

[17 May, 2006]

RAJYA SABHA

1.00 P.M.

The House then adjourned at fourteen minutes past twelve of the clock.

The House re-assembled at One of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

GOVERNMENT BILLS

The Parliament Prevention of disqualification Amendment Bill, 2006

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ):
Sir, I move:

"That the Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959, as passed by Lok Sabha, be taken into consideration."

Sir, the Bill was passed by the Lok Sabha on 16th May, 2006. The law was necessitated Debate in order to bring into the law the National Advisory Council and all the trusts whether public or private, societies registered under the Societies Act, a Table has been added in which several offices are exempted from disqualification. Sir, the Table include the offices of Chairman, Deputy Chairman, Secretary, Member, whatever name called, in any of the statutory or non-statutory body specified therein. The list includes the bodies of States—some of the bodies are those of waqf, cooperative federations such as the National Agricultural Cooperative Marketing Federation, the Indian Farmers' Fertilizer Cooperative Limited, the Krishak Bharati Cooperative Limited and some other bodies such as Auroville Foundation, the National Commission of Enterprises, in the unorganised sector.

The hon. Members are aware that any question which comes for disqualification is decided in cases of pre-election disputes by the courts through the election petitions and post-election disputes by the President on the Advice of Election Commission under article 103 and article 192 of the Constitution.

Recently, it has become necessary to revisit the issue of disqualification of Members of Parliament on the issue of holding offices of profit. This has been necessitated by certain recent developments which have arisen in relation to approximately 40 hon. Members of Parliament of both Houses of Parliament.

Sir, the other Houses has gone into the full details of all aspects of it and there was almost unanimous support except from some peripheral objections which were raised. Sir, I may submit that this Bill is a very limited measure in that there is already the Prevention of Disqualification Amendment Bill, 1959 and we are adding; through this Bill, a few more organisations and offices which are necessary in order that certain Members of Parliament are not disqualified.

Sir, this is absolutely a non-controversial measure in which there is no scope for any diverse views. Sir, I commend that this Bill may be taken into consideration.

MR. DEPUTY CHAIRMAN: Now, Shri Mule Venkata Mysura Reddy and Shri Ravula Chandra Sekar Reddy to move for reference of the Bill to a Select Committee of the Rajya Sabha. The Member may move the amendment at this stage without any speech.

SHRI MULE VENKATA MYSURA REDDY (Andhra Pradesh): Sir, I move:

"That the Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959 be referred to a Select Committee of the Rajya Sabha consisting of the following members (*names of members to be given at the time of making the motion*) with instructions to report by the first day of the next session of the Rajya Sabha.

The questions were proposed.

MR. DEPUTY CHAIRMAN: The motion for consideration of the Bill and the amendment moved thereof are now open for discussion. Shri Arun Jaitley.

SHRI ARUN JAITLEY (Gujarat): Mr. Deputy Chairman, Sir, I raise to oppose this Bill. There have been many historic occasions when this House as also the other august House have had an opportunity to pass certain landmark legislations. There have also been periods in history where we have legislated ostensibly because the movers of the legislation enjoyed a majority, but those instances have never been considered to be glorious for Parliament. We have had glorious moments when the Constitution was adopted by the Constituent Assembly, we have had occasions where the first Prime Minister of India got up and said, "a Member of my own party must be suspended for conduct unbecoming

of a Member", we had occasion some months ago where because of ethos in public life we decided to get rid of the membership of one of our own Members. But then we have also had our own laws. Some of the laws were when we were legislating during the Emergency. There may be split opinion but some of us believe that the Shahbano legislation was one such occasion. Even if the majority propounders of this legislation feel that this is a legislation which must come, the people of this country are going to view this legislation as one of the low moments for Indian legislative history and Indian Parliament. It is here that we are legislating not in Public interest, we are not legislating for the benefit of the public but we are legislating for self-benefit and self-interest of some of our Members. We are legislating against the spirit of the Indian Constitution, particularly articles 102 and 191. We are legislating, and when I read the objects of this Bill, the draughtsmen of the Bill have been candid enough to say that we are legislating because some of our Members are in the danger of losing their membership for allegedly violating the Constitution, and, therefore, we must subvert the legal system and the parliamentary system now and save the membership of those who have tried and who have subverted the Constitutional process. We are legislating, as the very name of this Bill shows, to permit our Members along with discharging their legislative functions, to continue to make profit from the executive. We are legislating against the spirit of self-sacrifice in public life which legislative offices compel us to hold. I will not be surprised if legislations of this kind once passed are seen in public perception, by the media and the people of India as some kind of an effort by legislative bodies to legitimise a collective loot. It is, therefore, Sir, when such legislations are moved, my party and I are compelled to say that this is a *violation of the Constitution of India, it is an absolute abuse of the majority which the movers of this Bill enjoy, and, this is a Bill, which is going to increase manifold the distrust which the people of India are increasingly having against politicians and public life. What did the Constitution of India provide for and why did it so provide? Article 102 of the Constitution when it dealt with the Members of the Central Legislature and article 191 when it dealt with the Members of the State Legislative bodies, one of the grounds for disqualification was that you shall not hold an office of profit. And then an exception was carved out, "unless such an office," which is absolutely

*Expunged as ordered by the Chair.

necessary, then it is an exempted office from disqualification. We were not the first Constitution in the world to provide for this. The democracies which follow our pattern and which have preceded our pattern world over have this provision. And the reason why they have this provision is, one of the essences of the Indian Constitutional order is the separation of powers. In fact, the separation of powers is one of the un-amendable concepts enshrined in the Indian Constitution. The Judiciary, the Executive and the Legislature all enjoy their functions and they must function independently and separately. If Judges, when they discharge their judicial functions, are given offices which earn profit from the Executive, it will be perceived that the Judiciary has lost its independence and Judges who occupy offices in addition to their judicial offices where they get extra profit from the Executive, it will seriously compromise judicial independence. Therefore, our Constitution does not permit it. What happens to the relationship between the Legislature and the Executive? The Legislature is the conscience keeper of the society. The Executive, which executes its decisions, owes its accountability to the Legislature. We have to question the various acts and performances of the Executive. We have to be independent in the discharge of our functions, and we must, therefore, independently be in a position to opine and form an opinion on how the Executive is functioning. That is the whole concept of separation of powers. And why did the Constitution say, in India, in articles 102 and 191 that the legislators will not occupy an office of profit? This is because once the Executive is able to bestow such favours on you, it is able to provide you profit then your independent legislative functioning gets seriously compromised, and once your independent legislative functioning gets compromised, the accountability of the Executive to the Legislature gets diluted, and because of this dilution, the legislators must function independently just as the judges must function independently. They must not be perceived and must not actually receive favours from the executive. And that was the rationale why the framers of our Constitution said. "If you want to be Members of the legislative bodies then you must give up the temptation of getting into some element which involves benefits of profits as far as the Executive is concerned. It is not for the first time that the situation has confronted us. We have had the various Select Committees, we have had the various Parliamentary Authorities which have commented on this. Sir, I just read one passage from what Kaul and Shukla say why did we have this provision. And they say:

"The underlying object of this Constitutional provision is to secure independence of Members of Parliament or a State Legislature and to ensure that the Parliament or the State Legislature does not contain persons who have received favours or benefits from the Executive Government and who, consequently, being under an obligation to the Executive might be amenable to their influence. Obviously, the provision has been made in order to eliminate or reduce the risk of conflict between the duty and self-interest of the legislators."

Once, when the 1959 Bill was framed, it was preceded by a parliamentary Committee. It was headed by Shri Thakur Das Bhargava. That parliamentary Committee, then, went into what are the cardinal principles as to why articles 102 and 191 in the spirit of this must be maintained. They said, "There are three reasons why this must be done." And each one of those three reasons remains equally valid even today. And the three reasons are:

1. Incompatibility of certain non-Ministerial offices with memberships of the House;
2. The need to limit the control or influence of the Executive Government over the House; and
3. The essential condition of a certain number of Member being Members of the House for the purposes of ensuring the control of the Executive by Parliament.

Now, the Bill has functioned. It functioned in British democracy. Though I must mention that in British Parliament, the Bill which has been passed is substantially different from us, they have had a more positive approach, a positive approach in the sense that any Members of the House of Commons must not take benefits from the Crown's Government. That will compromise his functioning. And they have a law which has listed, literally, hundreds of offices in the Executive, in the Judiciary, in the Army, among the police forces, various Committees and various Commissions, and has said that these are all offices; the moments you get into any one of these offices, your membership gets automatically terminated; you incur a disqualification. So the British practice which they have followed is that they have a large list of negative offices which a Member of the legislative body cannot go close to. What we did was, we tried to follow the principles

of article 102 which means the conflict between a legislative Member and his taking benefits from the Executive needs to be avoided. And we, therefore, in 1959--- prior to that, there was a transient legislation--made certain minor exceptions. And the minor exceptions were that assuming some Committee is to be appointed in which an eminent Members who happens to be a Member of the House is the Chairperson then, some rare cases, some exceptional cases could be exempted. So, we said, 'everybody would be disqualified'. In fact, we were tougher than the British. The British said, 'only if you occupy certain offices will you be disqualified'. We said, 'no, any office which is an office of profit will incur a disqualification.'

However, the Parliament in its wisdom may think that there are a few offices where the experience of somebody in public life is required and, therefore, Parliament can exempt that office. The Act worked well. Few offices were exempted. And what happened in the meanwhile? You now had a situation, as politics are grown in this country, there was a desire of almost everybody to become a Minister or get a ministerial status. So, a large number of ruling party members in the State Legislature said, "I want to be a Member of the Cabinet. I want to be a Member of the Council of Ministers. If you can't make me a Member, then, at least, give me a post which will confer upon certain privileges and benefits to me'. Now, the moment this craze, this lust for the white Ambassador car increased in State after State, you suddenly found that in State after State, in the Union Parliament, a large number of people occupying these offices and, therefore, their ability to keep the executives in check starting diluting and disqualifications were incurred. The Supreme Court on various occasions and because the President acts on the aid and advice of the Election Commission in this matter laid down a very clear role, and in the entire law they laid down and while interpreting these provisions they said, 'this is a salutary provision which is intended to keep the independence of the Legislature. It is to keep Members of legislative bodies free from any kind of pecuniary benefits from the executives. Therefore, if there is an office, which the Government makes the appointment, the Government pays the remuneration, the functions are of a Governmental character, then, these are offices which would, naturally, incur these disqualifications'. Sir, in the year 2003, both Houses of Parliament in a different context considered this. It took us more than 40 years to consider the recommendations of the Administrative Reforms Commission. The Administrative Reforms Commission had said that you can't have a system where you have infinitely large number of Members of a Council of Ministers. Therefore, you must restrict the number of Ministers in every Government. So, both Houses of Parliament had an amendment and that

amendment in most parts of the country has worked very well and the manner of its working has been that today you can't have the size of a Council of Ministers where the number increases more than 15 per cent of the Lower House in each case. Now, this has functioned across the country for the last 2-3 years and there are no serious grievances or complaints expect people who had to vacate offices because of this cap, which was placed. Therefore, post-2003; the tendency to accommodate those people and, therefore, indirectly defeat this Constitutional amendment has also increased. Now, the Constitution has put a cap of 15 per cent. We must now actively start working how to defeat the cap. So the Constitutional cap of 15 per cent is defeated. 'If I can't make you a Minister, I will make you almost something like a Minister' for which there is no provision in the Constitution. States started having Parliamentary Secretaries. They started having Chairman of various bodies. Committees were constituted with the same facilities and the object of the Administrative Reforms Commission that cut down the size of the Government, reduce wasteful expenditure of the Government, we started again defeating. Then, we suddenly realised that we had to get rid of some people. They must either occupy these offices or continue to be Members of legislative bodies. We suddenly had this crisis when a large number of complaints have been filed and people who asked for these offices are the people who now had to face their own consequences because of this. Now, this is a Bill which we have drawn out and this Bill when passed, Sir, not only takes care of Members of Parliament but now it acts as a bad Constitutional precedent for every State Legislature. What will be the effect after this Bill has been passed? After this Bill has been passed, we will have a large number of offices at the Centre which are exempted offices. Every State will now start exempting its own offices. And, finally, Article 102 says, the spirit of the Constitution says and the concept of separation of powers says that the Legislative Members must not take favours from the executive. But, we will have hundreds and hundreds of offices all over the country which are exceptions to the rule. Now, These exceptions to the rule will really make it nugatory, the Constitution becomes nugatory, because hundreds of offices, which are exempted offices, will get created all over the country. Therefore, hundreds and hundreds of Members of the legislative bodies all the Centre and in the States will be getting profit at the behest of the executive. The Members of this House have to ask their conscience a question. That is what I said that this will be one of the

all-time losses for this legislature once a Bill of this kind is passed. We are now sitting at a time when independence of Members of the Legislature is compromised. It is compromised through legislation of this kind. A question will be asked by the future generations, 'You were all Members of the House at that time, what did you do to stop this from happening?' The essence of the Indian democracy, separation of powers has been completely obliterated by this Bill. The Members of legislative bodies will be getting bribed, which is a better way of putting it than a more honourable way of getting profit from the executive, and we say, 'we passed it because we wanted to save the Membership of some of our Members.' That is not what I am saying. That is what the Statement of Objects and Reasons is saying. It says, "This has been necessitated due to recent developments where approximately 40 or more Members from both the Houses of Parliament are holding offices of Chairman or members of various statutory and non-statutory bodies and are facing disqualification proceedings on the ground that they are holding an office of profit. If this state of affairs is allowed to continue then there is bound to be large-scale litigation and the likely vacation of seats in both the Houses of Parliament, which will necessitate the holding of by-elections to fill up the resultant vacancies. This will be a wasteful expenditure and will enforce unnecessary financial burden upon the nation." This is the Object and Reason! The Object and Reason could not have been more honest than this. The reason is that this Bill has not been brought in to uphold the separation of powers and independence of legislature. But, this is a collective exercise by all of us to save some of our Members so that they can continue to be members and also continue to receive profits from the executive. Therefore, if their membership goes then hell will let loose and there will be litigation and there will be fresh elections. And, elections are something which the Indian democracy can never afford. If this is the essence of the Bill, I really appeal to the conscience of all the Members who are supporting this Bill to seriously reconsider whether a Bill of this kind is one where history should then blame us for having been a party to it. What does this Bill effectively say? Sir, I have gone through the Bill. This Bill effectively says that now there are a large number of exempted offices. All these exempted offices will not incur disqualification. These offices get exempted from when? Not from today, not from the date when these offices were born, but in some cases, 40 to 50 years before offices were born! Clause 3 of the Bill says that the following Table shall be deemed to have inserted

with effect from 4th day of April, 1959. Every office has become an exempted office from 4th April, 1959. Which is the office? The first office is, The Tripura Khadi and Village Industries Board constituted in 1966. Now, the 1966 office is exempted w.e.f. 1959! The National Advisory Council constituted on 31st May, 2004, exempted w.e.f. 1959. So, every such office like the Auroville Foundation established in 1988 will be exempted from 1959! and, it is a masterly drafting! All the offices, in this Bill, have been exempted, 40 to 50 years before the offices were even created. Therefore, not only is the present occupant exempted, but even those who could not have occupied these offices, because the offices did not exist are, now, exempted.

THE LEADER OF THE OPPOSITION (SHRI JASWANT SINGH): I am really confused here. This is a very important piece of legislation. A very important point is being raised. How do you exempt that which was non-existent? Will the hon. speaker elucidate this pointedly? Have I understood correctly that that which was non-existent is yet exempted? I wish to learn how do you exempt the non-existent.

श्री शरद यादव (बिहार): उपसभापति जी, मैं एक बात पूछूंगा। इसमें जो दिया गया है और जो बातें बताई गई हैं, तो मैं सोचता हूँ कि इसमें कुछ लोग तो 1952 के बाद पैदा हुए होंगे, उनको एग्जैम्प्ट कर दिया इसमें। वे कितने लोग हैं, यह बताएं जरा। ... (व्यवधान)...

श्री उपसभापति: आप कंक्लूड कीजिए। ... (व्यवधान)...

श्री शरद यादव: हंसराज जी, आप गजब आदमी हैं। यह भी बताने का काम करें। ... (व्यवधान)...

श्री उपसभापति: अरुण जेटली ... (व्यवधान) ... आप कहिए। ... (व्यवधान)...

श्री हंसराज भारद्वाज: एक तरीका होता है, बहस का। या तो आपस में कर लो या हम जो कहें ... (व्यवधान) ... नहीं आप कह रहे हैं ... (व्यवधान)...

श्री शरद यादव: हम आपसे यह कह रहे हैं कि हमारा यह प्वायंट ... (व्यवधान)...

श्री उपसभापति: उन्होंने जो प्वायंट किया है, उस पर वे रिप्लाई के वक्त बोलेंगे ... (व्यवधान) ... इसको क्लैरिफाई करेंगे ... (व्यवधान)...

श्री हंसराज भारद्वाज: यह तो अरुण जेटली जी कह रहे हैं। यह इनसे पूछिए। ये मिनिस्टर रहकर भी नहीं जानते कि before 1952 के लॉज ... (व्यवधान) ... ऐसे ही करते हैं। ... (व्यवधान)...

श्री उपसभापति: इसको क्लैरिफाई करेंगे। ... (व्यवधान)...

श्री हंसराज भारद्वाज: ये अनजान हैं, तो मैं थोड़े ही इनको तालीम दूंगा। ... (व्यवधान)...

You had been a Minister. I can bring two invalidation laws of your time. This is the way of validation. *(Interruptions)* Don't make a mockery of this Bill.

श्री उपसभापति: नहीं, ठीक है। अब उसके उपर ... (व्यवधान) ... इनको बोलने दीजिए!
... (व्यवधान)...

SHRI ARUN JAITLEY: Sir, I am sure there must be a very strong rationale behind exempting the offices even before they existed, and the hon. Minister will certainly take care of this when he answers the debate.

What else does this Bill do? And, I think, more than the Minister, this Bill has something to do with preserving the Government in power. When I say 'preserving the Government in power'. I find a special favour being shown to West Bengal. Bulk of the offices, in the schedule, are: the Tripura Khadi and Village Industries Board, the West Bengal Handicrafts Development Corporation Limited, the West Bengal Small Industries Development Corporation Limited, the West Bengal Industries Development Corporation Limited, the Sriniketan Santiniketan Development Authority, the Haldia Development Authority, the West Bengal Minorities Development and Finance Corporation, the Hooghly River Bridge Commissioners, and there are series of West Bengal authorities. *(Interruptions)* Sir, one thing I have always conceded in favour of my friends in the Left Parties, has been that in any debate, their effort is always to occupy the high moral ground. And, today, if this list of 45 odd or 50 odd offices is received, there is one factor about this list, which is common—every name has a face behind it. Every name is not concerned with the institution and the functions it discharges. The object behind the exemption was that there might be some exceptional offices, with those experienced in legislative activity may have to perform a function. Therefore, in that one exceptional case or, in those three exceptional cases, Members of the legislative bodies may be spared and they may be exempted. But the rationale of adding this list is not that the nature of office is such that it requires an MLA or an MP to perform. That is why this list is a complete* on power. The rationale behind this list is, the present occupant of this list has a face, he has a name and that name belongs to the party which

* Expunged as ordered by the Chair.

is supporting the Government. And this is the price of the support which they are trying to extract. And, therefore, those who have claimed to occupy the high moral ground, in any debate on any public issue, are today virtually holding the Government to ransom and saying, "please include all these offices because we are in danger of losing our Members." Why should the Haldia Development be headed by only a Member of Parliament? The Kandla Port is not headed by a Member of Parliament. The Navashiva Port is not headed by a Member of Parliament. The development authorities are not headed by Members of Parliament. Handicraft bodies are not headed by Members of Parliament. The Sriniketan Shantiniketan Development Authority ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Don't take names please. ...*(Interruptions)*...

SHRI ARUN JAITLEY: Okay. There is a name and a face behind each one these bodies, and this is really the price for support to this Government which my friends in the Left have really extracted. So, the holding point of the coalition is not the Common Minimum Programme, but it is the joint survival of both of them. The CMP stands substituted by the desire to survive. While on the television screens you may say that it is the CMP which holds us together, but it is really this support for survival which holds this Government together. ...*(Interruptions)*... The CMP, as my friend, Shri Yashwant Sinha, says, can now be called the 'Common Minimum Profit.' This is the CMP. That is why, we are really choosing to support a Bill of this kind. ...*(Interruptions)*...

SHRI C. RAMACHANDRAIAH (Andhra Pradesh): Mr. Narayanasamy, that is why, we are here ...*(Interruptions)*...

श्री उपसभापति: जेटली जी, अभी आप कितना टाइम लेंगे?

SHRI ARUN JAITLEY: Sir, I will take two minutes ...*(Interruptions)*...

श्रीमती सुषमा स्वराज (मध्य प्रदेश): सर, अभी तो टाइम है। Sir, he is the only speaker from our party. अभी बहुत समय है।

MR. DEPUTY CHAIRMAN: I know he is the only speaker. ...*(Interruptions)*... I am just reminding that the time allotted to your party is over. ...*(Interruptions)*... I just reminded him. ...*(Interruptions)*... I wanted to know how much time he will take. ...*(Interruptions)*... I know he is the

speaker from your party. Thirty-one minutes allotted to your party are over. So, I just wanted to know how much time he will take.
...(Interruptions)...

SHRI ARUN JAITLEY: Sir, if we now see the objects of the Bill, a large number of Members of the Legislative Assemblies, the Lok Sabha and this House may be facing election petitions. If election petitions are allowed, or if they are allowed to continue, a lot of cost is incurred on litigation. Wasteful time of Members of Parliament is being spent in going to courts and engaging the advocates. If in the case of any Member's membership is set aside, it will lead to a fresh election. And a fresh election, according to the rationale of this Bill, is destructive of democracy. Therefore, the offices must be saved. Now, if this is done in regard to every case, if this rationale is carried forward, where does this leave us? It leaves us in a situation where—now the law settled by the Election Commission, the Rashtrapati having accepted the recommendations of the Election Commission, and the pronouncements of the Supreme Court, the law is clear now—if you occupy an Office of Profit, you may not actually receive some money, but if you are merely entitled to receive it, that is enough to disqualify you. That is the salutary principle, independence of legislators. We have always spoken of the independence of the Judiciary, the dignity of the Executive and its professionalism in giving advice. But the concept of the independence of the Legislative bodies cannot be ignored. That is really the essence of Indian democracy. Therefore, what should the Government have done in a situation of this kind? I can quite understand a political difficulty across the spectrum that the Government faces. The Government had really two kinds of courses. The course had to be Constitutionally correct, and more important, morally and ethically correct. What is morally and ethically highly improper would violate the spirit of the Constitution itself. The course which the Government has chosen is a course which, in my view is, morally and ethically disastrous and Constitutionally questionable. It is a course which seeks to say that with retrospective effect, last 52 years, we legitimise all violations of article 102. We not only legitimise those violations, but we hereby say that hundreds and hundreds of offices all over the country can be occupied by Legislators, and this will not be deemed to be an Office of Profit. The independence of legislative bodies will be set at naught. This is the effect of this legislation.

My colleague, Sushmaji, had been propagating this idea that if you have a difficulty on hand and that now you feel that there is a fresh consideration of law which has come to our notice, all right, please condone the past if you want to, but, at least, stop this practice for the future. Let us not leave behind footprints which are constitutionally unacceptable in any democracy. This House, the Government and all of us, collectively, would have risen in public esteem that we have now realised that what was happening was not fair, was not constitutionally correct, and therefore, we have decided to stop this practice, we don't want to be vindictive, we don't say that membership of members of Parliament and Legislative bodies be eliminated, but, as a constitutionally correct course, henceforth, no such illegality will be continued. It is the same course which Mr. Jaipal Reddy in the Delhi's unauthorised constructions has been suggesting; please forget the past and start following the law in future. This was the possible course which was being suggested, and if you didn't want this course, there was an alternative course open. And, in the alternative course, you don't add list of dozens of Members in each State Assembly and the Centre; you just have a clarificatory legislation as to what really is an Office of Profit.

If you want MLAs and MPs to head certain kinds of bodies so that their legislative experience can be used, then, please bring a clarificatory legislation for the future that they can occupy these offices and give their experience to these bodies, but they will not be entitled to draw a single rupee either as a compensatory allowance or salary or perquisites or any facilities. Let them get only the remuneration they get as Members of Legislative bodies. I get my salary as a Member of Parliament and I discharge functions in a body where I think with a spirit of self-sacrifice, I have to do it. Instead of adding to the list, you could have had a clarificatory note, so that the people feel that in addition to your functions as a Member of a Legislative body, you are working somewhere else independently and you don't want any remuneration for doing that. This would have enhanced the dignity and the stature of Members of Parliament. But the same House some months ago proclaimed itself for the best of ethics, and rightly so. The Ethics Committee said that somebody has accepted five thousand rupees; and for accepting five thousand rupees, you don't deserve to be a Member of this House, and, Sir, today, you want this country to believe that we are bribed day in, day out by the

Executive, continue to get profit from the Executive and continue as a Member of Parliament because the legal system and the legislation of this country will continue to protect you. This, Sir, is what I said, will go down as one of the all-time laws in Indian legislative history, and that is why my party has decided to oppose this Bill in its present form completely.

MR. DEPUTY CHAIRMAN: Dr. Abhishek Manu Singhvi. It is his maiden speech. ...*(Interruptions)*... Afterwards, please.

DR. ABHISHEK MANU SINGHVI (Rajasthan): Mr. Deputy Chairman Sir, I rise before this august House for my maiden address. I have heard the hon. Member with rapt attention, and despite his undoubted forensic skill, may I say that he cannot make a weak case strong, or a weak case persuasive. I rise to support the Bill because it is a public interest measure, because it is a bill to keep pace with the times:

Sir, the acronym Oop, Office of Profit, is an old parliamentary concept. But, it is an old parliamentary concept, which comes with an inbuilt palliative, an inbuilt corrective. That inbuilt corrective is provided for course correction whenever society wants it. It is the enabling sanction of the Constitution itself and that is precisely what the hon. Member and the party he represents wants us to forget. May I remind you of that enabling specific mandatory sanction of the Constitution? It reads thus: "If the word is if"-"he holds any office of profit under the Government of India or the Government of any State other than an office declared by Parliament by law not to disqualify its holder." In other words, once Parliament so declares, the Constitution mandates that it shall not be an office of profit, that it shall be deemed not to be an office of profit. And this is really a charge by the hon. Member against the framers of the Constitution. It is a charge by the hon. Member against those who debated in the Constituent Assembly-to which I shall refer shortly-and rejected the very proposal which the hon. Member is today making.

Why is this course correction, this enabling sanction of the Constitution, required? It is required so that the concept does not become a trap for the unwary, so that the concept does not become an obstruction to public interest, so that it does not become an obstacle to good governance and so that it does not create wholly unavoidable uncertainty. This Bill does nothing more, Mr. Deputy Chairman, Sir, except that which is entrusted

by the Constitution to Parliament to do. It does no more than what has been done several times earlier, at least, ten times earlier. It is pre-sanctioned and pre-certified by the Constitution. It obviates uncertainty. What is this uncertainty? It is the uncertainty of the very mode of judicial determination. Once a statute specifies an office, the very mode of statutory specification eliminates uncertainty. It eliminates the uncertainty of the facts of a case varying from case. It eliminates the uncertainty of post-facto determination and adjudication in judgement case to case. That is precisely why this specific mandate was provided in the Constitution. We must never forget why the Constitution spoke the words it did. The candid fact is that the 1959 Act was not reviewed, examined or evaluated over the years. This Bill is, therefore, both curative and preventive. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Silence, please. It is his maiden speech. Please, listen to him.

DR. ABHISHEK MANU SINGHVI: Sir, this Bill addresses reality, and the reality is that there have been several offices, which serve a public interest but which have gone unaddressed in earlier amendments. It is a big mistake, Mr. Deputy chairman Sir, to consider that every office listed in the Schedule to this Bill is an office of profit. That is a big mistake, which has been dealt with earlier. A catena of judicial decisions lay down judicial tests and if one were to apply those judicial tests, many of the offices in the Schedule would not qualify as offices of profit. And they would not qualify as offices of profit also, either because they involve autonomous institutions, or because they involve no sovereign, no executive, no revenue functions, or because they involve no hire-and-fire by the Government. But, nevertheless, they are put in this Schedule, they are put in this Bill, and they have been put in earlier amendments. Why-for the reason that it is important to provide statutory certainty by name. A statutory certainty does not come by mere definitional changes and this is the precise point raised earlier in the debates, and that is why, this mode of statutory specification in terms of the Constitution is being adopted. It is, therefore, a methodology of abundant precaution for certainty, surety and good governance.

What is the mischief that this Bill seeks to suppress? Clearly, the Bill seeks to avoid a conflict, and the law and Constitutional provisions seek

to avoid a conflict between duty and interest. Clearly, they seek to prevent a misuse of official position. Clearly, they seek to prevent and avert the likelihood of influencing by the Executive. But, I submit that this concept cannot be cast so wide. It cannot be cast so wide that participatory Government itself, doctors, scientists, lawyers, engineers, a host of public spirited individuals, a host of the elective and non-elective offices, will be excluded. In the salutary words of Justice Krishna Aiyar, he said, "An interpretation of office of profit to cast the net so wide that all our citizens with specialities and know-how are inhibited from entering elected organs of public administration and offering semi-voluntary service in official, statutory or like projects run or directed by the Government may be detrimental to democracy itself". It is really that detriment to democracy which this Bill and its earlier amendments seek to prevent. I will deal shortly with various examples given by the hon. Member. But a quick historical survey of the concept of Office of Profit is instructive because it shows the growing contemporary irrelevance of the concept prior to the present amendment. It is ironic that the story starts not with the slippery slope of what is an Office of Profit but the fact is that Office of Profit was created as an escape route from Parliament. The story starts in England where by a quaint English notion Members of Parliament were not entitled to resign their membership of Parliament. To enable them to leave Parliament for those who wish to do so, two ancient or obsolete offices were created and the fictional assumption of which would allow them to leave Parliament. But in what context did this happen? This happened in a context of perpetual strife between the British Crown and the British Parliament. There was a perpetual state of hostility and antagonism between the British Parliament and the British Crown. It is in that state of hostility that it was thought necessary that Members of Parliament should be insulated to the extreme from any influence by the British Executive. What a far cry today! Do we have that separation of powers today? Today the Cabinet Government system, the form of Cabinet governance which we follow and which several other countries follow, provide a hyphenated link between the Legislature and the Cabinet. Indeed, the Cabinet is nothing more than a very special committee of the Legislature. What happens when the previous Government enacts the rule that a legislative whip will lead to voting only in accordance with that whip? Such a whip, such a rule, such a constitutional amendment means that the separation of power which the hon. Member talked about may exist only in a figment of his

imagination. It does not exist in the reality of Cabinet governance today, neither in India nor anywhere else where cabinet governance is followed. Therefore, to talk of Office of Profit in that artificial sense, in the sense of an artificial non-existence separation of powers, is completely wrong and indeed misleading. But that is not to say that we are casting away the concept of Office of Profit; that is not to say that we are abandoning the concept of Office of Profit. The Office of Profit concept remains. But we need to revisit it to see its contemporary form, shape and size in the relevance of the contemporary context. It is very interesting that the example which the hon. Member gave of England is itself an example which undermines the point he seeks to make. In England after the Office of Profit concept was started, it was shortly thereafter felt that it is an unfortunate noose around the neck and, therefore, you had eminent Committees like the Herbert Committee of 1941 and the Spens Committee of 1956 to revisit the concept. Ultimately, in 1957, a statute was passed in England which has been reincarnated in 1975 which does the opposite of what India does. It specifies a certain number of offices which will compulsorily disqualify persons. In other words, the residuary category, the entire universe of all other offices, is open to be assumed and will not result in disqualification. In other words, the British Statute, which the hon. Member mentioned, creates a far larger exempting zone. It creates a far larger exempting zone because the British Statute only lists about 200 offices which will lead to disqualification. Everything else in the universe is open to be assumed by a Member of Parliament in the country of its origin, viz. Great Britain, and that will not lead to disqualification. That is the meaning of changing the law to keep pace with the times. That is the meaning of adapting the contemporary relevance of the concept of Office of Profit to the changing realities of the world, and if I remember right, I heard the hon. Member say that this is a very positive statute. Well, if the British Statute is positive and it limits only 200-odd positions as Offices of Profit and leaves open the entire universe of all other offices, then in that case the Indian model is, obviously, much more restrictive. The British seed did not travel to India till 1935. In the nineteenth century, there were several statutes. There were the Indian Council Acts in 1861, in 1870, 1874 and so on and so forth. Not one of them mentioned an Office of Profit. The 1915 and 1919 Acts mentioned a vacancy or assumption of office under the Crown, but did not mention an Office of Profit. It was, for the first time, in the 1935 Government of India Act that

the phrase, as we see it today in article 102 and article 191, was found. It was the Government of India Act which brought in this concept. And, after the Government of India Act, I must harken you back to the Constituent Assembly debates. The Constituent Assembly, very interestingly, mentioned a proposal by the Editor of the Indian Law Review. The Indian Law Review Editor, whose proposal was discussed in the Constituent Assembly, specifically asked for the deletion of the words, "other than those posts declared as exempt by Parliament". That was a specific proposal which came to the Constituent Assembly. The Constituent Assembly specifically shot it down on the ground that the Parliament must retain that power, that flexibility, that plenary jurisdiction to add to the list of Offices of Profit, which may be exempt, or indeed to add to the list of offices generally which may not be Offices of Profit which are required to be exempt, and that is a very clear answer of our Constitutional intent. That is a very clear answer of what our framers intended and hon. Member's request today is to go contrary to the intent of the framers of the Constitution. Thereafter, the then Constitutional Advisor, Shri B.N. Rao, brought another model. The model he brought required a provision of disqualification in the Constitution itself. That was another specific proposal by the Constitutional advisor, Shri B.N. Rao. That proposal was again shot down on the ground that Parliament must retain that flexibility and that power to add to the list of exempt offices. These are very significant clues to the Parliamentary intent and, more importantly, to the intent of framers of the Constitution and it is that intent which is sought to be subverted by those who oppose this Bill. The debates in Parliament, which preceded the various Acts we had; we had the 1950 Act, the 1951 Act, the 1954 Act and then, of course, the 1959 Act. Each of these Acts was preceded by the debates, especially the 1954 Act and 1959 Act. In these debates, it was pointed out—in fact, both the Bills were piloted by the then Law Ministers—that the specification of many of these offices in the Schedule does not necessarily mean that they are Offices of Profit. The specification is necessary for abundant precaution; the specification is necessary to eliminate uncertainty. And, then came the Bhargava Committee Report. After the Bhargava Committee Report and after the 1959 Act, which as you know, did exactly what the present Bill does except that the number of exempt offices was smaller. The only difference was that the number of exempt offices was smaller. But, thereafter, in 1960, several Central Government public sectors were added.

In 1977, the post of the Leader of the Opposition was added. In 1993, the Deputy Chairmanship of the Planning Commission was added. And, in 1999 and 2000, all the leaders and deputy leaders of various political parties were added. Let me address the highly overstated and somewhat dramatically overstated argument of retrospectivity. Most of you know about article 103, and, I am sure, the hon. Member knows it better than most of us. Article 103 requires all adjudication and decision on matters involving disqualification to be mandatorily done by the Election Commission, whose opinion the President must seek, and, by whose opinion, the President is bound. On the date when the Election Commission will decide these matters, this Bill seeks to change the law before that date. In other words, on a future date, if the Election Commission will decide the 30 or 40 odd petitions pending, it will have before it a law which the Election Commission like all other authorities in India are bound to apply; a law which says, "You, the Election Commission must decide in accordance with the law as it today stands. That is not retrospectivity; that is prospective application of an existing law, which every adjudicator is obliged to apply. That is point one.

But, point 2, perhaps, my hon. friend knows even better, is that way back in 1969, there was the judgement of the Supreme Court—not a judgement only by the Supreme Court, but by a Constitution Bench of five Judges of the Supreme Court. A lady, Ms. Kanta Kathuria in Rajasthan who had become an MLA while she held the position of a Counsel in the Government of Rajasthan. That infirmity was sought to be cured by the Rajasthan Legislative Assembly completely retrospectively, not even prospectively in the sense that this Bill does... (*Interruptions*)... This Bill applies to the Election Commission prospectively but that Bill was completely retrospective. The five Judge Bench of the Supreme Court upheld retrospectivity, and, that is the law as it today stands. (*Interruptions*)

श्री ललित किशोर चतुर्वेदी (राजस्थान): उस समय भी आप ही वहां थे, अब भी आप ही हैं।

DR. ABHISHEK MANU SINGHVI: My friend made a farce, out of positions, which are dating to 1959, to 1960, to 1962. He called it absurd that a position which does not exist in the Act is sought to be legitimised; a position not born.

2.00 P.M.

But, surely, my friend, especially my friend as a former Law Minister, must know that if you pick up any and every Act of Parliament, and, I repeat, any and every Act of Parliament, which has retrospectivity; the retrospectivity proceeds on a deeming fiction. The deeming fiction is that from the date when the law was passed, which this law seeks to amend, the law shall be deemed to have always been that. Surely, this law today in 2006 seeks to amend the 1959 law. If this amendment were to stop at 1972 or 1973, my learned friend and his party would be the first to rise and say, what kind of an amendment is this. It does not go back, it does not reach back to the 1959 Act. This is absolutely known to anybody who moves any Bills, and, I am sure, my friend, the Law Minister and everybody else can produce umpteen endless number of Bills with retrospectivity passed under the pilotship of the hon. Member himself, which follows the sanctified, ancient, established formula of retrospectivity.

There is an opposition to the Bill on the ground that this goes against the spirit of the Constitution. This is nothing but a red herring. Everybody knows that we are not moving a Constitutional Amendment Bill. This is neither a Bill to amend the Constitution, nor, my friends, is it a Bill to delete the concept of Office of Profit. A deletion of the concept of Office of Profit by a Constitutional Amendment Bill would certainly fall foul of a higher moral principle, even though Parliament may be entitled to do it on its two-third amending power. But what my friends do is to first set up a straw man. They set up a straw man saying that you are reducing and eliminating the concept of Office of Profit to vanishing point, and, then, they proceed to shoot down their own straw man, which they have themselves set up. But this is a mere an amending Act. This Act does no more and no less that what 1950 did, 1951 did, 1954 did, 1959 did, 1960 did, 1977 did, 1993 did, 1999 did and 2000 did. Therefore, this concept of affecting the Constitution or moving against the unknown, mysterious, indefinable spirit of the Constitution which, we, as ordinary mortals and legislators, cannot either catch or pinpoint, is a very difficult chimera indeed. A quick global survey and I will then come to some of the hypocritical double standards practised by those who oppose this Bill. A global survey is interesting and it shows that India is not over reacting; India is, if at all under-reacting. I have given the example of Great Britain, which says only 200 posts are disqualified and the entire universe of residual possibilities, namely, every other post can be held. That is, a far

larger universe is available to the MPs in England than the limited universe in India. But, let us look elsewhere. The Parliament of Canada Act has had a very well-known Royal Commission, known as the Lortie Commission in 1992, which subsequently recommended the elimination, the abandonment and the repeal of the entire concept of the Office of Profit. And, that is the country which follows the English system even before our Constitution was framed. Take the Australian Constitution, Section 44. The Australian Constitution is modelled on the British one. But, even there, there are two Royal Commission Reports which seek a complete elimination and repeal of the Office of Profit concept itself. We hon. Members are doing much less. We hon. Members are doing only that which as continued and has been sanctified by time. But here, when I hear the Opposition speak on this subject, I cannot but re-frame and recreate a new definition of hypocrisy in somewhat biblical terms. My new definition of hypocrisy in biblical terms reads like this, "Do not allow others to do that which you have done unto yourself. What is good, Mr. Deputy Chairman, Sir, for Jharkhand, is bad for Delhi. What is necessary for Jharkhand is pernicious for India". Indeed, when that opportune time comes for opposing the Bill for the whole country, at that time, it is necessary to abandon Jharkhand as a mistake. But, this is neither fallibility, nor politics. This has only one word. This is opportunism; this is expediency; this is running with the hare and hunting with the hound; this is preaching without practice. But that is not all. It is not only Jharkhand, although much as they would like to wish it away as a bad dream, as a mistake. I have, hon. Deputy Chairman, Sir, with me an Office Order of 2nd April, 1998, issued from no other than the Office of the Prime Minister of this country, and I repeat the date, 2nd April, 1998. May I read it? "The President is pleased to appoint Shri Pramod Mahajan as Political Adviser to the Prime Minister in the rank and status of a Cabinet Minister in the Prime Minister's Office with effect from the forenoon of 2nd April, 1998. until further orders". Well, a few years ago...*(Interruptions)*...

SHRI ARUN JAITLEY: He was not a Member of Parliament at that time. You are factually wrong in your example. On 2nd of April, 1998, Mr. Mahajan was not a Member of Parliament...*(Interruptions)*..

DR. ABHISHEK MANU SHINGVI: Just a minute.*(Interruptions)*.. He continued in that position subsequently till he became a Member of Parliament.*(Interruptions)*.. He continued there.

SHRI ARUN JAITLEY: Again, you are wrong on your second fact. he resigned a day before becoming a Member of Parliament ...*(Interruptions)*...

DR. ABHISHEK MANU SINGHVI: Let me give you another example. ...*(Interruptions)*... Many years ago, the Leader of the Opposition was exempted. I would have expected that those who preach morality to us should first ...*(Interruptions)*...

SHRI ARUN JAITLEY: The Leader of the Opposition was exempted in 1977 ...*(Interruptions)*...

श्रीमती सुषमा स्वराज: वह आपके लिए था। 1977 में जनता पार्टी सरकार में थी। श्री ब्रह्मा नन्द रेड्डी लीडर ऑफ आपोजिशन थे। ...*(व्यवधान)*... रॉग फैक्ट्स नहीं होने चाहिए।

DR. ABHISHEK MANU SINGHVI: Hon. Members ...*(Interruptions)*... Hon. Members, did you hear me say that you passed ...*(Interruptions)*... I have not said that you passed the law of exempting leader of the Opposition. I did not say so. So, please, don't interrupt me ...*(Interruptions)*...

श्रीमती सुषमा स्वराज: उस समय लीडर ऑफ अपोजिशन आपका था ...*(व्यवधान)*... हम सरकार में थे। ...*(व्यवधान)*...

डा० अभिषेक मनु सिंघवी: मैंने यह नहीं कहा। ...*(व्यवधान)*... मैंने यह नहीं कहा। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: It is a maiden speech ...*(Interruptions)*... Please, Mr. Narayanasamy. Let us follow certain rules. ...*(Interruptions)*... यह मेडन स्पीच है। मिस्टर अरुण जेटली, अगर आपको प्वाइंट आउट करना है तो आप बाद में प्वाइंट आउट कर लें। ...*(व्यवधान)*... Please, allow him to speak ...*(Interruptions)*...

DR. ABHISHEK MANU SINGHVI: Those of us who have read our law and constitutional history know that the amendment to Leader of the Opposition was passed in 1977, and, therefore, you interrupted me when I only said that the Leader of the Opposition is an exempted post. I never said that you passed that law. But now I want to say something about you. Before you oppose this Bill, if you have the courage of your convictions—and this is the path shown to you at least by our Leader—those who occupy the position of Leader of the Opposition must first resign ...*(Interruptions)*... before they enjoy the exemption of this Act. They must first resign ...*(Interruptions)*... It is a very strange hypocrisy that you continue to enjoy the exemptions provided by this and earlier Acts in the Schedule, and you still assail this as an immoral principle. At least your speeches and your preaching would have more value and more effect if you first resign. This reminds me of two couplets. One, of course,

has been mentioned yesterday in this House. But I must repeat it, especially in the context of Jharkhand. This was said only yesterday in some other context कि हम आह भी भरते हैं, तो हो जाते हैं बदनाम। वे कत्ल भी करते हैं तो चर्चा नहीं होता। Let us rephrase it for Jharkhand. Let us rephrase it for Jharkhand, hon. Members.

जो भी बिक जाए, वह सामान नजर आता है।
अपने हर लाभ में ईमान नजर आता है।
हो झारखंड तो कोई फिकर नहीं,
लेकिन हां, मगर दिल्ली में नुकसान नजर आता है।

There is another opposition to this Bill, and that opposition is on the stated ground that they oppose the Bill on the sole ground that the NAC is included in the Bill. There was a very strong opposition to the Bill on the sole ground. I repeat the word 'sole.' When a person opposes this Bill on the 'sole ground' of the NAC, the people of India know that the real opposition is not to this Bill, but the real opposition is to the *bete noire* of the opposition. The real opposition is to a leader, a person, who whenever chooses to stand for elective office, the only two questions left to ask are: What will be the margin of defeat of the opposite side, and will the opposite side lose its deposit? Now, this curiosity is the only question. And they oppose us today, oppose this Bill, on the sole ground of the NAC. They oppose this Bill on the sole ground of the NAC. They did not think twice before exempting the 22 officers in Jharkhand. ...*(Interruptions)*...

श्री रुद्रनारायण पाणि (उड़ीसा): देशभर में चुनाव करवा दो ...*(व्यवधान)*...

श्री उपसभापति : आप बैठिए। ...*(व्यवधान)*... पाणि जी, आप बैठिए। ...*(व्यवधान)*... मिस्टर पाणि आप बैठिए। ...*(व्यवधान)*...

DR. ABHISHEK MANU SINGHVI: Those who oppose this Bill on the ground of the NAC should tell you that the 22 offices which they exempted in Jharkhand included the offices of the State Agricultural Marketing Board, the Mines Board, the Implementation of the 20-point Programme, all clearly in the gift of the Government. They exempted the offices of the Chief Minister of that State ...*(Interruptions)*...

श्री रुद्रनारायण पाणि: क्या हो गया सोनिया जी को...*(व्यवधान)*... झारखंड के अंदर ...*(व्यवधान)*...

श्री उपसभापति : पाणि जी आप बैठिए। ...*(व्यवधान)*... I have to warn you...*(Interruptions)*... No, I have to warn you ...*(Interruptions)*... यह क्या बात है...*(व्यवधान)*... आपके पास डिसिपिलिन नहीं है। ...*(व्यवधान)*...

DR. ABHISHEK MANU SINGHVI: Those who ...(*Interruptions*)...

श्री सत्यव्रत चतुर्वेदी (उत्तरांचल): सर, रुद्रनारायण पाणि जी की सीट चैक करवाइए, क्योंकि इसके नीचे कुछ है। ... (व्यवधान)...

DR. ABHISHEK MANU SINGHVI: Those who oppose this Bill should tell you that the Jharkhand Act exempted the Chief Minister as the Head of the Ranchi Development Authority. But they oppose the NAC. What did the NAC do? The NAC successfully took the initiative to bring landmark social welfare legislations in this country. What did the NAC do? It gave to this country, through a great initiative, statutes like the Rural Employment Guarantee Act. It gave to this country the Right to Information Act. And that is the sole ground for opposition to this Bill. That gives you a real clue to their intend and purpose. The intent and purpose is not the Bill; the intent and purpose is that they cannot digest the popularity of the leaders of our party.

May I, Mr. Deputy Chairman, Sir, in conclusion, remind this august House not to forget that we are not repealing the concept of Office of Profit? May I remind this august House that we are not amending the Constitution? May I remind this august House—because those who just spoke appeared to have forgotten it—that we are not creating a licence and a carte blanche for Members of Parliament to go running after any and every Office of Profit. That is not what this Bill does. The disqualification of article 102 and the other Constitutional provisions will still have meaning and will still have content. We must remember not to be so suspicious about our colleagues. We must remember that if we can trust Parliamentarians with matters of great moment with matters of State and with matters of such high importance, then, we can certainly trust them not to run after every Office of Profit which is clearly and directly a sinecure under the Government. This Bill does not deal with the unclear cases, the cases where uncertainty is created by ex-post facto judicial determination. This Bill seeks to deal with those cases which require protection because they have been sanctified by a practice, by the passage of time, by public interest and by governance. That is what this Bill does. That is why, Mr. Deputy Chairman, Sir, I rise in support of this Bill.

SHRI SITARAM YECHURY (West Bengal): Mr. Deputy Chairman, Sir, I rise to support this Bill and I will give my reasons as to why I am rising

to support this Bill. But, first of all, since my hon. friends and colleagues have raised all these questions about morality and questions about propriety, let me, at least, put that issue to rest. Yes, 18 of these 55 that are listed fall in West Bengal and Tripura. If you are saying the reason why this has been brought about is because to save our people, let me please tell you --- the moral ground that you apply, I am not going into that right now --- we have just concluded elections in Bengal and we have come back with three-fourths majority. If all these people are asked to resign, we will resign and we will come back again. Our point is not to save these seats. These seats can be won back by us and with a bigger margin. ... (Interruptions)... It is a different matter that your party did not make a break through there. You have not won a single MLA seat. That is a different matter in Bengal. But the point is ... (Interruptions)...

श्री उपसभापति: दर्डा जी, आप बैठिए...आप बैठिए।(व्यवधान)....

श्री सीताराम येचुरी: वह अलग बात है...वह अलग बात है।....(व्यवधान)....

श्री उपसभापति: दर्डा जी,आप बैठिए। ... (व्यवधान)...

SHRI SATYAVRAT CHATURVEDI: Sir, Bengalis don't like *Therefore, they rejected them.

श्री सीताराम येचुरी: सर यह अलग बात है।...(व्यवधान)... देखिए ... (व्यवधान)...

श्री छन्नारायण पाणि: राजस्थान में ... (व्यवधान)...

श्री उपसभापति: पाणि जी, देखिए, यह सही नहीं है। मैं बार-बार आपको कह रहा हूँ कि मेहरबानी से हाऊस का डेकोरम मेंटेन कीजिए। बैठकर जोर से बात करना, अच्छी बात नहीं है हाऊस का डेकोरम मेंटेन किजिए मैं आपसे अपील कर रहा हूँ कि हाऊस का डेकोरम मेंटेन कीजिए। हाऊस का डेकोरम मेंटेन करना हम सबकी जिम्मेदारी है।

SHRI SITARAM YECHURY: Sir, if I could continue, the issue is, सवाल यह नहीं है, सवाल यह है कि हमारा इस बिल को समर्थन इस वजह से नहीं है कि हम इससे प्रॉफिट ले रहे हैं। अगर जरूरत पड़ी तो ये सब लोग रिज़ाइन करके फिर वहां पर आएंगे। सवाल उसूल का है।

The issue is actually one of principle where we believe, my party believes very sincerely that many Members of Parliament will have to discharge their responsibilities by working on many of these boards, and we do not consider them as an office of profit. An issue has been made out about

*Expunged as ordered by the Chair.

the Tripura Khadi and Village Industries Board. "Yes, our party has consciously decided that the Member of Parliament will head that board because that will save expenditures of the North-Eastern States." Shrimati Sushma Swaraj will know that. We have visited all these States. They do not have money there. We will save these States from sending another representative to liaise with Delhi. We use our Member of Parliament to save the money of the State. It is not an office of profit. We could have had our own member using that office and given it as a privilege to somebody else. But, it is our reasoning. Therefore, let us come down to the basic question.

श्री दिग्विजय सिंह (झारखंड): शांतिनिकेतन?

श्री सीताराम येचुरी: बिल्कुल शांतिनिकेतन ...(व्यवधान) आपने उदाहरण के लिए सवाल उठाया है, तो हम उसका जवाब दे रहे हैं। आप इसमें मत जाइए, फिर तू-तू और मैं-मैं शुरू हो जाएगी कि आपने क्या किया, मैंने क्या किया ...(व्यवधान)

श्री दिग्विजय सिंह: हम इतना ही कहना चाहते हैं कि आपने कुछ किया।

श्री सीताराम येचुरी: गंभीरता से बात करनी है, तो करिए। सवाल यह है कि

This was a law that was enacted way back in 1959, and while doing so, the Constitution has given you the provision in article 102 very correctly on the question of an office of profit. Now, so far, in all these years, unfortunately, there is no authentic definition of an office of profit, and that is the problem. If we seriously want to address ourselves to it, we have to actually address ourselves to it. How do we define an office of profit? Now, that is where all of us will have to get together.

SHRI N. JOTHI (Tamil Nadu): There are Supreme Court judgments on this point.

SHRI SITARAM YECHURY: No, Sir. The judgment is not the issue. The law is the issue. What is the law on the office of profit? Do you have a law? No, Sir. There is no law on an office of profit today, as we stand here... (*Interruptions*)...

श्रीमती सुषमा स्वराज: Yes, इसको re-define करो।

SHRI SITARAM YECHURY: That is the point. The point is, that definition is necessary, and till that definition is necessary, when I rise to support

This Bill, I am rising to support it with a condition that we think that a Parliamentary Committee should be established which will define what will be an office of profit, and that should go along with the adoption of this bill so that in future, we do not fall into this trap of always providing lists after lists. So, let us define what an office of profit is. "Yes, I must compliment Mr. Singhvi for his maiden speech." he has given a lot of information about what is happening in other countries and how they deal with this problem. But, for heaven's sake, in our own country, let us come with our own wisdom, with our understanding of what we consider as an office of profit, and till we do not have that definition, I think, the practice that has been followed so far, which all the Governments have in one way or the other adhered to, is that those who, as Members of Parliament, are holding these offices, they have been exempted by law, again, as per the constitutional provision. It is not violative of the Constitution. This is as per the constitutional provision. By listing it out, you are allowing these people to hold these offices, and that I think is entirely according to law, and according to the Constitution. Therefore, when I am supporting this Bill, I am supporting this with this intention. I do not want to go into high moral ground, and what you defined, the Common Minimum Profit...*(Interruptions)*...

SHRI DIGVIJAY SINGH: Common Maximum Profit...*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, I have answered this question. The question is that we do not consider any of these posts as an office of profit. But, that is my opinion. You may consider it. That may be your opinion. But, let us have a common opinion as to what the definition of office of profit is. You argue it from that point of view. "Yes, that is why we want the Parliamentary Committee to be set up so that we will have an understanding of this whole issue property."

Secondly, on the issue of principle. Now, where does the office of profit issue come about in our understanding? You have the role of the Judiciary, you have the role of the Legislature, you have the role of the Executive in a Parliamentary Democracy. Now, the role of the Legislature is to be the watch dog or to actually supervise the work of the Executive. Now, any job that the Executive gives, which the Legislature in its capacity can influence in discharge of its duty as a proper watchdog of the Executive, there is a compromise involved, there is a conflict of interest. Now, what

are these positions, that is the principle involved? If that principle is involved, why is the Executive giving it? In addition to this, I have another point. This point has been elaborated earlier. I am not going into the details of it. In addition to this, there is also another point that I think, the House must consider. It is not only a question of conflict of interests between the Legislative and the Executive. When you are talking of high morals, there is also a necessity for this House to examine whether the Members of this House or of the Lower House can also be members of Boards of Directors of private companies simultaneously. That moral position why are you not talking of? Can Members of Parliament, while they are members, also practise in the court as a lawyer? Is there no conflict of interests there? Whose cases are they taking up? Are there no conflicts of interests as Members of this House? Are these not issues that have to be discussed and debated? And I seriously want those issues to be debated. In the United States of America, for instance, if you are a Senator, you cannot be on the Board of Directors of any company. Why don't you accept that position if you are talking of morality? ...*(Interruptions)*... If you are talking of morality, bring it in the private sector. ...*(Interruptions)*... Bring it in the private sector also. ...*(Interruptions)*...

SHRI DIGVIJAY SINGH: if you bring that, I will be happy to accept that. ...*(Interruptions)*...

श्री उपसभापति: आप बैठिए ...*(व्यवधान)*...

श्री सत्यव्रत चतुर्वेदी: इसकी जांच करवा लीजिए ...*(व्यवधान)*...

SHRI ARUN JAITLEY: Sir, if the CPI is going to follow some good precedent from the USA, I think it is a very good precedent !

SHRI SITARAM YECHURY: It is a very rare precedent. ...*(Interruptions)*... It is a very rare precedent. Very few good precedents are there. ...*(Interruptions)*... Mr. Arun Jaitley, we follow whatever is good wherever it comes from. If it is good, yes, we follow it.

But, Sir, the point which I am making is this. Sir, I want this to be seriously taken into consideration. Mr. Ram Jethmalani is a good friend of mine; I have a very great regard for his legal acumen. So is Mr. Jaitley. And so are many other Members of this House. I have nothing against them personally. But the question is, if you are seriously debating an issue of principle, if you are debating an issue of principle of office of

profit, if you are debating an issue of conflict of interests then you will have to bring into the ambit of that discussion also issues concerning the positions held in the private sector, the positions held in professional terms, whether, as Members of Parliament, they can also simultaneously practice the law. These are issues that demand attention. I am not here passing any judgements, neither am I here personally casting any aspersions. No; I am only raising the attention of this House to an issue which needs to be considered. Therefore, if all these issues need to be considered, I think a proper Parliamentary Committee will have to be appointed to go into this and settle this issue once-and-for-all by defining what is an office of profit. ...*(Interruptions)*...

SHRIMATI SUSHMA SWARAJ: Already, there is a Committee on Office of Profit. ...*(Interruptions)*...

SHRI SITARAM YECHURY: Secondly, Sir, I am, sometimes pained. ...*(Interruptions)*... Yes, on morality, on moral grounds, all of us want to stand together. Yes, and it is not only on television screens; I mean, on television screens, all of us have said many things; many of us have said many things; I do not want to go into that or what was said yesterday. But, Sir, what happened in Jharkhand? Our leaders, here, cannot say, "We did not know about it!" That was what was said, yesterday, on the television screen. But the question is, double standards of this nature do not do any good to anybody in this country. And these are the double standards, and such opportunism will not give any credit to the issue that we are debating. Therefore, in all seriousness of the issue, yes, we have a situation today, an anomalous situation, where you, Members of Parliament, are also holding on to certain positions, but they have to be exempted. Therefore, I rise to support this Bill, but, at the same time, with a caveat that there has to be a Parliamentary Committee which will examine this thing, in full detail, and only on that basis, my support should be understood, the support of our party should be understood, that is comes with that caveat that a Parliamentary Committee be set up in order to go into the entire definition. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: There is already a Parliamentary Committee on this.

SHRI SITARAM YECHURY: I know that; there is already a Parliamentary Committee; they have given their Report as late as December 2005, but,

I think, the terms of reference of that Committee will also have to be re-examined, and it is not only a question on which, from time to time, we have to give a definition, but there has to be an omnibus definition of what we consider to be 'an office of profit', and that is, Sir, what I will plead. And with that, I would suggest, let this House, with the seriousness and the gravity of the issue accept it, not get into who is occupying what. Various parties have done it. All of them had done it when they were in the ruling party. They had also brought an addition to this list. ...*(Interruptions)*...

SHRI DIGVIJAY SINGH: Not a single addition. ...*(Interruptions)*... The NDA Government did not bring a single addition. ...*(Interruptions)*...

SHRI SITARAM YECHURY: In 2000, what were the amendments? ...*(Interruptions)*... What about the 2000 amendment?

SHRI DIGVIJAY SINGH: 2000? Show me. ...*(Interruptions)*... You do not know a, b, c of it. ...*(Interruptions)*... Not a single amendment we have brought! Not a single amendment. अपनी बात बोलो, उन के चक्कर में मर जाओगे? ...*(व्यवधान)*...

श्री सीताराम येचुरी: यार, मेरे को मरवाने की कोशिश मत करो। आप इतनी दूर तक मत जाओ, लेकिन सवाल यह है कि लीडर और डिप्टी लीडर के पदों को आप ने बहाल करवाया था ...*(व्यवधान)*..

श्री दिग्विजय सिंह: यह 77 में हुआ।

श्री सीताराम येचुरी: यह 77 में हुआ ब्रह्मानंद रेड्डी के बारे में ...*(व्यवधान)*...

श्री दिग्विजय सिंह: आप उन के सपोर्टर थे?

श्री सीताराम येचुरी: आप तो सरकार में थे ...*(व्यवधान)*... वही तो कह रहा हूँ। आप सरकार में थे कि नहीं? आप सरकार में थे।

श्री दिग्विजय सिंह: हाँ। ...*(व्यवधान)*...

श्री सीताराम येचुरी: वही तो कह रहा हूँ। आप जब सरकार में थे, आप ही लाए। ...*(व्यवधान)*... सवाल यह है कि जो भी सरकार में है, जब जरूरत पड़ी सूची लाए। आप हमारी एक बात की तो कद्र करिए। हम जो भी सरकार में हैं, बाहर से समर्थक हैं। आप लोग करते रहे और लाए। ये बिल लाए तो मैं यह कह रहा हूँ कि भाई ये बिल जो लाए जाते हैं, आप इस परंपरा को छोड़िए। एक बार बैठकर दोबारा डिफाइन कर लो कि ऑफिस ऑफ प्रोफिट क्या है और इस आधार पर आगे बढ़िए।

तो फिलहाल हमारा यही कहना है कि आज यह अनिवार्य है कि इस बिल का समर्थन हो, यह बिल पारित हो और इस के आगे जो करना है, उस में हमारा यह सुझाव मान लें। मेरा सरकार से यही आग्रह है कि हमारा सुझाव मान लें, कमेटी उस की टर्म्स ऑफ रेफरेंस ठीक करे और उस के आधार पर हम आगे चलें। I support this Bill with this suggestion and caveat, please also announce a Parliamentary Committee and its terms of reference. That is the way we should move ahead. thank you.

श्री रामदास अग्रवाल (राजस्थान): उपसभापति जी, एक मिनट...(व्यवधान)... येचुरी जी ने अभी कहा है कि कमेटी बननी चाहिए और उस आधार पर वह सपोर्ट कर रहे हैं। मैं कहना चाहता हूँ कि येचुरी जी अपनी बात को इतना सुधार लें कि कमेटी पहले बने और उस के बाद बिल पास करें। इस में क्या कठिनाई है? आप तो मरीज को मारने के बाद दवा देना चाहते हैं? अगर सब काम हो जाएगा, तो उस के बाद क्या होगा?

श्री उपसभापति: श्री अमर सिंह।

श्री अमर सिंह (उत्तर प्रदेश): उपसभापति जी, मैं इस बिल का समर्थन करने के लिए खड़ा हुआ हूँ। इस के साथ-साथ मैं इधर बैठे साथियों से और उधर बैठे हुए साथियों से भी बड़ी विनम्रता व आदर के साथ कुछ कहना चाहूंगा।

हमारे दो विद्वान साथियों, एक इधर के विधिवेत्ता और एक उधर के विधिवेत्ता — दोनों ने बहुत तकनीकी व सारगर्भित वक्तव्य रखे हैं। महोदय, कानून की यह कड़ी भाषा मुझ जैसे कम पढ़े-लिखे व्यक्ति को ज्यादा समझ नहीं आती। लेकिन मेरे अंदर बड़ी ग्लानि और बड़ी शर्म है कि इस बिल का लाभ मैं ले रहा हूँ। यह ग्लानि और शर्म इसलिए है कि सदन में हमारी एक साथी जया बच्चन, जो इस सदन में थीं और किसी भी स्तर से कोई यह नहीं कह सकता कि वह एक सम्प्रांत महिला नहीं थीं सदन की कार्यवाही में उन का कोई योगदान नहीं था। मैं इधर बैठे अपने साथियों से पूछना चाहता हूँ कि क्या वजह थी कि कांग्रेस पार्टी की तरफ से उन के विरुद्ध शिकायत की गयी, हमारे विरुद्ध शिकायत की गयी? मैं इधर बैठे अपने बड़े ज्ञानी साथी से पूछना चाहता हूँ कि क्यों यह बिल झारखंड में पास हो गया और दिल्ली में उस का विरोध हो रहा है? ये कौन से दोहरे मापदंड हैं? मैं अपने इन्हीं साथियों से जो अभी वक्तव्य दे रहे थे बहुत विनम्रता से और हाथ जोड़कर कहना चाहता हूँ कि कांग्रेस के प्रवक्ता के रूप में उन्होंने वक्तव्य दिया कि बॉलीवुड एक्टर्स का राजनीति में कोई स्थान नहीं है? उन्होंने कहा कि उत्तर प्रदेश के राज्यपाल को, जब इसी तरह का एक बिल उत्तर प्रदेश की विधायिका द्वारा पारित किया गया, उस बिल पर दस्तखत नहीं करने चाहिए। मैं पूछना चाहता हूँ कि अगर वहां के राज्यपाल को उत्तर प्रदेश की विधायिका द्वारा पारित विधेयक पर दस्तखत नहीं करने चाहिए तो आज इस बिल का समर्थन क्यों हो रहा है?...(व्यवधान)... तो दोहरे मापदंड की बात इधर भी है और उधर भी है।

में कॉम्प्रेड येचुरी की बात का समर्थन करता हूँ।... (व्यवधान)... देखिए, आप लोगों ने कहा तो मैंने उसे ध्यान से सुना है। मैं विनम्रता से कह रहा हूँ। मैं कोई आलोचना नहीं कर रहा हूँ। जो सत्य है, मैं उसको कह रहा हूँ।... (व्यवधान)...

SHRI H.R. BHARDWAJ: Sir, Governor's name should not be included in the debate.

SHRI N. JOTHI: What is wrong in it? ... (Interruptions)...

SHRI H.R. BHARDWAJ: I have lodged my protest. Let the Chair decide it.

श्री अमर सिंह: तो मैं बड़े आदर के साथ, बड़ी विनम्रता के साथ यह कहना चाह रहा था कि आज मैं कपिला वात्स्यायन जी को याद कर रहा हूँ। एक सम्प्रांत महिला इस विवाद की बलि-वेदी पर चढ़ गई। वे मुश्किल से चार दिन ही यहाँ रहीं। एक ऐसे व्यक्तित्व को सदन ने खो दिया। मैं पूछना चाहता हूँ कि श्रीमती जया बच्चन और श्रीमती कपिला वात्स्यायन जी की शहादत से पहले क्या हम जागृत नहीं हो सकते थे? अगर हमें बचाना चाहिए था, तो ... (व्यवधान)...

श्री मंगनी लाल मंडल: (बिहार) उनकी सदस्यता की शहादत थी ... (व्यवधान) ... वे शहीद नहीं हुई हैं। ... (व्यवधान)...

श्री अमर सिंह: नहीं, वे सदन से तो शहीद ही हुई। क्या उसके पहले हमें सोचना नहीं चाहिए था? यह दोहरे मापदंड की बात हम न करें, तो अच्छा है। दोहरा मापदंड राजनीति में अपनी सुविधा से सब लेते रहते हैं। कभी हमने भी लिया होगा। आज मैं इस बिल का समर्थन सिर्फ इसलिए करने के लिए खड़ा हुआ हूँ कि जिस तरह से झारखंड में इधर बैठे हुए साथियों ने एक बिल लाया, हमने भी उत्तर प्रदेश में एक बिल लाया। हम उत्तर प्रदेश में अपनी विधान सभा के सदस्यों को बचाने के लिए बिल लाए, तो हमारे एक साथी कहें कि इस बिल का समर्थन न किया जाए। मैं आपका आदर करते हुए नाम नहीं ले रहा हूँ कि किसने मना किया। लेकिन मना तो किया और बयान दिया और कहा कि बॉलीवुड एक्टर्स राजनीति छोड़कर जाएं और फिर एकाएक यह कहा जाए कि आपको बचाने के लिए, आपकी सदस्यता को बचाने के लिए यह बिल लाया जा रहा है। जिस तरह से हमारे साथी सीताराम येचुरी जी ने कहा कि हम समझते हैं कि कुछ लोगों के लिए सांसद का उस पद पर रहना उचित है। यह कौन कह सकता है कि फिल्म विकास परिषद में श्रीमती जया बच्चन से अच्छा नाम कौन है, या श्री शत्रुघन सिन्हा से अच्छा नाम कौन था? श्री शत्रुघन सिन्हा जी कल तक थे, बाद में श्रीमती जया बच्चन हुई। ये फिल्म से सम्बन्धित लोग हैं, फिल्म की कमेटी में इनको रखना कोई अपराध नहीं है, चाहे भाजपा रखे, चाहे कोई और दल रखे। लेकिन इसके बावजूद जया बच्चन जी ने एक रुपया की भी इमदाद या पैसा अपने पद पर रहते हुए नहीं लिया था। सुप्रीम कोर्ट

का आदेश है। सुप्रीम कोर्ट के दो-दो आदेश हैं। एक में कहा गया है कि अगर आपने भत्ता नहीं लिया है, सुविधा नहीं ली है, तो आप ऑफिस ऑफ प्राफिट में नहीं हैं और जो अंतिम निर्णय है, उसमें कहा गया है कि नहीं, यह ऑफिस ऑफ प्राफिट है। सुप्रीम कोर्ट के निर्णय ने सब के लिए कहा है कि जिनके ऊपर आरोप लगा है, जो भी आरोपित हैं, सब ऑफिस ऑफ प्राफिट के घेरे के दायरे के अन्दर आते हैं। अगर ऑफिस ऑफ प्राफिट के घेरे के दायरे में हम आते हैं, तो हमाम में हम सब नंगे नहीं हैं। अगर हम सब अपराधी नहीं हैं, तो इस बिल को लाने की जरूरत क्या है? चाहे वह नेशनल एडवाइजरी कंसिल का बिल हो या फिर उस उप चुनाव का मतलब क्या है? एक ओर तो बिल में हमारे विद्वान मित्र आदरणीय भारद्वाज जी, आज इनका जन्मदिन भी है, मैं इनको बधाई देते हुए बड़े आदर के साथ कहना चाहता हूँ कि भारद्वाज जी, आप बिल में लिख रहे हैं कि चुनाव होंगे, चुनाव में खर्चे होंगे, उस खर्चे से बचने के लिए लोगों की सदस्यता जाएगी, लिटिगेंसी होगी, इसलिए यह बिल ले आना जरूरी है। इसलिए बड़े-बड़े पदों पर आसीन बड़े-बड़े लोगों के लिए बिल लाना जरूरी है, तो फिर उप चुनाव लड़ने की कौन-सी जरूरत थी? फिर या तो यह बलिदान है या अपराध है। (व्यवधान)..... यह तय हो जाए कि यह बलिदान था या अपराध था। अपराध से बचाव था या बलिदान था। यह बलिदान और अपराध, दोनों एक साथ नहीं चल सकता। मैं कहना चाहता हूँ कि ... (व्यवधान)...

श्री प्रवीण राष्ट्रपाल (गुजरात): वह अपराध नहीं था। ... (व्यवधान)... वह अपराध नहीं था। ... (व्यवधान)...

एक माननीय सदस्य:*

श्री उपसभापति: राष्ट्रपाल जी, आप बैठिए। ... (व्यवधान)...

श्री अमर सिंह: मैं कोई आरोप नहीं लगा रहा हूँ। ... (व्यवधान)...

एक माननीय सदस्य: वह सी०डी० कांड नहीं था। ... (व्यवधान)...

श्री अमर सिंह: सी०डी० कांड भी अपराध नहीं है? ... (व्यवधान)... सी०डी० कांड की बात मत लाइए। ... (व्यवधान)... सी०डी० कांड भी अपराध है ... (व्यवधान)... आपकी बात को भी गुप्त रूप से टेप करना अपराध है। सुप्रीम कोर्ट ने कह दिया है, उससे ऊपर आप नहीं हैं। आप चुप बैठिए। ... (व्यवधान)...

श्री उपसभापति: अमर सिंह जी, आप सब्जेक्ट पर आ जाइए। ... (व्यवधान)...

श्री अमर सिंह: गैर-कानूनी काम करना आपके लिए अपराध नहीं होगा ... (व्यवधान)... बोलिए और गुराईए मत! ... (व्यवधान)... तो मैं यह कह रहा हूँ कि वह बलिदान है, मेरा कोई ओपिनियन नहीं है। इस बिल में लिखा है कि अनावश्यक खर्च बचे, मुकद्दमेबाजी बचे, लिटिगेंसी

*Expunged as ordered by the Chair.

बचे, इसलिए यह बिल लाया जा रहा है। यह प्रतिपादित होना चाहिए कि उसमें वह सब पद जिन पर बड़े-बड़े लोग आसीन थे, जिन्होंने चुनाव लड़ा, उस पद को भी इसके अन्दर लाया गया है। ... (व्यवधान)...

SHRI V. NARAYANASAMY (Pondicherry): Why did you want exemption?

श्री अमर सिंह: तो मैं पूछना चाहता हूँ कि ... (व्यवधान) ... मैं तो कह रहा हूँ कि मैं गलत हूँ। मैं पार्टी का सदस्य हूँ। मेरी इनकी तरह हिम्मत नहीं है कि झारखंड में पास करें और दिल्ली में विरोध करें। मैंने उत्तर प्रदेश में पास किया है, इसलिए दिल्ली में भी पास करवा रहा हूँ। दिल्ली में भी समर्थन देने और लेने के लिए मैं खड़ा हुआ हूँ। ठीक उसी तरह से जैसे उत्तर प्रदेश में आप हमारा समर्थन कर रहे हैं, उसी तर्ज पर हम दिल्ली में आपका समर्थन कर रहे हैं। आप निश्चित रहिए। ... (व्यवधान) ... प्लीज आप शांत रहिए। मैं कहना चाहता हूँ कि आज आपको यह याद रखना चाहिए। ... (व्यवधान)

AN HON. MEMBER: Would the hon. Member yield for a minute?

श्री अमर सिंह: नहीं, नहीं अभी नहीं, आप बाद में बात कर लें। आपको यह याद रखना चाहिए कि जिनके घर शीशे के होते हैं, वे दूसरे के घरों में पत्थर नहीं फेंका करते। दूसरे के लिए गड़ड़ा खोदा और उस गड़ड़े में आप खुद गिर गए। आज कांग्रेस पार्टी जो यह बिल ला रही है, कांग्रेस इसे मजबूर होकर ला रही है। इसी कांग्रेस ने शिकायत करके जया बच्चन जी का और उनकी सदस्यता का बलिदान किया। ... (व्यवधान) ... आप बोलने दीजिए। जब आप बोले थे, तो मैं क्या बीच में बोला था? ... (व्यवधान)

MR. DEPUTY CHAIRMAN: Mr. Narayanasamy, let him speak... (Interruptions) Mr. Naik, please ... (Interruptions) Allow the Member ... (Interruptions) If there is any objection, you can bring it to the notice, but not everything... (Interruptions)

SHRI C. RAMACHANDRAIAH: Continuous interruption is very bad... (Interruptions)

श्री उपसभापति : प्लीज, आप बैठिए। ... (व्यवधान) ... आप बैठिए। प्लीज। ... (व्यवधान) ... I am on my legs... (Interruptions)...

पर्यटन और संस्कृति मंत्री (श्रीमती अम्बिका सोनी): अगर आप लोग ऐसी बात करेंगे कि किसने सेक्रिफाईस किया और किसने क्या किया, मैं जवाब दे रही हूँ। ... (व्यवधान) ... आपकी वहां जमानत जब्त नहीं होती। ... (व्यवधान)

श्री अमर सिंह: सर, यह जो आदरणीय सदस्या जी कह रही हैं, यह तो ऐसा है कि जवरन मारो भी और रोने भी न दें। कांग्रेस पार्टी ने शिकायत करके जया बच्चन की सदस्यता ले ली और हमें रोने भी न दें।... (व्यवधान)

कार्मिक लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री सुरेश पचौरी): कांग्रेस पार्टी ने नहीं की।... (व्यवधान)...

श्री अमर सिंह: ए आई सी सी मैम्बर ने की।... (व्यवधान).... ए आई सी सी मैम्बर ने की।... (व्यवधान)...

- श्री उपसभापति: नहीं, नहीं, आप बैठिए।... (व्यवधान).... आप बैठिए, आप बैठिए। अमर सिंह जी, बैठिए।... (व्यवधान).... प्लीज।... (व्यवधान).... प्लीज, जरा बैठिए। देखिए।... (व्यवधान).... आप बैठिए।... (व्यवधान).... अमर सिंह जी।... (व्यवधान).... अमर सिंह जी।... (व्यवधान).... अमर सिंह जी, प्लीज।... (व्यवधान).... आप जरा बैठिए, प्लीज। नहीं, नहीं, मैं उनको बोल रहा हूँ, आप बैठिए।... (व्यवधान).... आप बैठिए, प्लीज। आप जरा बैठिए।... (व्यवधान)....

श्री अबू आसिम आजमी (उत्तर प्रदेश): एक पार्टी के नेता को ये बोलने भी नहीं देते।... (व्यवधान)....

† [شری ابوعاصم اعظمی : ایک پارٹی کے नेता کو یہ بولنے بھی نہیں دیتے..... مداخلت.....]

श्री उपसभापति: आप बैठिए। आजमी जी, आप बैठिए।... (व्यवधान).... I am on my legs. देखिए, अब यहां एक सवाल उठाया गया है कि आप "कांग्रेस पार्टी" बोल रहे हैं।... (व्यवधान)....

श्री अमर सिंह: सर, एआईसीसी मैम्बर हैं शिकायत करने वाले।... (व्यवधान)....

श्री उपसभापति: आप बैठिए।

SHRI RAVULA CHANDRA SEKAR REDDY (Andhra Pradesh): Congress word is not unparliamentary.

MR. DEPUTY CHAIRMAN: Did I say so? (Interruptions) Please sit down... (Interruptions) I didn't say 'unparliamentary'. Don't put words into my mouth. I am only requesting Members not to use any words which would provoke the Members... (Interruptions) जरा सुनिए।... (व्यवधान)

† [Transliteration in Urdu Script.]

आप मुझे बोलने नहीं देते, उसके पहले उठ जाते हैं। ... (व्यवधान) I have to conduct the House. The only thing I wanted to tell you is, the objection was raised when you said that the Congress (I) party had filed a petition. You clarify it... (Interruptions)

श्री अमर सिंह: अच्छा ठीक है। I concede. Let me put it this way. The official Congress (I) Candidate and an elected AICC member, filed the complaint against Mrs. Bachchan.

MR. DEPUTY CHAIRMAN: Mr. Narayanasamy, please. (Interruptions) Let there be some seriousness. (Interruptions) I appeal to the hon. Members. (Interruptions) Mr. Narayanasamy, no. If you interrupt, it is wrong. If they do it, that is also wrong. (Interruptions) I just request you to... (Interruptions) No, Mr. Naik. Please sit down. (Interruptions) Please sit down.

श्री अमर सिंह: उपसभापति जी, मैं अपने आपको सुधारते हुए, अपने भाई सुरेश पचौरी जी की सलाह को मानते हुए, कंसीड करते हुए कहता हूँ कि जया बच्चन जी के विरुद्ध अधिकृत कांग्रेस प्रत्याशी और अखिल भारतीय कांग्रेस कमेटी के निर्वाचित सदस्य की शिकायत से उनकी सदस्यता गई। मैं यह कहना चाहता हूँ कि जो हमारे काबिल दोस्त वहाँ बैठे हैं, जिनकी अभी मेडन स्पीच हुई, उन्होंने जो यह कहा कि आज के संदर्भ में इस बिल का पास होना जरूरी है, इससे असहमत होते हुए मैं इतना ही कहना चाहूंगा, जैसा हमारे साथी श्री सीताराम येचुरी जी ने कहा कि जरूरत यह है, डिगिनिटी रहती, अगर कोई क्लेरिफिकेट्री कानून बन जाता। अगर यह बन जाता कि जो भी व्यक्ति, जो भी सांसद वेतन नहीं लेता है तो वह लाभ के पद की परिधि में नहीं आता है, तो यह एक अच्छी बात होती। ऑफिस ऑफ प्रॉफिट की कमिटी भी बनी हुई है।

आज के इस बिल में एक और बात लिखी हुई है, इसमें लिखा हुआ है:—

"Nothing contained in sub-section (1) shall be construed as to entitle any person who has vacated a seat owing to any order or judgement as aforesaid, to claim any re-instatement or any other claim in that behalf."

यह सिर्फ श्रीमती जया बच्चन जी के लिए किया गया है, ताकि वह बेचारी सुप्रीम कोर्ट में रिवीजन भी न कर सके। मैं मानता हूँ कि उनकी सीट वेकेट हो गई, मैं मानता हूँ कि राष्ट्रपति जी ने दस्तखत कर दिए, लेकिन आज के दिन मुझे ग्लानि और शर्म इस बात की है कि आज श्रीमती जया बच्चन और डा० (श्रीमती) कपिला वात्स्यायन की हम रक्षा नहीं कर पाए। मुझे आज द्वापर का वह दृश्य याद आ रहा है जहाँ धृतराष्ट्र ... (व्यवधान)...

डा० प्रभा ठाकुर (राजस्थान): सर, महिला बेचारी कैसे हो गई? ... (व्यवधान)...

श्रीमती बिप्लव ठाकुर (हिमाचल प्रदेश): महिला बेचारी कैसे हो गई? ... (व्यवधान)...

श्री अमर सिंह: अच्छा, ठीक है। ... (व्यवधान)...

श्रीमती बिप्लव ठाकुर: महिला बेचारी कैसे हो गई? ... (व्यवधान)...

श्री अमर सिंह: आप नहीं हैं, वह है, इसलिए बेचारी चली गई।

उपसभापति जी, मैं कह रहा था कि मुझे याद आ रहा है, द्वापर का वह दृश्य कि बड़े-बड़े सूरमा बैठे थे — युधिष्ठिर थे, धृतराष्ट्र थे, द्रोण थे, लेकिन द्रौपदी का चीरहरण हो गया, उसकी धर्यादा का हरण हो गया।

श्री सत्यव्रत चतुर्वेदी: आप उसका इतना सम्मान तो रखें कि उसको द्रौपदी न बनाओ।

श्रीमती सुषमा स्वराज: द्रौपदी भी बहुत सम्मानित महिला थी।

श्री सत्यव्रत चतुर्वेदी: जिस संदर्भ में श्री अमर सिंह बात कर रहे हैं, क्या उस संदर्भ में आप उनका सम्मान समझती हैं।

श्रीमती सुषमा स्वराज: आपने कहा, द्रौपदी मत बनाओ। द्रौपदी बहुत सम्मानित महिला थी। ... (व्यवधान)...

श्री दिग्विजय सिंह: ये आपको दुर्योधन बोल रहे हैं, ऐतराज उस पर होना चाहिए कि दुर्योधन मत बोलिए। ... (व्यवधान)...

श्री उपसभापति: आप बैठिए। ... (व्यवधान) ... श्री चतुर्वेदी जी, आप बैठिए प्लीज।

श्री अमर सिंह: मैं यह कह रहा हूँ कि उस समय भी, द्वापर में, महिलाओं के साथ बड़े-बड़े रथियों, महारथियों की उपस्थिति में अन्याय हुआ था, आज यहां पर डा० कर्ण सिंह बैठे हैं, भारद्वाज जी बैठे हैं, जसवंत सिंह जी बैठे हैं, ये भी बड़े-बड़े सभासद सभागार में बैठे हैं ... (व्यवधान) ... लेकिन इस जगह एक महिला के साथ अन्याय हुआ। महिला के साथ अन्याय हुआ, वह किसने किया, यही मैं पूछना चाहता हूँ? इस अन्याय के पीछे दुर्योधन कौन है, मैं उस दुर्योधन की तलाश में हूँ और दुःशासन कौन है? मैं यह कहना चाहता हूँ कि भविष्य में ... (व्यवधान)...

श्री मंजरी लाल मंडल: महोदय, जब ये धृतराष्ट्र का नाम लेते हैं तो ये इशारा भारतीय जनता पार्टी की तरफ करते हैं। ... (व्यवधान)...

श्रीमती माया सिंह: अमर सिंह जी, आप दुर्योधन का नाम ले रहे हो, तो आप उनके साथ क्यों जा रहे हो? आप साथ छोड़ दो उनका।

श्री अमर सिंह: ये जो दुर्योधन, दुःशासन और धृतराष्ट्र हैं ... (व्यवधान)... मेरी एक विनती है, बिल पास करवाने के लिए इसके समर्थन में मैं खड़ा तो हुआ हूँ, क्योंकि मैं इन लोगों की तरह वीर तो हूँ नहीं कि झारखंड में पास कर दूँ और यहां विरोध कर दूँ, इसलिए मैं इसे पास करवाने के लिए खड़ा तो हुआ हूँ, लेकिन बहुत ग्लानि और बहुत शर्म के साथ मैं इस बिल का समर्थन कर रहा हूँ। हम श्रीमती जया बच्चन जी की सदस्यता तो नहीं बचा पाए लेकिन मैं यही कहना चाहूंगा, अभिषेक सिंघवी जी ने एक शेर कहा था, मैं एक नया शेर सुना रहा हूँ—

बर्क भी खूब समझती है, पराया, अपना।
आशियां जल गया, सैयाद का घर बाकी है।।

SHRI V. NARAYANASAMY: Sir, ... (Interruptions)...

MR. DEPUTY CHAIRMAN: No, Mr. Narayanasamy. I have permitted Dr. Singhvi because he has to give personal explanation. ... (Interruptions)...

DR. ABHISHEK MANU SINGHVI: Sir, I was seeking the hon. Member's permission to yield, but he did not yield. ... (Interruptions)... I did not want to interrupt him. I listened to his comments. ... (Interruptions)... I have just two clarifications to seek from the hon. Member. ... (Interruptions)... It is wrong that the Congress Party, this being the common view, ... (Interruptions)... Sir, an election petition is always an election petition by the losing candidate. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: He is giving some personal clarifications, ... (Interruptions)... Now, Shri N. Jothi. ... (Interruptions)...

DR. ABHISHEK MANU SINGHVI: Mrs. Jaya Bachchan was... (Interruptions)...

SHRI N. JOTHI: Sir, this Bill lacks bona fides. This Bill was not brought in any public interest. This was intended only to... (Interruptions)...

MR. DEPUTY CHAIRMAN: Please listen to him. Every Member will not say what you want him to say. Let him express his views. This is Parliament. ... (Interruptions)...

SHRI SHAHID SIDDIQUI (Uttar Pradesh): Sir, they want the whole House to read. ... (Interruptions)... They want us to become readers, not leaders. ... (Interruptions)...

SHRI N. JOTHI: Sir, this Bill lacks sanctity. This Bill is intended. It is not an amendment but a bailment. This Bill intends to bailout somebody who is in deep trouble now. This is, actually, intended to bailout those people. Only for that purpose, this House is being misused by the Treasury Benches. Sir, our conscience will not permit us to associate ourselves with this kind of work. We are accountable to the public. As no public interest is involved in this Bill. So, we are opposing this Bill.

Sir, let me illustrate why we are opposing it. Sir, somebody has doubted a question and posed a question as to what the Office of Profit is. Sir, the Law Minister is piloting this Bill. He himself is a practising lawyer in the Supreme Court. He must be knowing it. The Office of Profit has been well defined in several judgements. In fact, in the judgement reported in 1971, Volume III, Supreme Court Cases, page 870. At page 875, five illustrations have been given by Justice Hegde on the ground through which the Office of Profit can be identified. Let me now quote only those five illustrations given by the learned judge. It says, "The Court in several decisions has laid down the tests for finding out whether an office in question is an office under a Government and whether it is an Office of Profit. Those tests are: (1) Whether the Government has the right to remove or dismiss the holder; (2) Whether the Government makes the appointment; (3) Whether the Government pays the remuneration; (4) What are the functions of the holder? Does he perform them for the Government and (5) Does the Government exercise any control over the performance of those functions?" Sir, these are the illustrations through which an Office of Profit can be identified. This has been indicated in *Shivamurthy Swami Vs. Agadi Sanganna Andanappa* case arising from Karnataka. Sir, when things are very clear, you want to go contrary to the well laid out principles! Why? They have made no secrets of it. Sir, in this Bill, in items 16—45 we have 18 items which refer to the West Bengal offices. They want to bail out people who are in trouble in West Bengal. Those MPs get elected from West Bengal and you want to bail them out through this amendment. And, above all, you want to bail out the Chairperson of the UPA also through this.

Sir, this House is now sought to be converted into a fatal attack on the public. What was the necessity? What was the urgency in bringing this Bill? You have not brought it any time earlier. Now, you are bringing it suddenly and pass it. Why, Sir? You have not shown this much of

enthusiasm in the public interest, in public matters, in matters of poverty. When people are dying in Maharashtra, Karnataka and Andhra Pradesh out of poverty, without food and malnutrition, is there any public interest in this move? You are not worried about that. You want to save somebody else, especially one Minister who is occupying the office of the Chairmanship of Tirumala Tirupathi Devasthanams Board, Shri Subbirami Reddy. You want to save him also. Somebody has said...

SHRI B.S. GNENADESIKAN (Tamil Nadu): One clarification I seek. Mr. Jothi's name also appears in the Asian Age newspaper of 26th April, 2006. There is a complaint against him also. The Bill is also for your benefit.

SHRI N. JOTHI: It is a wrong complaint and I will face it. I will not bring any amendment like this and I will face it. I have the courage to face it. (*Interruptions*) I will not take shelter under the Bill and I know how to defend myself. (*Interruptions*) I am not a coward.

Sir, Shri Subbirami Reddy is sought to be bailed out.

MR. DEPUTY CHAIRMAN: Do not take his name,

SHRI N. JOTHI: He is there in the House, Sir!

SHRI C. RAMACHANDRAIAH: He wishes to be named!

SHRI N. JOTHI: The only thing is that they have not indicated his name, that is all. Sir, I heard Shri Sitaram Yechuri saying that the Khadi Board is a poor organization and MPs are there and that it can meet the travelling allowance. If that is the analogy, then Tirumala Tirupathi Devasthanam Board is not poor, that is the richest institution and Mr. Subbarami Reddy also is the richest person. What is the correlation they want to make in this Bill? This is very unfortunate.

Sir, clause 4 is provided to give retrospective effect and also to supersede the judgment rendered by various courts including the Supreme Court. Sir, I caution here. There are so many people to advise and the Law Minister himself is a man in law and there is Shri Jethmalani, now nominated. My reading is, the retrospective effect will be given in fiscal matters to avoid undue enrichment given to some people and to avoid taxation litigation. To safeguard the public money it is given. But what is the public interest involved in this? What will happen if these MPs go? They get elected, as they claim now! Let them go. None is indispensable

in this world. Anybody can be displaced. Our country is big enough to give many people. If I am not here, the seat will be occupied by somebody else. We are not here to sit permanently, for ever. Our life itself is not for ever. People are watching us, people understand it. People are watching your performance. People are watching you. Please do not ask us to mingle with you. We will not aid and we will not be a party and we will not be an ally to this kind of misuse and abuse of this House. This is nothing but abuse of this House. You may have majority to pass this Bill but real majority is the public. Crores and crores of people are watching you. I hereby again appeal to the Treasury Benches, please leave your passions away, and think over it. This is an Elder's House. Please think loudly once again. There is nothing wrong in having a rethinking on this issue. Why are you identifying these offices? It is done because some of the Members of Parliament who are holding these offices are in trouble, and only for that purpose these offices have been identified in the Bill. Sir, do you mean to say that we should be a party to this and we should be approver of this? Sorry, Sir, my conscience does not permit me; my party's conscience does not permit. Therefore, we oppose this Bill. Thank you.

श्री मंगनी लाल मंडल: माननीय उपसभापति महोदया, यहां पर कई विधिवेत्ता हैं, आदरणीय जेठमलानी साहब बैठे हैं, मैं समझता हूँ कि वे इस विषय पर बोलेंगे और उनको बोलना भी चाहिए। मैंने अरुण जेटली जी का भाषण सुना, उन्हें कानूनी बात से ज्यादा व्यथा एन.ए.सी. प्रर थी। कई माननीय सदस्यों ने अपनी बातें कही हैं, अमर सिंह जी ने अपनी बातों से भारतीय जनता पार्टी को बहुत आनन्दित किया और उनकी बातों से भारतीय जनता पार्टी के सदस्य ज्यादा आनन्दित हो रहे थे। मैं इसके बारे में दो-तीन बातें कहना चाहता हूँ। यह जो संविधान के अनुच्छेद 102 में ऑफिस ऑफ प्रॉफिट के संबंध में प्रावधान है, तो मैं इसके बारे में सीताराम येचुरी जी से सहमति व्यक्त करता हूँ कि यह परिभाषित नहीं है और परिभाषित नहीं होने के कारण ही यह विरोधाभास पैदा हुआ है और इसीलिए इसमें स्वार्थ के विरोधाभास की बात आती है। स्वार्थ के विरोधाभास के कारण यदि कोई बात उठती है, तो इसको परिभाषित किया जाना चाहिए। यह बात ठीक है कि पार्लियामेंटी कमेटी बैठी थी और उसके रिकमंडेशन के आधार पर बिल का प्रारूप तैयार हुआ है और यह बिल यहां सदन में आया है, लेकिन या तो ज्वाइंट पार्लियामेंटी कमेटी टर्म्स ऑफ रेफरेंस को देखकर के बनाने चाहिए या फिर एक विशेषज्ञ समिति बननी चाहिए, इस पर मेरी उनसे सहमति है और मैं इसका समर्थन करता हूँ।

दूसरी बात यह है कि भारतीय जनता पार्टी ने इसका विरोध किया है, एन.ए.सी. का विरोध किया है और मैं समझता हूँ कि ये लोग सोनिया गांधी से बड़े डरे हुए हैं। उनके मन में बड़ा भय है,

3-00 P.M.

सोनिया जी का जो व्यक्तित्व बढ़ रहा है, देश में जो उनकी लोकप्रियता बढ़ रही है और जो अभी रायबरेली में भाजपा ने पटखनी खाई है, उसके चलते भी उनकी व्यथा है, उनकी पीड़ा है और इसीलिए इस पटखनी के चलते, व्यथा के चलते, पीड़ा के चलते ही ये एन.ए.सी. का विरोध करते हैं, यह कोई कानूनी बात नहीं है। यह जो 1959 का कानून है और जो संशोधन के लिए आया है, यह संवैधानिक है। एन.ए.सी. के बारे में माननीय विधि मंत्री ने लोक सभा में स्थिति स्पष्ट की है कि यह संस्था न तो संवैधानिक है और न ही स्टेट्सचरी बॉडी है, इसका गठन कार्यपालिका के नोटिफिकेशन से किया गया है। इसलिए इस संस्था के बारे में यदि इनके द्वारा विरोध होता है, तो निश्चित रूप से कहीं न कहीं सोनिया जी के बारे में जो उनके मन में एक भय है, एक फोबिया है, जिससे ये ग्रसित हैं, इसीलिए विरोध करते हैं।

तीसरी बात हमको यह कहनी है कि बहुत सारे बोर्ड में लोग रहे हैं। जैसे देश में कॉफी बोर्ड है, रबड़ बोर्ड है। कॉफी बोर्ड एक्ट 1942 का बना हुआ है, रबड़ बोर्ड एक्ट 1947 का बना हुआ है और मेम्बर्स ऑफ पार्लियामेंट इसके चेयरमैन रहे हैं, मेम्बर्स रहे हैं और ऑफिस ऑफ प्रॉफिट एक्ट के मामले में डिफाइन नहीं होने के बावजूद भी लोग रहे हैं। इसमें संविधान का मिसयूज भी होता रहा है। यह निश्चित रूप से डिफाइन नहीं होने के कारण से इस अनुच्छेद का देशभर में मिसयूज होता रहा है। अगर मिसयूज नहीं होता, तो अभी झारखंड के बारे में जो बातें कही हैं, यहां तो डिबेट हो रही है, लोक सभा में डिबेट हुई है। यहां भी डिबेट हुई है। झारखंड में 13 मंत्री इनके दायरे में आ गए थे, लेकिन विधान सभा में डिबेट नहीं हुआ एक दूसरे पर कुर्सियां फैंकी गयी, आनन-फानन में एक मिनट में विधेयक पारित हो गया और 13 मंत्रियों को, विधायकों को बचा लिया गया और झारखंड में भारतीय जनता पार्टी की सरकार बच गयी। इसीलिए कानून के ऊपर जब कोई राय आती है, संविधान संशोधन की बात होती है, कोई कानून बनता है तो उसमें मान्यता और मानदंड एक ही रहना चाहिए, दो मानदंड नहीं होने चाहिए। भारतीय जनता पार्टी का यह दोहरा मानदंड है, यह उचित नहीं है।

उपसभाध्यक्ष (श्री दिनेश त्रिवेदी) पीठासीन हुए।

एक बात जया बच्चन जी के बारे में यहां उठी है, उस संबंध में मैं यह कहना चाहता हूं कि जया बच्चन जी के बारे में हमारे मन में भी बड़ी श्रद्धा है। वह एक संयोग था, एक परिस्थिति थी कि जया बच्चन जी की सदस्यता चली गयी। इस विषय पर श्री अमर सिंह की भावना उचित थी किन्तु इनका आक्रोश बहुत ज्यादा आक्रामक था और इसके जो आक्रामक तेवर थे, उससे भारतीय जनता पार्टी के माननीय सदस्यगण ज्यादा आह्लादित हो रहे थे। भारतीय जनता पार्टी के लोग प्रसन्न हो रहे थे और उनको ये धृतराष्ट्र भी कह रहे थे। परन्तु मेरी राय स्पष्ट है कि जया बच्चन जी में मैंने एक चीज देखी है कि उनमें राजनीति करने का नैसर्गिक गुण है और उनमें मेधा भी है, प्रतिभा भी है।

निश्चित रूप से जया बच्चन जी की जब सदस्यता गयी तो मुझे व्यक्तिगत रूप से इस बात के लिए कष्ट हुआ, लेकिन इसके लिए कांग्रेस पार्टी को ब्लेम नहीं किया जा सकता है। इसके लिए कांग्रेस पार्टी की भर्त्सना और निंदा नहीं की जा सकती है। जो उम्मीदवार थे, उम्मीदवार इलेक्शन कमीशन में गए और इसका परिणाम वह आया।

श्री अमर सिंह : किसकी करें? आपकी करें क्या? अगर उनकी नहीं करें, कांग्रेस पार्टी की नहीं करें तो किसकी करें? आपकी करें? आपने तो शिकायत की नहीं। शिकायत कांग्रेस के प्रत्याशी ने की, एआईसीसी के मैबर ने की है इसलिए निन्दा-भर्त्सना भी उसी की करनी होगी।

श्री मंगनी लाल मंडल : यह तो आपकी राजनीतिक बाध्यता है क्योंकि जो...(व्यवधान)...

श्री अमर सिंह : यह बाध्यता नहीं मान्यवर, यह सत्यता है। सत्यता और बाध्यता में अंतर होता है।

श्री मंगनी लाल मंडल : कोई एक ही बात तो हो सकती है। आप एक तरफ तो भारतीय जनता पार्टी की प्रशंसा कर रहे हैं और दूसरी तरफ आप कांग्रेस की निन्दा भी करते हो और इसका भी समर्थन करते हो। तो भारतीय जनता पार्टी का दोहरा मानदंड ...(व्यवधान)...

श्री अमर सिंह : यह आरोप है। भारतीय जनता पार्टी का कोई समर्थन हमने नहीं किया है बल्कि हमने यह कहा है कि झारखंड में आपने बिल बनाया और यहां विरोध कर रहे हो हमने तो यह कहा कि जया बच्चन जी की सदस्यता नहीं बचा करके हमें ग्लानि है, हम अपराधबोध से ग्रसित हैं कि इस बिल का लाभ हमने उठा लिया और जया बच्चन को छोड़ दिया। जया बच्चन जी की सदस्यता जाने से पहले अगर यह बिल हो जाता तो अच्छी बात होती। यह बात हमने कही है, यह कोई गलत बात नहीं कही है।

श्री मंगनी लाल मंडल : दोनों बातें आप कहते हैं न। जया बच्चन जी के बारे में अमर सिंह जी, आपकी जो भावना है, उससे मैं सहमत हूँ।

उपसभाध्यक्ष (श्री दिनेश त्रिवेदी) : मंडल जी, अब आप...(व्यवधान)...

श्री मंगनी लाल मंडल : वे एक सभ्रान्त और भद्र तथा ज्ञानी महिला है, उनकी प्रशंसा कीजिए। मैंने भी कहा कि उनमें नैसर्गिक गुण है, लेकिन साथ-साथ एनएसी के बारे में आप वही इशारा करते हैं जो भारतीय जनता पार्टी का दोहरा चेहरा है, दोहरा मानदंड है। ये दोनों बातें साथ-साथ क्यों चलती है?... (व्यवधान)...

श्री अमर सिंह : मान्यवर, एनएसी नहीं, सुप्रीम कोर्ट ने कहा है कि सभी पद लाभ के पद हैं। अगर ये सब पद लाभ के पद नहीं हैं तो आज यह बिल क्यों आ रहा है? सुप्रीम कोर्ट में सब्बरवाल की बेंच ने कहा है कि सभी पद लाभ के पद हैं और...(व्यवधान)...

श्री मंगनी लाल मंडल : आप भी अमर सिंह जी, इसी पॉलिटिकल सिस्टम के आदमी हैं। आप भी मेंबर ऑफ पार्लियामेंट हैं। आपका भी दायित्व बनता है। कभी एक पार्टी सत्ता में रहती है, कभी दूसरी पार्टी सत्ता में रहती है। आप उत्तर प्रदेश में हैं, आपने कानून बनाया, यहां कानून बन रहा है झारखंड में उन्होंने कानून बनाया लेकिन एक सम्वेत रूप से ... (व्यवधान)...

उपसभाध्यक्ष (श्री दिनेश त्रिवेदी) : मंडल जी ... (व्यवधान)... अमर सिंह जी, प्लीज ... (व्यवधान)...

श्री अमर सिंह : विरोध कहां कर रहे हैं? समर्थन कर रहे हैं ... (व्यवधान)...

प्रो० राम देव भंडारी (बिहार) : सर, उनको बोलने का मौका दिया जाए।

उपसभाध्यक्ष (श्री दिनेश त्रिवेदी) : मगर वे उनको उत्तर दे रहे हैं, हम क्या करें ... (व्यवधान)...

श्री मंगनी लाल मंडल : मैं उनका सम्मान करता हूं ... (व्यवधान)...

श्री अमर सिंह : हम बिल का समर्थन कर रहे हैं। ... (व्यवधान)...

प्रो० राम देव भंडारी : उन्होंने अपनी बात कह दी, अब ... (व्यवधान)...

THE VICE-CHAIRMAN (Shri Dinesh Trivedi) : Nothing will go on record.
(Interruptions)

श्री मंगनी लाल मंडल : अमर सिंह जी ने हमें गलत समझ लिया। मैं जया बच्चन जी की प्रशंसा कर रहा हूं। असल में आपने मुझे गलत समझ लिया। ... (व्यवधान)... आप समर्थन कर रहे हैं, आपने मुझे गलत समझ लिया ... (व्यवधान)... मैंने आपको गलत तरीके से नहीं बात ... (व्यवधान)... लेकिन मैंने सोनिया गांधी की प्रशंसा की है, मैं उनकी प्रशंसा करूंगा क्योंकि वे राष्ट्रीय स्तर की नेता हैं, उनका प्रभाव बढ़ रहा है और उनके प्रभाव से भारतीय जनता पार्टी हाशिये पर आ गयी है। इसलिए मैंने कहा है कि आपको हमारी बात का ऐतराज नहीं करना चाहिए। मैं अभी भी कहता हूं कि जया बच्चन जी की सदस्यता जाने से मुझे व्यक्तिगत रूप से कष्ट है। इसीलिए मैं अपनी बात समाप्त करते हुए ... (व्यवधान)...

उपसभाध्यक्ष (श्री दिनेश त्रिवेदी) : मंडल जी, आप मेहरबानी करके चेयर को एड्रेस कीजिए, इस तर्क में मत जाइए।

श्री मंगनी लाल मंडल : बिल के कानूनी पहलू के बारे में हमें कुछ नहीं कहना है। बिल का मैं समर्थन करता हूं इसलिए मुझे कुछ नहीं कहना है। सीताराम येचुरी जी का मैंने समर्थन किया है। कि एक पारिभाषित स्वरूप कानून का आए और कानून का क्या पारिभाषित स्वरूप हो, इसके लिए एक एक्सपर्ट कमेटी बैठे या ज्वाइंट पार्लियामेंटरी कमेटी बने और उसके लिए आगे चलकर कोई ऐसा विवाद न आए कि यह विरोधाभास स्वार्थ का है, इसलिए सरकार अपनी सुविधा के अनुसार समय-समय पर कानून में संशोधन करती है, इसलिए इसका एक रास्ता निकलना चाहिए, इन्हीं शब्दों के साथ, मैं इस विधेयक का समर्थन करता हूं।

श्री वसंत चव्हाण (महाराष्ट्र): आदरणीय उपसभाध्यक्ष महोदय, मैं अपने दल की ओर से इस कानून का समर्थन करने के लिए खड़ा हुआ हूँ। यह कानून आया, अगर थोड़ा पहले आता, तो बेहतर होता - यह मेरे दल की भावना है, लेकिन मजबूरी थी कि सदन चलने ही नहीं दिया गया और इस कानून को अगर ऑर्डिनेन्स के रूप में लाया जाता है, तो उसका विरोध करने की भूमिका ली गई। हाँ सकता है कि यही बातें सामने हों कि सरकार द्वारा इसको इस विशेष अधिवेशन में लाया गया है।

उपसभाध्यक्ष, महोदय, यह ऑफिस ऑफ प्रॉफिट जो terminology है, अगर इसे ऑफिस ऑफ प्रॉफिट न होते हुए ऑफिस ऑफ सर्विस रखा जाए, अगर इस संशोधन पर भी थोड़ा विचार किया जाए, तो शायद बेहतर होगा, क्योंकि इस "प्रॉफिट" शब्द से जनता में एक किस्म की विफलता पैदा होती है। लोगों को ऐसा लगता है कि कुछ प्रॉफिट कमाने के लिए लोग जाते हैं, कुछ पैसों के लिए जाते हैं, कुछ मुनाफा कमाने के लिए जाता है। वह तो वस्तुस्थिति नहीं है, हकीकत नहीं है। उस संस्थान का अच्छा कारोबार चले, उस संस्थान को अच्छा मार्गदर्शन मिले, उस संस्थान का सरकारी महकमों से जो संबंध है, उसमें ठीक से कामकाज चले, उस राज्य का कोई लाभ हो, जो विषय उस संस्थान के पास दिए गए हैं, उन विषयों को न्याय मिले, इसके लिए संसद सदस्य वहां भेजे जाते हैं, चाहे वे किसी भी दल के हों। अगर भाजपा के भेजे गए, तो वे स्वार्थी हैं और कांग्रेस के भेजे गए, तो निस्वार्थी हैं? ऐसी कोई भावना नहीं है। जो भी वहां भेजा जाता है, उन सबके बारे में यही भावना होती है कि ये जाकर उस संस्थान का विकास करेंगे, उस विषय का विकास करेंगे, उस विषय से संबंधित जो-जो बातें होंगी, उन बातों का पूरा करने के लिए अपने सारे जीवन का अनुभव, जो-जो इन्होंने गणतन्त्र में सीखा है, पद्धतियाँ सीखी हैं, उन तरीकों का अनुभव, इनका उस संस्था को लाभ पहुंचे और उससे उस संस्था का जो कार्य सामने रखा हुआ है, उसको बढ़ाया जाए।

महोदय, श्रीमती जया बच्चन वहां गई थीं कोई प्रॉफिट कमाने के लिए नहीं गई थीं। मैं मुम्बई से आता हूँ, मुम्बई में इसका बहुत दुख मनाया गया था, क्योंकि उनके चाहने वाले लाखों लोग थे और सबको मालूम है कि बच्चन परिवार ने कभी किसी लाभ के लिए काम नहीं किया। वे हमारे यहां की बहुत अच्छी सोशल वर्कर हैं, चाहे वे समाजवादी पार्टी की हों, समाजवादी पार्टी ने सदस्य नहीं खोया, बल्कि इस सदन ने एक अच्छा सदस्य खोया है, ऐसी भावना हमारी उस वक्त हुई थी और हमको इसका बड़ा दुख है। इसके बारे में बहुत लिट्रेचर आया कि उनके साथ बड़ा अन्याय हुआ है। एक अच्छी वर्कर के नाते भी अन्याय हुआ है, एक अच्छी राजनीतिज्ञ के नाते भी अन्याय हुआ है, पर किसी की कुर्बानी कभी किसी दूसरे के काम आती है, तो उनकी कुर्बानी अब जो बचे थे, उनके काम आ रही है इसका भी श्रेय उनको ही देना पड़ेगा, तो लोग गए-चाहे वह श्रीमती बच्चन हों, चाहे सोनिया जी को इस्तीफा देना पड़ा हो। ये घटनाएं ऐसी हुईं, जिनके कारण संसद को इस पर विचार करना पड़ा, दोनों सदनों को विचार करना पड़ा और कानून बनाना पड़ा।

उपसभाध्यक्ष महोदय, लाभ की परिभाषा पर, मेरे कानूनी दोस्तों ने काफी बातें कही हैं, जैसे पीपुल्स रिप्रजेंटेटिव एक्ट है, हम सभी जिससे परिचित हैं और सभी लोगों को इसकी जानकारी भी होगी कि उसमें करप्ट प्रैक्टिसेस है। करप्ट प्रैक्टिसेस का यह मतलब नहीं है कि सिर्फ पैसे का ही लेन-देन है। उसके अंतर्गत वे सभी बातें आती हैं, जिनका पैसों से कोई संबंध भी न हो, लेकिन जो बातें चुनावों को प्रभावित कर सकती हैं, किसी व्यक्ति विशेष को प्रभावित कर सकती हैं, किसी समुदाय को प्रभावित कर सकती हैं, वे सभी बातें करप्ट प्रैक्टिसेस हो जाती हैं। कल सुप्रीम कोर्ट यह भी कहेगी कि उस ऑफिस का इस्तेमाल करना भी प्रोफिट है। यदि आपको इस ऑफिस में पहुंचने के लिए कोई साधन दिया गया है तो वह भी प्रोफिट है और सिर के ऊपर पंखा चल रहा है तो वह भी प्रोफिट है। इसके लिए आपको इसकी परिभाषा करनी पड़ेगी। हम आज के कानून का समर्थन करते हैं, लेकिन यह अपेक्षा भी करते हैं कि इसकी व्यापकता को भी बढ़ाया जाए। हमें इसको और ज्यादा खोलकर सामने लाना पड़ेगा। आगे आने वाले समय में जो संसद सदस्य आएंगे, अगर वे 55 की लिस्ट से बाहर होंगे तो शायद काम नहीं कर पाएं। उनके सामने कोई नया विषय आ जाए, जैसा इन्फॉर्मेशन टेक्नॉलाजी का विषय आ जाए, इन्फॉर्मिसि का कोई विषय आ जाए, शास्त्रीय संशोधन का कोई विषय आ जाए, जिसमें उस विषय के माहिर संसद सदस्य को भेजना पड़े और वह 55 की लिस्ट में न हो, तो हर वक्त किसी को सेवा के लिए भेजना और इस लिस्ट को बढ़ाते जाना, यह भी ठीक नहीं होगा। इससे तो कानून का अधूरापन ही रहेगा। जो कानून सर्व-स्पर्शी नहीं है, वह कानून पूरा नहीं हो सकता है और संसद सदस्यों पर कोई न कोई आक्षेप लगते ही रहेंगे। इसलिए कानून मंत्री जी से मेरा यह अनुरोध है कि हमें इस बिल को तो पास करना पड़ेगा, लेकिन चाहे जो भी संसद सदस्य हों, उनकी सदस्यता बचाने के लिए पास करना पड़ेगा, ऐसा हम नहीं मानते हैं। हम तो यह मानते हैं कि एक नीति निर्धारित करने के लिए पास करना पड़ेगा। हम यह भी नहीं मानते हैं कि किसी व्यक्ति विशेष के लिए कानून बन रहा है, बल्कि हम तो यह मानते हैं कि इसका कोई प्रिंसिपल तय होना चाहिए। अगर हम यह प्रिंसिपल तय नहीं करेंगे तो फिर हम लकीर के फकीर बनते रहेंगे। यह लकीर की फकीरी न जाने किस-किस को मारेगी। मुझे एक किस्सा याद है। एक मंदिर के बाहर तख्ती लगी हुई थी कि जूती-चप्पल उतारने के बाद मंदिर में जाओ। सरकार ने बाहर एक दरबान खड़ा कर दिया कि कानून का पालन होना चाहिए और जूती चप्पल उतारने के बाद ही मंदिर में जाना चाहिए। वहां पर एक महात्मा जी आ गए। उनके पैर में न जूती थी और न चप्पल थी। वे सीधे अंदर जाने लगे तो दरबान ने उनको अपने डंडे से रोक दिया। महात्मा जी बोले कि मुझे क्यों रोका, तो दरबान ने कहा कि आप पहले जूती चप्पल उतारिए। जब तक आप ये नहीं उतारेंगे, आप अंदर नहीं जा सकते हैं। महात्मा जी ने कहा कि मैंने तो कुछ पहना नहीं है। उसने कहा कि घर जाकर पहनकर आइए और फिर यहां पर उतारिए क्योंकि यहां पर लिखा हुआ है उतारकर अंदर जाना है। कभी-कभी महात्मा जी भी अड़ियल होते हैं और वे अनशन के लिए वहां पर बैठ गए। फिर उनके लिए कानून बदलना पड़ा कि जूती-चप्पल के साथ अंदर नहीं जा सकते और

उतारकर शब्द को निकालना पड़ा। आज वही हालत हमारी हो रही है कि लकीर की फकीरी को लेकर कुछ लोगों ने इस किस्म से इस्तेमाल किया, लेकिन हमारा किसी का भी ऐसा मकसद नहीं था, न बच्चन जी का मकसद था, न सोनिया जी का मकसद था और न किसी और का मकसद था कि वे वहां जाकर कुछ लाभ उठाएं, कुछ पैसा कमाएं और अपनी अमीरी को कुछ और बढ़ाएं। वैसे तो हम सांसदों में कई ऐसे सदस्य हैं जो कई निजी संस्थानों से जुड़े हैं, उद्योगों से जुड़े हैं और अपने-अपने पेशों से जुड़े हैं। कोई डॉक्टर है, कोई वकील है और कोई अन्य किसी पेशे में है। हम वहां से बहुत कमाते हैं, लेकिन वह आपके लाभ के पद में नहीं आता है वह हम कर सकते हैं, बड़ी खूबी से कर सकते हैं और यहां बात भी कर सकते हैं, लेकिन अगर कहीं सेवा के लिए आपको भेज दिया जाए, तो आप उस कानून में फंस जाएंगे। इस किस्म की लकीर की फकीरी से बचाने के लिए यह बिल आया है, लेकिन पूरे तरीके से हम बच नहीं पाए। हमने आज की मौत कल पर टाल दी है, कल फिर यह सवाल पैदा होगा, कल फिर ऐसे गंभीर प्रश्न पैदा होंगे, नए-नए विषय पैदा होंगे, नए-नए प्रावधान पैदा होंगे, जिन प्रावधानों के लिए हमको कानून में फिर से संशोधन करना पड़ेगा। इसमें कुछ बहुत जरूरी बातें होनी चाहिए थीं, जिनके लिए शायद सभी दलों को एक साथ बिठाकर, सबकी राय लेकर, इस बिल में व्यापक संशोधन करने और इसका नाम तक बदलने का प्रयास होना चाहिए था, जो नहीं हो सका। यद्यपि यह बिल बहुत जल्दी में आ रहा है, फिर भी हम इसका समर्थन करते हैं और उम्मीद करते हैं कि इसकी परिधि को बढ़ाया जाएगा और इसकी परिभाषा को ठीक किया जाएगा, ताकि आने वाली पीढ़ियां फिर कभी यह न कहें कि 2006 में जो संसद सदस्य थे, अगर वे ज्यादा गंभीरता से सोचते, तो अच्छा होता और हम आने वाले नौजवान शायद इससे बच जाते, इतना कहकर, मैं इस बिल का समर्थन करता हूं। धन्यवाद।

SHRI C. RAMACHANDRAIAH: Thank you, Sir, for giving me this opportunity to speak on this Bill. I was rather astonished as I was under the impression that there is a limit even to degenerate an Institution. I never thought that this supreme body, the Indian Parliament, would be abused in this way to protect the skin of certain individuals. Sir, I have come to the conclusion, if anybody is honest, he does not have the opportunity to corrupt. That is the only conclusion I can draw. Sir, do we need this Bill? Why do we need it? Is this Bill needed to provide some relief to the victims of the calamities? A special session has been convened when the Government does not have the Business and the Opposition does not have the issues. What is the purpose of convening this session? Is this issue so urgent? It is quite clear, it is apparent that it is only to save the skin of certain individuals. Sir, the Constitution has clearly provided that the elected representatives either in the Assemblies

or in the Parliament should be more independent, should discharge their duties without any favour, with free mind they should participate in the debates and enactments, and they should not get undue favours from the political executive to enable them to discharge their duties, perfectly, independently in the interest of the public. We have been trying to dilute the very spirit of these articles 102 and 103 of the Constitution. Is it necessary? I was wondering that with one billion population, is there any dearth of talent in this country that these so called politicians have to be nominated to these boards? Is there any dearth of talent in this country? Let us be apprised of the talents of these individuals occupying these posts. Are we not getting more talented persons in this country who are more patriotic than these people to subserve the interest of the country? This Bill has been brought to subserve our own interest, not in the interest of the nation. It is detrimental to the democratic fabric of this nation. I am honestly saying this. And, we are prepared to go to any extent to dilute the Constitution. We are prepared for it. Of course, you have got a majority. You have got the majority. The majority has been provided to provide good governance, not to adopt bad practices. But what have you been doing here? Heavens are not going to fall if these forty and odd institutions are not protected. Heavens are not going to fall if these persons do not continue in the Boards. Hence it is ridiculous, Sir, that certain individuals have been protected. What are the yardsticks that have been adopted in selecting these forty and odd institutions which have been mentioned in this Bill? What are the yardsticks that have been adopted? Is there any rationality? Are there any guidelines? I have read the reply which was given by the Minister in the other House. Sir, they have sought the suggestions from all political parties. A broad consensus has been achieved. Unfortunately, we are unable to arrive at the consensus on the issues which are confronting this nation to eradicate poverty, to provide more employment opportunities to the people, to provide two square meals a day to the poorer sections of the country, and we have been trying to arrive at a consensus to subserve our interest, and the people's scepticism is being intensified about the polity of this country. If we adopt these types of methods, they would be more cynical and, rightfully so. This is an Amendment Bill. I don't think it is an amendment; it is a dilution of the Constitution. I should admit it honestly. Sir, the legal luminaries have made their arguments very eloquently. They have put forth their points

very well. But there are inherent contradictions in their own behaviours, and the persons who have piloted this Bill have tried to block the signature of the Amendment Bill that has been introduced in Uttar Pradesh. Sir, the persons who have very eloquently spoke against this Bill have opposed it only for argument's sake, but they have followed a different way; they have practised it in a different way in Jharkhand to save the twenty-four and odd Legislators. They have pre-empted its effect, and they have introduced the legislation. ...*(Interruptions)*... No exception. ...*(Interruptions)*... At least, I have got the courage to comment on them. Have you got the courage to comment on your own supporters when they are committing mistakes? You don't have the courage. You don't have the courage. I have got the courage.

SHRI N. JOTHI: What is the spelling of 'courage' for them? They don't know the spelling of the word 'courage'.

SHRI C. RAMACHANDRAIAH: Sir, the very spirit with which article 102 has been introduced is to keep the Legislators, the people's representatives, free and independent. And, if they happen to hold an Office of Profit, they are likely to get favours from the political executive which makes them to succumb to pressures of situations. And, they may not be in a position to perfectly discharge their duties towards the people of this country who are electing them. Sir, there are other countries which have been following the Westminster form of parliamentary system. Sir, in the United States of America, the American Constitution has an 'ineligibility clause' which imposes an absolute bar, with no exception. I quote, "No person holding any office under the United States shall be a Member of either House during his continuance in Office." There is no exception. And, in the United Kingdom also, in the House of Commons, a large number of public offices, judicial and executive, have been exempted. Sir, they don't have the habit of updating themselves everyday according to the needs of their political system. But, here, we are updating it everyday. Suppose, we want to do a favour to 'x', exempt his post. Suppose, we want to do a favour to 'y', exempt his post. What is this? You are making a mockery of the democracy, parliamentary democracy in this country. And nobody has the right to abuse the parliamentary forum for this purpose. Sir, I shall now come to a different point.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Mr. Ramachandraiah, your time is getting over. As per the schedule, you had only three minutes. Please, conclude.

SHRI C. RAMACHANDRAIAH: I shall take a few more minutes, Sir. The Office of Profit issue is being discussed only for Legislators and Members of Parliament. The concept of Office of Profit has been embedded in our Constitution, but eliminated to avoid possible conflict between public duty and private duty. This is true for MPs and equally true for Ministers.

MR. N. JOTHI: It is all the more true for them.

SHRI C. RAMACHANDRAIAH: In fact, it is more applicable to the Ministers because they hold offices of profit but are protected. The MLAs and MPs would not be protected unless such legislation is passed, whereas the Ministers are continuously, perpetually, being protected from being disqualified under the Prevention of Disqualification Act if they hold an Office of Profit. It is, therefore, Sir, that I feel it is highly essential and desirable that their public duties and private interests are kept separate. Their private interests should never get into conflict with their public duties as Ministers. If at all I hold an organisation, a private organisation, in which I have got a pivotal interest, as a Minister, my duties should not get into conflict with the business I am carrying on as a private individual.

Sir, if I am allowed to quote, I can quote names of persons. There are a number of persons in the Cabinet...*(Interruptions)*...How can a person who runs an empire of television company be a Minister holding that portfolio?...*(Interruptions)*...Don't you think his private interests are getting in conflict with his official duties?...*(Interruptions)*... How can you allow it just because it is not visible? Just because it is not visible, you are trying to perpetuate it. I am prepared to quote the names of a number of persons whose private empires and private businesses are, getting into conflict with their official duties. I would request the Government to kindly ponder over it and take it very seriously. There is no dearth of talent. After all you have to manage a coalition Government; I understand the limitations of a coalition Government. You may try to satisfy a person in a different way. There are other ways of satisfying him. If you do not know how, kindly contact Shri Vajpayeeji, he was very efficient in running a coalition Government.

SHRIMATI BRINDA KARAT (West Bengal) Is that why you left him?

SHRI C. RAMACHANDRAIAH: At least, he was an expert in running a coalition Government.

SHRI N. JOTHI: You are also going to leave them shortly. You shall leave them.

SHRIMATI BRINDA KARAT: Not because somebody is efficient or non-efficient.

SHRI C. RAMACHANDRAIAH: That is why they have inherited a legacy of 8 per cent growth.

THE VICE-CHAIRMAN (SHRI DINESH TRIVEDI): Mr. Ramachandraiah, please conclude.

SHRI C. RAMACHANDRAIAH: Sir, my request to the Government is, it should be applicable not only to MLAs and MPs, but for Ministers as well. Also, kindly ensure that their private interests do not get into conflict with the official duties that they are going to perform. Only then can we build a very good polity in this country.

उपसभाध्यक्ष (श्री दिनेश त्रिवेदी): श्री दिग्विजय सिंह।

MATTER RAISED WITH PERMISSION another Militants' Attack In Doda District of Jammu and Kashmir on 17th May, 2006

डा० भुरली मनोहर जोशी (उत्तर प्रदेश): महोदय, मुझे एक महत्वपूर्ण विषय पर एक मिनट बोलने की अनुमति दी जाए। मुझे अभी-अभी सूचना मिली है कि डोडा में फिर से आक्रमण हुआ है। उस स्थान पर ग्रेनेड से हमला हुआ जिस में एक व्यक्ति की मृत्यु हो गयी और कुछ लोग गंभीर रूप से घायल हो गए।

उपसभाध्यक्ष जी, परसों ही इस विषय पर इस सदन ने बहुत चिंता प्रकट की थी और सारे देश का ध्यान आकृष्ट किया था। तब माननीय गृह मंत्री जी ने यह आश्वासन दिया था कि वहां पूरी-की-पूरी सुरक्षा की जाएगी और सभी प्रकार की व्यवस्थाएं की जा रही हैं, इत्यादि-इत्यादि। यह सब उन्होंने विस्तारपूर्वक कहा था, लेकिन आज इस समय पता लगा तो उस व्यवस्था का खोखलापन जाहिर हो गया है। वहां कोई सुरक्षा नहीं है और वहां से लोगों का घर जाना मुश्किल है। वे वहां बैठे हैं और कहते हैं कि हम घर कैसे जाएं? मैं चाहूंगा कि सरकार तत्काल इस विषय पर सदन को वस्तुस्थिति से अवगत कराए और बताए कि वहां क्या स्थिति है, सुरक्षा की क्या व्यवस्था की गयी है और ये लोग कैसे घर जाएंगे? साथ ही बताएं कि इन को रायफलस क्यों नहीं दी गयी हैं? यहां जो बताया गया था? उस से तो ग्राउंड रिएलिटी नहीं मिल रही है। इसके लिए वहां की प्रदेश सरकार को