

THE ANTI-CORRUPTION LAWS
(AMENDMENT) BILL, 1964—contd.

SHRI G. S. PATHAK: Mr. Vice-Chairman, Sir, I have been connected with the problem of how to solve corruption. At one time, in Allahabad, all the political parties had elected me Chairman of the Anti-Corruption Committee and I can draw upon some experience so far as the solution of the problem is concerned. I can say that there is a grave danger of generalization. Exaggeration is very often made and it will not be a correct attitude to take that there is corruption rampant throughout the country. There are honest people in all spheres of life and in public services and therefore we must not forget that sometimes frivolous complaints are made by people against others who are highly placed either on the ground of political rivalries or on other grounds. And it would not do therefore to make any generalization in this respect.

Now, one matter I must refer to. The public demand is that in case anybody is guilty of corruption, then no distinction should be made between the small and the big. It is not enough that a corrupt official should be dismissed. Dismissal is really no penalty because he has got the fruits of his crime. He does not care for service if he has been corrupt for a long time. Now I am not quite sure whether the Government has taken into consideration the suggestion which has been made in public in various quarters that we should institute in this country the office of an Ombudsman. Now certain papers were placed before the Santhanam Committee but I do not find—I am speaking subject to correction—any recommendation or any discussion upon that question. If an officer having an independent status is appointed to control corruption with the powers which belong to him under the law, he will inspire much more confidence than any private agency. He will not belong to any political party. He will be an independent person and it should not be difficult to select such

a person from among the public men of India. There are many persons who could be chosen to fill that job. I am not belittling the importance of private organisations like the Sadachar and other organisations but they suffer from the inherent defect of incapacity. They have not got the power which the official of the status of Ombudsman will possess. Therefore I would request the Government . . .

SHRI JAISUKHLAL HATHI: The Vigilance Commission is there.

SHRI G. S. PATHAK: The Vigilance Commission, again, consists of officials . . .

SHRI C. D. PANDE: Police officers.

SHRI JAISUKHLAL HATHI: No; High Court Judge.

SHRI G. S. PATHAK: High Court Judges are still officials. There should be a person of an independent status not connected with any office. From among the public men of India somebody should be selected. I am not saying that the Government has taken no steps but what I am saying is that this proposal should be seriously taken into consideration because if an Ombudsman is appointed, maybe on a trial basis, limited to a particular service, limited to particular areas, then such a functionary would be of the status of, say, the Election Commissioner, the Auditor-General and so on, who would inspire confidence among the public. Now, this is all that I have to say on this subject. I am not sure whether any suggestion of mine will be accepted, because from what I heard in the Question Hour from Dr. Sapru and Dr. Pande, I find that it is not consistent with Government practice to accept such suggestions.

SHRI C. D. PANDE: I did not object to your saying it.

SHRI G. S. PATHAK: But of one thing I am certain. The hon. Minister, who is present here and to whose lucidity and whose explanation of the provisions of the Bill I have paid a tribute, will duly consider what I

have said and will satisfy by his clarifications that this Bill, at least a part of it, clause 6, is not on the very verge of law.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You include Judges and present officers also to be taken as Ombudsmen or not—present Judges or retired servants.

SHRI G. S. PATHAK: I am against retired Judge being appointed to any office.

SHRI C. D. PANDE: May I ask the hon. Member whether the Ombudsman will be holding office at the pleasure and displeasure of the Home Minister or not? If he is appointed by the Government as such, he will not inspire that much of confidence as the Auditor-General or the Election Commissioner or a Judge of the High Court or Supreme Court. Therefore, you should make it clear.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He has made it clear. He should be a statutory man.

SHRI C. D. PANDE: Appointed by whom?

SHRI G. S. PATHAK: Appointment does not matter. It is the person who matters. Dignity is lent to the office by the person.

(*Interruptions*)

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

SHRI G. S. PATHAK: When I said that Ombudsman should be appointed or this proposal should be taken into consideration by the Government, I had in mind . . .

SHRI BHUPESH GUPTA: Why not ambushment?

SHRI G. S. PATHAK: I know you are lying in ambush. The point is that if a person is selected from among the public men of India, belonging to no political Party, belonging to no

public service, then, he will inspire more confidence. That was my point.

SHRI P. N. SAPRU: What I understand Mr. Pathak to say is that the Ombudsman will be drawn from the ranks of public life and be answerable to Parliament.

SHRI G. S. PATHAK: Yes.

SHRI P. N. SAPRU: He is opposed to appointment by Parliament, but he will be removable only on a petition being presented to both Houses of Parliament. That is the safeguard that he will give it.

SHRI G. S. PATHAK: That is right.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He accepts your amplification.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, after seventeen years of independence we are passing the Anti-Corruption Laws (Amendment) Bill. That in itself would be a sad commentary on our state of affairs. We could have understood our discussing such matters immediately after independence, when we inherited from an alien rule a particular type of administration, but it does appear now that, with the passing of years, instead of eliminating corruption, we have allowed corruption to permeate every bone of our political and administrative life, so much so that today even people who are generally corrupt have also started speaking about anti-corruption laws. This is now the cry of the hour. I do this from the standpoint of the people and I think that in itself shows that people are waking up to the grim realities of our administration, where corruption is becoming more and more rampant day by day affecting almost the entire system from top to bottom. This is, in fact, a tribute which I am paying to the people. It is because of the vigilance and urges of the people that this Government, which proceeds with a system of corruption in the country, has been forced to undertake this legislation. When I say, people, I have

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in mind not merely people who support the Opposition, but people who support the Congress Party, including many good, honest, fairminded Congressmen. Now, the question is: How to tackle the problem? I wish it were a problem so simple as this piece of legislation or the amending Bill would suggest, not that I am opposed to procedural and penal measures. They have got to be there. The first thing, I think, we should bear in mind in this connection is that in order to fight corruption, we must apply introspection and we must follow the approach of criticism and analysis of the system in which we function.

Corruption arises from a particular system and it is this system which we have to deal with. Unless we make a thorough analysis of this aspect of the matter, remedial measures that you may suggest, either by way of legislation or by policies, will always be lacking in substance and force. Now, wherein lies the source of corruption? That is the main question. People have different answers. If you ask Mr. G. D. Birla wherein lies the source of corruption, he will immediately point out that corruption lies among the officials and certain other people who are small fry in the administration. You will never hear from him, suggesting that corruption lies in big money. If you ask hon. Members of the Swatantra Party, wherein lies corruption, they will immediately come down upon the administration and point their accusing fingers to certain officials or a set of officials or the whole number of officials of the Government of India or the State Governments, but would not point their accusing fingers to the monopolists and others. Here again, we see that a particular approach is taking place (*Interruption*). You will not do that. I shall be grateful if you do that

SHRI LOKANATH MISRA (Orissa): If I may interrupt, the monopolists are elsewhere, in the Government,

and more so in the Communist Party. I shall explain it during my speech

SHRI BHUPESH GUPTA: Not at all. I am sure you will explain it and labour on this particular point, but with no result. Anyhow, let us see where are the sources of corruption. The first source is the monopoly of political power of the Congress Party, the ruling Party. "The ruling Party" I say because it may be any other Party. Here I am talking about the Congress Party. Political power had been untasted earlier. In the course of the last seventeen years because of its being in monopoly political power, it has made it somewhat drunken, swollen . . .

SHRI C. D. PANDE: On a point of order, in a democracy there is not better test of having power than by elections. The Congress Government has come into power through the elections. Do you object to the whole thing as the monopoly of the Congress Government?

SHRI BHUPESH GUPTA: I am very glad that Dr. Pande is here with his usual interruptions. Monopoly of political power means that with a minority of votes, with less than 50 per cent of the votes, you somehow or other grab 77 per cent or 75 per cent of the seats in Parliament. Having got it and having before you a composite Opposition which is numerically small, you take full advantage of it. It is the misfortune of the country that the monopoly power has not been broken from the progressive side. For seventeen years you have been enjoying this power and naturally you develop a vested interest in this power, and this continuance of monopoly of power makes you lose your sense of perspective, your bearing, and gets you involved in many things which breed corruption.

SHRI C. D. PANDE: If the Congress wins elections with, say 45 per cent of votes and the Communists get 15

per cent and the Swatantra Party gets 10 per cent, shall we say we have got 45 per cent of votes, so those with 15 per cent should take over? What is your suggestion?

SHRI BHUPESH GUPTA I should like to have proportional representation in this matter

SHRI LOKANATH MISRA It is one point on which we and they agree

SHRI BHUPESH GUPTA I like interruptions, Sir, but they should be adjusted in the time. The monopoly of power again in the Congress Party as we know in this situation is getting more and more linked up with the monopolists in our economic life, speculators hoarders and traders and in the villages with big landlords. When I say Congress Party, I do not mean it in any disparaging sense in regard to all Congressmen. What I am stating is a bare fact of life. Today we do not have the Congress as we knew it before independence when we saw self-sacrificing Congressmen going about the country inspiring people not only because of their simplicity but because of their personal conduct and behaviour, when we saw the Congressmen leading the struggle against the monopolists in the urban areas or the British exploiters or in the village areas against the landlords whether in the States or in British India as it used to be called at the time, when we saw very high ideals and standards of behaviour guiding the party that rules today. Unfortunately, with the passage of time—it is a matter not only for the Congress Party but for all Parties concerned—with the passage of time we find that this Party is getting more and more involved and linked up with these exploiting elements, and indeed with the worst of them—monopolists and profiteers. It has been pointed out in very many reports now this link-up is taking place with the result that honest, able, tried tested Congressmen unfortunately are getting weeded out of the high echelons of the organisation, whereas the organi-

sation is being captured because of the power of money wealth and other influences, by the representatives of the exploiting classes, monopolists, and so on. That is why we find Ministers and others talking about the big business lobby and so on. Only I am not talking about it, your Home Minister speaks about it as to how many MPs are influenced in Parliament by the big capitalist families. This is the position. Today because of your deviation from high principles, ideals and policies you have to rely in the rural areas for securing your monopoly of power not on the willing and ungrudging support of the peasants which you used to receive at one time but on the manipulations of various Government institutions and above all on the village landlord and moneylender. That takes you into the lap wittingly or unwittingly of those class which thrive on corruption which live on corruption, and the *quid pro quo* is to be given in the shape of permit licence and other advantages. That is why we see that before the elections all the big monopolists in the country join together and bring money to the Congress election fund, and after the election we find the same people approaching the Congress high circles in order to see as to who should be Deputy Minister, who should be Prime Minister, who should be Chief Minister, who should be placed in which high position in the administration, and so on. These are facts of life, undeniable facts, and there we find that the choice falls not on the right type of people that you have in the Congress Party self-sacrificing people, many of whom are sitting there, but generally as far as those people are concerned who pay to the Congress election fund, they see to it that men after their hearts men of their choice are pushed into high positions. Once you have such a situation you see the link-up spreading its tentacles into the administration into high positions when the key functionaries of the administration become the tool of the worst exploiting classes. There begins the corruption. Therefore, you see that

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the source of corruption is there. The set-up begins to change, the complexion both quantitatively and qualitatively, quantitatively as we see more and more good Congressmen being weeded out of positions of authority and power and being replaced by shady characters, those who had become Congressmen after independence getting into positions because of the power of money behind them. Once you have this set-up changing, then the quantity changes into quality. Probably a beginning was made with small changes of this nature, by way of concessions to big money, but by and by as time passes on we find more and more people coming in, and the quantity changes into quality in the sense that it is these people, shady elements, corrupt elements or elements who have come with the support of the corrupt people, social-by retrograde forces, who are more and more occupying positions and becoming a preponderant force in the administrative set-up of the country. Once that is done everything follows. And there another thing we see. Under this set up naturally we are that the political monopoly of power brings about such a situation to the detriment of the country. In the Congress administration itself, if I may say so, we see the bureaucracy proliferating in the country, and bureaucracy has been strengthened. Mr. Vice-Chairman, bureaucracy under such social conditions where we have to still deal with retrograde social and economic forces is again a dead weight on our system. Instead of democratising the administration, the power is getting more and more concentrated in the hands of some high officials of the Government, and it is they who really shape and determine policies, and in some cases we find the Ministers signing on the dotted line. That is why we find in every single case of corruption there is a mixture, there is an inter-linking of the political personalities and high bureaucrats, as has been revealed in the report of the Das Enquiry Commission, as has been

revealed also earlier in the report of the Vivian Bose Enquiry Commission to some extent.

The Das Enquiry Commission report should open our eyes as to where the monopoly of political power leads us. There the sources of corruption have been pointed out clearly. If we study and only understand it, it lies in the fact that the Ministries under this kind of set-up become conceited, swollen-headed, drunken with untasted power, and they think that here is the time when they can do whatever they like because the majority in the Assembly would be at their command to carry them through when the opposition faces them with a challenge. When that is so, they exert an evil influence on the bureaucracy, and the bureaucracy are filled with certain corrupt people at the top. I advisedly use the word "certain" because I never blame all the officers. Then we get a mix-up there and you have the system. Once we have that set-up naturally it spreads. This contamination goes from up to down. That is what is happening. Therefore, I do not see how you can tackle this problem unless and until you strike vigorously hard at the monopoly of political power and above all the monopolists and speculators. I think all honest Congressmen who are interested in ridding the country 3 P.M. try of corruption and making the administration a clean one, would be well advised to see that their house is put in order, that these elements do not erode the Congress Party, that these speculators' men, monopolists' men, big businessmen, landlords and their proteges, do not come into the Congress Party in large numbers.

What am I to say when I find the Rajah of Ramgarh in Bihar coming into the Congress Party wholesale with the entire Swatantra bloc? It is because they think that the Congress Party is the party, the right party, and he declared that he was also for socialism. Now, am I to understand that the Rajah of Ramgarh had come from the Swatantra Party with a bat-

talion of fifty MLAs for serving the cause of socialism? Or am I to understand that the Rajah of Ramgarh has been roused into some new hopes after the death of Jawaharlal Nehru and on account of the pressure of the right reactionary forces, he thinks today that it would be more expedient, more opportune and wiser for him to join the Bihar Congress Party, take position on the side of the Treasury Benches and infiltrate politically physically and in every way, into the system and get the pound of flesh out of it? The answer is quite clear—the Rajah of Ramgarh thinks that is how he can serve socialism. That is how the Rajah of Ramgarh is a new conversion now to the ideals of socialism. He comes there with hopes and expectations because of the fact that the Congress Party, having fallen from some of its high ideals because of certain wrong types of people, has roused new hopes in people like the Rajah of Ramgarh. With Jawaharlal Nehru we had our ideological and political differences. Under him also corruption grew. But when he is no more on the scene, they think that there is a new possibility and that since Jawaharlal Nehru is out of the scene today, perhaps the Congress organisation and, for that matter, the Congress Government would be more vulnerable to pressures and browbeating on the part of such forces. That is why we hear the entire reaction going into action and trying to put pressure on our friend, Shri Lal Bahadur Shastri. That is what we see. There you see how things are getting developed in our society. Therefore, I would advise my friends opposite. I think they are the ruling party and it is they who will remain so for some time, much as we, would like to get them out, but we are realists.

I should like to say, the test of the *bona fides* of your anti-corruption drive is to what extent you within your own party, with all the destinies of the nation, and in the Government here and in the States, rid of the corrupt elements, the placemen,

agents, henchmen, the proteges of the big landlords, speculators, monopolists and the kind. That will be the test, because if you do not do such a thing, you will lose confidence. Sadachar lectures will not take you very far, it is like reading the *Ramayana* and the *Mahabharatha*, very, very nice to hear, but it does not take you very far. Therefore, I have dealt with the sources.

[THE DEPUTY CHAIRMAN in the Chair]

As far as bureaucracy is concerned, you see the corruption. Mr. Pratap Singh Kairon would not have done, could not have possibly done, such a thing, were it not for the fact that he had at his command bureaucrats, and by bureaucrats I mean not the small officials but the high officials who can be played with, who can be asked to do things and who know that they will be protected by the Government. Whenever we bring up charges against officers and others, who defends them? The Minister defends them. In the Mundhra deal, the Secretaries, the Governor of the Reserve Bank, the Chairman of the State Bank, all these people came. That is what we saw. In the Kairon enquiry we see the same set reappearing on the stage, people who should be taken care of. That enquiry has proved every charge that we made involving such people. Therefore I think it is necessary for you to consider the problem of administration, the democratisation of administration.

Now, here I say, the ICS officials are going and taking up jobs and becoming contactmen between the Government and big business houses. What am I to think of the system when I see an ex-Secretary-General after retirement immediately joining Martin Burn and becoming a big shot, Chairman of the Board of Directors or Managing Director or some such thing? Am I to understand that he has gone there for spending his retirement days in solitude and devotional prayers? Or am I to understand that he has gone there for making money?

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Am I to understand that Mr. Biren Mukerjee has taken a man who has no experience in business in order just to please him for the sake of pleasing him, or am I to understand that he has taken him because such a man would be a good contact with the Government officials when he was occupying a very high position? Now we see that ICS and IPS officers easily find assignment in business houses. That itself shows. And how does it happen? It would not have happened but for the fact that connections are there. Let them be going there. But why should preference go to these people and not otherwise, unless these officers have the confidence of some big business men? Therefore, that is how things are going on; on a smaller scale it is repeating at the State level also. I think it is no use trying to prevent them for two years only after retirement. I think the matter ought to be gone into. Now a law has been passed, I am told. Then again, why wait for two years only? For two years plenty of pension they get. After two years they go and join. Well, they will be posted in that position and do the same thing and will make up. Here I will ask him a question, giving an example. Is it not a fact that Mr. Khera whom you sent to Orissa came and submitted a report to the Prime Minister, saying that the Orissa Government was incapable, inefficient, corrupt and could not handle the situation and suggested that there should be Presidential rule? The Prime Minister told him, "Do not put it down in writing", and he said, "No, I will put it down in writing."

SHRI AKBAR ALI KHAN: That is a wrong statement. You believe everything that somebody comes and tells you. That is not fair.

SHRI BHUPESH GUPTA: Mr. Akbar Ali Khan, because you do not believe anything, I say, that is the trouble. I am asking, let him deny it.

SHRI G. RAMACHANDRAN (Nominated): It is not a question of any-

body believing anything that you say. But when you bring in the name of the Prime Minister and refer to a private conversation, it is not proper for you to say that in this House without proof being adduced.

SHRI BHUPESH GUPTA: My knowledge is the proof. I am not a court of law.

SHRI G. RAMACHANDRAN: This is more than a court of law.

SHRI BHUPESH GUPTA: I am not a court of law. You put our people in detention without giving any proof. Don't you know? I thought you are a Gandhian.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, please address the Chair.

SHRI BHUPESH GUPTA: The hon. Member is a good friend, he would . . .

PROF. M. B. LAL: He is charging the Prime Minister without giving proof.

SHRI BHUPESH GUPTA: You put our people in detention without giving any proof.

SHRI G. RAMACHANDRAN: I am not suggesting, I agree to that. I do not mind his calling me a Gandhian. But my point still stands. When he brings in the name of the Prime Minister and he says that the Prime Minister said something in a private conversation to somebody—such a thing to be stated on the floor of this House with all this gusto—is completely wrong. Madam.

SHRI BHUPESH GUPTA: Absolutely right. There I differ from Gandhism, if that is Gandhism.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, please address the Chair.

SHRI BHUPESH GUPTA: I am very sorry. There I differ from Gandhism. But this is not Gandhism.

(Interruptions)

I will give you a very good case, and other things. As you know, on the 22nd of September I brought in a matter on the floor of this House by way of question and supplementaries. It was with regard to the income-tax arrears which were not being collected, about Rs 9 lakhs, from one Kapur Chand, who is now, I believe, the Chairman of the Hyderabad Stock Exchange. Shastriji was good enough to say this thing. I think now I can give a good proof. He said, "As far as my opinion goes, the Income-tax authorities are seized of the matter and they are looking into it, and I am quite sure they will not be kind to him. I can assure the hon Member that I would see to it that the matter is expedited—" What happened after that, I will tell you. After Shastriji made the statement the Prime Minister—his sacred name I am taking again—made the statement, what happened? In Hyderabad—my friend, Mr Akbar Ali Khan, will help me in this matter—the auction date of 23rd September 1964 was cancelled, and no further date has been fixed nor will it be fixed for several months. With regard to the property of Mr Kapur Chand the case was instituted by the income-tax authorities.

SHRI AKBAR ALI KHAN Against whom?

SHRI BHUPESH GUPTA Against Kapur Chand. Now it has been postponed. The second thing is that the papers connected with this particular case of income-tax evasion are now missing from the Collector's office. The income-tax files are also somehow or other disappearing. A fresh objection has been filed by this party Kapur Chand, against the attachment of his property or proceedings to that effect. Now these are the matters. But how does this thing happen? I pointed out to Shastriji and he admitted that for a number of years the arrears had not been collected and he said, he would personally see to it that it was expedited and that is how things are being expedited. I need

not go into the details of the case here.

I will give you another case. It is not corruption but it is very interesting. The "Statesman" one day carried an advertisement on its front page announcing —

"We take pleasure in announcing the appointment of Messrs T T Krishnamachari and Co. As Sole Selling Agents in India for "

Somebody has appointed somebody as selling agents just at a time when these things were discussed. A very interesting advertisement on the front page of the "Statesman". And what a wonderful name of this company, Shri T T Krishnamachari & Co. Only they are not smart enough otherwise they would have never said "& Co" in big letters, they would have put it in small letters.

SHRI AKBAR ALI KHAN But the Finance Minister has nothing to do with it.

SHRI BHUPESH GUPTA I do not know but it is T T Krishnamachari. Well, I will not say anything because you will ask for proof. Anyway, we know a gentleman called T T Krishnamachari. Sometimes he comes in this House. He is the Finance Minister of the country. I do not know whether his name is there, but the name is very interesting. Show me how many such advertisements have appeared on the *Statesman's* front page. It appears on quarter part of the front page. How many companies announce appointments of their agents in this particular style? What is the suggestion implied? I may not be as virtuous as my friend, Mr Ramchandran is but will anybody infer from this that this is just an attempt to humour some people but when you find the business going up, what will you infer? It is for you, hon Members to draw your own conclusion. But the people are gene-

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rally unsophisticated in this manner. Obviously the only inference drawn will be: here is chemical works, well-connected with Mr. T. T. Krishnamachari, the Finance Minister. And perhaps it suggests how this gentleman is helping him. All officers will know this thing. And mind you, when Messrs. Seth and Co. come there, their applications are to be treated in a different way. After all, they have the sales agents, the great T. T. Krishnamachari & Co. I need not say very much because hon. Members opposite are very intelligent to understand all such things. Therefore, it is not necessary for me to say anything more. If today they are not saying, understanding or giving expression to their understanding, it is simply because Mr. T. T. Krishnamachari does not sit on these Benches but he sits on those Benches unfortunately or fortunately.

THE DEPUTY CHAIRMAN: Now half-an-hour is over.

SHRI BHUPESH GUPTA: A few minutes more. So I need not go into it. One case I have given.

Now with regard to the Orissa gentleman, my friend's hobby horse. While I was sitting in Nandaji's house, he told me that within two years corruption would be eliminated or he would resign. I searched for a calendar there.

SHRI AKBAR ALI KHAN: He is trying his best.

SHRI P. K. KUMARAN (Andhra Pradesh): Two years' limit is now lifted.

SHRI BHUPESH GUPTA: Anyway. Once I told him, "Nandaji, put a calendar in your room. Two years is a short time and you will not be able to do it. You will have to pursue it

vigorously. And remember every day that life is passing out". I do not know how many months are left of that. Maybe the time limit is gone. But then he did something very good. He appointed the Sadachar Samiti and so on, a Vigilance Commission. Some State Governments objected to it, and the great ones in the Congress Party moved the matter in the A.I.C.C. and its Working Committee. The great Biju Patnaik of the Orissa fame—now of inter-national fame, I believe—came out with an open statement ridiculing the idea. And in Bengal our dear friend, Shri Atulya Ghosh, supposed to be another very great man, again got very angry and thought it was all bad. Now a little A.I.C.C. was taking place in Ranchi. What for? We heard a little entente in the context of continental politics. Thus we find a little entente is developing in the A.I.C.C. in order to sabotage whatever effort is being made with regard to fighting corruption. What is happening? An open campaign. And so much so that Nandaji was brow-beaten to say that there was not so much corruption in this country. And when Shrimati Indira Gandhi went to Lucknow, she said that there was not much corruption in our country. She has visited other countries too and this country is much better, she said. Is it any satisfaction? Assuming what she says is true, assuming that in other countries much more people are charge-sheeted for corruption and businessmen are in detention, but then is it any satisfaction that our country is less corrupt than other countries, that I am a little less drunk than the other fellow. That is no satisfaction. Therefore, even before you have started the campaign against them, they threaten prosecution. They say: "These people should bring in charges and irresponsible people should be prosecuted and punished" and so on. When people should be encouraged to bring to light corruption charges against mighty people wherever they are or whatever they are in social life you threaten them with action. They forget that it is my fundamental right to approach the

Home Minister and make any complaint against anybody and nobody can attack me for that Unless people are encouraged and action initiated against the people complained against, would you detect corruption? The moment you begin to act you are threatened because the interest of the Congress Party is affected Well, if you place the Party's interest above the interest of the country and the State, corruption will never go, it will not be fought properly Now when a little thing is heard about us we are put in detention But cases against Mr Biju Patnaik, ex-Chief Minister of Orissa, are pending The reports are coming in Investigation after investigation is taking place And we do not know where exactly he stands, what has happened to it and how long it will take, what are the charges and so on Why should you go on sitting over this matter? All this has to be told to Parliament at least

Again, in Mysore here is a demand for probe into corruption charges We would like to know whether they are true or not Let the Government say that out of these fifty or sixty charges so many are good and so many are bad Let them say something Instead of saying anything a hush bush is going on Therefore, the same thing you did with regard to Mr Karon for the last six years, between 1958 and 1964 is being repeated with regard to others We bring up charges, these are not looked into and you find Bakshi Ghulam Mohammad has been arrested, we are told, and is now in detention The day before yesterday we saw the income-tax he was paying We are told that he has become a multi-millionaire but when we see the income-tax he was paying we find only an income of Rs 12 000 or Rs 17 000 How a man with Rs 12 000 could become a multi-millionaire or *crorepati* as you call it, we cannot understand A common man of clay cannot understand such things Such is the position today Therefore, I say at the ministerial level, vigilance is needed I

can tell you that in West Bengal there are some Ministers, I would not name them, who are indulging in downright corruption in issuing permits and other things, which was exposed at one time by the Judicial Minister of the time, Mr Siddhartha Roy, and everybody knows that patronage is given to people in order to keep them as they are supporters and organisers and so on

SHRI G H VALIMOHMED MOMIN (Gujarat) What about the Andhra rice deal in Kerala during the Communist regime? Refer to that also

SHRI BHUPESH GUPTA The trouble with my friend is, for the last several years he has been talking about the rice deal You will speak on the rice deal A Commission was appointed and nothing was found but for the present you need rice in Kerala That is more important and you concentrate on that Therefore I say this is going on and where is the Central Government, we do not know but all kinds of stories we hear. I know that as soon as a person is appointed a relative of a Minister is appointed as an executive head of a concern, that gentleman gives a party, shall we say, in Ambassador or Claridge or somewhere That party is attended by the Ministers and other officials You can understand what happens there Not that immediately a deal is clinched but contacts are made, they are brought together, they have their acquaintances made and the rest follows Therefore you see some people are getting high salaries like Rs 6,000 Rs 7,000 or Rs 8,000 when they are not worth it That is also a fact and they have very great influence I know for a fact—I come from Calcutta—many Calcutta business concerns have their business houses or centres here only for contact purposes and they get good salaries Their job is to contact Ministers officials and so on in order to get contracts and permits How are you going to tackle these things? Bribery is only one part of it

SHRI LOKANATH MISRA. But your Bangeswar is the greatest contact here for Calcutta.

SHRI BHUPESH GUPTA That less said the better about him but you see the trouble with you is he supports you. He is psychologically made up for the Swatantra Party. It is just an accident of life that he is in the Congress Party. He should be in your Party. Now the position is this. Therefore I am not mentioning him specially because everybody knows in Bengal what he is. He is a very well-known man in that particular field. I do not know what is happening but people cannot think of Mr Atulya Ghosh perhaps without thinking simultaneously of permits, contracts, baby taxes and so on. It is an association of thoughts. Therefore I am not going into that matter but here I am concerned with the Central Government. We find in the Central Government officials—some of them—are found out to be corrupt in certain matters but are they all? But you have to go into this question and find out. It is not a question of appointing some people. About Ministers I would like to know. I am told that the Ministers have not all declared their wealth yet despite the circular of the Government itself. Why are they not declaring? Why should there be default? You should know your wealth as much as your children. If you ask him how many children you have got he can say two daughters and three sons, one is not so good, others are good. Similarly if I ask you how much wealth you have got, you have roughly to say: 'This is my wealth'. Why should there be any delay? We suspect that delay is not without meaning. Time is taken in order to arrange it. You will see almost all the Ministers are suffering people without any practical means. Probably some of them may be claiming doles and so on. They will have so arranged their affairs and they would not have to furnish any account of what they possess. Now suppose I take time, I can write off the property, make a

gift or make other arrangements like trusts and so on and then I come and say "In the United Bank of India, I have only Rs 5,000 and my income is this". Having written off or having made a gift of my house to my daughter or son, because the son thinks that I have not given gifts, I can say that. Therefore this has to be gone into but I would ask him as to why there is delay.

We want to know how many sons of Ministers are employed as executive heads, not as workers or as clerks but as high executive heads in 'big business' concerns. You gentlemen, Ministers, should be knowing your sons better than I know them. Collectively and individually you can furnish the list of these people to the Prime Minister of the country for that matter if you like and it should not take more than seven days but for seven months we do not get even that little list. How many children have you got? I would like to know how many Ministers are there. Taking our country, on an average if I say there are about 300 Ministers in the country or 500 Ministers and taking the average standard as three, the number comes to 1500—nothing much—and everybody will have to give a list of 3 or 2 and some 4. It is not difficult. You can write in a post card and send it to the Prime Minister. This is not even done and how do you expect the people to follow standards? What is the use of telling them not to be corrupt and issuing sermons on the mount? I would ask the Home Minister to lay on the Table of the House during the next Budget Session a complete list of Ministers' close relatives, sons and others who are employed as high executives drawing salaries of—I underline high executives—Rs 2,000 or so in the various concerns. I leave the others out. I leave the other children out.

AN HON MEMBER All are qualified

SHRI BHUPESH GUPTA: It will be good, it will raise your own morale and it will give you more credit than many things but you have not done it. I am told that when the A.I.C.C. issued a circular that the leaders should place an account of their wealth, only poor Jawaharlal Nehru went there to place it, others did not do it. Am I to understand that they are all beggars, that they do not have any property, that only Pandit Nehru was the propertied man that he would have to go to Jantar-mantar Road to file an inventory of his property and wealth?

SHRI C. D. PANDE: He is drawing wrong information. A large number of Ministers and Members have submitted returns of their property and their incomes at the A.I.C.C. office but it has no official bearing. He cannot call for the record. Only the Congress President or the Secretary will be in a position to do that

SHRI BHUPESH GUPTA: Have you given?

SHRI C. D. PANDE: Yes.

SHRI BHUPESH GUPTA: I would like to have a copy of it.

SHRI C. D. PANDE: I will give it to proper persons.

SHRI BHUPESH GUPTA: I am sure you have given, yes, you will give.

THE DEPUTY CHAIRMAN: Mrs. Khan wants to say something.

SHRIMATI SHYAM KUMARI KHAN (Uttar Pradesh): He says only 'gentlemen' have given. Why this discrimination of sex? We have also given. Everyone has given.

SHRI BHUPESH GUPTA: I am concentrating on the Ministers. I am sure you have given. I have no doubt about it.

THE DEPUTY CHAIRMAN: The trouble is with 'gentlemen'.

SHRI BHUPESH GUPTA: Yes. The trouble is with the gentlemen to begin with, the gentlemen who sit on these few Benches. I am sure, as I began, by and large many Congressmen are honest people.

SHRI NAFISUL HASAN (Uttar Pradesh): All have given.

SHRI BHUPESH GUPTA: Including Mr. Pratap Singh Kairon?

AN HON. MEMBER: He has also given:

SHRI NAFISUL HASAN: We, Members of Parliament have given . . .

SHRI BHUPESH GUPTA: If that is the kind of account they have given, you have also given . . .

(Interruptions)

SHRI ABDUL GHANI: Like Kairon so many others . . .

THE DEPUTY CHAIRMAN: Your time is up.

SHRI BHUPESH GUPTA: Do not mention them.

SHRI NAFISUL HASAN: Why should he say that none of us has given and only a few have given? There may be an exception at best but all of us have given.

SHRI BHUPESH GUPTA: How do you know about the Ministers?

SHRI C. D. PANDE: You refer to Ministers or Members?

SHRI BHUPESH GUPTA: Why are you taking upon yourselves whether a Minister has or has not done? If he says, I will believe him. If you say, I will believe you because I trust you. But come to Bengal, come

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to the States and see what is happening there. When I say 500 Ministers, you do not have 500 Ministers. I have the States in my mind, the entire canvas and certainly this is not the situation. I wish it were so. If you can bring that out, bring that about by all means. We shall thank you very much for that but that is not so. I do not think the hon. Member should get a little upset if I do such things. After all it is they who have to handle the affairs of the Ministers and so on. If they are good, many people will be in the country. Madam Deputy Chairman, I do not wish to say very much I have given you the sources of corruption. This is very very important, and I think all this talk about Vigilance Commission and all the rest of it will not be of very much avail. Now people are laughing at the Sadachar Samiti because the hopes they had of this Samiti have been set at naught by other activities by other persons in the Congress fold. What was promised to the ear has been broken at heart after the campaign on the part of some members of the Congress, members like Shri Atulya Ghosh and Shri Bijoyanand Patnaik, against the said Samiti and we saw what happened in the little Congress A.I.C.C. and so on. So the campaign is going on in the country to nip in the bud whatever little initiative is being taken. This is my complaint. Therefore I say that steps should be taken. Laws should be passed but I think that the suggestions also should be taken into consideration and acted upon, and I will give my suggestions one by one.

First of all, the Home Minister should have proper consultations at the Central level with representatives of all parties, and other important public men like our friend, Mr. Ramachandran, so that we can discuss this thing and evolve proper measures. It is not a question of drawing up a constitution for the Sadachar Samiti which you had done in that manner and which is now being wrecked by

some people. To some extent we should go specifically into the things that we know in every single State and draw up an elaborate scheme. It should be done by a body absolutely independent and fearless. It should show no mercy to corrupt people. It should be kind to all incorruptible men. Such a body should be created and it should be done at the Central level, the State level, the district level, which will not only organise but also take public opinion against corruption prevailing anywhere, exercise eternal vigilance and see to it that all allegations, that all charges of corruption are dealt with expeditiously by the Government or other appropriate authority. This is number one. We want a system of this kind to confront the corruption that is going on. Popular co-operation is the crux of the thing. Low-paid officials should be kept satisfied. Their demand for wages and other requirements in life for a fair, decent living should be ungrudgingly met, and they should be called upon to exercise vigilance in their administration, and be given every assurance that when they bring up charges of corruption or malpractice or any such thing against high-ups they will not be victimised, persecuted, or their promotion will not be stopped. I want to rouse a sense of active patriotism in them by such a positive policy. This is number two. This is number three. In the industrial undertakings and so on, trade unions' co-operation should be sought by the Government and the representatives of the trade union organisations should be taken into confidence, and consultations should be held with them. For example, in the Bhopal plant and so on, we know how the workers' representatives brought charges of corruption. Everywhere they will be in a position to help you provided you give them guarantee, protection, assurance and they feel they are being rewarded by the acknowledgments of their services. Number four. Wherever serious charges are pending against a Minister, charges from responsible quarters,

whether an M.P., an M.L.A., or any organisation does it, where it has come from responsible quarters in a *bona fide* manner, when such charges are pending, it is in the interests of the country and the administration that such a Minister should stand out and make room for others. You have no dearth of men in the Congress Party to replace them. We should not see a Minister continue in the Ministry even when he is confronted with corruption charges made by the public. That in itself is a demoralising thing. I am not saying that every case will be proved true or the man will necessarily be found corrupt. We know whose cases come to light that way. This is also a suggestion. Therefore it would be a good thing if you take some steps, and whoever has taken the step in the right manner should be acclaimed by us. Here is another suggestion, number five Ministers' sons and others' should not normally be permitted to enter into high executive jobs unless the Ministers and others are satisfied that there is no sign of favouritism or corruption there, that there is no expectation in return on the part of the employer who employs them. It should be a matter of public knowledge that "I am the Minister. My son is employed in the Birlas." Their qualifications and all that also should be known so that there is no mis-giving. Retired high officials of the Government should not be allowed to be employed in high positions in the monopolistic concerns and so on. All these houses which are here are for only contact purposes and the retired high officials, if they are here, will be virtue of their long association with the Government and other Government officials, have easy and quick access to the papers concerning their employer's case. Such people should be disqualified from holding any high executive position. You saw that the Dalmia Inquiry Commission report pointed out how many such things happened, and you know in the Mundhra case also how the contact-men operated. The Central Bureau of Investigation should be utilised for

this purpose. The Special Police establishment should be given more authority and independence in this matter so that they can go into this question. In this connection I should suggest that the banking law and other things should be altered in order that the Government has very easy access to information of certain bank accounts of big business people. Today they are protected by certain banking laws. I do not want it. When I see that these people are indulging in corruption I would like to arm the Home Ministry of the Government with powers to call for papers and compel the banks to show the accounts of Mr. G. D. Birla and others. I find that the multi-millionaires do not pay income-tax and yet remain multi-millionaires. So I suspect corruption. Therefore everything should be examined and therefore the so-called charitable trusts and other things, or other trusts created by such people in order to circumvent income-tax laws, and according to that arrangement corruption should be gone into and subjected to a searching enquiry by the Government so that the true picture may emerge. This again is another suggestion. Here again I shall say that any Minister, when he goes to a province or State, should never live with the 'big business' people and accept their hospitality either directly or indirectly. I use the word 'indirectly' advisedly, because indirectly it is being done. An attempt at break should be made so that the link-up between the Ministers and the 'big business' does not intensify. Therefore all steps should be taken. High executive officers should not be allowed to meet the high business people except on strict official purposes and it should be reported to the Ministry from time to time. Suppose we find that Mr. Birla or somebody from that house is going to Udyog Bhavan every day and meeting the Minister—I am not suggesting that Mr. Birla or anybody from his house does it. I have no knowledge of it. By way of example I took a case

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then such a thing should be taken note of and followed up. It should be found out why he is going and whom he is meeting. You must see that the parties that are organised by the multi-millionaire class in order to bring their officers and political personalities together in order to show the importance and other things of the business concerned are not encouraged by the Government. You must see that generally they are not attended by the Ministers and other high-ups. The practice of Ministers going and addressing the Merchants Chambers of Commerce and then taking their lunch and dinner there and being friendly with them in this manner in administration should be reviewed and it should be seen whether this is congenial to the growth of proper atmosphere in eradicating corruption. And I think that everyone who exposes corruption should be rewarded and the awards that are given by the President, Padma Shri, Padma Bhushan, whatever you call them, should go to the incorruptible officials who have successfully pointed out corruption and fought corruption. I would not like them to be merely promoted to some place of position above the present one. I should like their services, in the interests of the country and for public life, to be registered and recorded by way of giving national honours to them in the same way as we give the awards to educationists and others.

These are some of the many suggestions that one can make to eradicate corruption from our midst. But the greatest source of corruption, Madam Deputy Chairman, I regret to say today, is the ministerial connections with the monopolists. This is not to be taken as applying to every single Minister, but the ministerial connections with the monopolists is the biggest source of corruption and I think if this source is tackled properly, we will have gone a long way to eliminate corruption. Let us therefore consider the problem as a non-party issue and evolve effective

measures, effective policies directed against corrupt people in all walks of our social life. In economic life we should be surrounded by incorruptible men and in political life we should be surrounded by vigilant people keeping vigil on corruption. This should be the case in each party. All political parties should be incorruptible parties. And in the Congress Party I would like to see that incorruptible, honest, progressive-minded Congressmen do have preponderance over reactionary, corruptible Congressmen. I say this because that is in the interest not only of the party but also in the national interest. Might I not make that appeal? You can apply the same standard to all parties. Have your code of conduct, but that code of conduct should not be a pretence for doing nothing or an apology for your failure. I, therefore, say, surround them in the political field, in the economic field and you do that at the administrative level, and you have got some 2 million officials in the Central Government and the State Governments. Seek their co-operation. Inspire and enthuse them in the determined and vigorous fight against corruption. If you do that, you will see what a force, what vigilance and what courage and what massive action this will develop among the people. And I am sure those people who indulge in corruption, they will be shaking in their boots. So, I say, put the fear of God into the mind of these people who are corrupt now or who are potentially corrupt. Create such arrangements and systems.

THE DEPUTY CHAIRMAN: That will do, Mr. Gupta.

SHRI BHUPESH GUPTA: Yes, Madam. And as far as the Kashmir enquiry is concerned, I have the information, Madam, I do not know whether it is true or false; but it looks as if the enquiry is going to be confined only to the Kashmir officials. It should not be so. The Bakshi enquiry should have a national reach. Anybody, no matter whether he is placed outside that State or inside the

State or in any administration, if the spotlight is put on him through the enquiry, he should be called to account. It should not be confined only to the officials and others within Kashmir or who have come directly or strictly within a particular set-up or jurisdiction. Suppose he is some other Minister in some State or is any other high official in some State who is involved in the corruption or the alleged corruption, if you like, with the former Prime Minister or Premier, whatever you call him, he should also be put in the dock and brought within the scope of this enquiry. That is what I would like to suggest. Thank you very much for the kindness you have shown me. I think that this is a matter which we can discuss because I think we share ideas with many people on the opposite side. Therefore I have spoken. If I have said some bitter things against some Ministers, it is because life is bitter. When Shri Pratap Singh Kairon and so many other Ministers are on the mat and in the dock, you cannot speak like nice little liberals. We cannot speak such things. We are not accustomed to such things, when we see Minister after Minister coming in the bad light.

THE DEPUTY CHAIRMAN: That will do, Mr. Gupta.

SHRI BHUPESH GUPTA: The hon. Home Minister has not been present here. Of course, Mr. Hathi is a very good man. Personally I like him. I have nothing against him. But is it not proper that when any such measure is being discussed, in addition to the hon. Minister sitting there, there should also be the Home Minister so that he may listen to what we and other hon. Members have to say here? The Home Minister is not here and I do not know where he is now and what he is doing or with what C.I.D. men he is talking. I don't know.

THE DEPUTY CHAIRMAN: Mr. Gupta, please wind up now. I have given you 15 minutes now.

SHRI BHUPESH GUPTA: Madam I would like you to convey, if you will kindly convey it, the consensus of the House—I think the sense of the House has been expressed in a polite way here—that we would have liked the presence of the hon. Home Minister here when such measures are discussed and we regret that he is not here now.

SHRI JAISUKHLAL HATHI: You were not here when I moved the motion for consideration of the Bill.

SHRI BHUPESH GUPTA: He listens to you everyday, I know. But I say he should listen also to the opposition Members.

THE DEPUTY CHAIRMAN: Shri Vijaivargiya.

SHRI BHUPESH GUPTA: That is what I say. Thank you, very much.

श्री गोपीकृष्ण विजयवर्गीय (मध्य प्रदेश): उपभोक्ता महादया, मैंने श्री भूपेश गुप्त जी का भाषण सुना, और भी बहुत से सदस्यों ने इस हाऊस में भाषण दिये हैं। कांग्रेस पार्टी की आज गवर्नमेंट है और कांग्रेस पार्टी के लोग और मिनिस्टर लोग इस बात को महसूस करते हैं और बहुत अच्छी तरह से महसूस करते हैं कि हम शासन को जितना अच्छा बना सकें, हमको बनाना चाहिये। जो गवर्नमेंट काम कर रही है उसकी त्रुटियाँ निकासना और उस पर आक्षेप करना आसान है और आलोचना या आक्षेप कई भावनाओं से किये जाते हैं।

आज देश में जो बड़ी प्लानिंग चल रही है, जो हम देश की उन्नति करने के लिये करोड़ों रुपये बाहर से भी लाते हैं और जनता पर भी टैक्स लगा करके काम कर रहे हैं, तो इसमें कोई शक नहीं है कि ऐसे अवसर हैं मनुष्यों के सामने और व्यक्तियों के सामने कि वे उसमें कुछ बेजा फायदा उठावें। क्योंकि यह चीज हमारी प्लानिंग में और हमारे देश की उन्नति में बाधक होती है, इसलिए इसको कोई ज्यादा महसूस

[श्री गोपीकृष्ण विजयवर्गीय]

नहीं कर सकता सिवाय गवर्नमेंट के जो आज इस काम को उठा रही है और आगे बढ़ा रही है। आलोचना करना आसान है, लेकिन इतने बड़े देश में जो डेमोक्रेसी के आधार पर चल रहा है, उसके शासन को चला ले जाना बहुत मुश्किल है। जब किसी दल के हाथ में सत्ता पहुँचेगी तो उसकी भी परीक्षा हो जायेगी। थोड़ी परीक्षा औरों की भी हो चुकी है। जैसे हमारे गणतन्त्र वाले भाई हैं जो कि आज बहुत ज्यादा व्यापारियों और धंधा करने वालों का ही पक्ष लिया करते हैं, थोड़े दिन उन्होंने काम करके देखा है उड़ीसा में।

श्री लोकनाथ मिश्र अगर गणतन्त्र का नाम मान्यवर सदस्य ने उठाया है, तो मैं यह कहूँगा कि गणतन्त्र वाले जो मिनिस्टर थे, उन्होंने यह चैलेंज किया था कि एक इनक्वायरी कमीशन बिठाया जाय और उड़ीसा में जितने मिनिस्टर थे उन सबको उसमें डाल दिया जाय। Did you accept that challenge? Congressmen had not the courage to accept the challenge.

श्री गोपीकृष्ण विजयवर्गीय मैं तो यह कहना चाहता हूँ कि कांग्रेस ने वह काम किया है जिससे अब्दुल गनी साहब भी खुश हो रहे हैं। हम अपनी गलतियों को और अपने आदमियों की गलतियों का भी पकड़ने को तैयार हैं और उनके ऊपर जाच बिठाई जाती है। खास करके नेहरू जी के जमाने में दाम कमीशन बैठा और उसके जरिये से जाच हुई। कभी कभी जाच में कुछ देर लगती या कोई ज़ावता इस्तेमाल किया जाता है तो उससे यह नहीं समझना चाहिये कि देर लगती है।

(Interruptions)

कभी कभी किसी ज़ाबते में अगर कोई देरी लग जाये, तो उसमें कोई असन्तोष करने की बात नहीं है।

PROF. M. B. LAL: There is a proverb: "Justice delayed is justice denied."

श्री गोपीकृष्ण विजयवर्गीय मैं आपसे यह कहना चाहता हूँ कि वह ज़ाबते का भी तो कुसूर है।

दूसरी बात यह है कि अभी भूपेश गुप्त जी ने बहुत सी बातें कही। जब उनके हाथ में केरल की हुकूमत थी, तब आप देखिये कि उनकी पार्टी ने कितना रुपया और चन्दा इकट्ठा किया और मालदार लोगों को किस तरह से मजबूर किया वहाँ पर। अभी हमारे जोसेफ मैथेन साहब ने पूछा था कि वहाँ पर क्या एक राइस डील नहीं हुआ था। तो कम्युनिस्ट पार्टी का कौनसा कारनामा बहुत साफ है कि वे यह कह सकें कि यह गवर्नमेंट तो करप्शन को ढकना चाहती है और बाकी लोग ढकना नहीं चाहते हैं। इसलिये मैं विरोधियों की इस बात का सख्त विरोध करता हूँ कि कांग्रेस पार्टी का हर आदमी, हर व्यक्ति और आम तौर पर सब मिनिस्टर भ्रष्टाचारी है और उनकी अपनी पार्टी में कोई भी एक आदमी ऐसा नहीं है जो गलत काम करता हो। इसलिये ऐसा जनरेलाइजेशन करना ठीक नहीं है। लेकिन यह बात सही है कि भ्रष्टाचार हमारे देश में है, अग्रेजों के जमाने में था, मुगलों के जमाने में था और बहुत से पुराने किस्से हिन्दू राजा रईसों के जमाने के भी हैं। तो भ्रष्टाचार को मिटाना एक ऐसी आम बीमारी को मिटाना है जिसमें सबको शरीक होना चाहिये। दरअसल इसमें पार्टी का मवाल नहीं है। यह ठीक है कि हम आज डिक्टेटरी तरीके से नहीं चल रहे हैं, जैसा कि रूस या चीन का तरीका है कि अगर किसी पर शक हो जाय तो उसको यह कह दिया जाता है कि यह कोटर रेवोल्युशनरी है और इस तरह किसी बहाने का भी नाम ले करके उसको गिरफ्तार किया जा सकता है। लेकिन यहाँ डेमोक्रेसी है और हम लोगों की व्यक्तिगत आज़ादी को मानते हैं। ऐसी हालत

में यही हो सकता है कि हम कानून का, कास्टिट्यूशन का, ख्याल रखते हुये भी लोगों को भ्रष्टाचार से रोक सके पब्लिक लाइफ में भी और सर्विसेज में भी और यह जो बिल आया है, यह इस बात का सबूत है कि हम भ्रष्टाचार को तहेदिल से रोकना चाहते हैं।

जब से मैं इस हाऊस में हूँ, १०, ११ साल से, तब से मैं बराबर इस बात पर जोर देता रहा हूँ कि आर्टिकल ३११ जो कास्टिट्यूशन में है, उसमें काफी तबदीली होनी चाहिये। मधानम् कमेटी ने जो उसका ड्राफ्ट पेश किया था, वह पूरी तरह से माना नहीं गया। पिछले कास्टिट्यूशन अमेंडमेंट बिल में आर्टिकल ३११ में थोड़ा चेंज हुआ, वह ठीक है, लेकिन आर्टिकल ३११ में वह कम्प्लीट चेंज वैसा ही होना चाहिये—मेरा डिसेंटिंग नोट भी उस पर है—जिससे हमारी सर्विसेज पवित्र हो सके। साथ ही मैंने इस बात पर भी जोर दिया था कि सर्विसेज को ठीक करने के साथ साथ पालिटीशियंस को भी ठीक करने का काम हो। आज आप शल्ला के सम्बन्ध में देखिये, तो व्यापारियों में भी वही काम चल रहा है। किसानों की भी यह हालत है कि वे कर्जा इसलिये लेते हैं कि वे बँल खरीदेंगे, लेकिन वे लगाते हैं शर्दी के काम में या और किसी काम में। तो कमोवेश कुछ न कुछ इररेगुलैरिटी हमारे देश में सभी तबकों में आ गई है और सभी लोग, सभी सेक्शनस, सभी पार्टिज और सभी तबके के लोग इसको दुरुस्त करेंगे तब ही हमारे देश से यह बीमारी मिट सकती है।

अब मैं इस बात का श्रेय मौजूदा प्रधान मन्त्री श्री लाल बहादुर शास्त्री को दूंगा जो कि उस वक्त होम मिनिस्टर थे, उन्होंने ही सथानम् कमेटी बैठाई और उसकी यह काफी विस्तृत रिपोर्ट हमारे सामने आई है। इसकी बहुत सी सिफारिशें हैं और इन सिफारिशों के जो कई सेक्शंस हैं वे अलग अलग तरीके से

अमल में लाएंगे लेकिन सेक्शन ७ में जो उन्होंने सिफारिश की थी, उसके अनुसार, उनकी रेकमेंडेशन के अनुसार, यह एण्टी-कॉरप्शन लाज अमेंडमेंट बिल आ रहा है। इन कानूनों में संशोधन करने के लिए इस संशोधन बिल को लाने के अलावा भी विजिनेस कमेटिया केन्द्र में कायम हुई और विजिलेंस कमेटिया हर स्टेट में कायम हुई, इससे मालूम होता है कि हमारी पार्टि, जो कि आज रूनिंग पार्टि है वह पूरी हार्दिक भावना से कॉरप्शन को मिटाने के लिए तत्पर है।

इस रिपोर्ट में जो सिफारिशें थी उनके अनुसार इण्डियन पीनल कोड में, उसकी कुछ धाराओं में, परिवर्तन किया जा रहा है और क्रिमिनल प्रोसीजर कोड में, क्रिमिनल ला अमेंडमेंट आर्डिनेंस में, देलही स्पेशल पुलिस इस्टैबलिशमेंट ऐक्ट में, प्रिवेशन ऑफ कॉरप्शन ऐक्ट में और क्रिमिनल ला अमेंडमेंट ऐक्ट में कुछ संशोधन किया जा रहा है। ये जो पांच छ कानून हैं इनमें सथानम् कमेटी की रिपोर्ट के मुताबिक परिवर्तन होने जा रहा है। मैंने उनका अध्ययन किया है और मेरे ख्याल से जो अमेंडमेंट्स हैं वे बहुत मुनासिब हैं, इनसे जाबता ठीक होगा और कॉरप्शन को मिटाने में आसानी होगी

अब, एक सवाल अक्सर आया कि मिनिस्टर्स इसमें शामिल हैं या नहीं। तो सुप्रीम कोर्ट ने यह कहा है कि पब्लिक सर्वेंट्स की परिभाषा में मिनिस्टर्स भी आ जाते हैं, तब तो यह डर भी नहीं है कि मिनिस्टर्स के भ्रष्टाचार को बचाने या छिपाने की कोई कोशिश की जा रही है। मेरे ख्याल से जब यह स्पष्टीकरण हो गया है तब हमें समझना चाहिए कि हर तबके के भ्रष्टाचार को मिटाये जाने का पूर्ण प्रयत्न किया जा रहा है।

कहा गया कि ओमबुड्समैन की जो सस्था है, जोकि स्वीडन में शायद चलती है वैसी हो।

[श्री गोपीकृष्ण विजयवर्गीय]

तो उसमें पब्लिक में से किसी आदमी को ओमबुड्समैन बनाया जाये। मुझे भी जंचता है कि यह एक अच्छा तरीका होगा, अभी पाठक साहब ने भी उस पर जोर दिया और मैं उसका समर्थन करता हूँ कि वैसा कुछ किया जाये।

बाकी मैं इस एंटीकरप्शन लाज अमेंड-मेंट बिल का पूरे हृदय से समर्थन करता हूँ।

SHRI N. K. DAS (Orissa): Madam Deputy Chairman, I give my whole-hearted support to the Bill. I hope and believe that a socially useful Bill like this will receive the unanimous support both inside the House and outside and that there will not be a single dissenting voice against it. The Bill though designated as the Anti-Corruption Laws (Amendment) Bill, has a limited scope and does not deal with all aspects of corruption. It seeks to incorporate and give effect to some of the recommendations of the Committee on Prevention of Corruption appointed by the Government of India in 1962 with Mr. K. Santhanam, M.P. as Chairman on the initiative and suggestion of our Prime Minister, Shri Lal Bahadur Shastri, who was then the Home Minister. Shri Gulzarilal Nanda, who is our present Home Minister, has taken upon himself the onerous task of eradicating corruption from the administration of the country with something like a missionary zeal. His frank and forthright declaration that he would step down from the high office he now occupies if he does not succeed in producing a striking impression with regard to the uprooting of corruption within a couple of years had a thrilling effect on the minds of the people. It generated hopes and expectations in the mind of the general public interested in the complete purging of our administrative and social life of the vices of corruption. It also produced conster-

nation in the ranks of confirmed addicts of corruption. It would have been in the fitness of things if all the recommendations of the Santhanam Committee had been accepted by the Government and a comprehensive measure dealing with all aspects of corruption had been brought forward before the House. That was not perhaps possible in the very nature of things. The Bill, however, is a welcome measure in spite of its limitations. The Santhanam Committee deserves our thanks and congratulations on the splendid work that it has performed in going to the very root of corruption and its causes. The Committee undertook a thorough study of all aspects of corruption prevailing in the administration and society and suggested remedial measures of a radical and far reaching character. The Committee's suggestion for widening the definition of "public servant" has not been accepted by the Government perhaps under the fear that it would be too drastic and might discourage honest and deserving persons from joining the public life but having regard to the colossal magnitude which this vice has assumed in almost all the administrative branches and functions and also in view of the fact that corruption has also infiltrated into the religious and social organisations and educational organisations, it would have been more appropriate if the Committee's definition of a public servant had been accepted by the Government. It is, however, a happy thing that the major recommendations of the Santhanam Committee have been accepted by the Government and action on the basis of the recommendations has already been started. The appointment of Central and State Vigilance Commissioners, the setting up of study teams in the Central Public Works Department, the Import and Export Control Organisation and the starting of Sadachar Samiti as a non-official, non-political and non-partisan organisation are undoubtedly step in pursuance of the recommendations of the Santhanam Committee.

Madam Deputy Chairman, corruption is a social evil. It has to be fought on all fronts and at all levels, at the political level, at the administrative level, at the social level and at the moral level. The most pathetic and ludicrous aspect of corruption is the fact that in certain administrative spheres, those that indulge in corruption do so as a matter of long-standing habit and routine without any sense of built or moral scruples. The exactions they secure from the people they call their legitimate dues; it is called their *mamuli*. What is, therefore, needed to set things right is not merely tightening of the law by means of amendment of a few sections of the criminal law but the undertaking of a thorough remodelling of our administrative system and procedures along with an all-out effort by the leaders of society and also by the leaders of Government for the moral elevation of the community as a whole. The administrative systems and procedures that are in vogue in 4 P.M. our country, a legacy of our days of subjection, are the most fertile breeding grounds for corruption and the common man is the worst sufferer and victim of this faulty administrative system at the lowest level. What is needed to set things right is a programme of administrative reforms from the lowest level upwards and I am happy to see that the Union Ministry of Home Affairs has started some such move.

Lastly, it has to be borne in mind that it is not the tightening of our criminal laws and theoretical formulations of moral maxims that matter so much as their practical application and I regret to say that in respect of practical application we sometimes falter and lag behind.

I feel in this connection constrained to make a reference about the unfortunate situation in Orissa. Hon. Members are aware that for some months past there are allegations of

corrupt practices of a very serious nature levelled against some of the high-ups in the Orissa Cabinet. The charges have been there for a long period and it is strange that no decision has yet been arrived at. References to these allegations are frequently made in the Press and indications are now and then given that the matter will be finally disposed of within the course of a few weeks but the matter remains there.

SHRI LOKANATH MISRA: The Home Minister should take note of it because it comes from one of their Members.

SHRI JAISUKHLAL HATHI: I do note whatever is said and from whichever side it is said.

SHRI N. K. DAS: The delay in the disposal of this serious matter has done a lot of harm and has vitiated the atmosphere in Orissa. The unrest among the students that convulsed Orissa for a little less than two months would not have taken such a massive character as it did but for the support that it received from all sections of the public. Thank God, the strike has come to an end, chiefly, not wholly, through the intervention of our Home Minister who paid a couple of days' visit to our State. As a matter of fact, the Ministers there may be guilty, or may not be guilty; I hold no brief either for them or against them. It is not for the Union Government to pronounce a verdict of guilty or not guilty on the Ministers, but what is needed is to take immediate steps for ending the atmosphere of distrust, uncertainty and suspicion that is prevailing in Orissa. In fairness to the Ministers themselves and in the interest of clean administration of Orissa, immediate steps should be taken to set suspicions at rest.

With these words, I again reiterate my support to this measure.

SHRI D. THENGARI (Uttar Pradesh): Madam, I congratulate the

[Shri D. Thengari.]

Santhanam Committee for its splendid work. I am also thankful to the Home Ministry for moving a bit in the right direction but this amending Bill has left an impression that so far as corruption is concerned, the Government is willing to strike but reluctant to wound.

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

Sir, in the first place this amending Bill is based upon the recommendations of the Santhanam Committee. It would have been more appropriate or in the fitness of things to discuss this Report in the House and then to introduce a Bill in the light of the discussion in the House. Somehow this has not been done. The Santhanam Committee has taken pains to submit comprehensive recommendations. It should not have been difficult or impossible for the Government to introduce a comprehensive Bill on its strength but the Bill that is introduced has left out many of the important recommendations of the Santhanam Committee. There are in all twelve sections in the Report. It is true that all of them do not deal with recommendations involving legislation; yet their content and import ought to have been taken into consideration by the Government before introducing this amending Bill. As it is, this amending Bill takes cognisance of the recommendations in only one section of the Report, viz., section 7. Even there all the recommendations have not been accepted. Out of 29 paragraphs, only five to twentyfour are incorporated in this Bill. Paragraphs 1 to 4 dealing with social offences and 25 to 29 have not been touched. In all there are 137 recommendations of the Committee; out of these 49 have not been accepted so far. Thirtynine have been accepted with or without changes but they are not yet implemented. Fiftyone recommendations have been accepted, not in toto, but

with modifications and these alone have been implemented. Thus only 51 out of 137 recommendations have reached the stage of implementation and that too not without modifications. We do not advocate adventurism but at the same time the pace with which the Government is moving is overcautious and this is not going to meet the need of the day so far as the problem of elimination of corruption is concerned. Some of the important recommendations that have been overlooked deserve our attention. For example, I do not understand why in keeping with the recommendations of the Santhanam Committee abetment of offence should not have been made a substantive and non-bailable offence. There is no reason why this should not have been done. The Committee had recommended that for two years after his retirement a public servant should not be permitted to accept any employment in a commercial enterprise or business. This also deserves to be incorporated.

Now, in Sections 4 and 5 of the Committee's Report, they deal with the Conduct Rules and Disciplinary Rules. In the light of the recommendations in those two sections, appropriate changes ought to have been introduced. For example, there is a recommendation:

"A thorough review of laws, rules, procedures, and practice should be undertaken for the purpose of listing the discretionary powers, levels at which such powers are exercised, the manner of the exercise of such powers, the control exercised within the hierarchy over the exercise of the powers, the points at which citizens come into contact with the Ministries and Departments and the purpose for which they do so."

The Committee further suggested:

"A thorough study be made in respect of each Ministry/Department/Undertaking of the extent,

the possible scope and modes of corruption, preventive and remedial measures prescribed, if any, and their effectiveness."

The amending Bill has not taken cognisance of these important recommendations in Sections 4 and 5. On the contrary, this Bill seeks to introduce some procedure which has not been recommended by the Santhanam Committee. Here I am referring to the procedure of *in camera* trial. I must say that this is a very dangerous procedure and it will minimise the extent of justice, which is really the purpose of all trials.

Now, there are certain powers with which the public, in general, is concerned, for example, the Central Public Works Department, the Import and Export Control Organisation, DGS and D and the Director-General of Technical Development. The Santhanam Committee has made certain specific recommendations regarding these departments, but they have also been cold-stored.

SHRI JAISUKHLAL HATHI: No, no.

SHRI D. THENGARI: There is a demand from the general public that the Home Ministry must go thoroughly into the question of procedure of licensing. The organisation of the Director-General of Supplies, which first scrutinises the applications, must itself be subjected to a thorough scrutiny. In the matter of public relations, every officer must be above suspicion and for this, appropriate safeguards must be prescribed. There should be a proper enquiry into the grant of licenses.

We would also like to know from the Home Minister whether the Government proposes to implement the recommendations of the Santhanam Committee relating to the judiciary.

Section 21 of the Indian Penal Code is very important. Clause 2 seeks to

expand the definition of 'public servant' under that section, but this expansion is not as much as would satisfy the recommendations of the Santhanam Committee. Now, some categories, whose inclusion in the definition of 'public servant' was recommended by the Committee, have been left out. The Committee wanted the inclusion of the President, Secretary or other office-bearers or a member of a Managing Committee of a registered co-operative society, office-bearers or employees of educational, social, religious and other institutions, in whatever manner established, which receive aid in any form from the Central or State Governments, in the definition of 'public servant'.

Now, the Bill does not provide for inclusion of all these people. The hon. Home Minister has argued that their inclusion will discourage them from entering public life. I believe that this casts a reflection upon those noble social workers. They are men of character and integrity. They would welcome their inclusion in the definition of 'public servant'. They have nothing to fear from such an inclusion.

The Committee has stated that it should be made clear that all Ministers, Ministers of State, Deputy Ministers, Parliamentary Secretaries and members of local authorities etc. should also come within the definition of 'public servant'. Now, on the strength of the judgment of the Supreme Court in Rao Shiv Bahadur Singh of 1953, the hon. Minister has suggested that it is not necessary to make a specific reference to the inclusion of Ministers in the category of public servants. Now, the point is, if according to the Home Ministry, Ministers are already included in the definition, what harm would be there if it is specifically included . . .

SHRI N. PATRA (Orissa): It will be redundant.

SHRI JAISUKHLAL HATHI: Not according to the opinion of the Home Ministry, but it is according to the judgment of the Supreme Court.

SHRI D. THENGARI: Difficulty is likely to arise if such a matter goes before any court.

SHRI JAISUKHLAL HATHI: It is according to the highest Court.

SHRI LOKANATH MISRA: He says that the Supreme Court's ruling becomes the law of the land, unless it is modified subsequently by them.

SHRI D. THENGARI: Now, in the Santhanam Committee's Report there is a chapter regarding legislators and political parties. Now, that has not been dealt with. Regarding legislators it has been said by the Committee:

"It may be that some legislators are in the employment of private undertakings for legitimate works. In such cases, it is desirable that such employment should be open and well known and should be declared by the legislators concerned. It should be a positive rule of conduct—that such legislators should not approach Ministers or officials in connection with the work of their employers and they should refrain from participating in the discussion or voting on demands or proposals in which their firms or undertakings are interested. Other legislators, who are not *bona fide* employees, should on no account undertake, for any valuable consideration or other personal advantage, to promote the interests of, or obtain favours for any private party either in the legislature or with Government."

I am sure that the Home Minister agrees with this recommendation. I would very much like to know the reason for not incorporating this particular provision in the amending Bill.

Now, the main cause of corruption, at least one of the main causes of corruption, is the practice of receiv-

ing political donations. A few days back, Mr. Atal Bihari Vajpayee had introduced a Bill to this effect. Unfortunately, the ruling Party did not choose to support it. Now, this is what the Santhanam Committee has to say on the subject:

"We consider that, in Indian conditions, companies should not be allowed to participate in politics through their donations. It is true that this matter was debated at length during the discussion on the Companies (Amendment) Bill of 1960 and it was decided to permit such donations, subject to restrictions of amount and condition of publication. We do not think that this is sufficient and feel that nothing but a total ban on all donations by incorporated bodies to political parties and purposes will clear the atmosphere."

Now, the Santhanam Committee dealt with Ministers' sons and relatives being appointed to high posts on huge salaries, mostly without qualifications. Such persons are generally appointed as Public Relations Officers because this is one post which does not require any specific qualification, now, the Committee says:

"There is a widespread impression that failure of integrity is not uncommon among Ministers and that some Ministers who have held office during the last sixteen years have enriched themselves illegitimately, obtained good jobs for their sons and relations through nepotism, and have reaped other advantages inconsistent with any notion of purity in public life. The general belief about failure of integrity among Ministers is as damaging as actual failure."

Now, all these recommendations of the Santhanam Committee deserve to be incorporated in the Bill and there is no reason why there is delay or they should have been avoided.

Now, there are certain general observations, which must be made, so far as the low paid Government servants are concerned. To my mind, it would be absurd to expect integrity from them, incorruptibility from them, so long as we do not provide them with at least a need-based minimum wage. I am reminded of a famous story, when the great sage, Viswamitra, preferred to steal dog's meat from somebody else, in place of being starved to death. If that can be the case of a great sage, those who are low-paid Government servants, who cannot get their common basic minimum needs, are very much unlikely to live up to the standards unless the Government is very earnest about providing them with the minimum basic needs. Secondly, if we are out to root out corruption, the process must start, must be initiated from the top. It has been aptly said: "The laymen follow whatever examples are set by the higher-ups." Very unfortunately, I will not repeat whatever has been already said, but very unfortunately, even the Chief Ministers and other higher-ups are not above blemish and the Government of India is not earnest in rooting out corruption at such top level. So long as Government is showing reluctance, disinclination in rooting out corruption at the top level, the Government of India has no right whatsoever to expect that corruption amongst the low-paid Government servants would be eliminated. So let the process start from the top.

With these remarks I conclude.

SHRI G. RAMACHANDRAN: Mr. Vice-Chairman, I wish to begin by repeating something that was said towards the end by my friend, Mr. Bhupesh Gupta, on this subject. He said: "Keep this as a non-party matter." Curiously, for a person of his background, he also added: "Let us put the fear of God into the minds of people." I do not know, Sir, if during the discussion on this very vital national problem, he himself kept it as a non-party subject and kept the fear of God in his mind.

Corruption is not something that attaches to a particular party or a particular State. It can attach itself to any party or any State at any time. Therefore, corruption is all the more a monster with which we must deal effectively.

I was just now remembering that when I was out of India a few years ago and visited other countries, one question was continually asked of me at meetings: "Is it true Mr. Ramachandran", the questioner would ask, "that after the British left India there is a tremendous increase of corruption in your country?" I firmly said, "No", and I added that 75 to 80 per cent. of the people who were officials carrying out programmes in this country were officials trained by the British and who had worked under the British. Why am I saying this? While it is true that we must face up relentlessly to this problem of corruption in this country, I have an increasing feeling, Sir, that too much is being talked about corruption these days. Everywhere the talk is about corruption. Everybody is supposed to be corrupt. Nobody is above suspicion. While we are fighting corruption, I plead that we do not create an ethos under which everybody imagines that everyone else is corrupt in this country. I remember, long ago, listening to late Dr. Pattabhi Sitaramayya, who was speaking at a very important University function, saying that there was corruption galore under British rule. I remember Dr. Pattabhi Sitaramayya saying that even Governors and Governors-General were agents of big British business in England. Why am I saying this again? It is not as though this country has suddenly become corrupt all over. I think what is true is that people are far more vigilant and alert now than they were in the old days and any act of corruption anywhere is detected, exposed and attacked today. Our people under democracy in India have become certainly more vigilant. So, there is more exposure of corruption than before. We see corruption exposed in that way

[Shri G. Ramachandran.]

and therefore imagine that there is far more corruption in this country than at any time. I am not suggesting for one moment that there is no corruption. There is corruption in this country and I am grateful that this Bill has been introduced and, as my friend who spoke before me said a few minutes ago, the Bill does not go far enough. But to the extent the Bill gives we give it our complete support.

I want however, to draw the Minister's attention to one particular species of corruption which it is very difficult to handle. You can handle money corruption, you can handle bribery, you can handle different kinds of corruption which are easily found out, but I want to draw the Minister's attention to this point that there is in this country today, if at all there is to be a comparison, more corruption due to political influence than at any time before. I remember, Shri C. Rajagopalachari as Chief Minister of Madras laid down the rule that no member of the Congress Party should approach any important official directly but only through the Party. He said, "Hands off the officials" to his party members. I remember occasions when there were Congress Party people who would take up a phone and talk to the Collector and say, "Do this and do that". Shri C. Rajagopalachari put a stop to this and probably that was one of the reasons why he was attacked so much in his own home State. This is a very serious thing. Will the Cabinet, the ruling Party and the Home Minister, take cognisance of this fact that there is more corruption in this country today through political influence than any other influence? Even M.Ps. and M.L.As. are instruments of this corruption. If somebody can take the stand firmly and unequivocally that no recommendation of any kind from a Party member will be allowed to be brought to the Minister or those in power but that all this should be canalised in the proper way, if there could be a decision of that kind, then

probably this political corruption will become less. It is growing every day. There are people who want to become M.Ps. and M.L.As. not so much because of some allowance they get but because of the influence they can wield on those in authority. This is a matter wholly for the ruling party. I do not believe, for one moment, what my friend, Mr. Bhupesh Gupta said, that this Party is particularly corrupt. I know the record of his Party in my home-State, the Kerala State. It was a sorry story of corruption, of using political influence at every point on the administration to achieve political ends. It is, therefore, not a question of party. It is a question of character, and it is equally a question of deliberately planning to ensure that political influence is not added to the many other influences which corrupt people and the administration. After all when everything is said and done, when there is a Chief Minister, when there is a Home Minister, when there are other Ministers, if they set the tone and the pace in this country of simple living, of incorruptible attitude to every problem that arises then it filters down to the lower ranks. If that does not happen today, if in the lower ranks there is corruption and you catch people there and punish them, which is so easy to do, it is because this incorruptibility of conduct is not trickling down from the higher level to the lower levels. As you implement this Bill—and I wish you godspeed—I wish also that some day a Bill which will touch corruption at more levels and in more ways than is possible now, will be forthcoming. But at the moment, while you deal with all the other levels of corruption, please make it a special point to see that corruption through political influence stops in this country. And if you do that, you would have added tremendous strength to the administration and to the party in power.

SHRI J. S. PILLAI (Madras): Sir, I support this measure brought forward by the hon. Minister and in doing so, I wish to make one or two suggestions which I hope he will take

in the sense in which I am making them.

This Bill, as given out in the Statement of Objects and Reasons, was framed to give effect to the recommendations of the Santhanam Committee. In this Bill powers given to officers have been increased, and punishment has also been increased. Probably, Government think that by increasing punishment they can put down corruption. In my opinion, merely increasing the punishment will not put down corruption. For instance, for murder you have the capital punishment, hanging. I wish to know whether on account of hanging people are reluctant to commit murder. As soon as you open the paper, you see news about murders at one place or the other. Merely increasing punishment will not put down corruption. In this case I wish to tell the Minister that prevention is better than cure. Government should prevent corruption, that is more important. First, they must enquire why there is corruption and what is the state of life where corruption is to be found. These things should be looked into. We have corruption simply because we have got what is known as the permit system. I am not against the permit system. If there is not permit system, one man will knock away everything. So, we must have the permit system. But the only thing is that the distribution part of the permit system should be done a little carefully.

Regarding the state of life where corruption is to be found, it is not only among the low-paid officers but among the high-paid officers also. I will explain what I have in mind. Some of the retired ICS officers, as was referred to by the Member on the opposite side, are being re-employed. Why do they do so? And they are given fabulous salaries, sometimes running into six and five figures. They do so because they want to get permits from the Government. When these ICS officers retire, their juniors step into their shoes. These firms think

that by getting them into their firms, they would be able to wield influence and be able to get permits. So, the salaries which are given by these firms to these people are nothing but open bribery. Government should prevent these people from taking up jobs in firms after retirement. The hon. Minister knows that the members of the Public Service Commission are not allowed to take up jobs after retirement, so also is the Auditor-General. Only recently have they been sanctioned pension, the members of the Public Service Commission. When the ICS officers get fabulous salaries, and sumptuous salaries also why should they be allowed to take up jobs in firms? I cannot understand it. I think there are rules which prevent these people from taking up appointment in firms. But these rules are followed more in their breach than in their observance. So, my suggestion to the hon. Minister is that the Government should see that at least for ten or fifteen years after retirement these ICS people are not allowed to take up any appointment in any firm.

The second thing that I wish to suggest is that Ministers should be above corruption, that is, above suspicion like Caesar's wife. I do not know whether Caesar's wife was above suspicion, but there is a proverb

SHRI P N SAPRU: It is a

SHRI J S PILLAI: The very fact that a Minister's name is connected with a firm is enough. Directly or indirectly, the officers are influenced by that name and they are giving a lot of permits to these firms. I do not say that the Ministers are not human beings; they are human beings. They must also have some money. So they will have firms in the names of their sons or their sons-in-law. But when a permit is given to a firm, Government should be informed of it, then it should be open to everybody to see what permit was given to that firm.

[Shri J. S. Pillai.]

The third thing that I wish to point out is this. Now, subscriptions are given to political parties. That has been mentioned by the hon. Member who has just preceded me. I can understand subscription being given out of love for a party. But most of the firms donate to the parties not out of love but to get some permits. For instance, they give to all the parties. I am reminded of a story that took place during the Wars of the Roses in England. There was one lady during that time who had two sons. She sent one boy to join the Yorkists and the other to join the Lancastrians. She said, if one party won, the other would be supported by that boy. In this way these firms subscribe to all the parties. So, the best way to avoid all these things is this. In England, the Conservative Party also collects money from firms. The best way is, when permits are given, once in a month, Government should place before this House the names of people to whom permits have been given and the reasons for it. This would be the best thing.

The other day, I was coming from Aligarh. One gentleman came into my compartment. We were talking about the scarcity of rice. That gentleman stood up and vociferously said, "There is corruption in the Government, from A to Z." He made a sweeping statement. Those people who themselves are corrupt are making that noise.

The following incident happened when I was a young boy. I went to a *chattram* or a choultry near a temple. When we were all sleeping, a thief came and took away a bangle from a lady. That lady woke up and cried, "Thief". Everybody was shouting. But that man's shouting was louder than all of us put together. We could not know who the thief was. Then he ran away, we also ran behind him. One of us went there and caught hold of him. To our surprise, that man was having one of

the bangles that was stolen. So, even corrupt people make the loudest noise. It appears to all of us that corruption is rampant. Corruption is everywhere, not only in our country. As long as there is human nature, corruption will be there. But from the way in which it is said, it appears that corruption is seen everywhere. The only thing that I wish to tell the Minister is, every month he should place before this House the names of people to whom permits are given, the names of firms, and the reason for giving the permits. Then it will clear the conscience of all the people.

SHRI UMASHANKAR DIKSHIT (Uttar Pradesh): Mr. Vice-Chairman, I rise to support the Bill which is before the House. I find that there is a certain amount of inadequacy of understanding about the approach to this problem. On the one side, there is this stand that corruption is all-pervading, it has affected all walks of life, all departments of life, and that whatever is done is insufficient, even the present Bill which really aims at dealing with the most sensitive part of the situation is not enough. And on the other side, there is a feeling—at any rate this is being said—that there is an attempt to belittle it. Personally, I feel that this is a very deep-rooted matter. It is wrong to say that it has grown up to such proportions now or only recently. It is, in my opinion, wrong also to think that because during the wartime or earlier certain things happened and therefore corruption developed in great proportions. In certain respects, there is a deep and old tradition in this country where there is a general desire for a member of a family to go to somebody, to some person of influence, to get certain things done. There is that tradition, widespread tradition, both in the villages and in the urban areas. I know so many friends and acquaintances whose women folk would say that the husband is a fool, he does not earn in a particular man-

ner. And there is hardly any real censure against a son in the family earning in more ways than one, outside the normal sphere. It is a deep-rooted tradition. If anybody thinks that merely by attacking it at one particular front or two or three fronts we are likely to be able to overcome this evil, he is very much mistaken. It is at the same time exceedingly wrong to overpaint the picture. Prof. Mukat Behari Lal, whom I and every body else in this House hold in the highest esteem, with a big, black brush painted everybody in deep black colour. According to him, highest officers, Ministers, Chief Ministers, Members of Parliament are all corrupt. I did not hear any word of restraint or any word to qualify this statement.

PROF M. B. LAL: I only quoted the Santhanam Committee Report.

SHRI UMASHANKAR DIKSHIT: I do not think even if you quote the Santhanam Committee Report, you are going to win this battle by overstating the position you say that we are all black and corrupt.

SHRI LOKANATH MISRA: Since you are not singling out, he has also gone by generalisation.

SHRI UMASHANKAR DIKSHIT: The Members of the Congress Party yield to nobody, they are second to none in condemning corruption wherever it may be. If it were not for the rank and file and the general run of the people in the Party who condemn corruption in the strongest terms, I do not think there would have been so much awareness about fighting corruption.

SHRI LOKANATH MISRA: Action is necessary not condemnation.

SHRI UMASHANKAR DIKSHIT: What greater proof do you want? I do not know of a single instance in recent history either of this country or anywhere in the world where

the Home Minister of the country goes out of his way to appoint such a committee. How did the Santhanam Committee come about? It was not as if the Opposition did something about it. The Home Minister is also a respected member of the Congress Party. And here is the Home Minister who comes out and undertakes major revision of the penal law of the country in order to plug the loopholes. The first point I want to make, Sir, is that this is an important step in the right direction. I have not been present here throughout, but I have not heard any Member of the Congress Party or other parties saying that these laws should not be amended or that some very important law has been left out which needed some amendment. If that is so, then I say the Bill requires the whole-hearted support of the House.

Secondly, as I was saying in the beginning, if you really want to root out corruption from the life of the country, then, human nature being as it is everywhere in the world, you should start with education. Start with making the character of the children. Catch them young and give them something which will instil in them respect for character, even greater respect than for efficiency, intelligence or anything else in life. You have to start with education, from the primary education and go up to the highest University or post-graduate education. You have to build up the norms of public life and administration.

Sir, I agree with those friends who said that this cannot be done merely by taking up the question of administration at lower rungs or at higher rungs or any other category. It has to be a general approach. Any attempt to achieve a short cut—I warn, Sir—will be dangerous; it will bring disastrous consequences. You cannot suddenly change the whole outlook, the whole country by merely changing some things.

SHRI UMASHANKAR DIKSHIT:

In this connection I should like to say that in my opinion favouritism in administration, favouritism in private and public life, individual life apart, is really the father and mother of corruption. When somebody goes to a Minister or to an officer and asks for something on compassionate grounds or because somebody is somebody's friend or because somebody is interested in somebody else—some X, Y or Z—action is taken; the gentleman approaching them feels that he has done something very ordinary, normal, in life. He does not bother about it. But let us remember that if an officer is required or persuaded to go out of his way to do something which normally he would not do, he will have to do half a dozen other things in a similar manner. Therefore, bribery or illegal gratification alone is not corruption, but there are a number of things which we go on doing which are corruption. We have to be very careful about that. After all, human nature is the same everywhere. If I were an officer, I would react exactly in the same way. I say this as I know many officers, some of whom are my friends. Therefore, we have to guard against such things. We have to set norms of behaviour.

These days in a controlled economy, when there is planned development in the country, we have to approach Government departments for certain things to be done, for certain permits to be given, for a licence or an authorisation for a newsprint quota. When after half a dozen reminders I do not get a quota, I have to see an officer or a Minister. Let it not be thought that anybody who goes to somebody for such authorisation is a criminal. If you want industrial development to take place, not only in the public sector but also in the private sector—I do not hold a brief for anybody—then, I say, you should not allow this atmosphere to develop in the

country where we pooch pooch or look down upon a person as a criminal who enters into some industry, some new enterprise and approaches some officer to get some facilities. After all, he is risking his own personal or other capital. It should be open for a decent person who wants to enter business or who is already in business to get his requirements and facilities that a government department alone can give. For that, appealing a Government department, pleading one's case or representing facts is a perfectly legitimate and proper thing to do. And no undesirable or bad idea should be associated with this. It is not possible for you to run the country or develop it industrially and socially without having some sort of control. Therefore, while you have to have a rule you have to provide for proper exceptions. No rule has ever been administered successfully, I can say this with a certain amount of experience, without providing for proper exceptions. Exceptions should be provided and announced publicly and openly and officers should be allowed full freedom and initiative to work within such rules of administration.

Finally, I want to limit my remarks to an issue arising in connection with this Bill. I believe that out of ten cases, usually, against one case which is fit for being taken to a court of law, nine have to be dealt with departmentally. Now the departmental procedure is an exceedingly dilatory and unending sort of process. I have got all manner of cases before my mind's eye. One is in which the officer is angry or there is some complaint and suddenly an explanation is demanded, a suspension is ordered and a charge-sheet is framed. Proceedings continue for weeks and weeks and months and months and finally something or other happens and usually without any useful result, because the officer who has been so hastily charge-sheeted is able

to defend himself, and often with some justification. Therefore no case should be allowed of a disciplinary nature to be taken up without the utmost care being exercised in choosing such cases. Certainly, the entire procedure should be revised. Under the present procedure, firstly you ask for an explanation, then you frame a charge-sheet, then he gives a reply, then the enquiry goes on, and after everything has been enquired into again you have to ask the person for a second explanation and the whole process goes on for months and months together. I know in most cases, as soon as an explanation is demanded or suspension is effected, the person concerned immediately goes on sick leave. The suspended person, whether in industry or in Government, immediately files a medical certificate. I do not know how suddenly able-bodied persons who have been going on nicely fall seriously ill. And there is such a plethora of doctors who will immediately certify anybody ill, and after that the case goes on. One after another postponements go on taking place. In my opinion, therefore, it is very important that the disciplinary procedure should be improved, and I request the Home Minister to kindly take note of this and to think out some proper amendment in the existing procedure for disciplinary action so that an innocent person is not harassed, suspensions are not ordered indiscriminately or allowed to continue indefinitely and subsequently Government have not to reinstate the suspended person with full pay. On the other side, where there is a serious case, it should be possible for officers specially trained and qualified legally, to take up the case and conclude it within a very reasonably short time so that if the person is guilty, he gets his deserts.

SHRI A. D. MANI (Madhya Pradesh): Mr. Vice-Chairman, I extend my welcome to the Anti-Corruption Laws (Amendment) Bill, 1964 which

has been sponsored by the Minister of State for Home Affairs. I agree with him that the Indian Penal Code stands in need of revision, taking into account the social ideas which now dominate our society but I am afraid that the mere adoption of this Bill is not going to create a suitable climate for the eradication of corruption unless at the same time Government announces legislative measures to control corruption among the holders of political offices. Perhaps I may say here that corruption is not as widespread in India as some of these reports of Commissions of Inquiry might indicate. Things are much worse in many other countries but we have to take into account the fact that the permit raj which has been introduced and the gradual extension of Government control over the public and private sectors give room for many opportunities of corruption on the part of those who hold political offices.

AN HON. MEMBER: Can you envisage a society without it?

SHRI A. D. MANI: In any society where there are so many controls there is bound to be an element of corruption. The Santhanam Committee has dealt with, at length, the problem of political corruption and has made a recommendation that Ministers should be regarded as public servants. I see that Ministers have been declared as public servants by the Supreme Court in one of its judgments and it may not be necessary for us to amend this law in order to make Ministers as public servants in terms of legal definition but even though the Supreme Court might have declared Ministers as public servants, it is the duty of Government to see that in the case of Ministers the procedure which is followed in the case of public servants is adopted. One of the limitations under which public servants function in the country is that they have to file returns of their income and wealth with the Government concerned. I understand that the Government have evolved a Code of Conduct for Ministers under which

[Shri A. D. Mani.]

Ministers will file such returns to the Prime Minister. In this connection I would commend to the Home Minister a very important document—a report on the Ethical Standards of Government—published by the United States Senate in 1951. One of the recommendations of this Committee was:

“Legislation should be enacted requiring all Members of Congress, all Federal officials receiving a salary of \$ 10,000 or more, or who are in positions of GS-15 and above, or of equivalent rank, and the principal officials of national political parties to disclose their incomes, assets, and all dealings in securities and commodities. The disclosures should be made by filing reports with the Comptroller General on forms provided by him to show income by source and amounts and to identify assets and show their value. These reports should be annual.”

I feel that Members of Parliament and Members of the State Legislatures also should voluntarily submit themselves to the discipline of filing their income-tax returns to the Auditor General. This recommendation of the Report on the Ethical Standards in the Federal Government of the U.S. deserves to be adopted in our country. There should be no difficulty whatever in all Members of Parliament and Ministers filing their declarations before the Auditor General.

SHRI P. N. SAPRU: How will that make things better?

SHRI A. D. MANI: By giving publicity to the wealth accumulation. . .

SHRI M. RUTHNASWAMY: Was that advice adopted in the U.S.?

SHRI A. D. MANI: I have been trying to find out through the documentation that is available whether it has been adopted but this is one of the ideas which has been put forward in the U.S. itself . . .

SHRI BHUPESH GUPTA: It may be added that they do not do so . . .

SHRI A. D. MANI: . . . where there is a good deal of corruption in political affairs. I would like to mention here that in the case of charges against Ministers, it will be desirable for the Government to adopt the procedure prescribed under the Government Servants' Enquiries Act to which the Minister made a reference in his opening remarks. There is a Public Servants Enquiries Act which was adopted in 1850 under which a procedure was prescribed for enquiring into the charges against public servants. I feel that this Act should be adopted in the case of Ministers also so that whenever there is a charge which has got to be enquired into and the charge happens to be *prima facie* sound, the Government has already a machinery under the Public Servants Enquiries Act to conduct enquiries. I feel that the Government should take steps to see that legislation is brought forward in regard to financial affairs of Ministers, Members of Parliament and Members of the State Legislatures. In this connection I may say that while the enquiry conducted into the conduct of Sardar Pratap Singh Kairon had a tonic effect on public morale, there has been a weakening of the atmosphere against corruption in the country. Government has not taken speedy action in the case of the Orissa affairs where serious charges have been made against Mr. Biren Mitra, the Chief Minister and Mr. Patnaik who happened to be the Chief Minister of the State some time ago. These charges are still pending and somehow a feeling has gone abroad that the Government is not going to conduct an enquiry and going to ask the Ministers to vacate their offices. In this case I feel that publicity is the best way of maintaining the morale of the public. Unless fullest publicity is given to the misconduct of any person who happens to hold political office, it is not possible for us to maintain an atmosphere which will fight against corruption. In this connection I may say here that

the Representation of the Peoples Act also may have to be amended to provide that a person who has been found guilty of misconduct in a formal Commission of Enquiry should be asked to vacate the seat in the Legislature. In the case of Punjab, in spite of the fact that Sardar Pratap Singh Kairon was the subject of very severe strictures at the hands of the Das Commission, he has been continuing as a Member of the Legislature. This has been left to the Congress High Command to decide whether he should resign his office or not. In the House of Commons, as you are aware, when a person is accused of misconduct, he takes Chiltern Hundreds and immediately retires from Parliament. There should be some kind of provision in the Representation of the Peoples Act.

SHRI P. N. SAPRU: There is no constitutional provision to that effect, but only convention . . .

SHRI A. D. MANI: This is a convention, I quite agree, but . . .

SHRI P. N. SAPRU: Not even a convention. I might point out instances where a Member has not resigned.

SHRI A. D. MANI: Sir, in the case of Mr. Profumo, the moment the findings by inquiry were made known . . .

SHRI P. N. SAPRU: But there were other cases where . . .

SHRI A. D. MANI: Apart from everything else, the convention in Britain is that when a charge is made and proved against a person who holds political office, he resigns his membership of the House of Commons by taking Chiltern Hundreds.

THE VICE-CHAIRMAN: (SHRI M. P. BHARGAVA): It is time. You may continue tomorrow, Mr. Mani. The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Tuesday, the 8th December, 1964.