

श्री राजनारायण : आधी से कम हो गई ।

श्री मोरारजी आर० देसाई : उसकी वजह यह है कि 1962 से जब से चाइनीज एग्जेशन हुआ तब से काफी पैसा लगाना पड़ा. डिफेन्स पर और उद्योगों का उत्पादन भी डिफेन्स में लगाना पड़ा । 1965 में पाकिस्तान ने हमला किया और बाहर काफी प्रचार हमारे खिलाफ किया । हम भी जिस तरीके से काम करते रहे उममें हमारी मुसीबत हो गई । कृषि उत्पादन में कच्चा माल भी कम पैदा हुआ । इस सबको लेकर औद्योगिक उत्पादन कम हो गया । इसलिए ज्यादा इम्पोर्ट करने के लिए कहा है जिससे उत्पादन बढ़े । कच्चे माल का उत्पादन ज्यादा बढ़े और आर्थिक योजनायें ठीक चलती रहें तो औद्योगिक उत्पादन भी बढ़ जाएगा ।

श्री राजनारायण : यहा तो कन्ट्रिडिक्शन हो गया; आप इम्पोर्ट ज्यादा करेंगे फिर उत्पादन कैसे बढ़ेगा ?

श्री मोरारजी आर० देसाई : इम्पोर्ट वही ज्यादा करेंगे जो यहां पैदा नहीं होता । हम नई मशीनरी नहीं मंगा रहे हैं लेकिन जो कारखाने यहां खाली पड़े हैं, जिनकी मशीनरी के पुर्जे यहां नहीं बनते उनको मंगा रहे हैं । वे भी यहां बनें इसकी कोशिश कर रहे हैं लेकिन जब तक नहीं बनें, तब तक मंगाने हैं जिससे उत्पादन होता रहे और बढ़ना रहे ।

मूद्रा की वृद्धि हुई ज्यादा, डेफिसिट फाइनेंसिंग ज्यादा हुई । हम ज्यादा उत्पादन के काम में लगे, यह नहीं देखा कि इतना ज्यादा लोगों की जेब में पैसा जाता है । जब ज्यादा पैसा जाता है और उत्पादन कम होता है तो मूद्रावृद्धि तो होगी ही । उसमें कमी करने के लिए कहा कि कम्पलसरी डिपोजिट स्कीम करो तो आप 'ना' कहते हैं ; आपने नहीं माना, ठीक है चलो आगे, तकलीफ उठाओ; तकलीफ उठा कर अक्ल ठिकाने कर लो ।

मैं समझता हूँ कि ये जो तकलीफें आई हैं वे हमारी अक्ल ठिकाने लाने के लिए आई हैं ।

THE DEPUTY CHAIRMAN: Now we shall take up the next item on the Order Paper.

श्री राजनारायण : योजना कमीशन के बारे में कुछ नहीं बताया ।

THE DEPUTY CHAIRMAN: No more, it is finished.

श्री राजनारायण : मोरारजी बढ़ रहे हैं ।

श्री मोरारजी आर० देसाई : बढ़ में कूटूंगा ।

श्री राजनारायण : आपने जो सफाई दी है वह ठीक है ।

श्री मोरारजी आर० देसाई : सफाई ठीक है, हालांकि ठीक नहीं है ।

THE ANTI-CORRUPTION LAWS
(AMENDMENT) BILL, 1967

THE DEPUTY CHAIRMAN: Now we shall take up the next item—The Anti-Corruption Laws (Amendment) Bill, 1967.

THE MINISTER OF STATE IN
THE MINISTRY OF HOME AFFAIRS
(SHRI VIDYA CHARAN SHUKLA):
Madam, I beg to move:

“That the Bill further to amend the anti-corruption laws, as passed by the Lok Sabha, be taken into consideration.”

On the recommendations of the Santhanam Committee, Madam, a legislation was sponsored to amend various anti-corruption laws. Among others, the Prevention of Corruption Act, 1947, was also amended by the Anti-Corruption Laws (Amendment) Act, 1964 (Act 40 of 1964).

Section 5(3) of the Prevention of Corruption Act, 1947, before amendment, read as follows:

“5(3) In any trial of an offence punishable under sub-section (2), the fact that the accused person or any other person on his behalf is in possession, for which the accused

[Shri Vidya Charan Shukla.]
 person cannot satisfactorily account, of pecuniary resources or property disproportionate to his known resources of income may be proved, and on such proof the court shall presume, unless the contrary is proved, that the accused person is guilty of criminal misconduct in the discharge of his official duty and his conviction, therefore, shall not be invalid by reason only that it is based solely on such presumption."

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA in the Chair)]

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

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

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

property disproportionate to his known sources of income."

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

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

cannot now be canvassed at the bar for the obvious reason that the old section 5(3) which was on the statute book at the time of commission of the offence is not there when the prosecutor addresses the court.

Sir, the Anti-Corruption Laws (Amendment) Act, 1964, did not contain a saving clause in regard to pending proceedings as it was assumed that the provisions of section 6 of the General Clauses Act, 1897, would be applicable. But the Circuit Bench of the Punjab High Court in their judgment dated 14th September 1966, however, held that the provisions of section 6 of the General Clauses Act, 1897, were not applicable to the case.

As a result of the High Court judgment, cases which were pending trial in various courts on 18th December, 1964 and in which the prosecution was mainly relying on the rule of evidence contained in section 5(3) of the Prevention of Corruption Act, 1947, were seriously affected. With a view to safeguarding these 3 P.M. cases, the presumption obtaining under old section 5(3) of the Prevention of Corruption Act, 1947 was revived with retrospective effect from 18th December 1964 in respect of cases pending before courts immediately before that date by the Anti-Corruption Laws (Amendment) Ordinance, 1967 promulgated on 5th May 1967.

As the presumption has been revived with retrospective effect, the accused persons involved in these cases would have been prejudiced in their defence, as in the absence of presumption, they would not have attempted to explain possession of disproportionate property either by cross-examining the prosecution witnesses or leading evidence in defence. In order to secure fair trial, the right of demanding a *de novo* trial from the stage the evidence was recorded after 18th December 1964 (the date on which the Anti-Corruption Laws (Amendment) Act, 1964, came

into force) has been conferred on the accused.

Now the Anti-Corruption Laws (Amendment) Ordinance, 1967 is proposed to be replaced by the Anti-Corruption Laws (Amendment) Bill without any modification.

I hope the House will agree with this very important provision that we are introducing here, mainly to safeguard all the cases which are pending in the various courts of law. Before I conclude, I would like to clarify one point. A point was raised in the other House whether the term 'public servant' also includes Ministers or not. I went into great detail and tried to convince the House and I am happy that they accepted that the term 'public servant' in this Act does include Ministers. When this amending Act was brought in 1964, the position was clarified by my predecessor and it was stated then that the question had been very carefully examined and the term 'public servant', as used in this Act, does include Ministers. So I would request hon. Members not to harbour any doubts about this matter.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Why do you not make it clear?

SHRI VIDYA CHARAN SHUKLA: We have made this very clear and if there is any doubt in the minds of the court or anywhere, then we would be prepared to bring forward an amendment to the Act also and clear it at the appropriate time and we would not fight shy of that; but as long as we find that it is not necessary to do so, it would be superfluous to do anything or insert any new clause in this Bill.

I hope this Act will be supported unanimously by the House and passed with its consent.

The question was proposed.

SHRI LOKANATH MISRA (Orissa): Mr. Vice-Chairman, this Bill, and the previous Bill as well,

(Shri Lokanath Misra.)

seem to have originated from the recommendations of the Santhanam Committee.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Which is the previous Bill you are referring to?

SHRI LOKANATH MISRA: I am sorry, the Ordinance which is being legalised now by this Bill. The country is in a state of confusion as well as this House as to which are the recommendations of the Santhanam Committee that have really been accepted by the Government and which are still hanging in the air. There has been no clear cut announcement by the Government as yet. Nobody knows their mind. A section in the Government seems to be thinking in favour of acceptance of certain recommendations, while another section seems to be opposing it and that is why the Government is still in an undecided mind and it cannot take a decision. The Santhanam Committee recommendations have been generally accepted by the Country and the country expects them to be accepted by the Government. There is a demand in the country that the Santhanam Committee recommendations as a whole should be accepted by the Government. I hope the Government will feel inclined gradually because of the popular pressure, because of the pressure from both the Houses of Parliament, to ultimately accept all the recommendations.

We hear almost every day allegations of corruption. It may be against Ministers or public servants in high places and there are many allegations also, generally against the bureaucrats, of corruption, favouritism, nepotism and what not. The Minister of State, whom I consider to be a very clever person, tried to wriggle out of it even in the beginning by an announcement. He thought that his pronouncement amounted to the

Proclamation of the President or that his announcement in the House could almost be taken as the Proclamation of the President, either regarding the emergency or regarding the Ordinance. What has to be done is that something which he intends to do has to be incorporated in the Bill itself. If that is not done, then either he does not intend to do it or he has no seriousness behind it. If Ministers are to be covered by this Bill, what he has to do is to put in that in black and white, in specific terms, that Ministers also would be considered as public servants. In the reply he would try to point out some judgment from some court saying that a court has interpreted it this way and therefore it is the law of the land. A particular court might have given a judgment in a particular way and there would be no difficulty in another court or another group of Judges of another court giving a different judgment. It is all now left for interpretation. Instead of leaving it for interpretation only, if it could be specifically put in the Act, there would not be any ground for doubt. It has to be interpreted in a particular way which we want. Do not leave it so vague. If you are leaving it vague, there is some design behind it, some conspiracy behind it. If the country demands, if all the Members of Parliament demand, that Ministers should also be brought under this Bill, why should the Ministers alone resist it? If a Minister resists to bring himself under this Bill, he would be very much misunderstood, whosoever he may be and even if a group of Ministers in the Cabinet resisted it, it amounts to a group conspiracy. Therefore if there is a demand in the country that you should also surrender to the law of the land, you must also come under the law, under which you want others to come, then you must specifically put your name in it. The Ministers in this country enjoy the highest regard, authority and respect. I do not know if our present Ministers command the

same respect that our Sardar Vallabh-bhai Patel or Pandit Nehru used to command.

THE MINISTER OF LAW (SHRI P. GOVINDA MENON): What about the Orissa Ministers?

SHRI LOKANATH MISRA: Since you have made a mention of it, I may have to come to it.

SHRI AKBAR ALI KHAN: Why are you reminding him?

SHRI LOKANATH MISRA: Without mentioning or reminding me I would have referred to it.

SHRI P. GOVINDA MENON: Present or past Orissa Ministers?

SHRI LOKANATH MISRA: Present Ministers are above these things. Therefore people have entrusted them with the responsibility of Government.

SHRI P. GOVINDA MENON: And here?

SHRI LOKANATH MISRA: Here it is a fluke.

SHRI P. GOVINDA MENON: Not the people.

SHRI LOKANATH MISRA: Here it is a fluke. Now there has been a difference of only twenty Members in the Lok Sabha. It is just a fluke that the Congress has got into power here.

SHRI VIDYA CHARAN SHUKLA: What is the difference there?

SHRI LOKANATH MISRA: There the difference is much more. Now, Sir, we would always expect our people's representatives, and the Ministers, popular Ministers, to enjoy the same respect in the country. But unfortunately that is not the case. There are many cases and allegations of corruption against many Ministers both in the States and in the Centre. Here, Sir, you were there when I raised certain matters regarding Central Ministers also, and one of them had to go. If your Act was function-

ing then, if the Government was serious then in bringing this Act to work against those Ministers against whom there were allegations of corruption, why didn't you use it? In the case of Government servants, action is immediately taken and the law takes its own course. But in the case of Ministers we have to fight day in and day out, either on the floor of this House or on the floor of the other House, or in the respective legislatures to set up a commission of inquiry against them. There is definite *prima facie* evidence against many. In the case of our ex-Chief Minister in Orissa there was a definite *prima facie* case. The present Government of Orissa is going to set up a commission of inquiry against him. This particular law of the land could not take care of him. If my esteemed colleague, Mr. Shukla's contentions are taken to be true, why did he not institute the same criminal action against Shri Biju Patnaik or any other Minister against whom there were allegations?

SHRI VIDYA CHARAN SHUKLA: May I say that the State Government is perfectly competent to launch prosecution against the State Ministers if they so desire? There is no obstruction to their doing so? The Central Government does not come in any way in this matter. And this Act applies to Ministers. It can be tested there.

SHRI LOKANATH MISRA: Whether this Act was in force or not . . .

SHRI VIDYA CHARAN SHUKLA: It was.

SHRI LOKANATH MISRA: . . . the Orissa Government has decided to take action . . .

SHRI VIDYA CHARAN SHUKLA: They can.

SHRI LOKANATH MISRA: . . . under the Commission of Inquiries Act. This law has nothing to do with that law, because that is a different law.

SHRI VIDYA CHARAN SHUKLA
You can prosecute them under this Act.

SHRI LOKANATH MISRA We can prosecute them under so many other Acts, under the Indian Penal Code itself if we find that they are guilty. The commission of inquiry has to find out whether they are guilty or not, and thereafter the law will take its own course.

SHRI VIDYA CHARAN SHUKLA:
So far you are not convinced of their guilt.

SHRI LOKANATH MISRA: We are convinced, we have to convince you. Now the difficulty with the Orissa Government is that, since we have ousted the Congress from power there, it should not appear that we have become over-zealous in the matter and have proceeded against them

SHRI AKBAR ALI KHAN: Quite right

SHRI LOKANATH MISRA It is not right, justice should not only be done, but Chief Minister's contention is that justice should appear to have been done and hence a commission of inquiry. Or else the entire Orissa State is convinced, the people of Orissa are convinced that these are a corrupt set of people, and that is why they were ousted from power. That is why the Congress lost so heavily in Orissa. Now, since my friend gave a clarification in the initial stage while moving the Bill, I would request him to incorporate that in the Bill itself if he wants to do it. In case of an argument in a court of law, Sir, no lawyer would probably go to Mr Shukla's clarification here as a piece of evidence, because the judges would not accept it. They would say that if the Government was serious enough to include Ministers under public servants, then they should have put that down in the Bill itself. Why didn't they do it? Therefore, Sir, it would be proper for

him to include Ministers under the head "Public servants".

Now, Sir, another point is that Government is in favour of nationalisation—this particular Government. They want to set up more of public sector enterprises, more of public undertakings. As the scope of public undertakings and public enterprises grows, the possibility of corruption there also grows. I do not know whether the autonomous bodies come under this Bill also. The hon. Minister did not give a clarification so far as the autonomous bodies are concerned. Many autonomous bodies are being formed where Government wants to make them something of public undertakings. For purposes of question and answer in this House, the Ministers take the plea that they did not come under Government Departments because they were autonomous bodies. The chairman may be a non-official; he does not, naturally, come under "Government servants". In a case of that nature is the hon. Minister going to give a clarification, an additional clarification, whether the chairman or the secretary of a particular autonomous body would be considered a Government servant or not, even though he enjoys almost the same responsibility as any head of a public undertaking who is a Government servant and in case of any charges or any allegations of corruption against him, whether he would have to face the same trial as in the case of a Government servant or not? Or else it is a big lacuna in the Bill because, as things stand the number of public undertakings is growing, and there would be many more autonomous bodies in the shape of public undertakings. As it is, we have about 10 or 15 of them, or may be more. And in case of them what is going to be the definition of the chairman or the secretary of these autonomous bodies? I would like to be clarified on that matter.

Thank you, Sir.

SHRI R. S. KHANDEKAR (Madhya Pradesh): Mr. Vice-Chairman, Sir, I should have no hesitation in supporting this Bill provided the Government is serious in implementing the various provisions in this Bill. But the experience so far has been that the Government is not serious, because the big fish go scot-free and the small fry are often challenged or are often involved under this Act. But before I come to that, I would like to make the point that there is still doubt about the definition of "public servant". The hon. Minister has clarified—I don't know on whose authority he has clarified—that "public servant" includes Ministers, Ministers of State, etc. I know, I have gone through the proceedings of the other House and I know that there this question was discussed in great detail. The argument there was that the expression "public servant" includes Ministers" was based on one Supreme Court judgment. But it was pointed out that that Supreme court judgment was based on a certain Ordinance, which was later withdrawn, or lapsed—I do not know. Therefore the position still remains to be cleared whether a decision of the Supreme Court, which is based on a certain law and that law is withdrawn or that law lapses, whether that judgment of the Supreme Court still continues or has some value. The hon. Minister had also cited some article in the Constitution, probably 144, where it is written that the decisions of the Supreme Court are the law of the land. But the position still remains whether, under such circumstances, that law remains the law of the land and, secondly, whether—I do not know; I have not gone through that judgment itself—whether that was a clear decision or a mere *obiter dictum*, just a passing reference made by the Supreme Court, which said that under "public servant" are also included Ministers. Then, thirdly, the position still remains for this reason. Supposing it is a decision of the Supreme Court by a certain process of law, if under

this law a point arises about this expression "public servant", and again the matter is referred to a larger Bench naturally, that decision will be altered, and that law of the land would not be there. So, in order to remove this confusion, why should the Government not come with an amendment? More assurances are not enough. The mere fact that the Government is reluctant to bring such an amendment and include the Ministers in the definition of the expression "public servant" shows that there is some second thought or there is some hesitation in the mind of the Government that is preventing it from bringing these amendments. If the Government is serious, if the Government wants to remove this doubt, they should come forward immediately with the amendment. I know their difficulty. They cannot bring the amendment in this particular Bill, because there is no definition of "public servant" included here. This is merely an amending Bill and this replaces an Ordinance. But in order to show the sincerity of the Government they should immediately bring another Bill or amendments to the original Act. The words "public servant" have not been defined and this should be done and it should be categorically stated that the term includes Ministers, Deputy Ministers and so on. That will remove all doubts and that will also show the sincerity of the Government and that will show to the general public that they do mean real business. Otherwise, general confusion will prevail; any amount of assurance given here will not be the law of the land. No court will accept an assurance, nor copies of debates in this House or the other House. They cannot be produced in court for interpretation. The courts will see only the enactment passed by both Houses of Parliament. Therefore, if they are serious about it, the Government should do this. If they are serious about rooting out corruption in high circles and if they mean business, they must bring for-

[Shri R. S. Khandekar.]

ward immediately suitable legislation to include Ministers, etc., in the definition of public servant.

Having said that I would submit that corruption in this country has been rampant for a long time. Rarely are cases of corruption exposed. Wherever they are exposed suitable action was taken. But it is acknowledged almost at every level that there is corruption at the highest level, that there is corruption in the middle sector and also at the lowest level. There is also corruption in the States and corruption at the Centre. We have seen, during the last so many years many Central Ministers had to go. Various State Ministers had to go. Wherever they were exposed they had to go. However, the machinery for it or the public opinion or the resources are not adequate to expose these cases of corruption. Therefore, this is playing a great part even in our society and it is cutting at the roots of our administration and affects our social life also. To root out corruption this measure is necessary, no doubt. But I would ask this Government this question. This measure has been on the Statute Book for so many years. How many Ministers have been convicted or proceeded against under this law? This question I would like to ask. How many big persons in authority have been proceeded against? Only recently we got some statistics about the working of the C.B.I. and how many persons were convicted and so on. I find only a very small percentage is there in that book of cases where they had dealt with corruption, concerning big persons. On the contrary, there are cases of small patwaris and postmen and other such persons having been convicted. Is it the contention of the Government that there is no corruption at the highest level, that no big officers are involved in corruption? If that is not so, may I know why action could not be taken under

this law which you have on the Statute Book for so many years?

Next I would like to deal with the working of the Vigilance Commissions. In order to root out corruption the Government constituted various vigilance commissions, at the State level and at the Centre. I want to know the progress of the working of the various commissions. The reports are there, no doubt. But my experience is that by and large, these vigilance commissions have so far worked only as post offices. Whenever a complaint is referred to them, they refer the same complaint to the department concerned and the department refers it to the same officers and ask for their explanation and all that. I doubt their usefulness and I feel that the hope that was created in the people by the appointment of the vigilance commissions has not been fulfilled and the people are disappointed. These vigilance commissions have become an unnecessary appendage of the Administration. I know some of their difficulties because as a member of the study team I had occasion to see some of the Vigilance Commissioners in the States. They pointed out to me the various difficulties and why they could not proceed against or book various government servants. In the first place, they pointed out that the rules and regulations for conducting enquiries are so dilatory that it is not possible for them to come to right conclusions speedily. Secondly, they complain that the State Governments and the Central Government are not co-operative in bringing the corrupt officers to book. They also do not have officers who are conversant with the legal processes of conducting enquiries. Consequently very many cases in which there was conviction, when they went to the High Court, they were acquitted. Only a very small percentage of persons were convicted. So the effect of all this is that there is no impact of the vigilance commissions or of the Anti-Corruption

Laws or any of these methods or laws on the services, on the officers, on the Ministers or on anybody. They just treat this as just another law, like other commissions or committees of enquiries which are just formalities. Therefore nobody took them very seriously. So it is better that the vigilance commissions are abolished soon because they are not functioning properly and they do not serve any purpose. I am told that after the recommendation of the Study Team of the Administrative Reforms Commission the Government now is going to appoint Lok Ayukt and Lok Pal and that is an organisation based on Ombudsman. I doubt very much how effective they will be. Unless the Government is sincere, unless the process is simplified, unless there are persons conversant with legal matters in the Administration itself, these Lok Pals and Lok Ayukts are not going to give any results. So my submission is if the Government wants to eradicate corruptions—and they must do it; otherwise there is no hope for this country—they must think seriously about these various difficulties and problems which I have pointed out in my speech.

Thank you.

श्री रेवती कान्त सिंह (बिहार) : मान्यवर उपसभाध्यक्ष महोदय, इस ऐटी करप्शन (लाज) अमेंडमेंट बिल पर कुछ कहने के पहले भ्रष्टाचार के कुछ सैद्धांतिक और व्यावहारिक पहलुओं पर विचार कर लेना जरूरी है। भ्रष्टाचार एक राष्ट्रीय रोग है, राष्ट्रीय बीमारी है और इसका इलाज जरूरी है। लेकिन यह कहना या यह सोचना कि भ्रष्टाचार सिर्फ सिविल सर्वेंट्स में है, सिर्फ सरकारी कर्मचारियों में है, सिर्फ सरकारी दफ्तरो में है, यह हकीकत से दूर जाना है। भ्रष्टाचार आज समाज के हर अंग में व्याप्त हो गया है।

मैं थोड़ी देर के लिये ऐसा मान लेता हूँ कि सरकारी दफ्तरो में, सरकारी कर्मचारियों में भ्रष्टाचार है। लेकिन मैं यह स्पष्ट करना चाहता हूँ कि जब भ्रष्टाचार की बात आती है सरकारी दफ्तरो में तो हमारे सामने एक नक्शा बन जाता है कि छोटे छोटे जो कर्मचारी है चाहे वे चपरासी हो, क्लर्क हो या और छोटे लोग हो, वे ही भ्रष्ट है और वे ही भ्रष्टाचार में लिप्त हैं। मैं कहना चाहता हूँ कि यदि सर्वे किया जाय तो मिलेगा कि भ्रष्टाचार सिर्फ छोटे कर्मचारियों में ही नहीं है बल्कि ऊंचे कर्मचारियों में भी है और जो बड़े अफसर है वे भी इससे अछूते नहीं है। इस सम्बन्ध में बिहार में 1955 में जस्टिस कन्हैया सिंह की अध्यक्षता में वन मैन कमीशन बैठा था भ्रष्टाचार की जांच करने के लिये और उनकी रिपोर्ट की ओर मैं आपका ध्यान दिलाना चाहता हूँ। उन्होंने अपनी रिपोर्ट में कहा है कि भ्रष्टाचार सिर्फ छोटे कर्मचारियों में ही नहीं है बल्कि बड़े अफसरों, अखिल भारतीय सेवा के अफसरों में भी है और वे भी इससे अछूते नहीं है। जस्टिस कन्हैया सिंह ने यह भी कहा है कि चूँकि अफसर जनता से सीधा सम्पर्क नहीं करते, अपने मानहतों द्वारा सम्पर्क करते हैं, इस लिये कानून की पकड़ में वे नहीं आते और उन के मानहतों को पकड़ लिया जाता है।

मैं आप को दो चार उदाहरण भ्रष्टाचार को देना चाहता हूँ जिस से मेरी और जस्टिस कन्हैया सिंह की रिपोर्ट में कही गयी बात की पुष्टि होगी। भ्रष्टाचार सिर्फ यही नहीं है कि एक अदालत में चपरासी चार आने की रिश्वत ले लेता है या एक पुलिस का कास्टेबिल किसी रिक्शे वाले से बीड़ी की रिश्वत ले लेता है या कोई पेशकार या क्लर्क एक या दो रुपये की रिश्वत ले लेता है। मैं आप को बालाऊ कि मैं नहीं जानता कि सेट्रल सेक्रेट्रिएट की क्या हालत है क्योंकि मैंने अभी उमका अध्ययन नहीं

[श्री रेवती कानन सिंह]

किया है, लेकिन राज्यों में मेरा तर्जुबा है कि वहां जितने भी गजेटेड आफिसर है, चहे वे मिनिस्टर हों या कोई और हो, सब अपने आर्डरलीज से प्राइवेट घर का काम लेते हैं। अगर किसी आर्डरलीज से कोई आफिसर प्राइवेट घर का काम लेता है तो उस आर्डरलीज पर सरकार जितना पैसा खर्च करती है, सरकारी पैसे का वह दुरुपयोग करता है। यह भी एक रूप है भ्रष्टाचार का।

अब एक दूसरा उदाहरण मैं देना चाहता हूं कचेहरी का। कचेहरियों में यह आम तौर से देखा जाता है कि जो हाकिम का पेशकार होता है उसकी सरकारी ड्यूटी के साथ साथ एक ड्यूटी यह होती है कि वह हाकिम के बंगले पर सुबह शाम हाजरी दे और जब वह पेशकार बंगले पर जाता है तो हाकिम के कुछ करने के पहले मेम साहब फरमाती हैं कि पेशकार साहब, बाजार में फलां फलां चीज ला दीजिये जिम में कपड़े से ले कर स्नो, पाउडर और लवेडर तक होता है और जब वह बाजार में ले आता है तो उसका पैसा नहीं दिया जाता है। कहा जाता है कि बाद में भेज दिया जायगा जो कभी दही मिलता है। मैं जानना चाहता हूं कि सौ सत्ता सौ रुपया पाने वाले पेशकार जो है उसके घर में क्या कपड़े की मिल खुली हुई है, कहां से वह कपड़ा लाता है। उसके घर में क्या सज्जियां बोई जाती है या उसके घर में मछली का गोजगार होता है। यह भी भ्रष्टाचार का एक रूप है।

मैं एक तीसरा उदाहरण देना चाहता हूं। बड़े बड़े अफसरान जब अपने इंस्पेक्शन में जाते हैं तो उनके मानहत्तों को उनके लिये खाने की, टहरने की सारी व्यवस्था करनी पड़ती है। ममलन ले लीजिये कि आई० जी० पुलिस किर्ना मुप्रिटेडेंट के दफ्तर का मुलाहिजा करने जाता है तो आई० जी० साहब के रहने, खाने और टहरने की सारी

जिम्मेदारी मुप्रिटेडेंट की होती है और जो कुछ खाने पीने पर खर्च होता है उसका सिर्फ एक नामिनल बिल आई० जी० साहब के नामने रखा जाता है, लेकिन जिस ढंग का खाना उनको खिलाया जाता है उसका शतांश भी उस नामिनल बिल के अनुसार नहीं मिल सकता है। अब अगर जरा मोचे कि अगर आई० जी० को मुप्रिटेडेंट खिलाना है तो वह कहां से खिलाता है और वह कहां से लाता है। वह सॉ-इम्पेक्टर्स और इम्पेक्टर्स को पकड़ता है और वे अपने से छोटे कांस्टेबल और चौकीदार को पकड़ते हैं। इस तरह में यह मामला गांव के चौकीदारों तक पहुंचता है और फिर गांव के किसानों में यह पैसा वसूल होता है। तो यह भ्रष्टाचार सब सरकारी दफ्तरों में है और उसमें हिस्सा ऊपर से लेकर नीचे तक सब का होता है।

मैं इस संबंध में कहना चाहता हूं कि छोटे मुलाजिम अगर भ्रष्टाचार में लिप्त हों तो वह अच्छी चीज नहीं है और मैं उसको पसंद नहीं करता हूं। लेकिन मैं यह भी कहना चाहता हूं कि अगर सर्वे किया जाय तो सैकड़ा बीस ही ऐसी फाइल मिलेंगी जिन को पेइंग फाइल कहा जाता है और उन पर सैकड़ा 5 ही लोग काम करते हैं और सैकड़ा 95 को पेइंग फाइल डील करने का कभी अवसर ही नहीं आता। वैसे यह कहना कि सर्वाइडेंट स्टाफ सेंट पर-सेंट भ्रष्ट है या भ्रष्टाचार में लिप्त है, यह बिल्कुल हकीकत से दूर की बात है। लेकिन यह बात भी सही है कि बाकी 95 प्रतिशत के बीच में उस 20 पर सेंट फाइल को डील करने के लिये होड़ लगी रहती है। क्यों? इस लिए कि उसका कारण कोई शौकिया नहीं है, वे शौक से नहीं चाहते हैं बल्कि उसका कारण अधिक है। इस संबंध में मैं कहना चाहूंगा कि बिहार में 1937 में स्वर्गीय अजीज साहब की अध्यक्षता में

भ्रष्टाचार जाच ममिति बैठी थी। 1955 में जस्टिस कन्हैया मिश्र की कमटी बैठी थी, जो मैंने पहले बताई। 1939 में स्वर्गीय डा० राजेन्द्र प्रसाद, भारत के प्रथम राष्ट्रपति की अध्यक्षता में लेबर इन्क्वायरी कमीशन बैठा था—और इन तीनों की रिपोर्ट है कि अगर छोटे कर्मचारियों को भ्रष्टाचार से दूर रखना चाहते हो तो उनको अभाव से ऊपर उठा दो। जब उनको अभाव से ऊपर उठाओगे तब ही जमिने बाहर के प्रलोन उनको न मना करें तब भ्रष्टाचार मिटेगा। मैं इस सम्बन्ध में डा० राजेन्द्र प्रसाद की 1939 वाली रिपोर्ट का एक अंश बताना चाहता हूँ—जिमकी 20 रुपए तनख्वाह है वह निश्चित रूप से आभावग्रस्त है, अग्रेजी में उनको कोट करना चाहता हूँ—“ He is in distress ” इसके बाद उन्होंने कहा था कि जिमकी 20 रुपए से 40 रुपए तक तनख्वाह है वह बिलकुल अभाव में तो नहीं है लेकिन किमी तरह अपनी आवश्यकता पूरी कर लेता है। जिमको 40 रुपए से ऊपर की आमदनी है वह अभाव से ऊपर है। 1939 में जो मूल्य थे आज उसमें आठ गुना से भी ज्यादा बढ़ गए हैं लेकिन बहस के लिए मैं आठ गुना ही मान लेता हूँ। आज 160 तक पाने वाला डिस्ट्रेस में है, अभाव में है; 320 रुपए तक पाने वाला किमी तरह से खर्च चनाता है और 320 रुपए से ऊपर पाने वाला अभाव से ऊपर है। लेकिन वास्तविकता यह है कि वह अभाव से ऊपर नहीं है, लेकिन फिर भी किमी तरह अपनी जिन्दगी चला ले जा सकता है। आज हिन्दुस्तान में जितने सरकारी मुलाजिम हैं उनमें सैकड़ों में 90 ऐसे हैं जिनकी आमदनी डेढ़ सौ से ज्यादा नहीं है, सरकारी मुलाजिमों में से 90 प्रतिशत ऐसे हैं जो डिस्ट्रेस में हैं, अभाव में हैं। जब तक आप उनको अभाव से ऊपर नहीं उठाते हैं तब तक भ्रष्टाचार दूर नहीं हो सकता। इस सम्बन्ध में एक बात मैं और कहना चाहूँगा कि आप अगर उनको अभाव से ऊपर उठाते

हैं तो भी भ्रष्टाचार का दूसरा स्वरूप मौजूद रहेगा और वह ऊंचे तबके का, समाज के ऊंचे तबके का भ्रष्टाचार होगा जिमके बारे में मन्थानम कमेटी ने कहा था कि ऊंचे लोग, मन्थान पर भ्रष्टाचार का आरोप हो तो उमकी जाच हाई कोर्ट का जज करे। मुझे अफसोस है कि इस हुकूमत ने मन्थानम कमेटी की उस रिक्मेन्डेशन को नहीं माना और जानते हैं आप कि नतीजा क्या है। आपने अखबारों में पढ़ा होगा कि पटना इम्प्रूवमेंट ट्रस्ट की जमीन की लूट हुई है और उम लूट में हिस्सेदार कौन है—पिछली कांग्रेसी हुकूमत के 12 मन्थानग, हाई कोर्ट के 6 जज, केन्द्रीय सरकार के दो मन्थानग, दो ममद्-सदस्य और इसके अलावा कितने विधायक और कितने ही बड़े कहे जाने वाले लोग।

श्री शानभद्र याजी (बिहार) : यह तो मेटलमेंट है, घूस लेने की बात कहा है ?

श्री रेवतः कान्त सिंह : आप क्यों घबड़ा रहे हैं ? उपमभाध्यक्ष महोदय, वह लूट इस तरह से हुई है कि जिम जमीन की कीमत 8 हजार से लेकर 11 और 12 हजार तक थी उस जमीन का बन्दोबस्त हुआ है 2200 रुपए में, 2300 रुपए में और 2500 रुपए में। एक मवा करोड की जमीन का 25-30 लाख में बन्दोबस्त हुआ है। मैं भ्रष्टाचार की बात कर रहा हूँ, घूस की बात नहीं कर रहा हूँ। भ्रष्टाचार अन्ति की ज्वाला नहीं है जो नीचे से ऊपर को उठती है, भ्रष्टाचार वह गन्दा पनाला है जो ऊपर से नीचे बहता है। भ्रष्टाचार के दलदल को अगर पाटना है तो भ्रष्टाचार के कौलाश को गिराना होगा।

इस अमेडिग बिल के स्टेटमेंट आफ आबजेक्ट्स में कहा गया है कि 1964 में जो अमेडिमेंट हुआ उसमें सेविश का कोई क्लोज नहीं रखा गया। मेरा यह

[श्री रेती फिन्सिंह]

कहना है कि अमेडमेट का बिल जल्दी में लाया जाता है। 1964 में आपने मेडिंग का प्रावजन नहीं रखा और आज तीन बरस के बाद जब कोर्ट से मकदमे हारे, जिनके ऊपर मुकदमे चले थे उनको पैसा देना पडा तब ला डिपार्टमेंट की आख खली कि यह मेवग का प्रावजन करना चाहिए। (Time bell rings) मैं दा मिनट में वाइन्ड अप कर दूँगा। मैं कहना चाहता हूँ कि इस सारी पछममि का देखते हुए, भ्रष्टाचार के सैद्धान्तिक और व्यावहारिक पहलुओं को देखते हुए—सरकार और माननीय मंत्री जी से निवेदन करूँगा—कि इस बिल का फिन्हाल वापस ले ले और फिर मागे दृष्टिकोणों पर विचार करते हुए एक काम्प्रीहेसिव बिल लाए, जिसमें हर साल, दो साल में, छ महीने में अमेडमेट कने की जरूरत न पड़े। इस तरह का बिल वे लाए ता सदन के समय का ज्यादा सदुपयोग हो सकेगा बजाय इसके कि पीसमील अमेडमेट करके भ्रष्टाचार को रोकने की कोशिश करें। इन शब्दों के साथ मैं पुन माननीय मंत्री जी से निवेदन करूँगा कि इस बिल को वापस ले ले और दूसरा बिल लाए।

श्री शीलभद्र याजो माननीय वाइस चेंबरमैन महोदय, मैं इस विधेयक की तारीफ करता हूँ। अभी हमारे पूर्व वक्ता श्री रेवती कान्त सिंह ने बताया कि किस तरह से सरकारी प्रशासन में और सब जगह भ्रष्टाचार का बोनबाला है। मुझका खुशी है कि मेरे तीन बरस तक भ्रष्टाचार के खिलाफ लड़ते रहने में कम में कम श्री रेवती कान्त सिंह यहा आए। यदि मैं तीन बरस तक लडाईं न लडता तो सरकारी मुलाजिमों के जो ये लीडर थे ये पार्लियामेंट में नहीं आ सकते थे। भ्रष्टाचार के खिलाफ तीन

बरस तक लडाईं लडना मामूली बात नहीं है, उसके लिए खून मुखाना पडता है और वडी चोत्र की बर्बादी करनी पडती है। इस लिए—मुझे तीन बरस तक भ्रष्टाचार के खिलाफ लडने का नजुर्बा है।

कुछ विरोधी सदस्यों ने कहा कि इसमें मंत्री को इन्क्यूड कर दिया जाये। हमारे यहा के एम० पी० तथा एम० एल० ए० लोगो और विरोधी पार्टी के जो नेता लोग है उनकी आमदनी देखिए, कितना चन्दा लेते है, उस सबका शुमार करना चाहिए। उन्होंने कहा कि राष्ट्रीय स्तर पर भ्रष्टाचार आ गया है। ठीक बात है लेकिन मैं कहता हूँ कि हिन्दुस्तान की तहजीब और मस्कृति में और दुनिया भर की मस्कृति में—इस ब्रूजुआ मोमायटी में—है कि खुदा के नाम पर देवता के नाम पर देवी के नाम पर मागो तब पूजा चढाओ। इस सस्कृति में, जिसको हम ब्रूजुआ मस्कृति कहते है, पालन-पोषण और ट्रेनिंग यह होती है कि यदि हम खुदा के लिए इतनी प्रसादी चढा देगे, गंगा जी को इतना चढा देगे, देवी जी को इतना चढा देगे त मीधे स्वर्ग जाएगे और वहा गद्दी प...गा। इस तरह में मौजूदा व्यवस्था, मौजूदा समाज मुखलाना है भ्रष्टाचार की ओर जाना। जब तक इस मस्कृति में मौलिक परिवर्तन नहीं होगा तब तक किसी न किसी रूप में, चाहे उसकी प्रमादी कहीए, कुछ भी कहीए, इस तरह की चीजे चलती रहेगी। इस लिए जो विधेयक लाए है अगर यह समझते है कि उस में राष्ट्रीय स्तर पर भ्रष्टाचार का निराकरण होगा तो ऐसा होने वाला नहीं है। इसलिए सब से पहले उसकी जड में जाना चाहिए। विधेयक बनाने के पहले भ्रष्टाचार क्यों होता है इस पर सोचना चाहिए था। यह जो समाज है, कैपिटलिस्ट समाज है, पूजावाद है, यह भ्रष्टाचार की जननी है, मदर है और जब तक यह पूजावाद रहेगा और यह मस्कृति रहेगी जिनमें पोप में लेकर, पैगम्बरों से लेकर जिसके अन्तगत सारी दुनिया भर में यह चीज चलती है।

यह काम करने तो स्वर्ग जाओगे, मीढ़ी लगी हुई है, जब तक मौजूदा व्यवस्था को, जो हिन्दुस्तान में भी है और जगह भी है . .

श्री लोक नाथ मिश्र हिन्दुस्तान स्टील को मप्लाई का कांट्रैक्ट दिया गया है यह कौन सा बूर्जुआ मोसायटी का है।

श्री शंशाभद्र यार्ज : मैं तो सारी दुनिया की बात कर रहा था, चूँकि आप स्वतंत्र पार्टी के हैं इस लिये आपका यह चीज तीर की तरह लग गई। मैं तो सारी दुनिया की तरफ इशारा कर रहा था; मैं निरंकुश भारत के लिये नहीं सब जगह के लिये कह रहा था। यह सिर्फ राष्ट्रीय स्तर की बात नहीं है सब जगह यह हो रहा है। अब रेवती कान्त जी ने सही बताया, एक सरकारी मुलाजिम है, चीजे इतनी महंगी हो गई है, अठगुना महंगी हो गई है। आप देखते हैं कि उतना अठगुना पे नहीं बढ़ाई है, वेजेज नहीं बढ़ाई है, तो अगर वह आटा घोल घाल कर भी जीना चाहें तो भी बाल बच्चों को जिन्दा नहीं रख सकते हैं। यह जो मौजूदा ममाज है वह मजबूर करता है, अगर वह घूस नहीं लेगा, भ्रष्टाचार की ओर नहीं जायेगा तो क्या करेगा। लेक्चर देने से, विधेयक बनाने में काम नहीं चलेगा। उसकी जड़ में जाना पड़ेगा, जब तक उसकी जड़ में नहीं जायेंगे तब तक यह नहीं जा सकता है। इसलिये इस विधेयक की ताईद तो करनी चाहिये, भ्रष्टाचार को दूर करने के लिये सरकार जितना प्रयास कर रही है उसकी ताईद करनी चाहिये, लेकिन उसके साथ साथ हमको यह देखना है कि क्या स्थिति है। यदि कोई भ्रष्टाचार का मुकदमा होता है तो फिर यह कितना मुश्किल काम है, यह जो एविडेंस एक्ट है, जो मौजूदा एविडेंस एक्ट है इसमें जब तक मौलिक परिवर्तन नहीं होता है तब तक कुछ नहीं हो सकता। सरकार मस्टांशल एविडेंस भी बड़ी जरूरी चीज है कि किस तरह से हुआ। जैसे एक एम० पी० है, चाहे वह कांग्रेस का हो या विरोधी पार्टी

का हो यह देखना चाहिये कि उसकी आमदनी कितनी है। कार पर चलते हैं, क्या क्या नहीं होता है। हमारे खांडेकर जी को तो सिर्फ मंत्री नज़र आते हैं, मंत्री का पद ही लोगों को नज़र आ रहा है, मैंने तो लेजिस्लेटर को देखा है, एम० एल० एज०, एम० पी० को देखा है। दम दम, बारह बारह, चौदह, चौदह हजार कीमत हो गई। मात लाख में 26 निकल पाये, कोई भी बाकी नहीं रहा, कांग्रेस के, स्वतंत्र पार्टी के, पी० एस० पी० के, एम० एम० पी० के, जनसघ के, सब मैदान में निकल आये। इसलिये जब हम कहते हैं कि भ्रष्टाचार दूर करना है तो सब को पकड़ना पड़ेगा। विरोधी दल को, पार्टियों के नेताओं को। मैं जानता हूँ कि एक पैमे की आमदनी नहीं है। यहाँ क्वेश्चन होता है, यहाँ हमारे एक साथी ने क्वेश्चन किया कि इन्दिरा जी को स्टेशन बैगन कैसे आया। इन्दिरा जी के बाप की इतनी रायल्टी है, पूछने वाले के बाप की तो कोई रायल्टी नहीं है, कार पर घूमते हैं, पता नहीं कार पर कहां से घूमते हैं, कहां से पैसा लाते हैं। रोजाना का खर्चा देखिये होटल वगैरह का तो आप दंग रह जायेंगे। तो लेक्चर देना आमाम बात है लेकिन आप अपने दिल को टटोलें, जो भ्रष्टाचार के बारे में बोलते हैं वह अपने दिल को टटोलें और दिल को टटोलने के बाद पता चल जायेगा कि क्या है।

श्री टो० पांडे (उत्तर प्रदेश) : एक प्वाइंट मैं आपसे पूछना चाहता हूँ कि इस दुनिया में जितना धन है उसका आधा बुद्धिमान का है और आधे के और सब दूसरे मालिक है तो आपका यह कहना कि सरकार कहां से आई यह ठीक नहीं है, बुद्धिमान हैं इसलिये आ गई।

श्री शंशाभद्र यार्ज : बुद्धिमान नहीं हैं, बेईमान हैं। ममाज में उसको बुद्धिमान नहीं कहना चाहिये जोकि दूसरों की कमाई पर जीता है, चन्दा लेता है, किस किस काम

[श्री श्रीलक्ष्मण याजी]

के लिये लेते हैं और यह करते हैं। वह बेईमान है, डिमिशन है, उसे मैं करंट कहता हूँ, बुद्धिमान की यह निशानी नहीं है। इसलिये मैं कहता हूँ कि समाज में जितने हैं सब का शुमार किया जाये। लेकिन सब से पहले मैंने शुरू में कहा कि जो सरकार का प्रयास है उसकी ताईद करनी चाहिये। वाइस चैयरमैन साहब, आपने 10 मिनट के अन्दर खत्म कर देने को कहा है इसलिये मैं ज्यादा नहीं कहूँगा, इसके लिये कुछ समय देने की हमारी मांग थी। उतना ही कहूँगा कि भ्रष्टाचार, कर्षण राष्ट्रीय स्तर पर ही नहीं सारी दुनिया में है। इस विधेयक के सम्बन्ध में इतना कहूँगा कि इसको दूर करने के लिये जो एक्टिंस एक्ट है उसमें परिवर्तन होना चाहिये। हमारे ला मिनिस्टर, विधि मंत्री भी बैठे हैं, बहुत से मुकदमें होने हैं लेकिन जब तक एक्टिंस एक्ट में सुधार नहीं होगा तब तक कोई हल नहीं होगा। हमने देखा, अभी भी देखा, कल भी देखा परमों भी देखा, चीज यह है कि सरकार-स्टाशल एक्टिंस है या नहीं है। सरकार-स्टाशल एक्टिंस कोई मामूली चीज नहीं होती है, उसको भी देखना होता है, जज लोग उस पर विचार करते हैं, लेकिन जब तक कि गवाही न लाइये, उसको कारोक्ट कर के न दिखाइये कुछ नहीं होता। पूछते हैं कि किसी के सामने लिया है, कोई किसी के सामने लेता है, ऐसी बात नहीं होती। तो मैं इसलिये कह रहा था कि जब तक यह जो मौजूदा निजाम है डी निजाम को नेस नावद नहीं कर दिया जायेगा, जो पूजावादी व्यवस्था है इसको खत्म नहीं कर दिया जायेगा तब तक कितने एक्ट आप बनाते जाइये, यह दूर नहीं होगा। क्योंकि जब समाजवादी निजाम होगा तो आप प्रायः मुनाजिम को और सब जितने नागरिक हैं सब को सम चीजें मुहय्या कर सकते हैं और यह पूजावादी व्यवस्था में बहुत मुश्किल है। इसलिये जब तक पूजावाद है तब तक भ्रष्टाचार भी रहेगा चाहे आप

कितना ही लेवचर दे, कितना ही कानून बनायें। हमारी जो तहजीब है, पुराने जमाने की जो मस्कृति है, जिसको हम बूर्जुआ सोसाइटी का कहते हैं, उसमें भी परिवर्तन करना पड़ेगा। वह कर सकते हैं। जब हम मनु स्मृति की जगह अम्बेदकर स्मृति बना सकते हैं—हमने यह बनाया है—तो समाज की इस स्मृति को खत्म कर सकते हैं यह भी करना पड़ेगा।

उपलिये यह जरूरी है कि जो विधेयक अभी आया है उसका सिर्फ यह कह कर विरोध न करें कि इसमें कमिप्रुसिव बिल अभी आना चाहिये बल्कि सरकार जितनी कोशिश करती है उसका तो समर्थन करें ही उसका तो समर्थन करना चाहिये—लेकिन हमारी मांग यह होनी चाहिये कि सचमुच में यदि हम भ्रष्टाचार को हटाना चाहते हैं तो समाज में पूजावाद को खत्म करना चाहिये और जो पुरानी मस्कृति है, तमदुन है, मभ्यता है, उसमें मौलिक परिवर्तन करना होगा। इसके साथ साथ यह भी कहना है कि सभी को ऊपर, चाहे वह कांग्रेस के हों, विरोधी दल के लोग हों, स्टेट में एम० एल० ए० हों या एम० पी० हों, सभी के ऊपर निगरानी करनी पड़ेगी। सरकार-स्टाशल एक्टिंस के मुनाबिक सभी के ऊपर, कि कैसे कैसे आमदनी हुई, कहाँ कहाँ मे आया, कैसे कैसे आया इसकी समाज को निगरानी करनी पड़ेगी, तभी हम भ्रष्टाचार को दूर करने के लिये एक्टिंस कर्षण के लिये जो कानून बना रहे हैं इसमें कामयाबी होगी और आगे भी इसमें और कमिप्रुसिव विधेयक लाना पड़ेगा। इन शब्दों के साथ मैं फिर इस विधेयक की ताईद करता हूँ।

SHRI BALACHANDRA MENON (Kerala): Mr. Vice-Chairman, this Bill seeks to replace the Ordinance of 1967 which itself was necessitated because of a decision of the Punjab High Court. The Punjab High Court was forced to do it because there

was a lacuna in the previous legislation. So, this is a simple piece of legislation and may go through as it is, but then there are various other questions which will also have to be taken up seriously. From the village officer up to the highest person placed now in our society there is a good deal of corruption among a large number of people. I do not say that everyone is like that, but it has now come to the position where all our old sense of values has gone away because of this mad scramble to become rich as quickly as possible. We have found that because of the position which a Government officer occupies, he can easily amass wealth; he is easily liable to corruption. Should it be only the Government official? That is what I would ask. I do not know whether a proviso can be introduced in this Bill itself to enlarge the scope of this legislation; we shall say that public servant shall mean so and so, etc. Whether such a thing can be brought in, I have my own doubts. Perhaps it cannot be done. Most probably you have to amend the Act itself as to who a public servant is. Whatever it is, it is now necessary that we enlarge this definition as to who all should come into this. It might be that we may require a new Bill, and it is absolutely necessary that during this period a new kind of Bill will have to come in wherein I would say that the ordinary concept of law that everybody is equal, should also to an extent be changed that persons in authority will be punished much more. That may be a new thing which you will have to bring forward, because a small peon getting a rupee or two cannot be equated with the corruption of a high official or a Minister or any person in trust. I would say that a public servant should include certain categories of people, not Ministers alone . . . (*Interruptions*). I do not want to exclude the smaller people, if they are also in responsible positions. However small a Government servant may be, he has also got certain responsibilities and a duty

to the public and if he fails to do it, he must be punished. But the punishment must be higher regarding people in higher positions.

For such a purpose, I would suggest that public servants should include not only Government servants but also people in authority, like Ministers. I would even include members of trusts, of corporations, of autonomous bodies and why not even members of the legislatures? I am serious that they should come under this because they are men in positions of trust. Members of the legislatures, Members of Parliament and even the elected members of local bodies should come under this. It should be a new Bill because it is not the Government servants alone who are corrupt. A new class is coming up. Ours is already a class-ridden society. We get now a new class—the bureaucrat, the officer, the member of the legislature who are capable of corrupting anyone—not all; I do not mean all are like that. Ministers also should come in. Such a Bill should be provided and that Bill should have a higher and bigger punishment for those who are in higher and bigger places. That is an old understanding which we had in our country. I do not agree with my hon. friend, the previous speaker, that everything was corrupt in the past because of religion and all that and that we are liable to corruption because our past was such. No. Even in the olden days, people in higher places were punished more severely. If a pariah or a low-caste man was found to have committed some crime, he was let off with light punishment except where he dared recite or hear Vedas. But in other cases, the punishment was higher for those who were in higher positions. Our concept should be like that. We should see that this good thing of the past is brought in here and see that bigger punishments are given to those who are in higher and more responsible positions so that it will be a deterrent to them and they will not have an opportunity to get away with a smaller punishment.

[Shri Balachandra Menon]

I would therefore suggest the framing of a new legislation which would help that purpose and show that the path that we are following is something different from the ordinary one. We are facing a capitalist path of development where corruption is becoming rampant. Our policy should not be that. We should have a new kind of legislation which should bring in a new concept—a new sense of social value.

SHRIMATI YASHODA REDDY (Andhra Pradesh): Sir, I have been listening to the speeches. I must confess that this Bill is a very innocent and innocuous Bill. It only deals with an amendment of the anti-corruption laws of 1967 and with the decision of the High Court of Punjab. Because they could not have a retrospective effect, they have come forward with this and I am glad that every Member of the House agrees with it because the motives of the Government are correct that a person, who has been let off because of the 1943 Act, should not go scotfree because of the later amendment of 1967.

But, Sir, rightly, when we bring forward an amendment however small it may be to the anti-corruption law, a lot is being said about corruption. I would like to add a few words to it. Somehow, it has become a fashion nowadays to talk of corruption. I do not for a moment say that there is no corruption in this country, certainly there is corruption. But corruption exists in every country more or less. Maybe being a very poor country, maybe the standard of living being very low in our country, maybe the percentage of economic growth being very slow, a little greater corruption is here. I do concede it. And I also agree that corruption is not only at the lowest level, it is there at the very highest level also. I do not say that there is no corruption at the

Minister's level whether here or at the States. But this talk of corruption in and out of season and sometimes imaginary and sometimes unwanted, only leads to a psychological feeling that our country is nothing but a corrupt one, instead of trying to help fight corruption and trying to set healthy standards in creating and anti-corruption psychosis. I mean, it creates a psychological effect in our country also. So, I do agree with the Members. Let us not, in season and out of season, for everything, start shouting that there is much of corruption in this country which is not to be found anywhere else. But whatever laws we may bring forward, corruption cannot be eradicated unless not only the Government but also the public help. And it is a two-way process. And certainly unless the standard of living of the people is raised, this corruption cannot be eliminated.

A pertinent point has been raised by some of the hon. Members whether Ministers come under this definition of public servants. Sir, the hon. Minister has assured us both in that House and here that a Minister does come under public servants. Here, I would like to draw the attention of the House to the fact that in one of the Supreme Court judgments relating to a Privy Council case, they did decide about section 21 of the Indian Penal Code. They extended the catalogue of public servants in section 21 of the Indian Penal Code and did include the Ministers in it. But I must say, whether it is a judgment of the Supreme Court or an *obiter dictum*, it is the law of the land in terms of article 141 of the Constitution. But it has not precluded another Bench from reversing it. They have said that when the Supreme Court decides a case, when it gives an *obiter dictum* or a judgment, more or less the Government should adhere to the decisions of the Supreme Court and try to alter the law of the land. We are now amending the law of the land. Nothing pre-

vents the Supreme Court or a Bench tomorrow from reversing a decision of the Supreme Court given already. I do not, for a second, doubt the motive or the thought of the hon. Minister. Tomorrow a Supreme Court Bench may say that a public servant does not include a Minister. And moreover, the Santhanam Committee in its recommendation has very categorically said that the law of the land should be so amended, whether it is the anti-corruption law, the parent Act, or section 21 of the Indian Penal Code, as to include the Ministers. Why I am talking about a Minister is, rightly or wrongly, the Congress people have been ruling this country for more than 20 years. If we want our officers and our people to follow something we should also come under that. We should not be above it. (*Interruptions*) Even the Congress. I say it is the people who rule the land whether it be the Congress Ministers or non-Congress Ministers, and more so, the Congress, because we have been ruling the land for a longer period than the other Opposition parties. So, it has a psychological effect that the Ministers should also come under this. I do know, as per the present-day decision of the Supreme Court they do come under it. But there is always the possibility that a Bench of the Supreme Court may just over-ride that decision and say that a Minister need not come under that.

SHRI BHUPESH GUPTA (West Bengal) Does Minister includes Minister's wife also?

SHRIMATI YASHODA REDDY If you were to ask me and if my words were to be the law, I would include not only the Minister, but everybody who is near to the Minister. But you and I do not make the law. We all together make the law.

SHRI BHUPESH GUPTA Because in Andhra, in Hyderabad, so many

middle income group houses were allotted to the Ministers' wives, in a whole bunch in a row.

SHRIMATI YASHODA REDDY. May I tell the hon. Member this, first of all, just because somebody happens to be a Minister's wife or son or daughter for that matter, he or she is not above the ordinary rights of a citizen and they should not get some extra privileges just because they are members of the ministerial family. I certainly agree with Mr. Bhupesh Gupta. If by any chance they have got any extra privileges which do not come to other people, certainly they should come under this. But regarding this specific charge which the hon. Member has made that the wives of some of the Ministers were allotted bungalows, unfortunately in our House, especially Members on the Opposition try to know on certain things. What is actually beyond that to that they conveniently close their eyes and ears.

SHRI BHUPESH GUPTA I know we read out the list in this House and it was sent to the Andhra Pradesh Government. Then the matter was raised in the Assembly there and all those allotments were cancelled. I agree.

SHRIMATI YASHODA REDDY: No. What does it mean?

SHRI BHUPESH GUPTA It does mean that corruption was caught by the Opposition.

SHRIMATI YASHODA REDDY: It does not mean that. Sir. It only means that some Ministers' wives did apply for allotment and it did give rise to some sort of suspicion with the Opposition that the Ministers' wives were getting some extra privileges which they would not have got. Therefore, even though it was not so just to satisfy the psychological suspicion of the Members of the Opposition, they have all been cancelled.

[Shrimati Yashoda Reddy.]

Sir, I am reminded of a saying that those who have faith in God, for them no explanation is necessary. But for those who do not have faith in God, no explanation is possible. There are some Members in this House who do not have any faith. Neither can we convince them nor anything can convince them.

SHRI BHUPESH GUPTA: Mr Vice-Chairman is it her contention that we should be satisfied with our faith only and they should get all the bungalows?

SHRIMATI YASHODA REDDY. No, no I thought Mr. Bhupesh Gupta was pretty intelligent. Let him not insult his own intelligence. I never said that I considered him far more intelligent than what he appeared now. I say, let us have some faith. After all, the Members of the Congress Party and the Ministers are also human. There are bad people everywhere. It takes all kinds of things to make a world including that on the side of Mr. Bhupesh Gupta. What I was trying to say was that I do agree with the Opposition Members, I do appear to the Government—I am one with everyone in this House, especially with Members from the other side—that if we want to convince the country and the people that we are honest about this thing, honest about stopping corruption, it is not only the petty officials or the small peon or a clerk, but whosoever he/she might be, howsoever big, they should go into this. Certainly there is a sort of genuine doubt amongst us that public servants, in spite of all his assurances, may not come and though it may be the law of the land today, the law may be reversed tomorrow. So, Sir, I appeal to the Government that nothing prevents them from putting that thing here.

I also entirely agree with Mr. Balachandra Menon, I think, that no amendment can be brought. Certainly, no amendment can be brought to it. They should bring a separate and comprehensive law where they have a very detailed and a very comprehensive law as far as corruption is

concerned and where they are going to describe "public servants" and then bring Ministers also under "public servants" (*Interruption*). In the comprehensive Bill we can include "public men" also. Of course when the Bill comes before the House we can all discuss it. By the consensus of opinion it has to be done.

Sir if you just add an amendment now regarding the investigation officer, who is just an S P, or Dy S P, or a petty official—I do not know—but when it comes to the question of Ministers, I think it is not going to infuse confidence if a small officer is going to be entrusted with the job. The small officers should not go into allegations about Ministers. This should not be covered by bringing an amendment. What I say is that the Government should bring, and very fast, a comprehensive Bill covering all these small amendments in the four or five Acts about corruption that we have got. This should be brought forward and this should not leave any doubt about Ministers coming under this.

Also I appeal to the Members of the Opposition; let them not think that they are the only people who want to be moralistic or who want to preach morality to the country. We, on our side, have a strong opinion about that. We have also tried to deal with our corrupt Ministers and Members of Parliament. Maybe we have failed in spite of all our intelligence. But, as we know the people who are corrupt are far more intelligent than you or I. In spite of all our intelligence they try to hoodwink us, because a corrupt man, whether he is an officer or a Minister, is far more intelligent than an ordinary, average man. Sometimes we might not have been able to bring them to book, but certainly Members on this side of the House and the Congress Party and the Government are very, very anxious, if not more at least as much as they are anxious. I am sure the House agrees with me that there is need for a comprehensive Bill.

I thank you very much.