि सरकार इसको मान ले। वय तक इस रिपोर्ट को, इस रिकोमेंडशन को सरकार नहीं मानती है तब तक भाष कितने भी एंटी कूरप्शन बिल बनाइये, इपलानी कमेटी बनाइये, विवियन बोस कमिशन बनाइये धौर तीसरे चीथे बनाइये. रप्त्रन र तम होने वाली नहीं है। मापको धौर हम को स्वयं एक भादर्ष उपस्थित करना होगा ।

बो हमारे बच्चे हैं उनका भी हमें
 अध्यास रखना होगा । यह नहीं हो सकता

है कि मैं तो रिश्वत नहीं लेता हं नेकिन मेरा लड़का पांच हजार रुपये में किसी इंड-स्ट्रियलिस्ट के यहां नौकर हो भौर वह सहका नौकर हो जिस को भगर य० पी० एस० सी० के सामने खड़ा कर दिया जाए तो डेंब सी स्पये की नंकरी भी न मिल सकती हो। इस तरह के लड़के को भ्रगर किसी इडस्ट्रि-यलिस्ट के पास पांच या चार हजार रुपये की नौकरी मिल जाती है तो इसकी हमें रोकना होगा । इसके बारे में भी कोई न कीई रास्ता निकासना होगा । जब तक वह रास्ता नहीं निकलेगा, क्ररप्शन को दूर नहीं किया जा सकेगा। कुरप्शन के तरीके झलग झलग हैं, इसके रास्ते भ्रलग भ्रलग हैं। मैं बाहता ह कि इन सब चीजो पर सरकार विचार करके एक कम्प्रिहैसिय बिल सदन में साए भौर पार्टी की बात छोड़ कर हम देश की बात को सोचे । यह देश हमारा है, समाज हमारा है। हमने उसके मान को ऊपर रखना है। इस दुष्टिकोण को प्रपना कर ग्रगर काम होगा तो काम ठीक होगा।

Mr. Deputy-Speaker: Now, Shri Dattatraya Kunte.

Shri Dattatraya Kunte: I rise to make a few observations....

Shri Sheo Narain: Mr. Deputy-Speaker, Sir....

Some hon. Members: Shri Sheo Narain should sit down. Shri Dattatraya Kunte has been called.

Shri Sheo Narain; It is very strange. Are you the Deputy-Speaker of the House or are these gentlemen? I am also a Member of this House. I am not a joke for these paple.

Shri Dattatraya Kunte: I rise to make a few observations on this Bill. I am afraid the scope of the Bill is very limited. I have heard Members on both sides of the House waxing eloquent as regards how corruption should be stopped on the one side from the Ministers and on the other side from the patwari onwards up to the Chief Secretary. But I am afraid that

### [Shi Dattatraya Kunte]

this is hot the occasion when all those remarks should have been offered; those should have been spared for some better occasion

Here, an attempt is being made to cover a possible mistake which might have been made when the 1964 amending Bill was discussed and passed by this House Was it a slip? Was it an oversight? Or was 1t that the Drafting Department was very confident about its viewpoint? That is the main point This amending Bill wants to save the Government certain cases which are pending and where the officers concerned might be acquitted because of a lacuna allowed to creep in by this very House and the other House in the Bill that had been brought forward by Government before the two houses before. Now through this Bill. Government want to protect themselves. They have already used their powers to pass an Ordinance and they have now come forward before the House with this Bill.

I want to know whether this lacuna pointed out by the Punjab High Court had crept in as a slip or as an oversight or it was something that was deliberately done Nobody can now say anything about it. If a mistake has been committed before, will this save the mistake which has been committed? After all criminal proceedings going on. If, while amending section 5(3), the previous Lok Sabha also the then Government had allowed these mistakes to creep in, must take the responsibility squarely. Every now and then to come forward before this House and to cover the past mistakes by saving that there is a lacuna which was presumed to be covered by section 6 of the General Clauses Act is something very unacceptable.

It happens that law courts do examine such legislation. But this is so patent that even now I am not really quite sure if it can be accepted. I was hearing the Minister when he was moving for consideration and wondering whether he would make the point whether retrospective effect of this kind could be given so that the mistake or lacuna, for which Government is responsible, could be covered or protected.

Therefore, I am saying that the Bill should be looked at from this point of view. The Minister should have made the point as to how by this amending Bill it is at all possible for Government to correct the mistake that has crept in

Shri D C. Sharma (Gurdaspur): I thank the hon Member, Shri Lobo Prabhu, for raising the level of discussion on this Bill I have heard him for the first time and I must say that his approach to the Bill was not parochial like the approach of some other hon. Members but was comprehensive and constructive I am very glad that he did not speak on y on this Bill but also convered the entire gamut of corruption

Now, there are some friends of mine who think that we should look at this Bill only as an amending Bill. Quite right We should look at it from a partial, parochial viewpoint. That can also do us good. But the fact of the matter is that this Bill is called Anti-Corruption Bill. you call a Bill by that name, you cannot help bring in corruption and anti-corruption If a man tries to steer clear of these two things, I think he is an angle? He is not man of this world. He is a man living in the 7th, 8th, 9th or 10th heaven. Therefore, I believe that it is good that we have highligted the points which lead to corruption.

I am glad the Minister has said that Ministers will be included within the scope of this Bill. Ministers are also public servants. I must also admit that the Cogress has not spared any Minister. I do not want to mention the names of Ministers either at the Centre or at the state 'evel, who have been charged with this kind of thing. We are not afraid of bringing any Minister within the purview of the provisions of this Bill. I am very happy that a point was raised about it and the hon. Minister of State promised that he would include Ministers also in the category of public servants.

Now, I agree with Shri Randhir Singh—and nobody who has any knowledge of life in this country will disagree with him—that corruption has become a part of every fibre of our society. It runs through the arteries of our society; it courses through the blood vessels of our society. It permeates everything.

There was a friend of mine. We were talking about co-operative societies. These things come there too.

1 build an unautho-Suppose rised house today in Delhi, the paradise of civil servants, MPs and other functionaries. I have to give only Rs. 200 to have it regularised. The seals are there to show that the house was not built in 1967, but in 1963 or 1964. You have to pass only money. Therefore, it does not do well to charge the co-operative societies because they have done wrong. But what are our Councils, the Municipal Committees and all these things. doing in Delhi?

If you want the transfer of teachers, you have to give some money. Of course, the money will be in proportion to the distance to be covered by your transfer. If you want promotion, you have to give money. If you want some other advantage, you have to give money. Therefore, I do not want to rake up this kind of mud which I find all around me, which I think is not only in co-operative societies, but also in other departments of our life.

So, this thing has got to be watched, to be studied, to be curbed, to be controlled, and to be squeezed out of our society. We may require surgical operation to do so, but T think our Home Minister, who a good man with a well behaved manner, will not be afraid of wielding the knife of the surgeon if it is necessary to bring to law any case of corruption, whether it concerns Minister or a small, petty official.

Therefore, this Bill is a Bill meant to check the over-increasing rot which is spreading in our society, the rot of corruption.

I have great regard for my hon. friend Mr. Lobo Prabhu. At one time he rendered a great service to me when I came to this city as a refugee. I did not know him. He was an ICS officer I went to see him in connection with some work. He has forgotten me, but I have not forgotten him. He is a good man.

He has stated that these permits. licences are there, that we are going to spend Rs. 713 crores on this thing and that thing, that we are going to have all these sources of corruption. I would ask my hon, friend through you if there is any country in world, be it a democratic country or a totalitarian country or a country which is neither totalitarian nor democrarcy but which enjoys personal autocracy like China, is there any country in the world today where permits and licences and quotas are not issued in one form or another. I read about the Soviet Union. There they call it blat; people pass on money to officers to get good blats.

What is happening in China? All this struggle that is going on in China is not a political revolution, is not an ideological revolution, is not a revolution which wants to conserve the power of one person. It may have those objectives also,

[Shri D. C. Sharma]

5365

Mr. Deputy-Speaker, your hand is more often on the bell than your ear is on the voice of the person who is speaking. I thank you very much.

I was commenting very respectfully that this revolution in which own Indian diplomats have been the most unfortunate victims, that cultural revolution is in many ways directed against corruption and also very small places in China corruption is somehow in the air The two world wars have also brought in more corruption all over the world Therefore, please do not blame the Congress Government or any body, Corruption has got to be treated like an epidemic. Of course, Mr Deputy-Speaker, you are a lucky man as you have a driver. I have no driver these days and wanted a driver. Half a dozen drivers came to me with their licences. I tell you that they could not bring the car out of my House. They all have Licences and certificates.

We are living in a sorry world, in a world which we want to reshape. This Bill will help us reshape the world to some extent. Presumption is a very useful thing. Go to clubs in Delhi or Calcutta or Bombay where these aristocratic people meet and see how much money they spend playing rummy and bridge and other things. What is the money they spend per point? I wish to submit that the whole life, from patwari to the highest man has got to be cleaned up. It is an Augean's Stable but who will clean it? We need a Hercules to clear it. Who will be the Hercules? nor the Not the Home Minister. Minister of State. Each one of us will have to clean up this Augean Stable in this country. If we do not do that, be it Jan Sangh or Swatantra or Congress or Communist or any other party or the party of my fiend Mr. Dwivedy or the party of Lohia, whatever party it may be, that party will go under because of the weight of this corruption which killing our public He and

life and individual life. It is timely Bill and it will put a little heart into these persons who are trying to rectify things.

Shri V. Krishnamoorthi: Mı. Deputy-Speaker, Sir, we oppose this Bill on the ground that even if the Bill as amended is passed, it will be unconstitutional and it will article 20 of our Constitution, I will revert back to that point when move my amendments and offer my criticisms on that. About the general scope of the Bill. I think my hon. friend Mr. Lobo Prabhu has the cat out of the bag, that Ministers also should be included in the scope of the Bill. The Minister said that the Bill covers Ministers also, even though the explanation is not at all forthcoming clealy in letters are talking about corruption in the offices; we are talking about corruption in the cadre of government servants We must take note of the fact that there is a lot of people outside this House talking of corruption in the political level and they that this should be wiped off. Ceasar's wife must be above suspicion. fore we accuse a government servant that he is corrupt, before we accuse a peon or a clerk or an Assistant Secretary or a Secretary or a Collector that he is corrupt we must be above suspicion ourselves, and we not be criticised by the same standard by which we are criticising the government servants.

The Ministers should be included within the scope of this Bill. Ministers should not Ъe excluded the Anti-Corruption from Laws (Amendment) Bill. While I with my hon, friend that Ministers also should be included in the scope of the Bill, Ministers alone would not be sufficient: I urge that all the Central Ministers, the State Ministers, the Members of Parliament including the Speaker and you, Mr. Deputy-Speaker, all people who are occupying public offices must be included within the scope and the ambit of the Anti-Corruption Laws (Amendment) Bill. It should not be restricted to government servants alone.

We are seeing in the country that only peons getting just one rupee or so or chaprassis or other servants who receive just four annas or eight annas by way of corruption are being prosecuted. The big people receiving lakhs of rupees and thousands of rupees somehow or o her manage to get out without any trouble. So, the Anti-Corruption Law must apply not only to servants at the government level but at the political level also.

We hear about so many reports, the Santhanam Committee report and also the code of conduct for Ministers, Members of Parliament and things. But before the election, what was going on? The party in power directly gets crores of rupees, lakhs of rupees, from Birlas, Bajajs such other industrialists. (Interruption). Of course, Kamaraj has accepted, or rather, the All-India Congress President, Kamaraj, has stated before the elections that they did not get as much money from the industrialists as they got it m the past. What for are they receiving? Just to give some licences to them after coming power. Is it not corruption?

How are we going to curtail corruption? If you want to curtail corruption, you must define correctly what is corruption and in what form. Corrupation must be wiped out. If lakhs of rupees or thousands of rupees are got from the industrialists and thereafter they are given licences, is it not corruption? I want to ask that. This Bill does not include in its scope the Ministers. It is stated in the Bill that if government servants possess more wealth than they are presumed to possess, then it is assumed that they have received money. How many Ministers who occupy their office have been subjected to this provision so far? My hon, friend Shri Lobo Prabhu cited some cases. I would

like to say that the ex-Congress President, Sanjivayya, had stated that people before they occupy office were paupers, but after that, they are owning lakhs of rupees and crores rupees in their sons name. name, daughter's name, son-in-law's name and in the name of so many other relations. Having accumulated money like this, having received money and having indulged in corruption in some other forms, they have not been prosecuted so far. So, the Minister should not be content saying that this Bill includes Ministers also. There must be a clear provision which includes Ministers, and there must also be a clear expression what corruption means; there is political corruption and there is power corruption. I have got instances of corruption by way of giving seats also, giving party seats; there, not here (Interruption). This corruption must be wiped out.

I request the hon. Minister to come forward with a categorical, comprehensive Bill including the provisions which have been suggested by hon. Members. I will deal with the defects of the Bill when I move my amendments. With these words, I finish.

Shri Tenneti Viswanathan (Visakhapatnam): Sir, I join my other friends in saying that government must soon bring a comprehensive Bill if they really want to consuat corruption. I understand the Minister said that ministers are included within the purview of this Act, but I am afraid they are not. This Act is not intended for ministers. It only deals with public servants and we know who public servants are. There are many leading cases on this subject and ministers never come under it. Just to get the consent from the other side, he rises and says that ministers can be included. We cannot take such a statement at its face value, unless he brings immediately an amendment. That amendment will certainly involve several other consequential amendments to the main Act.

5370

### [Shri Tenneti Viswanathan]

On so many occasions, when questions are asked about black-marketing and what action Government taken, within the last few days we heard the reply can we do?" The minister absolves himself of the responsibility. There is price control. If a man sells at a higher price, the minister says, "What can I do?" When that is the frame of mind of the ministers does Mr. Lobo Prabhu or Mr. Krishnamurthi think that Government will bring forward a comprehensive Bill? This Congress Government is not in such a mood and I do not think it will bring such a Bill.

As Mr. Kunte and Mr. Krishnamurthi said. I also find some difficulties from the point of view of the Constitution. Here retrospective effect is sought to be given to presumption of guilt, which is clearly against the Constitution. I shall be happy if the minister can satisfy the House that point. I do not want that any person should escape because of lacuna in the law. But if there is a lacuna, it cannot be made good now. So far as criminal offences are concerned, it is next to impossible unconstitutional to give retrospective effect to a presumption of guilt. All of us are anxious that the minister should take every step to bring down corruption. But the real corruption is political corruption, to which reference has been made. This Act does not aim at combating that. The anticorruption laws have been there for a long time, but they have not been useful in bringing down political corruption. In fact that is why the Santhanam Committee came into exist-Therefore, to give an assurance that this will also cover ministers is somewhat ineffective and I do not think we can take it. I shall be very happy if immediately a Government amendment is circulated public servant includes ministers and members of legislatures and Parliament. I shall be happy to support the Bill then. We can then sit together and \_\_\_\_ a first-class anti-corruption

law which will save the honour of the country. Today, from morning, till evening, whether in Assemblies or in Parliament, we talk about corruption. We are almost swimming in an atmosphere of corruption in this country. I entirely agree that corruption cannot be rooted out completely, but certainly we can minimise it.

We should not also pass legislation which gives easy scope for officials to become corrupt or to corrupt society. Take controls for example or the prohibition law in the various States. Too many discretionary powers given to Income-tax Officers or Commercial Tax Officers lead to corruption. fact, wherever there is discretion vested in any officer, there is a chance to bargain. It seems, Sir, you that corruption is a social evil. May I tell you respectfully, nobody will willingly offer a bribe to an officer or dowry to a son-in-law. There is an implied sense of compulsion from the officer and the son-in-law. Files not move; licences and passports do not come without money.

Mr. Deputy-Speaker: Dowry is not covered by corruption.

Shri Tenneti Viswanathan: Social evil means an evil generated by the Society did not start with corruption. Society began to become corrupt when administrations into existence and began to harass the people, taking advantage of needs of society. They exercise powers over the people or exploit situations. When men want to perpetuate themselves in the position they get into, then only corruption begins. Then they use the power in their hands and the people will be compelled to yield to this temptation and somehow get through their business. But it is not an evil generated by the society, it is an evil generated by the governments in power. That is why I thought that there is a small difference in the interpretation of the word "social" svil.

But confining ourselves to this Bill, the scope of the Bill is with regards to a presumption which is to be given retrospective effect. I am afraid, unless the Minister is very clear about it, this law will not be of use and perhaps he will have to come back again with another amendment.

Shri B. Shankaranand (Chikodi): Sir, I rise to support the Bill. scope of this Bill is very limited. From the speeches made by the hon. Members who spoke from this side also that side, I find that nobody has spoken against the Bill. Members spoke on corruption, antı or otherwise, this, that and the other, which is not relevant for the purpose of passing or rejecting this Bill. The Bill says that after 1947 there was the Anti-Corruption Laws (Amendment) Act of 1964. There the law provided a certain presumption regarding the guilt of the accused. Under the 1947 Act the guilt was presumed on proof of the fact that a certain person was possessing a certain property which he could not account for. The 1947 Act required proof of possessing a certain amount of illegal gratification. The 1964 Act did not require it. But, unfortunately, there was no provision for the pending cases before the 1964 Act came into force. Therefore, give effect to that this Bill has been brought forward.

Instead of speaking for or against the Bill, the hon. Members about corruption which this Bill has nothing to do with. Whether "the presumption" should be given effect to in respect of the pending cases in accordance with the provisions of the 1964 Act is the question. When heard the speeches of the hon. Members about corruption, I thought are we not ourselves doing some corrupt act by prolonging the hours of business of the House by talking some irrelevant things and earning remuneration every day? What is corruption? Corruption is nothing but illegai gratification, illegal remuneration.

By prolonging the hours of business of this House as a result of talking things that are irrelevant we are receiving illegal gratification by way of remuneration. Are we not doing a corrupt act? When we talk of corrupt persons, including ministers and others, we must also be conscious to do our duty, and we should not do anything to gain illegal remuneration.

Sir, this Bill is pure and simple. Unfortunately, I should say it is an irony of democracy that legislators are not required to know law. If a wants to become a doctor he has to possess a degree in medicine; to become an engineer he has to possess a degree in engineering; to become a clerk he must be at least a matriculate; but to become a legislator in a democracy he is not required to know low. That is the irony of democracy. We cannot help it. By that we are prolonging the hours of business of this House and gaining illegal gratification. We should not do that.

Shri Inderjit Malhotra: This legislation is about corruption. How can you say something on this legislation unless you talk about corruption?

Shri B. Shankaranand; I am coming to that. Have those hon. Members who spoke about corruption, and introduced here any comprehensive Bill of their own to prevent or root out corruption? They have not done that. But they want to express their view on corruption when the Bill has nothing to do with corruption but its presumption.

An hon. Member: Please read the Statement of Objects and Reasons.

Shri B. Shankaranand: If the hon. Member reads them, he will know the position better.

Because, in law a person is held guilty only when the guilt is proved against him; otherwise, he is presumed to be innocent. But here, in this Act, the presumption is otherwise, For that purpose, this Bill is being introduced. I am afraid, with dose

[Shri B. Shankaranand] respect to all Members of this House .....

An hon. Member: Excepting you,

Shri B. Shankaranand: Of course. extenting that person who said "excepting you."

An hon. Member: He has not spoken anything about the Bill.

Shri B. Shankaranand: This Bill is intended to cover cases pending in the court. On that I would like to draw your attention to the fact that in Criminal Appeal 62-D of 1966 the Punjab High Court took a contrary view and held that the presumption was not saved. Because there is a little lacuna, should the guilty persons be allowed to get away from punished by the law courts? Which Member wants that situation to come by opposing this Bill? So I do not understand why they are opposing this Bill. I should say that every member of this House wants that every guilty person should be punished. So, they should unanimously support this Bill instead of saying some irrelevant things about corruption, this and that without knowing what this Bill is for and what its purposes or objects are. I support the Bill and I submit that none has spoken against the Bill, in the sense that no member has mentioned any point which will go against the Bill.

Shri B. N. Shastri (Lakhimpur): Sir, on a point of order. The hon. Member who has just concluded his speech cast an aspersion on the members who are not in the legal profession.

Shri B. Shankaranand: No. Sir. I have not cast any aspersion.

Shri B. N. Shastri: He said that those members who are not in the legal profession are prolonging business of this House.

Shri B. Shankaranand: That is my

Shri K. Lakkappa: Sir, I rise on a point of order. The hon, Member has cast aspersion.....

Shri Shee Narain: You are too late.

Shri K. Lakkappa: He said that those who are not legally equipped are not eligible to speak and that they are wasting the time of the House. That statement of the hon. Member should be expunged.

Mr. Deputy-Speaker: That is a general observation that he has made, to which someone has already taken objection. It is not unparliamentary. It may be erroneous.

An hon. Member: It shows lack of commonsense.

श्री रबी राय (पुरी): उपाध्यक्ष महोदय, ब्राज जिस भ्रष्टाचार विरोधी बिल पर बहम हो रही है तो पहली बात तो में यह कहना चाहता हं कि यह बिल एक प्रधराबिल है । जो सरकारी नौकर लोग हैं उन के सम्बन्ध में सिर्फ इस बिल में जिक है बाको जो मबी लोग हैं, बड़े बड़े करोडपित है जिनके कारण देश में भ्रप्टाचार फैल रहा है उन के बारे में कोई जिक्र नहीं है। ग्रमल में हमें पहले इस बनियादी चीज पर जाना चाहिए, मौलिक चोज पर जाना चाहिए कि समाज में भ्रष्टाचार क्यो हो रहा है ?

में द्राप का प्यान एक बहुत पुरानी वात पर खीचना चाहता हं ग्रीर वह है भोष्म पितामह का यह वाक्य : "राजा कालस्य जिस देश में राजा सावगी कारणम''। से रहेगा भीर यहां प्रजातंत्र चलता है तो यहां मंत्रो लोग जब सादगी से रहेगे भीर एक चाटर्ज जीवन स्पतीत करेंगे तो समाज में घन्य तबके के लोग अफसर और जो नीचे वासे लोग हैं वह उन का धन्करण करेंगे, इस मामजे में उन की नकल करेगे। धासल में पिछखे बीस साल से हम इस भीज की देखते मा रने हैं कि मंत्री लोग, करोडपति सोग और यह नौकरणाह जोकि एक हजार कपये से ज्यादा तनस्वाह पाते हैं, यह तीम किस्म के लोग मिल कर देश को लूट रहे हैं। यह मंत्री लोग, करोड़पति लोग और जो बड़े बड़े सरकारी झफसर हैं और जो कि 1000 कपया मासिक से ज्यादा बेतन ले रहे हैं यह तीनो प्रकार के लोग मिल करके झाज देश को लूट रहे हैं। अगर इस सवाल को इम नजर श्रदाज कर देंगे तो हम आष्टाचार को रोक नहीं पायेगे।

भीष्म पितामह का कहा हुन्ना यह बाक्य पूरी तरह से लाग होता है। स्वतव्रता प्राप्ति के समय ग्रीर उस के 1-2 वर्ष बाद तक गाधी जी का युग था धर्यात वह एक सादगी भोर कर्त्तव्यनिष्ठा का जमाना था। लेकिन म्राजादी प्राप्ति के एक, दो साल के बाद से नेहरू युग शरू हम्रा गाधी जी का जो स्वतवता प्राप्ति के एक, दो साल बाद तक का यग था बह जैसा मैं ने कहा सादगी और कर्त्तंब्य निष्ठा का यग था भीर जो बड़े बड़े लोग थे मौर नोकरशाह लोग ये वह गाधी जी के सादगी के र स्ते । लने लगं थ, वह माई० सी० एम० अफनरान अपनः उस ठाठ बाट और खर्चीली जिंदगों को सादा ग्रीर कम खर्जीला बनाने की कोशिश करने लग गये थे लेकिन गांधी यग को समाप्ति के साथ भीर नेहरू यग के ग्रागमन के नाथ वह सादगी भीर कर्नव्यनिष्ठा की भावना भागने लगी भौर वह नौकरशाह लोग फिर से भ्रपनी उसी पुरानी लीक पर ठाठ बाट की जिंदगी पर चल पडे ग्रीर भ्रष्टाचार बढने लगा। जीवन खर्चीला हो गया । नेहरू युग के आने से विलासिता, खर्जीलापन और वैभव देश ये प्रागया। खर्जीलापन ग्रीरलूट फिर जारी हो गई। अभी कुछ दिन पहले यह मांग की गई थी कि पिछले तीन साल मैं जो भ्रद्राचार हम्रा है, जो मंत्री लोगों के चलते **प्र**ष्टाचार हुन्ना, उस की जाच करायी जाय मेकिन पिछले हफारे श्री चल्हाण ने ऐसी आंच बैठाने से इंकार कर दिया और कह दिया

कि वह एना नहीं करेगे। प्रसल में भारत सरकार के चलते हिन्दस्तान में भ्रष्टाचार फैल रहा है। तीन, चार दिन पहले इस सरकार को यह बात माननी पड़ी कि उड़ीसा सरकार ने सी०बी० माई० की रिपोर्ट मागी थी लेकिन केन्द्रीय सरकार ने उस रिपोर्ट को उड़ीसा सरकार को देने से इकार कर दिया। ग्रब जाहिर है कि चूकि उड़ीसा की वर्तमान सरकार एक गैर काग्रेसी सरकार है और पहले के काग्रेसी मित्रमहल के पूराने मंतियों के खिलाफ भ्रष्टाचार के जो ग्रारोप ये उन की जाच करवाने के लिए कहा गया था लेकिन सी० बी० ग्राई० की रपट जोकि पबलिय हो चुकी है उसको देने से इकार कर दिया गया। अब इस से साफ साबित हो जाता है कि उड़ीसा मे जो पूराने भूतपूर्व कांग्रेसी मुख्य मत्रो थे, श्री बीजू पटनायक श्रीर श्री बीरेन मिल, दोनों के बिरुद्ध ब्रारोपों के बारे में जाच करके जी रिपोर्ट केन्द्रीय मरकार को मिलो थी चुकि वहा पर इस समय र काग्रेसी मित्रमडल है इसलिए उसे रिपोर्ट की उनके द्वारामाग करने पर भी उसे देने से इकार कर इमलिए ग्राज यह ग्रावश्यक हो गया है कि जो ऊपर वाले लोग हैं, करोड-पति लोग हैं, जो नौकरशाह लोग है, जो मंत्रि लोग हैं उनके खर्चे, फिजूल खर्ची श्रोर उनके वैभव पूर्ण रहनसहन पर शेक लगायी जाब ताकि यह भ्रष्टाचार बद हो सके।

15.57 hrs.

[SHRI MANOHARAN in the Chair]

मैं घाप के सामने यूरोप भौर धमरीका की मिशाल देना चाहता हूं। पिछली दो, तीन जो योजनाएं हुई, पहली भौर दूसरी योजना में शुरू में कुछ लोग सोचने लगे कि उत्पादन बढ़ेगा, पैदाबार बढ़ाने के लिए लोगों का ध्यान उस भोर जाने की शुरुवाब हुई लेकिन पैदाबार बढ़ाने के पहले हमारे देश के मंत्री लोग, नौकरशाह लोग, करोड़पांझ लोग बढ़ी यूरोप के बैशवपूर्ण धौर क्यों

5378

# [श्री रवी राय]

अविनमान को स्टैन्डई प्राफ लिविंग को बढ़ाने की कोशिश करते रहे। इसलिए इन लोगों के चलते समाज में प्रष्टाचार फैला भीर हमारे देश में जो 27 करोड़ लोग तीन भाने रोज में बसर करते हैं प्रीर यह करोड़-वित लोग, विड़ला परिवार के लोग जिनकी कि दैनिक भ्रामदनी एक लाख उपये होती है भीर सभापित महोदय भ्राप तो जानते ही है कि हजारी रिपोर्ट में इस बात का जिक भी है।

यह लोग माज श्वर्जीला जीवन बिता रहे हैं। करोड़पति, नौकरशाह भीर मंत्री, बहुतीनों मिल कर जिस तरह से देश को मूट रहे हैं उस से मालम होता है कि कुछ रोक लगनी चाहिये खर्चे पर। मैं ग्राप को एक उदाहरण देता हूं। कुछ महीने पहले इमारे देश की प्रधान मंत्री योरप गई थीं वियतनाम के बारे में प्रस्ताव पर चर्चा करने के लिये मिश्र के राष्ट्रपति नासिर, युगोस्लाविया के राष्ट्रपति टीटो ग्रीर सोवियत संघ के प्रधान मंत्री श्री कोसीजिन के साथ। बब प्रधान मंत्री लीट रही थीं तो उन के स्टाफ के जो लोग ये वह हिन्द्स्तान वापस भा गये वे । वह जहाज खाली भ्राया था जिस पर माखों देपये खर्च हुए। मैं ने घाप को यह मजीर इस लिये दी कि जब प्रधान मंत्री इस तरह के खर्च में चलेंगी तब जिला मजिस्टेंट बाबी बी बी बो ब प्रोर नीचे के प्रफसर जो हैं क्यो ऐंसा नहीं करेंगे। जैसा मैं ने बतलाया भीष्म पितामह ने कहा है :

"राजा कालस्य कारणम"

भाज हमारे सामने यह बीज स्पष्ट है कि बुराई की नकल करते हैं लेकिन योरप भीर इंगलिस्तान की भ्रज्छी बातों की नकल करना नहीं सीचा है इस सोगों ने।

मैं भाप को दो उदाहरण दूंगा । साप चाबते हैं कि जब भाइजनहादर राष्ट्रपति वे तब उन के निजी सचिव ने एक करोडपाँत के साथ खाना खाया । न्ययार्क में यह चर्चा चली कि जिस करोडपति के साथ उन्होंने खाना खाया, उन का सरकार के साथ कोई कंटैक्ट या। लोगो ने कहा कि निजी सचिव ने इस तरह की कार्रवाई की है कि उन्हें म्राफ़िस से हटा देना चाहिए। भ्राप को पता होगा कि ग्राइजनहावर के निजी सचिव को नौकरी से हटना पडा। इसी तरह मैं बतलाना चाहता हूं कि 1945 में जब इंग्लिस्तान में ऐटली की सरकार हुई तो उस वक्त बडे धर्थनीतिझ डाल्टन चांसलर म्राफ एक्स्चेकर थे। जब बह बजट पैश करने चले तो लीकेज हो गया। चर्चिल ने जो उस समय विरोधी दल के नेता थे, हाउ माफ कामन्स में सवाल उठाया। ऐटली साहब को हाउस में ऐलान करना पढ़ा कि डाल्टन ने इस्तीफा दे दिया है।

इसी तरह की नजीर में एक ग्रीर दंगा।
1934 का किस्सा है। मैंकडानल्ड इंग्लैंड
के प्रधान मंत्री थे। उन्होंने एक मोटर
कार उपहार में ली। उस वक्त हाउस ग्राफ
कामन्स में नहीं, लेबर पार्टी के संसदीय दल
में बहस हुई कि क्या इंग्लिस्तान का प्रधान
मंत्री किसी व्यापार से इस तरह का उपहार
ले सकता है? उन की उस व्यापारी की
मोटर कार लौटानी पढ़ी।

16 hrs.

इन दोनों उदाहरणों से यह बात साबित होती है कि इंग्लिस्तान भीर योरप में भले . ही भ्रटाचार हो लेकिन उतना उस का प्रसार नहीं हैं जितना हिन्दुस्तान भीर एशिया के दूसरे देशों में । मैं भाप को एक भीर उदाहरण बतलाऊं। एनकुमा साहब के मंजिमंडल के एक मंत्री ने एक सोने की कुर्सी किसी से शी। जब बात उठी तो उन की पत्नी ने कहा कि उन का यह कुर्सी लौटाना भ्रसम्भव है । इस पर एनकुमा साहब के मंत्री को इटना पढ़ा । बाद में एनक्स्मा साहब को भी हटनापकाः इसी तरह धाप वेचोंने कि सोकातों साहब को भी जाना पड़ा।

पिछले 15-20 सालों से. जब से क्रिन्द्रस्तान माजाद हुमा, हिन्द्रस्तान में भोगो की एक भावत हो गई है, यहां के प्राने शासकों के. इंग्लिस्तान भीर फान्स के. खर्चील जीवन की वह नकल करते हैं। इस सिये मेरा कहना है कि यह जो भ्रष्टाचार मिटाने के सिये जिल पाया है, उस के लाने से कोई भ्रष्टाचार क्कने वाला नही है। यह जरूर हो सकता है कि कोई अफसर किसी मबी को खागन करें तो उस प्रफसर को पकड लिया जावें भीर तस के खिलाफ कार्रवाई की जाये। लेकिन जो घफसर, जो नौकरणाह माज करोडों भीर लाखो रुपये ले कर खर्च करते हैं, उन के खिलाफ कुछ नहीं होगा। भच्छी तरह से मैं जानता हं कि मंत्री लोगो के बिनाफ कुछ नहीं हो रहा है।

इस लिये मेरे दो तीन सुझाव हैं। एक सुझाव यह कि जब तक प्राप करोड़ पति मंत्री, ग्रीर नौकरणाहों के खर्चे के ऊपर कोई सीमा नहीं लगायेंगें, रोक नहीं लगायेंगें कि डेंद् हजार कपये महीने से ज्यादा कोई खर्च न करें—मैं यहा छोटे ग्रफ़सरों के बारे मे नहीं कह रहा हूं, इस मे नौकरणाह, करोड़ पति ग्रीर मंत्री तीनों ग्रामिल हैं—तब तक कुछ नहीं हो पायेगा। इस तरह की रोक सगने पर ही सादगी की जिन्दगी की ग्रुक्मात होगी।

दूसरी बात मैं यह कहना चाहता हूं सरकार से कि भाज हम इस बात को महसूस करते हैं कि हिन्दुस्तान के युवक लीगों को ने कर कोई भ्रष्टाचार विरोधी दस्ता हमें मुक करना चाहिये। यह नन्दा जी की सदाचार समिति की तरह काम नहीं करेगा बल्कि वास्तव में कुछ कर के विवायेगा। भंजी, नीकरबाह भीर करोड़पति का जो ठाट बाट है, जो उन की मुविधायें हैं, उन को 784 (Ai) LSD-9. बन्द करने के लिये हम को कोई भ्रान्दोसन छेड़ना चाहिये। जब तक हम जनमत तैयार नहीं करेंगें तब तक इस बिल से भ्रष्टाचार रुकने वास नहीं है।

Shri Inderjit Malhotra: The intention of Government is very clear that as in the past, now also Government are making serious efforts to root out corruption from this country.

The previous speakers have made out two or three points. One common demand which has been made from both sides of the House is that Ministers should also be covered by this legislation. The hon. Minister of State has already indicated, to some extent assured this House also, that this will be done.

Quite a few things have been said about corruption in this country. I would like to say this that our experience is that if we just only go on talking about corruption, it will not be possible to get rid of corruption from this country. How do we go about to root out corruption from this country?

Shri J. B. Kripalani (Guna): By closing our eyes to it.

Shri Inderjit Malhotra: No matter how many enactments we may pass and no matter how seriously we pass legislation whether here in this House or in the State Assemblies, unless there are sincere efforts made to put whatever laws have already been enacted in this country to practical test, it will not be possible to change the present atmosphere of corruption in this country. I have seen that a corruption officer....

Shri J. B. Kripalani: He is promoted.

Shri Inderjit Malhotra:....is a very shrewd man. Unless his I.Q. is above normal, he would not be able to make money by abnormal and unscrupulous methods. When he is caught and an inquiry is held against him, he is so influential that he is able to fabricate

### [Shri Inderitt Malhotra]

all kinds of evidence before the inquiry committee. The inquiry goes on for two or three years and ultimately we hear the man has been set free and he has been given all his arrears of pay accumulating to thousands of rupees.

When we know that these are our practical difficulties, I would appeal to Government that wherever the loopholes are, we should try to plug them. Let us have a very simple but comprehensive Bill about corruption. The more complicated and confused the legislation we have, the more difficult it would be to root out corruption from this country.

Shri Lobo Prabhu mentioned with great vigour and force that there was corruption in the public sector. would like to ask him one question, when he objects to the system of permits and licences on the ground that this system has been responsible for corruption in this country, namely who made those officers corrupt, and who were getting those licences, whether that was done by the private sector or the public sector. The majority of the licences were issued to the private sector, and the private sector has been responsible for infusing or introducing corrupt methods into the Government administration and also in public life. I would, therfore, say that a huge corruption exists in the private sector. would appeal to Government that in the light of whatever reports of inquiry commissions have come before the country and before this taken measures should against all those persons who been responsible for corruption, and they must be taken to task. I would say that this is not the responsibility only of the Government, it is not the responsibility only of the ruling party. Unless all the political parties and individuals, especially in public life, sincerely, and seriously make co-operative efforts and 'ry to root out corrupt on, it will not be possible to achieve the objective we have in view.

With these remarks, I would clude with an appeal to the hon. Minister. In the light of whatever assurance he has already given to the House, if he feels that some kind of amendment is required, he should bring it forward. If he thinks that by other means. Ministers and other public man can be covered in this legislation, he should do that.

की प्रकाल रानी बार (गृहगाव) 'यह शो एमेंडिंग बिलं पेश किया गया है इसकी मैं स्पोर्ट करता हं। क्रप्णन की रोकने के लिए कितना ही कद हथियार कोई क्यों न हो, मैं समझता हूं कि उसको स्पोर्ट न करना बड़ा पाप है। बाकी जो मैम्बर बोले हैं उन्होंने भी कहा है कि क्ष्मन की जड़ें बहुत गहरी हो गई है। मैं भी समझता हूं कि इसकी जड़े बहुत गहरी हो गई है। श्री रणधीर सिंह भौर शर्मा जी की तकरीरों को अगर मैं सामने रखं और अपोजीशन बानों ने जो की हैं, उनको न रखूंतो भी मैं यह महसूस करता हं कि उन्होंने अपनी सरकार को एक तरह से संशर किया है। उन्होंने कहा है कि कोई महकमा, कोई प्राफिस, कीई दफ्तर ऐसा नहीं है जहां करप्शन न हो । यह मैं उनकी बात कर रहा हूं। मैं मिनिस्टर साहब जो यहा बैठे हए है उन से कहना चाहता हुं कि क्या वजह है कि जब इतने प्रक्षिकार भापके पास हैं, इतने कानून भीर जाबते भापके पास मौजद हैं, विवियन बोस रिपोर्ट को बाए हुए कई वरस हो गए है, ब्रापने स**न्त** एक्शन नहीं लिया है । साह प्रसाद जैन हो, शान्ति प्रसाद जैन हो या बिड्ला जी की इनश्योरेस कम्पनी हो, विवियन बीस ने जाते जाते छीटें फेंके हो, क्या वजह है कि ज़िक पर ये छीटे फेक गए हैं उनके खिलाफ कीई एक्शन नहीं लिया गया है ? विड्ला जी के खिलाफ क्यों कोई एक्शन नहीं लिया । पी॰ ए॰ सी॰ ने जिस में कांग्रेस के बड़े बड़े नेता मौजद ये बार बार मन्नी चन्द प्यारे लास के वारे में सवाल उठाया था जिस का बड़ा हीए हुधा वा । प्रक्तूब्र में सर्वार स्वयंख्य **993**3

ने उनकी कभ्पनी को ब्लैक लिस्ट किया था और अनवरी में, याजी तीन महीने के बाद उनको वह व्हाइट लिस्ट पर ले प्राए थे। या तो पहले ब्लैक लिस्ट पर लाना गलत या प्रीर प्रगर गलत नहीं था भो जनवरी में कैसे उसको व्हाइट लिस्ट पर ले प्राए ? उन्होंने देण के साथ धन्याय किया जब उसको बह व्हाइट लिस्ट पर ले ग्राए। पो॰ ए॰ सो॰ सब से जिम्मेदार कमेटी है। उस थे हर

म्रापने यह भी बनाया था कि बेगमार ऐसे लोग हैं जिन्होंने डैट क्लीयरेंस सर्टीफिकेट नहीं लिया था लेकिन हमारे पहले वाले कामर्श मिनिस्टर महिब ने, ग्राज के राजा साहब ने नहीं, उनको लाइवेग पर लाइमेंस जारी किए। इस तरह ने कराडो श्वां का गबन हुन्ना । नाइलीन धार्ग का पचाम लाख रपये का लाइमेंस इसलिए जारी किया गया कि डिफोंग के लिए इसकी जरूरत थी। जब पुछा गया कि डिफेंस के निए उस में से कितना खर्च हुआ तो सरकार ने बताया कि एक नए वैसे को ध।गा दिकों प के लिए अर्चनहीं हुआ। मगर कानून में कोई लेंकुना रह गया है जिस को वहज से म्राप म्रफसरों के खिलाफ एक्शन बही ले सकते हैं तो उनको आप दूर करे। मेकिन चाहे इधर का कोई धानरेवल मैम्बर हो या उधर का हो, ग्रब्दल गनी दार हो या कोई भीर हो, भगर वह कोई जुम करता है वो उसको कैसे जकडा जाए, इस के बारे में कीई प्राविजन में इस में नही पाता हं, ऐसी कोई गंजाइम इस में नहीं है।

माज प्रजीजोगरीब बातें कही जाती हैं।
यह कहा जाता है कि जो प्रफसर है वे बड़े
बक्ताक हैं, बड़े होशियार हैं। लेकिन उन
सक्तारों को किस सरकार ने मुकर्रर किया
है? यह कहा जाता है कि ग्रंप्रेडों के वक्त
सनको मुकर्रर किया नया था। इन ग्राइ०
सी० एस० घफडरों को भागने भगनाया।
दूसरे देशों की हिस्ट्री को भाग देखें। जहां कहीं

माजादी भाई है, जहां कहीं इनकलाब माया है, वहां पर देश द्रोही लोग नत्ल हुए हैं लेकिन यहां उनकी उंगली---का एक कतरा खून का भी नहीं बहाया गया है। इसका कीरण यह हो सकता है कि यह गौतम बद्ध का देश है, गांधी जी का देश है। स्राप शिकायत करते हैं कि श्रफसरों ने ऐसा किया और वैसा किया। प्रगर उन्होंने यह किसा तो किस के हकम से किया? किस ग्रफपर की यह मजाल है कि बाहर में उन्ने धागा खरीदने के लिए जिस के बारे में कहा गया कि देश की डिफोंस के लिए इसकी जरूरत है, इजाजत दे। उन में ग्रंडर इनवायसिंग ग्रीर ग्रोवर इतवायसिंग हुन्ना । क्या क्या हुन्ना, इस सब का किम तरह से मैं इम वक्त तजकरा कर सकता हं। यह सब कैसे हक्या। बीस साल से भापको हकुमत है। उसका स्था नतीजा निकला है। हमारे रणधीर सिंह जी ने कहा है कि चाहे कोई महकमा हो, वहु करणान है। उन्होंने किसी महकमें को छ। हा नहीं है। हमारे जन सब के भाई जब बोल रहे थे तो ताना कमा गया था कि तुम्हारे भादमी ने यह लाइसेंस ले लिया है। प्रगर वह लाइसेंस गलत दिया गया है तो यकीतन उस पर एक्सन होना चाहिये। मैंने बताया है कि करोंडी रुपये के लाइमेंस दिये जिस में डैट क्लीयरेंस सॉटफिकेट नहीं लिये । उनके अपर क्लेर्ड मुकदमा चलाइये । प्राप यह भी जानते हैं कि भापने भाज तक बीज पटनायक के खिलाफ कोई एक्शन नहीं लिया जिन्होंने जन हित निधि के नाम पर कई। कुछ किया है। हमने बहत पहले राष्ट्रपति जी को एप्रीच किया षा सन्दार प्रतार्शतह कैरों के मामले में। यह केस 1957 से लेकर 1963 तक लटकता रहा । श्री जवाहर लाल नेहरू ने कहा थ। कि मैं खुद देख्ंगा। यह समझते थे कि श्री कैरों बिल्कुल निदीं व हैं, पाक हैं, साफ हैं। लेकिन श्री एस॰ मार॰ दास ने जो फैसला दिया उस में उन्होंने यह पाया कि वह निर्दों वहीं हैं। भापने उनको रखने की इनहाई कोश्रिष की, इनको जीत्व करने की इंतहाई कोलिंक

[श्री सन्दुल गनी दार]

की । यह तो डा॰ राधाकृष्णन ये जिन्होंने कभीशन विठाया था । भाषायं ३ पलानी की रहमुमाई में सभी पार्टियों के जिम्मेदार नेता उनके पास गए थे और उन्होंने कहा था कि हम जुर्म लेते हैं, भज्दुल गनी दार सकेला नहीं है, हम सपने भापको सजा देंगे भगर हम साबित नहीं कर पाए कि वह मुजरिम हैं । श्राबिर में वह दोषी साबित १ए।

अगर वाकर्ड में आप कुरण्यन को रोकना चाहते हैं तो इस वक्त भी आपको स्पोटं देता हू और अगर आप इससे भी ज्यादा कड़ा, कड़े में बड़ा बिल भी लायेंगे तो भी मैं उसको अपनी स्पोटं द्गा। लेकिन आज अजीओगरीब चर्चायं हो रही हैं। एक चर्चा यह है कि आप जन सरकारों को जोकि आपकी सरकारें नहीं कहलाती है, अपोजीशन की सरकारें कहलाती है, किस तरह से फेल करने की कोशिश कर रहे हैं। यह भी एक तरह की कुरण्यन है। चाहे जैसी कुरशन हो, च हे जंगी आवाज इसके खिलाफ उठाई जाए, मैं आपको यकीन दिलाता हूं कि अब्दुल गनी की सपोटं आपको हमेशा मिलेगी।

# [ شرى عبدالغنى دار :

ایمئذنگ بل پیش کیا گیا ہے۔ اسکو
میں سہورت کرتا ہوں۔ کرپشن کو
روکلے کے لئے کتنا می کلد ہتمیار
گوئی کیوں نه ہو۔ میں سنجمیتا
ہوں اسکو سپورت نه کرنا پڑا پاپ

باقی جو سدہر بولے ھیں انہوں نے بھی کہا ھے که کرپشن کی جویں بہست گہری ھو گئی ھیں – سیں بھی سنجھتا ھوں که اسکی جویں بہت گہری ھو گئی ھیں – شری رتدھیو سلکھ الوو شرما جي کي تقريرون کو اگر مين ساملے رکھوں اور ایوزیشق والوں نے جو کی هیں ان کو نه رکھوں تھ بھی مهن يه محسوس كرتا هون كه إنهون نے اپٹی سرکار کو ا*یک* طرح سے سیلشر کیا ہے۔ انہوں نے کہا ہے کہ كوئى محكمة - كوئى آفس - كوئى دفتر ایسا نہیں ہے جہاں کریشن ته هو - چه سین لن کی بات کر رها هون - مين ملسلو ماهب جو يهان بيته هوئے هيں - ان سے كينا جاهتا ھوں کہ جب اتلے ادھیکار آپ کے ياس هين - اتلي قانون او شابط آپ کے یاس موجود ھھی - ووپی ہوس رپورٹ کو آئے ہوئے کئی برس ہو گئے هیں۔ آپ نے کیس سخمت ایکشن نہوں لیا ہے ۔ ساہو پرشاد جین ہوں۔ شانکی پرشاد جین هوں - یا بولا جی كي الشورنس كمهلى هو - ا ووين يوس نے جاتے جاتے جہیلتے بہیلکے میں۔ تو کیا وجه ہے که جن پر یه چههاتے بهبَدائم کئے ان کے خلاف کوئی ایکشن نہیں لیا گیا ہے۔ ہولاجی کے خلاف کیوں کوئے ایکشن نہیں لیا ۔ ہی ۔ اے - سی - نے جس میں کانگویس کے بڑے ہوے نیتا موجود تھے ہار ہار امین چدد پیارے ال کے بارے میں سو**أ**ل أثهايا تها جس كا بوا تور هوا تها - افتوبر میں سودار سورن سلکیه نے آن کی کیٹلی کو بلیک لسب

کیا تھا اور جلوری میں - یعلی تین مهیلے کے بعد ان کو وہاڑے است یر لے آئے تھے ۔ یا تو پہلے بلیک لسٹ یر لانا غلط تها اور اگر غلط نبین <mark>تها</mark> تو جلوری میں کہسے ان کو وہائت لسع يولي أثر - بي - أم - سي -سب سے ذمیدار کیلئی ہے ۔ اس میں هر خیال کے لوگ موجود هوتے - , +44 آپ نے یہ بھی بتایا تھا کہ بے شمار ایسے لوگ هیں جلہوں نے تیت

كلهرنس سرالهنكها نههن لها تها لهکور همارے پہلے کے کاموس مدسالو مامب نے۔ آبے کے راجا صاحب نے تهیں - ان کو لائسنس جاری کئے -أس طرح سے کروزوں رویھے کا غدن هوا - تاتلون دهائے کا پیهاس لائهم روبیئے کا لائسنس اس لئے جاری کیا گیا کہ تینلس کے لئے اس کی ضرورس تهی - جب پوچها کیا که تینلس کے لیے اس میں سے کتا خربے ہوا تو سرکار نے بتایا که ایک نگے بھسے کا دھاگا بھی ڈینٹس کے لٹے غورے نهير هوا - اكر قانون مين كوثي لهكونا رة گیا ہے جس کی وجہ سے آپ انسروں کے خلاف ایکھن نہیں لے سکتے هیں تو اسکو آپ دور کریں - لیکن جاهے أدهر كا كوئى أنويبل ممهو هو يا أدهر كا هو - عبدالقلى دار هو يا کوئی اور هو - اگر ولا کوئی جوم کوٹا هے تو اسکو کیسے جکوا جائے۔ آس آج عمهب و فریب باتیں کہی جاتی هیں۔ یہ کہا جاتا 🙇 که جو اقسر هیں ولا ہوے چالاک هیں۔ ہوے هوشهار هيں - ليكن ان أفسروں کو کس سرکار نے مقرر کیا ہے۔ یہ کہا جاتا ہے که انگریزوں کے وقت ان كو مقرر كها گها تها - ان آئي - سي -ایسی - افسروں کو آپ نے ایٹایا -دوسرے دیشوں کی هستری کو آپ دیکھیں - جہاں کہیں آزادی آئی ہے -جهای کہیں انقلاب آیا ہے۔ وہاں پر ديوس دروهي لوگ قتل هويُه هيس -لهکن یهاں ان کی انگلی کا ایک قطود خون بهی نهیں بہایا کیا ہے -اس کا کارن یہ ہو سکتا ہے کہ یہ گوتم بدهم کا دیمی ہے - کاندھی جی کا دیمی ہے ۔ آب شکایت کرتے میں که افسروں نے ایسا کیا اور ویسا کیا ۔ اگر الہوں نے یہ کیا تو کس کے حکم سے کہا ۔ کس افسر کی یہ مجال ہے که باهر سے اُوئی دھاکا خریدنے کے لئے جس کے بارے سیں کہا گیا که دیم کی تیننس کے لئے اس کی فرورس مے لجازت دے ۔ اُس میں اندر انوائسلک اور ارور انوائسلک هوا -كها كها هوا أس سب كا كس طوير سے میں اس وقت تزکرہ کر سکتا ہوں۔ یہ سب کہسے ہوا۔ بہس سال سے

آپ کی عارضت ہے۔ اس کا کیا تعید

کے بارے میں میں کرئے، براوبان

اس میں نہیں ہاتا ہوں - ایسی

کہلے گلھال*ھی اس م*یں نہیں **ہے** -

# [غرى مبدالغنى تار]

نکل هے - همارے رندهور سلکه، جی نے کہا ہے که چاہے کوئی محکمه هو -وهلی کریشن ہے ۔ انہوں نے کسی محکيم کو جهورا نهين هے - همارے جن علمه کے بہائی جب بول رہے تھے تو طعله کها گها نها که تمهارے آدسی نے یہ ائسلس لے لیا ہے۔ اگر وہ السلس فلط دیا گیا ہے تو یکھلا اس ہر ایکشن مونا چاہئے - میں نے بتایا ھے که فروزوں روپھے کے لائسلس ہیں مهر ديث كلهرنس سرتيديكت نهين لئے - ان کر اوپو کوئی مقدمه چلائهه-آپ یہ بھی ۔ لئے میں کہ آپ نے آء تک بیجو پٹنایک کے خلاب کوئی ایکشن نہیں لیا جلہوں نے جن ست دھی کے نام پر کندا کچھ کیا ھے۔ مم نے بہت پہلے راشویتی جی كو ايروي كها تها سردار پرتاب سنگهه کھروں کے معاملے میں - یہ کیس ۱۹۵۷ سے لے کر ۱۹۹۳ تک لاعما عا -شری جواهر لال نہرو نے کہا تھا که مين خود ديكهونكا - ولا سمجهال ته ک غری کیروں بالکل نو دوهی ههر ياك هين - صاف هين - لهكون شوي ایس - آر - داس تے جہ فیصله دیا اس میں انہوں نے یہ پایا کہ وہ لر دوهی نہیں ہیں۔ آپ نے ان کو رکیلے کی انتہائی کوشش کے۔ یہ تو ڈائٹر رادھا کرشلن تے جلہوں نے كبيش بيالهايا تها- آجاريه كولاني

کی رہلیائی میں سبیی یارٹیوں کے ذمہدار نیٹا ان کے پاس کئے تھے اور انہوں نے کہا تھا کہ عم جوم لیتے ھیں - عبدالغلی اکیلا نہیں ہے - هم ایل آپ کو سؤا دیں گے اگر هم ثابت نہیں کر پائے کہ وہ مجوم ھیں - آخر میں وہ دوشی ثابت ہوئے -

اگر واقعی میں آپ کریشن کو روکلا جاهتے هيں - تو ميں اس وقت بھے آپ کو سپورے دیتا ھوں اور اگر آپ اس سے بھی زیادہ ہوا۔ ہوے سے ہوا بل ہوں اثباکے تو بھی میں اس كو ايلى سهررے دولكا - لهكن آج عجهب و فريب چرچائهن هو رهي هين - ايک جرچا يه ۾ که آپ اي سرکاروں کہ جو کہ آپ کی سرکاریں نہیں کہاتی میں - اپوزیشن کی سوکاریں کہلانی ھیں ۔ کس طرح ہے فیل کرنے کی کرشمی کر رہے میں - یہ بھی ایک طرح کی کریشن ہے - چاھے چهسی کریشن هو - چاه جهسی آواز اس کے خلاف اٹھائی جائے۔ میں آپ کو یتین دلانا موں که عبدالغلی کی سہورے آپ کو ہمیشہ ملے کی ۔ ]

की सिंब नार्यस्य : जो एमेडिंग का घाया है, इनका में समर्थन करता हू । आप कुरशान को दूर कोजिये हम हमेशा घापके साथ हैं । यहा बड़ा किटिलिण्म हुमा है । मैं कहना चाहना हू कि कलेजे पर हाथे रख कर सोविये कि क्या यह सैंटर की कांबेड गवर्नमेंट नहीं है, जो इसको हुर करने के रेन! इस बिल को लाई है। नी सूबों में नान-कांग्रेस को गवर्न नंदस है। पंजाब से लेकर कलकत्ता सक बान-कांग्रेस की गवने नेट्स हैं। वहां मापकी मिनिस्टरोज हैं। उन्होंने क्या किया है? मैं भपनो सरकार से कहना चाहता हूं और इससे भपील करना चाहता हूं कि यह बिल्कुल मधौल है जो भ्राप इतना छोटा सा बिल साए हैं। भापको चाहिये वा कि भाप एक कश्मिहेंनिय बिल लाते, मजबूत से मजबूत क्रुप्शन को खत्म करने के लिए बिल लाते।

मेरे लायक दोस्त गायब हैं। मं गनी साहब की एवा करता हूं कि कावें न सर्वा नट ने जब इक्सत समालों तो इन झाई० सा० एन० झाकि गर्स को उसे हैंग करना चाहिये था। इन्हां ने हम पर उदे झोर कैंग करनाये थे। यव नं नट ने इन लागों को बाइन झाउट नहीं किया। झगर इन लोगों का बाइन झाउट कहीं किया। झगर इन लोगों का बाइन झाउट कहां कर दिया गया होता, तो यह दिन न देखना पड़ना। कुएएलन के जिम्मेदार ये लोग हैं। इमारे झाई० सं० ए १० दोंस्न ने परिनट कोटा राज का जिक किया। मैं उन से पूछना चाहना हूं कि क्या उन्होंने इन बारे में नेहरू जो और कावें गवर्न नट का सलाह दो था। झाइज तो यहां लोग चल ते हैं, मिनिस्टर नहीं।

मैं कुरण्यन के वारे में एक ऐना स्ट्रांग स्ता चाहता हू, जो जीकादार से लेकर बैजिडेंट सक को ए लाई करें। जरूरत इस बात की है कि सिविल ला बाफ दि लैंड को मजबून किया चाये ? एविंडेंन एक्ट में दिया हुया है कि कोर्ट बाफ़ ला में हियरसे एविंडेंन का कोई महत्व नहीं है। इस हाउस में को मृल्ला चैसे सोनियर जज बैंडे हुए हैं। वह इस बात से एप्रोड होंगे कि किसो घो मामले में डायरेक्टर एविंडेंन होना चाहिए, हियरसे एविंडेंस की कोई कीमत नहीं है।

र्व माननीय संबंध : टी॰ टी॰ क्रांस्माचारी भी शिव नारायण : श्री टो॰ टो॰ कृष्णमावारों के साथ मेरी बात हुई थीं । उन्होंने मुझे कहा कि वह भव बूढ़े हो मए हैं और अब वह पालियामेंट में वापन नहीं भायों । मैं आप को याद दिलाना चाहता हूं कि उन्होंने हिन्दुस्तान के ब्नैक मना को बाहर निकालने के लिए कदम उठाया, लेकिन भाषोजाशन के मेम्बरों ने उन के खिलाफ प्रार्थना-पद्म दिया ।

भ: मधुनिमा (मंगेर): वह सुद काला बाजार करता रहा।

श्रं शिवन र पण: मेरे प्रोके र, श्रो हेम बर्गा, उस तरफ बैठने हैं। मुझे दाबात का गर्ब है कि मैं ने उन से प्रपेत्री पश्री है। मैं ने उन से पूछा कि दादा, स्या माप ने भी उप पर सादन किया। उन्होंने कड़ा कि उन्होंने सादन नहीं किया।

चूं कि मैं यह चाहता हू कि कर्प्शन का उन्मृतन किया जाये, इत लिए मैं इत बिल का समर्थन करता ह।

मेर मित्र ने महाभारत का कोट किया।
मैं बताना चाहना हूं कि जब गुरू द्राना वार्य
युद्ध कर रहेथे, नो मुद्धिष्टिर ने कहा, "मण्य-स्थामा हत:" मोर उसी तमय भगवान हुण्य
ने शब बना दिना, जिन से दोगा वार्य उन से मगले शब्द "नरा वा कुरो वा" नहा मुन्
सके ग्रोर उन्हाने माने कलेजे में छूरो
मार लो।

श्र: प्र॰ न॰ सी.नं हो (कैरा) : वृह भी करणान था।

भी: क्षित्र न र बण: बिल्हुत संस्थान या । उन्होंने नुरू के साथ विश्वासमीत किया।

मैं इस गवर्ननेंट को कहना चाहता हूं कि यह करण्डम के बारे मैं एक मखबूत विक साएं। मैं उन को उदाहरण देवा चुनुता हू कि प्रविदेश प्रदर्भ मोता 182 सबसी

### 539¢

### श्री तिव नारायण]

मजबत है कि भाज तक बड़े-बड़े लाइयर्ज भीर बकील उस में एक लक्ष्य भी एमेंड नहीं कर सके हैं। मैं सरकार से कहना चाहता हं कि "दिल साफ़ हो, तो घाईना क्या चीज है ?" भगर वह करप्तन के बारे में एक मजबूत कानन बनायेगी. तो उस टेप में वे लोग भी द्वा जायेंगे, जो द्वाज हम को ललकारते हैं। ग्राजियाबाद से भागे इन लोगों की गवर्नमेंट है, हमारी नहीं है। हम को धमकी देते हैं कि जिस दिन गाजियाबाद के उस पार चलोगे, तुम्हें बन्द कर देंगे।

## कुल माननीय सबस्य : नहीं, नहीं ।

भी भिन नारायन : मैं कहना चाहता हं कि कांग्रेस वालों में हिम्मत है। वे भपने सिकात के लिए जैस भी जायेंगे भीर इंडे भी खायेंगे : जो 1942 के जमाने में धंग्रेजों से हाथ मिलाते थे भीर उन के यद की "पीपल्ज बार' कहते थे, भाज वे हमको गालियां देते हैं। गांधी जी भीर नेहरूजी ने अंग्रेजों से टक्कर ले कर इस देश की स्वराज्य दिलाया। मैं श्री सक्ल से कहना चाहता हं, जो बड़े बाप के बेटे हैं, कि वह एक बढ़िया कानुन लावें, जिससे कर शन की समस्या पूरी तरह से हल हो जाये।

Mr. Chairman: At 4.30 the Minister is to reply. Hardly five minutes left.

Shri K. Narayana Rao: I want only two minutes.

Shri Amrit Nahata (Barmer): I was one of the first to give the names.

Mr. Chairman: I am sorry I cannot call all the Members whose names are here. Shri Lakkappa.

16.26 hrs.

[Mr. DEPUTY SPRAKER in the Chair]

Shri K. Lakkappa: Mr. Deputy-Speaker, Sir, I welcome this piece of legislation by way of amendment, and which is for the eradication of corruption in this country. Before I make my statements here, we shall go back to the history of India and the characteristic reputation of India from Kanya Kumari Himalayas, to the during which period, the period of India culture and civilisation, all the people were honest. It is most unfortunate that after Independence. when the Congress rule came during all these long 20 years of the Congress rule, corruption in all walks of life has crept in and now it is at the zenith point.

Sir, the eradication of corruption by way of introduction of so many pieces legislation will not help country unless the people who are responsible to deliver the goods to this country and who are in power. who are creating this hierarchyboth hierarchy in office and also among non-officials---are themselves honest. Not only here but outside, there is a hue and cry for the eradication of corruption. Unfortunately. the people who are in responsible posts and people who are the rulers of this country, namely, the Congress people, are ultimately responsible, and they have to face the trial, because it is evident that corruption in this country, with those responsible people. has reached its zenith. It has also been proved beyond reasonable doubt that ultimately the Congress people responsible for leading this are country to this darkness and also that they are unable to remedy this and to eradication corruption. Instances may be quoted, both in the States administration and in the administration of the Central Government; it has been proved that many ters- because my friend on the other side said that even this Bill covers the dealings of Ministers—are not free from corruption. I do not know that the hon. Minister in charge of this Bill has exhibited his ignorance or that he has made a statement when that. That question is also pending before you.

Now, corruption has entered many fields, especially in the administration and the administration at the Centre. The Committee which has been instituted by this Government, which is called the Santhanam Committee, which has been headed by experts, educationists and some great people of this country and some Members of this House, has laid down certain guiding principles for the eradication of corruption. But how far have these principles been plemented under the very nose of this Congress Government, under the very Central Government? nose of the Corruption may be either in kind or in cash, because an hon. Member made an allegation against the Prime Minister, saying that she was wearing a diamond necklace which had been presented to her by an Arab country; that she was using it for 15 days or one month and then keeping it in the bank. Is it a form of corruption or not, I want to know. Corruption has entered this country in such a that we can even explain in manner and form it has entered.

When the question was put to the Government whether the principle enunciated by the Santhanam Committee regarding the enquiry to made against responsible persons in power who have accumulated wealth has been implemented by this Government, the Home Minister answered that if responsible persons make specific allegation against anybody, they will enquire into it. May I draw the attention of the Government to the fact that Mr. G. V. Hallikeri, who is now Vice-President of the Mysore Congress, when he was chairman of the Khadi Board, was responsible for swindling 40 lakhs of rupees and that too in the name of Mahatma No account was written. He purchased a dog with the money Is it not which was at his disposal. corruption? Responsible people Mysore and responsible members of this House and Rajya Sabha

made a specific allegation in this behalf. Was that enquiry made?

22 specific charges have been levelled against the present Chief Minister of Mysore. The allegations are of a very serious nature and relate to specific items where money has been swindled by several ministers, their henchmen and others. In Sharavathy alone, they have swindled crores of money. Let the minister in charge say how far the Santhanam Committee's principles have been accepted so far as enquiry against the Mysore ministry is We hang concerned. poor officials-clerks and peons-for taking 1 or 2 rupees. But has this Government taken any step to apply principles of the Santhanam Committe and hang those felows who are responsible for political corrup-'ion? Still the charge-sheet is pen-We, responsible legislators. have made serious charges against the ministry. It is a specific allegation involving several crores the rupees. which is taxpavers' money. Into whose pocket does it go? If this is not enquired the Home Minister or the Prime Minister must be an abettor to this They must make offence. some statement here whether they are going to make an enquiry or not. am one of the complainants. Not even a summons to the complainants has come. Of course, with brutal majority, they can pass laws they like. But what is the effect? Unless you implement those laws, unless you implement the principles enunciated by the Santhanam Committee, this democracy will only a mockery and everybody swindle the properties in this country. Sir. also.....

Mr. Deputy-Speaker: Order, order. Now the hon, Member must resume his seat.

Shri K. Lakkappa: Sir, one more point and I am concluding.

Mr. Deputy-Speaker: No. I will have to take stern action now. Shri S. Kundu (Balasore): Sir, he must explain how they have made it a mockery.

Mr. Deputy-Speaker: No, Sir, he must resume his seat now.

Shri K. Lakkappa: Sir, I want to mention only one more thing and that is about the principle of conducting an inquiry. When we presented a charge-sheet to the President and also to the Prime Minister, the Prime Minister said that it would be referred to a sub-committee. That sub-committee brushed aside all the allegations and said that there were no charges. What principles did they follow in conducting the enquiry?

Mr. Deputy-Speaker: He may resume his seat now.

Shri K. Lakkappa: Sir, we have an Enquiry Act.

Mr. Deputy-Speaker: Please resume your seat.

Shri K. Lakkappa: No, Sir, I will conclude.

Mr. Deputy-Speaker: No, no; he will have to resume his seat.

Shri K. Lakkappa: Because we insisted for an inquiry....

Mr. Deputy-Speaker; Nothing need be recorded now.

Shri K. Lakkappa; Sir,\*\*

Mr. Deputy-Speaker: When we started this discussion I said that we will have  $2\frac{1}{2}$  hours for general discussion including the time taken by the Minister for his reply. We have already exceeded that time. Now, Acharya Kripalani and others have written to me that they want to participate in this discussion. I do not know what to do. We have to conclude by 5.00.

Some hon, Members: Time may be extended.

North East): Sir, it is most extraordinary that our party spokesman has not been called upon even though our turn came a great deal earlier. I do not see how you can shut out discussion particularly by very important groupings here in this House. You cannot have a discussion on this basis, in which case it will be impossible for us to function here at all.

Mr. Deputy-Speaker: We have to conclude the general discussion by 5.00 because we have put down some other item to be taken up then. What I would suggest is, if every hon. Member confine his remarks to just two or three minutes it will be possible to accommodate a few.

Shri Vasudevan Nair: Sir, you have shut out major organised parties in the House even though their turn came much earlier. Now you say they may take two or three minutes. This is injustice; that is all what I can say about it. You conveniently ignored organised parties. You did not give them any chance. What is all this?

Mr. Deputy-Speaker: I will extend it by half-an-hour keeping in view the feeling of the House.

Shri E. K. Nayanar (Palghat): You have given more time to other parties.

Mr. Deputy-Speaker: I have not given more time; they did not obey the Chair.

Shri Vasudevan Nair: Will you enlighten us as to how you are conducting the business of the House?

Mr. Deputy-Speaker: Your spokesman will get an opportunity.

Shri Vasudevan Nair: Two minutes? We do not want it. We are not here by your mercy. Mr. Deputy-Speaker: From the very beginning I have been saying that no Member should take more than ten manutes.

Shri Vasudevan Nair: What is your explanation for by-passing major organised parties? You have no answer.

Shri E. K. Nayanar: You cannot bypass major parties like that.

Mr. Deputy-Speaker: We will continue this discussion till 5 O' Clock. I will give each member five minutes. If any body exceeds that time limit, I will stop him.

Shri Jyotirmoy Basu: This is not fair. My party has not been called. You have given ample chance to people sitting in the treasury benches.

Mr. Deputy-Speaker: I have given chance to this side, independent members, as well as the other side, Further, corruption 15 not a party issue.

Shri H. N. Mukerjee: This remark 18 quite uncalled for.

Mr. Deputy-Speaker: Shri Mukerjee may resume his seat.

Shri H. N. Mukerjee: It is not proper for the Deputy Speaker to make the remark that it is not a party issue and, therefore, the parties need not be given time. Every party in this House has got the right to express its views on every issue.

Mr. Deputy-Speaker: I will give members as much time as I can. I am just trying to adjust the time between the members.

Shri H. N. Mukerjee: A very organised representative party of this House has not had its apokesman called when a legislative business is being discussed. Why should it happen? Why should the discussion be curtailed like this?

Mr. Deputy-Speaker: I have extend the time up to 5 O'Clock.

भ समत माहाटा : उपाध्यक्ष महोदय, यह जो विधेयक भाषा है, इस में यश्रपि एक बहत छोटा सा संशोधन हैं, फिर भी महत्वपूर्ण संशोधन है। वह महत्वपूर्ण इसलिये है कि वह हमारे कान्न मे एक नया उसल इन्ट्रोडयुस करता है। जब हम भ्रष्टाचार की बात करते हैं, साफ दिखाई देता है कि धमक धफसर भ्रष्टाचारी है, उसने रिक्ष्वत खाई है, उस की 200 रु॰ तनख्वाह मिलती है, लेकिन लाखों रुपये का बंगला बना हम्रा है, कानून सावित नहीं कर सकता है कि वह भ्रष्टाचारी है। इस संशोधन के द्वारा यह व्यवस्था की गई है, कि दि किसी के पास डिसप्रपोशनेट पैसा है तो कानन मह मान कर चलेगा कि वह भ्रष्टा-चारी है। भगर नहीं है, तो वह साबित करे। यह एक बहुत बड़ा उनुल कानुन में इन्ट्रोडयुस किया जा रहा है, जिमका हमें स्वागत करना चाहिये, जो भ्रष्टाचार के उन्मुलन में सरकार को बहन मर-गार साबित होगा ।

दूसरी बात मैं यह कहना चाहता हूं कि हमारे एक माननीय सदस्य ने यह कहा कि यह एक लैकूना कानून में जान बूझ कर रखा गया है। मैं उन से निवेदन करना चाहता है.

Shri Dattatraya Kunte: Sir, on a point of clarification. I am being misrepresented.

अ' अमृत नाहाटा : प्रगर ऐसा होता, प्रगर यह लैकूना जानबूम कर रखा गया होता, तो आज सरकार आर गृह मंत्रालय को उस लैकूने को दूर करने के लिये इस विधेयक की यहां पर लाने की क्या गरुरत थी? इस विधेयक का यहां जाना इस बात का सबूत है कि हम उस लैकूने को दूर करना चाहते हैं । मैं यह भी निवेदन करना चाहता हूं कि कानून क्याये जा रहे हैं, बनाये गये हैं, कमेटियां और कमीकन बैठाये यसे हैं, लेकिन यें बड़ी न प्रसापूर्वक निवेदन करना चाहता हूं, उपाध्यक महोदब, प्राप्त धनी योड़ी देर पहले अपनी बृधिकरत से कहा था कि अस्टाचार, एक सामक्रविक बुराई है । शीभान, अस्टाचार, एक सामक्रविक बुराई है । शीभान, अस्टाचार के सीक स्वक्ष

# [श्री ममृत नाहाटा]

हैं-सामाजिक, प्रशासनिक और राजनीतिक। सामाजिक प्रश्न के सम्बन्ध में मैं यह बताना बाहता हूं कि भ्रष्टाबार का मूल कारण है, हमारी सामाजिक भूसें, जिसमें हम पैसे की पूजा करते हैं भीर पैसे वालों ने, टाटामों भीर बिरलाओं ने, इन प्राइवेट सेक्टर वालों ने रिस्वतें दे कर, लालच दे कर, इतनी विनौनी ब्राई समाज में पैदा कर दी है कि श्रफसरों को खरीदते हैं, राजनीतिज्ञों को खरीदते हैं। भ्रष्टाचार का स्रोत और जड ये पैसे बासे हैं. ये बड़े बढ़े पू जीपति है, ये प्राइवेट सेक्टर वाले हैं, ये बिग-बिजनेस मैन हैं जो गन्दी से गन्दी बीज, घिनौनी से घिनौनी बीज करने से बाज नहीं चाते हैं। वे खरीद सकते हैं, धमका सकते हैं, सराब पिला सकते हैं, होटलो में ले जा पनते हैं, लड़किया सप्लाई कर सकते हैं-- इन सबका स्रोत हमारे देश में प्राइवेट सेक्टर है।

मैं यह निवेदन करना चाहता हू कि यदि हम दूसिमाज से फ्रष्टाचार को मिटाना चाहते हैं तो बिग-विजनेस मेन को कर्ब करना पड़ेगा, प्राइवेट सेक्टर को कर्ब करना पड़ेगा। प्रशासन से फ्रष्टाचार को हटाने के लिये हम को इस प्रकार के प्रफसरों को बदलना पड़ेगा। ये जो धाई ० सी० एस० धफसर, श्रीमान, यहां बोले हैं, ये पहले मदास में घफसर ये। इन्होंने धपने मृह से कहा था कि चीफ़ मिनिस्टर कौन होता है, प्राई-एम-दी-गवर्नमेन्ट। ये इस प्रकार के धाई० सी० एस० प्रफसर जिन्होंने देश में ध्रष्टाचार को फैलाया है, ये समाज में परिवर्तन नहीं करना चाहते हैं।

मन्तिम बात मैं राजनीतिक क्षेत्र की कहना बाहता हूं। यह भ्रष्टाबार बड़ी बड़ी जगहों पर है, उस की दूर करने के लिये हमें बताना पड़ेगा, हमें उदाहरण पेश करना होगा कि हमें केवल व्यक्त होना ही काफी नहीं है, बल्कि स्वच्छ विद्याई पड़ना भी जरूरी है। इस के लिये हमें एक्बाम्यल पेस करना होगा, तभी भ्रष्टाबार समाप्त होगा। Shri Dhireswar Kalita (Gauhati): Sir, I support this Bill, of course with some reservations. The reservation is necessary because the Bill does not comprehend to rope in ministers who are to be roped in because they are the most corrupt in our country.

The Home Minister has said that ministers will also be brought under the purview of this amendment. think, this amendment has brought because, as it says, a number of cases instituted in courts before the Anti-Corruption Laws (Amendment) Act, 1964, came into force are seriously affected where the accused person's evidence has already been recorded and if the presumption under old section 5(3) is not available to the prosecution, these cases will suffer seriously and will probably end in acquittal and Government, apart from becoming liable to pay compensation or arrears of salary to officers under suspension, will be exposed to public criticism that corrupt officers were allowed to go scotfree.

16.47 hrs.

### [MR SPEAKER in the Chair]

So, to see that this corrupt government remains free from blame they have brought in this amendment. course, whatever good is visualised in this Bill should be accepted and I understand that this Bill will bring to book those persons who acquire property disproportionate to their income. But there are certain other things. I may take a hypothetical case. There is an officer in Delhi, bestowed with three sons and a daughter who may be connected with the Commerce Department or with the licensing department. Now, his one son is reading in London, another in Washington and a third one is bestowed with business qualities. That officer earns something like Rs. 400 or Rs. 500. Now, his son who is bestowed with business qualities has managed to hang one signboard in Bombay or Baroda saying, "Expert

Import House" and he is getting some licences. Then, his daughters also has atteined marriageable age and we may hear after some days that his daughter is married to some person with a dowry of Rs. 50,000 which he will pay privately and not publicly. somehow the anti-corruption branch smells of this. When it is smelt by the anti-corruption branch, that officer manages to get a job in the diplomatic service and flies away from India. There he will have diplomatic immunity. I want to know whether this amendment visualises whether this type of officers will be brought to book or not. I say that this amendment will not bring that type of officers within the purview of this law.

Then, I should not hammer in more and more corruption; many things have been said. Today in this very House about the revolving tower of Ashoka Hotel Shri Onkar Lal Berwa put some straightforward question which could not be answered by the Minister. We understand that many lakhs of rupees are involved in this. Some abnormal procedure was taken by the Government and it has not been answered. The Parliament is sitting Of course, I have no doubt, rather I accept and I concede, that the personnel of the Ministry of Works & Housing may even be very good, but still people will misunderstand because country is full of corruption, everywhere corruption is rampant. Therefore, the public will always misunderstand every type of abnormal procedure, adopted by the Ministry, involving lakhs of rupees; there is every reason behind it; the people will Government's misunderstand the policy and action in such things and from this type of activities, corruption emerges, begins.

I could not understand the explanation of our Home Minister, Mr. Chavan, given the day before yesterday regarding the CBI report that the Government would certainly co-opesate with the Orissa Government and they would render all help by even lending a High Court judge; and if the Commission asked for the report. they would certainly supply that secret report. This Government is not prepared to supply that report to the Orissa Government, but this Government will supply that report to the Commission. Here also the question of Centre-State relation comes. Congress Government at the Centre does not believe in the non-Congress Government. It seems very clear from his own statement that the Union Government, led by the Congress Party, does not believe in the non-Congress Government of Orissa. He will submit the report to the Commission but not to the Orissa Government! What does it mean? It means something else; the Centre-State relations become worse.

Because there is very little available for me, I shall end my speech giving one example. Because the law is incomprehensive, what should we do? We have to make this law into a compresensive one and for that, certain measures should be taken For the information of the Home Minister. I can say that in Assam there was a pipe scandal to the tune of some lakhs of rupees. A Minister was involved. He was an Agriculture Minister and his name is Shri Mahendra Mohan Chowdhry. He is now the Land Revenue Minister. The Central Government gave some iron pipes . . .

Mr. Speaker: Why does he mention names?

Shri Dhireswar Kalita: I am mentioning because I am quoting it . . .

Mr. Speaker: He is not here to defend himself.

Shri Dhireswar Kalita: I shall withdraw it, if it is wrong.

Those pipes were meant for irrigating lands. (Interruptions)

Shrimati Lakshmikanthamma: On a point of order. He cannot bring in the name of a person who is not here to defend himself.

**t406** 

Mr. Speaker: I have said that myself. (Interruptions).

Anti-Corruption

Shr Dhireswar Kalita: Those pipes were meant for irrigating lands, for agricultural purposes, but those pipes were not used for agricultural purposes; those pipes were distributed among some big traders. The pipes did not go to the agricultural field, but they went to some traders and a hue and cry was made in the Assam Assembly. Then, under no less a person than a High Court judge, Justice Ramlabaye, a Commission was set up and the Commission submitted a report. The report came out in public and in press. Up till now, the Assam Government has not taken any action on that and the Minister who was involved has got a promotion now as the Land Revenue Minister. That is why I say that what is necessary is a comprehensive law. Today there is a Congress Government at the Centre and there are non-Congress Governments in some States. All those Ministers should be roped in. We are not afraid of communist members. Similarly, if there is any charge against a socialist Minister, the Socialist Party will not be afraid of any inquiry against him, and so on. What is necessary in our country to root out corruption is a comprehensive law whereby all men belonging to all parties, who are corrupt, may be roped in and tried by an agency like the Ombudsman. I do not know where the Ombudsman is in our country. Let us bring forward that type of law so that there may be an immediate trial and immediate punishment of the corrupt. It is only in this way that we can root out corruption in our country.

Shri N. Sreekantan Nair: On a point of order. I want your ruling on a point or order. It has been stated here that a Minister is also a public servant. I want your ruling on the question whether the definition given in the Act is binding in this connection or any statement by the hon. Minister.

I want to bring to your notice that in the original Act a public servant has been defined to be a public servant as defined in section 21 of the IPC. The definition given in section 21 of the IPC does not include a Minister.

Shri Surendranath Dwivedy: There is a Supreme Court judgment about

Shri Vidya Charan Shukia: I shall clarify it in my speech .

Shri N. Sreekantan Nair: I want your ruling on the point. In the Act, the term 'public servant' has been defined as a public servant as defined in section 21 of the IPC. I shall read out that section to you so that the position may be explained by the hon. Minister when he replies to the debate and whether a Minister is also included within the meaning of the term.

Section 21 of the IPC reads thus:

"The words "public servant" denote a person falling under any of the descriptions hereinafter following namely:-

Second—Every Commissioned Officer in the Military, Naval or Air Forces of India.

Third-Every Judge;

Fourth-Every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorised by a Court of Justice to perform any of such duties;

Fifth-Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant:

Sixth-Every arbitrator or other person to whom any cause or mat5407 Anti-Corruption JYAISTHA 25, 1889 (SAKA) Treatment of Indian 5408 Lines (Amdt.) Bill Diplomats in China (St.)

ter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

Seventh—Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement....."

Mr. Speaker: It looks as if the hon. Member is reading out the whole book.

Shi N. Sreekanatan Nair: In this list, only officers who have got executiva powers have been mentioned, and of course, judges are also included. But this definition excludes a Minister I want the hon Minister to keep this in mind and tell us what the position is. I want you to give a ruling on the point whether the term 'public servant' includes a Minister.

Mr. Speaker: Shri J. B. Kripalanl wanted to say something and he wanted a couple of minutes.

भ जं: भा : इया तान : घट्यक महोदय, मझे खाली एक मिनद ाहिए। होम मिनिस्टर साहब जो यह सशोधन बिल लाये हैं वह ठीक है मैं मानता हं कि यह सही दिश में एक कदम है। नेकि: जब मैं मध्य प्रदेश में था घी: बहां त्क बना होत. है जित्रको ल.बी बना कहते है। बह बाहर नहीं भेजा जा सकता था। यह सरकार का हक्म था फिर जब यह बनरल एलैक्शन हमा 10 या 15 रोज के बास्ते, एक तिजारती को उन्होंने परिमशन दी कि तुम भेज सकते हो बीर 15 दिन के बाद िर उन्होंने बंद कर दिया तो धगर यह होम मिनिस्टर साहब उस के बास्ते कोई जांच कमेटी बैठायेंगे जोकि इस बारे में जांच करे तो म उनके कैडेशियल्स कब्ल करूंगा घीर मैं धनशंगा कि वाकर हैं। इत स रियस इन बाहरिया बालद व व व रण्यान

Mr. Speaker: It is nearing five O'
thack now. There is one other Memter who wants to speak on this Bill, manualy Shri Satya Narain Singh. He may speak tomorrow, and after him, the hon. Minister may reply to the debate.

Shri Bakar Ali Mirra (Secunderabad): Before you take up the CIA....

Mr. Speaker: I am not taking it up just now.

The hon. Minister of External Affairs will now make a statement about the latest position in regard to the treatment of the Indian Embassy personnel in China.

Shri Hem Barua (Mangaldai): Is it in response to our request?

The Minister of External Affairs (Shri M. C. Chagia): Yes, I am obeying his summons.

17 hrs.

STATEMENT RE. TREATMENT OF INDIAN DIPLOMATES BY CHINA

The Minister of External Affairs (Shri M. C. Chagla): Since I spoke to the House last, the whole world has been shocked by the news which have come from Peking about the humiliating treatment accorded to our diplomats by the Red Guards in Peking. At the airport Shri Raghunath was physically attacked and slapped. Hisglasses were broken and his face was stated to be bleeding. Shri Vijai who had only been declared persona non grata and who according to international law was entitled to all privileges of a diplomat until he left the territory of China was paraded round the airport for one hour and humiliated by a howling mob of Red Gaurds. Our First Secretary, Shri C V. Ranga. nathan against whom no charges had been made was forctd to bow his head by the Red Guards. That all this was done in no moment of frenzy but was the result of cold, calculated and deliberate policy was shown by the fact that after this scene was enacted, the Red Guards marched away in disciplined battle formation. We have just now begun to receive the direct report from our CDA in Peking. We hope