

1.00 P.M.

Let me repeat clearly again that whatever allegations in this regard are, the Prime Minister has clearly stated that the Government's programme does not include this, the National Democratic Alliance's programme does not have it. It is not a part of the B.J.P's agenda. The Chief Minister of Uttar Pradesh has sent a written communication to the hon. Prime Minister. The hon. Prime Minister has shared this written communication with the country at large, and therefore, I do appeal to the hon. Members. I can understand their anxiety and desire to politically embarrass the ruling party. This is part of a political game. This is a process of politically embarrassing the ruling party. Let me say, Sir, that it is not part of our party's agenda; it is not part of the National Democratic Alliance's agenda. The reported statement of the Uttar Pradesh Chief Minister has been clearly explained in writing and the Prime Minister has said that it is not part of the programme of the Government of UP. either. So, the matter really rests at that, and I would request that the matter be stopped here itself.

MR. CHAIRMAN : Yes. The House is adjourned for lunch.

*The House then adjourned for lunch at one minute
past one of the clock.*

*The House reassembled after lunch at
four minutes past two of the clock,*

[THE DEPUTY CHAIRMAN in the Chair.]

**MOTIONS REGARDING THE FIRST REPORT AND THE SECOND
REPORT OF THE ETHICS COMMITTEE**

SHRIMATI KAMLA SINHA (Bihar): Good afternoon, Madam.

THE DEPUTY CHAIRMAN: Good afternoon. Is there anything special today that I have been good afternooned?

श्रीमती कमला सिन्हा: आप आई बहार आई।

THE DEPUTY CHAIRMAN: Oh, thank you. मैं समझी थी कि यह भी पार्ट आफ एथिक्स है।

[15 December, 1999]

RAJYA SABHA

श्री संघ प्रिय गौतम (उत्तर प्रदेश): है तो सही, यहां मुस्करा कर कह देना।

उपसभापति: हम मुसकराते रहें और उधार से नहीं हो तो अच्छा नहीं है। It is a two-way रेल दोनों तरफ चलती है।

श्री संघ प्रिय गौतम: नहीं, दोनों तरफ ही होता है।

SHRI S.B. CHAVAN (Maharashtra): Madam, I beg to move the following Motion:-

"That the First Report of the Ethics Committee presented to the House on the 8th December, 1998 and the Second Report of the Ethics Committee presented to the House on the 13th December, 1999, be taken into consideration."

Madam., I also beg to move:

"That this House agrees with the recommendations contained in the First Report of the Ethics Committee presented to Rajya Sabha on the 8th December, 1998 and the Second Report of the Ethics Committee presented to Rajya Sabha on the 13th December, 1999."

Madam, the House may recall that on the 17th of December, 1998, I had moved the aforesaid motions regarding the first report of the Ethics Committee. While moving the aforesaid motion, I had informed the House about the mandate of the Ethics Committee; I had also highlighted some of the recommendations of the Committee, particularly those concerning the declaration of assets and liabilities by the Members and the code of conduct for the Members of the Rajya Sabha. In order to give effect to the recommendations contained in the first Report of the Ethics Committee, I had commended to the House to adopt the Report. However, Prof. Vijay Kumar MaDiotra, on that day, had suggested that the Business Advisory Committee might decide the time for discussion of this report and, then-, whatever time was allotted, within that, the Members of the House would get an opportunity to discuss the report, with an open mind. Shri Govindrao Adik also agreed with the suggestion made by Prof. Vijay Kumar MaDiotra.

In its First Report, the Committee had mentioned that it would, in its subsequent report, lay down the procedure for making a complaint to the

Committee or taking up matters suo motu by it, the mechanism for investigation of complaint and the question of providing penalties for violation of the Code.

In the Second Report, the Committee had generally dealt with questions concerning the registration of Members' interests, declaration of interests, procedure for inquiry and penalties. In this Report, the Committee had expressed the view that it would only be in the rarest of rare cases that the question of having to recommend imposition of penalty would arise.

I now commend these reports for adoption by the House.

The questions were proposed

SHRI EDUARDO FALEIRO (Goa): Madam, I would like to congratulate the Chairman and the Members of this Committee for the excellent reports that they have placed before us. They have not merely made recommendations in the reports, but have taken whatever action was possible, within their competence, to see that those recommendations are

implemented, by articulating a code of conduct. However, there is a lot to be done by the Government. I would come to this point in a moment.

Madam, I must, however, start with a note of confidence; that, in spite of the gravest of challenges because of varieties and diversities — religious, social, economic, or whatever *- that we have, the country of this size has made a success out of its Parliamentary democracy. This is a unique achievement in the world. There is no country of this size and diversity that has been able to do this much. In spite of grave challenges, as I have said, Parliamentary democracy thrives in this country. That is really a success story, as far as our political system goes.

Now, what the Ethics Committee is about? It is an instrument to further strengthen our Parliamentary democracy. The corner-stone of our system is secular nationalism and democratic socialism.

As I have mentioned, it has made valuable recommendations. But the concern that I express here and —it should be expressed by all -- is that, when we have these reports which have been prepared by putting in a lot of time and money, which are full of good intentions they are meant for acting upon them and not just adding to the pile of a large number of reports in Parliament and in the Government Departments which, once laid

on the Table of the House, once they are finalised and submitted are forgotten and sent to the archives. I, therefore, say what is called for now, is implementation. As far as the implementation is concerned, the Committee has done all that it could, by framing or articulating a code of conduct. Now, it is for the Government to act upon it. It contains several recommendations which concern the Government and which call for, particularly, electoral reforms, and more specifically, amendment of the Representation of the People Act. Now, I will list here a few of the recommendations that have been made in these reports and ask : (a) What is the view of the Government on each of these recommendations? ; (b) If the Government agrees with these recommendations, will the Government bring forth necessary legislation to implement them?

Now, let me, therefore, proceed to mention these particular points. I will just mention here paragraph 19, page 9, wherein the Committee recommends that the ballot through which elections are held for Membership of the Rajya Sabha should not be a secret ballot, but should be an open ballot. I think, that is very important, very well justified in today's context wherein the MLAs are to vote for the candidates, on the basis of the party. There is a whip for that. In spite of the whip being issued ; and political honesty demands that they should vote for the party candidate, that is not happening. There have been instances where there have been cross-votings. Money power has been at play, allurements of different sorts have been utilised so that the MLAs indulge in cross-voting. Therefore, practice political dishonesty. There have been cases. Many of us have been victims or have been almost close to being victims of cross-voting, especially in those States which are prone to defections nowadays. Therefore, if we can vote in this House openly, if we can elect our Members openly, one can avoid the possibility of political dishonesty. We must, therefore, implement this recommendation of a free and open ballot system, rather than a secret ballot in voting for the candidate for the Membership of the Rajya Sabha.

Madam Deputy Chairman, may I know who is the Minister piloting this motion? May I know who will reply to this?

THE DEPUTY CHAIRMAN ; According to my papers, Mr. Chavan will reply.

SHRI EDUARDO FALEIRO ; What we are concerned with is : Who

will react on behalf of the Government? We do not want to have a debate here just for the sake of a debate. We would like to have the reaction of the Government. Therefore, the first thing is : (a) Do you agree with the recommendation that voting in the elections to fill up Rajya Sabha seats should be an open ballot rather than by a secret ballot? Do you agree with this? In other words, are you going to bring in an amendment to the Representation of the People Act so that this recommendation is implemented?

THE DEPUTY CHAIRMAN : I agree with you on elections to fill up Rajya Sabha seats. I had seen in the last elections to the Rajya Sabha, in Maharashtra, how cross-voting took place; and how money was alleged to have been paid. I did not see. At that time, I wrote a letter to the Election Commissioner suggesting that elections to the Rajya Sabha seats should be open because it brings a bad name to the elected representatives to be labelled as cheats and taking bribes for voting.

SHRIMATI KAMLA SINHA: Madam, it is riot only in Maharashtra.

THE DEPUTY CHAIRMAN: I can tell you about Maharashtra because it happens to me.

SHRIMATI KAMLA SINHA: It pervades the whole country almost.

THE DEPUTY CHAIRMAN: With the strongest words I have at my command I can say that it happened in Maharashtra and we have seen how it happened and how people lost and some people got elected.

SHRI EDUARDO FALEIRO: I am very grateful to you, Madam Deputy Chairperson. When I raise this point, I am myself concerned personally because there is an election petition against me.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Is there any method prescribed as to how this voting can take place?

SHRI EDUARDO FALEIRO: Yes. The method is for the Election Commission to determine. It can be in the House itself. You are having a Session of the Assembly. That is one way. In the open Assembly Session, presided over by the Speaker, there can be a voting as there is a voting for the election of the Speaker himself or for other things. It can be also a voting for the Members of the Rajya Sabha.

THE DEPUTY CHAIRMAN: Even the Chief Election Commissioner, Mr. Gill, has made a statement in the press and he has expressed his anguish about the happenings in the country. He agreed when I wrote a letter to him. This is something which has to be taken care of if you want democracy to be open and transparent in our country. This could be taken care of both in the Rajya Sabha elections and the Council elections.

SHRI EDUARDO FALEIRO: Thank you, Madam. Thank you, collectively, for your recommendation, and individually also. I am benefited by what you have said.

SHRI PRAMOD MAHAJAN: He is from Goa which is better than Maharashtra.

SHRI EDUARDO FALEIRO: As far as dynamic politics go.

THE DEPUTY CHAIRMAN: I think Maharashtra is a richer State.

SHRI EDUARDO FALEIRO: With your permission, Madam, I will also make a reference here to another important recommendation which is at paragraph 13, page 5, of the First Report. It is to the effect that persons with criminal record or those with, what the Report calls, 'dubious distinction'-you can understand-should not be candidates. Here, I would like to point out a discrepancy that appears to me to be there in the provisions, in all the legal provisions, concerning disqualification of persons to be candidates at elections. There is a series of offences that are mentioned there, offences against individuals mostly. But if the offences are committed against the whole collectivity or against a section of the collectivity, then, I should think they are much more grave. If you go and rob a person or kill a person, it is a major offence and definitely, the person should not be qualified to be a candidate. But if you destroy a temple or a place of worship, then you are not only affecting one person, you are actually, in a manner, insulting the dignity of and causing a great hurt and trauma to the collectivity, to a large section.

The second aspect is, in the present context in the world, in this era, which some writers have described as the time of clash of civilisations, such clashes of ideas have led to destruction of the entire country; destruction of the entire country, from Yugoslavia to Somalia, from Russia and Chechnya to Afghanistan and other places. Countries are destroyed when these emotions are let loose by political people. Therefore, when you

are speaking about persons with criminal record, you are enlarging it to include people with 'dubious distinctions'. We must make out this case that these offences against the collectivity which have created problems in the entire country and are at the root of destruction of nations at this point of time, at the end of this millennium, must be viewed, if not with more seriousness, at least with equal seriousness with which the offences already specified in the Constitution and the Representation of the People Act are viewed. Therefore, these offences which I have mentioned, by which the collectivity is hurt on the lines as I have said, must disqualify people. We must see, at all costs, that this democratic nation which has maintained the unity for more than 50 years continues to do so for the millennium ahead. For that, it is essential that we must learn from the experience of other countries around us, who are not very far from us. That unity must be maintained. Anybody who incites social disharmony or hatred among the communities, must be disqualified from participating in our body politic for a position of leadership, and therefore, this also requires amendment to disqualify people who bring in hatred or commit offences which lead to hatred and disharmony from occupying any position in the legislative bodies of this country. There are several other things which are mentioned here and which are very important. One of them is about breaking the nexus between money power and elections. Madam Deputy Chairman, it is not possible nowadays for a normal person, however qualified he may be, to contest any election if he has not an access to huge financial resources. I am told that, forget about the election to the Parliament or the State Assemblies, even for the student bodies, lakhs and lakhs of rupees are being spent. What about the election to Parliament? You have to spend crores of rupees. That is the talk and that is a fact also. In that context, how is it possible for a normal person to contest this election? So, it is very essential that this nexus is broken. What is the Government going to do in this direction? This is the question that I am posing here. So, to conclude, this is not a speech. I started with a note of confidence that this country is the only country in the world with such a large area, such a diverse population—diverse in so many respects—which has been able to have secular nationalism, democratic socialism, and above all, the parliamentary democracy functioning for half a century, and therefore, we must ensure that through the Ethics Committee, through the electoral reforms, this framework is strengthened for prosperity, for progress and for increasing

the unity. Now, therefore, the idea was not to make a speech. It was to ask for the reaction of the Government on these three points that I have made, and if the reaction is favourable, when is the Government going to bring in legislation to implement these recommendations? Thank you.

श्री संघ प्रिय गौतम: उपसभापति जी, भारतीय संविधान के निर्माण के तुरंत बाद जब कुछ लोगों ने संविधान के बारे में टिप्पणियाँ कीं तो उस पर प्रतिक्रिया व्यक्त करते हुए डॉ. बी.आर. अम्बेडकर ने कहा था कि

"Howsoever good a Constitution may be, it is sure to turn into a bad one if the people who are to work it are a bad lot."

He also said: " Howsoever bad a Constitution may be, it is sure to turn into a good one if the people who are asked to work it, happen to be a good lot. "

आज हम यहां आचार नीति और सदाचार समिति की आख्या पर चर्चा कर रहे हैं। हम इसे चाहे कितना ही कानूनी जमा पहना दें, चाहे जितने कानून बना दें लेकिन प्रश्न यह है कि हम उस पर आचरण करेंगे भी या नहीं? मुख्य बात तो यह है कि हमें आचरण करना चाहिए। संसद भारत की सर्वोच्च संस्था है। यह देश के सभी धर्मों, जातियों, वर्गों, क्षेत्रों का प्रतिनिधित्व करती है। संसद इस देश के लोगों की आशाओं, आकांक्षाओं, इच्छाओं, आवश्यकताओं और उनके विचारों को प्रतिध्वनित करती है। दुनिया के लोग जब इस संसद के लोगों का आचरण देखते हैं तो यह आकलन करते हैं कि इस देश की जनता कैसी होगी। निस्संदेह सभी दलों के सदस्य इस समिति में सम्मिलित थे। सबकी सर्वसम्मत आख्या है और यह संसद की गारिमा बनाए रखने के लिए सदन के हित में है। मगर कुछ छोटी छोटी बातें इस अवसर पर मैं कहना चाहता हूँ। उपसभापति महोदया, मैं आपका विशेष ध्यान चाहता हूँ। जब हम चुनाव लड़ते हैं तो अपना नामांकन पत्र प्रस्तुत करते समय शपथ पत्र दाखिल करते हैं और हम शपथ लेते हैं। इसके बाद जब हम यहां सदस्य निर्वाचित हो कर आ जाते हैं तो यहां पर भी शपथ लेते हैं और उस शपथ के बाद हम फिर विपरीत आचरण करते हैं। उसके लिए भी कोई कानून बनाने की आवश्यकता पड़ सकती है। प्रश्न यह है कि हम आचरण सही करते हैं या नहीं। मैं इस आचार संहिता समिति की सिफारिशों से हट कर कुछ और बातें जोड़ना चाहूंगा। हम लोगों को निवास स्थान मिलते हैं रहने के लिए, उनका एक हिस्सा हम किराये पर उठाते हैं और उसमें हम ऐसे लोगों को भी रखते हैं जो अनसोशल एलीमेंट हैं, गलत काम करते हैं। हमारी व्यक्तिगत जानकारी में है। हम को सरवेंट क्वार्टर मिलते हैं, उन्हें हम किराये पर उठाते हैं। हमें मोटर गैराज मिलते हैं, उन्हें भी किराये पर उठाते हैं।

अब तो मामला फ्री सा हो गया है, टेलीफोन कनेक्शन मिलते हैं, उन्हें पैसों से देते हैं। गैस के कूपन मिलते हैं। अखबारों में रिपोर्ट छपी है, कार्यवाही भी सदस्यों के खिलाफ हुई क्योंकि उन्होंने पूरी की पूरी किताब, बही, पैसों में बेची। क्या यह आचार संहिता से संबंधित नहीं है? हम यहां पर कैसा आचरण करेंगे, आम जनता क्या हमारे इस आचरण को नहीं देखती है। हम यहां पर सिगरेट के खिलाफ भाषण देते हैं और चैनस्मोकर हैं। पब्लिक के साथ हम सिगरेट पीते हैं। हम तम्बाकू के खिलाफ भाषण देते हैं लेकिन तम्बाकू खा कर भाषण देते हैं। कुछ हर वक्त तम्बाकू खाए रहते हैं। हम शराब के खिलाफ भाषण देते हैं। 31 दिसम्बर आ रहा है, 31 दिसम्बर की रात को देख लीजिये सारे होटलों का हाल, सारे देश का हाल, मैम्बर आफ पार्लियामेंट भी मिलेंगे, एम.एल.ए. भी मिलेंगे। क्या यह चीज़ आचार संहिता से संबंधित नहीं?(व्यवधान)....

SHRI PRANAB MUKHERJEE (West Bengal): Mr. Gautam, then, you will disqualify me because I am a pipe-smoker! ...*(Interruptions)*... Are you proposing to disqualify?

श्री संघ प्रिय गौतम: सिगरेट पीना स्वास्थ्य के लिए हानिकारक है और तम्बाकू से कैंसर होता है। आपको छोड़ देना चाहिये, नहीं पीना चाहिये, गलत बात गलत है और गलत काम गलत है, चाहे कोई भी हो, कितना भी बड़ा हो। राजा चोरी करे तो प्रजा कहाँ जाए? जब हम खुद ही कानून तोड़ेंगे तो क्या होगा? क्षमा करेंगे। इसके अलावा आज सारा देश, चाहे किसी उद्योग को ले लीजिये और चाहे आप किसी पब्लिक अंडरटेकिंग को ले लीजिये, किसी महकमे को ले लीजिये, सब जगह घाटा है, आर्थिक संकट में यह देश डूबने जा रहा है। हम फिज़ूलखर्ची करते हैं। हम लोगों की अंधाधुंध फिज़ूलखर्ची है। मैं इस का आपको एक उदाहरण देना चाहता हूँ। मुझ से भी गलतियाँ होती हैं। मैं दूध का धुला नहीं हूँ। छोटा आदमी हूँ। जब मैं पिछले साल रिटायर हुआ तो मैंने एक महीना पहले सेक्रेटरी जनरल को पत्र लिखा कि मैं दो अप्रैल को अवकाश प्राप्त कर रहा हूँ, मेरे ऊपर यदि इस सदन की और सचिवालय के किसी भी प्रभाग की कोई देनदारी हो तो मेरी तनखाह में से काट ली जाए, मैं पेमेंट करना चाहता हूँ। लाखों रुपये के टेलीफोन बिल मैम्बर पार्लियामेंट के रहते हैं और फिर इनकी कुर्कियाँ आती हैं, अखबारों में छपता है, बदनामी होती है। क्या यह आचार संहिता से संबंधित नहीं है?

उपसभापति: आप बिल्कुल ठीक कर रह हैं।(व्यवधान)....

SHRI SANGH PRIYA GAUTAM ! Don't restrict to cigarettees only मैं कोई बात ज़बान से नहीं कहता, अंतःकरण से कहता हूँ। I am one of you. आखिर हम

समाज को क्या दे रहे हैं, हमारी छवि क्या है? देश में हमारे आचरण के कारण राजनीतिज्ञों का माजक उड़ाया जा रहा है, हमारा सम्मान कम हो रहा है। इसके अलावा मैंने देखा है फिजूल के लोग दफ्तरों में, घरों में आ कर बैठ जाते हैं और उनका काम केवल टेलीफोन करना है। आज कल सेलुलर टेलीफोन चल गया है। जिसके पास सेलुलर टेलीफोन है, उसका खर्च हजारों रुपये महीना बढ़ जाता है। अब तो लोग उद्योग में, खेती में हैं और जिनकी आमदनी ज्यादा है वे तो सेल्यूलर फोन का खर्च वहन कर सकते हैं। लेकिन जिनकी और कोई आमदनी नहीं है वे खर्च कैसे वहन करेंगे? नम्बर दो को, काले को हम इन्वाइट करते हैं। क्या यह आचार संहिता में नहीं है? आवश्यकता हो वहां पर उसको इस्तेमाल करिए। मैं महामंत्री हूँ बी.जे.पी. का और मेम्बर आफ पार्लियामेंट भी हूँ। मुझे भी सारे देश में भ्रमण करना पड़ता है। लेकिन मैं कभी सेल्यूलर फोन नहीं रखता और किसी से कम इन्फार्मेशन मेरे पास नहीं होती- अगर कोई यह कहे कि इन्फार्मेशन नहीं है। अभी कल एक दुर्घटना हुई और एक बच्ची स्वचालित सीढ़ी में फंसकर मर गयी। जो लोग अपंग हैं, बुढ़े हैं उनके लिए तो वह बनायी गयी और जब नौजवान भी उसी सीढ़ी से चलते हैं। यह हमारी आचार संहिता से संबंधित नहीं है लेकिन उदाहरण के लिए कह रहा हूँ। यहां पर भी मैं देखता हूँ हर कदम पर अपनी सुविधा के लिए हम आगे आते हैं।

हमारे यहां, हमारे देश में अल्प वेतनभोगी कर्मचारी हैं। जब सांसदों की तनखाह बढ़ायी गयी तो यह मेरा रिकार्ड पर बयान है, मैंने कहा था कि जो अल्प वेतनभोगी कर्मचारी हैं जो लोग भूखे मर रहे हैं उनका वेतन बढ़ना चाहिए मेरे दल के लोग मुझ पर नाराज होने लगे थे मैंने कहा था कि हम स्वतंत्र हैं लेकिन जब हम पहले अपनी बढ़ाते हैं तो हमारे बारे में ये गरीब लोग क्या सोचते हैं हमारा यह आचीण कूझ है क्या हमारे देश के गरीबों की आकांक्षाओं आवश्यकताओं और इच्छाओं को प्रतिध्वनित करता है यह भी बहुत आवश्यक है मैं खुद कभी-कभी गलती करता हूँ उनसभापति महोदया जब एक भाषण होता है उसके बाद हमको भी मौका मिलता है अपने को भी शामिल कर रहा हूँ। मैं भी गलती करता हूँ कभी-कभी। तो क्या हमें दूसरे सदस्य को जो बोल रहा है उसे नहीं बोलने देना चाहिए? क्या हो-हल्ला मचाना चाहिए? हमारा यह है कि-

'I do not agree with a word you say, but it is your right in a democracy to say it. I will defend that right.' I think, Milton had said it.

एक माननीय सदस्य : वाल्टर मिल्टन ने अपने लिए कहा(व्यवधान)....

श्री संघ प्रिय गौतम : जो भी हो। तो हमें उसकी बात सुननी चाहिए। दूसरे लीडर आफ आपोजीशन और लीडर आफ द हाउस जब अपनी बात कहें तो कहें तो उनकी बात तो हमें

सुननी चाहिए। हम उनले लिए भी शोर मचाए तो हमारा आचरण क्या है? हम किसी इज्जत कर रहे हैं और किसकी बेईज्जती कर रहे हैं? अगर हम अपने लीडर कि इज्जत नहीं करते तो हमारी इज्जत कौन करेगा? क्या यह आचार संहिता में नहीं है? मैं यह कहता हूँ कि इसका भी अनुपालन होना चाहिए। इसके अलावा हमारा यहां कर्तव्य क्या है? हम यहां कानून बनाने आते हैं और हमें लोकहित के प्रश्नों पर बात करनी चाहिए। लेकिन लोकहित के खिलाफ जो प्रश्न हैं हम उन पर यहां सारा समय नष्ट करते हैं। जो लोकहित में नहीं है। लोकहित में जो प्रश्न हैं उन पर हमारा समय बहुत कम लगता है। क्या यह आचार संहिता में नहीं है? हमें इसका पालन करना चाहिए।

आखिर में एक मिनट में एक बात कहकर खत्म करूंगा। डीजल के दाम बढ़ाए गए और डीजल बाहर से हमें लाना पड़ता है। मैंने उस दिन भी बात कही थी। आज भी रिपीट कर रहा हूँ। यहां पांच गाड़ियां खड़ी थीं- जो मेटाडोर हमें ले जाती है। एक-एक आदमी को ले जाती है। डीजल उसमें बहुत बरबाद होता है, और पांचवीं गाड़ी और आकर खड़ी हो गयी और वह भी एयर कंडीशन्ड। जब हम चार गाड़ियों से काम चला सकते थे तो डीजल नहीं बचा सकते थे? पहले हम बचाएं। हम क्या आचरण प्रस्तुत कर रहे हैं? हम पार्लियामेंट कैम्पस के अंदर कम से कम जैसे धूम्रपान है(व्यवधान)..... मैं मना नहीं कर रहा हूँ लेकिन पार्लियामेंट कैम्पस में तो मत पीजिए। आप अपने घर जाकर पीजिए अगर आपको पीनी है। इसलिए क्या यह आचार संहिता में नहीं है? अब इसके अलावा मुझे इलाहाबाद हाईकोर्ट में जाने का मौका मिला। मैडम, गनीमत है कि यहां नहीं है। वहां कोई कोना ऐसा नहीं है जहां कि पान की पीक न पड़ी हो, जो कि गंदा न हो। कोई लेट्रिन, बाथरूम ऐसा नहीं जो कि गंदा न हो। हम पढ़े-लिखे एडवोकेट लोग ऐसा करते हैं। तो मैं कहता हूँ यहां पर जो काम निषेध है और अगर हम उसे करते हैं तो क्या वह आधार संहिता का उल्लंघन नहीं है? मैं कहना चाहूंगा कि वे विभिन्न संस्थाओं को मारना पड़ता है ताकि दूसरे लोग हमारा अनुसरण कर सकें। इसलिए आज हमें इन बातों पर ध्यान देना चाहिए।

मैडम, पहले से एक प्रावधान रहा है जिस के तहत मेंबर को सजा हुई, यह तो मैं ने अपनी आंखों से देखा है। डा. शंकर दयाल शर्मा हमारे सभापति थे और एक सदस्य की यहां सुनवाई हुई थी। यह मैं उदाहरण के लिए कह रहा हूँ। वह सदस्य जो सदन को नहीं चलने देते थे, वहां से उठाकर बाहर निकाले जाते रहे थे, तो अब क्या कानून में कोई संशोधन हो गया है? मैडम, कोई संशोधन नहीं हुआ है, पहले से यह संहिता लागू है। इसलिए जो हर समय कार्यवाही को डिस्टर्ब करते हैं, उन्हें यह बंद करना चाहिए या उन्हें बाहर

निकालकर बैठा देना चाहिए। यहां अब कोई कानून तो बदला नहीं है या प्रक्रिया में कोई परिवर्तन तो नहीं आया है।

उपसभापति : संघ प्रिय जी, अभी तो मेरे देखने में कोई वाकया नहीं आया कि किसी ने इतना शोर मचाया हो कि मैं उठाकर बाहर भिजवाऊं।

श्री संघ प्रिय गौतम: मैडम, आप अपने से सब को मत नापिए। मैडम, मैं किसी का नाम नहीं लूंगा, मैं आरोप नहीं लगा रहा हूँ, यहां अनर्गल एक समय में लोग बोलते रहते हैं और सुनने नहीं देते। उन पर कोई नियंत्रण नहीं रह पाता, वह मानते नहीं हैं, फिर क्या इलाज है उनका ? उनका इलाज है कि या तो वह चुप कराएं जाएं या सदन से बाहर निकाले जाएं। आखिर कुछ तो इलाज किया जाना चाहिए।

मैडम, मैं उदाहरण के रूप में एक अंतिम बात कह रहा हूँ जिस पर सदन के लोगों का विशेष रूप से ध्यान चाहूंगा। आज अपराध की घटनाएं बढ़ती जा रही हैं। हमारे यहां मेरठ में एक एस.एस.पी. थे जिनके समय में एक एप.पी. साहब के घर चोरी हो गयी। वह 90 हजार रुपए बैंक से ट्रेक्टर के भुगतान के लिए निकालकर लाए थे। उन्होंने चोरी की रिपोर्ट लिखवाई, लेकिन किसी मुल्जिम का नाम नहीं लिखवाया और मुल्जिम नहीं पकड़ा गया। एम.पी. साहब यू.पी. के मिनिस्टर रह चुके थे। वह एस.एस.पी. के पास गए और कहा कि आप ने चोर नहीं पकड़ा तो एस.एस.पी. साहब ने कहा कि आप ने किसी का नाम तो लिखवाया नहीं था। एम.पी. साहब ने कहा कि मेरा शक फलां-फलां पर है। उन्होंने जिन पर शक था उन को भी बुलवा लिया और जब कुछ पता नहीं लगा तो छोड़ दिया। एम.पी. साहब ने आरोप लगाया कि आप ने उन से ढंग से पूछा नहीं तो उन्होंने कहा कि क्या जलेबी खिलाकर पूछता। एम.पी. साहब ने कहा कि थर्ड रेट मैथड़ इस्तेमाल कर के पूछते। वह बोले कि आप ने जलूस निकाला था हमारे खिलाफ। मैडम, आज अपराधी अपराध कर रहे हैं, बुजुर्ग दंपतियों की हत्या कर रहे हैं, बच्चियों के साथ बलात्कार कर उनकी हत्या कर रहे हैं और आप कहते हैं कि हथकड़ियां मत डालो। तो क्या अपराधियों को फूलों के हार डालकर निकाला जाय? यह आचरण क्या प्रतिबिंबित करता है? मैडम, आज सारे देश में अपराध इसलिए बढ़ रहे हैं कि पहले अंग्रेजी के जमाने में तो आधी, सजा मुल्जिम को गिरफ्तार करते पिटते-पिटते उसे ले जाते थे। मैडम, आज ह्यूमन राइट कमीशन बन गया है जो कहते हैं कि किसी को मारना ह्यूमन राइट का उल्लंघन है। मैडम, जिस बच्ची के साथ बलात्कार हुआ, उसका ह्यूमन राइट क्या खत्म नहीं हुआ?

उपसभापति : संघ प्रिय जी, अगर कोई हाउस में बोलते-बोलते टॉपिक चेंज कर दें तो....

श्री संघ प्रिय गौतम : मैडम मैं टॉपिक चेंज नहीं कर रहा, मैं माननीय सदस्यों के आचरण पर बोल रहा हूँ। यह हमारा आचरण है क्योंकि हमने बार बार इस बात पर जोर दिया कि अपराधी को सजा मिलेगी, लेकिन कोई उन्हें दंड नहीं मिलता और इसलिए अपराध बढ़ते चले जा रहे हैं।

मैडम, मैं कहना चाहूंगा कि मेहरबानी करके इस आचार संहिता और इस आचार समिति की सिफारिशों को आप मानिए, लेकिन लिखित में और कानून के बजाए आचरण में मानिए। देर आयद, दुरुरत आयद, अगर आज भी हम अपने आचरण को सुधार लें तो यह सही कह है फेलेरियों साहब ने, कि भारत वर्ष आज भी दुनिया का दिग्दर्शक है, लोकतंत्र में दिग्दर्शक है, आज भी हमारे देश में राजनैतिक हत्याएं नहीं हो रहा हैं, न के बारबर है, आज भी विविधता में एकता हमारे देश की खूबी है और आज भी हमारा देश दुनिया में सोने की चिड़िया बन सकता है। धन्यवाद, मैडम।

उपसभापति : इन्होंने अपना सारा भाषण अच्छा बोला, लेकिन एक भाषण यह सिगरेट में कहीं खो गया कि जो एम.पीज. अपने घरों में किराए पर किसी को रख लेते हैं, उनके गारंटर के बारे में नहीं पूछते हैं। हमारे यहां गुरुदास दासगुप्त जी बैठे हैं, उनके घर में दिन में चोरी हो गई और उनकी पत्नी को दूसरे कमरे में बंद कर दिया गया। यह बहुत सीरियस मामला है। आपने इस पर ज्यादा ध्यान से नहीं बोला।(व्यवधान)..... सिगरेट से इसका कोई ताल्लुक नहीं है। डा. विप्लव दासगुप्त।

DR. BIPLAB DASGUPTA (West Bengal): Madam, I rise to support fully the report of the Ethics Committee. I think, Chauhanji, as the Head of the Committee, took a lot of interest. The membership of the Committee comprised of very senior Members. It is a high-profile Committee. Our leader, sitting in front of me, was there; other leaders of various parties were there; and they have done a very good job. I must also put on record my appreciation ~ I think, the appreciation of the whole House - for the effort made by Shri Inder Gujaral. Maybe, we have forgotten it, but it was Gujaralji who had been raising this issue again and again that there should be an Ethics Committee. I would like to remember Gujaralji, who is no longer in the House, his politics has also gone a bit astray. But still, on the question of ethics, I think, his contribution should not be minimised. The report was necessary, because MPs are no longer respected. If I am asked by

somebody at the airport, 'what do you do' - since he does not know me- I hesitate to say that I am a Member of Parliament. Because the Members of Parliament are not respected in the country any more. When I was a child, people did not talk about politics. In Bengal, they used to say which means, he serves the nation. Now, they do not serve the nation, they serve themselves. The very concept of MPs, as a constituent of politics, has undergone a very negative transformation over the past few decades. We must restore politics back to the position it held at the time of independence of the country. Now, there has already been a lot of discussion on this. I do not want to repeat about criminalisation of politics, about the corruption, etc.; all these things have already been discussed; I am not going into it. I keep on hearing from very ordinary people as to why the Parliament elections are conducted more frequently. When a young Member comes to Parliament, he has to lose his Membership after one year or so in the Lok Sabha. Some people ask, why this outcry is there. Because a person has to make some investment to become a Member of Parliament. And one year is not sufficient to recoup his investment. The whole idea is this. That a Member of Parliament makes some Divestment to get elected. He then uses his influence as a Member to recoup the money which he had spent at the time of election. Unless he is given sufficient time, he is not able to recoup his investment. So, becoming a Member is like being a businessman who has to invest some money first, and not as a public servant, or, as somebody, who has to serve the cause of the people. It is very important. Therefore, it should be taken care of. I am very glad that the report has been brought here. Madam, I will make one or two points very quickly. My first point is, 'register of interests' is a very good idea. But it should also include one or two other things. When we go on foreign travel, we have to declare as to who is taking care of our hospitality and who is spending for us. We have to declare it. I think the same declaration should apply to us also when we go somewhere and accept the hospitality of a business house anywhere in the country. In England, one MP is in jail because he was given some money by a business house. He stayed in a hotel of that business house. He put a question in Parliament ^{HI} exchange for money and hospitality. This matter came before the court. He told a He in Parliament. So he was convicted of forgery. He is now in jail. Another MP is now facing the same kind of investigations. He also stayed in a hotel owned by a business house. He also accepted some gifts. He is in trouble

because he concealed it. He did not declare it in the "register of interests". What I am saying is this. Whatever hospitality we get, that should be declared. When we go to Bombay or some other place, somebody feeds us, somebody pays for us for staying in a hotel and also gives us some gifts. All this should be declared in the "register of declaration" so that it is known to the people as to who is getting what and from whom. So all the gifts and hospitality should be recorded. Madam, I am just adding to what Shri Chavanji has put in the report. Obviously, foreign travel should also be covered. We should not be in a position where MPs are identified as; he belongs to X business house, he belongs, to 'y' business house and he belongs to 'z' business house. Nobody should be able to do this kind of a demarcation. I think this is a very major thing which should be included in it because it will make our system more honest. My second point is not for this Committee. Unless there is public awareness, no matter what you do with the Ethics Committee, is not going to work. People are still not fully aware. I am sorry to say this. I am not mentioning the name of that MP. But I asked many people, "How can an MP who is known to be corrupt, who is known to be a corrupt Minister and who has been thrown out of the Ministry, get elected again and again?" I put this question to my friends in various parties, i.e. Congress Party, BJP, etc., "How can a man who had been in jail and who is known to be a corrupt Minister or a corrupt MP, get elected again and again?" The answer I got was, "He is a good constituency MP. He can get things done for his constituency." If an officer does not agree to what he is saying, he just beats him up to get something done. He also knows many other ways of getting these things done. So the whole definition of 'constituency MP' has to change. Once we become MPs, we look at the interest of the whole country. We are elected by a constituency, that is true. But once I am here, I will certainly be contributing towards the interests of West Bengal. If there is a conflict between the interests of my State and the interests of the nation, I should be prepared to accept the interests of the nation. What I am trying to say is that we should repudiate publicly, all of us together, the whole concept of constituency MP. That MP is good if he does good things, by hook or by crook, for his constituency. It is alleged that the Chief Minister of West Bengal is representing a particular constituency for many years. But nothing has happened in that constituency. I think he should be given good marks because he has not put in everything in his constituency. He has not done

much development work in his constituency alone at the cost of other constituencies. That is a good thing. But in our case what has happened is this. Because this concept of constituency MP is there, it actually negates all the good things that Shri Chavan has put in this report. Lastly, Madam, I would like to say that the MPs, the parties and the people should be together on this issue. The MPs alone cannot follow the code of ethics which the parties are not following, which the people are not following. So, the MPs, the parties and the people, all the three, should be together on this. Once we accept the Reports of the Ethics Committee, we should go further beyond that. For example, one of the chief sources of corruption is the political compulsion to win over people. In this case of corruption, which is due to defections, a lot of money passes hands. We all know it. Why can't we stop it? We can stop this by making a very simple change, a one-line change, in the anti-defection law. You don't need to add more than a single line. If the parties here are one on this issue, then, we can add this line saying: "Anybody, who changes his party, will be forced to resign his seat and he has to contest again." If this simple suggestion is accepted by my friends in the Congress Party as well as the BJP - I am sure that most of the other parties will agree to it - then, I think, we can root out the corruption at that level. Most of the corruption takes place because the MPs can be bought and sold like chattels. This should not be so. A vast majority of the MPs are good MPs. But we get a bad name because of some bad MPs. So, this handful few should be thrown out. We should ensure that our reputation is not tarnished, our image is not tarnished, and in order to protect our reputation, our image, this is one of the minimum things which we should do. It is not enough that MPs alone follow this code of conduct. But the parties, as such, should decide not to include criminals; they should decide not to get business-funding — business-funding is bad; in a sense, it corrupts everybody. Also, we should decide on this simple amendment to the Anti-defection Law. I am praying to you, I am appealing to you, that this is the only way by which we can make the Indian political system work effectively, and not make it a laughing-stock before the whole world. It should not be that somebody is in 'X' party on one morning; then, he is in 'Y' party on the second morning, and is in 'Z' party on the third morning. This is something very, very serious, and this *Ayaram-Gayaram* business has to be stopped. So, along with Shri Chavan's recommendations, we should take it as a whole package involving the party,

the people and the MPs. We should also go beyond what has been given in the Reports, that is, we should look into the functioning of the various parties, functioning of the Election Commission, election-funding and all that. But, I am sure that the attempt that has been made here is a very good beginning, and, I think, it should really be something to establish the roots of our democracy among the people. Thank you.

श्रीमती कमला सिन्हा: महोदया, ऐथिक्स कमेटी के शुरुआती दिनों में मैं भी कुछ दिन इसकी सदस्या थी। जैसा कि डॉ. विप्लव दासगुप्त जी ने कहा कि गुजराल साहब जब प्रधानमंत्री नहीं थे, उस समय से इसके लिए प्रयास चल रहे थे कि एक ऐथिक्स कमेटी बननी चाहिए और क्या-क्या इसके उद्देश्य होने चाहिए। महोदया, इस रिपोर्ट में बहुत सारी बातें कही गई हैं। मैं इसकी बात बहुत गौर से सुन रही थी। मैं केवल दू-तीन बातें कहकर अपनी बात समाप्त कर दूंगी।

महोदया, संसद जे सदस्त चागे वे लोकसभा के हों या राज्यसभा के हों और चुने हुए प्रतिनिधि चाहे व पंचायत स्तर के ही क्यों ने हों, ऐथिक्स, यानी कोड ऑफ कंडक्ट या मॉरेलीटी, जो भी कहिए, उसका पालन उन्हें करना चाहिए। मैं इस शब्द के अर्थ के लिए डिक्शनरी वगैरह भी देख रही थी। मैंने अपने साथी रिटायर्ड चीफ जस्टिस ऑफ इंडिया, श्री रंगनाथ मिश्र जी से पूछ कि what is ethics? How do you define ethics? श्री चव्हाण साहब से भी मैं पूछ रही थी। 'ऐथिक्स' का मतलब या तो कोड ऑफ कंडक्ट होगा या मॉरल वैल्यू होगा या गुड कंडक्ट होगा। लेकिन गुड कंडक्ट करना है तो उसका बैड कंडक्ट भी है और फिर यह देखने की बात है, परखने की बात है। तो यह बात नहीं कि जो हम कह दें वह एबसोल्यूट टूथ है, यह भी नहीं होता लेकिन साथ-साथ यह भी कहा जाता है कि किसी भी देश में जनप्रतिनिधि वही होता है, जनता जैसा होता है। जनता के उनके आचरण में पहले से क्या गिरावट आई है जिसके कारण जनप्रतिनिधियों में गिरावट आई है। तरह-तरह की बातें कहीं जा सकती हैं। लेकिन एक बात निश्चित रूप से इस रिपोर्ट में जो कही गई है वह यह है कि पिछले 50 साल में धीरे-धीरे चुनाव की पद्धति में हम लोगों ने गिरावट देखी है। अब क्रिमिनलाइजेशन की पॉलिटिक्स के बारे में भी इन्होंने चर्चा की है। हम लोग जो पिछले 10-15 साल से देख रहे हैं उसमें एक चीज बहुत स्पष्ट है, खास ईस्टर्न इंडिया में जो देखने को मिलती है- एक तो श्री-सी, जिसको हम कह सकते हैं- केश, कास्ट और क्राइम। यह तीनों का इस कदर कांबिनेशन बैठ गया कि मैं नहीं जानती कि इसकी गिरफ्त से राजनीति कैसे निकल कर आएगी या

राजनीतिक प्रतिनिधि कैसे निकल कर आएंगे। महोदया, मैं एक राजनीतिक दल में हूँ, आज से नहीं बहुत दिनों से मैं राजनीति में हूँ। चुनाव के समय राजनीति में जो उम्मीदवार होते हैं उसमें से कुछ लोग मेरे पास आते रहते हैं। एक नए शब्द का चयन हुआ है खास करके हिन्दी बेल्ट में। पता नहीं, दक्षिण भारत में भी हुआ ही होगा। जो आते हैं वह कहते हैं कि मैं चुनाव जीत सकता हूँ क्योंकि मैं बाहुबली हूँ। मैंने एक सज्जन से पूछा—व्हाट इज बाहुबली, क्या है बाहुबली? बताया कि आज के चुनाव जीतने के लिए प्रक्रिया है वह मेरे पास है, मैं साधन सम्पन्न हूँ। आप उसका मतलब लगा लीजिए। तो एक तरफ चुनाव जीतने के लिए जिस साधन का इस्तेमाल होगा, जिस प्रक्रिया का इस्तेमाल वह करेगा, हम जानते हैं कि आजकल किस ढंग से चुनाव होता है। चुनाव में वोटर जा नहीं पाता है, मतदान कर नहीं पाता है वहाँ कुछ खास लोग जाकर ठपाठप वोट डाल कर आते हैं और हम कहते हैं कि we are the greatest democracy of the world. तो इतनी एनोमलस बात हो गई है आजकल जिसका कुछ हिसाब नहीं है। उसको कहां से सुधारे? 'ए' से शुरू करें या 'जैड' से शुरू करें। ऊपर से शुरू करें या नीचे से शुरू करें? केवल राज्य सभा के सदस्यों के लिए एथिक्स कमेटी हो, इनकी चुनाव प्रक्रिया बिल्कुल साफ हो उससे बात बनेगी क्या? यह हम यह भी अनुशंसा करें कि लोक सभा की एथिक्स कमेटी होनी चाहिए क्या? या हम यह भी अनुशंसा करें कि लोक सभा की एथिक्स कमेटी होनी चाहे और पूरे देश के लेजिस्लेटर्स के चेयरमैन, स्पीकर की मीटिंग बुला कर उनको भी कहा जाए कि हर एक प्रांत में एथिक्स कमेटी हो और वह हर बात की जांच करें, तो आगे चल कर कुछ बात हो सकती है। मैं नहीं जानती कि यह कैसे होगा? सच पूछिए-एट दि एंड ऑफ दि मिलेनियम और हम लोग क्रॉस रोड में हैं इसको मानना पड़ेगा। फिर कहीं से तो शुरू करना होता है और लगता है कि 'ए' से ही शुरू करना पड़ेगा। शायद एथिक्स कमेटी की रिपोर्ट उसी का प्रयास है। यह बहुत अच्छा प्रयास है। मैं इसको मानती हूँ कि बहुत अच्छा प्रयास है। लेकिन हमारे सामने समस्याएं अनेक हैं।

गौतम जी सांसदों के बारे में चर्चा करके यहां से चले गये। उन्होंने सिगरेट पीने वाली बात और बहुत सी बातें कही। विधायक और सांसदों के आचरण पर हम चर्चा शुरू करें तो खुद-ब-खुद बाजार में अपने को नंगा करने वाली बात होगी। क्या यह ठीक है? बहुत सी बातें ऐसी होती हैं जिनको नहीं करना चाहिए। लेकिन यह नहीं करने वाली बात खुद-अंदर से आती है। कथनी और करनी में अंतर नहीं होना चाहिए। कहने के लिए कुछ, करने के लिए कुछ। तो यह तो कोई बात नहीं हुई। हम जिसको कहते हैं, जिसका प्रचार करते हैं अपना आचरण भी ऐसा ही होना चाहिए। वह आचरण दूसरे के लिए है, करने के लिए हमारे लिए नहीं। यह बात तो नहीं बनती है ना। So, ethics, morality, good conduct, come from within, not from outside. You cannot impose it from outside. It is a

behavioural pattern which we teach our children from childhood, पहले बच्चों से कहा जाता था कि अपने से बड़े आए तो उठ कर खड़े हो जाएं। अगर आज बाप भी आता है तो लड़का पैर फैलाकर बैठा रहता है, बाप के साथ बैठकर शराब पीता है। आप इसको कैसे परिभाषित करेंगे। कल्चरल चेंज, कल्चरल परवर्सन को कैसे हम डिफाइन करेंगे। हमारे यहां संस्कृति में परिवर्तन हो रहा है। हम भारतीय संस्कृति के बारे में चर्चा करते हैं। आप देखिए आज पोशाकों में परिवर्तन हो रहा है। हम कहते हैं कि हम विदेशी संस्कृति की तरफ जा रहे हैं। लेकिन विदेशों की जो अच्छाई हैं उनको हम नहीं सीख रहे हैं। हम उसी संस्कृतिक का अनुसरण कर रहे हैं जिसका अनुसरण हमें नहीं करना चाहिए, मैं इसके विस्तार में नहीं जाना चाहती हूं क्यों कि बहुत से लोग दूसरी बात बोलेंगे। मैं यह कहना चाहती हूं कि अपनी डेमोक्रेसी को मजबूत करने के लिए, डेमोक्रेसी इज दि पीपुल, सचमुच में भारत की जनता, भारत के गांव, अन टू दी लास्ट मैन, जिनके बारे में गांधी जी कहा करते थे कि सीढ़ी के सबसे नीचे का व्यक्ति, उसके हाथ में राजनीति सत्ता का अधिकार, वोट डालने का अधिकार सही मायने में उसको मिले। वह अपना वोट जाकर डाल सके तभी कोई बात बनती है। कुछ लोगों को कहा जाता है कि तुम वोट डालने नहीं जा सकते हो, बंदूक लेकर कुछ लोग बूथ को कैप्चर करते हैं और उसके बल पर जीतकर आ जाते हैं और उसके बाद वह चुने हुए प्रतिनिधि हमें वोट देकर भेजते हैं तो मॉरलिटी सबकी बराबर हो जाती है, कोड ऑफ कंडक्ट सबका बराबर हो जाता है।

मैं यह कहना चाहती हूं कि हमें इलेक्शन कमीशन को और अधिक मजबूत करना चाहिए। उसको कहना चाहिए कि रिप्रजेंटेशन ऑफ पीपुल एक्ट में वह परिवर्तन करने की दिशा में कदम उठाये। कास्ट, क्राइम और कैश का जो नंगा नाच हो रहा है इसको खत्म करना चाहिए, मनी प्ले को खत्म करना चाहिए। इसके साथ ही जैसा मैंने कहा कि पूरे देश की विधान सभाओं के स्पीकर और चेयरमैन की मीटिंग बुलाई जानी चाहिए और उनसे कहना चाहिए कि आप अपने यहां, अपनी स्टेट में एथिक्स कमेटी का गठन करें जिससे कि इसके बारे में हर जगह पर चर्चा हो। इस पर चर्चा करने के साथ-साथ हमें इसको अमल में भी लाना चाहिए। निराशावादी होने से काम नहीं चलेगा। यह बात भी सही है कि बुराइयों के बीच में भी कुछ अच्छाइयां होती हैं। हमें अच्छाइयों को लेकर चलना चाहिए और आत्म निरीक्षण करना चाहिए। हम आत्म निरीक्षण करें, हम आत्म विश्लेषण करें और सुधार का रास्ता जहां कहीं भी हो उस पर आगे चलें तो आने वाले दिनों में हमारा भाविष्य उज्ज्वल होगा, इस देश का भविष्य उज्ज्वल होगा।

SHRI SANGH PRIYA GAUTAM : Madam, I want a clarification whether we are discussing the Report of the Ethics Committee relating to

the Members of Rajya Sabha or the behaviour of political parties and politicians.

SHRIMATI KAMLA SINHA : It has been referred here.

SHRI SANGH PRIYA GAUTAM : No, no. I am not referring to you.

SHRIMATI KAMLA SINHA : Kindly go through the Report. Everything has been written here. There is a suggestion in the Report that the behaviour pattern of the political parties should also be discussed.

उपसभापति: राज्य सभा में इस कमेटी का गठन हुआ है। मगर यह कमेटी राज्य सभा के मेम्बर्स का कैसे कंडक्ट हो, सिर्फ उसके लिए नहीं है। उसके लिए तो हमारे यहां प्रोसीजर की ओर कोड ऑफ कंडक्ट की किताब है। यहां पर सवाल यह है कि जो पॉलिटिशियन्स की छवि खराब हो रही है, आज राज्य सभा में हैं, कल लोक सभा या विधान सभा में जा सकते हैं। इसलिए पालिटिकल सिस्टम में हो रही गिरावट के बारे में हम नहीं सोचेंगे तो कोई दूसरा कैसे सोचेगा। जो भी लोग पार्लियामेंट में आते हैं वे किसी न किसी पॉलिटिकल पार्टी से, सिस्टम से जुड़े हुए होते हैं, तो यह चीज वहां तक भी जाती है, इसके प्रति उनकी क्या जिम्मेदारी रहती है। जब क्रिमिनल्स की बात होती है, तो यहां पर कोई हमारे सामने बंदूक लेकर के या बम हाथ में लेकर के ओथ लेने नहीं आता है। वह वह इलेक्शन कमीशन का एक कागज लेकर आता है कि वह ड्यूलि इलेक्टिड है, वह वोटर्स की वजह से ड्यूलि इलेक्टिड होता है। अगर कोई पॉलिटिकल पार्टी ऐसे लोगों को टिकट देती है, उनको नॉमिनेट करती है तो उन सब चीजों पर भी चर्चा होनी चाहिए। इस पर डिस्कशन के लिए दो घंटे का समय दिया गया है और एक घंटा पूरा हो गया है। अभी मेरे पास काफी नाम हैं तो अगर आप सब लोग अपने समय के अनुसार बोलेंगे तो बहुत अच्छा रहेगा। यह भी कोड ऑफ कंडक्ट में आना चाहिए। सब लोग समय में अपनी बात कहिएगा।

श्री नरेश यादव (बिहार): महोदया, मुझसे पूर्व जितने भी वक्ता बोले, क्या उन पर यह समय का कोड ऑफ कंडक्ट लगा?

उपसभापति : आप ज्यादा अच्छे हैं न इसीलिए।

श्री नरेश यादव: महोदया, जो बात मैं कहना चाहता हूं वह इसके बारे में ही है जो मुझ पर लगा है। जब से हम राजनीति में आए हैं, तब से इसी बात की लड़ाई लड़ रहे हैं और इसी बात को मैं आचार समिति के सामने उद्धृत करूंगा।

महोदया, आदरणीय चव्हाण साहब ने और समिति के सदस्यों ने मिलकर जो प्रतिवेदन तैयार किया है, बहुत अच्छा प्रतिवेदन तैयार किया है। इससे देश में सभी के लिए, राजनेताओं के लिए एक संदेश जाएगा कि हमारा आचरण कैसा होना चाहिए। साथ-साथ मैं एक—दो बातें और सामने लाना चाहूंगा। महोदया, इस समाज का, भारत देश का जब निर्माण हुआ, इसमें निश्चित तौर से दिखाई देता है कि इस देश की सामाजिक संरचना क्या है। इस देश की सामाजिक संरचना वर्ण—व्यवस्थाएं बदलीं, आज़ादी के बाद जब नया संविधान बाबा साहेब अम्बेडकर ने दिया तो गरीब लोगों में जो दलित लोग थे, पिछड़े हुए लोग थे, इन लोगों में आज़ादी का अहसास हुआ और उस अहसास के बाद लोगों ने लोकतंत्र में अपना हक पाने के लेइ लड़ाई प्रारंभ की। जब लड़ाई प्रारंभ की तब यहां पर अनेक प्रकार की बातें उठाने लगीं। गरीब जब जगा और गरीब ने जाग कर अधिकार प्राप्त किया तो हम जानते हैं और हम लोगों ने देखा है कि समाज ने, देश ने, राजसत्ता ने उनके साथ क्या सुलूक किया? बाबू जगजीवन राम जी ने जब काशी में डॉ. सम्पूर्णनन्द की मूर्ती का अनावरण किया तो उस मूर्ती को गंगाजल से धोया गया। कोई बहुत पुरानी बात नहीं है—उनकी मूर्ती को गंगाजल से धोया गया। यह एक सिस्टम है। इसलिए आदरणीय चव्हाण साहब से हम जरूर यह निवेदन करना चाहेंगे कि आचार समिति तभी सफल होगी जब इस देश के आचर को भी आप इसमें शामिल करेंगे कि देश का आचार, देश का व्यवहार समूह के साथ क्या रहा है।

महोदया, हम उस पिछड़े समाज से आए हैं जहां आज से दस वर्ष पहले हमको अपनी जाति कहने में गौरव महसूस नहीं होता था। महोदया, यह धन्यवाद है हमारे आदरणीय नेता लालू प्रसाद जी को जो आज हमें गौरव महसूस होता है। पहले तो हमें यह कहने में संकोच होता था कि नरेश यादव मेरा नाम है। हमारी खिल्ली उड़ाई जाती थी, प्रताड़नाएं दी जाती थीं। जिस विश्वविद्यालय में मैं पढ़ता था, उसमें अपमान सहना पड़ता था। इस समाज की यह देन है। इसलिए हम आदरणीय चव्हाण साहब से आग्रह करना चाहेंगे कि आपका यह पहला प्रतिवेदन है, आपका अंतिम प्रतिवेदन, फाइनल रिपोर्ट जब आएगी तो उसमें आप सामाजिक संरचना का जरूर ख्याल रखें।

महोदया, इसी के साथ मैं एक-दो बातें और कहना चाहता हूं। आपने कहा है अपनी रिपोर्ट में, पेज 6 पर,

“ राजनीतिक दल ऐसे व्यक्तियों को उनकी विश्वसनीयता के संबंध में लोकधारणा के आधार पर टिकट देने से मना करने हेतु स्वयंत्र हैं, वहीं अन्य मामले में ऐसे व्यक्तियों को चुनाव लड़ने से रोकने हेतु एक सुपरिभाषित निर्देश चिन्ह की आवश्यकता है। ”

यह बहुत आवश्यक है, आपने बहुत अच्छा सुझाव दिया है लेकिन पारिभाषित किसको करेंगे, हम जानते हैं इस बात को। उस व्यक्ति ने जिसने समाज को आगे ले जाने का काम किया, उसको इसी सामन्ती व्यवस्था ने झूठे मुकदमें में फंसा कर परेशान कर दिया। उस व्यक्ति ने जेल जाकर अपनी जिंदगी, अपनी जवानी बरबाद कर दी और आज समाज यह कह रहा है कि वह अपराधी है। यही लड़ाई है। समाज में यही लड़ाई आज चल रही है और इसी को लोग नए-नए नाम देखर बदनाम करते हैं। इसलिए इन बातों को भी बहुत गंभीरा से लेने की जरूरत है कि कौन व्यक्ति सही में अपराधी है। जो व्यक्ति अपने हित के लिए, स्वयं — हित के लिए अपराध करेगा वह अपराधी अवश्य है। अपराधी की परिभाषाएं अलग-अलग होती हैं इस बात को ध्यान में रखा जाए। लेकिन जब समाज हित के खिलाफ शोषण हो तब हमें यह मानना पड़ेगा और कहना पड़ेगा तथा परिभाषाएं बदलनी पड़ेंगी। आपने सुझाव दिए हैं, पृष्ठ-15 में “ सदस्यों को भी ऐसा कार्य नहीं करना चाहिए जिससे संसद की बदनामी हो तथा विश्वसनीयता प्रभावित हो” । निश्चित तौर से यह सुझाव बहुत अच्छा है। यहां जॉर्ज साहब बैठे हुए हैं, मैं कहना चाहता हूं कि जब वे सोशलिस्ट पार्टी में थे, डॉ. राम मनोहर लोहिया दूसरे हाउस में कहा करते थे, “सोशलिस्ट पार्टी बांधे गांठ, पिछड़ा पावे सौ में साठ” । कोई इस बात को नहीं मानता था। उसकी बात की काट किया करते थे। उस समय के प्रधानमंत्री उनकी आलोचना किया करते थे। महोदय, क्या-क्या किया गया, उनके बारे में पढ़ा जाता है। लेकिन वही बातें सही साबित हुईं। आज संविधान ने, देश ने, पार्लियामेंट (लोक सभा, राज्य सभा) ने पिछड़ों को हक दिया, इसलिए मैं यह कहना चाहता हूं कि इस बात को भी ध्यान में रखना चाहिए। आप फिर यह कहते हैं “ सदस्यों को जनता की आम भलाई के लिए संसद सदस्य के नाते अपनी हैसियत का उपयोग करना चाहिए। “ हैसियत का उपयोग करना चाहिए, तो आप खुद बहुत अच्छी बात कह रहे हैं। हैसियत क्या है हमारी? हमारी हैसियत यह है कि हम आए हैं राज्यों का प्रतिनिधित्व करने के लिए, हमें वहां के विधायकों, वहां की विधान सभाओं ने चुनकर यहां भेजा है। राज्यों का प्रतिनिधित्व करने के लिए भेजा है। राज्यों की जनता का प्रतिनिधित्व करने के लिए भेजा है। राज्यों में जनता 85 परसेंट दबी है, कुचली है, पिछड़ी है और दलित है, कौन प्रतिनिधित्व करेगा? जब ये पिछड़े वहां से आवाज उठाते हैं तो कास्ट की बातें उठ जाती हैं। कैसे ये बातें उठ जाती हैं? जिस समय हिन्दुस्तान आजाद हुआ उस समय कास्ट कहां चली गई थीं? राज्यों में एक जाति के लोग राज्य के सम्पूर्ण प्रशासन पर काबिज रहे, उस समय कास्ट कहां चली गई थीं? लेकिन आज जब समाज जागकर आगे आया है और समाज के सम्पूर्ण पिछड़ों ने अपने अधिकार लिए हैं तो इस समय लोगों को कास्ट दिखाई पड़ रही है। इन बातों पर भी निश्चित तौर पर गौर करने की जरूरत है।

महोदय, जैसा मैंने कहा कि हमारी व्यवस्था सामंती है, कास्ट व्यवस्था सामंती है, आज भी हम अंग्रेजी बोलने में अपने आपको गौरवान्वित महसूस करते हैं। हमारी भाषा मराठी है, हिन्दी है, बंगला है, तमिल है, तेलुगु है, मलियालम है और गुजराती है। इसके बावजूद भी अंग्रेजी में भाषण देकर हम गौरवान्वित होते हैं, क्यों? हम बंगला बोलने में अपने आपको शर्मिन्दा महसूस करते हैं, तमि, तेलुगु, मलियालम बोलने में शर्मिन्दा महसूस करते हैं कि कहीं हमारा मान-सम्मान न चला जाए। क्योंकि लोग समझते हैं कि हिन्दी बोलने वाला, बंगला बोलने वाला बेवकूफ होता है और अंग्रेजी बोलने वाला बड़ा होशियार होता है। यह सिस्टम कहां से आया है? इस देश में य अह सिस्टम सामन्ती है, फ्यूडलिज्म है, हमें इस सिस्टम को मिटाना पड़ेगा, इन सारी बातों पर नजर रखनी पड़ेगी। यह जो आचार समिति बनी है यह देश के पूरे सामाजिक संरक्षण के परिप्रेक्ष्य में है। आपने जो सुझाव दिए हैं, हम लोग इनको मानते हैं और इनकी बहुत सराहना करते हैं। इस कमेटी ने बहुत मेहनत की है तथा मेहनत करके ही इस रिपोर्ट को लाई है। अगले पृष्ठ में(समय की घंटी)... अंतिम बात कहकर मैं समाप्त करूंगा। महोदया, मैं सम्पूर्ण प्रतिवेदन पर अपनी पार्टी और अपनी ओर से सहानुभूति प्रकट करता हूं और आग्रह करता हूं कि विशेषरूप से इसका अध्ययन किया जाए, हमारे देश की सम्पूर्ण सामाजिक संरचना और परिस्थिति चूंकि विविधताओं से भारी हुई हैं, विभिन्न धर्मों तथा विभिन्न विचारों के लोग यहां पर हैं। सब का सामाजिकीकरण करके एक अच्छी रिपोर्ट, आचार समिति की यहां लाई जाए ताकि यहां राज्य सभा से एक मैसेज, संदेश देश में जाए और सुधार की प्रक्रिया यहीं से शुरू हो तथा अच्छा काम हो। इस काम में हम समर्थन करते हैं।

उपसभापति: श्री गुरुदास दासगुप्त। यह आप पर भी एप्लाइ करता है कि टाइम पर चलें। यह एथिक्स कमेटी कि रेकमेंडेशन हो तो ऐड करें, समय के अनुसार बोलें।

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, I must confess that I feel a little upset while making my submission...

THE DEPUTY CHAIRMAN: You are a Member of this Committee. So, you must be applying it on yourself.

SHRI GURUDAS DAS GUPTA : I am a little upset while making this submission before this august House. When we discuss Bofors, the House is full. When we discuss Ayodhya, the House is full. The House is full at a particular moment of time, But when such an important, moral, ethical and national issue is being debated, I do not find many of the familiar faces, which should have been here, at least, to give the support for the

implementation of the Report. It is easy to speak loudly in the House. It is easy to glorify the values. It is easy to identify the downturn in public life. But it is difficult to enforce morality in the national political life of the country. Default is the biggest default. Who are in the default? The political parties are in the default. It is collectively the political parties of the country which are in default for the downturn - unprecedented downturn - in the political, public, life of the country. Let us be very frank. Let us be honest to ourselves. Let dishonesty be not allowed to become all pervading. The question is, there are too many skeletons in the cupboard of our national political life. There has been a total collapse of the principle of probity in public life. The moral values are on the decline - whether in this House or in that House; or, whether this Legislature or that Legislature. Madam, if you kindly permit me, I say that the political system is on the verge of collapse in the country. If immediate corrective measures are not taken, days are not far off when the Parliamentary System will come to a miserable end. People will look down on us. In a number of democracies in the world, people say that it is better to have a military rule. And, by exploiting this shortfall in the democratic system, there has been a rise of dictatorship in the neighbouring country. It is a collective failure, and the correction should also be collective. It is not for one single party. I blame the total political system, including the political parties. Madam, how many people are there in the Legislatures - at the national level and at the State level - who are having a criminal record? Who have sponsored them? The political parties have sponsored them. On how many occasions, in the elections, we take money from the industrial houses? Once you are elected, you have to pay them back. Industrial houses never finance a political party without getting in return double the amount they have invested. When you use an aircraft in electioneering, where from the money comes? Therefore, the question is, morality in public life is a miserable casualty, and it is a phenomenon all over the world. It involves the public life of the President of a big country, It involves Prime Ministers. It involves Members of Parliament. It involves Presiding Officers. And, it even involves the judiciary. Therefore, if there is a corrective, democracy is saved. If there is no corrective, there is a decline, and the decline is already reaching to the rock-bottom level. If it is allowed to go on, the death-knell of democracy will not be a far off, distant, phenomenon. There is urgency. Madam, this was not India. Gandhiji was looked upon as an embodiment - we had our

difference of opinion with Mahatma Gandhi - of sacrifice, dedication and commitment. Madam, are the political leaders of our time, are the members of various political parties, and are the Members of Parliament looked upon with the same degree of respect? There is always a suspicion. Why is there a suspicion? Because there has been a gross abuse of power by the people holding power and this gross abuse of power is to gain personal benefits either for the individual or for the family, or, maybe, in the name of the party. Even if the abuse of power is in the name of party, that tantamounts to a gross abuse. Law knows no variation. Therefore, Madam, abuse of power can only be done by the people who are having power and the abuse of power is deliberately done to gain benefit, and the benefit is personal. It has become the order of *the day*. होता है, मंत्री होने के बाद होता है, एम.पी. होने के बाद होता है। You have to live with this system because the system is like this. Some of the honest friends speak in this way 'trageethes like this'. It is bound to be like this because we are a bourgeois system. People speak like this. This is only cohabitation with corruption. Madam, therefore, the point is, there has to be a modest beginning, and let the modest beginning be done by Parliament. The report of the Ethics Committee seeks to enforce a minimum standard of behaviour for Members of Parliament. Let it begin from the top and only when we enforce probity for the Members of Parliament, we can fight for the observance of the same at the lower level. We would like to know how long the Government is going to take to bring the Lok Pal Bill. The Ethics Committee report combined with the setting up of a Lok Pal, along with modification of the electoral system and a true and frank commitment on the part of the political parties; together, these four factors can bring about a change in the outlook.

Madam, I will not take very long. You will definitely recollect, when Jawaharlal Nehru was the Prime Minister, a person was expelled from one House because he had taken money while putting a question. During Mrs. Gandhi's time, a Member of Parliament was punished summarily because he had taken bribe. There is the precedent of the past, but what is the tradition of the present? I do not like to name the Prime Minister. There was a serious complaint within the House, within a particular House, that some Members of that House had been bribed to ensure that the 'No Confidence Motion' was not passed. We know all these things. Even after the complaint was raised in that particular House, the House did not take any

step for conducting a parliamentary enquiry. Therefore, what had been done during Nehru's time had been defaulted now. What had been done during Mrs. Gandhi's time had been defaulted, at a point of time, when somebody of the same political party was in power, and since that particular House defaulted, therefore, that case had gone to the judiciary. No parliamentary committee was set up. Why was it not set up? No parliamentary investigation was made. Why was it not done? Why was the court allowed to trespass into the arena, into the domain, of the legislature? If we speak of judicial activism, it is because the Parliament defaulted. Therefore, in such a situation, Madam, the time has come for the setting up of our own mechanism. The Ethics Committee seeks to set up its own mechanism for this House. Let this House begin a new process to be followed by others. It will be a voluntary submission to a set of rules. It will be setting up of a system that will enquire. Why are these things necessary?

Because Members of Parliament enjoy certain privileges. Since there are some privileges for Members, not always are the normal rules applied for them. In many cases they do. Because of their privileges there should be a safeguard to ensure that the privileges are not misused. Therefore, let there be the Ethics Committee of the House. Let the Ethics Committee be permanent. Let there be investigations. Let there be complaints. If there is a complaint, there should be an investigation. If the investigation leads to something, the Committee should come before the House, and the person against whom the complaint has been probed, must be punished. This is the system that it envisages. If this system can be implemented, that will be the symbol of a new beginning.

I take this opportunity to call upon all political parties to be aware of the Frankenstein that has taken over in their politics. If this Frankenstein is allowed to have its way, irrespective of the 'ism,' irrespective of the ideology and irrespective of the political flair, it is going to have a devastating effect on our national life. The whole nation is at jeopardy. We are really at the crossroads, at the rock bottom. Let there be a beginning of a corrective movement. Let this modest beginning by this modest House give that national signal I believe that it is for others, it is for all other political parties to take this signal properly and start the beginning of a new process of correcting the heavily polluted political system on the verge of collapse.

Lastly, I tell you that there is a deep discontentment among the people. It is not against this or that political party, but there is a deep discontentment against the total political system. This discontentment has its own objective roots. If that is not corrected, the day is not far off when we shall be heading for a total doom. Before that, let us go in for a national corrective. Irrespective of political belief and colour, let this modest beginning by this House give that unambiguous signal to the nation.

SHRI V. KISHORE CHANDRA S. DEO (Andhra Pradesh): Thank you, Madam. Madam Deputy Chairperson, as I rise to support the Motion that has been moved by my senior colleague, I want all of us to remember that today we are perceived as being part of a criminalized polity beseeched by politicised criminals.

Madam Deputy Chairperson, this topic has been discussed in both the Houses of Parliament time and again. We discussed in detail the Report of the Vohra Committee and the nexus between politicians, criminals and bureaucrats, which even encompasses the Fourth Estate, and the judiciary is not out of its ambit.

Madam Deputy Chairperson, before I go into other details of the Report, I would just like to mention a word about the recommendations with respect to elections to Rajya Sabha. Madam, you were very quick to join my colleague who said that instead of secret balloting, the voting should be open as far as Rajya Sabha elections are concerned, and you supported that immediately. Well, Madam, there has been a lot of alleged corruption that has been taking place with respect to voting for Rajya Sabha elections.

But I humbly beg to submit that I have yet another proposition for elections to Rajya Sabha. We are all aware of the fact that it is the Members of the Legislative Assemblies who vote for the persons who want to be elected to this House. So, the strength of every party in this House depends upon the number of MLAs that one has. Madam, we have been discussing various topics and various systems. My friends from the Left have been very fond of talking about a system of proportional representation.

Madam, today, in the system that we have, let us take your State, Maharashtra, for example. It is technically possible for a political party to get just 50.1 per cent votes and win-all the seats.

It is also possible for another party, even in a two-party system, to get 49.9 per cent votes and not to have a single MLA. This would ultimately leave you with one party not having any MLA. This can happen to the Lok Sabha also. The same thing can get reflected in the Rajya Sabha. It means, actually, 49.9 per cent of the people's voice is being snuffed out in this manner. I would suggest that there should be no elections for the Rajya Sabha. Rajya Sabha seats should be allotted to political parties, based on the percentage of votes every political party has polled in the Assembly elections. A formula can be worked out. I do not know why Mr. Gurudas Das Gupta is amused. He is laughing. After all, it is on the basis of votes.

SHRI GURUDAS DAS GUPTA: I was absorbed in your new idea.

THE DEPUTY CHAIRMAN: He is also concerned as to how to remove the allegations of corruption and how to see that there is more transparency.

SHRI V. KISHORE CHANDRA S. DEO: Madam, 49.9 per cent of the people, technically, may not have a voice in the Lok Sabha, Assemblies and even in the Upper House. So, in the Rajya Sabha and in the States, where they have Councils, why not we make a beginning through the system of proportional representation and allot to each political party the number of seats according to the proportion of votes they have polled in the Assembly elections, which will continue till the next Assembly elections are held? This is a proposal and I would like the Government and all the political parties to seriously consider it. I hope this will remove the kind of allegations, speculations and horse-trading that goes on in the elections to the Upper House.

I do not think this is an occasion for making any rambling speech of any type. What actually bothers me more than the recommendations that this Committee has made, — I do not think any of us has any kind of disagreement -- is the fact as to how we are going to implement it. This report says that we should not accept gifts. It is fine, we pass a resolution that we would accept no gifts. But the point is, who is watching and who is going to prove that who gave gifts and who did not give gifts. I think Members of Parliament should be responsible enough to decide whether they should accept or should not accept gifts. But I would like to point out that the root cause lies in the link between criminal activity and electoral polity. Madam, I have written a book on this. I have been on several

electoral reform committees. The root cause of these problems that are staring at us have been mentioned in the N.N. Vohra Committee report. I am not trying to say that we should have a different system like the proportional representation system. Even in the present system of elections, certain measures will have to be taken. These are not very very difficult measures. If all the political parties agree, these measures can be implemented immediately.

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First of all there should be a photo identity voting card for every citizen of the country. It should act as a birth certificate, a caste certificate, a nativity certificate. It should be a multi-purpose card. At present, you have a ration card for everything. Tomorrow, it should replace the utility of the ration card. This card should have a code behind it pertaining to the ballot box or a booth, which will take in, may be, 1,000 or 2,000 voters. If there are 1,000 or 2,000 voters in a booth, they must be given these cards having a code which will be recognised by a scanner or a reader pertaining to that booth. That should be attached to your control unit of the electronic voting machine, which is now being used for elections. At one time, there was a lot of speculation that this machine can be manipulated, that it can be programmed, that you can let in Trojan horses and manipulate the elections. But all those speculations have been set aside. The electronic voting machine contains two units - the balloting unit and the control unit. The control unit is operated by the presiding officer. Tomorrow, if you are under threat or duress, the presiding officer can operate it in a manner that is not desirable. Likewise, the identity cards which were introduced before the elections - when Mr. Seshan was the Chief Election Commissioner will serve no purpose. They were only resulting in rigging elections. You could buy that identity card for Rs.5 or Rs.10 or, maybe, even less than that. But if you have a multipurpose photo identity card, if you have a scanner which can identify that card, which pertains to that particular booth, if that battery-operated scanner can operate or controls the switch of the electronic voting machine, then, it will be very difficult for anybody to rig or capture booths. Criminals are used to capture* booths. I am sure no political leader, except those who may be from that stream, would like to associate himself with criminals. Tomorrow, a criminal cannot get elected, or, his gang cannot get elected, to the Parliament or to the Assembly. I don't think any person in politics will really associate himself with that kind of people. So, if you have to get rid of this nexus, you should have a kind of a

system where criminals will have no role to play — as far as electoral victories are concerned. This will cost money. But if you want democracy to be preserved, then, you will have to pay a price for it. Price, not in any other terms, but price in terms of spending on the equipment which will provide an almost fool-proof system where the criminals' role can be eliminated from our electoral polity. Madam, I have done a lot of research and work on this; if the Government is interested, I can give them the full details. ...(*Interruptions*)... I will present a copy of my book to the hon. Deputy Chairman, but I will not lay it on the Table of the House. I think it is an aspect which should be given serious thought because this will eliminate a lot of problems in times to come. Then, the next question was about the manner in which a Member should vote or should not vote, accept gifts, etc. etc. There is a long para on this. But, Madam, how to prove these things? Secondly, Mr. Gurudas Dasgupta was very, very vociferous on this. I know that he was referring to the JMM bribery case. Of course, it was a failure on the part of Parliament to take action against those Members, if such a thing had taken place. Madam Deputy Chairman, let me tell you that I am against diluting the powers of any institution, let it be Parliament or let it be court. There was a judgement of the Supreme Court which was delivered by a five- Judge Bench. Out of the five Judges, one was the former Speaker of the Lok Sabha, late Mr. Hegde; and the other was late Mr. Hidayatullah, who was the former Chairman of our House. The five-Judge Bench gave a detailed judgement about article 105 of the Constitution, the second part, article 105 (2), which clearly states that the Members' rights within a House cannot be questioned outside Parliament, nor they can be used to prove that another person has taken a bribe or not. Then, you are questioning the act of that Member. May be, in 50 years, Members might have failed in one instance. Mr. Gurudas Das Gupta cited two instances where people were convicted and sent to prison. In one instance, some lapse might have taken place on the part of political parties, or, maybe, Members of Parliament. But that doesn't give the licence to courts to come and interfere in legislative matters, or, in business of the Parliament.

Madam Deputy Chairman, I always stood for protecting the rights and privileges of the Members of Parliament. I shall always stand for it. If courts interfere, then, they will have to pay the price.

While I appreciate the fact that the Privilege Committee was already there, I don't think that you needed the Ethics Committee to go into this aspect. Madam, in Great Britain, in the House of Commons, the Nolan Committee was formed because of this. They gave a report. Ultimately, it was sent back to the Privileges Committee of the House of Commons with a note, "It was the Privilege Committee of the House of Commons which will be competent to take action on this" Well, we may have failed in it, but this does not entitle courts to interfere in this matter which is really very unfortunate. I hope that Parliament will protect its own rights and privileges in such a manner that it will not allow other institutions to come and climb over us in this matter.

Madam, there are several other aspects which this report has referred to. Well, I do not think that any of us would be in disagreement with any of these aspects. But the problem is the manner in which we will have to implement it. As some colleagues have mentioned earlier on, political parties would, probably, refrain from giving tickets to those with a criminal record. But as the Report has mentioned, there is a difficulty. It says that history-sheeters should not be given tickets. Once you start doing that, tomorrow, you can cook up your own history-sheeters' list and put all your opponents in it. It is a double-edged sword! Some people say that we should have the right to recall. With this kind of a system, if you have the right to recall, the same criminals, the same money, will be used to recall you back from the day you are elected because it is only such people who will use these powers. So, it is very well, these things are very high-sounding, but one has to look at how practical they are in our system, in our polity.

Therefore, Madam Chairperson, while I endorse this Report and recommend that it be commended for approval by this House, I would only like to submit that we should also try to find pragmatic ways and means to arrive at a solution to all these long-standing problems. We must also take up such measures which can be practically implemented to achieve these goals. Thank you.

THE, DEPUTY CHAIRMAN: Shri Viduthalai Virumbi. We have to finish by 4 o'clock.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Yes, Madam,

THE DEPUTY CHAIRMAN: Not that you can speak up to 4 o'clock.

SHRI S. VIDUTHALAI VIRUMBI: Madam Deputy Chairperson, I feel this is an opportunity to make some observations regarding ethics and morality of the entire nation and those of the representatives who represent the nation. As far as this Report is concerned, this is not an 'inspection'. It actually comes under 'introspection'. In 1989, when I was elected as an M.P., there was a certain number of forms to be filled up before oath-taking. The number was increased by one when I got elected again in 1998. Form No.3 was issued to me and I was asked to fill up and sign it. There were two columns in it to fill up. One column was "What is the party to which you belonged at the time of filing your nomination?". Another column said, "What is the party to which you belong at the time of oath-taking?". The introduction of this form itself clearly shows that our polity has degenerated. It has degenerated to such an extent that within a span of a fortnight, the Member may cross the floor! (*Interruption*). Yes. He says 'overnight'.

What has pervaded in our society which makes such a form mandatory? That we have to see. I feel that there must be less preaching and more practising. Here, there are two types of opinion. Gautamji says that if people are all right, our laws will act in a proper manner. On the other hand, it is said by others that this is due to a systemic failure. It is a failure of the bourgeois system. My opinion is, the mistake lies not with democracy but with the people who handle democracy. The mistake is not with democracy itself. I differ from them. When you compare it with other systems, I feel that it is better; comparatively, relatively, it is better. Once, Gandhiji, when he was touring Tamil Nadu, one of his disciples, unfortunately, dropped an ink-bottle and the bottle was broken.

At that time, Gandhiji advised his disciples, " You are unable to keep even this inkpot in safe custody. If the responsibility of the nation is put on your shoulders, how will you discharge your duty? " This was how Gandhiji had advised his disciples. In 1924, Rajaji had written : "we want democracy not in the hope that we are going to provide a clean Government or a corrupt-free Government. Having known fully well that the administration might not be at the same level at which it is today and the corruption would become rampant, in spite of all this, we are asking for democracy because it is our birth right and we shall have it." This was written by Rajaji in 1924.

His prophecy has come true. That is what I feel Everybody accepts the fact that the political life in our country has degenerated. We have to save democracy. There is no other political system in the world which is better than democracy. Therefore, when we are dealing with this issue, some of our colleagues have expressed their anguish with regard to the use of cellular phones and other things. I feel that when the country develops technologically, that technology should be used by the Members of Parliament in the same way in which it is used by the rest of the citizens. But the technology should be used in the public interest, for the good of the nation and not for our own benefit. We cannot give up information technology.

Now, I would like to refer to the point which has been raised by one of our colleagues. He has said that we should not fix our own salary. We should not take up this issue. This is below our dignity. I would like to inform the hon. House about the system followed in Australia in this regard. For the income tax exemption in Australia, what they do is like this. They put some basic amount saying that this is the tax exemption. Thereafter, whatever inflation takes place in each fiscal year, the Commissioner of Income-tax himself is entitled to add that amount, based on inflation. He can announce that thing without getting any permission from the Finance Ministry of the Government of Australia. He himself can declare that, for this year, this is the tax relief, and this is the ceiling. In the same way, you just fix some base year in respect of the salaries of the Members of Parliament and whatever inflation takes place, according to that, you can fix up their salaries later on. That was what was suggested by Dr. Biplab Dasgupta also. It should not become a subject for discussion. That is what I feel.

Apart from this, the entire system should be transparent. Being representatives of the people, our lives should be transparent. For that purpose, we are trying to frame the code of conduct. This code of conduct is not going to be taken up as it is. There may be some amendments if they are absolutely essential. But this is a step in the right direction to improve our political system. How will it become transparent? I would like to give some suggestions in this regard. Firstly, there should be a mechanism for investigation. Secondly, penalties should be provided. Thirdly, all these things should actually be incorporated in the code of conduct. But at the initial stages, it is enough. If we want to add something later on, it can be

done. Apart from that, if any politician is involved in a criminal case or in some corruption case and he is convicted under the respective code, that is, the Code of Criminal Procedure or the Indian Penal Code, and if the person so convicted is a public servant, the verdict of the court should come within a specified time. That is a very important thing. Apart from the Judiciary, public awareness is very essential. It is more essential than the written documents. If the people are aware as to what we are doing, the system will further improve. The tyranny of the oligarchy is not so dangerous as the apathy of the citizens in a democracy. So, the public awareness is very important. I would also like to inform the House that character cannot be imbibed.

Character cannot be inculcated by passing any bills or by framing any rules. It has to be inculcated from the very beginning. We cannot do that merely by writing something on the board. "It should be inculcated", "it should be imbibed", means the society itself has to be developed. The educational system should be improved for inculcating this sort of awareness. If the educational system is improved, if the economic condition of the people is improved, the condition of the society will also improve. Till such time, if it helps us to some extent, we can, at least, welcome it. If someone suggests anything for making further improvement, that should also be taken into account. I hope, Chavanji will take that into account for making further improvement. Thank you, Madam.

SHRIMATI JAYANTM NATARAJAN (Tamil Nadu) : Madam, first of all, I would like to place on record that my party, the Tamil Maanila Congress, totally endorses all the suggestions and recommendations made in the Report of the Ethics Committee. Indeed, I don't think that anyone of us present here could find anything to disagree with in the extremely worthwhile and thought-provoking suggestions that have been made in the Report of the Committee. I, therefore, support the Motion that has been moved by my senior colleague, Mr. Chavan. Having said that, in one sense, I feel a little embarrassed to stand here as a Member of the Rajya Sabha and reflect that our parliamentary democracy has reached a position where in the Rajya Sabha we should be discussing very seriously, and with a sense of alarm and purpose, the Report of the Ethics Committee, the question of a watch-dog body for ethics for Members of Parliament. I think this is an unfortunate state for our democracy to have reached. Madam, when the

framers of the Constitution spoke, discussed, reflected upon, the state, of our Constitution, framed rules for our Constitution, framed a Constitution for India, they had assumed that the people who are elected to this august body would be people above reproach. Madam, as my esteemed colleague, Mr. Virumbi, said, we can lay down a thousand rules, but to have people to follow these rules is a completely different issue. In fact, it is quite unfortunate. It is like telling a couple in a marriage how they are to treat each other. A thousand rules cannot be laid down between a husband and a wife how to behave with each other; between people, how to behave with humanity; between children, how to behave with decency, with good manners, with respect for elders. These things have to be in-grown. There has to be a measure of self-regulation. I, therefore, think, it is, unfortunate that we have reached a stage in democracy where we have to draw up rules for ourselves, like children and, then, set up a watch-dog Committee to follow these rules, but having reached such a stage, and we have to have such a Committee, until things improve, we have no alternative but to endorse the rules, whatever they are, that are framed for our self-regulation. As a word of caution, I would like to add here over this, Madam, that we have electoral laws, we have rules for regulating the spending of money during the elections, we have rules regulating various acts by Members of Parliament, by Ministers, but most of these rules are observed in flouting, and everybody knows as to why there is such a large measure of cynicism among the public at large. Madam, therefore, without wasting the time of the House, by going into all the recommendations and by talking about what my learned colleagues have already said, I would like to share a few thoughts that have occurred to me on this subject which, I am sure, all of us are aware of. Amongst the public, there has been less interest in exercising their voting rights in these elections, and, may be, we have reached a stage of about 60 per cent voting. This is roughly the voting percentage. *...(Interruptions)...* In some places, it is 50 to 55 per cent.

Madam, more than 40 - 50 per cent of the population of the electorate have not deemed it necessary to vote. There is an alarming measure of apathy among the people at large. I think it indicates something very seriously wrong with our democracy. People are losing faith in the institutions of the State, people are losing faith in the Government, any Government, people are losing faith in the bureaucracy, people are losing faith in civil society and people are losing faith in politicians. Madam, there

is apparent at every level of society today, a tremendous degree of hostility towards -politicians; towards politicians from all political parties. People don't trust us, people don't trust the political class in general. I think this is a very serious development for the future of democracy. Because if the people of India feel that they are divorced from the political class, from the people who govern them, and if they feel completely separate from the institutions of the State, from the Parliament, from the Government, from the Legislature, then, Madam, there occurs a dichotomy in civil society which will be very, very difficult for us to sustain, if we want to remain a democracy. Then there will be a return to the institution of authoritarianism. People then begin to worship authoritarianism. People then begin to turn away from the representative form of Government, from the parliamentary form of Government and, then, people go elsewhere for relief. They go to courts for relief, they go to the Election Commissioner for relief as they did when Mr. Seshan became the icon of the middle class people of this country. Therefore, before we proceed any further, I think it is extremely important for us to reflect upon why it is that the vast majority of the Indian public has developed hostility towards politicians. I think it is not as if there is no corruption elsewhere in society. I am afraid, I do not share the extremely gloomy picture that my colleague, Shri Gurudas Das Gupta, painted, or, others painted. Yes, we are corrupt. Madam, unfortunately, many politicians are corrupt, but they should not be brow-beating in the forum, to say that all is lost. I don't think all is lost. There are corrupt politicians and there are very many honest politicians. Madam, there are corrupt lawyers, there are corrupt doctors, there are corrupt bureaucrats, there are corrupt plumbers, there are corrupt engineers and there are corrupt construction workers. There is corruption at every level of society. There is goodness at every level of society. Let us not condemn ourselves for ever as a political class. The important message that I would like to place over here is that we should be proud that we have survived as a democracy. Yes, democracy all round us has collapsed. In neighbouring countries, democracy has collapsed. People have turned to authoritarian forms of Government because they have lost faith in the political class. But our democracy, the Indian democracy stands vibrant and proud. Why? Because the people of India are aware enough to send packing those who commit mistakes and again and again, and yet again, they reposed faith in the political system. They have done so even now.

4-00PM

They have done so till today in the hope that at some point of time their leaders, the people who claim to represent them, will take into account the issues that are closer to the hearts of the people. Here, Madam, I want to make one more important point which is not in the Ethics Committee Report. But I wish to make one important point while we are talking about this entire system of elections. Unfortunately, Madam, we are talking about ethics all the time. We are talking about a narrow concept of ethics. I would like to come back to that later. While talking about this very narrow concept of ethics, unfortunately, our leading political parties, all of us, as a political class, we tend to lose ourselves in the cacophony of personal rivalries, of accusing each other of petty acts of corruption, of caste rivalries and minor rivalries. And in this cacophony of elections, when we are so preoccupied with our little ego hassles and with our ego problems, the basic developmental issues like health, education, public distribution system,

and economy, all are completely lost. Time and again, people are sending us the message, "we are concerned with the basic issues. Please take note of the basic issues. We are not interested in your petty rivalries, in your ego clashes, in your party split or another party split, in caste rivalries, in tensions, in communal tensions". People just want a chance to live. Time and again, this is the message that Indian democracy is sending to us which we, the political class, are not simply taking seriously. This is something which, I think, we should all take into consideration and take very seriously. Otherwise, as a political class, as legislators, we will become completely irrelevant to the system of democracy in this country. In fact, the system of democracy will become irrelevant to the people of this country, because they will then learn to live by themselves.

The third important issue, which I would like to place for the consideration of the House, is about accountability. Democracy is based on a system of checks and balances—democracy is very carefully crafted in our Constitution, after years of study of many Constitutions all over the world—checks and balances between the executive and the legislature and the judiciary and the elected representatives of the people having control over the bureaucracy which is continuous. There is, therefore, a chain of accountability. The accountability of the civil servants or the bureaucracy

to the political executive, the political executive to the legislature, the legislature to the people, and we should always keep in mind the chain of accountability. The chain of accountability should not be broken. On this point I would like to raise another important issue. In the name of stability—of course, stability is important in a democracy—in recent years there has been a very alarming trend—not in recent years, very recently, just now—from the highest quarters of the Government, from the highest quarters of BJP, the ruling party, and other quarters to elevate the concept of stability to something above everything else. In my view, stability of a Government is, undoubtedly, important for the sake of a nation so that the people can live, the economy can develop. However, stability should not become more important, or, rather accountability should not become the first casualty of stability. Accountability is far more important than any concept of stability. This is a process of churning in democracy. People are trying to find out who suits them the best. People are trying to express themselves their ethnicity. India is trying to express her diversity. India is trying to find out how a truly federal form of Government can work. The falsely created notion of unitarianism, which the British has imposed on this country, is now being exposed as India is finding her federal roots, as various regional parties are expressing themselves, as we are learning to live together as a coalition. Therefore, accountability is of paramount importance. At a time when we are talking about the accountability, at a time when leaders like Jayaprakash Narayan and other leaders talked about recalling the representatives of the people who do something wrong, the Home Minister of India is saying, "give Members of the Lok Sabha a fixed tenure". Nothing could be more antithetical to the concept of democracy than giving the Members of the Lok Sabha a fixed term. It will be completely contrary to any notion of democracy. Yes, elections are expensive. We cannot afford repetitive elections. But if the people do something wrong, if it is not possible to form a Government, the only viable alternative is to go back to the people. It is far costlier to have a lack of democracy than, for a short-term goal, to insist on a fixed term for the Members of the Lok Sabha.

Madam, the last important issue, which I would like to raise—and I know you are now looking at me—is that there is no question of any Ethics Committee. There is no question of integrity, honesty, about any recommendations made by the Ethics Committee having, in the smallest

measure, any relevance, unless we have electoral reforms in this country. As has been often quoted, the Members of Parliament begin their career with a lie. It has been often quoted and I am merely repeating it. When you begin your career with a lie saying that you spent a certain amount of money, when you actually spent a far greater amount of money, I don't see how it is possible to maintain a series of integrity, to maintain actual integrity. A vast amount of money is spent during elections.

Thereafter, it is impossible to maintain any measure of service to the people of your constituency without spending a larger amount of money. Therefore, unless there are immediate electoral reforms, unless it is ensured that the use of money power, and muscle power, become completely meaningless in our elections, as Mr. Kishore Chandra Deo pointed out, whatever it takes for us to ensure that our elections become something that is possible for the ordinary citizen of the country to contest in, our elections would continue to be controlled by money power and muscle power. Therefore, there should be total electoral reforms. Above all, there is a fundamental duty to vote. Finally, Madam, I would like to say, the question of Ethics Committee does not extend only to matters pecuniary. It does not extend only to assets which are disproportionate to your known income, or, getting a bribe from somebody; it extends to so many other things. It extends to not using caste, not misusing religion, not misusing so many other issues that can be misused, like ..

THE DEPUTY CHAIRMAN: One is gender.

SHRIMATI JAYANTHI NATARAJAN: Yes, the most important one is of gender; not misusing any of these. It extends to the entire concept of civil society where there is a quality of life; where there is a system of honour; where there is equality; where there is egalitarianism. This is how we should look at the system of ethics in our country. Every citizen should be given the right to vote - the right to vote has been enshrined in our Constitution. But, unfortunately, in these elections, Madam, what we have seen is, large sections of our countrymen have been denied the right to vote; large sections of our countrymen, who are dalhs, were not allowed to vote in many parts of this country. People have been prevented from casting their vote because of muscle power. Unless we see that the electoral reforms are carried out, unless every citizen has the opportunity to cast his vote, and unless he is aware that it is his, or, her sacred duty to vote, proper

governance in this country cannot be ensured. Till that day, Madam, no system of ethics that we regulate upon ourselves will be really meaningful.

THE DEPUTY CHAIRMAN: You could have mentioned "character assassination." Because it becomes very easy to cast any aspersion on anybody without proving it. Shri Cho. S. Ramaswamy.

SHRIMATI SHABANA AZMI: This is his maiden speech, Madam.

THE DEPUTY CHAIRMAN: Maiden speech. (*Interruptions*). Let him make the speech, then we can clap.

SHRI PRANAB MUKHERJEE: We can clap before he starts.

THE DEPUTY CHAIRMAN: Do you want to encourage him?

SHRI PRANAB MUKHERJEE (West Bengal): Then it will be a good speech.

SHRI CHO. S. RAMASWAMY (Nominated): Madam, this being my first speech, I crave the indulgence of the *House*. (*Interruptions*) I have been a playwright and, in my plays, I had held Parliament to ridicule. Then, in my later years, I thought, perhaps, I had exaggerated too much. But after coming here and watching the proceedings of the House.. (*Interruptions*) . This is another violation of the rules. I don't think a maiden speech could be interrupted. Well, after coming to the House, I have started wondering whether I was really making only under-statements. In my opinion —after all I have not been a Member so far; so I think, I would know the public mind better — there is a fear of Parliamentarians; there is a fear of MPs; there is no respect for them; there is no admiration for them. If you get into a railway compartment, some seats are reserved. If you ask about them, they say, these are reserved for MPs. Upon asking if he is coming, they say 'we do not know.'¹ Then they move away because the people are afraid of MPs. They do not respect them. The perks, the privileges they enjoy, I think, have gone to the head of the Members of Parliament - not necessarily of this House, not necessarily of the other House. Usually, what happens is this. The Members of Parliament have come to think of themselves as a class apart from the other people of the country.

It is the privilege which makes them so. What I suggest is that the speeches made in the House, the proceedings of the House, should not enjoy any particular privilege which is not enjoyed by any other forum. If a

critical look by the media is prohibited by the rules of contempt, procedures, privileges, etc. then what amount of improvement could be expected? You say, "No criticism is allowed." Then how do you expect to improve yourself? I do not know. I was convicted for breach of privilege in the Tamil Nadu Assembly twice. Once I was accused of comparing the MLAs with donkeys. I was asked to apologise. Actually, it was not such a comparison, but in a way that was the construction made of it. I was asked to apologise. I said, "I will not apologise even to the donkeys, then why should I apologise to MLAs?" With that the House got dissolved. The House got dissolved twice. So the proceedings against me lapsed. This kind of a threat, which is held out to the Press, is what is protecting the disorderly behaviour in the House. I have been watching the proceedings of the House. The Chair does not seem to be respected. The rulings given by the Chair are ignored. More often, the Chair also does not try to see as to what is happening. Why? It is because of the privileges attached to this House. Shrimati Jayanthi Natarajan was speaking about accountability. To whom the Members of this House are accountable? She says, "We are accountable to the people." A nominated Member like me is not accountable to anybody, in my opinion. Apart from that, what is accountability? If there is accountability, then your performance must be scrutinized by the people. But you prevent the media from putting you* under a microscope. Can I, in my newspaper, say that there was a total disorderly behaviour in the House, the Members did not behave in a dignified manner, the Chair was not respected and nobody cared for any decency or decorum? Can I say that? I cannot say this. If I say this, I could be held up for contempt of the House. If I as a newspaperman do it, I could be held up for contempt of the House. What kind of scrutiny is there? Why do you want to lead such a closeted life? Why don't you allow yourself to be scrutinized? Only then you will make yourself accountable. The judiciary has also washed of its hands. It said that they could not do anything concerning the behaviour of MPs in the House. Even that amount of scrutiny is not possible. Even judicial scrutiny has been ruled out. Then who can do it? The people can do it.

For that only a total exposure in the media will help in improving the behaviour in the House which, I personally feel, is part of ethics, perhaps the most important part of ethics. The Ethics Committee ought to have gone into it in detail. The behaviour of MPs in the House, the respect

shown to the Chair's rulings, the amount of control that the Chair exercises and all that "must have been taken into account. Now the impression outside the House, among the people, is that everything is disorderly in Parliament. No meaningful business can go on. Let not this House reiterate that opinion in the minds of the people. Let that be erased from the minds of the people.

For that let there be a total exposure. Make yourself accountable by making yourself available for scrutiny. You can do it by not insisting on the privileges of the House. Even in the British Parliament, the question of privilege arises only when a Member of Parliament is impeded in his functioning in Parliament. Supposing, I threaten an MP and say, "You should not speak this in the House or you should do this in the House." Then it becomes a matter- of privilege; otherwise, there is no question of privilege. Here the House cannot be ridiculed. One cannot make fun of it.

One cannot pass any harsh judgment against it. Why do you need that protection? As long as you have that protection, you need this kind of a helmet. So there will be no improvement in the functioning of the House. That is what I honestly feel as new Member. Maybe, after a few sittings of the House, I may be able to see the things in a different perspective.

Much was said about criminalisation of politics. I think it was also said that even the people must be taught how to elect the right kind of a person. When can a right kind of a person be elected? It is only when the right kind of persons contest the elections. What is happening now? In a constituency, one party fields a dacoit; the second fields a robber, the third fields a house-breaker and the fourth fields a pick-pocket. Naturally, the people will vote for the pick-pocket. When it is criminalisation of politics, by necessity, the people have no choice. So, in my opinion, what I feel is, be prepared for total exposure of what happens in the House, how it happens, what is achieved, how much time is wasted in shouting, how much time is wasted in creating mere noise; whether it is for good, or, whether this wasteful expenditure of public money is right; let the people decide. If they are going to enjoy it, let them enjoy it. If they are going to disapprove of it, let them disapprove it. But when that exposure is there, I am sure, there will not be any necessity for any committee and it would become natural. Thank you.

THE DEPUTY CHAIRMAN: Thank you very much. But I don't know whether you know this. The proceedings of the House are being televised.

We are scrutinised by the people. Since we have these television cameras in the House, every moment in the House is scrutinised by the people. And, I have never received any complaint about breach of privilege regarding the criticism of the behaviour of Members of Parliament. Only if the Members of Parliament are obstructed from performing their duties, I get these complaints, but not against exposure or criticism by the Press. The Press is free to do what they like. We are people's representatives.

SHRI GURUDAS DAS GUPTA: Madam, right to ridicule is not a fundamental right.

THE DEPUTY CHAIRMAN: Then, you have made a very nice comment. Now, I am zoologist. I have noticed one thing in this House. There is discrimination against animals. If you call somebody a lion, he feels very happy. But if you call somebody a rat or a donkey, he feels offended, or, at least feels very bad about it.

SHRI N. THALAVAI SUNDARAM (Tamil Nadu): Madam Deputy Chairman, on behalf of my party, the A.I.D.M.K., I fully support the report which was presented by the Chairman of the Ethics Committee, Shri S. B. Chavan. All the colleagues have talked about ethics here and in the Lok Sabha. I have only three points to make. We also have the Vohra Committee's report on the nexus between politicians and criminals. Shrimati Jayanthi Natarajan mentioned very clearly that corruption and other such cases are filed by one political party against the members of other political parties. This is what is happening in our country. This system is going on and every political party is following it. Then, we also talk about judicial activism in our country. My learned journalist-friend, Shri Cho S. Ramaswamy, is an independent Member. Before he came to this House, he clearly mentioned in a Press meeting that he would not damage the Rajya Sabha.

I associate myself with Shri Cho S. Ramaswamy that ethics must be for every person.

The other point is regarding voting pattern. I hope the Committee would take care of this voting pattern, because there is a provision in the Representation of the People Act, as far as this aspect is concerned. Some Members would be voting in one constituency in the morning, and at, say, 2 o'clock the same day, they would be casting their vote in another

constituency. Recently, one such instance happened in my State. One of the Ministers was casting his vote in a constituency where his name was not registered. But we cannot agitate on this issue before the Election Commission; we are helpless. We will have to take it to the court. Now, this matter should be included in the recommendations of the Ethics Committee.

The third point is regarding the election of Members to the Rajya Sabha. The Members here are nominated from various States like Rajasthan, Tamil Nadu, Orissa and so on. We may recall the recent judgement that was given in the case of Dr. Manmohan Singh. This aspect regarding nomination of Members from their respective constituencies should also be included in the proposals of the Ethics Committee.

The fourth point is this. We are having certain privileges because we are in political life. But, every day, our reputation is being damaged by one political party or the other, or, by the public, and this will go on. How do we prevent this thing? For this, we need to have accountability. When we talk about ethics, what does 'ethics' mean? Ethics means a collective opinion drawn together by the sentiments of Members. This definition must be implied for every Member. Hence, I request the Committee to consider all these aspects and bring about ethics in our everyday functioning of the House.

उपसभापति: लास्ट स्पीकर, रामूवालिया जी आप जल्दी से एथिक्स के बारे में बता दीजिये।

श्री बलवन्त सिंह रामूवालिया(उत्तर प्रदेश): धन्यवाद, उपसभापति महोदया।

उपसभापति : आपकी वही जगह है? आपकी तो अच्छी जगह है, आप पीछे क्यों जा रहे हैं?

श्री बलवन्त सिंह रामूवालिया: आदरणीय बरजिन्दर सिंह जी आए थे, उनके पास बैठा था

उपसभापति : कोई बात नहीं बोलिये।

श्री बलवन्त सिंह रामूवालिया: सॉरी मैडम।....(व्यवधान)... अब माफी मिल गई न?

उपसभापति : हां मिल गई। बोलिये।

श्री बलवन्त सिंह रामूवालिआ : उपसभापति जी, आपका धन्यवाद करते हुए मैं अब से पहले हमारे माननीय सहयोगियों ने जो विचार व्यक्त किये, उनको सुन कर दिल को दुख होता है। हर आदमी ऐसे विचार दे रहे हैं जैसे लोगों की भावनाओं की किशती भंवर में फंस गई हो। आखिर देखना है कि हम कहां से कहां क्यों पहुंच गए। जैसी समस्याओं में हम घिरे हुए हैं और एथिक्स की बात चल रही है, उस पर विदेशों में भी बहुत से देशों की राजनीति घिरी हुई है। लेकिन यहां बात आगे इसलिए नहीं बढ़ रही है कि यकीनन राजनीतिक पार्टियां और राजनीतिज्ञ लोगों की उम्मीदों पर पूरे नहीं उतरे हैं। कई लोग तो यह कहते हैं कि राजनीति लोगों के स्वार्थ, खुदगर्जी इतनी बढ़ गई है कि कुछ राजनीतिक लोग 24 घंटे में शायद 24 मिनट भी आम पब्लिक के लिए नहीं सोचते। हरेक को फिक्र है अपनी जायदाद की, बहुत से लोगों को अपने बाल-बच्चों को नेता बनाने की फिक्र है, रिश्तेदारों को नेता बनाने की फिक्र है। मैडम, आज आम आदमी की सोच यह है कि पैसे से राजनीति चल रही है, लेकिन उस के पास पैसा नहीं और न बाल-बच्चों को आगे लाने का प्रबंध और फिर आज के हालातों में सोसायटी में राजनीतिक लोग सारा समय सिफारिश करने में गुजारते हैं। मैडम, जब तक हमारे अंदर इच्छा शक्ति नहीं होगी, हम कितनी ही कमेटी बना लें, कितनी मीटिंग्स कर लें, बात नहीं बनेगी। मैडम, मैं चव्हाण साहब को धन्यवाद देता हूं। उन्होंने इस रिपोर्ट को तैयार करने में बहुत मेहनत की, लेकिन जब तक राजनीतिक पार्टियों के अंदर इच्छा शक्ति नहीं आएगी, लोगों का पथ-प्रदर्शन नहीं हो पाएगा। मैडम, आज जन-प्रतिनिधियों को पंडित नेहरू जैसे हमारे पूर्वजों से प्रेरणा लेनी चाहिए। उन्होंने यहां हरेक को वोट का अधिकार देकर लोक राज की जड़ मजबूत की और अब पड़ोस में फिरकापरस्ती के आधार पर, धर्म के आधार पर देश बन रहा था उन्होंने यहां सेकुलरिज्म लाया। इसलिए मैं समझता हूं कि आज हमारे अंदर इच्छा शक्ति की कमी आ गयी है।

मैडम, आज यह देखा जा रहा है कि राजनीति में आने वाले सज्जन जिस आर्थिक श्रेणी से आते हैं उस को भी भूल जाते हैं। मैडम, मैं किसी दल की ओर इशारा नहीं करता, मगर आम आदमी देखता है कि वह गरीब जिस के पास दवाई नहीं है, स्कूल नहीं है, पीने को पानी नहीं है- उन के विषयों को यहां उठाने में हम पिछे रह जाते हैं। इसलिए जब तक इलेक्टोरल रिफार्म्स नहीं आएंगे, मैं समझता हूं कि इस व्यवस्था को ठीक करना मुश्किल होगा। हमें इलेक्टोरल रिफार्म्स पर मजबूती से अमल करना होगा। चव्हाण साहब की कमेटी ने कुछ चीजें बातायीं हैं, लेकिन मैं कहना चाहता हूं कि तीन चीजें बहुत जोर से लानी चाहिए। मैडम, सब से खतरनाक चीज राजनीति में पैसे का चलन है। पिछले 15 सालों में मैंने कई

राजनीतिक दल टूटते देखे हैं। जब कोई मजबूत-से-मजबूत नेता किसी पार्टी से अलहदा होता है तो दूसरी राजनीतिक पार्टियों के लोग खुश होते हैं। यह लोगों की साइकी बन गयी है। मैडम, सब यही कहेंगे कि फलां आदमी टूट गया। उस के पास बहुत पैसा पैसा है वह इस पार्टी की चक्री घुमा देगा। यह कोई नहीं कहता कि उस के पास लोगों की सेवाका रिकॉर्ड कितना है। वह कहते हैं कि पैसे कितने हैं। मैं आप के माध्यम से माननीय चव्हाण साहब से कहना चाहता हूँ कि हमें इलेक्टोरल रिफार्म्स के जरिए राजनीति में धन शक्ति का प्रयोग रोकना होगा। मैडम, धन शक्ति तीन चीजें पैदा करती हैं- एक तो साधनों का असंतुलन पैदा करती है। एक पार्टी के पास धन है, सेवा नहीं और दूसरी पार्टी के पास सेवा है, धन नहीं तो असंतुलन हो गया। दूसरे, धन के माध्यम से इमेज बिल्डिंग का काम किया जा रहा है। आज के इलेक्ट्रॉनिक युग में पत्र-पत्रिकाओं के जरिए, प्रचार माध्यमों के जरिए इमेज बिल्डिंग होती है। अब यह इमेज सच्ची हो तो बहुत अच्छे, लेकिन अगर असत्य हो, उस को भी बिल्ड किया जा रहा है और तीसरी चीज पैसे के जरिए मत खरीदने का काम भी होता है। सारे देश में बहुत बड़े लेवल पर वोट खरीदे जाते हैं। इसलिए मैं तीन चीजों के बारे में अर्ज कर अपनी बात समाप्त करता हूँ। पहली बात, चुनाव सुधारों के जरिए मसल पावर रोकने का तरीका अख्तियार किया जाए। जो लोग क्रिमिनल रिकार्ड के हैं, उनको पिछे हटाया जाए और पक्के तौर पर क्रिमिनल एक्टिविटीज में इन्वोल्व होने वाले लोगों को चुनाव लड़ने के अयोग्य ठहराया जाए। दूसरी चीज, मनी पावर का प्रयोग रोका जाए। चुनाव के दिनों में पर्सनलटी एंड पार्टी इमेज बिल्ड करने के लिए करोड़ों रुपया इश्तहार पर खर्च करना, करोड़ों रुपया मीडिया पर खर्च करना, यह गरीब देश के लोगों के लिए शोभा नहीं देता। इसको रोका जाना चाहिए।

महोदया, तीसरी बात, जिस का अभी तक किसी ने जिक्र नहीं किया, शायद हौसला करके अब मैं आखिर में कहने वाला हूँ और वह यह कि धर्म और राजनीति को अलहदा अलहदा किया जाए। इस देश में धर्म का बहुत प्रचार होता है, मगर भ्रष्टाचार भी उतना ही बढ़ रहा है। किसी ने पूछा-साहब, मछली खानी अच्छी है या बुरी है? तो उसने कहा-जी, मछली खाने के बारे में कुछ नहीं कह सकता, मगर तिलक लगाकर या दूसरी धार्मिक मर्यादाएं रखकर बाजार में खड़े होकर मछली खाना बुरी बात है। मैं नहीं कहता कि राजनीति और धर्म का क्या संबंध हो, मगर धर्म का प्रयोग करके जो राजनीति में भ्रष्टाचार आए, राजनीति में चालाकी आए, राजनीति में देश के बजाय दल के मफाद पहले आ जाएं, यह उसी तरह बुरी चीज है, जैसे तिलक लगाकर बाजार में मछली खाना बुरा है। मैं समझता हूँ कि धर्म और राजनीति को अलहदा अलहदा करना हमारे देश के लिए अत्यावश्यक चीज है।

मैडम, इन्हीं विचारों के साथ मैं इस एथिक्स कमेटी की रिपोर्ट का समर्थन करता हूँ। धन्यवाद।

उपसभापति : मंत्री जी, पार्लियामेंट अफेयर्स, आप इस बारे में अपने विचार प्रकट करेंगे?

श्री प्रमोद महाजन : उपसभापति महोदया, सबसे पहले तो मैं आपको हृदय से धन्यवाद देता हूँ कि आपने इस चर्चा में मुझे सम्मिलित होने की आज्ञा देकर एक गलती से मुझे बचा लिया क्योंकि आचार समिति की चर्चा जब शुरू हुई थी तो सरकार की ओर से इसमें कौन विचार रखेगा, इसका पूर्व विचार गलती से नहीं हुआ था। संयोग से मैं किसी और काम के लिए आपके पास आया था और आपने मुझे इसके लिए आज्ञा दी, इसके लिए मैं सबसे पहले आपको धन्यवाद देता हूँ।

महोदया, चूंकि यह मेरी मेडेन स्पीच है मंत्री के रूप में, इसलिए मैं आशा करता हूँ कि ... (व्यवधान)...

उपसभापति : मैंने आपको अनुमति दी थी बोलने की।

श्री प्रमोद महाजन : इसके बाद मैं आदरणीय शंकरराव जी चव्हाण को और उन सभी सदस्यों को धन्यवाद देता हूँ, जिन्होंने बहुत ही मेहनत से इस आचार समिति की रिपोर्ट को तैयार किया। मैं शंकरराव जी चव्हाण के प्रांत से आता हूँ और चालीस-पचास साल से, बचपन से उनकी राजनीति देख रहा हूँ। इसलिए मुझे लगता है कि इस समिति की अध्यक्षता करने की दृष्टि से हमने बहुत ही उचित नाम चुना था, उन्होंने और सभी सम्मानित सदस्यों ने एक बहुत ही अच्छी रिपोर्ट हम सबके सामने लाई है।

उपसभापति महोदया, कभी कभी हम समाचार पत्रों में विश्लेषण पढ़ते हैं, जिसमें जनता से पूछा जाता है कि समाज के कौन कौन से लोग हैं, जिनके प्रति आपके मन में आदर की भावना है ? तो आपने बहुत बारीक देखा होगा कि लोग शिक्षक के प्रति आदर देते हैं, डाक्टर के प्रति आदर देते हैं, बहुत बार जो सेना में काम करने वाले हैं उनके प्रति आदर दिखाने वालों का प्रतिशत बहुत बड़ा होता है, लेकिन लोग राजनेता के प्रति आदर की भावना हमारे मन में है, इस प्रकार कहने वालों का प्रतिशत कभी 10 या 12 प्रतिशत से ज्यादा हमने नहीं देखा। और इसलिए समाज में जो भिन्न-भिन्न वर्गों में काम करते हैं उनसे उतनी अपेक्षाएं नहीं की जातीं, जैसे जयन्ती जी ने ठीक कहा कि भ्रष्टाचार जीवन के सभी क्षेत्रों में हैं, जितनी हमसे अपेक्षाएं की जाती हैं। हम चाहें न चाहें यह माना जाता है कि राजनेता स्वतंत्रता आन्दोलन की उपज हैं, इसलिए राजनेता के बारे में जो कसौटी जनता लगती है, वह कसौटी वह किसी इंजीनियर के बारे में, किसी कांटेक्टर के बारे में, किसी डाक्टर के बारे में नहीं लगाती और इसलिए हमारी शिकायत यह हो सकती है कि आप और लोगों के गुनाहों को तो बड़ी उदारता से देखते हो

लेकिन हमारी छोटी-छोटी बातें आप बड़ी करके छापते हो। मुझे लगता है कि जिस काम में हम जुटे हैं, उस काम में हमारे प्रति लोगों की अपेक्षाएं बहुत बड़ी होती हैं, जिस पर हमें ध्यान देना आवश्यक होता है। मैं यह मानता हूँ और मैं यह समझता हूँ कि आचार समिति की रिपोर्ट में भी यह कहा गया है कि सब राजनेता अच्छे हैं, ऐसा नहीं है, और सब राजनेता बुरे हैं, ऐसा भी नहीं है।

महोदया, बहुत बार हम राजनीति में अपराधीकरण की चर्चा करते हैं। राजनीति में अपराधी आते हैं, यह सच है। बहुत बार हम कहते हैं कि पहले अपराधी राजनेता की शरण में जाता था, अब राजनेता अपराधी की शरण में जाता है। लेकिन फिर भी 542 स्थानों पर चुनाव होता है और उसमें करीब 250 स्थानों पर क्रिमिनल खड़े होते हैं, यह कहना भी अतिशयोक्ति होगी। इसलिए मैं यह मानता हूँ कि इस विषय को देखते समय हम दोनों गलतियाँ न करें। एक गलती होती है आत्मप्रशंसा की और हम जिस प्रान्त से आते हैं, वहाँ स्वामी रामदास जी ने कहा था कि आत्मप्रशंसा मूर्खों का लक्षण है- हम बहुत अच्छे हैं, हम बहुत अच्छी समाज की सेवा कर रहे हैं- और दूसरा डर मुझे है आत्मनिन्दा का तथा मैं समझता हूँ कि आत्मनिन्दा आत्महत्या के समान है। इसलिए जो बहुत आशावादी होता है वह फूल की पंखुड़ियाँ देखता है, जो निराशावादी होती है, वह उसके कांटे देखता है लेकिन जो यथार्थवादी होता है वह कांटे और फूल, दोनों को देखता है। मुझे लगता है राजनेता के व्यवहार के बारे में, आचरण के बारे में हमको उसी प्रकार से देखने की आवश्यकता है।

मैं यह मानता हूँ कि आचार समिति का निर्माण ही एक सुधान की प्रक्रिया है, भले ही वह 50 साल के बाद हमने किया हो। हम यह भी जानते हैं कि आचार समिति के निर्माण की कल्पना हमारी कोई मौलिक कल्पना नहीं है, ढेर सारे देशों में इस प्रकार की परिस्थितियों में ये कमेटीया बनी हैं और इस समिति ने भी ढेर सारे देशों में जाकर, अध्ययन करके अपनी रिपोर्ट को शक्ति दी है। राजनेता का आचरण जनता की अपेक्षा के अनुसार नहीं होता है, यह समस्या केवल भारत की ही समस्या है, ऐसा नहीं है। अनगिनत देशों में वहाँ की जनता की अपेक्षाओं के अनुसार वहाँ के नेताओं का बर्ताव नहीं होता है और इसलिए बहुत सारे देशों में ऐथिक्स कमेटियों का निर्माण होता है और मैं इतना मानता हूँ कि हमने और खासकर राज्य सभा ने इसमें अग्रसर होकर यह फैसला किया कि हम इस समिति का निर्माण करेंगे। मैं मानता हूँ कि मनुष्य का कोई भी सुधार तभी प्रारम्भ होता है जब उसे गलती का एहसास होता है। य अदि गलती का एहसास ही न हो और हम यह समझे कि हमें किसी ऐथिक्स कमेटी की आवश्यकता ही नहीं है, तो सुधार नहीं हो सकता। इसलिए ऐथिक्स कमेटी के जितने भी

विचार हैं, सिफारिशें हैं, उनसे मैं व्यक्तिगत रूप से भी और सरकार के रूप से भी सहमत हूँ और मैं इसमें निराशावादी नहीं हूँ। हमने राज्य सभा के लिए कोड आफ कंडक्ट लाया। श्री देव जी ने कहा कि इसमें लिखा है कि आप किसी से उपहार न लीजिए। अब इसे देखेगा कौन? मैं समझता हूँ कि यह कोड आफ कंडक्ट पढ़कर 10 उपहार लेने वाले राज्य सभा के सदस्यों में से एक ने भी अगर यह सोचा कि मुझे उपहार नहीं लेना है तो मैं समझता हूँ कि शंकरराव चव्हाण जी का प्रयास सफल हुआ है क्योंकि उससे कम से कम सदस्य ने तो अच्छा काम किया। जैसे किसी को पूछा गया कि तुम दुनिया में अच्छा क्यों रहना चाहते हो जबकि सारी दुनिया तो बदमाशों से भरी है। तो उसने कहा कि दुनिया में बदमाशों की संख्या में कम से कम एक संख्या कम करना तो मेरे हाथ में है। मैं इतना तो कर सकता हूँ। सारी दुनिया का तो ठेका मैंने नहीं लिया है, न ही मेरी क्षमता है। इसलिए मैं मानता हूँ कि जो आपने आचार-संहिता बनाई है, अगर राज्यसभा सचिववालय उसकी एक बुकलेट बनाकर सदस्यों को दे दे तो वे इसे 5 बार पढ़ेंगे, 10 बार पढ़ेंगे तो कुछ लोग तो अपने बर्ताव में सुधार लाने का प्रयास करेंगे। इसलिए मेरा निवेदन है कि इस कल्पना का मज़ाक न उड़ाए क्योंकि आदमी का बुरा होना स्वाभाविक है लेकिन अच्छा होने के लिए उसको प्रयास करना पड़ता है। आदमी का बुरा होना स्वाभाविक है लेकिन अच्छा होने के लिए उसको प्रयास करना पड़ता है। जिसको हम कहते हैं नैसर्गिकता, It is natural. यह कल्चर नहीं है। नेचर, कल्चर नहीं होता है। हम खाना बनाकर खाते हैं, हम कपड़े पहनते हैं। हम पशुओं से भिन्न व्यवहार करते हैं। We are not naturally in that way. हम नेचर से कल्चर की ओर जाते हैं। आदमी की एक नेचुरल फीलिंग कोई गलत काम करने की है, उसको एक कल्चरल ऐलिवेशन देने का प्रयास किया गया है।

महोदया, यह निश्चित है कि श्री शंकर राव चव्हाण जी ने लिखा है, उससे कोई भी असहमत नहीं होगा। अगर असहमत होगा भी तो भरी अदालत में कौन कहेगा कि मैं इससे असहमत हूँ। अब हम सबकी परीक्षा है। इसमें मैं खुद को भी जोड़ता हूँ। हमारी कथनी और करनी में जो अंतर है, इसी पर निर्भर करेगा कि आचार समिति की रिपोर्ट का उपयोग होता है या नहीं। महोदया, मैं किसी लंबे भाषण की मुद्रा में नहीं हूँ क्योंकि संसदीय कार्य मंत्री होने के नाते मुझे अगला बिल कैसे पास हो, इसकी भी चिंता है। मेरी आचार संहिता में तो यही आता है। इसलिए मैं लंबे भाषण की मुद्रा में नहीं हूँ।

प्रो. राम गोपाल यादव (उत्तर प्रदेश) : आप बहुत अच्छा बोल रहे हैं, थोड़ा लंबा बोलिए।

श्री प्रमोद महाजन : यहां पर जो 3-4 मुद्दे उठाए गए हैं, उन पर मैं सरकार का दृष्टिकोण स्पष्ट करना चाहता हूँ। यादव जी, सबसे पहले सवाल आपने उठाया। आप और मैं हमेशा एक ही साथ चुनाव लड़ें हैं। हम दोनों ने एक दूसरे के खिलाफ चुनाव लड़ा है।

लेकिन मिलकर भी लड़ा है। अब यह स्थिति थी कि पहले लोग राज्यसभा में आने के लिए तरसते थे। इसके दो कारण थे। एक तो यह था कि यहां की सदस्यता 6 वर्ष चलती है। इसलिए एक बार चुने जाने पर चिंता नहीं होती है, जैसे आज कल लोकसभा के सदस्यों को लगी रहती है। दूसरा कारण यह था कि इसमें खर्चा नहीं होता है क्योंकि इसमें चाय पिलाने की भी नौबत नहीं आती है। बाद में मिठाई खिला दो तो उतना ही खर्चा होता है। इसलिए राज्यसभा का चुनाव ऐसा होता था जो 6 साल के लिए होता था और बिना खर्चे के होता था। अब आपने जिस चुनाव का उल्लेख किया, उस चुनाव में और केवल वही नहीं, और प्रदेशों में भी आज राज्यसभा के चुनाव का खर्चा लोकसभा के चुनाव के खर्चे से कई गुना अधिक हो रहा है। पहले जो परिणाम के बाद मिठाई के डिब्बे से काम चलता था, मुंबई की भाषा में आजकल पेट्टी और खो-खो काम चलने लगा है और तब लोगों के वोट मिलने लगे हैं ... (व्यवधान) ... जो जानते हैं। जो नहीं जानते हैं, उनकी जानकारी बढ़ाकर मैं उन्हें क्यों खराब करूँ?

महोदया, मैं यह कह रहा था कि इसको खुला चुनाव करें, इस भावना से सरकार के असहमत होने का कोई कारण नहीं है। अब इसका रास्ता ढूँढना है क्योंकि खुला चुनाव कहना आसान है लेकिन संविधान निर्माताओं ने यह नहीं किया क्योंकि उन्हें मालूम था कि यह काम आसान नहीं है। उपसभापति महोदया, हम स्पीकर का चुनाव करते हैं, हम डिप्टी-स्पीकर का चुनाव करते हैं, हम आपका चुनाव करते हैं, ये सारे चुनाव हम प्रस्ताव से करते हैं। लेकिन जब हम टी-बोर्ड का चुनाव करते हैं, सिल्क बोर्ड का चुनाव करते हैं तो वह सीक्रेट बैलेट से करते हैं। हम वहां हाथ उठाकर चुनाव नहीं करते हैं। लेकिन महाराष्ट्र की विधानसभा से 6 सदस्य रेजोल्यूशन के द्वारा लाए जा सकते हैं और अगर 12 आना चाहते हों तो उन 12 लोगों जो मूल भावना है कि इसमें थोड़ा खुलापन आ जाए तो कम से कम एक चुनाव तो ऐसा होगा जिसके द्वारा चुनकर आयश व्यक्ति ईमानदारी से शपथ लेगा कि मैंने अपने चुनाव में कितना खर्चा किया था। अन्यथा यह विषय कोई नया नहीं है। श्री किशोर जी ने भी कहा कि वे कितनी ही समितियों के सदस्य रह चुके हैं। श्री गुरुदास दास गुप्ता जी ने भी कहा कि वे कितनी ही समितियों के सदस्य रह चुके हैं। महोदया, 25 साल पहले जब जयप्रकाश जी ने आंदोलन शुरू किया था, तब पहली बार हम राजनीति में आए थे। उस समय जयप्रकाश जी ने कहा था कि संसद में खासकर लोकसभा में और विधानसभा में जाने वाला हर व्यक्ति अपना जीपन बेइमानी से शुरू करता है यह कहते हुए कि मैंने इतने कम खर्च में चुनाव लड़ा था। आज तक हम बहुत अच्छा उत्तर ढूँढ पाए ऐसा नहीं है। लेकिन यह खुलापन सरकार की ओर से जरूर रहेगा। दूसरी बात, किसी ने कही है वह भी ठीक है।

दल-बदलू के संबंध में। अब दल बदलू के संबंध में हमने एक कानून बनाया है। कम से कम उससे बहुत मात्रा में रिटेलन डिफेक्शन बच गया। होलसेल में तो उसमें कोई गड़बड़ नहीं आई। अब जैसे रामूवालिया जी ने बिल्कुल ठीक कहा कि दल बदलू भी ऐसा खेल है, किसी को पूछा गया कि what is the difference between conversion and defection... तो मैंने कहा कि when a person leaves your party, it is defection and when some body comes to your party it is conversion.... तो मैंने कहा... और इसलिए हमने देखा होगा कि दल बदलू को हम सब मिलकर गाली देते हैं। आपने देखा होगा कि चुनाव के दिनों में सभी प्रमुख दलों में जिसमें मेरा भी दल है, यह होड़ लगी रहती है कि दूसरे दल से कितने लोग मेरी पार्टी में आए। जब इधर चले जाते हैं तो दुख होता, इधर आते हैं तो आनंद होता है। इसलिए यह समस्या मौलिक तो है ही लेकिन मैं समझता हूँ कि नेताओं की दादागिरी को अगर हम नियंत्रण कर सकें तो यह सुझाव बहुत अच्छा है कि जो अपना दल छोड़ेगा उसकी तुरन्त सदस्यता चली जाएगी और मैं समझता हूँ कि सरकार इस पर भी जरूर विचार करेगी।

मेरे तीन-चार और छोटे-छोटे मुद्दे हैं। एथिक्स कमेटी में एक और बात कही गई है कि राजनीतिक दलों को विदेशी धन का प्रयोग नहीं करना चाहिए। यह उसमें कहा है। मैं समझता हूँ कि उचित कहा है। मैं जितना जानता हूँ, हिन्दुस्तान के जितने भी आज कानून हैं, उनके अंतर्गत मैं नहीं समझता कि राजनीतिक दलों को विदेशी धन का उपयोग करने की अनुमति है। लेकिन अगर इसमें कोई त्रुटियाँ रही होंगी तो सरकार इस संबंध में विचार करके इस कानून को और शाक्ति देने पर विचार करेगी जिसके कारण राजनीतिक दल सीधे, परोक्ष रूप से या अपरोक्ष रूप से विदेशी धन का अपने चुनाव या अपने नियंत्रण में उपयोग न करें। यह भी जरूर करने का प्रयास होगा। चुनाव सुधार के बारे में मैं ज्यादा विस्तार से नहीं कहूँगा। बहुत सी बातें कही गई हैं उनको इसमें जोड़ा जा सकता है। एक तो मैं इस चर्चा के लिए इसलिए भी धन्यवाद देना चाहता हूँ कि हमारी सरकार लोकपाल विधेयक बनाने के अंतिम क्षण में है और उसमें प्रधान मंत्री जी ने कुछ दिन पहले ही मुझे कहा था कि जो एथिक्स कमेटी की रिपोर्ट है, अगर उसकी राज्य सभा में लोकपाल विधेयक बनाने के पहले चर्चा हो जाए तो उस चर्चा के मार्गदर्शन में लोकपाल विधेयक बनाने में सहायता होगी। इसलिए मैं आपको, चव्हाण साहब को, सदन को धन्यवाद देता हूँ कि आपने मेरा यह काम पूरा किया। अब जबकि पूरी चर्चा इसकी हो गई है तो इसके प्रकाश में, हम जो लोकपाल विधेयक बनाने वाले हैं, उस विधेयक में यह चर्चा और आपकी रिपोर्ट ही सहायक होगी, यह भी मैं इस संबंध में बताना चाहता हूँ। मेरा अंतिम एक छोटा सा मुद्दा है जो किसी ने यहां पर उठाया। उसकी भी प्रतिक्रिया देकर मैं इस इंटरवेंशन को समाप्त करूँगा।

मेरा यह कहना है, जैसे किसी ने कहा कि यह जो सेलेरी होती है, जो हमारी एमिनिटीज होती हैं उसके बारे में लोगों में बड़ी नाराजगी होती है। मुझे संसद सदस्य मिलते हैं, चूंकि मैं उनका मंत्री हूं। उनको इस बात की नाराजगी है कि उनको कम मिलता है और लोगों को इस बात की नाराजगी है कि इनको ज्यादा मिलता है। अब इनके कम-ज्यादा में मुझे नाराजगी ज्यादा नहीं दिखाई देती। नाराजगी इसलिए होती है कि आज कानून में हम लोग अपनी ही तनखाह खुद तय करते हैं और चूंकि हम यह करते हैं तो इस पर चर्चा क्या करेंगे? क्योंकि सबसे बातचीत होकर ही बिल आता है इसलिए चर्चा नहीं होती। लोग कहते हैं कि चर्चा नहीं हुई। इसलिए मुझे लगता है कि इसमें सुधार लाना चाहिए। अब जैसे कोई पे-कमीशन होता है, वैसी कोई बात सोची जा सकती है। मैं सुझाव दे रहा हूं यह सरकार का कोई निर्णय नहीं है। हिन्दुस्तान का सांसद केबिनेट सेक्रेटरी से एक रुपया ज्यादा लेगा और टैक्स भी वही देगा जो केबिनेट सैक्रेटरी दे सकता है, या उसका वेतन सुप्रीम कोर्ट के जज के बराबर हो। उसको कहीं और चीज को जोड़ दे यह भी हो सकता है। दोनों सदन के जो पीठासीन अधिकारी हैं उसकी और कई लोगों की एक समिति बन सकती है जो यह तय करे और फिर महंगाई जैसे बढ़ती जाए, हर साल उसको बढ़ाया जाए। लेकिन अपनी तनखाह हम खुद बढ़ाएं इसकी कोई आल्टरनेटिव व्यवस्था हम ढूंढे तो ठीक होगा। मैं सोच रहा हूं कि जनवरी में विपक्ष के नेताओं को बुलाऊं क्योंकि यह मेरे मंत्रालय से संबंधित है। हम सब मिलकर बैठ कर एम.पीज सेलेरी ऐक्ट रिपील करके कोई एक आल्टरनेटिव व्यवस्था कर सकते हैं जिसमें एम.पीज की शिकायतों को भी ढंग से सुना जाए कि उसको असल में क्या चाहिए, क्या नहीं चाहिए और उसको जो सुविधाएं दी जाती हैं उसका ऐसा रूप हो कि उसको इस बात पर शर्मिंदा न होना पड़े कि मैं खुद की सुविधाएं बढ़ा रहा हूं या एमपीज को प्राइम मिनिस्टर, मिनिस्टर के पीछे भागना पड़े कि इस बार तो बिल लाओ, इस बार तो बिल लाओ। जो 10 लाख लोगों का प्रतिनिधित्व करता है वह प्रधान मंत्री जी के सामने आगे हाथ खड़े करके कहता है कि जरा 50 रुपये बढ़ाओ, तो मुझे नहीं लगता है कि यह कोई बहुत अच्छी स्थिति है। इसके साथ ही लोग कहें कि पैसा तो बहुत लेते हैं लेकिन टेक्स नहीं देते हैं, यह भी स्थिति है। मुझे लगता है कि इन दोनों चीजों को मिलाकर कोई एक अगले महीने हम विरोधी दलों और बाकी सभी दलों की बैठक बुलाएंगे और इसमें से कोई ऐसा कानून निकालने की व्यवस्था अगर हम सर्व-सम्मति से कर सकें, जिसमें संसद सदस्यों की सुविधाओं की व्यवस्था हो सके, तो मुझे लगता है कि एक अच्छी बात हो सकती है। इसके साथ ही मैं सदन को आपको श्री शंकरराव चव्हाण जी का बहुत-बहुत धन्यवाद देते हुए अपना भाषण समाप्त करता हूं।

THE DEPUTY CHAIRMAN: Chavan Saheb, would you like to reply?

SHRI S. B. CHAVAN (Maharashtra) : Madam, almost all the Members have supported the contents of the Report. While supporting the Report, most of the hon. Members have also given very valuable suggestions. I can assure them that all these suggestions will be taken into account. We will discuss them at length in the Ethics Committee and try to find out how best we can possibly modify our recommendations or incorporate the suggestions that have been made.

There seems to be some kind of a misunderstanding about the privileges enjoyed by hon. Members of both the Houses of Parliament. I want to make it absolutely clear that so far as the general public and Members of Parliament are concerned, there is only one limitation, and that limitation is about the contention of article 102 so far as the voting pattern is concerned, so far as voting on a particular issue is concerned and so far as giving a resolution is concerned. About asking a question or not asking it, if there are any pecuniary interests, then only, your asking a question or not asking it will definitely be taken into account. That is why we are saying that there is no difference between an ordinary member of the public and all others. You will be completely free to express your views. There should be no inhibition while expressing your views, barring those, which I have enumerated now.

I don't think that any of the hon. Members would like to have any other provision. Articles 102 and 105 are, in fact, very effective. The whole thing depends upon how we interpret the Articles. Some judgements have been made. I would not like to go into the merits of the judgements. My only request to all the hon. Members is this. According to me, the Ethics Committee has made a valuable suggestion that we must have an internal mechanism. We should not be subordinate to any outside agency for deciding what a proper code of conduct is. Even if it is the Supreme Court, I want to say without any hesitation that it has no right to decide what code of conduct should be there for Members of Parliament. If we ourselves rush to it, that is our deficiency. We should try to correct the same.

That is why I have no hesitation in saying that we are fully confident of creating an internal mechanism. That is why we have been able to go to different countries and try to find what is there because this is a new concept that we are going to adopt. That is why it was thought necessary to find it out from countries like the UK. The UK has been the

oldest one. The Nolan Committee Report is there. It has given in its Report the standards of the code of ethics. It has categorically stated that people are expecting a transparent behaviour on the part of Members of Parliament.

There is no doubt that there has been deterioration all over. But, let us not unnecessarily create a feeling of despondency. At the same time, we cannot afford to be complacent also.

We have to find a middle way. We have to be realistic and to try to find out how best we will be able to come to that level. We should be able to restore the levels that were being followed by our forefathers and freedom fighters. We should bring it to the level of the code of conduct that they followed in public life.

Probity in public life is very necessary. How far we succeed is a point about which we have made different recommendations.

In regard to the penal action to be taken, I do not think we will have to repent, but, at least, my approach to the problem is that, I will request all the national political parties, the regional political parties and the representatives to come and discuss with us before making recommendations. We have already done this, and after this approval of the House, I will again take it up with them and ask them as to what is it that they want. I say this because, without their cooperation, we cannot achieve very much, merely by codifying that this kind of a penalty is going to be inflicted. Penalty is the last resort and in exceptional cases. It has to be inflicted of privileges that we are enjoying. They might be in one or two cases where we might have to go into.

I am grateful to Shri Mahajan. He has, in fact, made the entire discussion in this House very meaningful, by reacting to some of the recommendations that we have made. Support of the Government was, in principle, agreed to by him. It is only a question of how best to find out the format in which it has to be done. So, it is a very valuable reaction from the Government side.

In regard to the anti-defection law, he has, in fact, said that it is acceptable. They have also said that they are going to examine it. *Prima facie* I find no reason why it should not be accepted. Let us unanimously take a decision that whosoever wants to defect, has to resign his seat. There is no other alternative. I remember, when the anti-defection law was

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enacted, at the Bill stage, for some definite reasons, we wanted to have some kind of a provision in order to avoid any kind of a dictatorial rule that certain leaders were having in mind. That is why it was provided that if more than one-third of the party Members defect, then it is supposed to be a different kind of a situation. I think, the best thing will be that those who want to defect, should resign from their seats. Thereafter, that is the end of the whole thing. It would be better if the Government were to examine the same.

Foreign contributions should be banned. We have found that in most of the countries they are banned. But, we know, directly or indirectly there have been large sums which are coming in and influencing elections in our country. Whether we like it or not, the fact remains that these donations have been influencing the voting pattern in this country. It is unfortunate. They are able to utilise the money and muscle power. Of course, we, in our own way, are collecting huge amounts of money, but these foreign contributions are also adding fuel to the fire. That is why, in the interest of national security, I plead that these should be banned.

On Lok Pal, we have our own views. If the Bill comes here, the Ethics Committee would certainly like to examine the whole thing.

I am really grateful to Shri Pramod Mahajan for positively reacting to some of the recommendations. I am also grateful to the hon. Members who have made their valuable suggestions. I assure them that their suggestions will get due consideration. Thank you very much.

THE DEPUTY CHAIRMAN : You are not thankful to the Chair for participating. I think it was a very useful discussion that we had. We should have some kind of code of conduct not only for the House, but for the Members themselves, to keep the great esteem that we expect, the country expects, of them because of the high office they hold. Mr. Chavan, I think there are a few things which Members of Parliament can themselves apply on them. It is not necessary to have any more legislation or Government's intervention. There are a few things which we can apply on ourselves and I feel as they say 3M ^TFT 3ft mF% *R 3R% SPTCT <& arn? vJrra^ oT"W that would be the best thing. The rest of it can be discussed with the Government later.

[15 December, 1999]

RAJYA SABHA

The question is :

'That the First Report of the Ethics Committee presented to the House on the 8th December, 1998 and the second report of the Ethics Committee presented to the House on the 13th December, 1999, be taken into consideration.'

The motion was adopted

THE DEPUTY CHAIRMAN : The question is :

'That this House agrees with the recommendations contained in the First Report of the Ethics Committee presented to Rajya Sabha on the 8th December, 1998 and the Second Report of the Ethics Committee presented to Rajya Sabha on the 13th December, 1999.'

The motion was adopted.

THE DEPUTY CHAIRMAN : The best part is -- this is the first time -- I did not hear a single "No" on this motion.

Now, at 5 o'clock, Half-an-Hour Discussion has been listed. Then, we have, before us, the Trade Marks Bill, 1999 ; and the statement by the Minister is listed as the last item.

SHRIMATI JAYANTHI NATARAJAN : Madam, I would like to know whether the Trade Marks Bill will be taken up after the Half-an-Hour Discussion. ... *(Interruptions)*...

THE DEPUTY CHAIRMAN : We will take up the Trade Marks Bill tomorrow. There are not many speakers on this Bill.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WATER RESOURCES (SHRI PRAMOD MAHAJAN) : Tomorrow, the number of speakers on this Bill would increase

HALF AN HOUR DISCUSSION

Points arising out of answer given in Rajya Sabha on 7th December, 1999 to Starred Question No. 122 regarding chartering of aircraft by Air - India for carrying Haj Pilgrims

THE DEPUTY CHAIRMAN : Now, we will have Half-an-Hour Discussion. Mr. K. Rahman Khan.