

[Shri Sezhiyan]

reference to a Select Committee because during the inter-session it can be discussed in the Committee.

SHRI RAJ BAHADUR : That is a good idea.

MR. SPEAKER : Let the hon. Minister not jump to conclusions so quickly. I was not prepared for this. He should not take me unaware. If this is his intention, he should inform me beforehand. I have been asking the House to sit longer hours, but suddenly he comes up with this idea.

Now, Prof. Mukerjee, the Government are agreeable that instead of postponing that Bill, it may be referred to the Select Committee.

SHRI H. N. MUKERJEE : I said I would agree to it. I am in the hands of the House.

MR. SPEAKER : The Minister has agreed to it. I cannot say what will happen the next moment. For the moment they have agreed.

SHRI RAJ BAHADUR : I am very sorry. It stands.

SHRI K. NARAYANA RAO (Bobilli) : May we take it that it is being referred to the select Committee?

MR. SPEAKER : For the time being, it looks like that. Yes, Mr. Pant.

12.00 hrs

DEPARTMENTAL INQUIRIES (ENFORCEMENT OF ATTEN- DANCE OF WITNESSES AND PRODUCTION OF DOCUMENTS) BILL

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
K. C. PANT) : Sir, I move :—

"That the Bill to provide for the enforcement of attendance of witnesses and

production of documents in certain departmental inquiries and for matters connected therewith or incidental thereto, be taken into consideration."

An important factor which holds up the progress of oral enquiries in departmental proceedings against Government servants is the absence of authority with enquiring officers to compel production of documents and summoning of witnesses. This is also explained in the Statement of Objects and Reasons attached to the Bill.

Under the existing rules, Inquiry Officers are being appointed to conduct departmental inquiries but these Officers have no statutory powers to enforce the attendance of witnesses or production of documents in such inquiries. While no difficulty is normally experienced in procuring the witnesses who are public servants, private parties called up as witnesses are often found to be reluctant in appearing before Inquiry Officers. Quite often the hearings in departmental inquiries have to be adjourned just with a view to persuading the private parties to attend such inquiries in the interest of public justice. On the other hand, there have been some cases which fell through because some private parties, who were material witnesses, refused to appear before the Inquiry officers.

The Santhanam Committee on Prevention of Corruption had *inter alia* recommended that "Powers to summon and compel attendance of witnesses and production of documents should be conferred on the inquiry authorities in departmental proceedings by suitable legislation".

The Bill is intended to resolve the difficulties experienced by the inquiring authorities in this regard. There should be no objection to accept the provisions of the Bill which are only of a procedural and enabling nature. These provisions are a step in the direction of expediting Departmental Enquiries.

The amendments suggested to the Bill have been considered. The amendments have been suggested I presume with a view

to make the Bill more effective in its implementation but, for the reasons which I will mention hereafter the purpose is fully met in the existing provisions.

I have already stated this is a Bill of an enabling and procedural nature. There can be no controversy as to the purpose of the Bill. The provisions of the Bill are also simple. Therefore it is considered that the time of the Joint Select Committee may not be consumed in the consideration of this Bill.

The Bill does not extend to the State of Jammu and Kashmir because entries 12 and 13 in the Concurrent List to which the Bill is relatable have not so far been extended to the State of Jammu and Kashmir. It would also not be possible to extend the scope of the Bill to employees on deputation to the States or Universities since the borrowing authorities can take disciplinary action in respect of such employees on their own. An amendment has also been suggested that abuse of official position should also come within the definition of the word 'integrity' used in the Bill. I may assure the members that 'lack of integrity' is wide enough to include instances of abuse of official position when such abuse is relatable to corruption. The power to give requisite authorisation to the inquiring authorities in appropriate cases has been reserved with the Government with a view to ensure that discretion is exercised in calling of witnesses and also in calling for production of documents.

The Bill would enable effective conduct of Departmental Enquiries and I move that it may be taken up for consideration.
12.05 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill to provide for the enforcement of attendance of witnesses and production of documents in certain departmental inquiries and for matters connected therewith or incidental thereto, be taken into consideration."

There is an amendment to this motion

that the Bill be referred to the Select Committee. Mr. Daga. are you moving it ?

SHRI M.C. DAGA (Pali) : No, Sir. I am not moving.

श्री आर० बी० बड़े (खरगोन) : उपाध्यक्ष महोदय, माननीय मन्त्री जी ने यह जो डिपार्टमेंटल एन्क्वायरीज (एन्कोर्समेंट आफ अटेंडेंस आफ विटनेसेज एंड प्रोडक्शन आफ डॉक्यूमेंट्स) बिल प्रस्तुत किया है मैं उसका समर्थन करता हूँ। उसका कारण यह है कि इस डिपार्टमेंटल एन्क्वायरी के लिए स्टेट्स में तो अलग-अलग कानून हैं लेकिन उनमें विटनेसेज को बुलाने में दिक्कत होती है अगर विटनेस को बुलाना है डिपार्टमेंटल एन्क्वायरी में तो बकील करना है या नहीं करना है इस प्रकार का जब प्रश्न आता है तो उसमें आफिस की परमीशन लेनी पड़ती है। एक बार डिपार्टमेंटल एन्क्वायरी में मैं खुद गया था तो हमारे मध्य प्रदेश स्टेट में कानून है कि प्रिमाईडिंग आफिसर विटनेसेज को बुला सकता है और सिविल प्रोसीजर कोड के जो नियम हैं वह उस पर लागू होते हैं। सिविल प्रोसीजर कोड के नियम जो विटनेसेज को बुलाने के बारे में हैं उसके अनुसार उसको समन करना बुलाना और समन से नहीं आए तो बारट निकालना, इसके लिये प्राविजन है। लेकिन बैंक के एकाउन्ट्स के लिये प्राविजन नहीं है। इसमें बैंक के एकाउन्ट्स के लिये जो प्राविजन किये गये हैं वे बहुत अच्छे हैं। क्योंकि बैंक के एकाउन्ट्स जो होते हैं जिनको कोई बैंक नहीं सकता है उनके लिये इसमें यह है कि प्रिमाईडिंग आफिसर बैंक को नोटिस देकर एकाउन्ट्स खोल सकता है, उनको बुला सकता है। इसमें जो क्लॉज दिया है उसमें यह है :

"Even in the case of banks to produce any books of accounts or other documents which the Reserve Bank of India, State Bank of India, subsidiary bank or a corresponding new bank claims to be of a confidential nature."

स्टेट्स में इस प्रकार की सहूलियत नहीं थी; ऐसा कोई प्राविजन नहीं था। तो यह जो

[श्री आर०बी० बड़े]

प्राविजन है यह बहुत अच्छा प्राविजन है। हमने विटनेसेज को देखा है, जैसे मनी-लेंडर्स है वह चाहते हैं कि हमारे एकाउन्ट्स सामने न आएँ। डेट रिलीफ कोर्ट्स जो स्थापित हुये हैं उसमें यह जाकर कम्प्रोमाइज कर लेते हैं। विटनेसेज अवायज करते हैं। वे नहीं आते। उस वक्त में समन करना पड़ता है और वारन्ट निकालना पड़ता है। तो यह भी एक प्राविजन इस ऐक्ट में अच्छा है।

मैं कहता हूँ कि यह डिपार्टमेंटल एन्क्वायरी जो होती है वह 'बड़े महत्व की होती है क्योंकि प्रागे जब यही जूडिशियल कोर्ट्स में जाते हैं तो वहाँ यह चीज आती है कि यह डिपार्टमेंटल एन्क्वायरी का प्राविजन ऐडमिनिस्ट्रेशन है या नहीं, इसमें डिफरेंस आफ ओपिनियम होता है। मेरा कहना यह है कि यदि बैंक के एकाउन्ट सामने आ जाएँ और यह मालूम हो जाय कि किसके नाम से एकाउन्ट्स खोले हुए हैं या किस बैंक में वह अपना एकाउन्ट रखे हुये हैं तो काफी आसानी हो सकती है। अभी एक सबइंस्पेक्टर के खिलाफ एन्क्वायरी चल रही थी। उसने अपनी लडकी के नाम से एकाउन्ट्स खोले हुये थे और अपनी पत्नी के नाम से एकाउन्ट्स खोले हुये थे। मैंने बैंक से कहा तो उन्होंने कहा कि वह नहीं बता सकते हैं। उनके बाद ऊपर से उनके लिये आदेश ले आए। उसमें हमें यह डिफिकल्टी होती है कि प्रिमाइडिंग आफिसर तो देख सकता है, ऐडवोकेट या विटनेस नहीं देख सकता। प्रिमाइडिंग आफिसर उसमें अगर साइड लेना चाहे तो वकील या दूसरी साइड को भी उसे देखने का अवसर देना चाहिये। यह प्राविजन इसमें नहीं है। मैं चाहता हूँ कि यह प्राविजन भी इसमें किया जाये कि कान्फिडेंशियल एकाउन्ट्स बैंक के आते हैं तो

Other party of advocates or witnesses should be able to see the documents.

इसके साथ मैं यह भी है कि डिपार्टमेंटल एन्क्वायरी बहुत प्रोलांग होती है। एक-एक साल दो-

दो साल चलती है। एक आफिसर चला जाता है, दूसरा आता है, वह भी चला जाता है तीसरा आता है। वह कहता है एविडेंस पहले हुई है, इससे काम नहीं चलेगा। तो यह भी प्राविजन होना चाहिये कि ज्यादा डिले इसमें नहीं होनी चाहिये। फिर यह जितने कानून बनेंगे उतने उम कानून के अवायज करने के रास्ते भी निकलते रहते हैं, फिर उसके लिये पार्लियामेंट में आते हैं, उसे प्लग करते हैं, फिर वह और रास्ते निकलते हैं, फिर प्लग करते हैं। यह चीज चलती है। ताहम, यह कानून अच्छा है और मैं इसका समर्थन करता हूँ।

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I fail to understand why this Government after the lapse of so many years has brought this Bill for implementation of one particular item of the Santhanam Committee. That report on prevention of corruption has dealt with various aspects. It has also charted the magnitude of corruption that exists in the country.

I would like to refer to the most scandalous case that we have come across. The Ministry of Petroleum and chemicals are maintaining duplicate files to headwink the Takru Commission and senior civil servants have been telling untrue things before this Commission and trying to protect themselves and their brethren.

It says here :

"Mr. P.R. Nayak, former Secretary of the Government of India today appealed to the Takru Commission not to allow its forum to be used to demoralise and denigrate public servants in the country through malicious, wild and unsubstantiated allegations".

I had raised this case on the floor of the House a number of times. It has shown the most heinous type of conspiracy where the top people of our departments had conspired with foreign companies to drain away most precious foreign exchange out of the country. Not only that. A public sector venture which should have served the cause of the people has been

subtaged. The most important thing in that undertaking is the underground pipeline. The cathoderlay treatment for prevention of corrosion in the pipelines was to have been undertaken, but the two companies involved, both of American origin one in Italy and another in America, Bechtel and SNAM were given all possible assistance by the officials in the Oil Ministry and the public sector oil concerns in a combined way so that they could get paid for the whole work though they did not do most of it.

The ex-chief of the IOC, an ICS man, Mr. Kashyap—just imagine—used this language :

“He dinied that he was directly interested in canceling the alleged seized or that he was involved in the misdeeds under enquiry.”

Does it mean that he is indirectly involved ?

So, I want to ask the Government why they are trying to rectify others while they have got skeletons in their own cupboard.

I will also give you an example to show how they are using these corruption cases for their party and political interests. In Punjab they have appointed a Commission to enquire into the corrupt practices adopted by the Akali Ministers. We welcome that, but when it comes to Haryana where the ruling Congress is in the Government, though there have been numerous memoranda.....

SHRI K. NARAYANA RAO (Bobilli) : On a point of order. The scope of the present Bill is about the powers to be given to the enquiry officers for the production of witnesses and documents. Mr. Bosu has been very elaborately explaining the merits of certain actual cases relating not only to public servants, but also to Ministers. Therefore, it is my submission that whatever he has said about Ministers of Harayana is totally out of order.

MR. DEPUTY-SPEAKER : He is only citing these cases as examples to reinforce his point. Let him not elaborate them too much, but come to the main Bill and say

how he would like it to be improved.

SHRI JYOTIRMOY BOSU : Elaborating too much or too little is a matter of opinion.

In Haryana there have been numerous corruption cases alleged against the Government. So many MPs and MLAs have written to the President and the Prime Minister. Because it is the ruling Congress, no action has been taken, but when it concerns the Akalis, they promptly installed a Commission.

The appointment of Judges to serve on these Commissions serves to corrupt Judges who are serving to look forward to such appointments in their retirement.

This is what the Santhanam Committee has said about corruption of Ministers :

“Whenever allegations are made against Ministers and require to be enquired into, an *ad hoc* committee should be selected out of the National Panel by the President. The Committee may consist of three persons, one of whom”

I want to ask our dear friend, hon. Shri K.C. Pant, in how many cases they have followed this recommendation of the Santhanam committee ? Why is it that they have made a show-piece of the Vigilance Commission and nothing is coming out of it ?

I would support any measure that would mean ending of corruption and mis deeds. But I am quite confident that is the last thought in the mind of this Government.

श्री मूलचन्द डागा (पाली) : उपाध्यक्ष, महोदय, माननीय मन्त्री महोदय ने मेरे से पहले अपनी स्पीच में सारी बातें स्पष्ट करदी हैं। फिर भी मैं दो तीन बातें आपके ध्यान में लाना चाहता हूँ।

पहला सवाल तो यह है कि डिपार्टमेंटल इन्क्वायरी में 5 परसेंट क्वेश्चन भी मंत्री महोदय नहीं बता सकेंगे जिनमें कभी इन्क्वायरी समय पर

[श्री मूलचन्द डागा]

हो गई हो और होने के बाद किसी को सजा दी गई हो। जितना सरकारी कुटुम्ब होता है और जो इक्वायरी करने वाला आफिसर बैठता है ये सरकारी कुनबा अपने आपको समझता है और सब लोग जानते हैं कि डिपार्टमेंटल इक्वायरी बैठी है लेकिन कुछ नहीं होता। जो आपने बिल पेश किया है कि गवाहों को पेश करना चाहिए और इसके लिए अटेडेंस के लिए कम्पेल करने की अथॉरिटी मिलनी चाहिए मैं समझता हूँ कि इक्वायरी होने के पहले जिनका डाकुमेंट्री इविडेन्स है, या औरल एविडेन्स है, उसका एक पूरा सैट बन जाना चाहिए और जिस आदमी के खिलाफ इक्वायरी हो उसे पूरे डाकुमेंट्स दिए जाने चाहिए। मेरा यह भी सुझाव है कि इक्वायरी का जो जवाब देने वाला हो उसको भी पूरे दस्तावेज और पूरी शहादत दे देनी चाहिए तो मैं समझता हूँ कि आपका परपज ठीक होगा। नहीं तो समय-समय पर आपका यही काम होता है और आप कहते हैं अटेडेंस के लिए फोर्स किया जा सकता है सिविल प्रोसीजर कोड के अन्तर्गत फोर्स किया जा सकता है। लेकिन अथॉरिटी के पास पूरी शहादत हो तो पहले ही दिन यह तय कर लिया जाए और डेटेड इक्वायरी हो। डिपार्टमेंटल इक्वायरी के बारे में लोग जानते हैं कि वहाँ इक्वायरी चलती है, इसका कोई नतीजा नहीं निकलता है, गवाहों को टेपर विद किया जा सकता है और गवाह टेपर विद भी होते हैं। डाकुमेंट्स भी अवैलेबल नहीं रहते इस पर मेरी दो ग्रीन बाते हैं जो मैं कहना चाहता हूँ।

पहली बात यह है कि इक्वायरी करने के पहले सारे दस्तावेज डाकुमेंट्री एविडेन्स होनी चाहिए और डिफेंस जो पेश करे उसे भी सारी डाकुमेंट्स पेश कर देनी चाहिए। अग्यथा यह जो पावर देते हैं कि अगर कोई ऐफिडेविट दे देता है कि मेरे पास यह डाकुमेंट्स नहीं हैं तो आप की अथॉरिटी उसकी मर्च करवा सकेगी। सिविल प्रोसीजर कोड का जो कानून आप लागू करना

चाहते हैं, मेरा सुझाव है कि यह लेजिस्लेशन लाकर उसका कोई परपज सब नहीं होता है। लेकिन डिपार्टमेंटल इक्वायरी के अन्तर्गत सारे हिन्दुस्तान में जो इक्वायरी होती है उसका परिणाम क्या निकलता है मेरी समझ में 5 परसेंट केसेज में भी आज तक किसी को सजा नहीं मिली और इक्वायरी में एक बात यह साबित होती है कि डाकुमेंट्स अवैलेबल नहीं थे। गवर्नमेंट के पास डाकुमेंट्स होते हैं, आपको खुद की वस्टडी में डाकुमेंट्स होते हैं, लेकिन आप चाहते हैं कि उन डाकुमेंट्स को तलब करने के लिए आपने प्राविजन निकाला है, लेकिन इसके अन्दर ऐसा है कि पहले से सारे डाकुमेंट्स कलेक्ट करने चाहिए और डिफेंस वाले को सारे डाकुमेंट्स दे देने चाहिए।

SHRI M KALYANASUNDARAM (Tiruchirappalli) Sir, in principal I have no objection to giving powers to the enquiring officers to compel the attendance of witnesses and production of records, but may I know from the minister whether Government has cared to study why the non-officials are reluctant to come and give evidence? Are they reluctant, or are they afraid or are they influenced? This is a very important question which the government should have examined

This Bill seeks to accept one of the several recommendations which is not very important. Will it help the government to have a radical drive against corruption? I am not very hopeful. The way in which the Bill is framed, the departmental inquiry will become a judicial inquiry, giving a lot of opportunities for lawyers and prolonging the inquiry as long as possible. I am not very hopeful that this will achieve results because the Code of Civil Procedure is sought to be introduced in the departmental inquiries. Still, I have no objection to that. But why should the records of the Reserve Bank and the State Bank be excluded from the purview of the inquiring officer? It may be that the accounts of the person accused in the Bank may be vital for coming to a decision. It should not be excluded from the purview of the inquiry. I think that clause should be

deleted from the Bill. While supporting the Bill I would urge upon the government to bring in a comprehensive legislation to implement the several recommendations made by the Santhanam Committee.

*SHRI J. M. GOWDER (Nilgiris): Mr. Deputy Speaker, Sir, I welcome the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Bill and I thank you for giving me an opportunity to say a few words on this Bill.

Sir, you are aware that Santhanam Committee to go into the question of Corruption in the country was appointed so long ago and they had also submitted their report many years ago. It is surprising that the Government should have come forward with this Bill incorporating one of the suggestions made by the Santhanam Committee after the lapse of so many years. Perhaps we are to be satisfied with the adage 'better late than never'.

Sir, this Bill will enable the Government to summon statutorily non-official witnesses and other relevant documents before an inquiry body which so far is handicapped for want of this power. It must be appreciated that the people are naturally reluctant to volunteer for deposing evidence against an officer involved in such an inquiry. You have to admit that the power of the people cannot be compared with the powers of the administrative machinery. If an officer of a particular district has been charged with corrupt practices, how can we expect the local people to come before an inquiry body freely and fearlessly and depose against him? They are naturally apprehensive that, in case nothing is proved against the officer, he can take revenge upon the people who gave evidence against him, when that officer is posted back to the same district. The people who give evidence firstly are not aware of the outcome of such an inquiry against the officer. They are also not sure whether the same officer will not be posted back to the same district after completion of the inquiry. They have also no other avenue to protect themselves against the vindictivity of such an officer. I have to point out that there is no provision

in this Bill giving protection to the people who are willing voluntarily to give evidence. You will appreciate that this is a genuine fear on the part of the people and unless this is removed you cannot expect them to be of help to the Government in their effort to root out corruption in the country. When the Government want statutory powers to summon them, there must be statutory protection also for them. I would appeal to the hon. Minister that he should give serious consideration to this issue and then only this Bill will become meaningful.

Sir, the Central Vigilance Commission has been appointed by the Government and this Commission has been clothed with certain powers. But, the Commission is not able to function effectively on account of this reason that the Inquiry Officers are not able to summon even records belonging to the Government, leave alone the question of calling non-official witnesses. I have come to know that even the officers are reluctant to appear before the Commission for giving evidence. In this Bill, it is stated that the Commission also can summon statutorily non-official witnesses and other records required from the private sector. No doubt the intention of the Government is laudable. But I would like to say that if the Central Vigilance Commission, which is expected to contribute for the elimination of corruption in the official machinery, is to do justice to its work, then the Government must be ready to cooperate fully with the functioning of the Commission. When powers are taken to summon statutorily witnesses from non-official side, it must be ensured that whichever officer the Commission wants to examine, he must be made available immediately to the Commission so that the Commission can base its conclusions on the evidence of such officer or officers.

Though this may not be strictly relevant to the discussion, I would like to point out that the Government should find out ways and means for enabling an aggrieved labour also to have a look at the records maintained by the management. I doubt very much whether the Labour Officers also are enabled to have a look at the records of the management. It is

*The original speech was delivered in Tamil.

[Shri J.M. Gowder]

common knowledge that the records are tampered to benefit the management and the poor labourer is left high and dry in this process. I would appeal to the hon. Minister that a suitable legislation should be introduced in this House making compulsory the presentation of records maintained by the management in a labour dispute and the labour should also have statutory access to such records. You know that the management is utterly ruthless so far as labour issues are concerned. The top industrialists and manufacturers have resources enough to do what they like and the labour has not much say in the maintenance of records and papers by the management. I have taken this opportunity to mention this because it should be ensured that the aggrieved labour is also given the facility for going through the records and the management should not put any bottleneck in this.

Before I conclude, I would plead with the hon. Minister that legal protection must be given to those who are summoned statutorily to give evidence before an inquiry body. The Central Vigilance commission should be given all cooperation in this matter so that the Government are able to achieve the objective of rooting out corruption from the country.

SHRI K. C. PANT : Sir, as I said, in my opening speech, this is a measure which has limited scope and the discussion has been a little more wide-ranging.

There have been references to the Santhanam Committee's Report and the implementation of the recommendations of the Santhanam Committee Report. That is a wider question. I do not think this is a time for me to go into the details of the implementation of various recommendations of the Santhanam Committee. But I have here a statement which indicates that the bulk of those recommendations have been accepted and the majority of them have been implemented.

There was some reference to the fact that certain persons could appear on be-

half of the officers who are appearing before the Inquiry committees. Well, the departmental inquiries are conducted under the Central Civil Services Classification Control and Appeal Rules 1965 and these rules do empower the Government servant to employ any colleague to defend him and the Government servant is permitted to engage a lawyer only when he is specifically permitted to do so by the Government. This is the position so far as the engagement of anyone to defend the Government servant is concerned.

Shri Bade and others raised a question of banks' accounts. The reason for this particular provision in this Bill is that the Reserve Bank of India and the State Bank of India Acts make a provision that the Banks cannot be compelled to produce confidential documents. So, unless those Acts are amended, one cannot provide for the power to procure confidential documents in this particular Bill... (*Interruptions*) It makes the position quite clear.

Shri Bade referred to the fact that the departmental enquiries tend to get prolonged. That is quite true and is one of the reasons that I have said that tends to Prolong the inquiries and to the extent that these reasons are responsible, the failure of the witnesses to appear even when summoned and for documents to be made available even when requisitioned, to that extent the lacunae will be made up and the enquiries will be expedited.

My hon. friend, Shri Bosu, spoke of matters which really did not help directly in throwing light on the provisions of this Bill. He referred to the general question of Santhanam Committee's report which I have already mentioned. He referred to Shri Nayak's case. Now, I don't think that the House is unaware of all that has happened in the Nayak's case and I need not go into the details again. But the House is aware that the preliminary examination of the charges was conducted by Justice J. N. Thakru and a Special Commissioner for Departmental Enquiries in the C.V.C. was appointed enquiry officer to enquire into the charges and both these

gentlemen have submitted their reports.

AN HON. MEMBER : So also Mr. Chakravathy.

SHRI K. C. PANT : Yes, he has also submitted his report. Mr. Thakru submitted his preliminary enquiry report on 13th January 1971 and Shri Nayak went to the court, he went to the High Court and then to the Supreme Court and the Supreme Court, by a majority judgment, quashed the suspension of Mr. Nayak. All these things are known to the House, So, I don't think I need take the time of the House.

About inquiry into the complaints regarding the Haryana Ministers, they do not come within the scope of this Bill.

Shri Bosu said and I think Mr. Daga also said that nothing has come out of the Vigilance Commission. That is, I think, an uncharitable remark and the House knows of the individual cases, the important cases as also the generality of the cases which the Commission deals with. Its reports are placed on the Table of the House. Again I don't want to burden the House with a lot of details, but the number of Government employees against whom action was taken was 2177 in 1965, 2473 in 1966, 2460 in 1967 and 2169 in 1968 and so on. Therefore, it would not be correct to say that the Commission is not doing its work or is not producing anything. It is acting as a deterrent to corruption and I think it is functioning fairly smoothly and any specific suggestions to improve its working can certainly be considered.

Shri Daga has been good enough not to move his motion to refer the Bill to a Select Committee. So, I do not want to go into that aspect. But I was intrigued to find that all the members of the Select Committee he has proposed are from Rajasthan. *(Interruptions)* I hope, Sir, even though his motion is not accepted, his position in the Rajasthan group will be strengthened ?

He said that power to summon docu-

ments is being taken but these documents are with the Governments. They are not all which the Government. Sometimes documents are with others and these documents also are required to be examined in cases of corruption charges.

Shri J. M. Gowder had raised a question which has wider implications, and he has said that certain officers would take revenge on the witnesses in case they appear against them. In this country, we have to begin to insist on citizens discharging their responsibilities. Otherwise, there can be no question of bringing corruption to an end, and even at some risk I think the citizens have to discharge their responsibilities, because one of the reasons why action cannot be taken against corrupt officers or action is not taken in case of hoarding or other offences is that the citizens in this country are not fully alive and are not fully responsive to the need to make their contribution to bringing corruption to an end. All of us decry corruption in general terms, but when it comes to specific action, we do not always lay the kind of emphasis which we should on the contribution of individual citizens in this matter. As I have said, all of us, and I think Parliament too, ought to give a lead in this matter.

SHRI H. M. PATEL (Dhandhuka) : May I just seek one clarification in the light of the hon. Minister's reply ? He has said that the Reserve Bank and the State Bank have been excluded because of certain provisions in their respective Acts. Would the hon. Minister consider issuing instruction to these banks that unless there are grave objections, they should not seek the protection of those particular provisions but facilitate the conduct of those inquiries, just as they are going to press upon other banks to submit documents which are required for the purpose ?

SHRI K. C. PANT : This does not limit in any way the banks' discretion in supplying documents, and, therefore, I do hope, appreciating the spirit in which this question has been put, that the banks would supply documents unless they really

[Shri K. C. Pant]

consider them to be of such a confidential nature as would affect their business etc.

AN HON. MEMBER : The question is about the Government's issuing instructions to the banks.

SHRI H. M. PATEL : It is quite clear that the banks would exercise their discretion. But what I was requesting was this. Government may issue instructions to them that they should not exercise their discretion in favour of not providing these documents. The same considerations that apply for obtaining these documents from other banks may also apply to these two banks.

SHRI K. C. PANT : We are interested now in the nationalised banks and we should see that their interests are also protected. We want more and more people to put their money in these banks. So, we have to leave it to the banks a certain amount of discretion in this matter.

As I have said, I appreciate the spirit in which he has made the point, and I hope the banks will also do so.

SHRI H.M. PATEL: That means that they are inviting more people to open accounts in the State Bank rather than elsewhere.

M. R. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for the enforcements of attendance of witnesses and production of documents in certain departmental inquiries and for matters connected therewith or incidental there to, be taken into consideration".

The motion was adopted.

MR. DEPUTY-SPEAKER: There are many amendment tabled by Shri B R. Shukla. The hon. Member is absent. So, I shall put all the clauses together to vote.

The question is:

"That clauses 2 to 7, clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clauses 2 to 7, clause 1, the Enacting Formula and Title were added to the Bill

SHRI K.C. PANT: I beg to move:

"That the Bill be passed".

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed".

The motion was adopted.

12.40 hrs

DIPLOMATIC RELATIONS (VIENNA CONVENTION) BILL

THE DEPUTY MINISTER IN THE
MINISTRY OF EXTERNAL AFFAIRS
(SHRI SURENDRA PAL SINGH): I beg
to move:

"That the Bill to give effect to the Vienna Convention on Diplomatic Relations (1961) and to provide for matters connected therewith, be taken into consideration".

The purpose of this Bill is to give effect to the provisions of the Vienna Convention on Diplomatic Relations 1961, to which India acceded on 15 October 1965, particularly those provisions which should be given effect to under our law. So far we have been implementing the provisions of the Vienna Convention on Diplomatic Relations dealing with matters like exemption from dues and taxes by taking action under different existing laws. There are notifications issued, for example, under the Customs Act, 1962, and the Income Tax Act, 1961, to exempt diplomatic missions and their members from duties and taxes. The provisions of the Convention regarding the immunity of missions and their personnel from local, civil and criminal jurisdiction are based on established international custom and have been respected