

if you and the House will be graciously pleased to grant me leave of absence."

Is it the pleasure of the House that permission be granted to Prof. A. R. Wadia for remaining absent from all meetings of the House during the current session?

(*No hon. Member dissented*)

MR. CHAIRMAN: Permission to remain absent is granted.

MESSAGES FROM THE LOK SABHA

I. THE MINERAL OILS (ADDITIONAL DUTIES OF EXCISE AND CUSTOMS) AMENDMENT BILL, 1964

II. THE HINDU MARRIAGE (AMENDMENT) BILL, 1964 BY SHRI DIWAN CHAND SHARMA

III. THE INDIAN TRADE UNIONS (AMENDMENT) BILL, 1964

SECRETARY: Sir, I have to report to the House the following Messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

I

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Mineral Oils (Additional Duties of Excise and Customs) Amendment Bill, 1964, as passed by Lok Sabha at its sitting held on the 3rd December, 1964.

The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

II

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to en-

close herewith a copy of the Hindu Marriage (Amendment) Bill, 1964, by Shri Diwan Chand Sharma, as passed by Lok Sabha at its sitting held on the 4th December, 1964."

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"In accordance with the provisions of Rule 120 of the Rules of Procedure and Conduct of Bu[^]ines* in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 7th December, 1964, agreed without any amendment to the Indian Trade Union* (Amendment) Bill, 1964 which wa* passed by Rajya Sabha at its sitting held on the 26th November, 1964."

Sir, I lay a copy each of the Mineral Oils (Additional Duties of Excise and Customs) Amendment Bill, 1964, and the Hindu Marriage (Amendment) Bill, 1964 by Shri Diwaa Chand Sharma on the Table.

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

SHRI A. D. MANI (Madhya Pradesh): Mr. Chairman, when the House adjourned yesterday, I was speaking about the need for an amendment of the Representation of the People* Act to provide for the exclusion from Legislature or Parliament of any person who has been censured by an Enquiry Commission. In that connection I referred to the practic* which prevails in the House of Commons according to which a person who comes in for parliamentary or judicial censure takes the Chiltern Hundreds. My hon. friend, Mr. Sapru, said that it had not been uniformly followed in the past in the House of Commons. But, Sir, I have checked up my documentation and I find that in recent history there has not been one case of a person regaining his seat in the House of Commons after he has been censured by a judicial enquiry or after he had been found guilty of charges of corruption.

Sir, the Santhanam Committee on page 104 of its report has made a number of observations about the need for Members of Parliament and Legislatures setting suitable standards of conduct. I do not want to refer in detail to the recommendations of the Santhanam Committee. But I would like to mention here that you, Sir, as the Chairman of this House should take the lead in convening a conference of all parties with the help of the Speaker of the other House in order to evolve a code of conduct for Members of Parliament and Legislatures. The Santhanam Committee has made a specific recommendation that a code of conduct should be evolved for Members of Parliament and Legislatures which should be approved by a resolution of both the Houses, and I do hope that you would take the lead in contacting the Speaker of the Lok Sabha and conveying to him the desirability of convening such a conference of all parties so that a code of conduct may be evolved for Members of Parliament and Legislatures which will have parliamentary approval.

SHRI P. N. SAPRU (Uttar Pradesh): Is it very difficult to know what the code of conduct should be of a normal Member of Parliament?

SHRI A. D. MANI: Since the hon. Member, Mr. Sapru, has raised this point I would like to read out to him what the Santhanam Committee has said:

"We are aware that the vast majority of members maintain the high standards of integrity expected of them. Still . . ."

This is one of the things which has not attracted the privileges or jurisdiction of either House. The Committee says—

"Still it has been talked about that some Members use their good offices to obtain permits, licences and easier access to Ministers and officials for industrialists and busi-

nessmen. It may be that some legislators are in the employment of private undertakings for legitimate work. 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 Arms or undertakings are interested. Other legislators, who are not such *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."

Sir, the Santhanam Committee has recommended that a code of conduct should be evolved somewhat on these lines. Whether every recommendation made by this Committee should find a place in the code is a matter for the conference to decide, and I would appeal to you, Sir, as the Chairman of the senior House of Parliament to contact the Speaker of the Lok Sabha and see that a conference is called for evolving a code of conduct which can be placed before Parliament for its approval in the form of a resolution.

I would like to go on to the other recommendation made by the Santhanam Committee to which no reference has been made by the Minister of State in his speech introducing this Bill. The Santhanam Committee has recommended the constitution of a National Panel which would be consulted from time to time on all matters relating to charges of corruption against Ministers.

It may not be possible for an ad hoc panel to be constituted. But I feel that Government in this connec-

[Shri A. D. Mani.] tion should examine the very valuable recommendation made by Sir Benegal Narasing Rau, who had been one of the architects of our Constitution. In one of the memoranda which he submitted to the Constituent Assembly at that time and which has been incorporated in a book called 'India's Constitution Making', Sir Benegal Narasing Rao has suggested that—

"There shall be a Council of State whom the President may consult on all matters in which he is required by this Constitution to act in his discretion.

"The Council of State shall consist of the following members:

(1) Ex-officio members: The Prime Minister, the Deputy Prime Minister, if any, the Chief Justice of the Supreme Court, the Speaker of the House of Representatives, the Chairman of the Senate . . ."—

That means, yourself, Sir, the Chairman of the Rajya Sabha—

"... and the Attorney-General.

(2) Every person able and willing to act as a member, who shall have held the office of President or the office of Prime Minister or the office of the Chief Justice of the Supreme Court".

Sir, I feel that the time has come for us to evolve a procedure for enquiry into the charges of corruption against Ministers and I would humbly make this suggestion to the Government that they should think in terms of setting up a Privy Council under the Constitution. This Privy Council shall consist of the Chairman of the Rajya Sabha, the Prime Minister, the Speaker of the Lok Sabha and probably a Deputy Prime Minister and all ex-Judges of High Courts who are living. Such a body would be . . .

AN. HON. MEMBER. All?

SHRI A. D. MANI: I may modify it to ex-Chief Justices of the High Courts or the Supreme Court who may be living. Sir, this body should be . . . (Interruptions) I am putting forward the suggestion. In the case of Orissa, in spite of all the allegations made, no enquiry has been instituted. In the case of Mysore, in spite of so many questions that I and other Members have asked, no enquiry has been instituted. I am only suggesting that we should not be satisfied with the Cabinet Committee examining the allegation*. There should be an outside body, a body in whose impartiality the public will have confidence, and I am relying on a suggestion made by Sir Benegal Narasing Rau, who was one of the architects of our Constitution. And I am making this suggestion that Government should consider the question of setting up a Privy Council on the lines of the so-called National Panel suggested by the Santhanam Committee. Such a Council should consider charges against the Ministers of States or Chief Ministers or Ministers of the Central Government, and they should conduct a preliminary enquiry asking those who signed the representation to come and give evidence before it and after the evidence is considered by them, they may recommend to the Government whether an enquiry should be conducted or should not be conducted into the allegations.

Sir, I would go on to another point that I have raised in the form of an amendment which, I hope, will receive the acceptance of this House, namely, the amendment to the proposal in clause 3 of this Bill to make trials for defamation trials *in camera*. if the court so desires. It is one of the fundamental principles of British justice which we have incorporated and made a foundation of Indian justice, that trials must be open, that evidence should be led in public, that

the public should be convinced :not only that justice is done but should seem to be done. If an offence of defamation is tried *in camera*, the public is deprived of the great advantage it gets in the form of publicity for the misdoings of the persons concerned. You might recall, Sir, that when we, the Members of the Opposition, brought up the charges against Sardar Pratap Singh Kairon, the late Prime Minister said that when an enquiry is instituted, it will be an *in camera* enquiry. Mr. Justice Das very rightly turned down the suggestion of the Prime Minister and said in one of his statements at that time that it was repugnant to him to conduct an *in camera* enquiry. Why should a Minister have a privilege which is denied to a private citizen? if a private citizen is- sued in a court of law or files a case against somebody for defamation, his case- is heard in public and why should Government think in terms of any *in camera* and hush-hush enquiry? The idea of such enquiries is that the publicity given to the misdoings of any person is the best corrective for the maintenance of public integrity. In this connection, I may refer to what Mr. Justice Lyshmsky said in Briiain in the case of the charges brought against Mr. Belcher who happened to be a Under Secretary of State. So much of evidence was led before the Lyshinsky Enquiry, and one of the witnesses said that he had given a box of cigars to a Cabinet Ministe;. Even that was considered to be an improper practice and Mr. Justice Lyshinsky said that he did not recommend any further action against the person concerned because the publicity given to this vcharge was the best form of raising the public tone in respect of the maintenance of the highest standards of integrity of Ministers.

In this connection, I may refer also to a case which had attracted all-India attention, the Khadiwala case in Madhya Pradesh. Mr. Khadiwala was an important Congressman, he

had been charged with serious offences by a magazine in Delhi, 'Sarita'. Some of the charges were false and were in very bad taste. But one charge was proved and that brought about the complete transformation of the political situation in Madhya Pradesh. The idea of giving publicity to these trials is to see that the wrong-doers do not get away in hush-hush or secrecy and I hope that the Minister will hold the scales even between the citizen and the Minister, and Ministers as a class, by seeing that the Ministers face their trial* openly.

Sir, I am not in favour of Minister* being classed as public servant* on whose behalf suits can be tiled at State expense. This is the substance of one of my amendments. Ministers stay in office for five years. If they do not have a seat in Parliament or in the State Legislature they have to vacate their offices. They are not in the position of a public servant who is under a contract of employment with his Government to serve for life, for a period of thirty years. When this is the case, why should Ministers expect that they should have the privilege which is reserved to public servants. What I would like the Ministers to do is, when they want to sue a person for defamation, they should ask for financial assistance from Government for prosecuting their cases. It is only fair that when a Minister is charged with serious offences, he should get financial assistance as Sardar Pratap Singh Kairon did in Punjab, and if he fails in his case and if the charges of defamation are proved, then the Minister concerned should be asked to reimburse the State all the moneys that the State might have spent in the prosecution of his case. This has happened in Punjab: over a lakh of rupees were spent on the defence of Sardar Pratap Singh Kairon, and today, Sir, Sardar Pratap Singh Kairon has been asked . . .

THE MINISTER OP STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JAISUKHLAL HATHI): May I correct him? The position is not that the Minister wiH be defended by the State, it is that the consent of the Minister in cases of defamation wiH not be necessary. The Public Prosecutor can file a complaint even though the Minister says that he does not want to file a complaint. That is the position.

SHRI A. D. MANI. This is against the basic tenets of the principles of justice. If a person is defamed, he is the person whose rights have been affected by somebody. his consent may or may not be necessary. What the Minister is going to do is to enable the Public Proseciitor to file a complaint of defamation. Even in that case, the Minister concerned has got to take the witness stand because the other person will say that he is prepared to prove the charges against him. Then what happens? The Minister is put in the witness-box and is subjected to the same gruelling cross-examination which he would have been forced to face if he had filed the case himself.

I feel that as far as this is concerned, the Ministers are political persons. They have got a political standing, they can appeal to the Legislature, they can appeal to their electorate. They should find the money themselves. I would like to know from the Minister—when a case is filed by a Public Prosecutor or somebody authorised by the Government, what is the position.

SHRI JAISUKHLAL HATHI: The Minister is free to file the complaint himself. There is no question of a Minister not being permitted to file a complaint. But as I explained, suppose there are certain allegations. Really, as the Code of Conduct says, he should face them. In extreme cases, suppose there is no allegation and still he is being defamed and he does not want to go to a court of

law. This is not a case of the Minister alone. Even in the case of a public servant, suppose there is an allegation that he has defalcated a lakh of rupees. Now the Government or the administration is bound to see that these allegations are wrong and that the man is exonerated. If the person has defalcated in fact, he may say he does not want to give his consent and that he does not want to go to a court of law. In this extreme case the Public Prosecutor can file a complaint even though the man says that he does not want to go to a court of law to get the allegations cleared and to set at rest all the apprehensions and to get at the truth. It is not a question of who bears the cost. Even if the man does not want, whether a Minister or a public servant, the Public Prosecutor can file a complaint.

MR. CHAIRMAN: Mr. Mani, this is time for me to tell you that you have taken more than your share of the time.

SHRI A. D. MANI: Two minutes, Sir. i would come back to this question when I move my amendment because I want to press the amendment because I feel the Government is seeking a vital modification in the criminal law which circumstances do not justify.

Sir, i would conclude by saying that it is not fair to say that Ministers alone are responsible for maintaining an atmosphere free from corruption. The Members of the Opposition, in fact every one of us have a duty to see that an atmosphere is created in this country so that the democratic government can function effectively in the years to come.

SHRI LOKANATH MISRA (Orissa): We are doing our duty.

SHRI A. D. MANI. I am only saying that all of us must contribute our little mite to see that the atmosphere is free from corruption.

I may also say, Sir, that unless we eradicate corruption from our political framework, it will not be possible for us to maintain democratic institutions. In dictatorial countries, democratic governments have been pulled down on the ground that the charges of corruption have not been properly enquired into. It is necessary, therefore, for the future and for the safety of democracy that all of us make our contribution to see that an atmosphere is created in this country which will not permit any corrupt person to function in public office. We, Members of Parliament, are prepared to help the Government by bringing to their notice allegations against persons in office which they should enquire into and we hope that the Government by ordering speedy enquiries will raise the tone of public life in this country and maintain the morale of public servants because public servants are not going to respect us if the persons who hold political office are allowed to do things which they should not do and get away, and which if they, the officers, try to do, they will be hauled up by the law of the land.

MR. CHAIRMAN; Prof. Siddhantankar. He will make his maiden speech.

PROF. SATYAVRATA SIDDHANTANKAR (Nominated): Mr Chairman, Sir, since I have been sitting in this House I have been hearing speeches which are emphasizing corruption so much that I feel that we are living in a country where corruption is at the top, corruption at the bottom, corruption to the right of me, corruption to the left of me. if we go on making allegations against each other like this, against the Ministers, against the legislators, against everybody who comes across me, then what is going to be the fate of this country? Are we all corrupt? And to whatever direction we look do we see only corruption and nothing else? Granting that there is corruption, my question whether we are going to meet

this evil with legislation, and is it possible for corruption to be uprooted by legislation? Corruption, to my mind, is more a mental, a psychological and a spiritual malady. It is possible for a man to be uncorrupt without legislation and it is also possible for a man to be corrupt without legislation. You can enact any number of legislations and still you will find people who go on breaking these legislations. It is no use to be truthful when there is no occasion to tell lies, and it is easy to be truthful when there is fear of punishment. It is easy not to steal where there is nothing to be stolen, and it is easy not to steal when there are rules and regulations which take you to the jail. But we want a society where we should have persons who should be truthful against temptations. One should not steal not because there is nothing to be stolen or because one is surrounded by legislations, but one should not steal because stealing itself is an evil. This sort of society we have to evolve and this sort of reconstruction of society has to be visualised by us who are sitting here as legislators. Friends, I want to point out . .

SHRI P. N. SAPRU: On a point of order.

SOME HON. MEMBERS: It is his maiden speech.

SHRI P. N. SAPRU: I am sorry.

PROF. SATYAVRATA SIDDHANTANKAR: I withdraw that word. Mr. Chairman, Sir, I wanted to point out that we have to reconstruct a society, it may be a capitalistic society, it may be a socialistic society, it may be a communistic society, it may be a democratic society, whatever society it may be, but all our attention should be concentrated on the fact that we have to develop men who should be pure at heart, pure in mind. Legislation or no legislation they should act as men. This sort of society has to be

[Prof. Satyavrata Siddhantalankar.]
reconstructed. And how is that possible?

All the ills of the modern society of our present age are due to *Ova* running after money, pecuniomania madness for money. That is the evil that is eating into the vitals of our society. If you make legislations, do you mean to say that this madness after money will disappear? So long; as this mania remains corruption will remain. Corruption is not to be remedied by legislations. If you have got people who are pure at heart, then in spite of these temptations, legislations or no legislations, they will not be corrupt. This sort of society has to be built. We have to build a tradition in which people will feel that they have to develop their personality. They have to be real men. Such men are wanting in this age.

We are talking of corruption at the highest level. We are talking of corruption amongst Ministers and public servants. Now my question is that it is they only who should be regarded as uncorrupt. If we regard corruption as being lodged at the highest level of our society, then what is going to be the fate of this society?

Whatever the best of us do that is to be followed by the rest of the society. This tradition has to be built and this tradition is possible when a revaluation of society is done. All values that are being evolved have to be changed. Today's man is an economic man. Every question is discussed and judged only from an economic point of view, but man is not essentially an economic being. Particularly those people who are all the head of society, those people should not be regarded at least all economic men. Our Ministers, our legislators, and others whom we regard as the best of our society, it

they also are economic men, then the society cannot pull on. We have to evolve such values which will change the whole structure of society.

A second thing which corrupts man is power. Concentration of wealth in a certain number of people and concentration of power in a certain number, these are the two factors that corrupt us. Therefore, the only way to revalue, to bring new values in the society is to decentralise all these things. All wealth should be decentralised. For instance, we have got in our society a class of people who are too rich, who do not know what they have to do with their riches. There are others who are too poor. It is impossible for them to keep their body and soul together. So long as this sort of society exists, it is not possible for us to root out corruption. The people who are too rich think others to be richer and they go on accumulating wealth and those who are too poor to meet their normal requirements even will go on seeking out ways and means to accumulate wealth. This structure of society has to be changed and after this change of society only, revaluation or reconstruction of the society is possible. I do not say that we should not proceed with the legislation. Legislation is one part of the environment. Man is tempted by nature. Perhaps this corruption is implanted, in every heart and soul. It only requires an environment to bud out and if the environment is there, the budding out is also there. Therefore it is very necessary that the environment should be controlled by legislation but we should not stop there. We have to rise higher. The problem of corruption is not to be tackled only by legislation. The problem of corruption is much wider. It is mental, spiritual, psychological and if we want to tackle this problem successfully, then we should bring out other legislations which may deal with this side of the problem. In the end, I have only to point out that our approach should be many-sided. Our

approach should be higher, our approach should not be confined only to the field in which we are moving. It should be on a mental plane, on a psychological plane and a spiritual plane and we should visualise a state of society in which the man in his true self will appear so that all these problems may automatically disappear.

PANDIT S. S. N. TANKHA (Uttar Pradesh): Mr. Chairman, I rise to lend my support to the Bill before the House. This Bill, as the Minister of State for Home Affairs has told us, has been brought forward to end corruption within the administration by tightening the various laws and measures and to embody some of the important recommendations made by the Committee appointed by the Government under the Chairmanship of Mr. K. Santhanam, a leading and respected former Member of this House.

[THE DEPUTY CHAIRMAN in the Chair.]

Madam, we have, for some time past been hearing a lot about corruption in the administration both among the Government servants as also among the politicians at all levels. By those politicians, I mean those who are running the administration. But may I be permitted to say that I refuse to believe that there is really any corruption at that level or on such a wide scale as it is made out to be. I have no doubt that this charge of corruption is being unduly magnified by interested persons and parties with a view to running down the administration and the party in power which is responsible for running the same. That cases of corruption do exist need not be denied but to maintain that corruption exists in all departments and at all levels is to do the Government servants and the politicians as a whole a very great injustice. I would warn my friends in the Opposition that by putting up such an unreal picture before the world they are doing a very great injustice to the country and it; people. They are, by so doing, destroying the

good image of India in the eyes of the other nations of the world.

SHRI LOKANATH MISRA: Who are doing?

AN HON. MEMBER: The opposition.

SHRI M. RUTHNASWAMY: (Madras): But the Santhanam Committee report was not written by the 'Members of the Opposition.

PANDIT S. S. N. TANKHA: Will these measures been prompted at the instance of the Opposition who have clamoured that there is so much corruption in the country. That is what has drawn the Government's attention.

PROF. M. B. LAL (Uttar Pradesh): Then really you did not want to have the Committee?

PANDIT S. S. N. TANKHA: If any changes are necessary, those changes should certainly be brought about

SHRI M. RUTHNASWAMY: It is the Committee that has revealed to the world the extent of corruption that exists.

PANDIT S. S. N. TANKHA: You forget that the Committee has not done any fact-finding at all. They have not examined the particular instances where corruption exists but since such charges were brought, the Santhanam Committee without determining the extent of corruption considered it proper and necessary that changes should be made in the law so that if there are any persons of that type, they may be suitably dealt with. I am convinced that the Opposition by raising the cry of corruption, as I have just said, is destroying the good image of India in the eyes of other nations of the world. This unreal image is being painted by the Opposition in order to gain its own ends, namely, to displace the present Government from its power, but they must remember that an image once destroyed, will be hard, if not impossible, to be repaired and rebuilt
! and if at all they at any time, succeed

[Pandit S. S. N. TankhaJ in capturing power from the present governing party running the administration, it wiH be difficult for anyone to believe that in a country where everyone is corrupt, they alone are free from that vice. Moreover they must remember that by putting up such an image and creating an atmosphere of distrust and suspicion, they lower the public morale and affect the standards of public morality in the country. Good and bad and corrupt and honest persons exist in all nations and have existed at all times. As such, to say that all Indians or all Congressmen and politicians are dishonest and corrupt is to speak the highest untruth.

SHRI M. RUTHNASWAMY: Who ever said that?

PANDIT S. S. N. TANKHA: Within the last seventeen years of Congress rule in this country, I would like to know how many cases of corruption have actually been found to exist. If, within this period only a few cases have been discovered or proved, this surely does not establish that the country as a whole or a good part of those running the administration are dishonest and corrupt. In a big country like India with so many States, if one or two Chief Ministers or one or two other Ministers are found to have indulged in corrupt practices, it surely does not establish the rule that all Congress Ministers or Congress politicians are dishonest and corrupt. It will therefore be right to lay the blame only where it is due and not on all as a class, whether it be among the Government servants or among the politicians and therefore the less this unreal cry oi corruption is raised, the better will il be for the country.

It sadden_s one to find that everyone who comes into power either al the Centre or in the States is found fault with by the Opposition by labelling him as corrupt and dishonest.] have personally known of one or twc oases of Ministers where dishonestj

and corruption was alleged by some interested people but which persons were truly scrupulously honest in all their dealings and a_s ^{such} it is wholly wrong to say that all politicians in power or the Government servants under them are dishonest and corrupt as a class. It is however not my intention to maintain that where a case of corruption is found to exist, it should not be enquired into. Such a case should certainly be looked into and that too at the earliest opportunity and things should not be allowed to drag on without any action being token thereon, because the more the matter is delayed, the greater the volume of agitation against that person. Moreover, the findings of the commission or the court which enquires into the case should be made known to the public so that it may be able to judge as to how far the suspicions of corruption attaching to the Minister or officer were correct and justified, and in view of this, Madam, I am strongly opposed to the provision of the trail *in camera* provided under sub-clause 3(1) (b) of the Bill. The right to ask for *in camera* proceedings should not be conferred on the parties to the case, but should only be left to the court to decide, and where the court considers it proper or necessary to hold *in camera* proceedings it should be at liberty to so decide. But if we confer this right on the parties, you will find that in every case which is put up, the accused will plead one or the other excuse for holding of the *in camera* proceedings.

Coming now to the other provisions of the Bill, I welcome the change made in clause 4 of the Bill whereby, under the Criminal Law Amendment Act, property in respect of which an offence had been committed would be attachable if the court so desired. Without such a power it seems meaningless that even though a person is found to have amassed wealth by dishonest means, he should be allowed to hold that property in his possession even after he has been found guilty.

Now, Madam, the change contemplated in clause 6, namely, that *if* a person is found in possession of pecuniary resources or property disproportionate to his known sources of income, then *prima facie* it would mean that he had earned that money through corruption, or malpractice would be a legitimate inference to be drawn from those facts, and I agree with the proposed change. But in the same clause I would support the contention of Shri G. S. Pathak which he made yesterday, that possession of it by the accused or on his behalf by any other person at any time in the past, before this Bill will come into force, would also amount to an offence is not right. This is not a suitable provision since it is likely to infringe article 20 of the Constitution. I am in agreement with the view put forward by Shri Pathak and I would ask the hon. Minister to get this matter closely examined in the light of the remarks made by Shri Pathak.

I welcome the change made in the Act whereby habitual commission of offences under sections 162, 163 and 165A of the Indian Penal Code are being made substantive offences. I also welcome the proposal that attempts to commit offences of criminal misconduct are also being made punishable. With the changes in the law as proposed by the Home Minister I have no doubt that a better climate will be created in the public mind and the country and that persons who are in the habit of going, or are likely to go wrong will be deterred from that path by the stringency of the measures which are now being brought forward. With these words I welcome the Bill.

THE DEPUTY CHAIRMAN: Mr. Lokanath Misra.

SHRI LOKANATH MISRA: Madam Deputy Chairman, I was shocked to listen to the speech . . .

THE DEPUTY CHAIRMAN: Excuse me. The House will sit till 1.30.

SHRI C. D. PANDE (Uttar Pradesh): If necessary the time allowed to the speakers may be limited, because there are so many speakers, and they may be accommodated as far as possible.

THE DEPUTY CHAIRMAN: I think the speakers also must be a little considerate to other speakers and make their points as brief, as possible.

SHRI LOKANATH MISRA: Madam Deputy Chairman, I was almost shocked when I listened to Mr. Tankha, when he said that it is because of the Members of the Opposition that the reputation of India has been tarnished abroad. It almost sounded to me like the advice given to a school child to hide the lighted cigarette in his pocket when seen by an elder.

SHRI AKBAR ALI KHAN (Andhra Pradesh): It is good advice.

SHRI LOKANATH MISRA: Yes, some of the Congress Members are like that. They look like it.

THE DEPUTY CHAIRMAN: Your time is limited. So you please carry on with your speech.

SHRI LOKANATH MISRA: Madam, it would be very wrong to say that there was no corruption prior to independence. Corruption was there but it was there only confined to the lower ranks. Somewhere in a court of law a Peshkar might have been doing it, in the C.P.W.D., an Assistant Engineer might have been doing it, or in a railway booking office some booking clerks might have been doing it. Now the proportions have increased, and the proportion has increased only because the men at the top have sponsored it. I would bring an allegation against the ruling party that they have sponsored corruption in this country . . .

SHRI C. D. PANDE: No, no.

SHRI LOKANATH MISRA: . . . both at the Centre and in the States.

PANDIT S. S. N. TANKHA: No, it is wrong.

SHRI LOKANATH MISRA: You will have your say. If you can justify your stand, I shall be only too happy to listen to you. But I will also argue out my point and you must give me the indulgence to do it and give me a patient hearing, because you have been at the root of it.

PROF. M. B. LAL: Not my friend, Mr. Tankha.

SHRI LOKANATH MISRA: I do not mean anybody in particular.

SHRI M. RUTHNASWAMY: That is why he is kept out of power.

SHRI LOKANATH MISRA: Now, Madam, prior to independence, if somebody was amassing money through corruption, he became an eye-sore in the society. He was almost singled out in society. Everybody pointed to him saying that here was a corrupt man who had earned money not through legal means but through illegal means, and at least up to one generation he was being looked down upon. But now the whole attitude has changed. (*Referring to Shri Bhupesh Gupta*) I am very happy you have come back. Now the whole attitude has changed.

SHRI AKBAR ALI KHAN: He will support you.

SHRI LOKANATH MISRA: It is not about him now. The entire attitude has changed only because the sponsorship has been taken by people who are ruling this country. It was being looked down upon then because there were other people to give leadership to this country. There were social leaders. There were religious leaders. There were other leaders in other fields advising people what was right and what was wrong. Now nothing, no leadership remains except one leadership, and it is political leadership and this political

leadership has been at the back of all these corruptions. They have been sponsoring it, as I said, and naturally corruption has spread. Now, Madam, I would request the hon. Members to remember one of the speeches of our ex-Chief Minister of Orissa. One of our ex-Chief Ministers, Mr. Bijoyanand Patnaik, said that "I am not here to run a Ramakrishna Mission". That means, he wanted to say, and which he could not publicly say, that he was in a political den. If it was not a Ramakrishna Mission, if it was not going to do good to the people, what else can it be meant for? It can only be meant for a political den. If the Congress Party, if the ruling party—and I suppose he is a spokesman of this party; he happens to be a member of the A.I.C.C; now he is going step by step up—if he says . . .

SHRI BHUPESH GUPTA (West Bengal): Take the spirit of his utterance, not the exact meaning.

SHRI LOKANATH MISRA: They take up the spirit.

SHRI M. RUTHNASWAMY: Not by the spirit.

SHRI BHUPESH GUPTA: Why should the Congress Government run Ramakrishna Missions, I can't understand.

SHRI LOKANATH MISRA: If he is not going to run Ramakrishna Missions, then naturally he wants the political party to do something other than the good of the people. If you are really intending to do good to the people, then no money is necessary to run the party, at least no underhand means need be adopted to acquire money for running the party. But he said it was necessary to get the money to run political party and for that any means could be adopted and the necessary resources could be got from any source, no matter what it is, and that the ultimate end was to win seats in the elections and then have a majority in the Legislature. This is what is being done by the present ruling party in the country.

SHRI AKBAR ALI KHAN: For one man you should not bring in the whole party.

SHRI LOKANATH MISRA: I have limited time. If I am given more time I can give you names, probably of one in each State, who belongs to the ruling party, who has the same attitude as the ex-Chief Minister of Orissa. But because of lack of time I have to confine myself to only one State. I cannot go round all the States.

Surprisingly enough the hon. Minister told us the other day when he was piloting this Bill, that it is not necessary to include the Ministers in this Bill because of a ruling of the Supreme Court. I accept the ruling of the Supreme Court as the law of the land. But there is equally another ruling of the Supreme Court in the case of a Member of the other House who was debarred from sitting in that House because of his connection with one of the public undertakings.

SHRI A. D. MANI: What was that case?

SHRI LOKANATH MISRA: That was the case where the Member happened to be an auditor and . . .

SHRI A. D. MANI: Yes, yes, Mr. Basu.

SHRI LOKANATH MISRA: He was in a contract service of a Government of India undertaking and the Supreme Court gave the ruling that since he had contract job with the Government of India, he was holding an office of profit. If it is declared an office of profit, if the auditorship of a contract job has already been declared an office of profit I do not see any use for the hon. Minister including this clause here in this Bill, namely:

"in the service of the Government or remunerated by fees or commission for the performance of any public duty by the Government;"

If his argument holds good and if he thinks it is good enough for a Minister being excluded from this Bill, be-

I cause there has been that judgment of the Supreme Court, then how does he justify his stand in including this clause in this Bill? This is also regulated by that Supreme Court judgment.

SHRI JAISUKHLAL HATHI: Office of profit is different from public servant. That was the case of a person holding an office of profit.

SHRI LOKANATH MISRA: A Minister is also holding an office of profit, if anybody who takes a fee or commission is deemed to be in an office of profit. I am sorry I have not been able to convince the hon. Minister yet. The holding of an office of profit can only arise when the man is appointed in contract service.

SHRI JAISUKHLAL HATHI: Not necessarily.

SHRI LOKANATH MISRA: Not necessarily? How else can it be?

THE DEPUTY CHAIRMAN: You are losing your time.

SHRI C. D. PANDE: You may confine yourself to Orissa.

SHRI LOKANATH MISRA: If a Minister is to be excluded from this Bill, then I think these people also should be excluded because they are also governed by that ruling of the Supreme Court. So, I feel, probably this is intentional on the part of the hon. Minister and that is why he has excluded the Ministers only.

The argument given by the hon. Minister the other day also did not very much appeal to me because of the facts that I know and because though the Minister said so emphatically that Ministers are not government servants, I know what they are doing and how they behave. I might cite some instances where the Government of India has not placed them in the list of government servants. The first case is a case in Rajasthan, the

[Shri Lokanath Misra.] case of the Kraya Vikraya Sangha there.

SHRI P. N. SAPRU: May I just point out that Mr. Hathi has nowhere suggested that the Supreme Court has held that Ministers are Government servants?

SHRI AKBAR ALI KHAN: They are public servants.

SHRI JAISUKHLAL HATHI: He is confused.

SHRI P. N. SAPRU: They are public servants and there is a vast difference between a Government servant and a public servant.

SHRI LOKANATH MISRA: The retired Judge would have noted from the speech of the hon. Minister that he said that Ministers are more than Government servants. That means...

SHRI AKBAR ALI KHAN: In the sense that a Minister's responsibility is greater, it is more.

THE DEPUTY CHAIRMAN: You had better accept it and go ahead.

SHRI LOKANATH MISRA: This Kraya Vikraya Sangh is a cooperative society which was in sole charge of procuring gur for Rajasthan. This matter has already been referred to by Prof. M. B. Lal and I would only like to point out a specific point about this matter. This society was in charge of procuring gur for the entire State of Rajasthan and they purchased gur from Uttar Pradesh. The Chairman of this co-operative society was one Mr. Kumha Ram Arya who was subsequently appointed a Minister there. Now, the Chief Minister of Rajasthan wanted that there should be a probe by the Centre. Madam, you will appreciate the embarrassment that is caused by the groups in the ruling party. There are two groups in Rajasthan and naturally the Chief Minister did not want to take upon himself the responsibility

of conducting a probe and he wanted the Centre to do it. He probably thought that if the Centre did the probe, then better justice would be done, because directly he could not do anything himself. If he did anything, then that would upset his own position in that State, because the other group was strong. In such a case, he at least felt probably that the Centre would do justice, I mean do justice and deal with those people who are alleged to have done these malpractices. But the Centre did not take it up. The Centre perhaps did not dare take it up. Is it because the Centre is also afraid of that group in that State? Is that group so strong as that? I shall come to Orissa later. But is that group so strong in Rajasthan that it could horrify the Centre into not taking up this probe? The hon. Minister should make a categorical reply to this point, when he gives his reply to the debate, as to why the Centre did not take up this particular responsibility when it was offered by the Chief Minister of Rajasthan.

Then Mr. Vishnoi, Additional Registrar for Co-operative Societies in the State—an I.A.S. officer—was appointed to enquire into the matter and some part of his report I have with me.

THE DEPUTY CHAIRMAN: You have only two more minutes.

SHRI LOKANATH MISRA: Pardon? On¹} 'two more minutes?

SHRI A. D. MANI: He may be given five more minutes, Madam, because he has been interrupted.

SHRI LOKANATH MISRA: Let me have at least five more minutes, Madam.

THE DEPUTY CHAIRMAN: There are so many other hon. Members to speak. I request hon. Members to keep to the time-limit.

SHRI LOKANATH MISRA: I will only read out a portion from the report:

"Sangh had claimed that in U.P. the traders had to pay certain amount as bribe to the Regional Food Controller's Office to get the export permits in time. The amount mentioned was Re. 1 per quintal and to the local railway authorities for obtaining the railway wagons in time. It was said that this extra amount would have to be added to the actual price since no vouchers are possible for such illegal gratification. The matter was discussed in the meeting of the Board of Directors on the 19th December, 1963. The Chairman had also pointed out that in case these charges were not paid, lifting of *gur* in U.P. would be affected. The Board of Directors had authorised the Chairman to convey this to the Minister of Food in the Government of Rajasthan and others connected with the matter."

1 P.M.

This is the report from the Registrar of Co-operative Societies, Rajasthan, which says that the Railway people had to be paid some illegal gratification because wagons had to be obtained by the co-operative society. Was a copy of this report sent to the Home Minister and the Food and Agriculture Minister? If the Home Minister has already received it, has he taken any action in the matter? I would like to ask this question.

"As regards the claim, of the Sangh that the prices increased due to illegal gratification to be paid to the Regional Food Controller's Office or Railway people, it is obvious that similar proportionate increase would be seen in the prices of the other parties. Where there is an excess of say Re. 1 to Rs. 2 over the prices indicated by the Regional Food Controller or the Regional Marketing Officer one can attribute it to the fact that the prices of the R.F.C. are for medium quality of *pansera Gur*. But for wide fluctuations as are visible in some cases one has to draw an adverse influence."

Even these charges that are there **have** not been looked into. This is a report from a responsible officer who enquired into this affair.

Madam, I now come to my own State, Orissa. This is widely known in the country and many of my friends in this House have already taken this up. In the case of Orissa, sixty-three legislators, Members of the local Assembly and Members of Parliament, have submitted a memorandum to the President, a copy of which has been sent to the Prime Minister and the Home Minister respectively. Now, the C.B.I. also went into this matter and has submitted a report. I am told it is an adverse report and there have also been suggestions by the C.B.I. that some of the Ministers and ex-Ministers should be charge-sheeted. (*Interruption*). Let him deny that when he replies.

SHRI JAISUKHLAL HATHI: It is an easy way of saying anything.

SHRI LOKANATH MISRA: All the same, after the enquiries made by the C.B.I., I want to know as to what is being done. We expected that it would either be sent to a judicial commission to be looked into or would be dropped altogether if there was nothing wrong against the Ministers.

THE DEPUTY CHAIRMAN: **You** have taken more than twenty minutes. Please wind up now.

SHRI LOKANATH MISRA: I had expected that if there was nothing wrong against them, the whole thing would have been dropped. Don't keep this hanging. If you keep this hanging then you would be doing the greatest injustice to Orissa. For the last three or four months there has been absolutely no administration in Orissa.

SHRI N. PATRA (Orissa): He is exaggerating things. Everything has been settled.

SHRI LOKANATH MISRA: I am sorry I have no time *Or* else I would have replied to this.

THE DEPUTY CHAIRMAN: You have had enough time. Please wind up now.

SHRI LOKANATH MISRA: When all the other States are going ahead with planning, why should you deprive Orissa of this benefit? There has been no administration for the last three, four or five months. How are you going to deal with this particular problem? If you want to deal with it, deal with it finally. If you want to hand it over to a commission then do so but don't keep the issue hanging. I don't think a sub-committee can finally decide about it. It can at the most take only a political decision and nobody in this country is going to accept a political decision now.

Thank you.

श्री राम सहाय (मध्य प्रदेश) : उप-सभापति महोदया, भ्रष्टाचार के सम्बन्ध में जो बिल हमारे सामने है उसका समर्थन तो सब तरह से हो रहा है और होना भी चाहिये, लेकिन मेरा ऐसा ख्याल है कि हम महज कानून बना कर किसी बुराई को खत्म करना चाहते हैं, तो यह सम्भव नहीं है। मेरा ख्याल है कि हमको सब साधन जुटाने चाहिये जो चरित्र निर्माण से सम्बन्ध रखते हैं। मैं यह भी देख रहा हूँ कि हम भ्रष्टाचार को दुहाई तो बहुत देते हैं, अपने को बचा कर दूसरों पर तरह तरह की आपत्तियाँ तथा आक्षेप करते हैं, लेकिन इस बात को सोचने की कोशिश नहीं करते हैं कि हम में क्या त्रुटियाँ हैं और क्या ख मियाँ हैं। जैसे कि कहावत है "गरेवान में मुह डाल कर" वैसे ही जब हम किसी पर आरोप लगाते हैं, तो पहले हमें अपनी ओर देखना चाहिये कि हमारा बर्ताव किस तरह का है।

मैं अपने मिनिस्टर श्री हाथी जी का ध्यान इस ओर दिलाऊंगा कि वे देखें कि सेक्रेटरिएट तथा डिपार्टमेंट्स में किस प्रकार का करप्शन है। यहाँ पर एक प्रकार का नहीं बल्कि अनेक प्रकार के करप्शन होते हैं और इस बारे में

किसी को भी दोषी नहीं ठहराया जाता है। मेरा कभी यह स्वभाव नहीं रहा कि मैं इस प्रकार गवर्नमेंट को क्रिटिसाइज करूँ लेकिन जो भ्रष्टाचार सम्बन्धी कानून हमारे सामने है उसको देख कर मैं समझता हूँ कि मेरा कर्तव्य हो जाता है कि भ्रष्टाचार के सम्बन्ध में जो बातें हैं वह मैं सरकार के नोटिस में ले आऊँ और सरकार उन पर गम्भीरता पूर्वक विचार करे तथा सोचे कि किस तरह की कार्यवाही इन लोगों पर की जा सकती है।

मैं इस सम्बन्ध में यह कहना चाहता हूँ मिनिस्ट्रीज और डिपार्टमेंट्स में करोड़ों रुपया वगैर पार्लियामेंट की मंजूरी के खर्च कर दिया जाता है और चीजों की चोरी की जाती है और उनके बारे में कोई मन्तोषजनक उत्तर नहीं दिया जाता है। आप स्वयं ही गौर कीजिये कि लाखों रुपयों की चोरी की जाती है और यह भी पता नहीं चलता है कि वे चीजें स्टोर में आई भी या नहीं? इस तरह की चीजों के बारे में यह भी पता नहीं चलता है कि वे कब चोरी चली गई और लाखों रुपयों का सामान बेकार पड़ा रहता है जिसका कोई भी उपयोग नहीं किया जाता है तथा दूसरा सामान खरीद लिया जाता है। इस तरह से गैर जरूरी सामान खरीद लिया जाता है और उसके बारे में अधिकारीगण कभी यह नहीं सोचते हैं कि दरअसल ऐसे सामान की हमें जरूरत है या नहीं? जो सामान उनके स्टोर में गत १५, १४ और १६ सालों से पड़ा हुआ है उसका उपयोग नहीं किया जाता है और गैर जरूरी सामान खरीद लिया जाता है। जब इस तरह का सामान उपयोग करने के काबिल नहीं है, तो उसको डिसपोज करने की चिन्ता नहीं की जाती है। इसी तरह की लापरवाही एक रोड डीलर के बारे में की गई जो कि पेट्रोल से चलता था लेकिन उसके लिए लाखों रुपये का कोयला खरीदा गया। माननीय मन्त्री जी इस बात पर गौर फरमायेंगे कि किस प्रकार इतना पैसा बरबाद होता है और हमारे अधिकारी बजाय इसके कि वे

इसके बारे में कोई चिन्ता करें, इस प्रकार के भ्रष्टाचार को दूर करने की कोशिश करें, वे उलटा ऐसे लोगों को जो इस तरह की कार्यवाही करते हैं, उन पर पर्दा डालते तथा उनको बचाने की कोशिश करते हैं। इस तरह से सेक्रेटरी तथा दूसरे अधिकारियों द्वारा इस तरह के लोगों के विरुद्ध कोई कार्यवाही नहीं की जाती है। जैसा कि मैंने अर्ज किया कि लाखों का सामान जो कि स्टोर में पहुंचा भी नहीं और चोरी चला गया और उसके लिए स्टोर कीपर को सस्पेंड कर दिया जाता है।

मैं माननीय मंत्री जी से यह जानना चाहता हूँ कि जो बड़े बड़े तनख्वाह पाने वाले अधिकारी हैं, जिनके अन्तर्गत वह स्टोर था, जो उसके लिए जिम्मेदार थे उनके खिलाफ कोई ऐक्शन तब तक भी नहीं लिया गया। यह कार्यवाही इस प्रकार की किस तरह से और कब तक चलती रहेगी। सन्तानम् साहब की जो रिपोर्ट है, उसमें उन्होंने साफ तौर पर इस बात को कहा है कि जो हैडक्वार्टर की बातें हैं उन पर खास तौर पर ध्यान देने की जरूरत है और जो जिम्मेदार आफिसर हों उनको मुआत्तिल करना चाहिये क्योंकि उनको देखना चाहिये कि उनके डिपार्टमेंट में किस तरह से गलत कार्यवाही चल रही है, लेकिन इस सम्बन्ध में कुछ भी नहीं होता है। तो मेरा यह निवेदन है कि इस बारे में खास तौर पर देखने की जरूरत है।

अभी हमारे सामने पंजाब के मामले को ले करके और उड़ीसा के मामले को ले करके दुनिया भर की बातें कही गईं। मैं आपसे कहना चाहता हूँ कि मिस्टर कैरो के बारे में पहले जब इस हाउस के सामने सवाल आया और मुखानिफ पार्टी के लोगों ने खास तौर पर उसका ध्यान दिलाया, तब मैंने स्वर्गीय पंडित नेहरू से यह प्रश्न इसी हाउस में किया था कि क्या किसी प्राइम मिनिस्टर को किसी चीफ मिनिस्टर के खिलाफ कोई ऐक्शन लेने का अधिकार है। उस पर उन्होंने स्पष्ट कहा था कि हमें कोई अधिकार नहीं है, लेकिन वे

हमारी पार्टी के एक आदमी हैं, इसलिये हमारा यह फ्रज होता है कि हम इसको देखें। आज मैं देख रहा हूँ कि चारों तरफ से कांग्रेस पार्टी की दुहाई दी जा रही है। जब यह देखा जाता है कि कोई लीगल ऐक्शन किसी आदमी के खिलाफ, किसी मिनिस्टर के खिलाफ या चीफ मिनिस्टर के खिलाफ नहीं हो सकता, तो वे लोग जो पार्टी की बुराई करते हैं, जो इस पार्टी को बदनाम करते हैं, वे अपनी गरज हासिल करने के लिये, अपना मकसद पूरा करने के लिये इस कांग्रेस पार्टी का ही सहारा लेते हैं और चाहते हैं कि कम से कम उसी सत्र के कुछ बदनामी बटवाई जाय। तो मेरा ऐसा निवेदन है कि इस बारे में जब हम सोचें और समझें तो हम को यह देखने की जरूरत है कि हम बड़े बड़े जिम्मेदार आदमियों के खिलाफ इनक्वायरी बिठाते हैं, लेकिन इनक्वायरी मुपुंद किस को करते हैं। हम इनक्वायरी उनको मुपुंद करते हैं जिनकी नाक के नीचे इस कदर कर्प्शन है कि आप कहीं भी, किसी कोर्ट में जा करके देखें, चाहे वह दिल्ली की कोर्ट हो या कहीं की हो, वह कर्प्शन से खाली नहीं है। उसमें एक प्रीसाइडिंग आफिसर जो होता है, उसके बारे में चाहे कुछ कह लीजिये, लेकिन बाकी वहां नीचे में ऊपर तक सब कर्प्शन में शामिल है और वही हमारे भाग्य-विधाता बनते हैं और वही हमारे बारे में इनक्वायरी करते हैं कि हमने क्या किया है। हमने कुछ किया हो या न किया हो, लेकिन राजनैतिक जलसी के कारण, हमसे द्वेष के कारण और जो एक प्रकार का मुपीरियागिटी या इनफीरियागिटी कॉम्प्लेक्स उनको सताता है, उसके कारण वे किसी न किसी प्रकार से हमारे प्रति शंका जागरित कर देते हैं। अगर ऐसा सबूत भी नहीं होता है कि किसी ने कोई कर्प्शन किया है, फिर भी किसी रिश्तेदार की जिम्मेदारी, किसी बेटे की जिम्मेदारी, किसी बहीबी की जिम्मेदारी या किसी न किसी प्रकार की जिम्मेदारी डाल करके उसको जलील करने की कोशिश की जाती है। ये बातें मैंने कई दफा कही हैं कि ये हमारी जो

[श्री राम सहाय]

हूमेन वीकनेसज हैं, उनसे हमारे जजेज भी खाली नहीं हैं।

अभी नहीं, चार पांच साल पहले की बात है जब टी० टी० कृष्णमाचारी जी के खिलाफ हमारे छागला जी ने, जो आजकल हमारे हाउस के लीडर हैं, वॉडक्ट दिया था, उस वक्त मैंने इसी हाउस में इस बात का निवेदन किया था कि जब कभी हम किसी प्रकार की इनक्वायरी किसी जज के सुपुर्द करें, तो उसमें बोय वेज के टर्म्स आफ रेफ्रेंस होने चाहिये। यह भी हमें बताना चाहिये कि किस प्रकार की उनको इनक्वायरी करना है और यह भी हमें बताना चाहिये कि किस प्रकार की इनक्वायरी उनको नहीं करना है। लेकिन मैं देखता हूँ कि अभी तक इस बात पर कोई ध्यान नहीं दिया गया। बड़े बड़े जिम्मेदार लोग, जिन्होंने देश के लिये बड़ी बड़ी सेवाएं की हैं और करते रहे हैं और देश को बड़ी बड़ी मुसीबतों से बचाया है, उनके खिलाफ हमारे अपोजीशन के भाई या कोई और लोग कुछ भी थोड़ी सी बात कह देते हैं, तो वह बात का बतंगड़ बन जाता है। अखबारों में की तो हालत यह है कि चाहे कोई खबर मिले या न मिले, अपना खयाली पुलाव पका करके वे लोगों को बदनाम करने की कोशिश करते रहते हैं।

तो मेरा यह अर्ज करना है कि हम जब इन सब बातों को कानून बना करके रोकने जा रहे हैं, तो निश्चय ही हमें इस बारे में खास तौर पर ध्यान देने की आवश्यकता है कि हमारे कार्य इस तरह से हों जिससे जो बात ठीक हो, वही सामने आये। मैंने इसी लिये यह जो प्रश्न आपके सामने रखा कि हमको खास तौर पर चरित्र निर्माण की ओर ध्यान देने की आवश्यकता है। मेरा तो निश्चित मत है कि हम इस प्रकार से कभी करप्शन को दूर नहीं कर सकते हैं।

मैंने एक मामूली से आदमी को देखा है। एक हमारे यहां पटवारी था। वह पटवारी से तहसीलदार बना। मैं आपसे सही अर्ज करता हूँ कि वह तहसीलदार बना और तहसीलदार बनने के बाद उस दौरान में उसने इस तरह से काम किया कि उसने लाखों रुपये का मुआविजा जमींदारों को तकसीम किया, लेकिन एक पैसा उसने कभी रिश्वत का नहीं लिया और सबसे बड़ी खूबी की बात यह है कि एक पैसा कभी उसने अपने किसी क्लर्क या चपरासी को नहीं लेने दिया। आज वह आफिसर मौजूद है और उसके इस तरह के कारनामे रिकार्ड के अन्दर मौजूद हैं। लेकिन हमने यह देखा है कि जजेज के पास कभी उनके किसी क्लर्क की, या कभी उनके पेशकार की या कभी उनके सुपरिन्टेन्डेन्ट्स की इस प्रकार की कोई शिकायत जाती है तो वे यह नहीं समझते हैं कि उनका भी कोई फर्ज है। वे कभी इस बात को महसूस नहीं करते कि उनकी भी कोई जिम्मेदारी है। इसमें कोई शक नहीं है कि वे ईमानदार हैं, लेकिन खुद न ले करके दूसरों का रास्ता खोल देना या दूसरों को लेने के लिये बढ़ावा देना, यह ईमानदारी में दाखिल नहीं है। मैं आपसे दावे के साथ कहता हूँ कि आप यहीं किसी दिल्ली की कोर्ट में जाइये और जा करके देखिये कि वहां करप्शन का कितना बोलबाला है और उस करप्शन की वजह से जनता कितनी त्रस्त है। जो रोजमर्रा उसकी दिक्कत भुगतनी पड़ती है, उसके कारण वह परेशान है। तो मैं यह समझता हूँ कि आप इस तरह से कानून बना करके करप्शन को लेशमात्र भी दूर नहीं कर सकेंगे जब तक कि हमारे जजेज, हमारे डाइरेक्टर्स, हमारे सेक्रेटरीज, हमारे आफिस सुपरिन्टेन्डेन्ट्स और हमारे दूसरे अधिकारी जो हैं, उनको आप यह नहीं बतलायेंगे कि उनकी कोई जिम्मेदारी इस बारे में है कि वे यह देखें कि उनके मातहत जो दूसरे लोग हैं वह रिश्वत लेते हैं या नहीं और भ्रष्टाचार करते हैं या नहीं करते हैं। मैं समझता हूँ कि इसमें बहुत सी दिक्कत हो सकती है, लेकिन हम को सही रास्ते पर चलना चाहिये।

मैं आपको एक नहीं पचीसों मिसालें आडीटर जनरल की रिपोर्ट की बता सकता हूँ कि जिनमें जैसा कि मैंने कर्प्शन के बारे में जिक्र किया, वैसा कर्प्शन बताया गया है । लेकिन मैं नहीं समझता कि इस सम्बन्ध में किसी ने कोई तबज़्जुह की या उन बातों पर किसी प्रकार का एक्शन लिया गया । आज जो अधिकांरी हैं वे अपने आप को सर्वोपरि समझते हैं और वे यह समझते हैं कि हम किसी लीगल क्लचेज के अन्दर नहीं आ सकते हैं । इनलिये वे अपनी कोई ज़िम्मेदारी समझते ही नहीं हैं । लेकिन इस सन्तानम् कमेटी की रिपोर्ट पर अगर हम विचार करें, तो हम निश्चय ही किसी न किसी प्रकार से उनको इस बात के लिये मजबूर कर सकते हैं कि वे अपने डिपार्टमेंट को भली प्रकार से देखें । इसके साथ आप भी यह देखें कि सरकारी माल और सरकारी पैसा कितना खराब होता है । सरकारी पैसे का इतना वेस्टेज होता है, लेकिन उसकी किसी को चिन्ता नहीं है । आपको यह देखना चाहिये कि सरकारी चीज़ का दुरुपयोग किस प्रकार होता है और एक शख्स अपनी निजी चीज़ का किस तरह से उपयोग करता है ।

मुझे और भी कहना था । लेकिन समय हो चुका है, इसलिये मैं अपने भाषण को यहीं समाप्त करता हूँ ।

THE DEPUTY CHAIRMAN: There is a long list of speakers before me. If everyone has to get an opportunity, we shall have to sit through the lunch hour. If the House so desire, we shall sit through the lunch hour.

SOME HON. MEMBERS: Yes.

THE DEPUTY CHAIRMAN: What is the consensus of opinion? (After a pause). Then, the House* sits through the lunch hour, provided the Members who want to speak are present. Mr. Sapru.

SHRI P. N. SAPRU: Madam Deputy Chairman. I should like to convey to Mr. Hathi my appreciation of the very able and lucid manner in which he introduced this Bill. It was a

complicated Bill. It was not an easy task, but he performed it with admirable ability. May I go on now to say one or two words about the point of a legal character or constitutional character which was emphasised by Mr. Pathak yesterday? Mr. Pathak's view was that you cannot make the mere possession of property an offence so far as the past is concerned. So far as possession of assets of a larger size than the man's resources justified are concerned, you cannot make that an offence, because to do so would be to go against the letter and the spirit of article 20 of the Constitution. Now, the point raised by Mr. Pathak is of considerable importance and I think it has to be looked into carefully by us. I wish it had been possible for this Bill to go before a Select Committee. If it had been referred to a Select Committee this point could have been discussed. Also the question of burden of proof was raised by Mr. Pathak. The distinction that he drew between the adjectival use of burden of proof and the substantive law of burden of proof could have been considered by the Select Committee. However, I am not going into nice legal disquisitions. I would like to say that in life one ought not to take an exaggerated view of one's environment or of anything which touches human affairs. We should always take a balanced view in regard to all these matters. I find that this cry of corruption or this anti-corruption cry has become a very fashionable one. The order of the day is to say that there is corruption in every sphere of life. I do not say that corruption does not exist. It existed in pre-independent India. It exists today and I do not know whether it will not exist even tomorrow.

SHRI LOKANATH MISRA: But it has multiplied.

SHRI P. N. SAPRU: Well, it has multiplied because governmental departments have multiplied. There are more civil servants today than there were at any time under the British regime and, therefore, I am hesitant to

[Shri P. N. Sapru.] generalise in the manner in which some of my friends have been doing about this corruption business. Maybe there is a good deal of corruption, but I think that it is important for us to insist on high standards from those who control the machinery of the Government.

SHRI LOKANATH MISRA: May I interrupt him for a minute? Was there a Khadiwala before independence?

SHRI P. N. SAPRU: I do not know whether there was a Khadiwala or not. I am not interested in all these false things. My philosophy of life is very different from that of my Swatantra friend. What I was saying was that it is highly important that men in high office should set an example of perfect rectitude to their subordinates. Therefore, the responsibility of Ministers is very great. They should be an example and inspiration to their subordinates. But there is a difficulty which I must point out, which cannot be got over in a quasi-federal Constitution, such as we have got. I do not know what authority Mr. Gulzarilal Nanda or Mr. Lal Bahadur Shastri has over the Government of Uttar Pradesh or over the Government of Andhra Pradesh. Is it open to them to institute an enquiry into any allegation of corruption against a particular Minister or Chief Minister of a State?

SHRI BHUPESH GUPTA: Yes.

SHRI P. N. SAPRU: It is for the Legislatures of these States to deal with their Ministers and the Ministries. You want really to reduce parliamentary Government to a farce. The federal Government here or the Union Government is one of the many Governments that we have in this country. There is distribution of sovereignty so far as our country is concerned. Sovereignty cannot be said to reside entirely in the hands of the Union and, therefore, I think we cannot go into the details of provincial administration in a debate of this character.

Also, I should like to say that we should have a proper climate for getting things done. You do not make matters better by shouting day in and day out that there is a lot of corruption, set up vigilance commissions, etc. You make the task of the superior agency in your governmental departments difficult. They feel that they are being watched by an agency which is responsible to the Centre and they cannot take action firmly or adequately when the occasion requires. I think, therefore, that in these matters, there should be an effort on our part to understand the implications of what we are doing.

So far as the Anti-corruption Bill is concerned, I would say that the question whether a Minister is a public servant or not has been decided by the Supreme Court. The law as interpreted by the Supreme Court is binding on all courts and Government has not brought forward any constitutional amendment or any parliamentary amendment to modify the law as interpreted by the Supreme Court.

There is a vast difference between a public servant and a Government servant, and I would suggest that some of us who are interested in a study of this question may read an article which appeared in the Law Quarterly of 1932 by Sir William Holdsworth on the question whether Judges are servants of the Crown. His view was that they were not servants of the Crown. That does not mean that they are not public servants. There is a difference between Government servants and public servants.

Now, one of the things that this Bill seeks to do is to make the offence of defamation whose notice can be taken without a complaint of the person defamed, an offence, an offence of which a Court can take notice even without the party affected going to it. I think it is necessary in the public interest that there should be some law of this character because our men hesitate to go to a law court to clear their character. We read scandalous allegations about peo—

pie in big positions and it never occurs to them to go and clear themselves before a court of law. No journalist dare write what he wants if he knows that he will be hauled up for libel or slander or defamation in a court of law. Our public opinion does not insist upon their doing so or upon their clearing themselves.

May I also say that I do not like these in camera trials? I know that there is a special case for in camera trials, but I would leave it to the Judge to decide whether he would have any in camera proceedings or not. You must ensure that the public continues to repose confidence in your law courts, and public hearings are essential for the maintenance of the purity of judicial administration. I have a strong feeling against in camera proceedings, and even if a Supreme Court Judge goes into a case carefully in camera, I do not think that the Supreme Court Judge's verdict can do the person concerned, any real good. It does not rehabilitate him. That is the difficulty. When you have open hearings, you are either rehabilitated or you are not, and therefore I am not disposed to agree with the suggestion that there should be in camera proceedings.

Then, may I say that while there may be objections of a legal character—I do not know to what extent those objections are of an insuperable character—in principle I have no objection to the requirement that if a person is found in possession of pecuniary resources or property disproportionate to his known sources of income, it should be assumed as a matter of law that he has acquired this property by dishonest means. If I as an honest man get Rs. 300 a month and I have property worth Rs. 120 lakhs or Rs. 30 lakhs or Rs. 5 lakhs or Rs. 7 lakhs, I can disclose quite easily the source from which I have acquired that property—probably some aunt of mine left that property to me or some uncle has done it or some good friend has left it or I got it through my wife. Well, it should

not be impossible for a person to satisfy a court that he has come to acquire this property by honest means.

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

It does not matter what the burden of proof is. I would not bother about the burden of proof in most cases assuming that it does not shift. It should be possible for the person concerned to establish his innocence without any difficulty.

I would like to say before I close that I do not like looking into the accounts of persons with their bankers, which should be regarded as a sacred trust, but I am glad that the power will be exercised only by police officers of a certain status. I may say that I am not opposed to the clause which would enable a court to go on with the hearing of the case even when the higher court has been moved for some transfer or some other matter, because I think no injustice will accrue to the accused person under this clause. It will be possible for the Judge or the Magistrate to relax the rule in suitable cases. If he finds that the presence of the accused is essential for the purposes of fair trial, he will so record it and send for the record of the case. An appeal should not operate as a stay in every case.

Then I would like to say that I do not like this institution of Special Judge appointed by Government. I think the Special Judge should be selected by Government on the recommendation of the High Court. It should be possible for the Law Minister to give an assurance of this character to the House. He should not be selected at random by Government. I think the Government should not come into touch with the judiciary directly.

SHRI JAISUKHLAL HATHI: That is the intention.

SHRI P. N. SAPRU: If that is so then that is all right. So far as powers of appeal are concerned, they are

[Shri P. N. Sapru.] there in the Preventive Detention Act. And that is not a very, very stringent Act. I do not think that the Preventive Detention Act violates any principle of criminal jurisprudence and we have to see what legislation can do to improve the climate in which we have to function in this country. Unfortunately, our social conditions are very bad. There is the joint family system, there is a lot of nepotism, there is a lot of favouritism, there is a lot of casteism. That is because of the character of our society and it is to a social transformation in these matters that we must turn our attention.

Thank you very much for giving me this opportunity.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Shrimati Ammanna Raja.

SHRI R. S. KHANDEKAR (Madhya Pradesh): Have you got the requisite quorum in the House?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : During lunch hour the quorum is not necessary.

SHRI LOKANATH MISRA: Is it not necessary?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): That is the convention, it is not necessary.

SHRIMATI C. AMMANNA RAJA (Andhra Pradesh): Sir, we have found it necessary to bring forward a law for maintaining good character among our people. Actually, character is unwritten law. We form our character according to what our society desires. It is actually unwritten. But it is a sad plight that we find ourselves in today that a legislation is necessary to make ourselves behave properly. It is extremely necessary that a nation's character is built up properly so that the country may be held in high esteem both by the people of the country and by the

people of the other nations. It is very necessary that we give all our attention for the sake of character-building and the building-up of national character. We, particularly the Members of Parliament, do not belong to one party, but belong to several parties. If each party feels that it is necessary to look after its own Members and see that their Members behave properly, it will be very good. It is very sad to find that today people holding high offices of responsibility are maligned probably not without justification.

SHRI LOKANATH MISRA: But how many Members of the Opposition are holding those responsible positions?

SHRIMATI C. AMMANNA RAJA: I am talking generally. If it suits you, you can take it. Why do you feel so guilty? I am talking of Members in general, Members of several parties who are in places of responsibility. It is they who have to set an example to the rest of the country.

SHRI LOKANATH MISRA: It is specifically meant for your party.

SHRIMATI C. AMMANNA RAJA: You can say that. Yes. We are in positions of greater responsibility, fortunately, than the Members of the other parties, and it is the good fortune of the country that the Congress Party is in power today. Otherwise, none of the other parties would survive even for two months. I know that, and it is the good fortune of the country that people have been reposing their confidence continuously in the Congress Party.

SHRI LOKANATH MISRA: Because they cannot be as corrupt as you are, they cannot stay for two months.

SHRIMATI C. AMMANNA RAJA: They cannot stay for a few months and that is why they are not voted into power.

SHRI LOKANATH MISRA: They are not as corrupt as you are . .

SHRIMATI C. AMMANNA IIAJA: So, it is true. If I criticise my party it is because I am interested in my party. Even if the Opposition is criticising my party, it is because they are very anxious that the country should prosper. But it is quite right. We require, and we also invite, criticism. Only then can we be careful about our own behaviour. So, it is very necessary that each one should behave properly. Then there need not be any court, there need not be any Supreme Court to say what is wrong and what is not wrong. Everybody knows it. It is with a supreme decision that we should conduct our lives and our behaviour. Everyone of us knows what is right and what is wrong. People do wrong not because they do not know what is right but because they are tempted to do something wrong for the time being, though they are not well off by doing that. It is a temptation to which they should not surrender or submit. But unfortunately, it is a very few people who can control themselves and hold themselves in right always in spite of all temptations. It is unfortunate that we do not behave properly in a land like ours which has given birth to Lord Buddha, Mahatma Gandhi and several others even during our time, people who have set a high example, we have worked with them. In spite of this we do such things because it looks as if there is a rivalry to vie with each other to do wrong things. They know that it is right to do good but it does not pay them. They see that people through several shortcuts are growing prosperous. They think, "After all, we do not know what is right or what is wrong, what is the other world, what is *ptmyam* or what is *papam*, virtue or vice. What we get is money and position. So, let us have them." That view is not right. We hold Rama and Harischandra in high esteem even after so I

many thousands of years because they have undergone suffering and sacrifice for the sake of one word. They need not have given up all their wealth and possessions and undergone untold suffering. So, it is the character that matters, not money. Even in our own lifetime we have seen Mahatma Gandhi giving up everything for the sake of the people, for the sake of the country. Now we are going in search of things given by Mahatmas like that. We want position, we want prosperity. For what? If wealth is lost, we can get it; if kingdom is lost, we can get it. But if character is lost, we cannot get it. So, that is the thing that matters most I am very fond of saying that woman is mighty either for good or evil. I think, unfortunately, woman has the background of man, whether to get him in the right or in the wrong. Many people become corrupt only to satisfy their families, to take more wealth into their homes. If the woman says, I do not want what is not rightly our own, probably the man may not be tempted to do wrong things. So, it is necessary to educate the women of our country. Mahatma Gandhi has said, Shivaji has said and several other people have said that because of their wife or mother they have risen to such heights. So I appeal to the women of this country to see to it that they do not go after riches which are very temporary but to run after good character, good reputation and good fame for their husband and children so that they may rise in the esteem of the people and of the country. More than ourselves, more than the individual, we have to think of the reputation of the country. Even our business people sometimes trading with other countries have brought bad name for our country. While sending tobacco or some other things, for the sake of some money, they put inside some stones. And what a disgrace it is, what a shame it is when you do the same thing with other countries. How low you fall in their esteem? It is not the individual

[Shrimati C. Ammannaraja.] that falls so low but they think that India is dishonest although an individual has done it. There may be thousands of people who are honest, but if an individual does anything wrong which creates a very bad impression, the whole family may be very good, but if one single individual in the whole family goes astray with regard to moral character or something like that, the whole family gets a bad name. I know of some colleges in Madras where we have studied. There may be 400 girls in an institution but if one girl does something wrong, the whole college gets very bad name. So you have to think of the parent institution or the country to which you belong or the family to which you belong when you do a wrong thing. Ponder, "Am I doing a right thing?" If it is one individual, it does not matter but you have to think of the whole country to which you belong.

It is very sad indeed that even the Congress Party, people who hold responsible positions today are being criticised. People who were prepared to face death for the sake of the country, and who have rightly come to be in positions of responsibility, do not maintain their character. I do not know what has happened to everybody. You hear of sad stories in every State. No sooner you board a train than your co-passengers start talking, "What is your party doing?" I have said this in the party meetings several times before. As soon as complaints are voiced about a Party member, the party must have a body to go into the whole thing and enquire into the character of the individual and remove him from the place of responsibility so that the Congress Party is looked upon with respect and not looked down upon.

I may tell you a simple thing which made me ashamed of myself. I was a member of the Select Committee for Food Adulteration. Some

milkmen belonging to some milk association came to me. One of them brought some representation. I said, "Besides protecting yourself what do you do? You ask for so many things for your association. Do you people tell members of your Association not to adulterate milk, not to indulge in dishonest business?" The man turned round and said, "Have you ever told your Congress colleagues not to be corrupt?" I felt very hurt that a man like him was emboldened to say such a thing. How much have we gone down in the esteem of the ordinary people? By this the members of the other Parties need, not think that they are above board, or that they will remain above board if they are put in important, responsible positions. I know people who captured either a Corporation or a municipal committee somewhere and I know how they behaved. We have also seen a provincial government which came into power in a particular State, how long it survived. So it is only people at the top are who are watched, and if they do anything wrong, certainly they are criticised. So it is we who should really try and keep ourselves above all blame. It is not enough to be good, but we must also appear to be good.

SHRI LOKANATH MISRA: But we presented an example of integrity during the Coalition Ministry in Orissa for your information.

SHRI N. PATRA: You earned a very bad name. At the time of the Coalition Ministry, you gave the Kendupatra trade to your own people, to your henchmen, to your brothers at the cost of the public exchequer.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Patra, you will have your chance, please.

SHRI LOKANATH MISRA: He is their liaison from Orissa.

SHRIMATI C. AMMANNA RAJA: It is extremely necessary that parti-

cularly people in power must keep their members in check. If a member is prone to go astray, the party must take him to task. I know that these days it has become a habit with the people to talk against* anybody without any justifiable reason. But if there is anything substantial against the members of the party, we have to take them to task and remove them from the party, not wait till the whole country cries hoarse against them. We should be responsible for the abuses of our own people.

On the other hand let me give you another example. The other day in Hyderabad a student found a bag in the public gardens with Rs. 3,000. He handed it over to the police station and the owners claimed it. How noble of him? A young boy is able to do that. He does not yield to temptation. It is money. Nobody will ever know from where he got it but he does not take it. If a small boy could be so upright, so honest, why can other people not be? We have become so low today that we do not teach our children to be honest. People have become so corrupt that they do not educate their children from their childhood to be honest. We should narrate to them the story of Mahatma Gandhi how he decided to be honest the day he saw the drama of Satya Harishchandra. Like that if you go on telling such stories, they might come some day to some decision. You should tell them good things. It is we who are responsible for the evils in our children. We neglect them. The children are neglected in their family in the educational institutions. Teachers do not take sufficient interest in them.

Look at our officers. So many bridges are falling down soon after they are constructed. Soon after the roads are laid, they do not look like new roads at all. Why? It is because the contractors, the engine-«*-not all—are corrupt. Whosoever ■

is responsible for this must feel **that** by earning a few rupees he is cheating the Government, he is cheating his country.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA); Mrs. Ammanna **Raja**, it is time to wind up.

SHRIMATI C. AMMANNA **RAJA**:
It is necessary for the officers to have a sort of fear for the Government. But "i,*rr; frn sn^r"

We must set good examples so that people may not think that if a Minister can take money why they cannot take. From top to bottom every individual must set a standard for himself. If everybody does his duty, that is real service. You need not go out of your way to do social service.

شری پیرایے لال گدا دے طالب ،
(اثر پریش): شریمان جی - چند
مدیر بیٹھے ہوئے ہیں - خلی پیلچہ
کے سامنے تقریر کرنا اپنے وزیر رکھنا
کوئی پہلا معاہدہ نہیں ہوا - میں
آپ سے نویدیں کرونگا کہ لہجہ قائم میں
اگر ہاوس نہ بیٹھے تو زیادہ بہتر
ہوگا - میں جانتا ہوں کہ آنریبل
مستتر صاحب تو بیٹھے ہوئے ہوں
مگر اگر انہیں کو ملنا ہوتا تو ان کے
گھر پر جا کر کہہ سکتا تھا - یہ
ہاوس ہے اس لئے میں چاہتا ہوں
کہ زیادہ سے زیادہ سڈسیوں کے وچاروں
سے لاپہ اتھایا جائے - یہ میری ایک
درخواست ہے جو میں آپ کے سامنے
رکھنا چاہتا ہوں - امید ہے کہ
آئندہ کے لئے آپ اس پر غور
کریں گے -

[شری پیارے لال کریل : طالبہ]
آزادی کے بعد کرپشن بڑھتا جا
رہا ہے۔ یہ تو سبھی جانتے ہیں۔
آزادی کی لڑائی کے وقت ایک نعرہ
ہمارا یہ تھا کہ دیس سے کرپشن دور
کریں گے۔ پھر شہاچار دور کریں گے۔
ہم کہا کرتے تھے کہ تمام ڈپارٹمنٹس
سے اور ہم خاص طور پر کہا کرتے تھے
کہ پولیس کے اندر سے کرپشن دور
کریں گے۔ مگر ہم دیکھتے یہ ہمیں
کہ کرپشن دن بہ دن بڑھتا چلا جا
2 P.M. رہا ہے۔

میں کرپشن کے روپ بتاتا ہوں اور یہ
کہاں کہاں کرپشن ہے۔ اس سے پہلے
میں آپ کی توجہ ایک بنیادی چیز
کی طرف دلانا چاہتا ہوں کہ کرپشن
کی بنیاد کیا ہے۔ اور جب تک
آپ بنیاد کو ختم نہیں کریں گے تب
تک آپ نہ ایکسٹریکشن سے کرپشن
کو ہٹا سکتے ہیں نہ سیاسی ڈسپوز
نے اندر سے کرپشن ختم کر سکتا ہے نہ
منسٹروں سے کرپشن ختم کر سکتا ہے اور
نہ آفیسروں سے ہی کرپشن ختم کر سکتا
ہے۔ جمہوریت کی کامیابی کے لئے
سب سے پہلی چیز تو ہے وہ یہ ہے کہ
جنتا کے اندر ایک وکیشن ہوئی چاہئے
لوگوں کو لکڑیت بنونا چاہئے۔ تاکہ
حکومت کے اندر جو برائی ہے آفیسروں
میں جو برائی ہے لیڈروں کے
اندر جو برائی ہے ان کو ہم سمجھ
سکیں لیکن بدقسمتی سے ہمارے
دیس میں اقلیت فرنچائز کا سو اپنا

لہا ہے لیکن ہماری جو جنتا ہے وہ
بالکل ناخاندہ ہے۔ اس لئے یہ
ضروری ہے کہ ہمیں جنتا کو لکڑیت
کرنا چاہئے۔

دوسری بنیادی چیز جو ہے وہ یہ
ہے کہ جمہوریت اس وقت تک کامیاب
نہیں ہو سکتی جب تک کہ
ہمارا کیریئر اونچا نہ ہو۔ جنتا نے
راج میں کرپشن نے بہت زیادہ
چانسز ہوتے ہیں اور جنتا جیسی
ہوئی ریسرچی حکومت بنے گی۔
اگر سرکار اپنا کیریئر ہمیں بڑھائے گی
تو وہ یہ امید نہیں کر سکتی ہے
کہ کرپشن ختم جائے۔ جس طرح
کی حکومت بنے گی جس طرح کا
اس کا کیریئر ہوگا جس طرح کا
حکومت کا ڈھانچہ ہوگا جیسے اس
کے آفیسروں کے جیسے اس نے منسٹر
ہوں گے ویسے ہی جنتا بھی بن
سکتی ہے۔ تو سب سے پہلی اور
ضروری چیز جو ہے وہ یہ ہے کہ ہم
سب لوگوں کو اور سرکار کو اپنا کیریئر
تھک رکھنا چاہئے۔

اس کے بعد جو سب سے بڑی اور
ضروری اور اول چیز ہے وہ یہ ہے کہ
اپوزیشن کو زیادہ سے زیادہ مضبوط
بنایا جائے۔ ایک طاقت جمہوریت
کے اندر اور جمہوری حکومت کے اندر
جو ہوتی ہے وہ اپوزیشن کی ہوتی ہے
اور اگر اپوزیشن نہ ہو تو کرپشن کو
کوئی نہیں روک سکتا ہے۔ اس لئے

گورنمنٹ کو گاہے بگاہے تجویز دیتا رہے۔

دوسری بات میں یہ عرض کرنا چاہتا ہوں کہ جو فرمیں سیاسی پارٹیوں کو چلندہ دیتی ہیں وہ بہت ہی خراب بات معلوم دیتی ہے۔ اس روپیئے کا عمارت حکومت کے ہر شعبہ کے اندر عمارت زندگی کے ہر شعبہ کے اندر ہم دیکھتے ہیں کہ پیسہ کا زبردست اثر ہوتا ہے۔ ہم ان پیسے دینے والوں کو یہ کہتے ہوئے سنتے ہیں کہ ہم ایک منسٹر کو ایک چھپ میں لے کر چلتے ہیں اور دوسرے منسٹر کو دوسری جیب میں لے کر چلتے ہیں۔ حقیقت یہ ہے کہ پیسہ کے ذریعہ اسے بھی جو کہ کرپشن کی بنیاد ہے اگر ہم اس کو ہٹا دیں تو ہم کافی حد تک کرپشن کو دور کرنے میں کامیابی حاصل کر سکتے ہیں۔ اگر فرمیں سے پیسہ پولیٹیکل پارٹیوں کو سیاسی آدمیوں کو اور آفیسروں کو نہ ملے تو ہم کافی حد تک کرپشن کو دور کرنے میں کامیابی حاصل کر سکتے ہیں۔ لیکن آج کل دیکھتے ہیں یہ آتا ہے کہ بڑی بڑی فرمیں سیاسی آدمیوں کو پولیٹیکل پارٹیز کو اور آفیسروں کو چلندہ کے رزپ میں روپیئے دیتی ہیں۔ اس کے ساتھ ہی ساتھ بڑی بڑی فرم والے بڑے بڑے آفیسروں اور بڑے بڑے منسٹروں کے لوگوں کو اپنے

جب تک آپ اپوزیشن کو مضبوط نہیں کریں گے تب تک گورنمنٹ سے کرپشن نہیں ہٹ سکتا ہے۔ اپوزیشن کے مضبوط نہ ہونے کی وجہ سے حکومت کے اندر تمام خرابیاں ہوتی ہیں۔ حکومت کے اندر جو کرپشن ہوتا ہے یہ سب اپوزیشن کے مضبوط نہ ہونے کی وجہ سے ہی ہوتا ہے۔ اس لئے جب تک آپ اپوزیشن کو زیادہ مضبوط نہیں کرتے تب تک گورنمنٹ سے کرپشن نہیں چا سکتا ہے۔ نہ منسٹروں سے نہ آفیسروں سے کرپشن دور ہو سکتا ہے۔ میں آپ کے سامنے اپوزیشن کے بارے میں اس لئے کہتا چاہتا ہوں کہ اپوزیشن والوں نے ہی کیروں کے کیس کو اس حد کے سامنے رکھا تھا۔ عمارے سو رنگہ پریشان مذہبی جی تے کیروں کے متعلق بہت کچھ ذکر کیا مگر ہم نے جس طریقہ سے جس طرح اپوزیشن کے آدمیوں نے پنجاب اسمبلی کے آدمیوں نے پوزور طریقہ سے اس معاملہ میں گورنمنٹ کو مجبور کیا اس کی وجہ سے کیروں کدی سے ہٹا دئے گئے۔ مگر ابھی تک اس سمجندہ میں جو دوسرے آفیسر کرپشن کے لئے ذمہ دار تھے کیروں کے کیس میں کئی خرابیوں کے لئے ذمہ دار تھے ان کے خلاف کارروائی نہیں کی گئی اس لئے میں عرض کرنا چاہتا ہوں کہ اپوزیشن کو مضبوط ہونا چاہئے تاکہ

شہری پیارے ال کرپل مطالبہ
 یہاں نوکری دیتے ہیں اور اس طرح
 سے سرکار کرپشن کو بڑھاتی ہے -
 آج کل دیکھتے ہیں یہ آتا ہے
 کہ جتنے بھی ریٹائرڈ آئی - سی - ایس -
 اور آئی - اے - ایس - آفیسر ہوتے ہیں
 وہ بڑی بڑی فرموں میں نوکری
 حاصل کر لیتے ہیں - زندگی بھر
 تو یہ لوگ سرکاری حکومت میں
 بڑی بڑی نوکریوں میں قبضہ جمانے
 ہوئے ہوتے ہیں اور ریٹائر ہونے کے
 بعد ان کو فرم والے اپنے ہاں نوکری
 میں رکھ لیتے ہیں - وہ لوگ ان
 کو نوکری میں اس لئے رکھتے ہیں
 کیونکہ ان کی بڑے بڑے ڈپارٹمنٹس
 سے وائٹمن دیتی ہے تاکہ وہ فرم
 کے لئے ناجائز فائدہ اٹھا سکیں -
 وہ افسر فرم والوں کو طریقہ بتاتا
 ہے کہ کرپشن کس طرح سے کیا
 جانا چاہئے اور کس طرح سے کرپشن
 بڑھتا ہے - یہ ایک بلوائی چیز ہے
 جس کو حکومت کو ختم کرنا
 ضروری ہے - جب تک ہم بلوائی کو
 ختم نہیں کریں گے جو کہ پیسہ
 کے ذریعہ زندگی کے ہر شعبہ کے
 اندر گورنمنٹ میں ڈپارٹمنٹ کے اندر
 منسلک کے اندر جب تک اس کو
 ختم نہیں کرتے تب تک ہم ملک
 سے کرپشن ہٹانے میں کامیاب نہیں
 ہو سکتے ہیں - دوسری چیز میں
 آپ کے سامنے یہ عرض کرنا چاہتا

ہوں کہ ہمارا جو پارلیمنٹ کا اسٹنڈرڈ
 ہے جیسا ان کو ہونا چاہئے ویسا
 نہیں ہے - میں نے دنوں صدوں
 کو دیکھا ہے - انگریزوں کے زمانہ
 میں جو سینٹرل اسمبلی تھی اس
 وقت جو کانگریس کے ممبر تھے بڑے
 کمپٹینٹ اور اونچے خیال کے تھے
 اور اچھے وچار کے لوگ رہتے تھے
 اور جتنے بھی اس سے متاثر ہوتے
 تھے وہ سب ممبرس ہو آتے تھے -
 گورنمنٹ کی پالیسی کو اس وقت
 جانے دیجئے کچھ اور ممبروں کو
 جانے دیجئے دوسرے ممبروں میں
 ایک بھی ممبر ایسا نہیں ہے جو
 اپنی سیاسی زندگی کی وجہ سے اپنی
 قابلیت کی وجہ سے اور کسی وجہ
 سے چن کر آیا ہو - ایک کارک کی
 پولیفیکیشن کم سے کم متحرک ہونی
 چاہئے اگر کوئی چھوٹی کسی محکمہ
 میں لیا جاتا ہے تو اس کی بھی
 پولیفیکیشن ہوتی ہے لیکن ہمارے
 پارلیمنٹ کے ممبروں کی کوئی
 پولیفیکیشن نہیں ہے - کوئی یہ
 نہیں دیکھتا ہے کہ پارلیمنٹ میں
 آنے سے پہلے یہ شخص کیا کرتا
 تھا - کوئی اس کی سوشل بیک
 گراؤنڈ ہے یا نہیں - کوئی ایجوکیشنل
 پولیفیکیشن ہے یا نہیں - جنتا میں
 اس کے لئے اچھی بھارتی ہے یا نہیں
 وہی لوگ یہاں پر آتے ہیں - -

श्री सी० डी० पांडे : क्या माननीय सदस्य यह कहना चाहते हैं कि जिन ४ लाख वोटों ने उस मेम्बर को चुना वह उनकी समझ में काफी नहीं है ?

श्री पियारे लाल कपिल :

میں پہلے ہی دہہ چکا ہوں کہ ہماری جلتا ناخواندہ ہے۔ ان کو معلوم نہیں کہ وہ کس آدمی کو ورت دے رہے ہوں۔ وہاں تو کسٹھزم چلتا ہے بیانی برادری چلتی ہے۔ آپ سب لوگ اچھی طرح سے جانتے ہیں کہ کوئی بھی آدمی قابلیت کی بنا پر نہیں آتا ہے۔ سیاسی بیک گراؤ کی وجہ سے نہیں آتا ہے۔ کوئی آدمی اس وجہ سے نہیں آتا کہ اس نے جلتا کی بڑی سروس کی ہو۔ آپ اچھی طرح سے جانتے ہیں اور مجھ سے مخبری رہتی کیوں کہلاتے ہیں۔ یہ ایک حقیقت ہے اور میں نے پہلے ہی بتا دیا ہے کہ جمہوریت کے لئے سب سے بڑی چیز جو ہے وہ یہ ہے کہ ہم اپنی جلتا کو صحیح طریقہ سے ایجوکیشن دیں۔ جب تک ہم اس کو صحیح طریقہ سے ایجوکیشن نہیں دیں گے تب تک ہم کرپشن کو صحیح طریقہ سے ہٹانے میں کامیاب نہیں ہو سکتے۔ ہمارے ملک میں کتنے ایسے آدمی ہیں جو کرپشن کو سمجھتے ہیں جلتا پڑھ لکھ لوگ ہیں جو اس کے بارے میں جانتے ہیں۔

اس لئے کرپشن کی پھیلاؤ کو اکٹھرنے کے لئے ہمیں اپنے ملک میں لٹریسی کو بڑھانا ہے یہ ہماری ذمہ داری ہے اور ہم اس سے بچ نہیں سکتے ہیں۔ جمہوریت میں سب سے بڑی چیز یہ ہے کہ لوگ پڑھ لکھ ہوں اور اس کے بارے میں جانوں۔ اس لئے ہمارے ملک میں اس جمہوریت کے لئے جو ضروری چیز ہے وہ سیاسی ایجوکیشن۔ سیاسی تعلیم ہے جو ہمارے ملک کے لوگوں میں اس وقت نہیں ہے۔ تو یہ ایک بنیادی چیز ہے اس لئے میں یہ عرض کرنا چاہتا ہوں کہ پارلیمنٹ کے ممبروں کے لئے ماسٹروں کے لئے آپ کولیفیکیشن مقرر کھجئے۔ میں ایسے ممبرس بتا سکتا ہوں جو کہ کبھی بھی گاؤں کے باہر ممبر بننے سے پہلے نہیں آئے ہیں نہ ہی وہ پڑھ لکھ ہیں لیکن آج تجارتی کے زور پر اکثریت کے زور پر ان کا ممبر بننے کا مقصد صرف روپیہ کمانا ہے۔

They care more for the money they get as Members of Parliament than for the interest of the country as a whole or the community as a whole.

یہ بالکل حقیقت ہے اور مجھے امید ہے کہ آپ اس چیز کی طرف خاص توجہ دیں گے۔ اس کے ساتھ ہی ساتھ جلتا کا بھی فرض ہے کہ جمہوریت میں جلتا کو زیادہ جھلیٹ

شری پیارے لال کرپل مطالبہ ہونا چاہئے - اگر جمہوریت میں جلتا زیادہ وجہیلینٹ نہیں رہے گی تو ہم کہہ ہی اس ملک سے کرپشن کو دور نہیں کر سکتے ہیں - چاہے وہ ایجوکیشن پارٹی میں ہو چاہے وہ حکومت کی پارٹی میں ہو یا چاہے اور کسی پارٹی میں - جمہوریت میں ہر آدمی کا فرض ہو جانا ہے کہ کرپشن کو دور کرے - ہر قسم کے کرپشن کو دور کرے - یہ ایک بڑی بات ہے جس کو سرکار کو کرنا ہے - میں نے جو تین چار باتیں بتلائی ہیں جب تک سوکار انہیں نہیں کرے گی تب تک اس ملک سے ہم کرپشن کو دور نہیں کر سکتے ہیں -

اب میں پولیس قیادت کے بارے میں آپ کی توجہ دلانا چاہتا ہوں - آزادی کے پہلے پولیس قیادت میں سب سے زیادہ کرپشن تھا اور آزادی کے بعد بھی پولیس میں سب سے زیادہ کرپشن ہے - پولیس قیادت کے جو آفیسر ہوتے ہیں وہ کرپشن کرتے والوں کے خلاف چاہے وہ آفیسر ہو یا کوئی آدمی ہو اس کی تحقیقات کرتے ہیں - جب وہ خود کرپشن کرتے ہیں تو ہم کسے اسد کر سکتے ہیں کہ وہ صحیح تحقیقات کریں گے کیوں کہ ہم دیکھتے ہیں کہ جب کوئی قتل ہوتا ہے تو ایک قصور وار آدمی کے بدلہ میں تیسے + ا بے قصور وار آدمیوں کو پکڑ لیا جاتا ہے اور

یہ ایک حقیقت ہے - ہر آدمی اس چیز کو اچھی طرح سے جانتا ہے - ایک کیس کی طرف میں آپ کا خاص دھیان دلانا چاہتا ہوں - ایک صاحب ہمارے راشٹر پتی کے سامنے پیش ہوئے اور انہوں نے افیڈیوٹ دیا - ان کا نام یورن چلڈ ہے اور وہ گاندھی نگو کے رہنے والے ہیں - ان کی معمولی سائیکل کی دوکان ہے - چھ سو مقدموں میں انہوں نے جھوٹی گواہی دی ہے انہوں نے حلف نامہ داخل کیا ہے - چھ سو مقدموں میں ان سے زبردستی پولیس نے گواہی دلائی ہے - وہ ان تمان سمن کا ہار ڈال کر راشٹر پتی کے سامنے پیش ہوئے اور وہ سمن ان سے کسی پولیس آفیسر نے وہاں پر لے لئے - اس کو آج کئی مہینہ ہوئے ہیں کئی سالوں سے رات دن پولیس اس کو تڈک کرتی رہی ہے کہ تمہیں اس کیس میں گواہی دینی ہے - اس کیس میں جھوٹی گواہی دی گئی ہے - اس کی تصویر اخباروں میں بھی چھپی ہے - میرے پاس اس کا افیڈیوٹ ہے اور اخباروں کے ایڈیٹوریٹس ہیں - اس طرح سے اس کو کئی مہینے گذر گئے ہیں لیکن آج تک کوئی کارروائی نہیں ہوئی ہے - آج پولیس اس کو روپیٹے کا لالچ دیتی ہے کہ تم روپیٹے لے لو اور خاموش ہو جاؤ - تو کہاں کرپشن نہیں ہے - سب سے بڑا کرپشن پولیس کے اندر ہے - اگر آپ چاہیں کہ آپ کوئی دھوڑت لکھائیں تو

آپ میں سے ایسے کتے ہی ایسے
سدسے ہیں جن کی رپورٹ پولیس
تھانہ کے اندر نہیں لکھی جائے گی - اور
آپ کی کوئی سٹوائی نہیں ہوگی - آپ
کی بہرہ کوئی حیثیت نہیں ہے ایک
معمولی پولیس آفیسر کے سامنے - اس
لئے ذرا غور کیجئے کہ ہمارا کیا فرض
ہے -

شری سید ڈی. پی. : آپ نے خود فرمایا
کہ کوئی ممبر اس ہاؤس کا اس لایک
نہیں ہے۔ یہ اس ہاؤس کے لیے بڑی ڈیٹری
بات آپ نے کہی کہ کوئی آدمی ایسا نہیں
ہے جو اس ہاؤس میں آ سکتا ہے یا پارلیمنٹ
میں داخل ہو سکتا ہے۔ تو جب آپ خود ہی
ایسا فرماتے ہیں اور آپ یہ بھی جانتے ہیں کہ
کتنے ممبر کس طرح سے اپنے مکانات
بغیر کو کرایے پر لگاتے ہیں، تو پولیس
اگر آپ کی ایجنٹ نہ کرے تو وہ کوئی
تاجزب کی بات نہیں ہے۔

شری بی. اے. ال. کریل : مطالبہ :

اس کی ایک وجہ ہے کہ تجارتی آپ
کی ہے اور اس میں بہت سے
ایسٹوٹیو آدمی ہیں - اس کی
وجہ یہ بھی ہو سکتی ہے کہ ہم غیر
ذمہ دار ہیں - مگر ہم سوچیں کہ
یہ حقیقت تو ہے کہ پولیس کے اندر
کرپشن ہے اور وہ کرپشن دن بدن
بڑھتا چلا جا رہا ہے - آخر ہمارا
بھی تو کوئی فرض ہے کہ ہم کوئی
کام کریں اس سلسلہ میں جس سے
کرپشن دور ہو - اس کی دو تین
بنیادی باتیں ہیں نے بتائیں جیسے

جمہوریت کے اندر تعلیم کا ہونا ضروری
ہے - جمہوریت کے اندر اپوزیشن کا
استراٹجک ہونا ضروری ہے - جمہوریت
نے اندر ہمیں بہت بڑے سرمایہ داروں
سے پیسہ نہیں لینا چاہئے - بہت
بڑے فوٹوں سے پیسہ نہیں لینا چاہئے
اور بہت بہت فوٹوں میں ریٹائرڈ
گورنمنٹ آفیسروں کو نوکریاں نہیں
حاصل کرنی چاہئیں - یہی طریقہ
ہیں جن سے کرپشن دور ہو سکتا ہے -
جمہوریت میں جتنا کی طرف سے
وجہ نہیں ہوتی ہے - میں تو کہتا
ہوں کہ آپ خود ہی دیکھئے کہ
وجہ نہیں کمیشن بنا اور سداچار
کو تیار قائم ہوئیں - آپ چاہے
جتنی کمیٹیاں بنائیں اور چاہے جتنا
خرچہ آزادی کے ساتھ کیجئے - آپ
کو کوئی روکنے والا نہیں ہے - آپ
بہرہ اقدار ہیں - آپ کی حکومت
ہے اور آپ جتنا چاہیں اتنا خرچ
کریں لیکن ریٹائر کیا ہے - ہمارے
آنریبل نڈا صاحب نے کہا تھا کہ
دو سال کے اندر کرپشن ہم دور کر
دیں گے - آپ دو سال کی بات کرتے
ہیں دس سال میں آپ ختم کر
دیجئے تو زمرہ قسمت پندرہ سال
میں ختم کر دیجئے تو میں کہوں گا
کہ اس دیش کا بڑا بھاری اپکار ہو
گیا لیکن کرپشن اس دیش کے رگو
دیشہ میں پیوست ہو چکا ہے اور
اس کو آسانی سے دور نہیں کیا جاسکتا

شری پھارے لال کرپل مطالبہ
 کرتا - اس لئے آئینہ دل سے
 ہم سب کو غرر کرنے کی ضرورت
 ہے -

جب سے کہروں صاحب کا کیس
 ہوا - ستمبر ۱۹۶۳ء میں ہمارے
 یہاں پر آل انڈیا اینٹی پولیٹیکل
 کرپشن کانفرنس مہرے صدارت میں
 ہوئی اور اس میں تمام پولیٹیکل
 پارٹیز کے آدمیوں نے حصہ لیا - تو
 ایسی جو نان آفیشل باتیں ہیں ان
 کو بھی انکریج کرنے کی ضرورت ہے اور
 جگہ جگہ پر پبلک اپیلیں بنانے کی
 ضرورت ہے - کرپشن کے خلاف ہم
 سب کو جد و جہد کرنا چاہئے اور
 ہم سب کو کوشش کرنی چاہئے -
 یہ تھک ہے کہ اس سلسلہ میں جو
 سب سے بڑی ذمہ داری ہے وہ کانگریس
 پارٹی پر آتی ہے - رولنگ پارٹی پر
 عاید ہوتی ہے - ان کو مثال پیش
 کرنی چاہئے سب سے پہلے - یہ
 پولیٹیکل پارٹی جو ہر سراندار ہے
 وہ راستہ دکھائے اپوزیشن کے آدمیوں
 کو اور اپوزیشن پارٹیوں کو - اگر وہ
 اپنا کریکٹر نہیں بنائیں گے اور اگر وہ
 اپنے اندر سے کرپشن دور نہیں کریں گے
 تو آئینہ آنے والی جو پارٹیاں ہیں
 جو کسی وقت ہر سراندار ہو سکتی
 ہیں ان کے اندر بھی کرپشن ہوگا -
 اس لئے سب سے بڑی ضرورت یہ ہے
 کہ آئینہ کے لئے ہمارے چہرے چھوٹے

ہجے جو ہیں ان کا کریکٹر بدایا
 جائے -

خشت اول چون نہد معمار کج

تاثریامی رون نیسوار کج

اگر پہلی اینٹ کچھ تھوڑی رہ گئی
 تو پوری دیوار ہی تھوڑی بنے گی -
 اس لئے بچوں کے اندر کریکٹر پیدا
 کیجئے اور شروع سے بچوں کو یہ
 بتائیے کہ ان کو کھا کرنا چاہئے اور
 کھا نہیں کرنا چاہئے - بڑے افسوس
 کی بات ہے کہ ہمارے اندر آج کوئی
 کریکٹر نہیں ہے اور جب تک ہم
 اس بنیادی چیز کو نہیں لیں گے
 یعنی اپنے بچوں کے اندر کریکٹر پیدا
 نہیں کریں گے تب تک کبھی بھی
 یہ کرپشن دور نہیں ہوگا - تو یہ بھی
 ہمارا فرض ہے کہ بچوں کے اندر کریکٹر
 پیدا کیا جائے - مگر صرف تعلیم
 سے کریکٹر پیدا نہیں ہوتا - کریکٹر
 بنانے کے لئے ہم آپ سب ذمہ دار
 ہیں حکومت ذمہ دار ہے - اور جفتا
 بھی ذمہ دار ہے - وہ بچے جن کا
 برہنہ ٹیلڈر ہوتا ہے ان کے سامنے کو
 آسانی سے ایک دھانچہ میں ڈالا
 جا سکتا ہے اور اس طرف ہم کو
 دھیان دینے کی ضرورت ہے - آج
 حالت یہ ہے کہ دیہاتوں میں جہاں
 بچے اسکول میں پڑھتے ہیں وہاں
 آپ جائے تو آپ دیکھیں گے کہ پڑھانے
 والا اسے کہتا ہے جو کاسٹیم کے شکار

ہیں جو کرپشن کے شکار ہیں - وہ ایک ایک اور دو دو روپیہ کرپشن میں لیتے ہیں - وہ بچوں سے کہتے ہیں کہ جاؤ کچھ پیسے لاؤ اور پھر تم پاس کو دئے جاؤ گے - آپ ایک ایک اسکول کے اندر جا کر دیکھئے - چاہے وہ میونسپلٹی کا اسکول ہو - چاہے وہ گورنمنٹ کا اسکول ہو - سب جگہ چھوٹے چھوٹے بچوں کے اندر ابتدا ہی سے کرپشن کا جذبہ پیدا کیا جاتا ہے - اس لئے اچھے ٹیچر رکھنے کی ضرورت ہے - اور آپ وہاں پر ہائی کورلیٹڈ ٹیچر رکھئے - یہ چھوٹے چھوٹے ٹیچروں کو چھوٹے جن کو چالیس یا پچاس روپے پر آپ وہاں رکھتے ہیں - ان کے اندر کسٹم بھی لیاقت نہیں ہے وہ کچھ بھی نہیں جانتے ہیں اور خود کرپٹ ہیں - اور وہ کرپشن کرنا اپنا پہلا کرتبہ سمجھتے ہیں - تو ان بنیادی چیزوں کو آپ پہلے لیتے - اس دیش کے اندر جب تک یہ تمام بنیادی چیزیں آپ نہیں لیتے اور ہمارے دیش کے ٹیچرس کی جب تک حالت نہیں سدھرے گی اور جب تک اچھی اچھی ننگوایں دے کر اچھے اچھے آدمیوں کو وہاں نہیں لیا جائے گا - تب تک ہماری بنیاد کبھی بھی مضبوط نہیں بن سکتی - اور یہ کرپشن ہمیشہ نہچنے سے پیدا ہوگا -

اور بڑے ہونے پر بھی ان کے اندر کرپشن کا جذبہ موجود رہے گا -

میں اور زیادہ نہ کہتے ہوئے یہ پھر عرض کروں گا ان بنیادی باتوں کی طرف دھیان دینے کی ضرورت ہے - یہ ہم سب جانتے ہیں کہ کہاں کہاں کرپشن ہے اور کس طرح سے کرپشن ہو رہا ہے - مگر ہم جب تک بنیاد کو درست نہیں کریں گے تب تک اس دیش کے اندر سے کرپشن دور نہیں ہو سکتا - شکریہ -

†[श्री प्यारे लाल कुरील 'तालिब': (उत्तर प्रदेश): श्रीमान जी, चन्द मेम्बर बैठे हुये हैं। खाली बेंचिज के सामने तकरीर करना अपने विचार रखना कोई भला मालूम नहीं होता। मैं आपसे निवेदन करूंगा कि लंच टाइम में अगर हाउस न बैठे तो ज्यादा बेहतर होगा। मैं जानता हूँ कि आनरेबल मिनिस्टर साहब तो बैठे हुए हैं मगर अगर उन्हीं को सुनाना होता तो इनके घर पर जाकर कह सकता था। यह हाउस है इसलिये मैं चाहता हूँ कि ज्यादा से ज्यादा सदस्यों के विचारों से लाभ उठाया जाय। यह मेरी एक दरखास्त है जो मैं आप के सामने रखना चाहता हूँ। उम्मीद है कि आइन्दा के लिये आप इस पर गौर करेंगे।

आजादी के बाद करपशन बढ़ता जा रहा है यह तो सभी जानते हैं। आजादी की लड़ाई के वक्त एक नारा हमारा यह था कि देश से करपशन दूर करेंगे, भ्रष्टाचार दूर करेंगे। हम कहा करते थे कि तमाम डिपार्टमेंट्स से और हम खास तौर पर कहा करते थे कि पुलिस के अन्दर से करपशन दूर करेंगे। मगर हम देखते यह हैं कि करपशन दिन ब दिन बढ़ता चला जा रहा है।

2 P. M.

मैं करपशन के रूप बतलाता हूँ और यह

†[] Hindi transliteration.

[श्री प्यारे लाल कुरील 'तालिब']

कहाँ कहीं करपशन है। इससे पहले मैं आप की तबज्जो एक बुनियादी चीज की तरफ दिलाना चाहता हूँ कि करपशन की बुनियाद क्या है और जब तक आप बुनियाद को खत्म नहीं करेंगे तब तक आप न एडमिनिस्ट्रेशन से करपशन को हटा सकते हैं न स्यासी आदमियों के अन्दर से करपशन जा सकता है न मिनिस्ट्रों से करपशन जा सकता है और न आफिसरों से ही करपशन जा सकता है। जम्हूरियत की कामयाबी के लिये सबसे पहली चीज जो है वह यह है कि जनता के अन्दर एजुकेशन होनी चाहिए लोगों को लिटरेट होना चाहिए। ताकि हकूमत के अन्दर जो बुराई है आफिसरों में जो बुराई है लीडरों के अन्दर जो बुराई है इनको हम समझ सकें लेकिन बदकिस्मती से हमारे देश में अडल्ट-फ्रेंचाइज को तो अपना लिया है लेकिन हमारी जो जनता है वह बिल्कुल 'नाख्वांदा' है। इसलिये यह जरूरी है कि हमें जनता को लिटरेट करना चाहिए।

दूसरी बुनियादी चीज जो है वह यह है कि जम्हूरियत उस वक्त तक कामयाब नहीं हो सकती जब तक कि हमारा केरेक्टर ऊंचा न हो। जनता के राज में करपशन के बहुत ज्यादा चांसिज होते हैं और जनता जैसी होगी वैसी ही हकूमत बनेगी। अगर सरकार अपना केरेक्टर नहीं बनायेगी तो वह यह उम्मीद नहीं कर सकती है कि करपशन हट जाये। जिस तरह की हकूमत बनेगी जिस तरह का इसका केरेक्टर होगा जिस तरह का हकूमत का ढांचा होगा जैसे इसके आफिसर होंगे जैसे इसके मिनिस्टर होंगे वैसे ही जनता भी बन सकती है। तो सब से पहली और जरूरी चीज जो है वह यह है कि हम सब लोगों को और सरकार को अपना केरेक्टर ठीक रखना चाहिए।

इसके बाद जो सब से बड़ी और जरूरी और अब्बल चीज है वह यह है कि अपोजिशन को ज्यादा से ज्यादा मजबूत बनाया जाय। एक ताकत जम्हूरियत के अन्दर और जम्हूरी

हकूमत के अन्दर जो होती है वह अपोजिशन की होती है और अगर अपोजिशन न हो तो करपशन को कोई नहीं रोक सकता है। इसलिये जब तक आप अपोजिशन को मजबूत नहीं करेंगे तब तक गवर्नमेन्ट से करपशन नहीं हट सकता है। अपोजिशन के मजबूत न होने की वजह से हकूमत के अन्दर तमाम खराबियाँ होती हैं। हकूमत के अन्दर जो करपशन होता है यह सब अपोजिशन के मजबूत न होने की वजह से ही होता है। इसलिये जब तक आप अपोजिशन को ज्यादा मजबूत नहीं करते तब तक गवर्नमेन्ट से करपशन नहीं जा सकता है। न मिनिस्ट्रों से, न आफिसरों से करपशन दूर हो सकता है। मैं आपके सामने अपोजिशन के बारे में इसलिये कहना चाहता हूँ कि अपोजिशन वालों ने ही कैरों के केस को इस सदन के सामने रखा था। हमारे स्वर्गीय प्रधान मंत्री जी ने कैरों के मुतल्लक बहुत कुछ जिक्र किया मगर हमने जिस तरीके से जिस तरह अपोजिशन के आदमियों ने पंजाब एसेम्बली के आदमियों ने पुरजोर तरीके से इस मामले में गवर्नमेन्ट को मजबूर किया इसकी वजह से कैरों गद्दी से हटा दिये गये। मगर अभी तक इस सम्बन्ध में जो दूसरे आफिसर करपशन के लिये जिम्मेदार थे कैरों के केस में कई खराबियों के लिये जिम्मेदार थे इनके खिलाफ कार्रवाई नहीं की गई। इसलिये मैं अर्ज करना चाहता हूँ कि अपोजिशन को मजबूत होना चाहिए ताकि गवर्नमेन्ट को गाढ़े बगाड़े तंबीह देता रहे।

दूसरी बात मैं यह अर्ज करना चाहता हूँ कि जो फर्म स्यासी पार्टियों को चन्दा देती हैं वह बहुत ही खराब बात मालूम देती है। इस रूपये का हमारी हकूमत के हर शोबा के अन्दर हमारी जिन्दगी के हर शोबा के अन्दर हम देखते हैं कि पैसे का जबरदस्त असर होता है। हम इन पैसे देने वालों को यह कहते हुये सुनते हैं कि हम एक मिनिस्टर को एक जेब में लेकर चलते हैं और दूसरे मिनिस्टर को दूसरी जेब में लेकर चलते हैं। हकीकत यह है

कि पैसों के जरिये से ही जो कि करपशन की बुनियाद है अगर हम इस को हटा दें तो हम काफी हद तक करपशन को दूर करने में कामयाबी हासिल कर सकते हैं। अगर फर्मों से पैसा पोलिटिकल पार्टियों को, स्पासी आदमियों को, और आफिसरों को न मिले तो हम काफी हद तक करपशन को दूर करने में कामयाबी हासिल कर सकते हैं। लेकिन आज काल देखने में यह आता है कि बड़ी बड़ी फर्में स्पासी आदमियों को, पोलिटिकल पार्टियों को, और आफिसरों को चन्दा के रूप में रुपये देती हैं। इसके साथ ही साथ बड़ी बड़ी फर्म वाले बड़े बड़े आफिसरों और बड़े बड़े मिनिस्टर्स के लड़कों को अपने यहां नौकरी देते हैं और इस तरह से सरकार करपशन को बढ़ाती है। आज काल देखने में यह आता है कि जितने भी रिटायर्ड आई० सी० एस० और आई० ए० एस० आफिसर्स होते हैं वे बड़ी बड़ी फर्मों में नौकरी हासिल करते हैं। जिन्दगी भर तो ये लोग सरकारी हुकूमत में बड़ी बड़ी नौकरियों में काज्जा जमाये हुये होते हैं और रिटायर होने के बाद इनको फर्म वाले अपने यहां नौकरी में रख लेते हैं। वे लोग इनको नौकरी में इस लिये रखते हैं क्योंकि इनकी बड़े बड़े डिपार्टमेंट्स से वाकफियत रहती है ताकि वे फर्म के लिये नाजायज फायदा उठा सकें। वह आफिसर फर्म वालों को तरीके बताता है कि करपशन किस तरह से किया जाना चाहिए। और किस तरह से करपशन बढ़ता है। यह एक बुनियादी चीज है जिसको हुकूमत को खत्म करना जरूरी है। जब तक हम बुनियाद को खत्म नहीं करेंगे जो कि पैसों के जरिये जिन्दगी के हर शोबा के अन्दर गवर्नमेंट में, हर डिपार्टमेंट के अन्दर, मिनिस्टर्स के अन्दर, जब तक इसको खत्म नहीं करते तब तक हम मुल्क से करपशन को हटाने में कामयाब नहीं हो सकते हैं। दूसरी चीज मैं आपके सामने यह अर्ज करना चाहता हूं कि हमारा जो पार्लियामेंट का स्टैंडर्ड है जसा इसको होना चाहिए वैसा नहीं है। मैंने दोनों सदनों को

देखा है। अंग्रेजों के जमाने में जो सेंट्रल एसेम्बली थी उस वक्त जो कांग्रेस के मेम्बर थे बड़े कम्पीटेन्ट और ऊंचे ख्याल के थे और अच्छे विचार के लोग रहते थे और जितने भी उस समय मेम्बर्स आये थे वे सब मेरिट्स पर आये थे। गवर्नमेंट की बेंचिज को इस वक्त जाने दीजिए कुछ और मेम्बरों को जाने दीजिए दूसरे मेम्बरों में एक भी मेम्बर ऐसा नहीं है जो अपनी स्पासी जिन्दगी की वजह से, अपनी काबिलियत की वजह से, और किसी वजह से चुन कर आया हो। एक क्लर्क की क्वालीफिकेशन कम से कम भेट्टिक होनी चाहिए अगर कोई चपरासी किसी महकमे में लिया जाता है तो इस की भी क्वालीफिकेशन होती है लेकिन हमारे पार्लियामेंट के मेम्बरों की कोई क्वालीफिकेशन नहीं है। कोई यह नहीं देखता है कि पार्लियामेंट में आने से पहले यह शख्स क्या करता था। कोई इसकी सोशल बैक ग्राउंड है या नहीं। कोई एजुकेशनल क्वालीफिकेशन है या नहीं, जनता में इसके लिये अच्छी भावना है या नहीं वही लोग यहां पर आते हैं . . .

श्री सी० डी० पांडे : क्या माननीय सदस्य यह कहना चाहते हैं कि जिन ४ लाख वोटों ने उस मेम्बर को चुना वह उनकी समझ में काफी नहीं है ?

श्री प्यारे लाल कुरिल 'तालिब' : मैं पहले ही कह चुका हूं कि हमारी जनता नब्वान्दा है। इनको मालूम नहीं कि वह किस आदमी को वोट दे रहे हैं। वहां तो कास्टीज्म चलता है भाई बिरादरी चलती है। आप सब लोग अच्छी तरह से जानते हैं कि कोई भी आदमी काबिलियत की बिना पर नहीं आता है। स्पासी बैकग्राउंड की वजह से नहीं आता है। कोई आदमी इस वजह से नहीं आता कि इसने जनता की बड़ी सविस की हो। आप अच्छी तरह से जानते हैं और मुझे से मेरी जवान क्यों कहलवाते हैं। यह एक हकीकत है और मैंने पहले ही बतला दिया है कि जम्हूरियत के

[श्री प्यारे लाल कुरील 'नालिव']
 लिये सब से बड़ी चीज जो है वह यह है कि हम अपनी जनता को सही तरीके से एजुकेशन दें। जब तक हम इसको सही तरीके से एजुकेशन नहीं देंगे तब तक हम करपशन को सही तरह से हटाने में कामयाब नहीं हो सकते। हमारे मुल्क में कितने ऐसे आदमी हैं जो करपशन को समझते हैं चन्द पढ़े लिखे लोग हैं जो इसके बारे में जानते हैं। इसलिये करपशन की बनियाद को उखेड़ने के लिये हमें अपने मुल्क में लिटरेसी को बढ़ाना है यह हमारी जिम्मेदारी है और हम इससे बच नहीं सकते हैं। जम्हूरियत में सबसे बड़ी चीज यह है कि लोग पढ़े लिखे हों और इसके बारे में जानें। इसलिये हमारे मुल्क में इस जम्हूरियत के लिये जो जरूरी चीज है वह स्यासी एजुकेशन, स्यासी तालीम है जो हमारे मुल्क के लोगों में इस वक्त नहीं है। तो यह एक बनियादी चीज है इसलिये मैं यह अज्र करना चाहता हूँ कि पार्लियामेंट के मेम्बरों के लिये, मिनिस्ट्रों के लिये आप क्वालिफिकेशन मूकरे कीजिए। मैं ऐसे मेम्बर बन सकता हूँ जो कि कभी भी गांव के बाहर मेम्बर बनने से पहले नहीं आये हैं न ही वे पढ़े लिखे हैं लेकिन आज मेजोरिटी के जोर पर अक्सरियत के जोर पर इन का मेम्बर बनने का मकसद गिफ़्त रुपया कमाना है :

"They care more for the money they get as Members of Parliament than for the interests of the country as a whole or the community as a whole."

यह बिल्कुल हकीकत है और मुझे उम्मीद है कि आप इस चीज की तरफ ख़ास ध्यान देंगे। इसके साथ ही साथ जनता का भी फर्ज है कि जम्हूरियत में जनता को ज्यादा विजिलेंट होना चाहिए। अगर जम्हूरियत में जनता ज्यादा विजिलेंट नहीं रहेगी तो हम कभी भी इस मुल्क से करपशन को दूर नहीं कर सकते हैं। चाहे वह प्रोपोजिशन पार्टी में हो चाहे वह हकूमत की पार्टी में हो या चाहे

और किसी पार्टी में। जम्हूरियत में हर आदमी का फर्ज हो जाता है कि करपशन को दूर करे। हर किस्म के करपशन को दूर करे। यह एक बनियादी बात है जिस को सरकार को करना है। मैंने जो तीन चार बातें बतलाई हैं जब तक सरकार इन्हें नहीं करेगी तब तक इस मुल्क से हम करपशन को दूर नहीं कर सकते हैं।

अब मैं पुलिस डिपार्टमेंट के बारे में आप की तवज्जो दिलाना चाहता हूँ। आजादी के पहले पुलिस डिपार्टमेंट में सबसे ज्यादा करपशन था और आजादी के बाद भी पुलिस में सबसे ज्यादा करपशन है। पुलिस डिपार्टमेंट के जो आफिसर्स होते हैं वे करपशन करने वालों के खिलाफ चाहे वह आफिसर हो या कोई आदमी हो इसकी तहकीकात करते हैं। जब वे खुद करपशन करते हैं तो हम कैसे उम्मीद कर सकते हैं कि वे सही तहकीकात करेंगे क्योंकि हम देखते हैं कि जब कोई कतल होता है तो एक कमरवार आदमी के बदले में १० बेकमरवार आदमियों को पकड़ लिया जाता है और यह एक हकीकत है। हर आदमी इस चीज को अच्छी तरह से जानता है। एक केस की तरफ मैं आप का ख़ास ध्यान दिलाना चाहता हूँ कि एक साहब हमारे राष्ट्रपति के सामने पेश हुये और उन्होंने एफिडेविट दिया। इनका नाम पूर्ण चन्द है और वह गांधी नगर के रहने वाले हैं। इनकी मामूली साईकल की दुकान है। ६ सौ मुकदमों में उन्होंने झूठी गवाही दी है उन्होंने हल्फनामा दाखिल किया है। ६ सौ मुकदमों में इनसे जबरदस्ती पुलिस ने गवाही दिलाई है। वह इन तमाम समन का हार डाल कर राष्ट्रपति के सामने पेश हुये और वे समन उन से किसी पुलिस आफिसर ने वहाँ पर ले लिये। इसको आज कई महीने हो गये हैं कई सालों से रात दिन पुलिस इसको तंग करती रही है कि तुरहे इस केस में गवाही देनी है। इस केस में झूठी गवाही देनी है। इसकी तसबीर अख़बारों में भी छपी है। मेरे पास इसका

एफिडेविट है और अखबारों के एडिटोरियल्स हैं। इस तरह से इसने कई महीने गुजर गये हैं लेकिन आज तक कोई कार्यवाई नहीं हुई है। आज पुलिस इसको रुपये का लालच देती है कि तुम रुपया ले लो और खामोश हो जाओ। तो कहां करपशन नहीं है। सबसे बड़ा करपशन पुलिस के अन्दर है। अगर आप चाहे कि आप कोई रिपोर्ट लिखाएं तो आप में से कितने ही ऐसे सदस्य हैं जिन की रिपोर्ट पुलिस थाना के अन्दर नहीं लिखी जायेगी। और आप की कोई सुनवाई नहीं होगी। आप की भी कोई हैसियत नहीं है एक मामूली पुलिस अफसर के सामने। इस लिये जरा गौर कीजिए कि हमारा क्या फर्ज है।

श्री सी० डी० पांडे : आपने खुद फर्माया कि कोई मेम्बर इस हाउस का इस लायक नहीं है। यह इस हाउस के लिये बड़ी डेरोगेटरी बात आपने कही कि कोई आदमी ऐसा नहीं है जो इस हाउस में आ सकता है या पार्लियामेंट में इलेक्ट हो सकता है। तो जब आप खुद ही ऐसा फर्माते हैं और आप यह भी जानते हैं कि कितने मेम्बर किस तरीके से अपने मकानात वगैरह को किराये पर लगाते हैं, तो पुलिस अगर आपकी इज्जत न करे तो वह कोई ताज्जुब की बात नहीं है।

श्री प्यारे लाल कुरील 'तालिब' : इसकी एक वजह है कि मेजोरिटी आप की है और इस में बहुत से इरिसपोसिबल आदमी हैं। इसकी वजह यह भी हो सकती है कि हम गैर जिम्मेदार हैं। मगर हम सोचें कि यह हकीकत तो है कि पुलिस के अन्दर करपशन है और वह करपशन दिन ब दिन बढ़ता चला जा रहा है। आखिर हमारा भी तो कोई फर्ज है कि हम कोई काम करें इस सिलसिले में जिस से करपशन दूर हो। इसकी दो तीन बुनियादी बातें मैंने बताईं जैसे जम्हूरियत के अन्दर तालीम का होना जरूरी है, जम्हूरियत के अन्दर अपोजिशन का स्टोंग होना जरूरी है। जम्हूरियत के अन्दर हमें बड़े बड़े सरमायादारों

से पैसा नहीं लेना चाहिए। बड़ी बड़ी फर्मों से पैसा नहीं लेना चाहिए और बड़ी बड़ी फर्मों में रिटायर्ड गवर्नमेन्ट आफिसरों को नौकरिया नहीं हासिल करनी चाहियें। यही तरीके हैं जिन से करपशन दूर हो सकता है। जम्हूरियत में जनता की तरफ से विजिलेंस होता है। मैं तो कहता हूं कि आप खुद ही देखिये विजिलेंस कमिशन बना और सदा-चार कमेटियां कायम हुईं। आप चाहे जितनी कमेटियां बनाइये और चाहे जितना खर्च आजादी के साथ कजिये, आप तो कोई रोकने वाला नहीं हैं। आप बरसरेइवतदार हैं। आपकी हुकमत है और आप जितना चाहें उतना खर्च करें लेकिन रिजल्ट क्या है। हमारे आन्दोलन नन्दा साहब ने कहा था कि दो साल के अन्दर करपशन हम दूर कर देंगे। आप दो साल की बात करते हैं अगर दस साल में आप खत्म कर दीजिए तो मैं कहूंगा कि इस देश का बड़ा भारी उपकार हो गया लेकिन करपशन इस देश के रग व रेशा में पेवस्त हो चुका है और इसको आसानी से दूर नहीं किया जा सकता। इसलिये ठंडे दिल से हम सब को गौर करने की जरूरत है।

जब से कैरो साहब का केस हुआ, सितम्बर, १९६३ में हमारे यहां पर आल इंडिया एंटी पोलिटिकल करपशन कांफ्रेंस मेरी सदायत में हुई और इसमें तमाम पोलिटिकल पार्टियों के आदमियों ने हिस्सा लिया। तो ऐसी जो नानआफिशियल पार्टी है इनको भी एन्करेज करने की जरूरत है और जगह जगह पर पब्लिक ओपिनियन बनाने की जरूरत है। करपशन के खिलाफ हम सबको जहोजहद करना चाहिए। और हम सबको कोशिश करनी चाहिए। यह ठीक है कि इस सिलसिले में जो सब से बड़ी जिम्मेदारी है वह कांग्रेस पार्टी पर आती है। कूलिंग पार्टी पर आयद होती है। इनको मिसाल पेश करनी चाहिए सब से पहले। यह पोलिटिकल पार्टी जो बरसरेइवतदार

श्री श्री लाल कुरैल 'तालिब'
है वह रास्ता दिखाये अपोजिशन के आदमियों को और अपोजिशन पार्टियों को। अगर वह अपना करेक्टर नहीं बनायेगे और अगर वे अपने अन्दर से करपशन दूर नहीं करेंगे तो आइन्दा आने वाली जो पार्टियाँ हैं जो किसी बक्त बरसरे इक्तरदार हो सकती हैं इनके अन्दर भी करपशन होगा। इसलिये सब से बड़ी जरूरत यह है कि आइन्दा के लिये हमारे छोटे छोटे बच्चे जो हैं उनका करेक्टर बनाया जाये।

“खिस्ते ख़व्वल चूं निहद मोमार कज,
ता मुरेइया मो ख़वद देस्वार कज ॥”

अगर पहली ईंट कुछ टेढ़ी रह गई तो पूरी बीवार ही टेढ़ी बनेगी। इसलिये बच्चों के अन्दर करेक्टर पैदा कीजिए और शुरू से बच्चों को यह बताइये कि इनको क्या करना चाहिए और क्या नहीं करना चाहिए। बड़े अफसोस की बात है कि हमारे अन्दर आज कोई करेक्टर नहीं है और जब तक हम इस बुनियादी चीज को नहीं लेंगे यानी अपने बच्चों के अन्दर करेक्टर पैदा नहीं करेंगे तब तक कभी भी यह करपशन दूर नहीं होगा। तो यह भी हमारा फर्ज है कि बच्चों के अन्दर करेक्टर पैदा किया जाये अगर सिर्फ तालीम से करेक्टर पैदा नहीं होता। करेक्टर बनाने के लिये हम आप सब जिम्मेदार हैं हुकूमत जिम्मेदार है और जनता भी जिम्मेदार है। वह बच्चे जिनका श्रेण टेंडर होता है उनके दिमाग को आसानी से एक ढाँचे में ढाला जा सकता है और इस तरफ हमको ध्यान देने की जरूरत है। आज हालत यह है कि बेहातों में जहाँ बच्चे स्कूलों में पढ़ते हैं वहाँ आप जाइये तो आप देखेंगे कि पढ़ाने वाले ऐसे हैं जो कास्टीज्म के शिकार हैं जो करपशन के शिकार हैं वे एक एक और दो दो रुपये करपशन में लेते हैं। वे बच्चों से कहते हैं कि जाओ कुछ पैसे लाओ और फिर तुम पास कर दिये

जाओगे। आप एक एक स्कूल के अन्दर जाकर देखिये चाहे वह म्यूनििसिपैलिटी का स्कूल हो चाहे वह गवर्नमेंट का स्कूल हो सब जगह छोटे छोटे बच्चों के अन्दर इवत्दा ही से करपशन का जज्बा पैदा किया जाता है। इसलिए अच्छे टीचर रखने की जरूरत है। और आप वहाँ पर हाईली क्वालीफाइड टीचर रखिये। यह छोटे छोटे टीचरों को छोड़िए जिनको चालीस या पचास रुपये पर आप वहाँ रखते हैं। इनके अन्दर कास्टीज्म है इनके अन्दर कुछ भी लियाकत नहीं है वे कुछ भी नहीं जानते हैं और खुद करप्ट हैं। और वे करपशन करना अपना पहला कर्तव्य समझते हैं। तो इन बुनियादी चीजों को आप पहले लीजिये। इस देश के अन्दर जब तक ये तमाम बुनियादी चीजें आप नहीं लेंगे और हमारे देश के टचर्स की जब तक हलत नहीं सुधरेगी और जब तक अच्छी अच्छी तनख्वाहें देकर अच्छे अच्छे आदमियों को वहाँ नहीं लिया जायेगा तब तक हमारी बुनाद कभी भी मजबूत नहीं बन सकती। और यह करपशन हमेशा नीचे से पैदा होगा। और बड़े होने पर इनके अन्दर करपशन का जज्बा मजबूत रहेगा।

मैं और ज्यादा न कहते हुए यह फिर अर्ज करूंगा कि इन बुनियादी बातों की तरफ ध्यान देने की जरूरत है। यह हम सब जानते कि कहां कहां करपशन है और किस तरह से करपशन हो रहा है। मगर हम जब तक बुनियाद को दुरुस्त नहीं करेंगे तब तक इस देश के अन्दर से करपशन दूर नहीं हो सकता। शुक्रिया।]

SHRI N. PATRA: Mr. Vice-Chairman, Sir, this Bill is the outcome of the recommendations of the Santhanam Committee for the prevention of corruption. Corruption has no doubt spread among the different strata of society, I appreciate the Government for bringing forward this piece of legislation by amending the Criminal Procedure Code, the Indian Penal Code and such other

Acts which are relevant to or have | something to do with this eradication of corruption. Sir, corruption is mainly a social evil. It has to be tackled on a social plane. The Government has a great responsibility; the executive have also a great responsibility to combat corruption. I do not say that Government officers are immune to all corrupt practices. This corruption has spread, even to the social institutions that are working in one form or other in the country. We have been hearing not only in this House but outside this House also how to get rid of this corrupti «j and now Government has brought tor-ward these essential provisions to combat it. if there would have been no corruption there would have b no need to bring this Bill. Ii -cause the Government in the Home Ministry is very serious to tackle ti 's problem, to combat corruption thq ough-ly. they have brought this Rill. Then what is the use of malting a loud noise, why raise a hue and cry. why beat about the bush, as if the whole country has done a great wrong, as if something has gone bad, as if our people have no morality, have lost all their sense of fairness? Certain people are always raising a hue and cry, making a mountain out of a mole hill. And we can understand to some extent why these people are making all kinds of allegations, and why they bring in them, though these persons are not here and so cannot reply. They are bringing in the names of top ranking personalities and they are attacking them, though these persons are not here to take up their own defence.

SHRI LOKANATH MISRA: But you are here.

SHRI N. PATRA: I am here, but I cannot hold any brief for any person. I am here with the privilege of speaking out my point of view and not the point of view of the people who are now being attacked.

These people, these friends of the Swatantra Party, are talking very loud about something that is happening in Orissa. They say that this

tg has happened there and that thing has happened there day in and out.

SHRI LOKANATH MISRA: The whole country is talking about it. not we alone. I am grateful to Shri B. Patnaik for one thing, namely, that he has brought Orissa on the front page news, during the last two months and more.

SHRI N. PATRA: There are people who are not understanding so many things about Orissa and my hon. friends of the Swatantra Party are misguiding and misleading these people. Here I may narrate a story which we have in Oriya "That i* Tundora Chah Kukuro".

There was a poor villager, an illiterate person who had a lamb on his shoulder. He was going with this lamb on his shoulder. He had com* to the market or *shandi* or *hath* as we call it, but since he could not get a proper price for his lamb he was carrying it back. He was seen by four clever people who conspired among themselves to deprive him of the lamb. These four got themselves posted each at a distance of about a furlong, one after the other. The first one confronted the poor illiterate man and asked him, "What are you carrying on your shoulder? Don't you see it? Why are you carrying a dog on your shoulder?" The man replied, "No, it is my lamb. It is not a dog" and he went on. After proceeding for about a furlong the second clever man met him and said, "You are carrying a dog. Why? Have you lost your senses?" The poor villager was puzzled and he examined the animal on his shoulder to see if he was actually carrying a lamb or not. He felt confident that it was after all his lamb and not a dog and so he left the second clever man behind and went ahead. At the next furlong the third clever man was standing in a vantage position and when he met the poor villager he asked, "What is the matter with you? Why are you carrying a dog on your shoulder? You have been travelling

[Shri N. Patra.] a long distance with a dog on your shoulder." The poor man started having doubts, but he proceeded on. But when the fourth clever man met him after some distance and said he was carrying a dog and not a lamb, he thought his lamb had converted itself into a dog, since everybody was saying it was a dog. He threw it down and went away. And of course, the four clever men got the lamb. Such is the propaganda that these people are carrying on day in and day out.

I am going to tell the House something about these Swatantra friends of Orissa. These people of the Swatantra Party, who are they? They are the Rajas and Maharajas Chiefs and their henchmen who have nothing to do, they never toil, never labour and never sacrifice.

AN HON. MEMBER: Who have nothing to lose?

SHRI N. PATRA: They did not make any sacrifice during our freedom struggle, for achieving the independence of the country.

SHRI LOKANATH MISRA: How many of the present Congressmen took part in the independence movement?

SHRI N. PATRA: We are talking of corruption. They resorted to political corruption by styling themselves as "Swatantra Party". They have not made any sacrifice for attaining Swatantra by our country. When we were shouting "Swatantra Bharat ki Jai" these people of the Swatantra Party of today were putting obstacles in our way and in our way to attain political independence. This is political decoit. This is political corruption resorted to by the so-called "Swatantra" friends. After they have got that name. What are they doing now? They have now approached some old people, Congressmen, people for whom I have the greatest reverence, persons who could not see eye to eye with the present Congress people. They were having a retired life but these friends approach-

ed them and persuaded them and begged them to be their guide. They accepted as their guide men like Rajaji, a great man of India, as philosopher, Shri K. M. Munshi who was a great Congressman and who was till recently a leader in Congress and Prof. Ranga of the Lok Sabha, who was also a top-ranking Congressman. These friends of the Swatantra Party, they have not the courage to stand and face the people themselves and they have taken the name of Swatantraites and they have put in their front these three people. Take away these three persons, what is left of the Swatantraites?

SHRI LOKANATH MISRA: If I may interrupt for a moment . . .

THE VTCE-CHAIRMAN (SHRI M. P. BHARGAVA) ; But he is not yielding. Let him go on.

SHRI N. PATRA: If you take away these three persons, then nothing is left. Now, these Swatantraites are telling us stories of corruption and talking of methods of preventing corruption. Are we to take lessons from these very people? The Congress is the mightiest organisation which has liquidated imperialism which was the worst types of corruption, and which has put an end to exploitation and driven imperialism from this country. Our first attack was on the Rajas, the former feudal chiefs who are now seen in the Swatantra Party. They were depending on the exploitation of the people, on the slavery of the people. They were corrupting the people to the very core. We have fought them successfully and thus put an end to their corrupt practices.

SHRI LOKANATH MISRA: You should go to Mr. Bhupesh Gupta's party.

SHRI N. PATRA: These Rajas and Maharajas who are in the Swatantra Party have been pointing out that everything is wrong and bad. Why clamour about Orissa? It is because the Congress under the leadership of Shri B. Patnaik and Shri B. Mitra, against whom day in

end day out they raise an out-cry, have liquidated the feudalistic elements in the last mid-term elections. The Congress has captured as many as 84 seats in a House of 140. And we have a sprinkling of Communist friends and there are some 8 or 10 of the Socialist Party, beating their empty drums. These P. S. P. friends, they always beat their empty drums and make a loud noise, day in and day out, and people who do not know the real state of affairs in Orissa, are misguided thoroughly.

I shall make the position clear. Even after the mid-term elections we had to face four by-elections. There was the by-election at Jharsuguda and then the one at Khallikote, and then there was another at Jajbur. At all these places our friends, the Opposition have been thoroughly defeated. Even at the fourth place, an ex-feudatory State, they could not dupe the people even at this vulnerable place—Mayurbhunj. Even there they could not face the people. They had not the guts to face them. Our candidate was unopposed. What is the use of decrying the Congress? These friends did not have the guts to face the people in Mayurbhunj, an ex-ruling state and they could not even set up a candidate. Therefore, Shri B. Patnaik and Shri B. Mitra are red rags to these bulls. The hon. Member referred to a deputation and said that we had gone on a deputation.

SHRI G. RAMACHANDRAN (Nominated): May I ask one question? In this particular story that you are reciting who is the bull and who is the red rag?

SHRI N. PATRA: These are the wild bulls of the Swatantra Party. They are the bulls that are hitting everybody. My friend was referring to some of the Members of the Lok Sabha belonging to the Congress and also to Members of the Rajya Sabha. I am one of them.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Some other time.

SHRI N. PATRA: I stand by that Report. These people are always saying something or the other. Please go to Orissa and see the state of affairs. Mr. Nanda went there recently. He was able to spot out the *agent provocateur* and in a public meeting he was able to expose the people behind the students, those who were misleading the students. Now we hear some allegations against Mr. Nanda also made by these very people.

SHRI LOKANATH MISRA: I thought your leader was carrying a petition against Mr. Nanda.

(Interruptions.)

श्री देवकीनन्दन नारायण (महाराष्ट्र) :
आदरणीय उपसभाध्यक्ष जी, इस सदन में
करप्शन की चर्चा हो रही है और करप्शन
कहां तक फैला हुआ है, इसकी गिनती आज
तक किसी ने नहीं की और न कर ही सकते
हैं। हां करप्शन की बातें कहने से एक दूसरे
के ऊपर धूल उछालने का मौका मिलता है।
हम जब करप्शन पर विचार करते हैं तो हमें
अधिक गहराई के साथ विचार करना चाहिये।
हमें सिर्फ एक दूसरे को दोष लगाने के लिये
या धूल उछालने के मतलब से ही विचार नहीं
करना चाहिये। मैं यह बात मानता हूं कि
इस देश में करप्शन है और यह किसी एक
पक्ष की मोनोपली है और दूसरा पक्ष
बिल्कुल निर्मल है, यह कहना गलत है।
मैं यह बात मानता हूं कि इस देश में जो
करप्शन फैला हुआ है वह कम-अधिक
सब लोगों में फैला हुआ है। सब बुरे हैं,
यह कहना भी गलत है। इस सम्बन्ध में यह
कहना कि कांग्रेस वाले काले हैं, स्वतन्त्र
पार्टी वाले या कम्युनिस्ट गोरे हैं, निर्मल हैं,
यह बिल्कुल गलत है और यह हो नहीं सकता।
क्योंकि आखिर हम भले या बुरे हैं, चाहे
किसी पक्ष के हों आखिर हम एक ही समाज
के हैं, एक ही नाव में बैठे हैं। इसलिये
करप्शन के निमित्त यह मौका नहीं लेना
चाहिये कि हम एक दूसरे को पालियां दें,

[श्री देवकीनन्दन नारायण]

एक दूसरे पर धूल उछालें और एक दूसरे को भला बुरा कहें। हमें यह सोचना चाहिये कि कर्षण किस लिये है ? अगर कर्षण है तो उसके कारणों में जाना चाहिये। सरदार पटेल ने एक दफा यह कहा था "Everything is in short supply except corruption."

मैं मानता हूँ कि कर्षण है, लेकिन हमें उसकी बुनियाद में जाना चाहिये, उसके कारणों में जाना चाहिये कि क्यों कर्षण आया।

हमने आजादी ली। किस रास्ते में ली ? हमने आजादी के लिये क्या नहीं किया, कितना त्याग दिया, कितने लोग जेल गये, कितने लोगों ने बलिदान किया। सेवा, प्रेम, सादगी और सच्चाई के बल पर हमने आजादी ली। महात्मा गांधीजी हमारे नेता थे और वे हमें हर वक्त सच्चाई के रास्ते पर चलने की याद दिलाते थे। जब कभी हम गलत रास्ते पर चलते, तो वे हमारे कान पकड़ते और हमें गलत रास्ते पर नहीं जाने देते। हम हर बात में नैतिकता सोचने और नैतिकता हमारे सर्वजनिक जीवन का बहुत बड़ा हिस्सा बन गया था। लेकिन आजादी मिलने ही हम सब लोगों को क्या हो गया ? इल्मान इतना कैसे बढ़ल गया, यह हमें सोचना चाहिये। मैं देखता हूँ कि आजादी के आने हो हम आजाद हो गये, हम आजादी का निर्जो फायदा लेने की सोचने लग गये। कर्षण राजकीय क्षेत्र में है, सामाजिक जीवन में है, व्यापारी वर्ग में है, परन्तु जब मैं उसके कारणों को सोचता हूँ, तो यह पाता हूँ कि आजादी प्राप्ति के बाद, आजादी पूर्व के २५ वर्षों में, जो सबक हमने सीखे थे, उन्हें हम धीरे धीरे भूलाने जा रहे हैं और बहुत कुछ भूल गये हैं। अब सेवा की जगह अधिकार ने ले ली है, त्याग की जगह भोग ने ले ली है, सच्चाई की जगह झूठ ने और सादगी की जगह शान-शौकत ने ले ली। हमें सोचना चाहिये कि यह बात क्योंकर हुई ? जब

भोग की मात्रा बढ़ती है, तो समाज में पैसे की चाह भी बढ़ जाती है। जब पैसा आता है तो पैसे के साथ सत्ता भी आती है। भोग को पैसे की जरूरत होती है तथा अधिकारी पैसे का लाभ उठाते हैं। यह स्वाभाविक है कि भोग लालसा के साथ अधिकार-लालसा तथा घन-लालसा बढ़ती है। यह कहा जाता है कि :

"सर्वे गूणाः काचमन आश्रयन्ते"

यानी सब गुण काचन का आश्रय करते हैं, अब अधिकार का। इस देश में अब अधिकार की पूजा होने लगी है, जबकि पहले यहाँ सेवा, त्याग, तपस्चर्या की पूजा होती थी। मुझे आप माफ़ करेंगे यह कहने में कि अब इस देश में भ्रष्टाचार की पूजा होती है, सम्मान होता है। उन्हें हर जगह बनाया जाता है, उनके जन्म निकलते हैं, उनकी दावतें की जाती हैं। यह सब होते हुए स्वाभाविक है कि मनुष्य के दिल पर कुछ बुरा असर हो और वह धीरे धीरे होने लगता है। भोग के लिए पावर की जरूरत पड़ती है, तब पावर लेने की कोशिश होती है और पावर डेमोक्रेसी में कहाँ से आती है ? वह पावर इन्वेक्शन के जरिये प्राप्त होती है।

अब इन्वेक्शन का क्या हाल है ? आज-कल इन्वेक्शन बिना पैसे जीता नहीं जा सकता है। "जो खर्चगा दाम मिगजी उसकी जीत रहेगी।" इन्वेक्शन में काफी पैसे खर्च करने पड़ते हैं। आपको इस बात को सोचना चाहिये कि यह पैसा कहाँ से आता है ? जब आप इसके बारे में सोचेंगे, तो आपको पता चलेगा कि इन्वेक्शन में हजारों, लाखों रुपये खर्च किये जाते हैं वे किस लिये किये जाते हैं। यह स्वाभाविक है कि कितना इन्वेक्शन में खर्च करते हैं, उससे ज्यादा वे प्राप्त करने की कोशिश करते हैं, और हो सके तो कम्पाउन्ड इंटरेस्ट भी बसूल करना चाहते हैं। इसलिये हम इन्वेक्शन के खर्च को कम करना चाहिये। यदि आप कर्षण मिटाना चाहते हैं,

तो सबसे पहले आज राजकीय क्षेत्र में जो करप्शन है, उसका सबसे बड़ा कारण इलैक्शन ही है, उसमें जो खर्च किया जाता है, उसको बहुत कम किया जाना चाहिये। राजकीय क्षेत्र में दूसरा कारण मैं नहीं देखता। ग्राम पंचायत से लेकर ऊपर तक यह बीमारी सब जगह फैली हुई है। आप म्यूनिसिपैलिटियों के चुनावों को देख लीजिये, वहाँ पर क्या हो रहा है। वहाँ पर सिवाय करप्शन के और कुछ नहीं दिखाई देगा। जब हम करप्शन के कारणों को मोचते हैं, तो वक्ता हमारे सामने इलैक्शन के खर्च आ जाते हैं, जिनकी वजह से करप्शन होता है। अगर हम कम खर्च में इलैक्शन कर सकते हैं, तो काफी हद तक हमारे देश में करप्शन कम हो सकता है। मैं यह नहीं कहता कि इसके लिए कांग्रेस ही जिम्मेदार है। जितनी जिम्मेदारी उसकी है, उतनी ही जिम्मेदारी अपोजीशन वालों की है। वे क्या इलैक्शनों में कम खर्च करते हैं? मेरा तो यह अनुभव है कि वे कांग्रेस वालों से अधिक खर्च करते हैं। कांग्रेस वालों के पास संगठन है और वालंटियरों की सेना है, लेकिन हमारे अपोजीशन वालों के पास न संगठन ही है और न वालंटियर ही हैं। यह कहना कि इस चीज के लिए कांग्रेस ही जिम्मेदार है, बिल्कुल गलत बात है। मैं कहना चाहता हूँ कि हम सब जो मियामी क्षेत्र में काम करते हैं, वे इसके लिए जिम्मेदार हैं। जब अधिकार आ जाता है, तो स्वाभाविक है कि धन भी आने लगता है और फ्लैटों की भीड़ होने लगती है तथा लेविश एन्टरटेन्मेंट्स दिये जाते हैं। उसके बाद पैसा आने लगता है, सोना आने लगता है और धीरे धीरे अनेक प्रकार से मोह डालने वाली क्रियाओं का ताँता शुरू हो जाता है। आज यही बात हो रही है जब मैं अधिकार में आ जाता हूँ तो ये सब चीजें आने लगती हैं। वही चीज आज देश में हो रही है।

आज इलैक्शनों में जात पात का बोल-बाला है। जब कोई पार्लियामेंट का या विधान

सभा का सम्बर बन जाता है, तो उसके नाते-रिश्तेदार घेरा डालते हैं। जब कोई म्यूनिसिपैलिटी का चेयरमैन हो जाता है, विधान सभा का सदस्य हो जाता है, तो सब उसके पीछे, उसके जात पात के नाते-रिश्तेदार आ जाते हैं और फेवरिटिज्म और नेपोटिज्म चलने लगता है। वह बेचारा इन सबसे बच नहीं सकता। इसलिए हमें यह सोचना चाहिये कि यह जो जात पात की व्यवस्था है, जब तक यह रहेगी, तब तक नाते-रिश्तेदार रहेंगे, फेवरिटिज्म रहेगा, नेपोटिज्म रहेगा। इस बीमारी से हमारा देश बच नहीं सकता है। इसलिए मेरा कहना यह है कि आपको वनियान में जाना चाहिये कि यह बीमारी जो करप्शन की है, वह क्योंकि है। मैंने अभी कुछ मिनट पहले कहा कि यह देश बह है कि जहाँ सन्त महात्माओं की पूछ हुई, जहाँ नेतृत्व ऋषियों मुनियों के हाथ रहा, परन्तु आज वह नेतृत्व सत्ता के हाथ है, सेवा के हाथ नहीं है।

“महाजनो येन गतः संपथः”

आज हमारे महाजन कौन हैं? आज के हमारे मिनिस्टर हैं, जिला परिषदों के चेयरमैन हैं, हमारे विधान सभाओं के अधिपति हैं। आज उनकी पूछ होती है और उनका अनुकरण होता है। हमारा देश बड़ा अनुकरण-प्रिय है। हमारे यहाँ महाजनों का अनुकरण होता है और जैसे हमारे यहाँ महाजन होते हैं, हमारी ग्राम जनता उन्हीं का अनुकरण करके उन्हीं की प्रिय बनने की कोशिश करती है। इसलिये सब जिम्मेदारी जो है, वह महाजनों के ऊपर है। हमारे महाजनों को इस पर सोचना चाहिये। यह आत्मनिरीक्षण का समय है। उनको अपने दिल को बुढ़ना चाहिये कि कहां गलती हो रही है। मैं यह नहीं कहता कि सब मिनिस्टर करप्शन में फसे हुए हैं। लेकिन यह बात ठीक नहीं है कि यदि मुट्ठी भर मिनिस्टर खराब हैं, इसलिये सारी की कोई जिम्मेदारी ही नहीं है। यदि एक भी मिनिस्टर किसी दोष या करप्शन के कारण बदनाम होता है, तो उसकी

[श्री देवकीनन्दन नारायण]

जिम्मेदारी सारे संगठन पर आती है। इसलिये केवल यह कह देना कि यह इसने किया—उसने किया, यह चल नहीं सकता है। जरूरत यह देखने की है कि जो भी करप्शन होता है, यह हमारी सबकी रेस्पॉसिबिलिटी है, यह क्युमुलेटिव रेस्पॉसिबिलिटी है। तो मैं यह कहूंगा कि जब किसी एक मिनिस्टर पर दोष लगाया जाता है, तो वह भी क्युमुलेटिव रेस्पॉसिबिलिटी कभी बेशी मान ली जानी चाहिये।

इस देश में २२ लाख सरकारी कर्मचारी हैं। इस कानून का जहां तक सम्बन्ध है यह सरकारी अफसरों से और कर्मचारियों से ही है। मैं मानता हूं कि सरकार इसके बगैर कुछ कर भी नहीं सकती क्योंकि सरकार के हाथ यदि कोई शस्त्र है, तो वह डर का है। डर के जरिये भला बनाने की वह कोशिश करती है। पर सिर्फ डर से कभी आदमी भला हो, ऐसा अनुभव इतिहास का नहीं है। डर से भले ही वह कुछ दिनों के लिये स्वामोश हो जाये, परन्तु डर से कोई आदमी सुधरता हो, यह मैं नहीं मानता। २२ लाख सरकारी कर्मचारी होते हुए मैंने जब रिपोर्ट देखी तो यह मालूम हुआ कि सालाना बड़ी मुश्किल से हजार या बारह सौ आदमी करप्शन में पकड़े जाते हैं। यदि यह बात सच है कि २२ लाख कर्मचारियों में केवल एक हजार ही करप्ट हैं, तब तो मैं कहूंगा कि करप्शन बहुत कम है।

श्री सी० डी० पांडे : इतना तो है नहीं, जितना आप कहते हैं।

श्री देवकीनन्दन नारायण : ये फिगर्स सरकारी रिपोर्ट से ली हुई हैं। इसलिये मैं कहता हूं कि या तो करप्शन इस देश में नहीं है और यदि करप्शन इससे ज्यादा है तो ये फिगर्स गलत हैं। इसलिये मुझे कहना है कि आपको सोचना चाहिये कि हम किस प्रकार अपने इर्द-गिर्द ऐसी हवा पैदा करें, जिस हवा में लोगों को शर्म मालूम दे, डर मालूम दे, गलत काम करते।

हमारे भाई भूपेश गुप्त जी बैठे हैं। उनका तो सदा से यह कहना रहा है कि अर्थ-व्यवस्था सुधरने से सब दुनिया सुधर जायेगी। आर्थिक स्थिति सुधर जाये, आर्थिक व्यवस्था सुधर जाये, यह तो एक रशियन विचार है, एक कम्युनिस्ट विचार है और इस विचार को हिन्दुस्तान मानने वाला नहीं है और न आज तक किसी ने माना है "No one lives by bread alone"। इतना ही नहीं, मैं तो यह कहूंगा कि अर्थ का आधार भी नीति होनी चाहिये, अर्थ का आधार धर्म होना चाहिये और धर्म और नीति से जब तक अर्थ प्राप्त नहीं की जायगी, तब तक करप्शन बढ़ेगा और कम नहीं होगा। जब मनुष्य अर्थ का दास बनता है तब वह पाप करने लगता है। इसलिये मैं कम्युनिस्ट भाइयों से कहता हूं कि आप जो यह कहते हैं कि अर्थ प्राप्ति से, अर्थ व्यवस्था सुधर जाने से सब कुछ सुधर जायेगा, यह बिल्कुल गलत है।

SHRI BHUPESH GUPTA: Did I say that?

श्री देवकीनन्दन नारायण : यह हिन्दु-स्तान में कभी होने वाला नहीं है। इसीलिये मैं अपनी सरकार का भी ध्यान इस ओर खींचना चाहता हूं कि आप भी केवल अर्थ-व्यवस्था सुधार पर ही जोर न दें। आज तक हमने सैंकड़ों, करोड़ रुपये खर्च किये। हमारा उत्पादन बढ़ा, अर्थ बढ़ा, एवरेज इनकम बढ़ी, पर कैपिटल इनकम बढ़ी, परन्तु एवरेज केरेक्टर बढ़ा, ऐसा कोई नहीं कह सकता।

श्री विमलकुमार मन्नालालजी चौरङ्गिया : (मध्य प्रदेश) : उसके साथ अनर्थ भी बढ़ा।

श्री देवकीनन्दन नारायण : वह तो आपके पास रहता है। जनसंघ कुछ नहीं करता सिवाय अनर्थ के।

श्री विमलकुमार मन्नालालजी चौरङ्गिया : यह आपकी भूल है।

श्री देवकीनन्दन नारायण : यह मैं आपके विवेक पर छोड़ता हूं कि आप देखें कि मुंगेर और फूलपुर में क्या हुआ।

श्री विमलकुमार मन्नालालजी चौरङ्गिया :
उसी लिये हम यहां पर भी हैं ।

श्री देवकीनन्दन नारायण : दोनों जगह
जनसंघ की जमानत जस्त हो गई ।

श्री विमलकुमार मन्नालालजी चौरङ्गिया :
वह तो आप अपने अनर्थ का ही प्रदर्शन
कर रहे हैं ।

श्री देवकीनन्दन नारायण : वह तो मैं
जानता हूं कि आप कितने अनर्थकारी
हैं । (* * * * *)

श्री विमलकुमार मन्नालालजी चौरङ्गिया :
(* * * * *)

श्री देवकीनन्दन नारायण : उपसभाध्यक्ष
जी, मैं यह कह रहा था कि अर्थ ही सब कुछ
न माना जाय । जब से हमने अपना उद्देश्य
यही माना कि सम्पत्ति बढ़नी चाहिये, अर्थ
व्यवस्था में सुधार होना चाहिये, उत्पादन
बढ़ना चाहिये, धन बढ़ना चाहिये, तब से हमारी
जनता का लक्ष्य जो परम्परागत धर्म और
नीति की ओर था, वह अर्थ की ओर चला
गया । स्टैंडर्ड आफ लिविंग का परिणाम
यह हुआ कि जो जिस तरह से अपना स्टैंडर्ड
आफ लिविंग बढ़ा सका, उसने बढ़ाने की
कोशिश की और उसी का परिणाम यह हुआ कि :

The rich have become richer and the
poor have gone poorer.

SHRI BHUPESH GUPTA: And the
corrupt have become more corrupt.

श्री देवकीनन्दन नारायण : कारण
यह है कि हम तो यही चाहते हैं कि किसी
तरह हमारा निजी स्टैंडर्ड आफ लिविंग
बढ़े । समाज का और देश का सवाल तो
हमारे सामने कम आता है । इसलिये हमारा
उद्देश्य यह होना चाहिये कि हमारे देश के
हर एक मनुष्य का करेक्टर दिन-ब-दिन
सुधरे । और जब तक उसका करेक्टर नहीं
सुधरेगा, तब तक आप कितने ही कानून
बनावें और ये कानून बनाना भी जरूरी
है क्योंकि सरकार को कानून बनाना ही

होगा और कानून से राज्य करना ही होगा,
परन्तु मैं यह साफ कह देना चाहता हूं कि
कानून से बहुत कुछ सुधरने वाला नहीं है ।
करेक्टर के लिये सच्ची शिक्षा का प्रचार
होना चाहिये ।

श्री प्रकाश नारायण सप्रू : शिक्षा से
भी नहीं होता ।

श्री देवकीनन्दन नारायण : शिक्षा से ही
हो सकता है । शिक्षा के बाद दूसरा मार्ग है ।
example is better than precept.

THE VICE-CHAIRMAN (SHRI M. P.
BHAPAWA): It is time you wind up,
Deokinandanji.

SHRI DEOKINANDAN NARAYAN:
One minute; I am winding up.

दूसरी बात यह है कि जा हमारे महाजन
हैं, जो हमारे लीडर्स हैं, मिनिस्टर्स हैं, जो
हमारे पार्लियामेंट के मेम्बर्स हैं, भले ही वे
किसी पक्ष के हों, उनको सोचना चाहिये
कि किस तरह से हम सार्वजनिक जीवन में
नैतिक मूल्य ला सकते हैं । हमने जिन
नैतिक मूल्यों को सार्वजनिक जीवन से हटा
दिया है या कम कर दिया है, हमको उनकी
फिर से स्थापना करनी चाहिये । और बातों
में आप मानें या न मानें महात्मा गांधी को,
परन्तु मैं आपसे कहता हूं कि यदि आपको
देश से कर्प्शन निकालना है तो आपके लिये
एक ही रास्ता है कि महात्मा गांधी ने जो
नैतिक मूल्य सार्वजनिक जीवन के लिये
निर्धारित किये हैं, उन मूल्यों को जब तक
आप अपने राज-काज में, अपने व्यापार में,
अपने व्यावहारिक जीवन में नहीं लायेंगे,
तब तक यह सुधरने वाली बात नहीं है ।

KUMARI SHANTA VASISHT
(Delhi): Mr. Vice-Chairman, I have
heard with interest the speeches of
Members here and I would like to make
a few observations. We have so much
talk about corruption in our country; it is
not easy to find out whether there is as
much corruption as is being talked of and
where all it is. I think sometimes it is
there when we hardly suspect it and I
think very many times it is being talked
of all

*****Expunged as ordered by the
Chair.

[Kumari Shanta Vasisht,j

the time without its being there so that it gives a rather exaggerated impression. It is not always good to go on condemning one's own system or almost as a matter of habit to always think that people are all corrupt, that they are dishonest and so on. This is not good, even as a matter of habit; it is bad for one's psychology or outlook because of the psychological atmosphere that it happens to create. I think there are certain contradictions in our society due to various reasons. On the one hand we are now becoming more and more an acquisitive society and we lay stress on the acquisition of material goods and things and we have put as our goal also, consciously or unconsciously, or with good motives that the people must get all the nicer things of life, that they must have lots of nice things, nice houses, nice gadgets, cars, fridges and all those things. We have made that as the goal and anybody who wants to advance in this society must have all these things and these things give the individuals or the people a sort of status-symbols, or a symbol of respectability also, if I may say so. On the other hand, we blame people if they want money or if they want to have all these things in life. We also have another voice of people amassing wealth overnight and trying to raise their standards disproportionately and very quickly. They adopt all sorts of means to acquire wealth and all the things that wealth brings with it. I think this is a very serious and fundamental conflict and contradiction in our society. On the one hand, we give respectability and status to a person who has all these things, no matter how he has acquired those things. At the same time, we criticise corruption and so on. I think it would be good if we could really change our emphasis on values and think that all these things are not necessarily making a person better.

If persons could be simple and honest and not be so much endowed with all these good things, they could still

be called useful members of the society, without their having so much, of wealth or so much of > etc.

When we give them recognition, we do not go into the question as to how they have acquired their wealth, but recognition is given. At the same time, we are not happy when people are corrupt and they get wealth through all sorts of means. The fact is. I think, if we could go back to our own Indian culture, we would not be so much taken in and enamoured of the glamour of the modern world and what modern civilization has to give us. It has many good things to give us. Still if we continue to emphasise on our old values of simplicity, unadorned living and other simple habits, I suppose we would not be losing much. We may be gaining quite a lot. But we have been caught up in this web of the Western and modern life, rightly or wrongly, and we are so much fascinated by whatever it has to give us that we cannot appreciate a person who may be having a very simple house, a pie living, may be very modest or does with limited expenses in his living ways. So, we have a few contradictory goals before us. We pursue the acquisition of wealth and all these good things which make for a very affluent living. On the other hand, we also condemn or honour people who collect money by fair means or foul. The only way to stop it is that we should have some fundamental and permanent values in life, better values in life. We would have to completely change it and take almost a reverse direction, different from what we are doing at the moment. This is one very important thing. Also, we have not taken the trouble to emphasise the good qualities in people. Rather we appreciate them or judge them and evaluate them keeping in view what they have, rather than what they are. Another thing is our wrong emphasis on values and our neglect of, say for example, the youth. We are not bothered about -or we are not con-

cerned with paying attention to young people, nor give them leadership or direction, nor even bother to set outstanding or good examples before them. When things go wrong, we are likely to look elsewhere for the causes, rather than the fact that we have not taken the trouble or responsibility to give them guidance and the care they need and which is their due. When we see indiscipline among the youth we begin to look for all sorts of reasons, except what our own responsibility may be. I have often come across young people whose parents have set before them sometimes very bad examples. I think sometimes the parents have a very anti-social outlook on various things and the children only acquire what they see in their parents and because we lay less emphasis on certain values we find things are in a mire. Sometimes they are not working as nicely as we would like them to be. I think unless our outlook on these fundamental issues changes, we cannot expect to check certain trends which are there in a certain way.

Then, as far as the administration itself is concerned, if people acquire possession, say, through illegal squatting, we regularise their squatting. If they construct houses without any plans, we regularise them. We have put a premium on breaking laws, wherever it happens and whenever they want to do something. They can construct a house without even the land being under their ownership. They can construct it without getting the plans passed or approved by the local body. We have lakhs and lakhs of people coming into Delhi and setting up *jhuggis* and *jhupries*. We have shops where these inspectors charge money and they are paid by the shopkeepers and others for working at irregular hours or beyond the working hours and all sorts of things. We have the problem of foodgrains and so on, where there is large-scale profiteering or smuggling or things going

into the black market and so on. We just accept the *status quo* or the position as it is without bothering that something is required and some handling is necessary in this. If there is a show of authority by any State, *vis-a-vis* the Central Government, then we accept whatever they have to say. They do it in their way. So, that is all right. But in the case of another State, even a small territory, may be a very obedient territory, practically their case goes by default. But in other States, I think, we see illegal work or other type of corruption. We always accept it. We give it recognition and we legalise it more or less or . . .

SHRI P. N. SAPRU: Condone it.

KUMARI SHANTA VASISHT: . . . we condone it. We accept it, we recognise it. We make it legal and proper . . .

SHRI C. D. PANDE: Under political pressure.

KUMARI SHANTA VASISHT: . . . sometimes under pressure. As a matter of habit we accept it, wherever there is any strength of force, whether it is good or not, whether it is right or wrong. We just accept it, live our okay to it.

There has been much talk going on here about Ministers, that they are very bad. And politicians are, of course, getting a very bad name increasingly. The entire atmosphere seems to condemn the politician as if he is a very corrupt person, a very bad person, a very low person, and everything is wrong with every politician, particularly of the Congress Party. I am sorry to say that I do not really share that view. I do not think that the Ministers have no other job except to make money to favour their people and collect money in all sorts of ways. I am sure there are a large number of Ministers and other politicians who are very honest and who serve the people.

SHRI C. D. PANDE: Ninety-nine per cent of them are honest.

KUMARI SHANTA VASISHT: I think the large majority of them try to serve without wanting advantages, without taking advantages, without making money. Sometimes I think they may be even giving much from their own money, from whatever limited resources they may have. Trying to serve the cause and work for it has become a passion with them. It is a mission with them. It is something which is their whole being—their purpose of life. It has become a habit—a way of life with them, if I may say so and it is a pattern of life with a large number of people in the Congress and probably with people outside also. To condemn people in season and out of season, to talk of them as black sheep, I cannot share that view. Nor do I appreciate it because I think it is entirely baseless and wrong. When we see anything wrong we look for scapegoats for everything. This is the current today, the atmosphere today. The wind is blowing in that direction, which I think is not in a very healthy direction. We look for scapegoats. We want a scapegoat all the time, against anybody, so long as something is there. Some sort of persecution even goes on. Some sort of character assassination goes on. If anybody can be given headlines in one or two newspapers, some food is given for thinking. The public will be thinking it over for a few weeks. Then, another question can be asked. That will go on for another three weeks. Then, some more news is given . . .

SHRI C. D. PANDE: Another question in Parliament is put by Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA: Then, interruptions by him.

KUMARI SHANTA VASISHT: This will go on for months and months. This character assassination has also unfortunately become a very favourite hobby and I do not think this is a very good thing. You can carry on character assassination for some time or even for a long

time and many people can be lost in the process. I do not think that this is a very constructive attitude in our society. To take to this sort of desperate means of doing this so long as it will damage somebody or hurt somebody or do harm to somebody—I do not know why we are so desperate. Also to say that any Minister about whom a charge has been levelled should resign, it is so easy to say that. I think it is just the pastime of a large number of people who sit down and do nothing and cook up this fact and that fact. They are all mostly cooked up things. If they were facts, I would not be sorry, but mostly those are not even facts. They just make up stories and give them to the press and also in most cases anonymously give them to the various other parties also and start some sort of a tirade. It ends in smoke, but some damage is done. The atmosphere is spoiled. Some people's reputation is spoiled. The image of the individual is spoiled. That damage is done. Whether there is truth in it or not, nevertheless the atmosphere becomes charged with that, which is very unhealthy. They expect that all Ministers should resign. Very humbly I would say that if that was the case, every other Minister would have to resign. It is easy for me to say that Mrs. Menon is bad or some other Minister is bad, so that for the time being there would be no Ministry for the next five years to come. That would be the state of affairs. Nobody would stop to think whether it is not bad to do so, but the people's psychology is there to hit people whether it is right or wrong. Therefore, please do not just create a cloud of doubt and suspicion about a person.

SHRI LOKANATH MISRA: What about those cases which have been substantiated?

KUMARI SHANTA VASISHT: I will come to that. I know that you are very anxious about that. I will come to them. But this habit is not good, just to condemn people, to run

them down and say that all politicians are bad. You will also be in, the same trouble . . .

AN HON. MEMBEH: That will not happen.

KUMARI SHANTA VASISHT: Of course they will not come into power. But nevertheless they should set down good traditions and precedents. And to expect* that anybody should resign . . .

SHRI LOKANATH MISRA: You are not co-operating.

KUMARI SHANTA VASISHT: It is not my job to co-operate with your political party. I will cooperate with my party, not your party. If the Swatantra members leave their unit to go to the Congress, it is not my fault. At the moment you can create doubt and suspicion and damage people, and think that that is the easiest way to get rid of them. Even if a saint were sitting in the Chair, I am sure some people would blame that person, and if they are anxious to get rid of him, they would cook up a lot of things against him. Even Panditji they would not have spared as far as I can see, but I do not think that this is a good way of handling administrative problems of corruption. I think it is easily said when you say that a Minister should resign when charges are levelled against him or the newspaper writes something against him, that on the face of it he should resign or he should go. I do not think it is practical or realistic. To make any sort of charge against a Minister and to expect to get rid of him, it may be a short-cut to force him out, but it is not easily deserved on merits. Where Ministers are doing wrong, I think the party should take strong action against those people. They should take action against them. They should do something at the party level or even at the other level. I do not think that these charges should be pending and do-

ing damage to those people for months and years. Action should be taken and matters should be finished.

Now, I would like to say a few words about Chowdhury Kumbha-ram Arya whom I know personally well and for whom I have got great regard for his leadership of kisan and farmers and his work in the villages. I may say that I think our friends in the Swatantra Party had to give a very hard fight against him with all the might of the Rajahs and Maharajahs and all the feudal elements in Rajasthan behind them. Recently when he had his election, indeed all their forces were very well piled up against him and he, almost single-handed, with the backing of the poor people and farmers, gave them a fairly hard time.

SHRI LOKANATH MISRA: Not with Congress resources?

KUMARI SHANTA VASISHT: It did not even want the Ministers to come and address his meetings. He did not want the help of Rajahs and Maharajahs. He did not want to get the help of all these elements. (Interruptions.) These Congress leaders have taken a leading part either in the Harijan movement or in the labour movement or the co-operative movement or women's welfare or whatever programmes the Congress had laid down in the various constructive fields in the country. Many of these leaders have taken part in promoting the co-operative movement. That does not mean that if some office bearer of a co-operative society has done something wrong and got involved in it to that extent you can blame its president or a Minister or a person who has become a Minister. Just because a storekeeper has done something wrong you cannot blame a Minister. A distinction would have to be made as to where the fault lies, and the person according to our law on the spot who does something wrong is res-

[Kumari Shanta Vasisht.] possible for the action, and others are not responsible for his action. Therefore, our hon. Members would have to make this distinction and not just casually go on saying that so and so is corrupt. So I do not think it is fair to make a charge of this kind.

Lastly, I would like to point out one more thing. In clause 5A of this Bill it is said that the Inspector of Police of the Delhi Special Police Establishment, the Assistant Commissioner of Police in the Presidency towns of Calcutta and Madras, and in the Presidency town of Bombay the Superintendent of Police can arrest a person without warrant or without the order of a Presidency Magistrate, and so on. To my way of thinking this is a very wrong thing. Why do you want to give the right and authority to an Inspector of Police who is a very junior officer, who is not supposed to be a very senior and responsible officer, to arrest a person without warrant or to take other action or to make investigation of offences of this kind? I think this power given to such a junior officer is fundamentally very wrong. Innocent and ordinary people can be arrested and persecuted and their freedom can be taken away. A tremendous amount of damage will be done by this sort of thing. I think this power should never be given except to the Superintendent of Police or the Deputy Superintendent of Police and in no case to any person inferior to that status. I think giving them so much power is very much against the fundamental freedom of the individual, and if freedom is to be spoiled so easily, I think democracy would be in great trouble. I think this should not be allowed at all. I do feel that as far as corruption is concerned we should take concrete and prompt action against people who are found to be corrupt. We should have a large-scale establishment to examine and investigate and look into these things. But merely to

talk about it is only to guard those against all possible action.

About Ombudsman, I cannot understand anybody functioning as Ombudsman. It should not be **allowed** here. It is a very wrong practice. I cannot understand whether anybody can be so trustworthy as to be able to look around, charge anybody, **look** into anything, look into any files . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Please wind up. **There** are other speakers.

KUMARI SHANTA VASISHT: I think this would be very wrong. I think that people are so deeply involved with one group or another—somebody has his favourites, somebody has his business contacts, somebody **has** other contacts, and so on—that nobody could become a fair-minded Ombudsman in India. I do not think we should talk about this matter. I would never trust anybody in this country to look and examine everything, and if such people were to sit in judgment on me, I would never trust them and take their judgment. I would never have any faith in that person. A person like Panditji could do many things but I do not think there are persons like Panditji any more. I will not trust other people. There are too many groups involved in this.

Thank you.

SHRI C. D. PANDE: Sir, while making these remarks, I am really sorry that the last two days were much surcharged with the talk of corruption and no attention has been paid to the clauses of the Bill. Only the hon. lady Member who just now spoke referred to two or three clauses of the Bill. And in that connection, when my hon. friend, Mr. Bhupesh Gupta spoke..... (*Interruptions.*) **That** is the only purpose for which I am speaking. He adumbrated two theories—or in fact one theory—that is this phase of corruption is due to the power of monopolists behind the Congress and the monopoly of business in the hands of big business.

SHRI BHUPESH GUPTA: Connection between the two businesses.

SHRI C. D. PANDE: You say that there is monopoly of power here, monopoly of power there and there is a coalition between the two. That is your theory. As far as the monopoly of power in the Congress is concerned, may I sincerely know from him what his suggestion is? In a democracy, if a party has won by a victorious majority, then should that party say to the other parties who have not got even one-third or one-fourth of the votes, "Well, look here, we are too victorious, let you have the power?" Should we give power to the Swatantra Party or to the Socialists or to the Communists? As far as the question that he raised is concerned, that you have got only 45 per cent of the votes, in a democracy where many parties are allowed to operate, it is impossible for every Member in the House to get 51 per cent, of the votes. There is a Constitution like that in France where you have the election first among all candidates and later on two topmost candidates fight the final election and one man is elected by 51 per cent, or more of votes.

SHRI BHUPESH GUPTA: It is . . .

SHRI C. D. PANDE: If there are several candidates of some standing, then no candidate is likely to get 51 per cent or 55 per cent, of the votes. So, what is your quarrel? Should not the Congress come into power if they win the elections? I do not think that you are so harsh. Then what do we do? We do . . .

SHRI BHUPESH GUPTA: I explained to you, we want proportional representation on the basis of the vote; proportionate to the votes, the parties will ultimately get the seats. If you have 51 per cent, of the seats, you will be the biggest party and you will be called upon to form the Government. Naturally you will have to count on the support of others. If you like, follow progressive policies or

1058 RS—6.

follow reactionary policies. You should be very careful in your treatment.

SHRI C. D. PANDE: Anyhow, the Constitution does not admit of this change. We abide by the Constitution and we will fight the elections as they are and whosoever has the majority whatever be the quantum of votes secured by a man who has won it he will be in the party which will rule this country. You cannot help it.

Now, your second charge is that monopoly business is doing everything wrong, that because we are connected with monopoly business, therefore every phase of corruption comes into this country. This you have said so many times that we take money for the elections, and that therefore we get this majority and therefore we are giving concessions to the big business. May I point out to him . . .

SHRI BHUPESH GUPTA: I am not so nice.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Bhupesh Gupta, no running commentary please. Let him continue.

SHRI C. D. PANDE: Generally we in the other House won 70 per cent, or 67 per cent, seats. The opposition parties and others got 33 per cent. Do you think that the Congress spent more than the Opposition Members? On average, I have calculated from the organisational point of view, if we spend Rs. 1,50,00,000 for winning 250 seats in that House or two-thirds majority in all the legislatures in the country, then per head the expenditure is not much, whereas—I know, at least he must be knowing—in Andhra Pradesh and in Kerala there are many Communist Members who—Mr. Kurnaran will bear me out—spent much more. One Member said that in Andhra Pradesh, even the Communists spent Rs. 40,000 per seat for the local

[Shri C. D. Pande.] Legislature. May I know where from they get this money? Do they get it from the people? You get it from shady sources which are much worse than big business in the country. You get money from China? They get from Czechoslovakia, they get from Russia . . .

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, now I will rise. He will kindly sit down. I am very glad that you have sat down. That only shows your goodness.

SHRI C. D. PANDE: Not much time at my disposal.

SHRI BHUPESH GUPTA: These statements should not be made. I never said that you get money from sources which I cannot name. I give the company accounts. You said that I get money from China, from Czechoslovakia, from Timbuktu, from Honolulu. These are fantastic statements.

SHRI C. D. PANDE: They are substantiated by records, everybody knows it.

SHRI BHUPESH GUPTA: Where is that record?

SHRI C. D. PANDE: Bank of China record is there; it has been disposed of lately.

SHRI BHUPESH GUPTA: It is absolutely rubbish. Ask Mr. Krishnamachari. I know, you have been saying it for the last few years. You have gone through the bank account, you have seen it. Mr. Krishnamachari has no love for the Communist Party. Let him come and say.

SHRI C. D. PANDE: May I know what are the sources of the funds of the Communist Party?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Two Members cannot stand at the same time.

SHRI C. D. PANDE: I am in possession of the House, Sir. Then, there are thousands of regular party workers of the Communist Party. Every member is paid Rs. 100 or more an* We know it comes to lakhs.

(Intemptions)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : He has not yielded to you. Now, let him continue. You have had your say.

(Interruptions)

SHRI C. D. PANDE: In their party organisation every member, active member, is financed and financed regularly, and not very lavishly, say, Rs. 100 or Rs. 150 per month. They are very good workers. But I know from the party members that they are getting regular payment from the party,

SHRI BHUPESH GUPTA: Most of them are starving.

SHRI C. D. PANDE: It is Rs. 100 a month for one lakh of persons. They may be very devoted workers. But they are getting large sums of money from abroad in the shape of books sold here and through their embassies and various other means.

SHRI BHUPESH GUPTA: Mr. Pande, please yield to me. If you say such a thing -at least give me a chance to contradict you because what you are saying has no relation to truth, and you are never a very truthful person when you speak.

SHRI C. D. PANDE: Why take objection to the statement I made? You can deny it. But I put it to the intelligence of the whole House and to the public outside whether the Communist Party has no funds in this country, whether the Communist Party do not spend in this country while fighting elections. If people are convinced, then I have no objection. But this is my charge and I stand by the charge that I made.

Now, why should big business support the Congress? We admit that we have taken money. I say, the Congress Organisation has collected money from big business during the last two elections. Nobody can deny it. But can you cite a single instance where the Congress Party or the Congress High Command or the members of the Congress Party have demurred from enacting progress legislation which affects the destinies of the capitalist class? Is it not generally known th it they are very much against the Congress policies? And if they have giv< n us, in spite of ail this, any money— even in the coming election they will give us—it is not because they are very happy with our legislation.

[THE DEPUTY CHAIRMAN in the Chair.]

They are not happy with the policy that we are following. In fact, they j are against us. But they think we are the lesser evil. Many of the business people say openly, we finance the Congress election because that is tne lesser of the two evi!s. If Mr. Bhu-pesh Gupta and people of his ilk come Into the legislature in a majority, there will be no hope for this country. Therefore, on account of fear of their coming in, they give. There are certain persons who are democratic in their outlook who want that a stable government, a democratic government, and a popular government should be in power. Therefore, they \ finance a certain party which has got the democratic means, which does not change on account of money. You point out—during the last 17 years, whatever policy the Congress has followed it has not done it to please the ! capitalist class; if anything, it has dis- j pleased the capitalist class. If you j think that we are bought by money, ! that is not so. We take money because we have served the country in the past and in the course of time, it is quite possible that we may lose that money and Mr. Lokanath Misra's party mav get that money. That is likely to happen also. We are also going at j a faster pace with our policies. But I

to connect us with big business and say with dishonesty that two-third_s of the members in this country are all corrupt and only one-third on that side are not corrupt, this logic is not good. We all come from the same stock of people. We have got the same society and we have got the same tradition. Then how is it possible that you will remain untouched? Do not think that all Members on this side are connected with the Government. Many of us have nothing to do with the Government. Then where is the scope for their being dishonest? You have tarred every Member of this side with calumny. You say that everybody in this country is dishonest. May I tel] the hon. Mr. Bhupesh Gupta, that by this constant talk of corruption he has tarnished the fair name of India? Look at corruption in the n countries and in other countries. We know Marshal Thanarat of Thailand amassed 300 million dollars. The Dictator of Argentina, Marshal Perona, amassed huge wealth. Similarly dictators of this or that country amassed great wealth. They changed the policy of their country. They aligned themselves with foreign powers for the sake of money. In consideration of big sums they even leased out their country, they allowed it to be exploited by capitalists, in the Middle East or in the countries known for oil. That sort of thing in this country never happened. Not a single case you can cite where the people have bought or sold away their country or sold away the wealth of their country to foreigners for consideration of money. We do want people to come to this country but nobody has ever allowed them to exploit it— We want them to have high opinion about our character. But if sverybody goes on saying that Indians ire corrupt, we wil! be kn'own as corrupt abroad.

Madam, I have a grievance against the Home Minister also who said that there is so much of corruption in this country, that he is determined to exterminate corruption in six months ar two years. And added to it, his

[Shri C. D. Pande.] flatterers also say that there are 110 lakhs of dishonest people in this country. And he appointed a Sada-char Samiti. It is this type of talk which tarnishes the fair name of our country. That type of talk is not going to help this country. What will the world generally understand about us by our talks? No, we are not dishonest.

Mr. Bhupesh Gupta said that there are 500 Ministers in the country. He said they have got so many sons and he asked the House to make calculations. Yes, there are 400 to 500 Ministers in this country, and maybe they may have a thousand sons. But I can assure you that not one out of ten of them is employed at Rs. 2,000 per month as he alleged. Let the Home Minister compile a list of such people. It is no use making sweeping allegations.

SHRI BHUPESH GUPTA: Or son-in-law.

SHRI C. D. PANDE: Yes, I am there. Let the Home Minister compile a list of sons and sons-in-law who are employed on more than Rs. 2,000 per month without the requisite qualifications.

SHRI AKBAR ALI KHAN: If he is employed on merit, it is all right.

SHRI C. D. PANDE: Even on merit. We do not hold, nor is it their contention, that the sons of Ministers should starve. What we want is that the son of a Minister should not be in a position wherefrom he can influence the policy of his father and deflect his views.

SHRI BHUPESH GUPTA: One little interruption. Could you please explain how a son of a former Chief Minister of Bombay, or Chief Minister at that time, or somewhere like that, who was only an employee of some company became a millionaire in a few years' time?

SHRI C. D. PANDE: I fully understand. If somebody did business and if he made money you should be able to prove that he was in the service of somebody and he was getting that much of salary. If somebody makes commission out of a certain business, it is the duty of the Income-tax Department to find it out. And if you can find it out, you can file a case. You can say that this person was related to somebody who made a large amount of money. Let it be explained. But to say that every Minister has got his son employed with private business at more than Rs. 2,000 per month, this is too much of a calumny and this is too sweeping a remark.

SHRI BHUPESH GUPTA: We never said that.

SHRI C. D. PANDE: You did say yesterday in this House that there are 500 Ministers in the country, and if they have so many sons and if they are employed at Rs. 2,000 per month, you asked the House to calculate and all that.

SHRI BHUPESH GUPTA: I said that those who are employed at more than Rs. 2,000.

SHRI C. D. PANDE: Let the Home Minister prepare a list. I request him to make a list so that we do not fall a victim to this calumny. When you say something here, it is put out in the press and people start saying, "Look here, in Parliament everybody is saying that everybody is corrupt". I admit there is corruption. I admit that Congressmen, Communists or Swatantrites may be charged of partisanship because of rivalry but in very few cases actual money transactions are involved. I can say that 99 per cent, of the Ministers holding portfolios in this country are honest as far as ordinary legal corruptions is concerned. But I cannot say about partisanship. They may be charged of showing some favour to somebody for the benefit of their party. That W all.

SOME HON. MEMBERS: Group.

SHRI C. D. PANDE: Group or party. And what is the Communist Party's approach? I will tell you one example, j There was a case of a famous person who was well-inclined towards the Left. Whenever there is any question against him, Mr. Bhupesh Gupta will say, "No, no. Nothing against him."

SHRI BHUPESH GUPTA: Where?

SHRI C. D. PANDE: You recollect.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, please refresh your memory.

SHRI C. D. PANDE: If a question is put against a man inclined towards the Left, Mr. Bhupesh Gupta will frown against the questioner. But if it is a question against somebody inclined towards the Right, immediately Mr. Bhupesh Gupta is on the alert, and he will say, "Look here the matter should be pursued." Mr. Bhupesh Gupta, it is not your fault. It is the approach of the entire country that we go by ideological bias, partisanship spirit, whether it may be this side or that side. We argue all manner of things, make calumnies on the basis of ideologies. We say rich man is bad and a poor man is good. A Congressman is very dishonest and another man is honest. This talk should stop. We should take up the question in its merit. We can ascribe it to individuals here and there but not to parties as such or to the whole nation.

श्री बंशीलाल (पंजाब) : उपसभापति महोदय, मैं इस बिल का समर्थन करने के लिये खड़ा हुआ हूँ। सदन में दो रोज़ से इस पर बहस चल रही है। विरोधी पार्टी के सदस्यों ने कांग्रेस पार्टी और कांग्रेस सरकार पर कर्प्शन को बढ़ाने का इल्जाम लगाया है। यदि कांग्रेस पार्टी रिश्बत को बढ़ाती होती या कांग्रेस सरकार रिश्बत को बढ़ाती होती तो यह बिल लाया ही क्यों जाता? सब से पहले कांग्रेस पार्टी के लोग

ही रिश्बत के खिलाफ, कर्प्शन के खिलाफ, ब्लैकमार्केटिंग के खिलाफ आवाज उठाते हैं। कांग्रेस सरकार ने पंजाब के भूतपूर्व मुख्य मंत्री सरदार प्रताप सिंह कैरों के खिलाफ कमीशन बैठाया, इन्क्वायरी कराई और इन्क्वायरी की रिपोर्ट आने के बाद उस पर एक्शन लिया। जिन अफसरों के नाम उसमें आये हैं उन के खिलाफ भी एक्शन लिया जा रहा है। इसके अलावा दूसरे मिनिस्टर्स के खिलाफ भी जब कभी भी शिकायतें आती हैं तो कांग्रेस सरकार उनके खिलाफ इन्क्वायरी करती है और मुनासिब एक्शन भी लेती है। लेकिन सरकार जब कभी भी किसी ब्लैकमार्केटियर या कर्प्शन करने वाले के खिलाफ कोई एक्शन लेना चाहती है तो विरोधी पार्टी के वे सदस्य जो कि सरकार के ऊपर कर्प्शन को बढ़ाने का इल्जाम लगाते हैं वही कर्प्शन आफीसर्स और ब्लैकमार्केटियर को सपोर्ट करने के लिये सब से पहले नारा बुलन्द करते हैं।

केरल में कम्युनिस्ट पार्टी की सरकार कुछ अर्थों के लिये आई थी। उस जमाने में केरल में कर्प्शन का ही बोलबाला था और हालत यहाँ तक थी कि सड़क पर ग्राम आदमी का चलना भी मुश्किल था और खूने ग्राम सड़कों पर रिश्बत, फैबरटिज्म और नेपोटिज्म के खिलाफ बोलने वाले लोगों को छुरा भोंक दिया जाता था।

विरोधी पार्टी के एक सदस्य ने राजस्थान के क्रय-विक्रय संध का जिक्र भी किया और उन्होंने विमलार्ड कमेटी की रिपोर्ट को आधार मान कर श्री कुम्भाराम आर्य पर ब्लैकमार्केटिंग का इल्जाम लगाया। जहाँ तक मैंने सुना है श्री कुम्भाराम आर्य तो ग्यारह डाइरेक्टर्स के बोर्ड के चेयरमैन ही थे और उनके अलावा दस दूसरे डाइरेक्टर्स भी थे, जिनमें से राजस्थान विधान सभा में विरोधी पार्टियों के एम० एल० एज० में से दो आदमी भी डाइरेक्टर थे और जिन माननीय सदस्य महोदय ने चौधरी कुम्भाराम आर्य के खिलाफ आरोप

[श्री बंगोलाल]

समाया उनकी पार्टी के एक एम० एल० ए० बोर्ड आफ डाइरेक्टर्स में थे । तो मैं उनसे गुछना चाहता हूँ कि क्या कभी उनकी पार्टी के एम० एल० ए० ने किसी मीटिंग में— जब कि वह हर मीटिंग में हाजिर होते थे— कभी कोई डिसेंटिंग नोट दिया या कभी किसी किस्म का कोई प्रोटेस्ट चैयरमैन को भेजा कि क्रय-विक्रय-संध के गुड़ के डील में किसी किस्म का कोई गड़गड़-घोटाला है । अब जब कि उनको मंत्री बनाया गया तो रिश्वत के इल्जाम, ब्लैकमार्केटिंग के इल्जाम आ गए, इससे पहले उनके ऊपर किसी ने इल्जाम नहीं लगाया । जहाँ तक मुझे पता है राजस्थान क्रय-विक्रय-संध एक होल-सेल-डोलर और कमिशन-एजेंट था और गुड़ छोटी छोटी सोसाइटियों को जाता था, छोटी छोटी सोसाइटियाँ गुड़ खरीदती थीं और सीधे बिल्टी उन्हीं के पास जाती थी । राजस्थान क्रय-विक्रय-संध कोई सीधा डीलिंग इसमें नहीं करता था । बिसनोई कमिटी रिपोर्ट में चौधरी कुम्भाराम शाय के खिलाफ एक शब्द भी नहीं लिखा गया है । मैं नहीं समझता कि आनरेबिल मेम्बर चौधरी जी को कैसे इन सब चीजों के लिये जिम्मेदार ठहराते हैं ।

यह जो बिल लाया गया है उससे मैं समझता हूँ कि सरकार के हाथ मजबूत होंगे और इससे रिश्वत कम की जा सकेगी, इसलिए इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ ।

SHRI P. K. KUMARAN (Andhra Pradesh): Madam, Mr. C. D. Pande was very much exercised when the question of corruption in the Congress Party was mentioned. In spite of all the objection he has raised, I feel very much inclined to support and I appreciate the suggestion which Mr. Mani has made that the Chairman of the House should con-

vene a conference of the Members of Parliament to draft a Code of Conduct. We have been drafting Codes of Conduct and behaviour for several sectors—for employers and employees. I do not understand why a Code of Conduct should not be drawn up for Members of Parliament and Members of the different Legislatures because we are very much agitated about corruption at the political level. We do not know, what is happening at the lower levels. When this is raised, people are very much agitated. The Congress Members want to convert it into political differences like Swatantra Party, Communist Party and Congress Party, etc. They do not know what is happening at the bottom. In this country today there is an atmosphere where when we point out any corruption at a certain level, at the lower level, people directly turn round and say: "What is happening in Delhi and other State capitals"? Because there are cases and when corruption cases are brought against Chief Ministers of different States and when they are not tackled, naturally people get the doubt. The Home Minister, Shri Nanda, first stated that within six months he would put down corruption. Many people welcomed it. Then he extended it to two years. Now even the two-year limit has gone. He is not in a position to proceed. That is what you see because there is pressure in, the A.I.C.C. from different sections—I am not blaming the A.I.C.C. as a whole.

SHRI LOKANATH MISRA: Little A.I.C.C.

SHRI P. K. KUMARAN: The situation is such that he is not in a position to proceed. If you know what is happening in the country, you will be shocked. The Minister has brought forward an amending Bill and I support the Bill but while supporting the Bill I wish to point out that it is not lack of existing rules that is responsible for corrup-

-tion. It is in the administration of the laws. I would like to tell you that I know the cases of two corruption inspectors. They were appointed in order to trace corruption and hook the culprits.

AN HON. MEMBER: You mean anti-corruption inspectors?

SHEI P. K. KUMARAN: Yes, anti-corruption inspectors. Do you know what they were doing? I can even give the names; they were writing anonymous letters to a particular Station Master saying; 'Reports against you have come and so and so inspectors are visiting you.' Then these gentlemen used to go. The Station Master of the station from where a lot of perishable goods used to be booked, got perturbed. He welcomed them and for two or three days they were fed with fried chicken and illicit liquor and supplied with young girls^{and}; then they went away with wads of notes in their pockets. This happened with the anti-corruption inspectors.

AN HON. MEMBER: An honest Station Master had those things with him?

SHRI P. K. KUMARAN: Corruption is there but it should have been their duty to go and book him. Afterwards what the Station Master did was to collect bribe; at double the rate so that he could make up the money he had paid. I know of another case where there was a complaint against a certain goods clerk that such and such thing was happening. That man was a leader of the I.N.T.U.C. He was working as an A.S.M. but because the Station Master's job does not bring any money, he got himself reverted as a clerk and got posted as a goods clerk. When a complaint was made to the Anti-Corruption Department, they laid a proper trap and they went there and while this was going on, this particular individual was informed. We are coming, we are going to trap you, be careful'. So much so, at the time of trapping, this man went away and put his clerk

there. The clerk who was getting perhaps Rs. 5 or Rs. 6 a month out of the huge money which this man was earning, got trapped and lost his job. What happened to the man who informed the Anti-Corruption Department? He was chased out of the Department till he lost his job. To-day he is begging in the streets. This is how the measures are being implemented in the country. How do you expect corruption to be rooted out? You know that these are real cases out of life. I am not imagining Things.

There is another problem these days . . .

DR. M. M. S. SIDHU (Uttar Pradesh) : Some bad cases in good life.

SHRI P. K. KUMARAN: Good life—that is very rare.

Sam C. D. PANDE: May I know whether that man was giving that information out of love for the country or out of any motive?

SHRI P. K. KUMARAN: A low-paid man might give information out of spite, I do agree. He might have given out of spite because he was not given even a minor share. He must not have been given one rupee or two rupees because he was a peon and out of spite he might have given the information but then what is the protection? Even out of spite" he has done a good thing and why not take advantage of it and take action against the concerned man? Simply because it was given out of spite or ill-will or malice, on that account the whole thing does not become incorrect. I do agree that weakness is there because from top to bottom it is there. Now people say, we call it bribe but in other countries they call it tip and so why talk about it? When we think it is corruption, when we talk about it, they say 'What do you think about the Ministers? Why do you call upon these poor people alone to account?' This atmosphere is created.

PANDIT S. S. N. TANKHA: By whom?

SHRI P. K. KUMARAN: By the people. When they hear of stories about Mysore and Orissa, how do you expect people to think otherwise? So my suggestion is that it should be implemented properly. It is implementation of the law that is important. You must have a Secret Service Society and it should be efficient, not like the present Anti-Corruption Department of the Intelligence Bureau. The Sadachar Committee can do useful work in that direction, not in other ways. By preaching you cannot root out corruption. It may have effect in schools tout hardened criminals, who are hardened in life, who have earned money through illegal methods, you cannot convert them by preaching. Stern action has to be taken and you have to trace them. The Sadachar Committee or the Sadhu Samaj functioning under the auspices of the Home Minister can pretend as consumers, and then can give information and help the Government but stringent action has to be taken. It was said that by talking loudly about corruption our image abroad is being soiled. It is not correct. The very fact that regarding corruption people are talking shows that our people are conscious. So the countries abroad only look at the people and the people of India are conscious of it. So the question of the country's image being spoiled does not arise. It is done by others.

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Another thing is regarding the low-paid employees. We have been discussing the question of food. From 1951 to 1961 our population has increased by 21.5 per cent. I agree. But if you come to the growth of production, it has gone up by 44 per cent. Yet we cannot get food. Evidently at least to feed the people at 1951 level food is there but where is the food? The Government is helpless. It is clear that it is hoarded somewhere and who knows where it is hoarded? The people who work under the hoarders SRow it but

where is the guarantee? Suppose they give information that in such and such godown so many bags are lying, if they give that information, is there any safety for them? There is no safety. So, in order to tackle Hhils Corruption in the services you should take into confidence all the organisations of the employees in such concerns, such undertakings, so that they have a feeling of safety and security on the strength of which they can give you the correct information and action can be taken on it.

Another thing is regarding prohibition. We know prohibition is such a mania with the Congress Party, with the ruling party, and yet I would like the Home Minister to tell me, "Is there any police official who is connected with prohibition and at the same time is not corrupt?" In towns where there were only five or six licensed liquor shops, we are now having 300 or 400 of them in some form or other, and every day the policeman or the inspector gets his due from the shops; the share goes right up to the top. Every day the policeman goes and collects the dues and the condition is that every three months or six months these people, these bootleggers, would also supply a man who can be booked under the prohibition law and sent" to jail for three months. And these bootleggers would look after his family till he comes out of jail. And this is a pucca arrangement. In the circumstances how do you fight it? So, unless stringent action is taken, this corruption cannot be rooted out. Simply passing this Bill is not going to satisfy, is not going to meet the requirements, and I hope the Minister will take this into consideration while implementing the Act.

SHRI JAISUKHLAL HATHI: Madam Deputy Chairman, I am grateful to all the Members who have generally supported this Bill. The Bill was discussed in all its various aspects, the political aspect, the legal

aspect, the social aspect and the moral aspect. I am particularly grateful to two Members of the House, Dr. Sapru and Shri Pathak, for their suggestions and certain elucidations. They have treated this subject from the legal point of view, and the measure which is a legal one does deserve that treatment at the hands of legal experts. I am also thankful to all the Members who have stressed the importance of a clean, moral, political and social life. We have been discussing in this House the economic development of the country, the earthly belongings, the scientific progress, and I think this is the first occasion when perhaps everyone who took part in this discussion stressed the importance of the moral character, and that is the fibre which we have to strengthen if we want a clean and pure social life. There have been, as I said, various angles to this particular Bill, and there is no doubt that the subject is such that you cannot consider it in isolation—the eradication of corruption, it has to be viewed from all its aspects. But as we are discussing today a legal measure, greater emphasis has to be laid on the provision, of the Bill, which are being considered by this House. I first propose to deal with the general observations made by the hon. Members with regard to this Bill. I shall then take up the specific provisions of the Bill on which certain clarifications are sought, and I shall also then deal with the political and the social aspects, which have been the subject-matter of most of the Members of this House, especially from the opposition side.

Coming to the general observations, Shri Ruthnaswamy observed that there was no need for a *new* legislation and that the existing laws if properly implemented, would be sufficient for the purpose. Now, this is not actually a new legislation; the existing laws are only sought to be amended to the extent that the trials may be speedier, the procedural

bottlenecks may be removed and the delays in the disposal of cases, which we see today, may be eliminated. It is not a new law. As the long title of the Bill suggests, it is sought to amend the existing laws only, and is not a new piece of legislation, and it was mainly, as I said, based on the recommendations of the Santhanam Committee, which have been incorporated in section 7 of their report, and this amendment has been brought forward with a view to ensuring speedy disposals of trials, removing certain causes of delays in the observance of the present procedure, and creating certain offences which were not offences under the existing arrangement.

The other general observation which was made specially by Shri Thengari was that this Bill did not deal with the important recommendations of the Santhanam Committee and that it would have been better if first the report was discussed in the House and then this Bill brought forward. He also complained that even from section 7 certain portions had been left out. He said that paragraphs 1 to 4, and 25 to 29 had not been touched. Perhaps he was not present in the House when I made the Motion and explained that paragraphs 1 to 4 incorporated their recommendation to have a special legislation for the economic offences, and the Santhanam Committee had suggested that this should be referred to the Law Commission. I stated in the House that we have accepted that recommendation and that these have been referred to the Law Commission for their consideration. He also complained that this Bill does not make any provision with regard to the Conduct Rules for the Government Servants, or that no action has been taken. Their recommendations with regard to the Government Servants Conduct Rules have been accepted and new rules based on these recommendations have been prepared. Therefore it is not that

[Shri Jaisukhlal Hathi.]

important recommendations have been left out^ In fact they have been considered and are being considered. Out of the 137 recommendations which the Santhanam Committee has made, as many as 88 have already been accepted and out of these 57 have been implemented. He also suggested that the recommendations with regard to the judiciary are not contained in this Bill. This matter is one which has to be discussed with the Chief Justice of India and the Home Minister is discussing very soon those recommendations which pertain to the judiciary. He also stated that the Sanathanam Committee had made several recommendations with regard to very important administrative Departments or Ministries where the scope for corruption is greater, and that these recommendations too have not been made mention of here. These recommendations refer to the Departments of the Director-General of Supply and Disposal, The Director-General of Technical Development, the Office of the Chief Imports and Exports Controller, the Central Public Works Department, the Income-tax Department. I may say that all these recommendations have been duly discussed by the representatives of the Ministry of Home Affairs and the representatives of the other Ministries concerned, and these recommendations have been, by and large, accepted and action on them is being taken. What I therefore, mean to suggest is that it should not be understood that the Government picked out only Section 7 from the whole of the Santhanam Committee's Report and brought forward this legislation. In fact, the other recommendations—too have been accepted, or are under consideration. But the Government thought that as Section 7 of the Santhanam Committee's Report mainly deals with legislation, or have recommendations with regard "to laws and procedures, and if they could be taken immediately, then "there is no reason why this should

be done. That is why this measure has ujen brought forward.

Another suggestion that the hon. Member made or another criticism that he made was that the abetment of the offence of corruption which has been recommended by the Santhanam Committee to be made a ■ substantive offence, has not been made a substantive offence. With regard to this observation of his I may submit, Madarn, that this was exa- ' mined in 1952 when section 165A of the Indian Penal Code was inserted and we were advised that abetment of an offence by itself is a substantive offence and that it should not be read along with section 109 and that is the reason why this has not been included in this measure.

Several hon. Members have criticised the Government for not accepting the recommendation of the Santhanam Committee for including Ministers in the definition of public servants. I am grateful to Dr. Sapru for having clarified this position. The Supreme Court has concluded this question once and for all and the decision of the Supreme Court is binding on all the law courts in India. There they have held that the definition of public servant under section 21 of the Indian Penal Code. includes Ministers. And we are advised by our law experts that once this is decided by the Supreme Court it is not necessary to include it here.

I was rather not very clearly understood by Shri Lokanath Misra (when he said that I stated that Ministers are not government servants. What I stated was that there is a distinction between a government servant and a public servant. I also stated that a Minister, although he is included in the definition is much more than a public servant, looking to this responsibilities .

SHRI A. D. MANI: You mean gov-
ernment servant.

SHRI JAISUKHLAL HATHI; Even Government servant and he is even much more than a public servant. I say, because he has his duty to his electorate, he has duties to the Legislature and he has responsibility to the Parliament, and his code of conduct is something higher, his responsibility is something higher. It was in that sense that I said that he is not a government servant. Even otherwise he is not a government servant.

Then I come to the specific provisions made and the several other points for clarification or the other criticisms made. I shall first take up clause 3 which has been referred to especially by the hon. Member Shri A. D. Mani. That relates to trial *in camera*, I may first bring to the notice of the House the background for this. Mr. Mani suggested and asked why should a provision "for trial *in camera* be included? Similarly other Members also had raised that point. Under section 198 of the Criminal Procedure Code, whenever a complaint for defamation is to be lodged, where the President, the Vice-President or a Governor or public servants are alleged to have been defamed, the Public Prosecutor can file a complaint for defamation. Under the ordinary law, that is to say, under the normal law, the person aggrieved has the right to file a complaint and under section 198B the Public Prosecutor can only file a complaint with the consent of the person defamed. If the person defamed does not give the consent, then the Public Prosecutor cannot file a complaint. I would now like specifically to bring it to the notice of the House an instance where a public servant, I mean including a Minister, is concerned. Take for instance a public servant, an officer. It is alleged by somebody that he has defalcated or has misappropriated a large sum or money. This is a

a defamatory statement. It is 4 P.M. may be that the allegation is true or it may be false but it is the duty of the Government to

vindicate and to establish by a judicial test that this is wrong and that there has not been any defalcation. The person defamed may not be willing to go to a court of law and file a complaint. It may be that there may be truth in the allegation; he may have amassed large sums of money and he may rest satisfied keeping that money with him and not be willing to go to a court of law to get himself cleared. In such a case, it becomes difficult for the public Prosecutor to file a complaint of defamation on behalf of that person. If he does not give his consent then the Public Prosecutor cannot file a complaint of defamation and the charge cannot be enquired into and the truth cannot be arrived at. It is there against the will of the person who is aggrieved or who is defamed that we are providing that a Public Prosecutor will be able to file a complaint. This is something which we are doing by going out of the way in order to have a clear verdict, in order to have a judicial verdict. "We have to view the provision regarding *in camera* trials with this background. We know that in defamation cases character is one of the relevant evidences and any kind of question can be asked in cross-examination maybe right, maybe wrong. The person aggrieved was not willing to file a complaint; he was not prepared to give his consent but the Government filed the complaint irrespective of the willingness of the person concerned. Do we not even give him this much of protection to see that the prices of evidence that might crop up while being put to a rigorous cross-examination affecting his character are not published, may not be published? Perhaps there is the impression that this applies to all cases of corruption. It is not so. This does not relate to all cases of corruption; trial *in camera* is not for all cases of corruption. This is only for cases with regard to defamation and I think it is but just and fair that this protection should be given.

[Shri Jaisukhlal Hathi.]

Mr. Mani pointed out another example, another argument. He asked as to why the Ministers should not bear the expenditure of these cases, why should complaints be filed by the Government. It is not that the Ministers cannot do it: they can do it but this provision is only to take care of the contingency when they say that they do not want to proceed, when they are not prepared. (The allegations may be there, they may be wrong and so the Ministers may not be willing to proceed with them. So, this is a provision meant not only for the Ministers. It is meant for all public servants. This is a provision relating to a case where the Public Prosecutor files a complaint against the consent of the aggrieved party; it is only in such cases that this provision is sought to be made operative.

Another point was raised by Shri Pathak. He is not here. I have great regards for him. He is one of our eminent lawyers of the Supreme Court Bar and whatever he says has to be regarded with due care and may I say, even with respect? In fact, even before he raised this point, we had looked into this. We had considered the point which he raised and I have again checked up to make myself doubly sure that there is nothing wrong. He made two subtle points, as Dr. Sapru put it. The first was the suggestion regarding property disproportionate to his known sources of income in the case of a public servant which is sought to be made an offence. His argument was that the property which a person has as the result of his having taken bribe and that bribery is an offence but because he has been in possession of the property obtained by taking this illegal gratification this by itself should not be an offence. That was one argument. It is not something like stolen goods; ! it is not on the analogy of being in

possession of arms without licence; it is not on that analogy that this is made an offence. It is not that because he has got this property from money obtained through bribery or corruption this is made an offence. This is an offence which is termed as criminal misconduct and the very fact that he possesses property disproportionate to his income which he cannot show is an offence. He cited the case of a person inheriting property and not being able to explain it away. Now, getting an inheritance is a fact which could be easily proved. It is not a thing which cannot be explained. Where he cannot explain legitimately the source of the inheritance then it becomes an offence. We know a number of cases where officers drawing Rs. 500 or Rs. 600 or Rs. 700 are in possession of movable and immovable property worth five or six lakhs or rupees. We also know that the officers of the Government have to submit returns every year showing the movable and immovable property. Year to year if there is an increase, say from two lakhs of rupees to five lakhs of rupees and so on which is proportionate to his total income it is a different matter. But if all of a sudden it comes to the notice of Government that he has amassed wealth which he cannot at all account for then only it becomes an offence. Therefore, it is not that evidence is sought to be made an offence but the very fact that he is in possession of property which he cannot account for is sought to be made an offence. Then he talked of the burden of proof. The burden of proof generally is on the prosecution but we have laws, even section 4 of the present Prevention of Corruption Act, which say that when the ingredients for an offence under sections 61, 165 or 165A can prove that the man has taken money from a person with whom he had official dealings, then the burden of proof to show that it was not for any illegal purpose or to show him official favour shifts on to the accused. This is a principle which has been well established-

lished and accepted and therefore J there is nothing new in this.

Then the third point be raised is j also an important point from the legal point of view. He said that .his Act would be retrospective. Now, I should like to make it clear that no criminal statute could be retrospective. That is the interpretation and I should like to refer to Maxwell on Interpretation of Statutes which says that a criminal statute cannot be retrospective unless expressly so mentioned. Here it is not mentioned that this shall be retrospective. This is a prospective statute. It will take effect from the date the Bill becomes an Act, that is, from the date of commencement. Therefore it would not be retrospective. His argument was that the wording found here was 'if he or any person on his behalf is in possession or has, at any time during the period of his office, been in possession' and he said, supposing a man was in possession of such property in 1930 but has dissipated it before 1964, he would be charged for having been in possession of this in 1930. That is not the idea; that is not the object; that can never be the object. But it may be if from 1964 onwards after this Bill comes into force it becomes known in 1970 that a person was in possession of such property in 1968 he will be liable.

SHRI C. D. PANDE: If he was found to be in possession 1962?

SHRI JAISUKHLAL HATHI: No; it will be an offence only after the commencement of this Act.

SHRI AKBAR ALI KHAN: The -wording is not so very clear.

SHRI JAISUKHLAL HATHI: A criminal statute can never be retrospective. For example take prohibition which is not there in some States. If today a Prohibition Act becomes effective in a place and a person has drunk liquor before it came into

force, he cannot be charged because it was not an offence when he did that act. Article 20 of the Constitution makes it clear that no person shall be convicted of an offence which was not an offence when the act was committed. That, I think, is an incontrovertible proposition and I should like to make it quite clear that this will come into force only from the date when it becomes an Act. It has no retrospective effect at all.

SHRI G. RAMACHANDRAN: May I ask a question?

SHRI JAISUKHLAL HATHI: By all means.

SHRI G. RAMACHANDRAN: Everybody knows that such a legislation is coming and that there are such and such provisions in it. While you are taking time to pass it the ill-acquired wealth of different kinds may be quickly transferred from hand to hand and done away with so that by the time the Bill becomes an Act you may not be able to lay your hands on the culprits. This happens in several other cases of legislation and you put a kind of moratorium on certain things while the legislation is going on.

SHRI JAISUKHLAL HATHI: But there is no such offence up till now but if there is other evidence that he has taken bribe, well, he will be booked.

PROF. M. B. LAL: Under other laws?

SHRI JAISUKHLAL HATHI: Yes, under other laws. The fact that he is in possession of property disproportionate to his known sources of income was not an offence so far. We are making it an offence only now. But if there is evidence that he has taken money illegally he can be booked otherwise. We are even providing for attachment of property which has been the subject-matter of the offence.

SHRI KHANDUBHAI K. DESAI (Gujarat): So the property he has accumulated up till now is legalised?

SHRI JAISUKHLAL HATHI: No; it is not legalised. If it has been obtained through corruption, the property is not free.

The only objection of Mr. Pathak was that merely because he is in possession of property we say that he has committed an offence. That was his objection.

SHRIMATI SHYAM KUMARI KHAN (Uttar Pradesh): May I please ask a question?

SHRI JAISUKHLAL HATHI: I can reply later on.

Then there was a point raised by Mr. Ruthnaswamy, I think, about the gravity of the punishment that we should not award the same sentence for all kinds of offences. For that a provision has been made here and we have said: "Provided that the court may, for any special reasons recorded in writing, impose a sentence of imprisonment of less than one year." So that provision is already there.

Then Mr. Chinai asked why defamation by spoken words has been added here. The definition of defamation includes spoken words. It was only in 198B that they were omitted. We are now . . .

PROF. M. B. LAL: May I know if the Minister can tell us why they were omitted then?

SHRI JAISUKHLAL HATHI: I can tell you. They were omitted because spoken words may not be very often authentic. If defamation was there by means of writing then it is easier to prove and under 198B it was the Government or the Public Prosecutor who was going to file a case for defamation, not the person concerned. If the person himself wants to do it then spoken words would do; he can

file a suit for defamation on the basis of spoken words. But if the Public Prosecutor had to do it, the Government had to take great pains to ensure that the spoken words were authoritative and perhaps it may not be a strong case for the Government. Therefore they were deleted but here we say even defamation by spoken words should be there.

Now, several Members have referred to the code of conduct, the conduct of Ministers, the conduct of the members of the ruling party and the politicians and they have tried perhaps to argue that if there is corruption in the country it is only because of the ruling party. In my earlier observation I said that we should not try to talk of corruption and make it appear as if everybody is corrupt, everybody is dishonest. If there is corruption, we have to tackle it. We have to act in a manner that leads to eradication of corruption and a pure social life is brought about. I do not in the least intend to say that Members from the other side who participated in the debate discussed this question solely from the political point of view. Some of the suggestions they made were certainly worth considering and I shall be dealing with them; I have already dealt with some of them. But I wonder if I am right in my conjecture that in whatever the Government did or tried to do there was an attempt or not to make a political capital out of it. If this Bill was brought then also it was said that Ministers have been left out. If there was non-implementation of the Santhanam Committee Report then also it was said that because this Government does not want these recommendations to be implemented, therefore they are doing it. If the code of conduct was not published then also it was made a grievance from a particular angle. I should say here that Prof. Mukht Behari Lal's speech was a treat to hear, especially when he went into the cause, the root, the remedies, the content, the concept

and the magnitude of the problem of corruption. It was really a treat to hear that part. But when he touched this particular point, a code of conduct for Ministers, he blamed for not publishing it, as if it was a family affair. He asked: Why do you not lay it on the Table of the House and why do you keep it a secret? May I tell him that the code of conduct has been laid¹ on the Table of the Lok Sabha on 18th November, 1964 and on the Table of the Rajya Sabha on 20th November, 1964, and that it is not a secret document? It is a public document. We have placed it on the Table. Then, he also said about a code of conduct for MLAs, and MPs. Why are you slow? Mr Mani also raised that question. I shall deal with that. In fact, I may make it clear here .

THE DEPUTY CHAIRMAN: How much time would you take?

SHRI JAISUKHLAL HATHI: I think another ten minutes. I may make it clear that we are moving in the direction, because we want that there should be a code of conduct for MPs. and MLAs. We have taken up this matter with the Minister of Parliamentary Affairs and in consultation with the Chairman of this House and the Speaker, we will invite the leaders of the various political parties in Parliament here and we shall discuss it. Therefore, it is not that we are not going to do it. We shall be doing it definitely and we have already moved, in the matter. But may I ask: Why should we be blamed? At least we have made one code for Ministers. Has any one of the political parties made any code for their Members? Have they done it? The Members in this House are all sober people, elderly people

SHRI P. N. SAPRU: Not all.

SHRI NAFISUL HASAN (Uttar Pradesh): All may not be elderly but they are certainly sober.

SHRI JAISUKHLAL HATHI: But in the House of Elders all are elderly. They are sober in their approach.

SHRI BHUPESH GUPTA: You compare other parties with the Congress Party.

SHRI JAISUKHLAL HATHI: Other Legislatures we have got in the country where there are members of his party also. I say even for the purpose of the code in the Legislature or in the other field, they have made no attempt to have any code for them.

SHRI BHUPESH GUPTA: How do you say it, because you are dealing with the Parties. Then, you can mention the Congress Party. You may be Ministers, others may be Ministers. It is administration of law.

SHRI JAISUKHLAL HATHI: The complaint was that the code for the members of the Legislatures has not been done by us. We are taking steps to do it.

PROF. M. B. LAL: When we talk of Members of Legislatures, we include therein members belonging to the Opposition Parties also.

SHRI JAISUKHLAL HATHI: Certainly, that is what I say. Therefore, I say that we have already moved and we are requesting the Minister of Parliamentary Affairs to convene some such meeting, so that we can do it.

SHRI AKBAR ALI KHAN: Will it be expedited?

SHRI JAISUKHLAL HATHI: It will be expedited. That is our intention.

Then, Mr. Bhupesh Gupta, when referring to the code of conduct asked: What about Ministers staying with big businessmen, accepting lavish parties. Now, if he reads the code of conduct, we have mentioned this also that Ministers should

[Shri Jaisukhlal Hathi.] normally stay in accommodation provided by the Government. There may be exceptions if there is a friend or a personal friend or relation. That is a different matter. But by and large, as a rule, it should be done. We should also avoid lavish parties. So, it is not that the whole idea of eradication of corruption and the need for a pure moral life and a high standard is only with them. We have also something. We are thinking in these terms, but then they have their tactics also. He said that the Home Minister announced that he would eradicate it within two years, but the other Congressmen, some were opposed to him.

SHRI BHUPESH GUPTA: I said some.

SHRI JAISUKHLAL HATHI: Now, that is a way of doing it. The Home Minister himself is a very good person, but there are others who do not want that and, therefore he will be a failure. I may say that on the question of eradication of corruption

SHRI BHUPESH GUPTA: Do I take it that the Home Minister is as good as Mr. Biju Patnaik or Bakshi Ghulam Mohammed?

SHRI JAISUKHLAL HATHI: In fact, there is nobody in the Congress who does not want eradication of corruption. There is none who wants corruption. There is no question of *uiy difference or anybody opposing JT being against it. Then he said: It 's said that within two years he would eradicate corruption. He has .hallenged it and taken that challenge. Now, I think he has heard him right and still if he says that he had done this, I think he should be thinking that the Home Minister is a man of divine powers—it is such a vast problem—if he is to tackle it within two years. What he said was

that within two years he would see that there was a substantial impact on this question. The fact that we are discussing it here itself shows that there is an impact made.

SHRI BHUPESH GUPTA: In fact, I told the Home Minister not to make such cheap promises merely because you are interested.

SHRI JAISUKHLAL HATHI: Then, the third question that was raised was about Shri Khumba Ram Arya. Now, he said that the Chief Minister did not want him to be in the Cabinet.

PROF. M. B. LAL: I did not say that.

SHRI JAISUKHLAL HATHI: All right. He wanted an enquiry to be made against him by the Union Home Minister. There were allegations against him. Now, I have got the record. I have seen it. As the hon. Member, Kumari Shanta Vashisht, and the other Member said, there is nothing personally against this gentleman. The Home Minister had looked into it. And then if there was any personal allegation, he was not a Minister then. He was not a public servant then. If there was something, it was a matter for the Congress organisation and not for the Home Ministry or the Home Minister. But even then the State Government has been advised that the whole record may be looked into by the Vigilance Commission of the State, so that if there is any doubt, even that should be cleared. There is no question of hushing up anything or doing any such thing.

Then, much has been said about delays and other things, Mr. Mani has suggested the method of appointing a high level committee on the lines suggested by Mr. Raug. Here I may say that so far as public servants are concerned, the Central Vigilance

Commission is there. So far as others are concerned, the Santhanam Committee has made recommendations which are still under consideration. What form it should take, we do not know at present. But for the present we have said that if it is a Central Minister, the Prime Minister will look into it. In the case of a State Minister, the Chief Minister of the State will look into it. But that is only a form or procedure. What I would say is, as has been said by others, merely because there are allegations, you cannot think that the Minister should step down. If there is a *prima facie* case, naturally at least let that be enquired into. Why should we be in such a great hurry even before we decide *prima facie* as to whether there is a corruption case or not? If a *prima facie* case is established or even if moral responsibility is established, which has shown that he has failed in the discharge of his responsibilities, then also the Minister should resign. I am not simply telling this by way of theory. It is a practice. And I may bring it to the notice of the House, apart from corruption, apart from direct responsibility or direct liability in respect of any overt act, the instance of the present Prime Minister, Shri Lal Bahadur Shastri. He resigned only because of one action, where he was not at all connected, directly or indirectly, had no responsibility.

Still he thought that he should do it. Therefore, let us not think that everybody on the other side knows his moral responsibility and that on this side there is nobody like that. Therefore, I feel that even in other cases—I do not want to enumerate the cases we have, I do not think I should deal with these points at great length. I would only repeat that so far as the law is concerned the law will be implemented and the law will have its effect, but as many Members, Shri Ramachandran and others have said, it is not the law alone that can help us eradicate corruption. There is

1058 RS—7.

something more than law. There is something more, and each one of us has to exert and has to try and join hands to eradicate corruption and to bring about a neat life, a high standard of life, and I hope that all of us will join in this attempt and see that we have a clean life and a good and efficient administration.

Madam, with these words I commend my motion.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Indian Penal Code, 1860, the Code of Criminal Procedure, 1898, the Criminal Law Amendment Ordinance, 1944, the Delhi Special Police Establishment Act, 1946, the Prevention of Corruption Act, 1947 and the Criminal Law Amendment Act, 1952, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 3—Amendment of Act 5 of 1898.

SHRI A. D. MANI: Madam, I move:

"That at page 2, lines 18 to 25 be deleted."

Madam, since the Minister has spoken on the subject, I should like to say that I am not satisfied at all with the explanation given by him. I would like to make my submission very briefly. He mentioned the case of a public servant who has come into a fortune illegally acquired and that person is not prepared to file a suit for defamation.

SHRI JAISUKHLAL HATHI: Not a suit but a complaint.

SHRI A. D. MANI: But in that case the Government on the basis of the report it receives can institute a departmental enquiry because any allegation against a public servant has got to be enquired into, and it need not necessarily be by way of a complaint for defamation. I would like to say further that in the case of a Minister who is charged—and that was my main point—the trial should be in public, because the public trial of a case of defamation raises the tone of the public in respect of the maintenance of the highest standard of integrity, and I referred this morning to the latest case, the Lyshinsky trial. In that case the Judge said that the fullest publicity was the best way of correcting misdoings of the officials concerned.

Madam, I press my amendment to clause 3 (1) (a) and (b).

The question was proposed.

SHRI BHUPESH GUPTA: Madam, I would support the amendment specially with regard to Minister because I think the trial should be public as far as the Minister is concerned.

SHRI JAISUKHLAL HATHI: There is no clause for Minister separately.

SHRI BHUPESH GUPTA: The Minister should not be in this respect put in the same category as other public servants who are dealt with departmentally by departmental rules and so on. As far as the Minister is concerned, normally he is responsible to Parliament and ultimately to the electorate. He is not guided by any service conduct rules and so on. Madam, as you know, even in the case of a service conduct rules it is possible to take the matter to the court of law in the event of something going wrong, and if the party feels aggrieved, the service conduct rules also enable the aggrieved party to go to the court of law. With regard to the Minister, all these things would not apply— This should

be simple. I do not see why the Ministers should fight shy of a public trial or public investigation. They are public men that way.

THE DEPUTY CHAIRMAN: That is all right. You are only making a suggestion.

SHRI BHUPESH GUPTA: Madam, this is very important. As you know, some of the things we do not know. Certain investigation about a Minister takes place and even when action is taken, we do not know exactly what are the findings. It has happened in this Parliament and it has happened in the State Legislatures also. This situation should be avoided, and therefore the Minister should be brought within the gaze of the public and put under searchlight completely and fully.

PROF. M. B. LALL: Madam, I also wish to speak. I support the amendment moved by my friend, Mr. Mani. I am definitely of opinion that the trial should not be in camera unless the court feels that the trial can best be done only in camera. I personally feel that in cases of defamation, if the Government feels that the position of the public official or of the Government should be vindicated in the court and if the public official or the Minister concerned is not prepared to go to the court to vindicate his position, the Public Prosecutor may file a complaint in the court, but the official or the Minister concerned must be asked to resign. A Minister must either be prepared to vindicate himself in the court if the Cabinet so decides or the Minister must quit the office which he holds. There can be no third way in this particular matter.

With these words, Madam, I support the amendment.

SHRI G. RAMACHANDRAN: In the light of the explanation, if I might call it so, which my friend just now gave. I would also wish very strongly to support this amendment.

SHRI JAISUKHLAL HATHI:
Madam, the argument advanced by Mr. Mani has been ably refuted by Mr. Bhupesh Gupta. Mr. Mani said that there may be a departmental enquiry if there is not going to be a case in a court of law. Then Mr. Bhupesh Gupta said that in the case of a Minister there should not be a departmental enquiry. The provision applied to public servant where there is no distinction between a Minister and a public servant. A Minister is a public servant provided we have not made any amendment that a public servant should be such and such person.

Regarding the argument of Prof. Lal, they are rather thinking in terms of a suit. I am thinking in terms of a complaint. The distinction between suit and complaint is well known, but Prof. Lal said that if the Minister refuses to give consent, he should quit. If by quitting we want to restore confidence in the people that the charges levelled against him were wrong, people will say: "All right, he has taken a lakh of rupees and now he has resigned". We do not want this *scandal* to be left at that. It goes a bit further in that resignation would really be enough but more than that there should be a case. This is my argument.

PROF. M. B. LAL: All I said was, if a Minister refuses to face the law court, then he must resign. Even then if the Government so thinks it proper, the Government may refer the matter to the law court for its verdict. I have no objection.

THE DEPUTY CHAIRMAN: The question is:

"That at page 2, lines 18 to 25 be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was agreed.

Clause 3 was added to the Bill.

Clauses 4 to 7 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI JAISUKHLAL HATHI:
Madam, I move:

"That the Bill be passed."

PROF. M. B. LAL: Madam, I must *in* press my obligation to the Minister for the kind words with which he referred to the speech that I delivered yesterday.

I am also much obliged to him for inviting my attention to the slip that I inadvertently made yesterday. I am glad to know that the Code of Conduct that the Government formulated with regard to Ministers had been placed on the Table of the House. I would only request the Government that it would see that the House has an opportunity to have some discussion on that Code of Conduct so that the Government may be conversant with our views and may, if it thinks proper, modify that Code of Conduct in the light of our observations. If any notice is needed, I will submit a due notice for the purpose.

Madam, I never tried to discuss that question in a partisan spirit. That is why, while I spoke for 45 minutes, I never mentioned the Congress and only when Mr. Pande said that Ministers are not appointed by the Chief Ministers and the Prime Minister—and he hinted that they are appointed by the party—then alone I said that I did not wish to accuse the party and that if you wished the party to be accused, I had no objection.

SHRI JAISUKHLAL HATHI: That is all right.

PROF. M. B. LAL: Secondly, Madam, when I charged the Ministers of being unfair to Members of the Opposition parties I also said that corrupt Ministers have been unfair

[Prof. M. B. Lal.]

even to the Members of the ruling party and have caused considerable tensions in the ruling party. I need not say more about that. But a good friend of mine, for whom I have a great respect, charged the Opposition parties of spoiling the image of India. I do not think that the Opposition can be so charged of spoiling the image of India as Ministers who misbehave and misuse the authority entrusted to them, I wish to point out that there is not a single charge ever levelled by any Opposition member against any Minister, which has not been talked of by the members of the ruling party itself.

SHRI BHUPESH GUPTA: In fact, we get from them.

PROP. M. B. LAL: May I point out to the Member concerned who comes from my own State that whatever I might have spoken against Mr. Kamalapati Tripathi my words did not have that impact on public mind as the unpublished statement of Mr. Charan Singh against Mr. Kamalapati Tripathi had. If today I refer to the fact that a certain Chief Minister exercised his discretionary powers in a manner not conducive to the public good, I wish to point out to this House that these charges were levelled more or less publicly by a large section of the ruling party in that particular state. Now, I do not talk of my State alone. Think of Punjab. If the leader of my party in Punjab made a certain statement—and he is facing even a trial on that account—the members of the ruling party left the ruling party, made public accusations about the conduct of the then Chief Minister of Punjab. Think of Orissa. Is not Mr. Patnaik accusing publicly Mr. Hare Krishna Mahatab of improper practices and is not Mr. Hare Krishna Mahatab accusing Mr. Patnaik and Mr. Biren Mitra of misconduct? There is the same story with regard to Bihar. And so, I beg to submit that the Opposition has not spoiled the image of India, the image

of India has been spoiled by corrupt Ministers and by the internecine quarrels in the ruling party. And as a member of the Opposition, as a representative of those who are not satisfied with the present administration, I have no option but to voice the grievances of those that are suffering at the hands of the Congress Party. If I do not do that, I have no right to be here—where I am. As a member of the Opposition, it is my duty to voice unattended urges of the people. It is my duty to offer resistance and opposition to what I think to be wrongs done by the Government. And yet, again, I was as non-partisan as I could be. When I said that there should be a Code of Conduct for the Members of Parliament, I did not wish to exclude the Members of the opposition parties. When I said that there should be a proper Code of Conduct for the Ministers, I did not mean to say that the law that may be framed or the Code of Conduct that may be framed would be applicable only to Congress Ministers and will cease operation when any opposition party will come to powers, I therefore beg to submit that instead of accusing the Opposition parties of spoiling the image of India or of making capital out of the situation, the Government and the ruling party will be well advised to see that proper steps are taken, that corruption is speedily eradicated and that this land of Gandhi and Buddha has a proper image of its own. This is what I wish to say.

I have already said in my speech that some attempts are being made by the Government to tighten the law with regard to corruption. I recommend an article which I read some time ago and which was written by Lord Attlee who had been both a Leader of the Opposition and the Prime Minister of Great Britain. He said that it is the duty of the Opposition to find out loopholes and defects in the Government policy and to bring to light the defects that exist in the administration. And therefore I am not doing anything.

wrong. I do not say that the Government is not doing anything right. But I deem it my duty to invite the attention of the Government to what should be done and is not done.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta. Be brief, please.

SHRI BHUPESH GUPTA: I also associate myself with Prof. Mukul Behari Lal in repudiating the suggestion that the opposition is trying to blacken the image of India by making speeches about corruption in this House or in the other House or elsewhere. If you look at the newspapers abroad, you will find that Opposition Speeches are not reported at all. People of England, France, United States of America, Scandinavia and elsewhere do not know exactly what is spoken here as far as corruption is concerned. But they do read the jeep scandal case and they do read when an intransigent Chief Minister like the former Chief Minister of Kerala, Mr. Sankar, refuses to resign in the face of strong demand even by his own partymen. When two Chief Ministers publicly quarrel, mobilise forces against each other, they being very important men in public life, reports go out to the foreign press and they come to know what is happening here. Therefore, if any one is spoiling and blackening the image of the country abroad it is, in the first instance, by the corruption that is being indulged in by some Minister or his son or the manner in which they resist the corruption charges, and in the second instance by their internecine quarrel, and factional fights which give rise to such developments. Therefore, I think the ball is entirely in the other pole. Madam, therefore, I should like to make this point clear. It is not right to say time and again that these speeches blacken the image of India. On the contrary if we had not spoken in the manner in which we have been speaking against corruption in this House and elsewhere, we would never have been loyal to the high traditions of our country, we would not have created a good at-

mosphere in our country and given a good account of ourselves. The world judges us not merely by how meekly and in mute submission and silence we reconcile to the evils of corruption. The world judges us by how we fight corruption because it is taken for granted that some measure of corruption will continue and it has to be combated. Therefore, they look upon us from the point of view that the Indian people and their parties and political representatives are fighting corruption.

Now I wish our speeches were a little more reported in the newspapers abroad so that the English people and Americans and others would have got a better impression of our parliamentary system. They would have known that here is a dynamic Parliament and a legislature in which the Opposition gets up and Members of the ruling party also get up and speak fearlessly against corruption and call for action against it. That would really enhance the moral stature of our country abroad.

Madam, in this connection much will depend on implementation. We have not been partisan in this matter. How can I be? I get all the corruption stories about the Congress Ministers from the Congress Party for which I am thankful to them. How can I be partisan in such matters? But for co-operation so willingly given but for this co-operation I would not have been in a position to make the speeches that I make. In this House or the hon. Members here make. Therefore, if anything we say here the hon. Members opposite cooperate with us in this manner. Therefore, we are not partisan at all.

In our speeches we have pointed out that many Congressmen are honest, good Congressmen and we would like them to assert. We have not even said that all Ministers are bad. It is a distortion of what we said. Suppose, Madam Deputy Chairman, I go abroad and misbehave in public, would they not judge Indians by my

[Shri Bhupesh Gupta.1

conduct? Do I not become a trustee of our culture and civilisation in that context whereby the others judge u-,' Similarly in a narrow context of life, in the internal sphere, when one or two Ministers go wrong, well, the responsibility falls on them and they are liable to be judged in this way. A vicarious responsibility attaches to them. Therefore, when we make this criticism, let it not be thought that we are accusing every single Minister or Ministers' sons or, for that matter, their sons-in-law. That is not at all the position. But then you should deal with them. Madam Deputy Chairman, our experience in this respect has been rather one of unhappiness; it is not very good. When we raise this thing on the floor of the House, actions are not taken. What we get is prevarication. As much as possible they try to brush aside the allegations that we make.

Madam, probably sometimes we are wide of the mark. Maybe some of out-statements may be wrong, but what we say is you should consider them for whatever substance. You should look into it. Even today it is stated in newspapers, journals and so on that the son of a certain Minister in Bombay suddenly in a matter of years rose from poverty to the status of a millionaire. How could it be possible? Not by earning commission. If you pay income-tax at the rate of twelve annas in a rupee, no one from Rs. 200 per month can become a millionaire in ten years. We have calculated, we have consulted the lawyers. We have consulted economists. It is just not possible if you have been paying income-tax. Therefore, either there has been black money or there has been evasion of taxation, avoidance of taxation. All are bad. Therefore, this is a case for investigation. Uptil now we do not see any investigation being instituted. Am I not to infer from it, or are not people to infer from it that because he happens to be a son of a very powerful man in the Congress Party, one who had been the Chief Minister of

the State and the Finance Minister here, that is why he gets away? Now it is a legitimate doubt. Do not blame the people, I say. Therefore this matter should be gone into.

Again, Madam, in your State allegations have been made in a huge printed book against the Chief Minister of Mysore. Why should it not be gone into? Therefore, as far the code of conduct is concerned, it is unsatisfactory. I have gone through it. And when you discuss it, we shall comment upon it. Well, I do not wish to say very much. Mr. Hathi seems to be very satisfied with his code of conduct. Well, if he is satisfied, let him be satisfied. But we are not satisfied with it. What a surprising thing. The Home Minister made the suggestion that allegations against the Ministers in a State should be gone into by the Chief Minister first instead of going to the Vigilance Commission or some other Commission. Similarly, he said that allegations made against the Central Ministers should be looked into by the Prime Minister. I protested against it by public statements and also wrote a letter. Am I to understand that the Chief Minister will be absolutely impartial? Am I to understand that they are divine creatures, angels and they will not be carried away by their affiliation in the Cabinet or in the party? Why then matters should not go straight to the Vigilance Commission whether the allegation is against the State Ministers or the Central Ministers? Therefore, that point is not at all there. In fact they are trying to avoid it.

Well, Madam Deputy Chairman, there is a lot that can be discussed. We never approach this problem in a partisan manner. Please do not bring in this charge against the opposition. We poor chap have nothing to offer. Permits are not with us. Licences are not in our hands. Import licences are not in our hands nor do we have any other thing in our hands for the capi-

talists. How can we show fe tism? We have nothing in our hands excepting only criticisms and suggestions.

SHRI AKBAR ALI KHAN: Blackmailing.

SHRI BHUPESH GUPTA: No. That is very serious suggestions. Madarn, they blackmail themselves. Hov can I blackmail anybody? I have to Interpret their blackmailing. How do I know anything against your party men? You say I assassinate their character. What character? Have you any character to be assassinated? You have nothing to be assassinated. 5 P.M.

It is all gone. Therefore please do not say such things. We do not try to blackmail but at the same time when allegations we hear we bring to the notice of the House anl tell 'It i_s for you to judge', because if you go wrong, the country goes wrong. If we people here go wrong, the country will not go so wrong. Maybe it is bad, punish us, penalise us, put us in the dock, pillory us. I would like this thing to be done to us but the trouble is, when the men in the high position, the Finance Minister or a Chief Minister or some such people go wrong, everything goes wrong, the entire chain goes wrong. Corruption then spreads all over and becomes a system. That i_s why I say that the entire approach should be different. I did not include the' Congressmen opposite who are not sitting in the Treasury Benches. I concentrated my fire against the Treasury Benches keeping in view certain possible and likely targets. I did not even include all the Ministers. I hope the Ministers will know how best to look after themselves, set a good example for the officials and disengage themselves from their connections with the big business and other people. Well that has been the biggest source of corruption, I can tell you and therefore I support this measure. In so far as it goes, it is welcome. The trial should always be public and this thing has been kept only for one

purpose because defamation if you bring to the court of law, as you know as a lawyer, they will be subjected to cross-examination and they want to escape the cross-examination. That is why the provision for in *camera* trial is there. I know once Mr. Fazlul Huq, as the Chief Minister of West Bengal, took us to a court of law and sued us. I appeared along with Mr. Chari in that case on behalf of the Communist Party journal. He said: 'Defamation you have committed.' He asked for apology. We said: 'No apology'. He said 'You have committed character assassination.' We said: 'You have no character to assassinate'. Then we went to a court of law. Mr. R. Gupta, the Chief Presidency Magistrate said: 'Why do you not settle it when he is saying that he will withdraw the case if you express regret?' We said: 'No, let the case go on'. Mr. Humayun Kabir by the way, was one of the witnesses for Mr. Fazlul Huq. When we started cross-examining Mr. Fazlul Huq and Mr. Humayun Kabir, Mr. Chari—he is a leading advocate in the Supreme Court—was leading the cross-examination. When he related the entire story of the Government and other things-, then Mr. Fazlul Huq came and said: 'I withdraw the case, will you let me go?' I say, if you file a defamation suit, face cross-examination from this side and we shall know how to cross-examine you and you will know how to face it also, I believe. Therefore why hide and retire under *in camera* trial? This *in camera* trial business is an escape from public probe and that should not have been passed. Anyhow it is for the court also. The Government can make the necessary amendment in order to face the trial and I would like the Minister to sue some of us publicly but give us the chance of cross-examining them in an open court of law.

SHRI LOKANATH MISRA: In the course of the reply to the debate, the Minister said that there are no specific charges against Mr. Arya. I had spoken in my speech about it. Natu-

[Shri Lokanath Misra.]
rally I should be allowed to speak something. Now apart from all the other recommendations and observations made in the Vishnoi report.....

THE DEPUTY CHAIRMAN: Are you finishing your unfinished speech now?

SHRI LOKANATH MISRA: No, I am making observations. The Vishnoi report also includes in the last paragraph an observation which I hope the Minister has also looked into. It reads like this.

SHRI JAISUKHLAL HATHI: Is that the report or a secret document?

PROF. M. B. LAL: He is reading certain things. Find out whether those words are there or not.

SHRI LOKANATH MISRA: It is an extract from the Vishnoi report which has been sent to the Home Minister and if I get it somehow from somewhere, it may be that it has also leaked from the Home Minister's office. It reads like this—

"As regards the *office* bearers of the Sangh I consider it improper for me to comment on it in any manner since I happen to be *ex-officio* Director of the Sangh. If the Government so desire, the matter may be examined by some other person."

Now the Chief Minister wrote to the Centre to have a Central probe. That was turned down. Here Mr. Vishnoi submits a report to the Government where he recommends that it may be examined by somebody else because it may be an embarrassment for him as a director, as a co-director, in the same Sangh to go into these details and after having received a copy of the report that I possess, how could the Minister make a statement like this that there are no charges? Since there are charges, Mr. Vishnoi has recommended that a further probe should be made. That is item one.

The second item is, the Minister did not refer anything absolutely to the case of Orissa. Almost all sections and many of the Members have made a reference specifically about Orissa because it has been hanging for so long.

SHRI BHUPESH GUPTA: He is blushing.

SHRI LOKANATH MISRA: It has been a front-page news for the last 2 or 3 months. That has kept Orissa at least on the front page. We are grateful to Mr. Biju Patnaik but in spite of all that, there has been absolutely no reference made to it by the Minister and nobody can blame the newspapers for carrying this news because the readers are anxious to know what is going to happen about Orissa. The Orissa scandal has been the greatest scandal in the country but all the same it has been kept hanging for so long. If there is nothing wrong about it, I would like the Home Minister to say that on the floor of the House that there is nothing absolutely wrong, that they have the C.B.I. report and that there is nothing wrong but if there is something wrong, I would like the Home Minister to make a mention of it.

SHRI JAISUKHLAL HATHI: So far as Prof. Lal's speech was concerned, I say that the whole of his speech I enjoyed. It was really a treat.

PROF. M. B. LAL: I am obliged to you.

SHRI JAISUKHLAL HATHI: It was only when he mentioned about the Code of Conduct—but I am not touching the point now and I do not want to raise that point—when he said that the Code of Conduct should be for all Ministers, whether of the Communist Party or of any other Party, it is a good idea as such but practically about this Code what will be the sanction for other parties if at all anywhere they form a Government? I So far as the Congress Party is concerned, this is a Code, this is not a

law, this* is not an Act, this is something of a moral code, a Code of Conduct for Ministers but **for** other Parties, whether we can enforce it, where there is sanction but even then it is a good suggestion.

SHRI BHUPESH GUPTA: We will amend it.

PROF. M. B. LAL: Place before the Parliament and get the unanimous sanction of the Parties and then you will have the sanction.

SHRI JAISUKHLAL HATHI: I say it is a good suggestion but for other parties whether there would be any sanction.

So far as the question of the U.P. matter is concerned, I do not think I shall be dealing with all that because I never suggested anything. On the contrary what I said was, let us not all talk of corruption. I did not say any Party from the Opposition is blurring the image of the country. But so far as Mr. Gupta is concerned, I may say that he had referred to these questions in his first speech. Again he has brought the same subject of the big businessmen. That point also was replied to and if there is corruption anywhere, whether it may be big businessmen or small businessmen, well, the law as it is, will be implemented, will take care of it. There is no question of hiding anybody.

Then will take to Shri Loka-nath Misra. He said that did not refer to Orissa at all. Now I know only as much as he knows; and the country knows, and I cannot say this way or that way as he knows that the matter is being enquired into. So long as it is under consideration, is being enquired into, I cannot say that the charges may be dropped but he wants that I should say that they are all dropped. Well, I should be happy if it were so and I can say so. But today I am not in a position to say so (*Interruptions*) and therefore there is no question of my announcing anything. He knows and the whole country knows that they are being enquired into.

Then they talked of this co-operative society, and they wanted that this thing should be enquired in'o. Now let us understand the constitutional position arising out of some case of defalcation having occurred in some part of the country, in a cooperative society in Rajasthan. Does it mean that the Central Government should enquire into all the affairs of all the co-operative societies there? But if there is anything, an enquiry has to be made, and we have advised that Government that this matter should be looked into by the Vigilance Commission there. So it is not that we have not said anything.

Now therefore I think these are the points and I am grateful again to all of them for at least supporting this measure. I thank you, Madam.

THE DEPUTY CHAIRMAN: The question is . . .

PROF. M. B. LAL: Well, I wish to ask a question and seek explanation. Now he talked of jurisdiction. I wish to say that in the Vishnoi Committee Report it is stated that the Sangh pointed out that the Sangh had to give one rupee per quintal to the railway authorities. Now Railway is within the jurisdiction of the Union Government. Did the Government take notice of that fact? Did the Government try to investigate whether the charge levied by the Sangh against the railways and their officials was correct or not? Secondly, I wish to ask the Minister one other thing. The Minister said that Shri Kumbha-ram Arya was not then a Minister and it was a matter for the Congress High Command to deal with. I wish to point out that the charge was one of misappropriation of public funds and therefore the responsibility **for** instituting an enquiry was not that of the Congress High Command but that of the Government concerned. Thirdly, I wish to know that when the Chief Minister was feeling difficulty with regard to making an investigation into it because of the high position Shri Kumbharam Arya occupied-

3017 Anti-Corruption Laws [**RAJYA SABHA**] (*Amendment*) Bill, 1964 soiii

[Prof. M. B. Lal.]

pied in the public life of **Rajasthan**, and the Chief Minister wished the matter to be handled by the Union Government, whether it was not proper for the Home Minister to look into this matter.

SHRI AKBAR AU KHAN: Everybody knows that he is a man of character.

THE DEPUTY CHAIRMAN: No more questions. The question is that the Bill ...

PROF. M. B. LAL: Just a word. I am given to understand that Shri Kumbharam Arya is a clean man but I must say that, in the face of the public opinion there, and in the face

of the Vishnoi Committee Report, a mere statement by the Minister is not going to satisfy me.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed." *The*

motion was adopted.

The DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at fifteen minutes past five of the clock till eleven of the clock on Wednesday, the 9th December, 1964.