

[Shri Abid Ali] ment offices, on the television. The Government official while inaugurating the t"»lk said it, and generally these are the exact words. This is not out of context. This is the first sentence that was mentioned while introducing the talk, and the officer said this:

“जनाब, आज अपना विषय है गवर्नमेंट दफ्तरों में, उनकी कार्य पद्धति, इस बारे में हम चर्चा करेंगे। मामूली तरीके से लोग आज मान रहे हैं कि...”

I am as much definite about it as I am talking here.

MR. DEPUTY CHAIRMAN: It was a sort of satire as the hon. Minister pointed out.

SHRI ABID ALI: No, no, it is absolutely wrong. The hon. Minister should kindly hear. Sir, while introducing the talk the first sentence was thi?;

“आजकल यह बात मानी जा रही है कि सरकारी दफ्तरों की कार्य पद्धति ऐसी हो गयी है, जैसे कि मैंने आपको अभी शब्द कहे। तो यह उनकी शुरुआत थी और उसके बाद जिस अफसर को बुलाया था उसने अपनी कुछ बातें कहीं और उसने कंटेडिक्ट नहीं किया। तो

It was not a satire. It was just while lucing the talk. And I should mention here that it is incorrect for the hon. Minster to say that a reply has been s^nt tome.

MR. DEPUTY CHAIRMAN: Or is being sent, the hon. Minister said.

SHRI ABID ALI: It is being sent. And that is a reply. So please, my request is that he should tell the television officers firstly that there have been so many irregularities, and I have sent a large number of letters to the Ministry about this.

MR. DEPUTY CHAIRMAN: That will do. You have had your say.

SHRI ABID ALI: I am finishing. On the television kindly at least mention that this was wrong and it was stupid for the officer to have made such a mention,

MR. DEPUTY CHAIRMAN : Well, of course I do not know what is the exact position about the programme and I do not have any comments to offer. B'Jt if hon.

Members are writing to hon. Ministers, it is desirable that the hon. Ministers should reply to the letters of the hon. Members in time. If the contention of Mr. Abid Ali is that he has sent three letters and he has not received a reply then this is not a satisfactory position and I hope, in future at least hon. Ministers will extend this much courtesy to the hon. Members by replying in time.

The House stands adjourned till 2 -00 P.M.

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

The hors? reassembled after Imch at two of the clock, The Vice-Chairnv.n (SHRI AKBAR ALI KHAN) in the chair.

THE COMMISSIONS OF INQUIRY (AMENDMENT) BILL, 1969

(Motion for reference to Joint Committee of the House?— contd.)

SHRI K. S. CHAVDA (Gujarat) : Sir, I would like to draw your attention to the list of Members of the Joint Committee. There are 15 Members and out of fifteen only eight are from the Opposition and seven are from the ruling Congress. My submission is that instead of seven, only five should be from the ruling Congress.

SHRI SUNDAR SINGH BHANDARI (Rajasthan): It should be according to strength.

SHRI K. S. CHAVDA: Yes, according to the strength of the different political parties in the House. So two more seats should be given to the Opposition and out of the two one should be to my party. Therefore this list is not up-to-date. You Know after the biennial election the strength of the ruling Congress has gone down and keeping in view that fact the list of Members of the Joint Committee should be corrected accordingly.

SHRI LOKANATH MISRA (Orissa) : Mr. Om Mehta of the ruling party, who is the Deputy Chief Whip has been extremely responsive to any suggestion from the Opposition. He is a Member of this House who has been able to coordinate all sections of the House in respect of Joint Select

Committees and other Committees and I hope that now that Mr. Chavda has made the suggestion he would seriously consider about it. The Parliamentary Affairs Minister is also present here and between them I hope they would discuss about it and ultimately come to decide to have proportionate representation, according to the strength of each party. Of course we have some sort of arrangement of rotation among the parties of the Opposition but so far as the ruling party is concerned they should claim only as much as they can on the strength of their party. Therefore in the case of Committees coming from tomorrow I would say the strength should be according to the strength of individual parties.

SHRI SUNDAR SINGH BHANDARI:

This should also be amended.

SHRI LOKANATH MISRA: Regarding this I would say....

श्री सुन्दर सिंह भंडारी : उपसभापति जी, मेरा निवेदन है कि इसमें कोई शक नहीं कि टेक्निकली यह नाम आ चुके हैं लेकिन अगर हाऊस की, सब की, सहमति है तो सरकार की तरफ से इस लिस्ट में अमेंडमेंट होने में भी कोई आपत्ति नहीं होनी चाहिये। केवल इस बात के पीछे आइ न लें कि एक दिन पहले यह लिस्ट यहां पेश कर दी गई, वास्तविकता के आधार पर जिस नियम के अनुसार वह कल से चलना चाहते हैं उस नियम को आज से लागू करने में कोई हर्ज नहीं होना चाहिये।

श्री ओम् मेहता (जम्मू और काश्मीर): उपसभापति जी...

श्री राजनारायण (उत्तर प्रदेश) : ओम् मेहता जी, जरा मुझे सुन लो। मेरी सलाह यह है कि ओम् मेहता जी अपने बड़े अफसरों से पहले पूछ लें तब बोलें, अभी क्यों बोलते हैं। अगर वह कोई बात बोलते हैं और वह जो बोलें हैं उसके विरुद्ध उनके बड़े अफसरों की राय हो जाये तो वह ठीक नहीं होगी। मेरी सलाह है कि यह प्रधानमंत्री से पूछ लें, इनसे पूछ लें और तब बोलें। यह वैलिड सवाल है। अभी वह चुप रहें।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I think Mr. Rajiwrao is right. Let this be considered. Technically today it is correct.

THE LEADER OF THE OPPOSITION (SHRI S.N. MISHRA): May I make one submission? Now, this is not only a question which relates to the composition of the House as it exists today but it is also a question of balance between the Opposition and the ruling party to be reflected in the future. So far as the present reality is concerned, on that basis also there does not seem to be a proper reflection of the composition of the House. That is my submission. The ruling party must learn not only to show broadmindedness but also to reckon with the reality that is in the House today. Even today—I am stressing this—it is not there, not to speak of taking care of the future. On the basis of their present strength the ruling party, should not have claimed that much number in a Committee of fifteen. That shows their attitude. I would not have been compelled to make a reference to this but we are also reminded of the fact that only about two months back when some delegations were sent to foreign countries the ruling party did not do justice to the Opposition. First they mentioned some number which was exceeded by about ten or fifteen later and then they found it convenient to accommodate their own party members. We do not grudge their party members being accommodated in the committees or in the delegations but they should not try to utilise these Committees and delegations purely for partisan purposes. But that is what they seem to be doing.

Secondly, I must also make a reference to another similar matter when the Minister for Parliamentary Affairs is there. From tomorrow onwards we are not going to tolerate the position that the ruling party should be reflected on the front benches in numbers which have got no relation to their strength. On the first Benches I demand that there must be a reflection of the changed composition of the House, so far as the seating arrangement on them is concerned. That also I wanted to mention just now. I must say that we are persons who want to stick to certain norms of behaviour

[Shri S. N. Mishra] but if it comes to the breaking point we shall have to take drastic action if the ruling party does not learn to live with the realities of the situation here.

SHRI ANANT PRASAD SHARMA (Bihar): What is this threat for?

SHRI S. N. MISHRA : This is how you do not learn. You are now only going to be 87 in a House of 240.

(Interruptions.) THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Order, order please. Mr. Mishra, when they do not respond, then you take whatever view you want.

SHRI S. N. MISHRA : In a Committee of 15, they should not have nominated seven Members.

SHRI OM MEHTA : At present it is quite in order. At present we are just according to our number.

SHRI KRISHAN KANT (Haryana) : Mr. Vice-Chairman, Sir, the Bill before us and which is going to the Joint Select Committee, is rather important in the present-day conditions of India. It would have been better if we had looked into the functioning of the various commissions which had been established long time back. Three or four commissions we have had experience of and all of them have a very sorry tale to tell. All of them have proved that these commissions, even after their working, do not bring out the results expected of them. It would be pertinent for me to say how commissions are appointed. (Interruptions.) Mr. Vice-Chairman, Sir, I have to speak through you. If you do not listen, nobody will listen. If you see how commissions are appointed and how they function, you will find that it reveals a very sorry state of affairs. Generally the appointment of a commission is made after something has been raised in Parliament or something has appeared in the press or criticised in the press for a long time and then given expression to in Parliament. Then, a commission is hurriedly established, like the Birla Commission which took three years to decide and another six months for the terms of reference of the Commission to be decided. Then, the Supreme Court was asked to name a Judge. The Judge has been named, but the work of the Commission has not started until now. We do

not know when the staff will be recruited and other things will be done. So, when we take up this Bill for consideration, it is necessary to see that it does not prove a farce or a flop. The real purpose of the Bill must be served. Our experience has been very bad until now. If you see the appointment of the Monopolies Commission, you will find that for half the period it was in existence it had no accommodation. They did not have the required staff. The persons working in the Commission did not have place even to sit and the staff was given only after a long time. I am here reading from the Report of the Monopolies Inquiry Commission. It was established in April, 1964. They say :—

"The full complement of the Commission's research staff was not available till the end of the year 1964."

This is at page 1 of the Report. It must be said to the credit of the Commission that even though for nearly half the tenure of the Commission the full staff was not available, they could bring out their Report in time. Not only that. The persons who are given the work are not the proper and fit persons. They are taken from the market. All those persons come from different departments on deputation or on promotion. A person who is very well fixed up in a department and whose services cannot be spared will certainly not be sent to the Commission of Inquiry for work. Only such persons who work in junior posts are sent out. (Interruptions.) Let the conference be held outside.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Order please.

SHRI KRISHAN KANT : The question here is, even in respect of the staff who are recruited, from where do they come. They start coming from different Ministries and they are not, in any case, specialists in the subjects in respect of which the enquiry is to be held. What happens is that the surplus staff, who have no proper work to do, are sent out. It means that they are not properly equipped with the knowledge required for the work. Only those persons come who are on deputation and not committed to the full functioning of the commission. The commission is appointed to achieve certain objectives. If these objectives are not achieved, the commission's work be-

comes fruitless. So, it is necessary that proper attention should be given to this aspect.

Another point to which I wish to draw your attention is this. How do these commissions function ? They do not have staff or attached offices which are fully equipped with all the facilities or knowledge. Take the case of the Sarkar Commission to enquire into the affairs of the Birlas. The CBI should be attached to them, so that they could give all the information, but it will not be done. The different departments in which the Birlas files are there will be asked to give information. The same bureaucracy will work. They will delay things. They will send the matters in a wrong way. Some files will not be available. Meanwhile, half the period of the commission will be finished and it will not be able to give due consideration. Here, I am reading from what the Monopolies Inquiry Commission has said in its Report. They say :—

"Another Department of Government whose primary function is the collection of statistics of production of various commodities is the Central Statistical Organisation. We had hoped that these would be of much assistance to us, specially as they might cover the output of small industries also which do not furnish returns to the D.G.T.D. Unfortunately, our efforts to obtain the statistics maintained by the Central Statistical Organisation were unsuccessful. In reply to our request for supply of the relevant statistics, the Departmental authorities pointed out certain legal difficulties in the way of the information being made available to us."

This is how the Monopolies Inquiry Commission gave us their Report which we consider valuable and on the basis of which we debated the Monopolies Bill in this House and probably in the other House also. This is how all our commissions function in a haphazard manner. They do not function in the proper manner. As Mr. Dharia suggested, there must be some permanent machinery. There should be experts on this Commission, experts in research, in economic matters, in social matters. Data and other things should be readily available and they should properly function. Not only that.

Now, these commissions work under a handicap. They want to take evidence and

they want to summon witnesses. Many organisations refuse to come. They say that they will not give evidence. Only when they are forced to give evidence they give evidence and in a wrong manner. They do not have much power. They work under the Civil Procedure Code and all the powers of the civil courts they have. But as you, Sir, know, you are a lawyer yourself, how they are delaying the proceedings. They resort to delaying tactics and by the time the whole period of the commission is over. There will be very little evidence. Evidence should be given and witnesses should come in the right time. That is why commissions are appointed.

SHRI RAJNARAIN : That will do.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I would welcome it, if you sit here.

SHRI KRISHAN KANT: Mr. Vice-Chairman, Mr. Rajnarain is correct in the sense that even after the Bill is passed, nothing is going to come out of it. I agree with him basically, but since the Bill is here what am I to do? I have to say something about it. We know what has happened in the Monopolies Commission.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : It is going to the Select Committee and your suggestions will be considered by them.

SHRI KRISHAN KANT : That is why I am giving my suggestions. I basically agree with Mr. Rajnarain that unless and until there is a fundamental change and re-orientation in our outlook and procedures, nothing is going to come out, and with that basic agreement I am giving out all those things.

So, Mr. Vice-Chairman, the procedure, the methodology and the legal rights that the Commission should have should be much more than what the Civil Procedure Code provides. Unless that is provided, I do not think it will be possible for them to work.

Another handicap under which the Commission works is, when the Commission is appointed, no budget is immediately passed for them. Even for a clerk, even for a section officer, even for a typist, they have to approach the Finance

[Shri Krishan Kant] Ministry every time, so that approaching the Finance Ministry itself takes time. By that time half the period of the Commission is over. Unless something is done to see that, when the Finance Ministry or other Ministry of the Government of India appoint a Commission, immediately proper budget is sanctioned and the authorities are allowed to function in a way independently so that every time they have not to be subservient to the Finance Ministry or other Ministry to get more staff or to get the money, no good can come. If you remember it, the Dutt Committee for eight months had no room for itself. Mr. Tfiacker was sitting in the room of Mr. Fakhruddin Ali Ahmed when he had gone abroad. He had no place. Later on after six or eight months a place was given for them is the Shastri Bhavan, Is this the way a Commission should function ? Still they functioned. Now we want to streamline that functioning.

Basically I want to raise a fundamental issue today. We have reached a stage in the development of our political life where there are dangers of disintegration of our political life. The political life is in a state of stagnation, whether it is my party or any other party. Corruption is rampant in the administrative and political life of the country, as Mr. Bhargava said. That is what we see in the Rajya Sabha elections and other elections. These Commissions of Inquiry have to be real Commissions of Inquiry where things can be found out and proper remedies given. Otherwise, Mr. Vice-Chairman, I am afraid people are going to lose faith in our democratic functioning, in these Commissions of Inquiry, in this administration, because our experience with the Birla enquiry has been very frustrating. You have seen what happened here. There was a *prim a facie* case and yet they did not want to see all those things. No immediate action was taken and before Mr. Chandra Shekhar sent all those things to the Minister all those things reached the Birlas and they had wiped out or obliterated all available evidence. Is this the way a Commission of Inquiry will function?

SHRI LOKANATH MISRA: If Mr. Krishan Kant has lost confidence in Mr. Fakhruddin Ali Ahmed and he finds he is corrupt, why does not he send him away?

SHRI KRISHAN KANT: I have never said that.

SHRI LOKANATH MISRA: You said you have lost confidence in him.

SHRI KRISHAN KANT: I have never said that. What I am saying is about the procedure at present in the Government.

श्री राजनारायण : श्रीमन्, वास्तव में श्री कृष्ण कान्त ने कहा कि श्री फखरुद्दीन करपट हैं, लेकिन श्री कृष्ण कान्त की चिन्ता की जो दुर्बलता है वह इसको इन्कार कर रही है।

श्री कृष्ण कान्त : गलत बात है।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Krishan Kant knows better what he has said and what he is saying.

श्री राजनारायण : श्रीमन्, हम कृष्ण कान्त को आप से ज्यादा जानते हैं क्योंकि श्री कृष्ण कान्त बी० एच० यू० के प्रोडक्टर हैं।

SHRI KRISHAN KANT: So the basic question is, are we going to function in the same old way?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : That you have said.

SHRI KRISHAN KANT: But that is the point.

SHRI LOKANATH MISRA: He is going to repeat it.

SHRI KRISHAN KANT: Are we not suffering from the same thing even after repeating it so many times? Is not our functioning still the same? Does it not require to be hammered more and more? Otherwise, as has been said by Mr. Bhargava and Mr. Rajnarain in the morning, we are at the turning point of history in parliamentary democracy. Why do you appoint these Commissions of Enquiry? We appoint them so that people may continue to have faith in the *bona fides* of the Government, in the *bona fides* of the administrative machinery, so that it can weed out corruption and do justice to the people and the common-man of India. But if after all the criticism we make we cannot

get justice, we cannot find out the truth, we cannot punish the wrong-doers and they escape, what will happen? The people will lose faith in democracy. Mr. Vice-Chairman, we find at this very crucial moment this Bill, and this Bill may go to the Select Committee. Bills will come and go but the country has to go on for ever. Unless something radical is done in the approach—I feel our Government has not up till now done anything even after the Bombay Congress resolutions; even after that our functioning has not changed, and I am sorry to say that it needs a basic change. Unless that change is there, through resolutions at Bombay and Delhi which we pass—and the Congress was split on that—that will not bring about results. Our purpose was to take the Congress and the country in a certain direction towards which I am afraid we are not going. Our people are getting disappointed. It is time to reorient our administration and our party mechanism.

What about our achievement? After Bombay, Birla fertilizer plant, that is number one; increase in steel prices, that is number two; increase in the Vanaspati prices, that is number three. That is what I am saying. Are we going to really implement all those resolutions or not? That is the kind of determination that is required to implement these things. Otherwise these Commissions of Enquiry will become formal words and legal quibbles if we do not really implement them. It is in that direction that we have to move, and if we do not move, we will be falsifying the country, falsifying the organisation to which we belong. Though I support the Bill, I have very little hope regarding it; unless this basic and fundamental change in our approach is there we will not be able to achieve anything.

SHRI S. S. MARISWAMY (Tamil Nadu) : Mr. Vice-Chairman, after having spent 27 sleepless nights I have come here today and I rise to speak a few lines on this particular Bill. I am sorry I am so weak physically that I cannot raise my voice louder nor can I speak faster.

SHRI K. CHANDRASEKHARAN (Kerala) : Can you kindly explain why you had 'iKh sleepless nights? We read something in the Press.

SHRI S. S. MARISWAMY : I am coming to that. The scope of this Bill regarding Commissions of Enquiry before the House should be broadened, and serious cases of corruption during the elections should be referred to such Commissions. Such Commissions must be appointed under the present Act. This point I am sure will be seriously considered by the Joint Select Committee to whom the Bill is being referred.

To explain this particular point, I have to narrate a few points. It actually happened in my own State. M.L.As were approached by a contesting candidate—I do not say contesting candidates, I refer to a particular candidate—and were offered Rs. 25,000 to Rs. 50,000 as gratia for the vote, for crossing the floor, for cross-voting in the Rajya Sabha elections.

SHRI REWATI KANT SINHA (Bihar) : Was it Mr. Subramanian?

SHRI S. S. MARISWAMY : You can draw your own inference. You may wonder how they can corrupt the Members by offering Rs. 25,000 to Rs. 50,000 where the money had come from. The rumour was set afloat that a particular Member, if he were elected, he would be appointed on the 10th April as the Finance Minister of this Government. So, on that assumption.

SHRI BHUPESH GUPTA (West Bengal) : Who is that?

SHRI S. S. MARISWAMY : ...all the industrialists in Madras and especially some five industrialists against whom—

SHRI BHUPESH GUPTA : What was the assurance?

SHRI S. S. MARISWAMY : .. the Enforcement Directorate is conducting an enquiry—two of them have already been booked—all these tycoons in the industrial field of Madras joined together to boost up this particular candidate who told them in so many words that he would become the Finance Minister of this Government on the 10th April, that he would get sworn in as a Member on the 2nd and on the 10th April, the Prime Minister would appoint him as the Finance Minister. All the industrialists joined together and wanted to support this man and they poured in money. Twenty lakhs of rupees were spent. In the name of

[Shri S. S. Mariswamy]

God, I am telling this. If I am proved wrong, I am prepared to be hanged in the Chandni Chowk in Delhi. It is not because the candidate was against me. By providential help I have succeeded. I must be very happy. But am I happy ? No, actually I am not happy—the shock that I had is still in me because I lost five of my good Member's. Those Members were spoiled; they were not corrupt by themselves. They were taken in cars 216 miles away from Madras and were kept in Bangalore in a big industrial tycoon's house. They were supplied with what ? You will be shocked to know that they were supplied with Scotch whisky day-in and day-out and they were supplied with some other things also which follow wine, by these custodians of Gandhiji's philosophy. Not only that. They were offered jeeps, they were offered cars ; they were given two lakhs of rupees. I lost five of my Members. I am the General Secretary of my Party, not today or yesterday, but for the last 12 years, and I am in charge of election for my party in Madras State. With great feeling I am telling you that I lost five good Members. Those Members..

AN HON. MEMBER : Who are they ?

SHRI S. S. MARISWAMY : ... have not seen in their life such costly things, I can tell you, or a lump sum of Rs. 5,000 in their life. When Rs. 50,000 were given, those people were taken away. If it goes on at this rate, where are we leading to ? We expect decent people to come and join parties and contest elections. If things go like this, only such corrupt people can fight elections to the Rajya Sabha or the Lok Sabha, whatever it is.

Another important thing—not only the industrialists of Madras were there. The agents of Messrs. Amin Chand Pyarelal were in Madras also—I can prove it—Messrs. Amin Chand Pyarelal against whom there was an inquiry and there was a charge-sheet against Mr. Subramanian! also.

SHRI M. P. BHARGAVA (Uttar Pradesh) : Charge-sheet against him ?

SHRI S. S. MARISWAMY : I found them in Madras. They were visiting room after room of the MLA's and handbills were circulated that such and such a Member would become the Finance Minister.

So, Sir, twenty lakhs of rupees were spent for 23 votes by a particular Member. I must say that Mr. Kamaraj, Mr. Karunanidhi and Rajaji, the three senior politicians of Madras, really took so much pain to see that the good name of Madras was kept. Many Members —

SHRI M. P. BHARGAVA: Twenty lakhs—did the Member concerned pay it or some other industrialists and rich men spent it on his behalf ?

SHRI S. S. MARISWAMY : There was a tea party at a particular industrialist's house.

AN HON. MEMBER : Give the name.

SHRI S. S. MARISWAMY : The honourable candidate was there. In the presence of that honourable candidate, these things were said and planned and the conspiracy was hatched, and the money was collected and distributed through the agents.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Now, come to the Bill.

SHRI A. D. MANI (Madhya Pradesh) : How much money was spent ?

SHRI S. S. MARISWAMY : Twenty lakhs.

It is the good fortune of India that Mr. C. Subramaniam got defeated, I tell you, this honestly. When he was in the Cabinet he was instrumental for devaluation of the Rupee. That has brought the Indian economy to ruin. If he had been elected, what would have happened is something that is beyond my comprehension. I would not be surprised if he linked Indian rupees with Russian roubles and he would have made India a satellite of Soviet Russia. And he is capable of doing it, and he was trying to do that. And I do not know why our wonderful Prime Minister is reposing confidence in him. He gave a statement to the industrialists that the Prime Minister was "very insistent, very particular, that he should come to Delhi. But may I tell the honourable Prime Minister that we know Mr. Subramanian! so long ? He was with Rajaji. Like Judas Iscariot, he betrayed him overnight; he was with Mr. Kamaraj and he betrayed him overnight. And now he wants to get into the back-wagon of the Prime Minister, Mrs. Indira Gandhi. Suppose some

occasion arises wherein our fate is to be decided by one vote—take it from me—he will betray her and she will be dropped like a hot potato. That is his political record. Fortunately, the people of Madras are aware of it. Fortunately for the country the majority of the Members did not succumb to this temptation. In spite of these twenty lakhs, there were good Members I must thank now Rajaji, Mr. Kamaraj and our beloved and dynamic Karunanidhi for saving the honour of Madras.

So, I say that this Bill should include within its scope corrupt practices in election also.

श्री रेवती कान्त सिंह : उपसभाध्यक्ष महोदय, यह एमडिंग बिल आया है कमीशन आफ इन्क्वायरी ऐक्ट में एमेंडमेंट करने के लिये, ऐक्ट 1952 में पास हुआ, लेकिन उस ऐक्ट में बहुत सारी खामियां रहीं। ऐसी-ऐसी खामियां थीं कि कमीशन किसी को सम्मन नहीं कर सकता है, बहुत सी चीजों को देखने के लिये बाध्य नहीं कर सकता है। 18 वर्षों के बाद ला कमीशन की 24 वीं रिपोर्ट जब आती है तब इस सरकार की आंख खुलती है कि इस कानून में खामियां हैं और तब 1969 में यह बिल इंट्रोड्यूस किया जाता है और 1970 में इस पर हम डिस्कशन कर रहे हैं और डिस्कशन कर रहे हैं सैलेक्ट कमेटी को भेजने के लिए। मैं नहीं जानता कि 1970 में सेलेक्ट कमेटी के अन्दर भी यह बिल पास होगा या नहीं, लेकिन मैं यह कहना चाहता हूं कि अभी भी इस एमेंडिंग बिल में बहुत सारी खामियां रह गई हैं और उन खामियों की ओर मैं ध्यान खींचता हूं सरकार का। पहली खामी तो इसमें यह है कि सरकार के ऊपर यह अंकुश नहीं है कि अगर कहीं पर भ्रष्टाचार के, गोलमाल के कोई आरोप लगते हों और कमीशन आफ इन्क्वायरी की मांग की जाती हो तो सरकार को कम्पेल कर दिया जाये इस कानून के मुताबिक कि सरकार कमीशन आफ इन्क्वायरी जरूर बैठायेंगी। ऐसा कम्पेलिंग प्रावीजन इस बिल में नहीं है जबकि मैं समझता हूं कि रहना चाहिए। राज्य सभा

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के चुनाव में—अभी मारिस्वामी साहब ने मद्रास के बारे में बताया—देश के करीब-करीब हर राज्य में यह घटना घटी है, हर राज्य में ऐसा था। कहीं पर पैसा जीत गया है। मद्रास को मैं मुबारकबाद देता हूं कि उसने पैसे को हरा दिया, लेकिन यह चीज सब जगह हुई। पिछले 20-22 वर्षों में इस देश में ऊंची जगहों पर भ्रष्टाचार का जो सीटिडल बना हुआ है, वहां से भ्रष्टाचार का गन्दा पनाला बह कर नीचे तक आता है और इस देश की सारी बाड़ी पोलिटिक भ्रष्ट हो गई है। इसको रोकने के लिये जरूरी था कि इस एमेंडिंग बिल में ऐसा प्रावीजन किया जाता जो कि सरकार को कम्पेल करता कि जब कभी आरोप लगें तो वह इन्क्वायरी कमीशन निश्चित रूप से बैठायें।

मैं आपके सामने दो-चार उदाहरण रखना चाहता हूं। आपको याद होगा बिहार में जिस समय कृष्ण वल्लभ बाबू चीफ मिनिस्टर थे उस समय विरोधी दलों की ओर से वहां के राज्यपाल से लेकर प्रधान मंत्री और राष्ट्रपति तक मेमोरेण्डम दिए गए और मांग की गई कि उनके लिए इन्क्वायरी कमीशन बिठाया जाये। लेकिन वह नहीं बिठाया गया क्योंकि कानून में कोई कम्पेलिंग प्रावीजन नहीं था। वहां जब 1967 में गैर-कांग्रेसी हुकूमत बैठी तो उसने अथर कमीशन बिठाया और उसकी रिपोर्ट देश के सामने है। इसी तरह से उड़ीसा में बीजू पटनायक के खिलाफ कमीशन बिठाने की मांग पर मांग होती रही, लेकिन सरकार ने उसको इग्नोर किया। दूसरी सरकार वहां आई और उसने कमीशन बिठाया। फिर पंजाब के स्वर्गीय मुख्य मंत्री कैरों साहब के बारे में भी जब काफी हंगामा हुआ तब जाकर कमीशन बैठा था। बिरला के बारे में, इस सदन में पिछले तीन वर्षों तक रहा हूं और इन तीन वर्षों में शायद ही कोई ऐसा सत्र था जिस सत्र में बिरला के खिलाफ इन्क्वायरी बिठाने की मांग नहीं की जाती हो, लेकिन बड़ी मुश्किल से पिछले सत्र में, जुलाई-अगस्त वाले

[श्री रेवती कान्त सिंह]

सत्र में घोषणा हुई कि उसके खिलाफ इन्क्वायरी बिठायी जा रहा है। इसी तरह से डा० राम मनोहर लोहिया की जो डेथ हुई उसके बारे में हम लोग बराबर मांग करते रहे कि एक कमीशन बिठाया जाये, जांच हो कि कैसे उन की मृत्यु हुई, उसके लिये कौन दोषी है। आपको याद होगा कि सदन के दो, दो दिन इसके डिस्कशन में खत्म हो गये। डा० चन्द्रशेखर ने यह आश्वासन दिया था पिछले सत्र में कि सरकार को कोई ऐतराज नहीं है, अगर माननीय सदस्य चाहते हैं कि कमीशन बिठाया जाए तो बिठा दिया जाये, लेकिन आज तक उस के लिये कमीशन नहीं बिठाया गया।

अब मैं आपके सामने कुछ ताजा उदाहरण रखना चाहता हूँ। कल पहली अप्रैल को संसद के दोनों सदनों के करीब 15 सदस्यों के हस्ताक्षर से एक मेमोरेण्डम राष्ट्रपति जी को दिया गया है। बिहार के जो अभी गवर्नर हैं श्री नित्यानन्द कानूनगो, उनके ऊपर कुछ आरोप लगा कर वह दिया गया है। मैं समझता हूँ कि यह 15 सदस्य रिस्पांसिबल आदमी हैं, जिम्मेवार आदमी हैं और राष्ट्रपति जी को जब हम लोगों ने मेमोरेण्डम दिया है तो जिम्मेवारी के साथ दिया है और उनमें हस्ताक्षर करने वालों में एक मैं भी हूँ। एस्टीमेट्स कमेटी की 85वीं, 1968-69 की रिपोर्ट में यह बात आई है कि जब श्री नित्यानन्द कानूनगो केन्द्र में मंत्री थे तो एक कंपनी जो बैरल्ल और ड्रम्स बनाती थी उस कंपनी के साथ उन्होंने कुछ गोलमाल किया था। फिर उनके ऊपर आरोप है कि इस मेमोरेण्डम में कि जिस समय वह यहाँ मंत्री थे...

उपसभाध्यक्ष (श्री अकबर अली खान) : उस मेमोरेण्डम पर तो गौर होगा ही।

श्री राजनारायण : उन्हें कहने दीजिये। कुछ बातें तो हमको मालूम हो जायें कि क्या है उसमें।

श्री रेवती कान्त सिंह : उपसभाध्यक्ष महोदय, मैं आपसे यह अर्ज करूंगा कि इस

सदन में यह मेरा अंतिम भाषण है, इसलिए मुझे कुछ कह लेने दीजिए जो मैं जानता हूँ। दूसरा आरोप उन पर लगा है कि जिस समय वह यहाँ मंत्री थे उस समय उन्होंने एक बीबस सोसायटी से एक बनारसी साड़ी प्रेजेंटेशन में, गिफ्ट में ली थी, जिसकी कीमत 6000 रुपये थी।

उपसभाध्यक्ष (श्री अकबर अली खान) : आज से दस साल पहले ?

श्री रेवती कान्त सिंह : हां आज से दस साल पहले, लेकिन यह आरोप लगा है, उन पर।

श्री राजनारायण : श्रीमन्, तो आप जानते हैं ?

श्री रेवती कान्त सिंह : फिर मैं कहना चाहता हूँ कि आज सारे देश में तस्करी के व्यापार के बारे में बड़ी चर्चा चलती है। श्रीमन्, आपने नाम सुना होगा मस्तान कुली का जो बंबई के तस्करों का राजा है। अभी वह जेल में है, लेकिन जिस समय वह विदेश यात्रा पर जा रहा था और जब गुजरात के राज्यपाल थे श्री कानूनगो साहब, उस समय उन्होंने उसको एक सर्टिफिकेट दिया था ताकि उस को पासपोर्ट मिल सके और उस सर्टिफिकेट में उन्होंने कहा था कि वह इस बात को जानते हैं कि उसके एंटीसीडेंट्स बहुत अच्छे रहे हैं, मैं कहना चाहता हूँ इस सदन में इस तरह के आदमी को, जिसके ऊपर एस्टीमेट्स कमेटी के स्ट्रक्चर्स रहे हों गवर्नर के पद पर नहीं रहना चाहिए और कमीशन बिठाना चाहिए उसकी जांच करने के लिये, लेकिन यह कानून जो हम पास करने जा रहे हैं इस में कहीं भी कोई कंपेलिंग प्रावीजन नहीं है जिस के आधार पर कमीशन बिठाने, के लिये सरकार बाध्य हो। तो यह सारी कमियां इसमें रह गयी हैं।

भ्रष्टाचार जांच की बात चलती है।

मैं जानता हूँ कि इस बिल को पास करने के बाद इस सदन में संभवतः कल लोकपाल और

लोक आयुक्त बिल पर भी बहस होगी। भ्रष्टाचार की बातें उसमें भी होंगी, लेकिन मैं कहना चाहता हूँ कि वह बिल भी सफीशियेंट नहीं है। उस बिल में आपने मिनिस्टर्स को रखा है, आफिसर्स को रखा है, लेकिन मिनिस्टर्स

श्रीमती विद्यावती चतुर्वेदी (मध्य प्रदेश) : क्या दूसरे बिल का जिक्र इस समय किया जा सकता है ?

श्री रेवती कान्त सिंह : भ्रष्टाचार की बात हो तो कही जा सकती है।

श्रीमती विद्यावती चतुर्वेदी : भ्रष्टाचार की बात है लेकिन इस बिल में क्या आप उस बिल का जिक्र कर सकते हैं ?

श्री राज नारायण : देवी जी, क्यों अपनी काया को कष्ट दे रही हैं ?

श्रीमती विद्यावती चतुर्वेदी : इसलिये कि आपके नेत्रों को कुछ संतोष हो।

श्री रेवती कान्त सिंह : तो श्रीमन्, मैं कह रहा था कि अगर वह बिल भी पास हो जाता है तो उसमें मिनिस्टर्स को बरी कर दिया गया है, गवर्नर को शामिल नहीं किया गया है। इस इन्क्वायरी कमीशन के बिल में कहीं ऐसा प्रावीजन नहीं है कि कानूनगो साहब के बारे में सरकार इन्क्वायरी कमीशन जरूर बैठायेगी। तो कैसे यह भ्रष्टाचार दूर होगा क्योंकि भ्रष्टाचार तो क्रान्ति की ज्वाला नहीं है जो नीचे से सुलगती है। यह तो एक ऐसा गंदा पनाला है जो ऊपर से नीचे बहता है और अगर इस भ्रष्टाचार की गंदगी को दूर करना है तो पटना या छपरा की गंगा को साफ करने से गंगा साफ नहीं होगी उसके लिये आपको गंगोत्री को साफ करना होगा और भ्रष्टाचार की गंगोत्री ऊपर है और जब तक उस के लिये हम कानून नहीं बनाते हैं तब तक वह समाप्त नहीं हो सकती। (Time bell rings) मैं समाप्त कर रहा हूँ। जो कमीशन बनते हैं। उनकी फ्रेट क्या है। हरियाणा और पंजाब के मामले

को लेकर शाह कमीशन बैठा। शाह कमीशन की रिपोर्ट आज अपनी जगह पर है और जो फैसला हुआ वह अपनी जगह पर है। मैसूर और महाराष्ट्र के सीमा विवाद को लेकर महाजन कमीशन बैठा उसकी रिपोर्ट आज भी पड़ी हुई है और वहां तनाव जारी है। प्रोहिबिशन के बारे में टेकचन्द कमीशन बैठा। मैसूर और महाराष्ट्र के बीच जो कन्फ्रंटेशन है वह ऐसा मालूम होता है कि दो देशों के बीच में हो, इस के साथ ही मैं कहना चाहता हूँ कि 1954 में काका कालेलकार की अध्यक्षता में एक बैकवर्ड कमीशन बैठा था। वह कमीशन जब बिहार के दौरे पर गया था तो मैंने भी उसके सामने एविडेंस दी थी, एक साप्ताहिक पत्र, जनता पत्र के सहयोगी संपादक की हैसियत से। लेकिन आज तक उसकी रिपोर्ट संसद् के सामने नहीं आयी है। आखिर क्या फायदा होता है इन कमीशनों को बिठाने से और उन की रिपोर्ट मांगने से। इसलिये मैं कहना चाहता हूँ कि अगर यह बिल लाना था तो इस बिल को इतना कंफ्रेंसिव और इतना दूरगामी परिणाम वाला बनाना चाहिए था कि जिसमें सरकार के लिये कम्पेलिंग प्रावीजन होते कि अगर कोई आरोप लगा कर इन्क्वायरी की मांग हो तो कमीशन बिठाने के लिए सरकार बाध्य हो जाये फिर इसमें यह प्रावीजन होना चाहिये था कि कमीशन की रिपोर्ट को मानने के लिये भी सरकार बाध्य हो। कमीशन का स्टेटस एक जुडिशियल स्टेटस होना चाहिये, जुडिशियल वरडिक्ट का जो स्टेटस होता है वही कमीशन की रिपोर्ट का स्टेटस हो। फिर उसमें प्राविजन होना चाहिए था कि जो रिपोर्ट आये उस रिपोर्ट के इम्प्लीमेंटेशन के लिये कोई टाइम लिमिट हो। यह सारी कमियां इस बिल में हैं। तो मैं चाहता हूँ कि जो सेलेक्ट कमेटी बने, जिस सेलेक्ट कमेटी में यह बिल जाये वह इन सारी बातों को ध्यान में रख कर इस बिल में इतनी तरमीम करे, इतने सुधार करे जिस में सही मानों में जिस परपज के लिये यह बिल बनाया जा रहा है उस उद्देश्य की पूर्ति हो सके, अन्यथा बेकार सारा समय जायेगा, बेकार

[श्री रेवती कान्त सिंह]

पैसा जायेगा और बेकार सारी इन्तर्जी जायेगी ।
धन्यवाद ।

SHRI ABID ALI (Maharashtra) : Sir, all this is useless exercise, whether you make the provision compulsory on the Government or voluntary. When there is no earnestness and sincerity to ensure honesty in the country, and more so among the administrators, then how can there be progress ? You go to any town or village in the country and talk to the people in the street. They say without any reservation that our Government is headed by a person who is guilty of indiscipline, dishonesty and deceit. That is known to everybody. What was expected of this Prime Minister ? What is expected of the head of a Government?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We are dealing with this Bill now.

SHRI ABID ALI : Sir, we are very much concerned with honesty. Enquiry is concerned with those who behave dishonestly. So I was saying that the head of the Government and persons in high positions should be an example to other to popularise honesty, discipline and the atmosphere for the people to be dutiful. As against that, what is happening in the country now ? My friend from Tamil Nadu was describing how an attempt was made to purchase votes by spending Rs. 20 lakhs. Then a friend asked how Mr. Subramanian!, whom he was naming, could not get elected, in spite of spending Rs. 20 lakhs. Sir, people have also become sufficiently shrewd. They pocket the money and do what they like as per the slogan given by the Prime Minister to do what you like, that "conscience" is there, and "conscience" has got the upper hand over party loyalty or even money loyalty. Formerly five or ten rupees were spent for purchasing votes at the time of elections by the MLAs and MPs. Now the MPs and MLAs are being purchased as it happened on the occasion of the election of the President. This is growing. So, what is the use of all these measures ? What has happened about the Aminchand firm ? How many years things were discussed here and the Aminchand firm went on getting licences, import, export, and so on, the way they liked ? Sir, if anybody wants to judge honesty, there are a good number of Chief Ministers and their colleagues and a larger number of Cabinet

Ministers, leave aside Deputy Ministers and Ministers of State, who are dishonest People. Formerly also the Congress was taking money and was collecting lakhs of rupees but never would anybody blackmail the industrialists or allow the Congress Members to be subdued or sold for the sake of money. Now the things have become reversed. Now the ministers blackmail the capitalists and industrialists and import and export licences are being sold. And everybody, even the man in the street, knows that the files of some of the Chief Ministers are here with the Central Government and with those files bullyism is going on and their support is being enlisted for the existence of this Indiraji's Government. Everybody knows it. People know what is happening. What is this ? As I was mentioning this morning, an All India Radio Government official say that no file would move from one table to another in Government offices without the supply of beautiful girls and bottles of liquor. When this was mentioned by a Government official and no action has been taken against him, the fact is getting popularised that bribe means progress. And with the help of that, this Government also is existing. I do not know what this lady wants, to what extent this country should be ruined.

SHRI DWIJENDRALAL SEN GUPTA (West Bengal) : Which lady you mean ?

SHRI ABID ALI : Lady is the lady, you know—the Prime Minister. How many times should I repeat it ? She wants this country to go to ruins, hoping that she will exist. But what is the use of that existence in such a sorrowful atmosphere where all values have gone, where everything has been subordinated simply to that one thing, that she should survive ? No, she cannot survive long. Let her know that such kind of survival has no meaning and it cannot be for long. How much these blackmailers, whose money goes on such occasions as my friend from Madras was explaining, are able to control the reins of Government here in Delhi ? I know my hon. friends who are sitting there. Amongst them, there are good men. I know; acknowledge it. There are good people also. But their number is very small. This is very unfortunate. What is the use of talking about one particular industrial house ? There is another house

and my young friends there shout against one concern although they are taking money from the rival concern. That is what is happening. And they feel that they are doing a good job. One Member Yesterday was saying, this is dishonest, that is dishonest. I know who are dishonest. I know in whose salary people are, whose paid by whom and from whom. You go to the MPs quarters. Take the numbers of the cars in which some of them who talk loud here, move about. Those cars belong to one industrialists group while the other get support from rival group, whose cars they use.

In such an atmosphere, Sir, those who have fought for the achievement of independence of this country feel : did we do all this for atmosphere, for this situation ? Perhaps something may happen, and the great lady may feel that she should change herself. As I suggested the other day, first she should go to the samadhi of Mahatma Gandhi, whose name she has been taking so often, and whose birth centenary has been celebrated by murdering all his principles, and make a confession and a declaration "Henceforth, Mahatma Gandhi, I will try to live according to your standard" and drive away most of those people whom she knows are dishonest—it is not that she does not know—and then try to enlist the support of those who are really desirous of the prosperity of the nation, of the values and standards to be revived. That way perhaps it may be possible to revive an atmosphere of honesty, decency and dutifulness. I have been talking to the P. W. D. people. I have been talking to the Ticket Inspectors. You also travel by train. Talk to the people. Talk to the man in the street. Leave aside the Ministers who are dishonest. Let the honest Ministers go about in the streets, in the train and elsewhere and talk to the Government officials, the smaller officials. What do they say ? They say "What do you expect of us when the head of the Government is like that ?" Sir this is a very unfortunate situation. Names have been mentioned here. "So-and-so, you retire ; help us to get elected; you will be nominated. So-and-so, you retire, we will make you chairman of a committee. So-and-so, you retire, we will send you to some Indian Mission." No principles, no honesty, no programmes, no manifesto. Bribe, bribe, bribe, everywhere. So, what is the use of

this commission ? My friends may make amendments suggesting the provisions to be compulsory not voluntary. What is the use of all this ? Sir, formerly the Vicereine the wife of the Viceroy, would take a garland of pearls. That was not bribe. But when a clerk took five rupees or when a peon took one rupee, that was bribe. If the Viceroy's wife took a garland of pearls from the Maharajas, it was not bribe. That has come again in this country after so many years of independence. Very recently it has started. Of course, there were dishonest Ministers, dishonest Chief Ministers and bad people.

3 P.M.

Now, this has grown so much that it has become a fashion. It has become the order of the day. And that is what worries us; and that is what disturbs us. That is what makes us feel that black days are ahead for the country. Let us pray to God that He should save the country from such an administrator. And perhaps He may accept our prayer and put something in the mind of the Prime Minister to feel that she is going on the wrong lines.

Now about telling lies in the court when five thousand people know that a person has done such and such a thing, and one thousand people are witness to that particular act and he goes and tells the court that he has not done such and such a thing. And responsible people in the Government going and telling these things ! Winning or losing a particular petitions is another thing. I am not mentioning anything about that

THE LEADER OF THE HOUSE (SHRI K. K. SHAH) : Can you discuss a petition which is pending before the court ?

SHRI ABID ALI : I am not mentioning about any particular petition. I am not mentioning anything about the courts. I am only saying about a particular incident*

SHRI K. K. SHAH : On the last day at least, when we are parting ...

श्री राजनारायण : श्रीमन्, जो आदमी कल से रिटायर हो रहा है उसको कहने दीजिए ।

SHRI ABID ALI : What did he say, Sir ?

THE VICE-CHAIRMAN (SHR AKBAR ALI KHAN) : He said since we are parting now, let us part with grace. That is what he says.

SHRI ABID ALI : Yes, yes. I am doing that.

श्री राजनारायण : अरे, श्रीमन्, यही तो ग्रेस है। क्या ये आखिरी दिन भी सत्य न बोलें ? देखिये अगर इन्सान मरने लगता है तो खुदा का नाम लेता है। अगर कोई इस सदन से जाये तो सच्ची बात कह कर जाये।

श्री आबिद अली : हम कांग्रेस में आए थे तो इसलिये नहीं कि सदन में आने के लिये आये। यह तो रास्ते चलते बहुत सी चीजें आती जाती हैं। खुदा खुदा न सही तो राम राम कर लूंगा। मिलेगा रास्ते में राजनारायण उसको सलाम करूंगा।

श्री राजनारायण : आबिद अली जी ने आज पहला भाषण दिया, जो सही है।

श्री आबिद अली : मैं हमेशा सही बात बोलता हूँ। सही बात कहने में डरता नहीं हूँ। बात वहीं करूंगा जो पाक और साफ हो। यह चीज हमेशा रही है मेरे अंदर और हमेशा चलेगी। राजनारायण जी, आप भी जब गलती करते थे तो मुझे परवाह नहीं थी आपको नाराज करने में।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Until yesterday he was here.

SHRI ABID ALI: Sir, on a point of order, the honourable Minister, the great advocate of Bombay, rose and said something. But I was not mentioning anything about the court. I was just generalising it. I was just generalising a person going to a court and making false statements on the about which a large number of people knew that a particular thing had happened. Now, what impression will it have on those colleagues, on those subordinates, of his, all that paraphernalia of the Minister, who accompanied him to the court? What impression will the fact that he is telling a lie have on them? Sir, with this atmosphere, you cannot think of improving the nation, you cannot think of achieving anything except chaos.

May I in the end request that at least this much prayer of mine would be conveyed by the honourable Leader of the House to the Prime Minister that here is a humble well-wisher of the country, a well-wisher even of the Prime Minister? I sincerely wish her to flourish provided she becomes honest and makes us feel so, and becomes instrumental in making other honest.....

SHRI DWIJENDRALAL SEN GUPTA: Provided? What do you mean by that?

SHRI ABID ALI : You read between the lines.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Mr. Sen Gupta, please sit down. No interruption.

SHRI ABID ALI : ... in making the people disciplined and dutiful. That will be something in future for the people to remember her; otherwise, already she has behaved in such a way that there is nothing but condemnation for her and that is what the people will read in history.

श्री सूरज प्रसाद (बिहार) : उपसभाध्यक्ष जी, कमीशन आफ इन्क्वायरी का जो यह बिल है उसको पढ़ने से यह मालूम होता है कि इन्क्वायरी के दमियान कमीशन के सामने गवाही जमा करने के संबंध में जो दिक्कतें होती थीं, उन दिक्कतों को दूर करने का प्रयास इसके अंदर किया गया है और साथ ही साथ इस बात की कोशिश की गई है कि कोई भी आदमी अगर कमीशन के मेम्बरों का कंटेन्ट करे या कमीशन का कंटेन्ट करे, उनकी बदनामी करे, तो उनको सजा देने की व्यवस्था की जाये।

जहां तक यह कंटेन्ट आफ कोर्ट्स का प्रश्न है मुझे ऐसा लगता है कि इसमें जो दंड देने की व्यवस्था है पहले शायद छः महीने की सजा थी और इसमें 2 वर्ष की सजा की व्यवस्था की गई है तो इस कानून के पास हो जाने के बाद अगर यह कानून किन्हीं हाई कोर्ट या सुप्रीम कोर्ट के अंदर गया तो हो सकता है यह कानून नल एण्ड वायड हो जाये। इसलिये मैं मंत्री जी से यह अनुरोध करना चाहता हूँ कि इसमें जो दफा 10(ए०) है उसके अंदर जो इस तरह की व्यवस्था की गई है उसमें सुधार करने का

प्रयास करें। उपसभाध्यक्ष महोदय, यह बिल पास करने के पीछे मन्शा यह है कि देश के अंदर जो भ्रष्टाचार का बोल-वाला है, उसको चूर करने का प्रयास किया जाये, उसे कन्ट्रोल करने का प्रयास किया जाये। शायद 1952 में शुरू में जब यह कानून पास हुआ था उस समय कानून बनाने वालों के दिमाग में यही बात थी, लेकिन ऐसा लगता है कि 18, 20 वर्ष तक इस कानून के देश में लागू होने के बाद भी देश के अंदर कोई खास सुधार नजर नहीं आता है। बहुत-से कमीशन देश के अंदर बहाल हुए और बहुत-सी रिपोर्टें भी प्रकाशित हुईं लेकिन ऐसा लगता है कि रिपोर्टें प्रकाशित होने के बाद बहुत से कमीशनों के बहाल होने के बाद, उनकी रिपोर्टें प्रकाशित होने के बाद, कुछ लोगों पर जर्म साबित होने के बाद, कोई खास फल नहीं निकला, जैसा कि अभी हमारे कई साथियों ने बोलते हुए इस बात की चर्चा की कि बहुत से कमीशन बहाल किये गये, मोनोपोली कमीशन बहाल हुआ और दूसरे-दूसरे कमीशन बहाल हुए, उनकी रिपोर्टें प्रकाशित हुईं, लेकिन फल यह हुआ कि "जस जस सुरसा बदन बढ़ावा, तामु दून कपि रूप दिखावा", जैसे जैसे कमीशनों की संख्या बढ़ती जा रही है जैसे जैसे नये लोगों पर नया नया कमीशन लागू होता है वैसे वैसे देश के अंदर भ्रष्टाचार बढ़ता जा रहा है। इसलिये मालूम पड़ता है कि भ्रष्टाचार की बीमारी कहीं दूसरी जगह है। कानून के दायरे के अंदर भ्रष्टाचार की समस्या का समाधान नहीं हो सकता है। यूँ कहा जाये कि असल में जो भ्रष्टाचार है वह भ्रष्टाचार हमारी व्यवस्था के अंदर कहीं निहित है। किसी ने कहा कि पूँजीवादी व्यवस्था के अंदर में पूँजीवाद और भ्रष्टाचार ये दोनों यमज भाई हैं, और जब तक यह व्यवस्था रहेगी तब तक शायद भ्रष्टाचार रहेगा। यह कानून जो बनाया जाता है, ये कमीशन जो बहाल किये जाते हैं यह तो सिर्फ तमाशा मात्र है लोगों को धोखा देने के लिये, लोगों की आंखों में धूल झाँकने के लिये और यह दिखावे के लिये

कि हम शुद्ध प्रशासन कायम करने का प्रयास कर रहे हैं।

इस समय मैं बहुत से कमीशनों की रिपोर्टों के संबंध में कहना नहीं चाहता हूँ, मैं तो इस समय केवल एक-दो ही कमीशनों के संबंध में कहना चाहता हूँ। बिहार के अन्दर दो कमीशन बहाल हुए। ये कमीशन है मधोलकर कमीशन और अय्यर कमीशन। यह दोनों कमीशन बिहार के मंत्रियों के ऊपर लगाये गये आरोपों के संबंध में जांच करने के लिये नियुक्त किये गये। इनमें कोई मामूली लोग नहीं हैं। यह कमीशन ऐसे लोगों के लिए बहाल हुआ जो कांग्रेस के महारथी थे और जो कांग्रेस के इतिहास में अपना-अपना स्थान रखते हैं और जिनमें ये-ये लोग हैं। श्री कृष्ण बल्लभ सहाय, श्री सत्येन्द्र नारायण सिंह और श्री अम्बिका प्रसाद सिंह। इस तरह से इसमें बिहार के बड़े-बड़े नेता थे जो कांग्रेस के अन्दर बहुत दिनों तक सेवा कर चुके हैं और आज उनका स्थान सिंडीकेट कांग्रेस के अन्दर है।

इन लोगों ने अपने सेवाकाल के समय क्या काम किया; ये ऐसे लोग हैं जिन्होंने अपने अपने सेवाकाल के समय में करोड़ों रुपया कमाया। यह बात कमीशन ने, अय्यर कमीशन ने बतलाई है कि श्री कृष्ण बल्लभ सहाय ने अपने सेवाकाल में करोड़ों रुपया कमाया।

श्री मोहन लाल गौतम (उत्तर प्रदेश) : क्या इंडीकेट का कोई आदमी नहीं है।

श्री सुरज प्रसाद : उसके भी हैं मगर महारथी आपके ही में से हैं। तो मेरा कहना यह है कि कमीशन ने यह रिपोर्ट दी है कि इन लोगों ने अपने जीवनकाल में, अपने मंत्रित्व काल में भाई-भतीजावाद को बढ़ावा दिया और सरकारी रुपये का दुरुपयोग किया। सरकारी खानों को अपने भाई, अपने बेटे, अपने भतीजों के नाम में बन्दोबस्त कर दिया और इस तरह से अपनी शक्ति का तथा अपने पद का गलत रूप

[श्री सूरज प्रसाद]

से इस्तेमाल किया। किसी के ऊपर इस तरह की ज़्यादाती करने का आरोप है और किसी के ऊपर सरकारी रुपये का गबन करने का आरोप है। लेकिन इस सबका क्या फल निकला? कमीशन की रिपोर्ट प्रकाशित हो गई और आज तक उस पर कोई कार्यवाही नहीं हो सकी।

एक दूसरा कमीशन, मधोलकर कमीशन बहाल हुआ जिसने बिहार के एक सुप्रसिद्ध जमींदार श्री महामाया प्रसाद सिंह और बिहार के एक उद्योगपति श्री कामाख्या प्रसाद सिंह के संबंध में जांच की। इन लोगों पर आरोप यह था कि इन लोगों ने अपने पद का इस्तेमाल अपने व्यक्तिगत फायदे के लिये किया था। इन लोगों ने डाली खान का पैसा तक नहीं दिया था, लेकिन इस आरोप के बाद क्या हुआ। आज भी बिहार में एक जनप्रिय सरकार है जिसके मुख्य मंत्री श्री दरोगा राय हैं, उन्होंने 35 सूत्री कार्यक्रम स्वीकार कर लिया है और इस 35 सूत्री कार्यक्रम में से एक बात यह भी है कि अथर कमीशन और मधोलकर कमीशनों के फैसलों को लागू किया जायेगा। एक महीना उन्हें मुख्य मंत्री बन हो गया है, लेकिन अभी तक अथर कमीशन और मधोलकर कमीशन के फैसलों को लागू करने के संबंध में कोई भी कदम नहीं उठाया गया है। मैं पूछना चाहता हूँ कि आज बिहार की हालत क्या है? आज बिहार के अंदर इसी वजह से असंतोष का वातावरण बढ़ता ही चला जा रहा है। आज ऐसा मालूम होता है कि पूरा बिहार असंतोष के दावानल में जल रहा है और कोई नहीं कह सकता है कि कल वहां पर क्या होने वाला है।

श्री राजनारायण : जब ऐसी हालत है तो कम्युनिस्ट पार्टी अपना समर्थन क्यों नहीं खींच लेती है ?

श्री सूरज प्रसाद : हम तो जनता के असंतोष की बात कर रहे हैं। जनता में जो इस समय असंतोष प्रकट हो रहा है उसका कारण यह है कि इस समय वहां पर जो सरकार है वह अथर और मधोलकर कमीशनों की सिफारिशों को

लागू नहीं कर रही है। इन सब बातों से ऐसा लगता है कि श्री दरोगा राय की सरकार का भविष्य अनिश्चित है। इसलिये मैं सरकार से कहना चाहता हूँ कि अगर आप यह चाहते हैं, कि इन कमीशनों का कुछ फल निकले, कुछ फायदा हो, तो सरकार जो कमीशन बहाल करती है, उन कमीशनों के फैसलों को लागू करने का प्रयास किया जाना चाहिये।

बिहार के अंदर जो दो कमीशन बहाल हुए, उन पर लाखों रुपये खर्चा हुआ और इतना रुपये खर्चा होने के बाद इन कमीशनों के फैसलों को लागू करने के लिये क्या कार्यवाही की गई। मैं यह बात जानता हूँ कि श्री दरोगा राय ने इस मामले में श्री अटर्नी जनरल से लीगल राय मांगी है। मैं हिन्दुस्तान की हुकूमत से चाहूंगा कि अगर वह यह चाहती है कि बिहार में एक अच्छी सरकार कायम रहे, अगर आप यह चाहते हैं कि बिहार की राजनीति में, बिहार के बाँड़ी पोलिटिक्स में जो भ्रष्टाचार फैल गया है जिसने एक भयंकर रूप धारण कर लिया है, वह दूर हो जाये, तो इसका एकमात्र रास्ता यह है कि आप इन दोनों कमीशनों के फैसलों को जल्द से जल्द लागू करें और जो लोग दोषी पाये गये हैं उन्हें सजा देने की व्यवस्था की जाये। मुझे ऐसा लगता है कि आज देश के अंदर कमीशनों की बाढ़ जैसी आ गई है। तो मैं यह निवेदन करना चाहता हूँ कि अगर इन कमीशनों के फैसलों को कार्यान्वित नहीं किया जायेगा तो हिन्दुस्तान के अंदर भ्रष्टाचार कम करने की जो बात सरकार कहती है वह कम नहीं हो सकती है। जनता के दिल में जो गलत काम करने के संबंध में डर है वह हमेशा के लिये समाप्त हो जायेगा अगर आप इन कमीशनों के फैसलों को लागू नहीं करते।

इसलिये मेरा सरकार से यह निवेदन है कि बिहार के अंदर जिन कमीशनों को आपने बहाल किया है और जिन्होंने अपने-अपने फैसले दिये हैं, आप उन फैसलों को लागू करने की व्यवस्था करें और जो दोषी लोग हैं उन्हें

दंड देने की व्यवस्था करें। अगर आप इसी तरह की बात करेंगे तो देश के अंदर तो जो भ्रष्टाचार इस समय फैला हुआ है उसमें कमी आ जायेगी। मैं जानता हूँ कि इस देश के अंदर जो वर्तमान अर्थ-व्यवस्था है, उस व्यवस्था के अंदर भ्रष्टाचार को निर्मूल नहीं किया जा सकता है, लेकिन फिर भी जो यह इन्क्वायरी कमीशन ऐक्ट है उसके जरिये कुछ काम किया जा सकता है और भ्रष्टाचार में कुछ कमी की जा सकती है लेकिन मैं फिर यही कहना चाहता हूँ कि जो कमीशन बहाल किये गये हैं, उनके फैसले लागू किये जाने चाहियें।

उपसभाध्यक्ष महोदय, मुझे ऐसा लगता है कि इस देश में एक यही कानून नहीं है, इस तरह के बहुत से कानून हमारे देश में पास हो गये हैं और आज स्टैच्यूट बुक भरे पड़े हैं। इस तरह के बहुत से कानून पास हो गये और आज उन कानूनों का कोई अर्थ नहीं रह गया है तथा व्यावहारिक जीवन में कोई अर्थ नहीं रह गया है। उसी तरह से यह जो हमारा इन्क्वायरी कमीशन ऐक्ट है, वह भी वैसा ही रूप धारण करने जा रहा है क्योंकि इसमें कोई व्यावहारिकता नज़र नहीं आती है। जब तक आप दोषी के संबंध में दंड की व्यवस्था नहीं करेंगे तब तक इन कमीशनों के फैसलों का कोई अर्थ नहीं होगा। ये कमीशन जो रिपोर्ट या फैसला देंगे वे केवल अलमारियों की शोभा बढ़ाने के लिये हो होंगे, जब तक आप उनको कानूनी रूप देने की व्यवस्था नहीं करेंगे।

इसलिये मैं यह कहना चाहता हूँ कि अगर इस कानून से कुछ भी फायदा हो सकता है तो तभी हो सकता है जब आप कमीशनों को बहाल करते हैं तो जो उनकी रिपोर्ट होती है उनको भी लागू करें और इस चीज़ में तत्परता दिखलाने की ज़रूरत है। इसलिये मैं अंत में यह निवेदन करना चाहता हूँ कि जो अथ्यर कमीशन और मधोलकर कमीशन बहाल किये गये थे और जो उन्होंने अपनी-अपनी रिपोर्ट दी है, उसको आप लागू करने की व्यवस्था जल्द से जल्द करें।

SHRI K. CHANDRASEKHARAN : Mr. Vice-Chairman, Sir, hon. Members of this House from practically all sections have pointed a very dark picture in regard to the state of corruption and various other types of illegal activities that exist in the national and political life of this country, and also the administration of this country. Now, Sir, this is not a phenomenon which is peculiar to this country. Particularly in the twentieth century and after the Second World War, we have seen in the aftermath of the post-war years large-scale corruption in various nation States of the world. Particularly in the Western and European countries this problem has been attempted to be tackled by various legislative and administrative measures. It will be possible, Sir, under a dictatorship to completely eradicate corruption. But in a State of Democracy corruption appears to be a part and parcel of democracy. It may be possible to lessen the the state of affairs in regard to corruption and illegal practices and activities, but it will be rather very difficult to completely eliminate and eradicate corruption altogether unless you eradicate democracy itself. But at the same time, Sir, it is necessary that we should be able to see that standards of character and morality are kept in the nation. There has been a fall of standards of character and morality in the nation as a whole unfortunately, particularly in the era after independence, and it is not very surprising because it is only after independence that we have been able to take care of ourselves. It was therefore right that as early as in 1952 this parent enactment in the Commissions of Inquiry Act (No. 60) of 1952 was legislated upon by Parliament.

Years gone by have shown that the Commissions of Inquiry Act has been useful and purposeful to highlight some of the difficulties that the nation has faced, to show to the nation as a whole, some of the opportunities of corruption and malpractices that individuals and industrial houses have unfortunately indulged in during their public or industrial life but I do not think, Sir, that the provisions of this amending bill are altogether very constructive. It is necessary that this amending Bill should be there. There are procedural difficulties and these procedural difficulties were left by Government to the Law Commission to consider. I thought at first that the Law Commission had just examined what was referred to them

(Shri K. Chmdnsekharan.) by the Government in regard to procedural matters and given their opinion in their Report but (am surprised to find in the Statement of Objects and Reasons appended to this Bill that the Law Commission none the less had a comprehensive investigation into the provisions of the parent enactment and these are the recommendations that the Law Commission has made, [am not sure whether the Law Commission has fulfilled and discharged its responsibilities and duties in the way in which this high-powered Commission should and could. The Law Commission has gone into certain procedural matters and suggested certain remedies for the purpose of more effective working of the provisions that already exist today.

[MR. DEPUTY CHAIRMAN IN THE CHAIR] Let us take for example the provisions of section 3 of the parent enactment. Section 3, subsection(1) of the parent enactment is rather very vague. It states that the Government may appoint a Commission of Inquiry if it is necessary so to do in respect of a definite matter of public importance. Government should also appoint a Commission of Inquiry if a Resolution to this effect is passed by the Legislative Assembly or by the House of the People. We have seen, particularly during the last few months, that the provisions of section 3 have been very much misused, particularly in my State of Kerala. The Provisions of this Act have been used for political purposes. Of the fourteen Ministers in the last United Front Government in Kerala ten were subjected to an Inquiry under the provisions of section 3(1), one firstly by an executive order of Government and nine subsequently by Resolution passed in the Legislative Assembly. If a Resolution is passed in the Legislative Assembly it is a must so far as the Government is concerned; it should appoint a Commission of Inquiry. We have found in the case of Kerala that in regard to the first executive order of the Government in respect of a particular Minister where the matter went to the High Court, the High Court of Kerala quashed the order under section 3(1) of the Commissions of Inquiry Act on the ground that the order has been issued by Government absolutely *mala fide*. This state of affairs has got to be remedied, particularly so because we have got to legislate in terms

of the existing circumstances and possible future circumstances and of the fact, the undeniable fact, that the pattern of Governments the various States in the country and possibly in the Centre from 1972 onwards, would be on the basis of United Fronts and coalition governments. Our Constitution and the provisions thereof and the various legislations that we have made so far are on the basis of the concept of a single majority party governing this country I have no doubt to submit before this hon. House that for decades to come the various States in the country and probably the Centre also would be in the hands of United Fronts and coalition governments. Every coalition government is liable to be broken down on the basis of certain legislative lacuna in a legislative provision which is not suited to the circumstances and section 3(1) of this enactment, I submit, can be used as a weapon in the hands of a United Front Chief Minister for the purpose of maligning his brother Ministers. Either article 164 of the Constitution would have to be amended or the provisions like this would have to be amended. As to what should be amended—is a matter for Parliament to ultimately decide. I submit, Sir, that very serious objections can be taken to the manner in which section 3(1) is now worded because the entire thing is so vague. It is not possible to know on what basis a Commission of Inquiry should be constituted. There are no objective standards or criteria laid down in section 3(1). Even the expression 'public interest' is not there. The very limited wording of the section is only for the purpose of seeing as to whether it is necessary or not, as to whether it is a definite matter of public importance or not, as to whether a Commission is to be appointed or not. The appointment of a Commission in many cases will undoubtedly be a definite matter of public importance and the question of necessity is something dependant upon the subjective satisfaction of Government because there are no objective standards or criteria laid down in section 3(1). I thought that these fundamental aspects would have been gone into by the Law Commission, the high powered body that it has been, but I am very sorry to state that the Law Commission particularly during the last two years, has not been able to discharge its duties and responsibilities and many of the Reports of the Law Commission that I have been

able to read and go through are in such a scanty and vague manner, in such an un-useful manner, that the Law Commission today as it exists is not serving the very high purpose that it had served in the very few years immediately after the Constitution.

Another very important thing that we have got to see incorporated in an Act of this nature is some sort of follow-up fiction. When follow-up action is mentioned it is often stated that it is already there in many of the provisions of the various other enactments, that criminal cases can be filed and that there methods of political action can be taken, if he is a Minister who is the subject of a Commission of Inquiry. Even though there are various other provisions and there are various other modes of political action I am of the view that a Commissions of Inquiry Act, particularly to suit the conditions in the country and to answer the necessities of this country, should be more or less a self-contained enactment. In a self-contained enactment it is absolutely necessary that there should be provision for follow-up action.

Another very important thing is what exactly should be done when there is a pending inquiry. The inquiry may be in respect of many matters, in respect of various types of persons who are connected with public affairs but the fact that there is nothing in the provisions of this enactment or in any other enactment or in the Constitution or by way of norms set up by State Governments and the Central Government as to what exactly should be done during a pending inquiry has created difficulties in the past. I can state various instances but I would state only one instance of a former Union Finance Minister who was subjected to an inquiry under the Commissions of Inquiry Act in regard to the matters he had dealt with and after the Report was obtained on the basis of certain observations contained in the Report of the Inquiry Commission the Union Finance Minister at that time had to resign but he continued in office during the Inquiry. Many other Ministers in various other States have continued in office during inquiry under the Commissions of Inquiry Act. I do not know whether provisions in this regard could be statutorily made, but certainly in the interests of the sound working of the

Commissions of Inquiry Act and the moral purpose which it should answer, it is necessary that the Central Government should take up this matter with the State Governments and formulate agreed points as to what should be done in regard to various types of public men, be they Ministers, be they heads of political parties or be they other types of public men. Whether it would not be better if they withdrew from the post during the pendency of any enquiry under the Commissions of Inquiry Act.

I do not propose to make further points at this stage. I would only state, not as a criticism, but only as a matter of fact that this Bill, a copy of which has been given to us, is supplemented with a sheet of amendments which are ten in number. I do not think that these amendments are in any way justifiable, because they are amendments for the purpose of printing mistakes. It is very difficult to incorporate all these printing mistakes into the draft Bill before us and would particularly appeal to those who are in charge of printing that this sort of large number of printing mistakes should be avoided in Bills which are supplied to Members of this House and the other House.

Many points that I have raised are those which are not exactly covered by the amending Bill, but are matters which ought to be investigated in regard to the provisions of the parent Act and I would, therefore, suggest to the Joint Select Committee that they should not only go into the draft Bill but also into the provisions of the parent enactment itself and find out what exactly are amendments of a fundamental nature that are necessary for the better implementation of this useful enactment. Thank you.

SHRI CHITTA BASU (West Bengal) : Mr. Deputy Chairman, Sir, now we are discussing the Commissions of Inquiry (Amendment) Bill, which is to be further discussed in a Joint Select Committee. We naturally in this House are discussing it with the object that the suggestions of proposals which are being made now will be given careful consideration by the Joint Select Committee and they will produce a report incorporating those suggestions.

As regards the basic principle underlying the Bill I think there are no two opinions, but the very object with which this kind of

iShri Chitta Basu.]

commissions have been set up in the past or may be set up in future, I think, cannot be fully served if they are to function under the provisions of this Act. Sir, you know today several commissions have been set up under this Act on the charges being discussed by Parliament or by the State Legislatures against some people or against some officials or against some industrial houses. The charges relate to misuse of power or abuse of power or on an allegation of abuse of power by public men. In this respect it has to be borne in mind that no such abuse of power or misuse of power can be done by any person in public life or anybody in the industrial realm, unless the Government of the day are also willing partners. In the case of men in public life, there have been commissions, as has been referred to by the previous speaker like the Iyer Commission or the Mudholkar Commission. Those commissions were set up to go into allegations against persons in public life. They were running the Government and they were holding high offices in the administration of the State. Similarly, Commissions have been set up against certain industrial houses, but all those allegations of misuse of power or abuse of power are in relation to certain administrative lapses and irregularities of the Government and the Government cannot remain outside the scope of the Commission. A basic lacuna in the Act is this. If a commission has to be set up under the provisions of this Act, a Resolution either of Parliament or of a State Legislature is necessary. Naturally unless Parliament is seized or unless the State Legislature is seized of such allegations, no action is likely to be taken under the provisions of the Act. Even after such a cumbersome process or completing the procedure as laid down—which means that a resolution has to be passed by the Legislature of a State or by Parliament for the setting up of a commission—in the matter of framing the terms of reference of the commission, it is ultimately the Government which is empowered, which is authorised to do it. As I said earlier, it is not possible for this kind of abuse or misuse of power unless the Government is willy-nilly connected with it. They also come in that sphere or orbit. That being the case, the Government becomes an intervening factor in the matter of framing the terms of reference.

In this connection I want to draw your attention to the recent Commission set up against the Birla houses. In the course of the discussion, it was pointed out by many Members that it was apprehended that the terms of reference would be so framed that they would be watered down and much diluted. And that has come true. Even in the framing of the terms of reference of the Commission of Inquiry, which is going into the allegations against the Birla houses, to my mind, to a very large extent they have been diluted and watered down. All the allegations which have been brought before this House are not likely to be covered to the fullest extent and in all their ramifications by this Inquiry Commission. What I want to drive at is this. It is ultimately the Government, which is also a party to the misuse or abuse of power by men in public life, which decides it. It is the Government which ultimately decides in the framing of the terms of reference.

Again, if the commission completes its work and makes certain recommendations that certain measures are to be taken, they cannot *suo motu* take action. It is again the Government which will decide whether prosecution has to be launched against those persons against whom the commission was set up. Then, again, the Government becomes the ultimate authority in the matter of deciding whether they would launch prosecutions or not. Here, Sir, the accused himself becomes the prosecutor. The accused himself becomes the judge. Therefore, if we really want that abuse of power or misuse of power should not be allowed to continue, this should be stopped and the kind of commission, as contemplated under the Act, is not going to fully serve the purpose. It can under the provisions serve the purpose partially if the Commission is empowered to go to the *ccum suo matu* without referring the matter to the Government of the day as to why this particular accused person or particular persons against whom there are *prima facie* cases, which have been found out by this Commission, cannot be prosecuted directly by the Commission. Therefore, Sir, if the underlying principle behind this Bill is to check corruption on the part of persons who are in high office, who are in public life, I think there should be fundamental changes in the drafting of the Bill itself.

The hon. Minister has been pleased to remark that the Law Commission went into the matter and they recommended certain proposals and those proposals have been incorporated in the body of the Bill. I do not deny that the Law Commission did go into the matter and they made certain proposals, but those proposals are more or less of a technical nature or of a legal nature and the political ramification of the whole question of corruption has not been gone into; and unless this is gone into in all its aspects, in all its implications, the basic objective for which this kind of Commissions is set up is not going to be fulfilled even to a small extent. Therefore, Sir, when this Bill is considered by the Joint Select Committee, I think this proposal of mine to empower the Commission itself to launch prosecution, once some *prima facie* case is proved, should be given consideration so that the objective of the measure can be partially met.

Again, it was referred earlier that the Birla houses have already shifted or removed very important documents from their offices in Calcutta. It was quite a known fact, because when the particular proposal of setting up a Commission against the Industrial House was discussed, some of the hon. Members expressed the apprehension that attempts were on to remove or to destroy certain very valid and certain very important documents. It is a matter of regret that the Government, while setting up such a Commission, did not take sufficient precautionary measures to prevent the Birlas from removing all these important documents. But it has come true because of the lack of vigilance on the part of the Government, and from this am I to conclude that they are not even today very serious about the Commission's work ? In this respect the Government owes an explanation to the House as to why and under what circumstances Birlas were enabled to remove these very important documents which are very necessary in the matter of conducting the enquiry into the allegations which were raised on the floor of the House. Therefore, I think even at this late stage Government, while they will be replying, should also explain and make a statement showing under what circumstances and under what conditions the Birla house could remove those important documents, and whether the Government can give an assurance to the

House that the Birlas would not be allowed to remove their head office from Calcutta because that results in the deterioration of the employment potential of the State, that even creates tension in the industrial life, and that is not desirable at this stage; and Government are bound to give that reply because West Bengal is now under their rule, under President's rule.

MR. DEPUTY CHAIRMAN : The Minister.

SHRI T. N. SINGH (Uttar Pradesh) : I want to say something.

MR. DEPUTY CHAIRMAN : We have exceeded the time already.

SHRI T. N. SINGH : I do not think we should be very restrictive in regard to Bills.

MR. DEPUTY CHAIRMAN : Only half an hour was allotted to this Bill and we have taken nearly three hours. You speak.

SHRI T. N. SINGH: Mr. Deputy Chairman, I have been a member of more than one Commission of Inquiry and from experience I can say that some of the provisions that are being made in this amending Bill are quite justified. For instance, working as a member of the Press Commission I found that the Commission could not summon a witness except within a certain radius as provided under the Civil Procedure Code. That was a serious lacuna in the Act. This was discovered in 1953 and it is 1970 today. After 17 years when some Law Commission has reported, we are going to make this amendment and in the meantime the purpose of the Commissions of Inquiry Act has been defeated time and again.

Mr. Chitta Basu was quite right when he was saying that you make investigation, time is taken, files disappear, witnesses disappear, and you are not able to reach any conclusions in time. Therefore, even today I am doubtful whether the provisions are strong enough or stringent enough to ensure the presence of a witness or the production of papers, files, etc., as required. I feel that the wording of the clause needs further strengthening. There are lacunae and they will be taken advantage of by industrialists who have got great resources in regard to legal advice, etc.

[Shri T. N. Singh.]

The second point that I want to say is that I entirely disagree with Mr. Chitta Basu when he «ay? that the Commission should also punish people against whom they have enquired. It is entirely wrong in principle. It is absurd that those who make an enquiry should themselves be also the judges in regard to the same matter. That should not be done. Their job is that of an investigator. Having done that job, they should leave it to others to come to a judgment in regard to punishment on the records available. When a recommendation has been made by such a Commission after investigation, who should be the judge? Is the department of Government capable of a judgment when it may itself be involved? How are you going to give protection against irrational judgment by Government? That is the point which must be considered. I have found that whenever a Commission reports, departmental officers sit in judgment on its report, and they take a long time to come to conclusions. I think it is clear that whatever provisions we may make, the responsibility will remain with the Government. That we cannot escape. The Government will have to take the responsibility to implement the recommendations of the Commission. The difficulty is that in implementing that the administrative machinery of today is very, very inefficient, and I am really worried about it. We have been passing laws, but how are they going to have any effect if the machinery is quite weak? As a member of the Administrative Reforms Commission I have been going from department to department and I can say with some authority that there has never been such loosening of our administration as it is today. We are in a very bad state of affairs. Orders are issued and they take months to implement. They lie in the archives of the Government departments. So something has to be done to see that implementation is speeded up, and recommendations made in that regard should not be left to the judgment of the department itself which is interested in delaying. My complaint as a member of the Administrative Reforms Commission is that when we make recommendations for gingering up these departments, they sit in judgment over those recommendations. Who are they to sit in judgment? We have found fault with the administration, and those departments cannot sit in judgment

over the findings made by an independent Commission, a high-powered Commission like ourselves. Therefore, Government, I think, should see to this. The Home Ministry is the last Ministry to do it. They are very much interested in the *status quo*. They are the administrative Ministry. They want that the *status quo* should continue. That is the general tendency. How are we going to solve this problem? I am afraid the amending Bill does not solve that problem. We shall have to find some agency other than the interested departments to sit in judgment over the report of a Commission of Inquiry. Yet it will be a part of the Government. It cannot be a judicial body as contemplated by Mr. Chitta Basu. On that I am very clear.

The third and the last point that I would like to stress at this stage is that we should not try to confuse this Bill, as the speaker before me on the other side seemed to, with the Commissions of Inquiry into the conduct of Ministers. For that we will have a special law like the Lokpal and Lokayuktas Bill and they will be taken care of under that. 'No Commission of Inquiry can do that job. It was wrong that in Kerala they did it when they have got a law and they have already appointed a Vigilance Commission, a kind of Ombudsman, to look into the conduct of officials, whether they are Ministers or others. That kind of specialised job should not be left to an ordinary Commission of Inquiry. It is the job of a permanent organisation to look into corruption or ensure honesty, at higher places. That is a specialised job. It cannot be entrusted to any Commission of Inquiry. Therefore, an earlier speaker who said this was not relevant to the Bill under consideration.

With these words, I close my observations.

श्री उपसभापति : राजनारायण जी, क्या आप भी बोलना चाहते हैं?

श्री राजनारायण : पहली मंता तो आप ऐसा पूछ रहे हैं।

श्री उपसभापति : आपकी पार्टी से पहले ही बोल लिए हैं। आपने नोट में लिखा है 5 मिनट तो पता नहीं आपका 5 मिनट कितना होता है।

श्री राजनारायण : हमने जो लिखा है उसी का पालन करेंगे ।

SHRI NIREN GHOSH (West Bengal) : Usually, after Mr. Rajnarain speaks, I will speak.

श्री राजनारायण : श्रीमन्, श्री टी० एन० सिंह चले गये। वास्तव में मैं उनकी भावनाओं में अपनी भावना मिलाना चाहता हूँ। जैसा कि श्री कृष्ण कान्त ने पहले कहा था, वह हमारी राय से सहमत हैं कि इस प्रकार के इन्क्वायरी कमीशन के अमेण्डमेण्ट विधेयक से कुछ होने वाला नहीं है। मैं उसी जगह पर हूँ। चूंकि हमारे मित्र भूपेश गुप्त और नीरेन घोष बैठे हैं, उनको बता दूँ, एक बार लेनिन ने कहा था कि इस पूँजीवाद समाज में जितने भी कायदे कानून बनेंगे उन सबका फायदा वही पूँजीपति लेंगे, सामान्य जनजीवन उससे लाभान्वित हो ही नहीं सकता है। तो श्रीमन्, मैं आपके द्वारा यह कहना चाहता हूँ कि यह विधेयक सरकार वापस क्यों न कर ले, क्यों सदन का समय नष्ट हो, श्री के० के० शाह जी कुछ हाट सचिग करें।

श्री उजसभापति : यह सजेशन अब ला रहे हैं।

श्री राजनारायण : सजेशन मौजूद है; सामयिक है। मेरा यही सुझाव है इसको वापस ले लें माननीय मंत्री जी।

मैं आपके द्वारा एक-दो उदाहरण रख दे रहा हूँ। श्री के० के० शाह से विशेष रूप से निवेदन करूँगा, वह भी सोचें। श्रीमन्, कल प्रधान मंत्री जी ने एक दावत दी थी, उस दावत में सुप्रीम कोर्ट के चीफ जज आए, उसमें राष्ट्रपति थे, उपराष्ट्रपति थे, स्पीकर थे। मैं पूछना चाहता हूँ आज कि जब सुप्रीम कोर्ट में राष्ट्रपति के विरुद्ध चुनाव याचिका दाखिल हो, उस समय प्रधान मंत्री को दावत में चीफ जज को बुलाना कहां तक उचित है। जो भी संसदीय और जनतन्त्रीय प्रणाली और परम्पराओं के जानकार हों, वे जरा हमको बतायें...

श्री के० के० शाह : एक मिनट मुझे दे सकते हैं। वह सिटिंग जज नहीं हैं बेंच में। तब तो कोई हर्ज नहीं है।

श्री राजनारायण : ठीक है। मैं जानता था कि सरकार की ओर से यहाँ जवाब आयेगा कि चीफ जस्टिस हिदायतुल्ला साहब उस याचिका को देख नहीं रहे हैं, यह बिल्कुल लगे, लचर और हल्का सा जवाब है। हल्का सा जवाब है। मुझे बहुत ही दुःख हुआ। पहले तो प्रधान मंत्री को सुप्रीम कोर्ट के चीफ जज को बुलाना नहीं चाहिये था और अगर उन्होंने बुलाया भी, तो चीफ जस्टिस को नहीं जाना चाहिये था। यह इधर कुछ टेन्डेन्सी चल गई है; इससे पहले हम इस प्रकार की दावतों में जजों को नहीं बुलाते थे। जज लोग जाते भी नहीं थे। यह स्थिति दस साल पहले थी।

SHRI T. N. SINGH : You are right. I think the members of the Union Public-Service Commission and Judges are not usually taking part in such things.

श्री राजनारायण : बिल्कुल यही एक प्रैक्टिस चलती थी। सरकारी मंत्री जज लोगों को दावत में बुलाते ही नहीं थे। मगर प्रधान मंत्री की ओर से राष्ट्रपति, उपराष्ट्रपति, स्पीकर और चीफ जज को दावत में बुलाया गया है। मुझे भालूम नहीं, मैंने किसी अखबार में तो पढ़ा नहीं, लेकिन हमने कल ही इसमें गम्भीर प्रतिक्रिया देखी: कि अगर जुडीशरी को करप्ट करने की इस तरह से कोशिश की गई तो एक नहीं अनेक इन्क्वायरी कमीशन बनें, उनसे कोई फायदा नहीं...

SHRI AKBAR ALI KHAN (Andhra Pradesh) : 11" he is invited to dinner or lunch, is he corrupt and is he not fit to be a Judge?

श्री राजनारायण : श्रीमन्, चूंकि हमारे मित्र अकबर अली साहब इस सवाल को उठा रहे हैं इसलिए मैं यदि जवाब न दूँ तो आपको कुछ दुःख होगा। मैं अकबर अली साहब को बताना चाहता हूँ कि वह पार्लियामेन्टरी

[श्री राजनारायण]

प्रीविलेज के जानकारी हैं, ब्रिटिश पार्लियामेंट में अब भी इस बात को मजबूती से माना जाता है कि किसी सरकारी कमेटी में पार्लियामेंट का मेम्बर नहीं लिया जायेगा और लिखा हुआ है, मैं कोट कर सकता हूँ वह वाक्य : कि ब्रिटिश पद्धति में इसको एक इन्डियनमेन्ट माना जाता है और यह डिस्क्वालिफिकेशन माना जाता है; क्योंकि इस प्रकार सरकारी कमेटी में संसद् के सदस्यों को रख कर उनको भ्रष्ट कर सकते हैं अपने प्रभाव से ...

श्री अकबर अली खान : कमेटियों से ताल्लुक नहीं। इन्वीटेशन की बात है।

श्री राजनारायण : अकबर अली खान साहब, कुछ गम्भीरता से बात कीजिए, हल्केपन से नहीं। मैं अकबर अली खान साहब के बारे में गमझता हूँ कि वह देश को बनाने के लिए चिंतित रहते हैं। कभी लाबी में मिलते हैं तो कहते हैं भाई राजनारायण यह क्या हो रहा है। कुछ मुझे लगता है यह भीतर से चिंतित रहते हैं। तो मैं जानना चाहता हूँ इतनी पुरानी पद्धति ब्रिटेन की है, मगर ब्रिटेन में यह हिम्मत नहीं आयी और यहां विदेशों में भेज कर, सरकारी कमेटियों में जगह बना कर, सारे प्रकार से लालच देकर, क्या संसद् सदस्यों की साइड नहीं बदली जा रही है। अजीब हालत है, इसको अकबर अली साहब ध्यान में रखें। श्रीमन्, हमारा माथा खटका जब हमें यह खबर लगी, हमने सोचा हम सवेरे ही सवाल उठाएँ कि वह कौन-सा त्यौहार था, कौन-सा पर्व था, जिसमें प्रधान मंत्री चीफ जस्टिस, सुप्रीम कोर्ट को बुलाएँ, उसी के साथ-साथ राष्ट्रपति, उपराष्ट्रपति और स्पीकर को भी बुलाएँ। यह कोई मामूली-सी बात नहीं है। यह भोजन की प्रथा सारे देश को खा रही है। अभी अभी हमारे मित्र मधु लिमये ने राष्ट्रपति को एक मेमोरेण्डम दिया; क्योंकि राष्ट्रपति राज्य सभा में 5 सदस्यों को मनोनीत करेंगे, मनोनीत करने के लिये संविधान में चार आधार हैं : लिटरेचर, साइन्स, आर्ट एण्ड सोशल सर्विस। हमको

हैरत है कि हमारा देश कितने नीचे जा रहा है। राष्ट्रपति ने जिन लोगों को नामिनेट किया उनमें से श्री रामचन्द्र जी, श्री हरिवंश राय "बच्चन" मैं उनकी इज्जत करता हूँ, हिन्दी के कवि हैं, प्रोफेसर नूरुल हसन ...

श्री उपसभापति : आपका समय हो गया।

श्री राजनारायण : ये कांग्रेस पार्टी के मेम्बर हो गये।

श्री शीलभद्र याजी (बिहार) : डिप्टी चैयरमैन साहब, इनका कोई विषय नहीं है यहां। कोई लगाम होनी चाहिये उनके ऊपर।

श्री राजनारायण : इन्हीं बातों को कह-कह कर मैं अर्ज कर रहा हूँ कि इस विधेयक को वापस लिया जाये।

4 P. M.

श्रीमन्, ये तीन आदमी कांग्रेस पार्टी में चले गये हैं। मैं कहना चाहता हूँ कि जिस दिन राष्ट्रपति के नामिनी राज्य सभा के सदस्य कांग्रेस पार्टी में चले गये, रूलिंग पार्टी में चले गये, उस दिन से उनके नामिनेशन की अवधि समाप्त हो जानी चाहिये।

श्री उपसभापति : यह इन्क्वायरी कमीशन क्या कहता है ?

श्री राजनारायण : श्रीमन्, आपने मौजूं सवाल उठाया है और उसका उत्तर देना हमारा फर्ज है। इस इन्क्वायरी कमीशन का क्या मतलब है। मैं यह कहना चाहता हूँ कि आज इस देश में जो वातावरण है उस वातावरण में मंत्री जी को इस इन्क्वायरी कमीशन ऐक्ट को वापस ले लेना चाहिये। मैं आपसे यह कहना चाहता हूँ कि इसे ज्वाइन्ट सिलेक्ट कमेटी के पास न भेजा जाये; क्योंकि अगर इसकी कमेटी बैठेगी तो उसमें समाज का रुपया खर्च होगा और उसके बाद इसकी मोटी-मोटी रिपोर्ट पुस्तक के रूप में तैयार होगी और उसके बाद इससे कोई नतीजा निकलने वाला नहीं है।

श्रीमन्, मैं आपके सामने दो-चार उदाहरण रखना चाहता हूँ और नेता सदन श्री के० शाह से निवेदन करना चाहता हूँ कि वे इस बारे में सोचें कि जहाँ पर इस तरह की स्थिति है वहाँ पर कितना बड़ा ज़बर्दस्त आपरेशन करने की ज़रूरत है।

मैं एक बात और कहना चाहता हूँ। देखा जाये आज सभी लोगों ने समाचार-पत्रों में पढ़ा होगा कि प्रधान मंत्री महोदया ने श्री चरण सिंह को बुलाया है यह कहने के लिये कि तुम को 28 मेम्बरों को उत्तर प्रदेश की कैबिनेट में रखना है। जिन-जिन लोगों को हमने लालच दिया, सी० बी० गुप्ता की पार्टी से हटवाया यह आश्वासन देकर कि जब मंत्रिमंडल बनेगा तो तुम्हें उसमें रखा जायेगा। इस बात को प्रधान मंत्री ने श्री चरण सिंह से कहा कि तुमको इन लोगों को कैबिनेट में रखना है। श्रीमन्, श्री चरण सिंह ने साफ कहा कि हम डा० सीताराम को जिनके बारे में करप्शन की रिपोर्ट हमारे पास है, उनको नहीं रख सकते हैं। मगर प्रधान मंत्री श्री चरण सिंह के ऊपर दबाव डाल रही हैं कि सी० बी० गुप्ता के मंत्रि परिषद् से जिन मंत्रियों और विधायकों को हमने लालच देकर अपनी तरफ किया है, उन्हें तुमको मंत्रि-परिषद् में रखना ही होगा। तो मैं यह जानना चाहता हूँ कि क्या यह प्रधान मंत्री का कर्तव्य है। जो प्रधान मंत्री इस तरह का कुकर्म करे, क्या अकबर अली खान साहब, वहाँ पर कोई कमीशन काम कर सकता है? इसलिए मैं अपने मित्र से कहना चाहता हूँ कि इस तरह के ब्रिल को रखने की ज़रूरत नहीं है। अगर आज ज़रूरत है तो इस बात की है और मैं यह ज़िम्मेवारी के साथ कहना चाहता हूँ कि श्री फ़ख़रुद्दीन अली साहब के बारे में एक इन्क्वायरी कमीशन बिठलाया जाये जो यह देखे कि गोहाटी में रिफ़ाइनरी की ज़मीन किस की थी। 25 लाख रुपये की फ़ख़रुद्दीन अली साहब ने अपनी ज़मीन दी और उस समय आसाम में ज़मीन के ऊपर सीलिंग लगी हुई थी और कोई भी आदमी 150 एकड़

से ज्यादा ज़मीन नहीं रख सकता था। तो मैं यह जानना चाहता हूँ कि श्री फ़ख़रुद्दीन अली साहब के पास वह ज़मीन कहाँ से आई, किस ने वह ज़मीन बेची और किसको बेची; क्या इसके बारे में कोई जांच-पड़ताल होगी?

अभी हमारे मित्र श्री टी० एन० सिंह जी ने जो कि बुजुर्ग हैं, उन्होंने कहा कि इसमें मंत्री वगैरह को लाने की ज़रूरत नहीं है। मैं सफ़ाई के साथ कहना चाहता हूँ कि सारी इन्क्वायरी कमीशन समाप्त कर दी जानी चाहियें; क्योंकि इनकी ज़रूरत नहीं है। आज हर मंत्री को देखा जाये वह किस तरह से डोंगरे का बालामूत पीकर मोटा हो रहा है और आज उसका रहन-सहन किस तरह से बढ़ गया है। यह सब कैसे हुआ, आज इस चीज़ को देखा जाना चाहिए और आज सबकी जांच होनी चाहिये। जितने भी राजनीतिक नेता हैं, उनकी भी आज जांच होनी चाहिये कि वे पहले किस जगह रहते थे और कैसा जीवन व्यतीत करते थे और आज किस तरह का जीवन व्यतीत कर रहे हैं और कहाँ पर रह रहे हैं। (Interruptions.) हम जैसे पहले थे, वैसे आज भी हैं।

श्रीमन्, मैं आपके ज़रिए इस सदन के सम्मानित सदस्यों से कहना चाहता हूँ कि आज हमारे देश में भ्रष्टाचार और पापाचार किस तेज़ रफ़्तार से बढ़ रहा है। तो मैं यह कहना चाहता हूँ कि आज केन्द्र के प्रशासन में भ्रष्टाचार की गंगोत्री और भ्रष्टाचार का कीचड़ जमा है। वह कीचड़ अब केवल पांव तक ही नहीं रह गया है, बल्कि नकुल तक आ गया है और इस भ्रष्टाचार की धारा में श्रीमती इन्दिरा नेहरू गांधी डूब रही हैं।

श्री उपसभापति : अब आप बैठ जाइये।

श्री राजनारायण : मैं आपकी आज्ञा को शिरोधार्य करता हूँ। आपने मुझे बोलने के लिये बुलाया इसके लिये मैं आपको मुबारकबाद देना चाहता हूँ और कहना चाहता हूँ कि मंत्री जी इस विधेयक को वापस लें और

[श्री राजनारायण]
 जहाँ पर नस्तर लगाने की जरूरत है अगर
 वहाँ पर नस्तर नहीं लगायेंगे तो काम नहीं
 चलेगा।

MR. DEPUTY CHAIRMAN : Niren Babu. Two or three minutes only.

SHRI NIREN GHOSH : The first point that I would like to make is about the inclusion of some such clause as the contempt of court clause in the Commission of Inquiry (Amendment) Bill. It is sought that the Commission enjoy that privilege. I think a Commission of Inquiry should not enjoy that privilege because very often from experience we know that the court utilises this provision in order to direct the whole machinery in its particular way to serve many a time the interests of particular parties that are appearing before the court.

SHRI AKBAR ALI KHAN : Then do not have a Commission. If a Commission is there, give them some respect.

SHRI NIREN GHOSH : Respect we give, but why add that clause. Suppose the Commission is not conducting well and somebody criticises the Commission, he will be hauled up before the Commission. Therefore, it should not be there.

In this Commission the Judges are there. We have known what has happened in the Pyare Lal case. The A. K. Sarkar Committee has already been appointed in the case of Birlas. I wonder whether anything will come out of it; I have grave doubts somehow or the other. The Public Accounts Committee and the whole Parliament discussed the matter but how Mr. Bhoothalingam got scot-free is very difficult for me to understand. Mr. Chandra Shekhar and Mr. Dharia are not here. I am very glad that after such a long time they have at least come round to my point on one thing. From the very beginning in this House I have been pressing for the setting up of a permanent Commission of Inquiry which can be seized of any and every scandal. The fear of exposure itself of the scandal will thereby curb these monopolists to some extent. I am afraid under this system, under this Constitution, under this Government no Commission of Inquiry or anything will ever be able to bring all the monopolists to book. It has never happened anywhere in the capitalist world j

and it will not happen here. Some time they may be hurt here or scratched there in a particular way. That is all. But if a standing Commission which could be seized of any matter, which would conduct examination: in public and not *in camera*, is there, the scandals will be exposed and this in itself will be a restraint over the corrupt monopolists. That is the only benefit that we would be deriving out of a permanent Commission.

My third point is the plea about the Press Council Act. The Press Council Act is no guarantee against the monopoly Press which has become a menace to this country. That is what I say. Sir, I have doubts whether the circulation figures given out by the big monopoly Press are at all correct. They are incorrect. Black market is indulged in the newsprint given to them. Cornering of advertisements, corruption in appointments in the press offices and many other things take place. For example, the circulation is only 30,000 while the circulation figures given are 40,000. So how do you check it?

So, I say that the Press also should be brought under this category, particularly the big sections of the monopoly Press. Otherwise, it will be very difficult. The setting up of a sort of newspaper corporation, as Mr. I. K. Gujral is thinking of to curb the monopoly Press, is moonshine, pure and simple. It may serve some other purpose, not this. There are many skeletons in the cupboard. If necessary, in future we will bring the skeletons from the cupboard one by one. The monopoly Press has been deliberately carrying on an unfounded, groundless, hate campaign against the democratic parties. They are doing it deliberately, without any basis whatsoever. I am making this charge with full responsibility. So the Press also should come under the purview of any such standing commission of inquiry, in order to put some pressure, at least to put some fear into their hearts. There is no freedom of the Press as long as the Press remains in their hands. Every day they give some distorted version of the events occurring in the country. There is no objectivity. Deliberately they do it, as a matter of policy. So, the Press Council is no guarantee against such things. Therefore, I feel that the Press also should come under this and all the scandals of the monopoly Press should be

uneearthed. Otherwise we cannot deal with them. They are the sharks which are out to devour democracy in India and that is very near. So I warn the country as well as this Government.

SHRI BHUPESH GUPTA : Sir, only five minutes. You have given five minutes to each Member.

The first point that I should like to make is that the Government should ensure that the papers which the Birlas have removed from their headquarters in Calcutta are brought back to the same place and are under the vigilance of the Government. This is very important. I think the Government has ample powers to do so. If the Government thinks it does not have the power, let the Government come with a small Bill to acquire power in order to recover these documents. This is absolutely essential. I say this could not have taken place without the knowledge of the Central authorities. Therefore, it is the duty of the Central Government to recover those papers and keep them under surveillance of the Government, and ensure that they are placed before the inquiry commission. I hope the Birla Inquiry Commission will summon some of the Birlas, those who had actually been in charge of the offices, to declare on oath—I repeat, declare on oath—before the Commission as to which papers and what type of papers they had been removing from the head offices and other offices, within some specified time which the Commission may be pleased to mention. This also is very essential. Let the Birlas come and declare on oath that they had not done so, if they had not done it. If they commit any perjury they will be liable for necessary legal action. I should also suggest that certain steps should immediately be taken in order to ensure that papers are not removed or manipulated with a view to frustrating an inquiry. I do not know why the houses of the Birlas were not searched. They live in Calcutta, Bombay, Delhi and other places, and we have no knowledge that their houses have been simultaneously searched in all these places. Do I understand that the Birlas enjoy certain special immunities which are available to the diplomats of foreign missions in the country? If that is not so, the Government should explain why their houses have not been searched. That is one point

The second point is my friend, Mr. Rajnarain, has said many things, good things. I agree any allegation should be gone into. But I think that when we are discussing this question, we should not forget Mr. C. B. Gupta also. Some years ago, this gentleman, Mr. C. B. Gupta, had a purse presented to him of the order of Rs. 65 lakhs on his 65th birthday. Even in Jawaharlal Nehru's lifetime—and surely he was greater than Mr. C. B. Gupta and lived 72 years—nobody had ever presented a purse of even Rs. 70,000 on his 70th birthday. Even Mahatma Gandhi did not receive such a birthday presentation. It was well-known in this House and elsewhere that the money came from Kanpur and other industrialists. But up to now the Government has not held an investigation. I would appeal to Mr. Charan Singh and others here especially Mr. Charan Singh, to institute a commission of inquiry under the Commissions of Inquiry Act into the allegations against Mr. C. B. Gupta of monumental corruption, especially with regard to the purse of Rs. 65 lakhs, the origin of this purse, the contributors of this purse and how the money was spent—this is very essential—along with other allegations that may be made.

I should also like another thing to be gone into by the Government. You know Sir, the Government is negotiating certain deals to buy Boeing planes. There was a competition between the Boeing and the Douglas planes. I have nothing to say with regard to one or the other. But I should like to know whether the deal has been transacted on the merit of the planes. I do not know why they did not buy the Soviet planes; I am not going into that at this moment. But even those who are friends of America should know that there was a competition between the Douglas Company—DC plane or whatever it is called; the idea has now been given up—and the Boeing Company. I am not an expert. But it has been brought to my notice by people that the matter has not been decided on the merits of the planes. Because of certain allegations and charges made against the agent of the Douglas Company here, the Douglas Company was struck off the list and their case was not considered. I do not know whether it is true or not. First of all, it was a competition between the two American companies and both of them were trying to corrupt and influence

[Shri Bhupssh Gupta]
people.

But what has shocked me is that the local agents of the Boeing Company are closely connected with the son of Mr. Morarji Desai, Mr. Kantilal Desai. And everybody knows that under-the-table transactions take place. It is also within my knowledge that in 1956 or so, Mr. Morarji Desai when he was in the United States of America, visited the Boeing concern and some sort of an understanding was arrived at, according to the report—the commission can find—in favour of the Boeing agents in this country. Now these are the allegations and charges brought to our notice. Mr. Deputy Chairman, you may ask me why I say such things. It is my duty to bring it to the notice of the House. I understand that the Boeing deal will fetch about Rs. 1 crore to those people indirectly or directly. Well, it may be that some amount may be given and certainly one of the beneficiaries will be the son of Mr. Morarji Dzsai, Mr. Kantilal Desai. Now I demand an inquiry into this matter as to how the competitive claims between the two aeroplane concerns were settled, whether any expert committee was appointed to judge the quality of the two planes from the point of view of Indian requirements and then it was decided, or whether advantage was taken of certain corruption charges against the Douglas Company agent here in order to see that no other claim except Boeing's was accepted. And that is how the matter was settled. There is some mystery over it. This is a serious matter.

MR. DEPUTY CHAIRMAN : You should finish now.

SHRI BHUPESH GUPTA : Yes, I am finishing. So, I bring this to your notice. I understand that an IAC officer went to the United States for negotiating and finalising the deal...

SHRI P. C. MITRA (Bihar) : But you yourself were against that company.

SHRI BHUPESH GUPTA : Yes, I am against that even now. I am against both. The whole thing should be reopened. I am against both and my suggestion was that the Soviet planes should be bought as they are better planes. But you did not accept it. There had been some charges on those people who had been indulging in

corruption on behalf of the Douglas Company and they should be given condign punishment, severe punishment. But at the same time simply making corruption charges against the Douglas Company does not settle the question of the quality of the DCs just as a corruption charge against some officers of a particular Indian factory say, the Hindustan Machine Tools would not settle the question of the quality of the HMT watches. These are things to be separated. No moderation should be shown whatsoever to the Douglas Company people. They should be penalised and punish* their case should be pursued. And I am glad that their case is being pursued. This is j one thing. But this should not be allowed i to be taken advantage of by another company in order to pass on money to certain Indians, agents or otherwise, directly or indirectly or you should not favour some of them or impose on our country certain more expensive planes, and so on. It should be gone into. I say, therefore, that the entire matter should be reopened. I would appeal to the Government, to the Minister of Civil Aviation in particular, not to finalise the deal, but to go, *de novo*, into the question and find out who the agents are, whether there had been any contact between Mr. Morarji Desai's son and the local agents of the Boeing Company, whether Mr. Morarji Desai visited the Company's office during his visit to the United States of America and gave certain assurances in favour of the purchase of the Boeing planes, whether the Government is in the know of certain allegations that it is feared that this deal has been conducted with a view to passing on some money to the wonderful son of Mr. Morarji Desai, Mr. Kantilal Desai. These should be gone into ...

MR. DEPUTY CHAIRMAN : Please finish now.

SHRI BHUPESH GUPTA : Before I sit down, Mr. Deputy Chairman, I should say that you have been good enough to give me a few minutes. These are the matters which should be gone into and that is why a permanent committee is needed. If I had a permanent commission of inquiry, then, I would have immediately gone to it and placed this matter before it and brought it to its notice. Vigilance Commission is no substitute for it. Monopolists are the biggest corruptors in public life. Monopolists are

the fountain source of corruption. Therefore, the time has come for the Government and others to consider how to improve this Bill, strengthen it, with a view to dealing with the kind of situation that is arising from time to time. Corruption must be struck hard. Malpractices must be struck hard. The sources of malpractices and corruption are the monopoly capital, their contact with the administration, with the ICS officers like Mr. Bhide who sells himself, to the eternal shame of our country, in high offices to the monopoly capital. That officer is a scoundrel, I say. That officer had the guts, the cheek, in almost a public meeting, to denigrate the public sector enterprises in our country while he himself was still the Chairman of the LIC. Such officers, such swindlers, in the category of the ICS, are still in the administration . . .

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, you must finish now at least.

SHRI BHUPESH GUPTA : I demand, Mr. Deputy Chairman, that this ICS gang should be hounded out of our public administration. The ICS gang as a tribe, as a section, is open to the charge of corruption, malpractices, double book-keeping, fraudulent dealings, swindling in the administration. And that is why I demand that so long as even one of them remains in key, high position, we can have no faith that any commission will be in a position to do any justice to the country. The ICS officers are saboteurs. They pass on information—everybody knows—to the big money; some of them are in direct league with the Birlas, the Tatas and other big monopolists of the country. The moment they retire, the moment the ICS officers retire, they are taken care of by these monopolists. Even some of them after their retirement still write on their name-plates, "So and so, I.C.S.". These are a degenerated bloc. I say from the democratic point of view these are a degenerated bloc. They should be hounded out of service in the interests of public administration. They are the men of Biju Patnaik. They are the men of the Tatas. They are the men of the Birlas. They are the men of the Thapurias. They are the men of the Chettiars. And so long as these people are in the administration, you cannot do anything. Thank you very much.

SHRI RAJNARAIN : Are they not the men of Indira Gandhi?

SHRI BHUPESH GUPTA : Well, they are appointed by Indira Gandhi. Criticise Indira Gandhi for that. I am joining you. I criticise the Prime Minister . . .

MR. DEPUTY CHAIRMAN : No more please. (*Interruptions*) Order please.

SHRI BHUPESH GUPTA : But the difficulty with my friend, Mr. Rajnarain, is that he strikes only at one target and that is a feminine target. But my target is different.

MR. DEPUTY CHAIRMAN : Order. order please.

श्री राजनारायण : वे सब को बनाती हैं, मगर आज वे सब पर चढ़ी हुई हैं। आज उनके नीचे सब हैं। वे प्रधान मंत्री हैं।

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRIK. S. RAMASWAMY) : Mr. Deputy Chairman, we had an interesting discussion on this amending Bill, and almost all Members agreed on the importance and the necessity of such a measure. The only thing is that some Members said that this should have been done earlier and some Members wanted to enlarge the scope of this Bill. During the discussion some Members made allegations against Ministers, officers and others. Many Members wanted a permanent commission to be set up. Setting up of a permanent commission is not the scope of this Bill and for that a separate Bill has to be brought. The Lokpal and Lokayuktas whom we are going to appoint now will be a sort of permanent commission where these allegations can be taken to. As I said in the beginning, after carefully considering the working of the 1952 Act we found certain defects and deficiencies, especially, the Press Commission complained of certain deficiencies. So, the matter was referred to the Law Commission and the Law Commission made this comprehensive suggestion for improving the procedure and various other things. We have adopted certain of the suggestions made by the Law Commission which are quite necessary for improving the working of the commission.

[Shri K. S. Ramaswamy! With regard to summoning of witnesses, taking of evidence and investigating of cases and for the speedy disposal of the work, we have made some improvements. Honourable Members have made certain suggestions which I hope the Joint Committee will take into consideration and incorporate whichever they agree to.

The honourable Shri Suraj Prasad said that imprisonment of two years mentioned in clause 10(a) is severe. He said that even in the Contempt of Courts Bill the punishment provided is only six months and so it should be reduced here also.

The hon. Member, Mr. Chandrasekharan, said that this Commission of Inquiry is used for political purposes and so he quoted certain instances in Kerala and wanted section 3 of the Commissions of Inquiry Act to be amended.

SHRI RAJNARAIN : The Bills is going to the Select Committee.

SHRI K. S. RAMASWAMY : Yes, yes. It is not the intention to use the Act for political purposes.

SHRI RAJNARAIN : That will do. ज्वाइंट सलेक्ट कमेटी में जाने का प्रस्ताव है, काहे अब इसमें इतना समय नष्ट कर रहे हैं?

SHRI K. S. RAMASWAMY : Yes. What all has been suggested, the Select Committee will take into consideration. This Commission is only a fact-finding body, and it cannot be made into a judicial one to decide on cases. The hon. Member, Mr. Chitta Basu, wanted this Commission to launch prosecutions if "*prima facie*" cases are made. It cannot be done by such Commissions. This Commission is only a fact-finding body, and follow-up action has to be taken by somebody else. The hon. Member, Mr. Bhupesh Gupta, and some others mentioned that Birla company is removing some of the files so that they will not be made available to the Commission. At present I can only say that we will look into this matter. Sir, whatever other suggestions have been made by the Members will be looked into by the Select Committee.

श्री राजनारायण : उन्होंने तो हमारा कोई जवाब ही नहीं दिया। मैंने फ़ख़रुद्दीन अली अहमद साहब के बारे में कहा था।

SHRI K. S. RAMASWAMY : I deny all the allegations made against Ministers and Secretaries and other officers.

SHRI BHUPESH GUPTA : I also mentioned about Mr. C. B. Gupta.

श्री राजनारायण : फ़ख़रुद्दीन अली अहमद का मामला रखिये, सी० बी० गुप्ता का मामला भी रखिये, इन्दिरा का भी मामला रखिये, भूपेश जी का भी रखिये, सब का रखिये।

श्री उपसभापति : राजनारायण जी, आप बैठिये।

श्री भूपेश गुप्त : राजनारायण को भी रखिये, मुझको भी रखिये।

श्री राजनारायण : जवाब मंत्री जी को देना चाहिये। हमने कहा कि फ़ख़रुद्दीन अली अहमद साहब को मंत्रिमंडल में क्यों रहना चाहिये। उन्होंने 25 लाख की ज़मीन बेची रिफ़ाइनरी को। तो उनके पास ज़मीन कहाँ से आई।

श्री उपसभापति : ठीक है, ठीक है, आप बैठिये।

श्री राजनारायण : इसका जवाब तो दिलाइये।

SHRI K. S. RAMASWAMY : All this can be looked into in the Select Committee as this Bill is going to a Select Comm

MR. DEPUTY CHAIRMAN : The question is :—

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to amend the Commissions of Inquiry Act, 1952, made in the motion adopted by the Lok Sabha at its sitting held on the 24th December, 1969, and resolves that the following Members of the Rajya Sabha be nominated to serve on the said Joint Committee, namely :—

1. Shri Phool Singh
2. Shri Gulam Nabi Untoo
3. Shri N. P. Chaudhri
4. Shri T. G. Deshmukh
5. Shri Kota Punnaiah.
6. Shri Sheel Bhadra Yajee

7. Shri M. L. Kollur
8. Kumari Shanta Vasisht
9. Shri B. T. Kemparaj
10. Shri Chandramouli Jagarlaraudi
11. Shri Rudra Narain Jha
12. Shri K. P. Subramania Menon
13. Shri Balachandra Menon
14. Shri J. S. Tilak and
15. Shri Pranab Kumar Mukerjee.

That this House recommends to the Lok Sabha that the Joint Committee be instructed to report in the first week of the Monsoon Session, 1970."

The motion was adapted.

MR. DEPUTY CHAIRMAN : We now go to the next item.

"/IE-DISCONNECTION OF TELEPHONES OF RETIRING MEMBERS

SHRI LOKANATH MISRA (Orissa) : Before you take up the next Bill, Sir, I have a submission to make. I have been informed that even before the Members in this House have ceased to be Members which ultimately would come only at midnight today, their , telephone connections have been disconnected already. It is a serious indignity to this House if this has been done. I would request the Leader of the House to immediately restore them. There should not be any complaint of this type particularly when the Members are going to retire, and they are going to retire in the course of another four or five or six hours.

SHRI A. P. CHATTERJEE (West Bengal) : The telephones can be kept for a month.

SHRI LOKANATH MISRA : If a telephone can be kept even for a month after a Member has retired, and if it is disconnected, it will all the more amount to a breach of privilege. Herein the case of these retiring Members, if somebody has disconnected a telephone I do not want to bring in a Motion of breach of privilege against him but, Sir, you kindly direct that immediate steps be taken to re-install all the connections that have been discontinued in the meantime so that there would be no complaints at least.

SHRI BHUPESH GUPTA (West Bengal) : Your office has issued a circular to Members of Parliament saying that the retiring Members, if they so choose, can keep their telephones. Now it has been issued and you have asked for information as to which Member would like to retain his telephone—by paying the usual charges of course. If that is so, why the disconnections have taken place is to be explained. And if any disconnection has taken place, as my friend has pointed out, it is extremely improper and certainly illegal, and I think it should be strongly condemned and the officer responsible should be dealt with accordingly.

SHRI OM MEHTA (Jammu and Kashmir) : Sir,....

श्री राजनारायण (उत्तर प्रदेश) : श्रीमान्, एक निवेदन मेरा है। हमारा निवेदन है कि इस मामले को बिल्कुल लाइटली हमको नहीं लेना चाहिये, इस मामले को हल्के से नहीं लेना चाहिये और हमारे मित्र जो डिप्टी चीफ व्हिप हैं वह काम्प्लेंट नहीं हैं इस मामले के बारे में बोलने के लिये। इसमें टेलीफोन का जो मंत्री है उस मंत्री के ऊपर कंटेम्प्ट आफ दि हाउस होता है क्योंकि जो हमारे सदन के सदस्यों का विशेषाधिकार है उस विशेषाधिकार को जो डिपार्टमेंट छीनता है उसके लिये उसका मंत्री रिसपॉन्सिबल है। इसलिये मैं इस बात की जानकारी कर के श्री गुजराल या श्री सत्यनारायण सिंह जो उसके मंत्री हैं उनके ऊपर सदन की अवमानना का प्रश्न उठाना चाहता हूँ।

SHRI OM MEHTA : I agree with what has been said by my friend, Mr. Lokanath Misra. As soon as the matter was brought to my notice by Shrimati La'itha (Rajagopalan), immediately I rang up the Minister and told him that the telephone should be restored. And if they have written to the Minister

श्री राजनारायण : रेस्टोर्ड क्या ? जो जिम्मेदार अफसरान हैं वह हटाये जायें।

PROF. SHANTI KOTHARI (Rajasthan) : Action should be taken against the officer responsible.

(Interruptions.)