

Notifications issued by the Delhi
State: —

- (i) Notification No. F.12(156)/50-MT & CE, dated the 27th October, 1956, making certain amendments in the Delhi Motor Vehicles Rules, 1940. (ii) Notification No. F. 12 (155)/ 56-MT & CE, dated the 22nd January, 1957, making an amendment in the Delhi Motor Vehicles Rules, 1940.
- (iii) Notification No. F.12U8)/ / 53-MT & CE, dated the 22nd January, 1957, making certain amendments in the Delhi Motor Vehicles Rules, 1940.

[Placed in Library. See No. S-15/57 for (i) to (iii).]

RESIGNATION OF SHRI BARKATULLAH KHAN

MR. CHAIRMAN: I have to inform Members that Shri Barkatullah Khan, a Member representing the State of Rajasthan, has resigned his seat in the Rajya Sabha with effect from the 21st March 1957.

'THE PREVENTION OF CORRUPTION (AMENDMENT) BILL, 1957

THE MINISTER FOR HOME AFFAIRS
(SHRI GOVIND BALIABH PANT): Sir, I move:

"That the Bill further to amend the Prevention of Corruption Act, 1947, be taken into consideration."

Sir, this Prevention of Corruption Act was passed ten years ago. Now one of the sections of this Act, namely, Section 5 provided for the punishment of Government servants who were found guilty of misconduct, and it was also laid down there that there will be a presumption against a public servant if he was found to be in possession of assets which were disproportionate to his normal income. That section 5 was originally enacted only for three years, but the period was extended from time to time and it has been in force till now. But the period of ten years expired on the

10th March and so an Ordinance had to be issued. This Bill has been brought here in order to make this clause a permanent part of our Statute Book.

The amendment does not call for any elaborate arguments. Unfortunately, the evil of corruption still persists. This section has been found useful and effective in combating this evil so far. So long as this evil continues, it is necessary to make use of all reasonable weapons in our armoury that can in any way be helpful in purging our services of this evil. So I move that this Bill be taken into consideration.

I may just mention that about 1,300 cases were registered under this clause 5 in the past and now the Vigilance Division which has been set up by the Government of India, especially to deal with cases of corruption, has found that it is of great use and that its continuance will be of great assistance to them. So I move that this Bill be taken into consideration.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Prevention of Corruption Act, 1947, be taken into consideration."

SHRI KISHEN CHAND (Andhra Pradesh): Mr. Chairman, this is a simple Bill which is going to extend the life of section 5 of the original Prevention of Corruption Act. I agree that corruption should be removed as early as possible from our country and our country cannot progress if there is corruption among officers in our administrative machinery. Every step should be taken to that end. The conditions of service of the employees should be improved in such a way that officers are not prone to corruption, that they are above temptation. That, however, does not mean that we should introduce in our laws certain special powers in regard to investigation, change our laws of evidence and do all these things in order to root out corruption. Of course, corruption is an evil. But in order to remove that evil, we are changing our system of laws, the law»^

[Shri Kishen Chand.] of evidence and so on. We are placing the burden of proof on the officer. We are starting with the presumption that the officer is corrupt. I submit that this is not the correct attitude. This attitude starts from a mental outlook which assumes that our administrative machinery is defective. I think we should, on the contrary, start on the presumption that our officers are honest, and unless they are proved to be dishonest, we should not put the burden of proof on them. Sir, I feel that the powers given under section 5 are too wide and extensive. The expression "inordinate proportion between his assets and the possibilities of his earnings" has too great an elasticity and the word "inordinate" has proved a great handicap in the defence of the officer. I would have agreed if this definition had been extended and clarified, if we had been told what is meant by inordinate difference between the man's acquired assets and the likely assets which he should have got by the normal course of his salary and other incomes.

Then again, the hon. Home Minister asks us for an extension of ten years and I submit, Sir, that Parliament should carefully consider the matter before it gives its sanction to this Bill. In the original Bill the power was limited to a period of three years. What was the object of that? Why did they not, even in the original Bill make it a sort of a permanent clause of the Anti-corruption measure? There was some meaning behind it. Parliament carefully examined the matter and came to the conclusion that we do not want to give to the Executive, to the Central Government, this power for an indefinite period. So it was restricted to a period of three years. So the Government came to Parliament from time to time to get extensions. But now the hon. Home Minister wants an extension for ten years.

SEVERAL HON. MEMBERS: No, no. It is going to be a permanent thing.

SHRI KISHEN CHAND: If it is to be on a permanent footing, then I

still further oppose it. I thought he wanted extension of only ten years. If he wants this section to be permanently there, I am all the more strongly opposed to that proposal. I say this because, when it is for a limited period only, then at least we know that the matter will come up again before Parliament. But now if it becomes a permanent thing, it means that there will be no further reference to Parliament. So I am opposed to it. I am saying all this really on behalf of the Government. This is really not the job of the Opposition. The Government benches should have themselves stood up to safeguard the security of the officers of the administration. By this Bill, Government is condemning its own officers and that is not a correct attitude. They are putting the burden on the officers. Therefore, I submit that this should not be on a permanent basis. It may be for a maximum period of three years.

Further, the hon. Home Minister has pointed out that there were 1,300 cases. This shows either of two things. Either our services are thoroughly corrupt, or there has been an abuse of this power and under section 5 unnecessarily officers are being harassed. So both ways the thing goes against the Government and I will once more request the hon. Home Minister to reconsider this thing and see whether this section 5 is not being used too harshly on the officers and whether this power should be given for an unlimited period and whether that is in the interest of the services.

With these words, Sir, I submit that the question may be reconsidered.'

SHRI H. P. SAKSENA (Uttar Pradesh): Mr. Chairman, if one were inclined to know what the expression "opposition for opposition's sake" means, he can very conveniently and comfortably turn to our friend Jfr. Kishen Chand in order to have a living and concrete example. Sir, may I respectfully point out to this venerable and honourable House that even without taking care to read this small Bill which is before the House,

my hon. friend has jumped to the conclusion that the Government must necessarily have been wrong in bringing up this Bill and he read into this one small Bill, harassment of the officers and so on and so forth. I simply appreciate his courage in coming forward to oppose when this is not at all warranted and called for.

Sir, honest officers need have no fear whatsoever so far as this Bill is concerned and in making its life permanent, because they have nothing to fear, they have nothing to hide, nothing to conceal, for they do not indulge in undesirable methods. Rather, this Bill is primarily, wholly and entirely intended for corrupt officers and it should be the duty of every honest and good government to eradicate corruption from its administrative machinery as far as it lies in its power. So there is nothing wrong; there is nothing objectionable; there is nothing to oppose in this one clause BiU which is intended to set the administrative machinery right as early and as speedily as possible. Now, I was surprised to hear from my friend, Mr. Kishen Chand, that he read in the language in which the Bill is clothed -the condemnation of the officers of the Indian Union Government. Now if the Government tries to put its administrative machinery right and to save it from corruption, it is condemning its own officers. Certainly this Government of which this supreme Parliament is the head is very anxious, always very anxious, to condemn its bad officers, its corrupt officers and Mr. Kishen Chand, I hope, will agree with me that it is a matter for which our Government should be praised rather than a matter for condemnation or opposition or what not. So, as I pointed out earlier there is nothing for the honest and good officers to be afraid of. There is nothing which is intended to harm them. There is no harassment. He went to the length of using the word 'harassment'. I invite these officer friends in the gallery to tell me whether they have felt any manner of harassment in their day to day work.

MR. CHAIRMAN: Please do not bring them into this.

SHRI H. P. SAKSENA: With your permission, I deliberately and wilfully invite them either to oppose and criticise this attitude which my friend, Mr. Kishen Chand, has shown, or to say that they are really being harassed by the Government. The Government cannot be left to be attacked like that. Sir, with these words, without wasting any more words, I support the Bill.

SHRI K. MADHAVA MENON (Kerala): It may be correct on principle that the burden of proof should not be put on the accused person, but burden of proof is a thing which shifts always and I do not think that the fear of Mr. Kishen Chand is well-founded. Here it is the case. "Wherever a Government servant is found in possession of wrong income and property, it is not presumed that he has come by all of it at ESS legally and honestly. All that is none here is what is found that he is in possession of. A proportionate source of income and for which he cannot satisfactorily account, who else is to prove? Once it is found that I am in possession of certain things which are illegal, it is my duty to prove, the burden of proof should be on me thereafter that I have come by it by legitimate means. This is quite common in the case of the prohibition Acts and excise Acts. Under the prohibition Act or excise Act we will find that if a party is found in possession of illicit liquor, then the burden of proof shifts to that party. He has

PANDIT ALGU RAI SHASTRI (Uttar Pradesh): Who has to find it?

SHRI K. MADHAVA MENON: If it is found in the course of an enquiry or if it is found by legitimate, proper and legal means that a Government servant is in possession of assets disproportionate to his known sources of income and for which he cannot satisfactorily account, who else is to prove? Once it is found that I am in possession of certain things which are illegal, it is my duty to prove, the burden of proof should be on me thereafter that I have come by it by legitimate means. This is quite common in the case of the prohibition Acts and excise Acts. Under the prohibition Act or excise Act we will find that if a party is found in possession of illicit liquor, then the burden of proof shifts to that party. He has

[Shri K. Madhava Menon.] to prove how he came by that. It is only that principle that has been extended here.

SHRI P. N. SAPRU (Uttar Pradesh) : Mr. Chairman, I thought that the Bill was completely of a non-controversial character and I was rather surprised at the line taken up by Mr. Kishen Chand, because he comes from a Party

SHRI KISHEN CHAND: We certainly want law and order.

SHRI P. N. SAPRU:which talks day in and day out of corruption and the need for eradicating it. It has been blaming the Government for not taking effective steps to eradicate corruption. That I find is the burden of the song of his party in my State at all events. Now, I think a little reflection will show that there is nothing of a character in this Bill to which any person who understands the system of jurisprudence which courts have to administer, who understands the Evidence Act and the principles that underlie it, can take any legitimate objection. What is it after all that this one—clause Bill seeks to do? It should have, in my opinion, been enacted as a permanent measure in the very first instance. We did not for some reason or other do so. Now, we have been asked to enact it as a permanent measure on the Statute Book. What is it that this Bill seeks to do? It says that it will be open for a court to draw a presumption against a public servant who is found in possession of assets disproportionate to his known sources of income. Now, if an officer getting a salary of Rs. 300/- lives in a magnificent house or if he keeps a Studebaker or a Dodge car, the question naturally arises as to how he has come into possession of those assets. If he can show that he has inherited some money from his father, his uncle, or his wife has inherited some wealth, there is a complete answer. But if he cannot show that he has acquired this money from any legitimate source, then I

think it is open to a court, and it should be open to a court, to draw a legitimate inference that he has come into possession of it by means which cannot be regarded as commendable. Take for example, the existing law. I had no intention of speaking on this Bill, but the speech of Mr. Kishen Chand has provoked me to say a few words. I have not got a copy of the Indian Penal Code or the Evidence Act before me. I have just sent for them. Take, for example, the existing law. We know what the provisions regarding presumption about stolen property are. If I am found immediately after a dacoity has occurred or immediately after a theft has occurred in possession of a stolen property, then it is for me to prove that I did not have knowledge that the property was stolen. The court may presume that I had knowledge that the property was stolen property, 1% of the principle of this Bill very different from the principle which we find embodied in the section about tilt presumption relating to stolen property? I have sent for the Indian Penal Code. I have not got the Indian Penal Code before me. Otherwise I might have been able to unearth a few other sections to point out that there is nothing of a disturbing character in this very innocent Bill. This is a Bill which does not depart from the principles of evidence which our courts administer. I have very great respect for our system of jurisprudence, but before we attack a Bill on fundamental principles, we should have a clear concept of what those fundamental principles are. And I am not surprised that with his mathematical training, Mr. Kishen Chand—with all the eloquence that he possesses—is somewhat lacking in a proper legal perspective.

MR. CHAIRMAN: Are you waiting for the Indian Penal Code?

SHRI P. N. SAPRU: No, Sir, I do not think that I should be justified in wasting the time of the* House in looking into the Indian Penal Code. I should think, Mr. Chairman, that we ought to be strict in regard to

to these battles against corruption. I think Government are inclined at times to be far too lenient in dealing with cases of corruption. We are far too indulgent to our officers. I know it is a difficult thing to prove things, but we are as a people rather soft in our attitude towards people whom we know to be corrupt. I think those whom we know to be corrupt should be ostracised from society. They should not be regarded as pillars of society. Good society should not be available to them and there should be a strong public opinion against corruption. It is important that there should be a strong public opinion against corruption. Under the Second Five Year Plan the country will be rightly called upon to make heavy sacrifices, sacrifices for this generation and future generations. If we are all to make sacrifices for this generation and future generations, we ought to see that at any rate the administration that we give to the people of our country is an administration which is above any suspicion, which is above all corruption. We need to eradicate corruption not only in the lower ranks of our services but we also need to be vigilant so far as the higher ranks are concerned. I know that the higher ranks have a good tradition behind them, but there have been some bad cases and it does not reflect well on them. In the case of a poor man corruption may be excusable, but in the case of a well placed officer it is not excusable, and sympathy should not go from us to a well placed officer when he is found guilty of corruption.

Mr. Chairman, I would say that the measure which the Leader of the House, the Home Minister, has placed before us is a measure which deserves the support of this House, and I would give this measure my complete support.

SHRI JASWANT SINGH (Rajasthan): Sir, in principle I support this Bill because it is a necessary Bill, and it should be the concern of everybody to put down corruption. I would like to place one point of view before

the hon. Home Minister so that the harassment for the future services is minimised as far as possible. Those of us who are coming from the Indian States have some experience of this. Take the case of income-tax. There was no income-tax imposed in some of the States. When the States were integrated and income-tax was introduced, we were told that there would be no harassment and that the work would go on smoothly. But during the last seven or eight years experience has shown that there is a great deal of harassment caused to innocent people. Similarly, Sir, as far as this Bill is concerned, in principle we all agree but as one kind friend has just now said.....

SHRI B. B. SHARMA (Uttar Pradesh) :
Harassment by whom of whom?

SHRI JASWANT SINGH: I am just placing one point of view. I said that there was likely to be harassment in regard to the future services. Take the case of the former rulers or the ex-jagirdars. Rulers of States have gone, jagirdars have gone, and we now have to come into the field and work in the services also. But we have got some assets which can be called assets, but for us they are more liabilities than assets. We have got cars, we have got big houses, we have got certain things which we cannot easily dispose of, and for some time to come for sentimental reasons we would like to retain them. But we may join a service which will carry very little emoluments. Our assets inherited or otherwise are far too great as compared to the income that we derive from the normal sources. We have got kind friends in this House. When we were in power they used to be very kind to us. They used to receive patronage from us, but now that we have fallen from that advantageous position, no day passes without their criticising us just for nothing. They would pass remarks which will not help them in any way but which will hurt us. That thing we are seeing by experience. Therefore, in future when we join the

L&nn jaswant bingn.j services, they would find that we possess some assets which are disproportionate to our normal resources, and some enthusiastic people would take steps which would be a little irksome. All that I would beg to submit to the hon. Minister is this that we do hope that this point of view of ours will be borne in mind and that we will not be treated like that just for the sake of harassment. This is a pointer to a thing which we are expecting to happen. It is no fault of ours that in the past we were placed in that position.

SHRI M. GOVINDA REDDY (Mysore): You would be able to account for them.

SHRI JASWANT SINGH: Why we were rulers in the past, why we had jagirs—I am afraid it is not possible for us to account for.

AN HON. MEMBER: Account for the resources.

SHRI JASWANT SINGH: What I am saying is that we would be subject to harassment. This is a point of view which I am placing before the House. Otherwise in principle this is a very good Bill, and I extend my wholehearted support to it.

पं० अलगू राय शास्त्री : यह संशोधन विधेयक तो देखने में ऐसा साधारण मालूम होता है कि इसको स्वीकार करने में कोई आपत्ति नहीं हो सकती है। यह पहले ही स्वीकार हो चुका है, तब इसमें केवल एक सीमा निर्धारित थी और अब इसको एक शास्वत स्वरूप दिया जा रहा है। यह सिद्धान्त तो प्राचीन काल से स्वीकार किया हुआ है कि जो राज धन है वह मधु के समान है और राज कर्मचारी मक्खी के समान हैं जो, यदि सावधानी न बरती जाय, तो उस मधु को चाट जायेंगे। कौटिल्य ने बहुत प्राचीन काल में इसका अनुभव किया था और उन्होंने अपने अर्थ शास्त्र में इस संबंध में नीति प्रतिपादित की थी। तो हमारे मित्र किशन चंद जी को

इस विधेयक के सिद्धान्त को स्वीकार करने में इस प्रकार का भाव नहीं प्रकट करना चाहिये कि सरकार द्वारा अपने कर्मचारियों पर कोई अनुचित दबाव डाला जायगा या उनको परेशान किया जायगा। मगर एक बात जो उन्होंने कही उसकी तरफ मैं ध्यान दिलाना चाहता हूँ। हमारे एक बुजुर्ग मित्र मास्टर हर प्रसाद सक्सेना को उनके व्याख्यान से आश्चर्य हुआ, लेकिन मुझे नहीं हुआ। उसके दो कारण हैं। एक तो हमें उसमें एक राजनीतिक चातुर्य दिखलाई देता है क्योंकि आजकल कर्मचारियों के प्रति सद्भावना का प्रकाशन लाभकारी सिद्ध हो सकता है। विरोधी दल के लोगों के लिए तो यह बहुत लाभकारी और प्रभावकारी है। मगर मैं बेसर मोटिव एट्रीव्यूट करूंगा यदि मैं समझूँ कि मेरे मित्र किशन चंद जी ने इस भावना से कहा।

इस विधेयक के ऊपर उन्होंने जो दूसरा ऐतराज किया उससे मैं भी सहमत हूँ। हमारे कर्मचारियों के ऊपर जो दायित्व होता है उसमें उन्हें हजारों आदमियों से डील करना पड़ता है। कभी कभी उनके साथ कर्मचारियों का बर्ताव ऐसा लगता है जिस प्रकार कि एक नया जूता पहना जाय तो पहले वह पाँव को चुभता है, उससे कुछ चोट लगती है। कर्मचारियों के पास जो सम्पत्ति है, यदि वह उनकी स्वाभाविक आय से अधिक एकत्र हो गई है तो किसी व्यक्ति के शिकायत करने पर उसके बारे में जाँच करने का प्रश्न उठाने का अवसर मिल सकता है। तो जब छोटी मोटी कंप्लेंट्स को लेकर उनके बारे में जाँच पड़ताल करने का काम शुरू होता है तो उसमें कर्मचारियों का बड़ा हैरेसमेंट होता है। इसमें शक नहीं कि हो सकता है शिकायतें छोटी मोटी हों लेकिन उनका महत्व बड़ा हो। साथ ही साथ इस प्रकार की अनेक शिकायतें होने से उलझन भी पैदा हो सकती है।

बादशाह जहाँगीर के बारे में प्रसिद्ध है कि उसने अपने किले के बाहर एक घंटी लगा दी थी जिससे कोई भी आदमी घंटी बजाकर

बादशाह के सामने अपनी शिकायत पेश कर सकता था। एक दफा गलती से एक गधे ने घंटी बजा दी थी और बादशाह महल से निकलकर बाहर यह जानने के लिए आया कि शिकायत करने वाला कौन है। उसके पास जो भी शिकायत लेकर आता था वह जा होती थी और सुनता था। तो मैं समझता हूँ कि कितने ही सख्त कानून क्यों न आप बना दीजिये लेकिन एक तरफ ऐसा विधेयक हमारे सामने आयेगा और दूसरी तरफ करप्शन की मात्रा बढ़ जायेगी क्योंकि हमारी पब्लिक लाइफ में भ्रष्टाचार शब्द ने भ्रष्टाचार को और बढ़ाया है। लोगों को जो स्वयं भ्रष्टाचारी हैं इस शब्द से बहुत भारी प्रोत्साहन मिला है क्योंकि भ्रष्टाचार के नाम पर वे बड़े से बड़े आदमियों के खिलाफ बातें लिख देते हैं। इस तरह की बातें दो दो पैसे वाले अखबारों में छपी और निकाली जाती हैं और बड़े बड़े आदमियों के खिलाफ कीचड़ उछाला जाता है। इस संबंध में मुझे यह कहना है कि आज की हमारी सरकार उस विदेशी शासन सत्ता की उत्तराधिकारिणी है जिसने यहाँ पर सर्विसेज को एक बड़ी टेन्टेशन की चीज बना दिया था। यहाँ की सेवाओं में जहाँ तनखा हैं थोड़ी थीं वहाँ लोग बाहरी आमदनी पर निर्भर रहते थे। चाहे तनखा १२ रुपया ही पाते हों मगर ऊपरी आमदनी के जरिये वे बहुत कमा लेते थे। आज हम देखते हैं कि एक पुलिस थानेदार को जिस गाँव में सरकारी काम पर जाना पड़ता है उसे १५ रुपया सरकारी एलाउन्स छोड़ा रखने के लिए मिलता है। आजकल महंगाई के जमाने में जबकि चना इतना महंगा है किस तरह से वह अपना गुजारा चला सकता है। इसलिए तमाम चीजों को हम अपने सामने रखें। यदि हम सरकारी कर्मचारियों के सिर के ऊपर इस तरह की तलवार लटका दें कि इन्क्वायरी होगी और दूसरी बातें होंगी तो इस बात पर हमें बहुत सावधानी बरतनी होगी और उदारता से काम लेना होगा। मैं किशनचन्द जी की बात से अंशतः सहमत हूँ कि हमें सरकारी कर्म-

चारियों के खिलाफ इन्क्वायरी के समय बहुत सावधानी से काम लेना होगा, क्योंकि थोड़ी सी गलती पर किसी को सख्त सजा न मिल जाय, इस बात की ओर हमें विशेष ध्यान देना होगा।

हमारी सरकार जनता की सरकार है, जनता को किसी प्रकार का कष्ट हो तो सरकार को कष्ट होगा और अगर उसके कर्मचारियों के द्वारा यह कष्ट पहुँचाया जाय, तो अवश्यमेव सरकार को ज्यादा कष्ट होना चाहिये। जहाँ पर सच्चा अपराधी मिल जाय और उसके विरुद्ध प्राइमफेसी केस साबित हो जाय, वहाँ पर अवश्य उसे दंडित किया जाना चाहिये। यदि हम सचमुच सरकारी कर्मचारियों में से भ्रष्टाचार मिटाना चाहते हैं तो उनकी भर्ती के समय हमें उचित ध्यान देना चाहिये और ट्रेनिंग देते समय उनके सम्मुख उच्च आदर्श के व्याख्यान देने की आवश्यकता है।

श्री किशन चन्द : उनकी तनखाह भी बढ़ाई जानी चाहिये।

पंडित अलगू राय शास्त्री : जी हाँ, जनता की आय के अनुसार ही उनकी तनखाह बढ़ाया जाना आवश्यक है। इस संशोधन विधेयक का मैं विरोधी नहीं हूँ बल्कि इसके द्वारा जो उचित कार्यवाही की जानी आवश्यक है, उसकी ओर ध्यान दिलाने के ध्येय से मैंने चंद बातें रखीं। इस विधेयक द्वारा जहाँ हम सरकारी कर्मचारियों को जनता की सेवा करने का अवसर देते हैं वहाँ पर उनके हाथों में ऐसी शक्ति भी देते हैं जिसके द्वारा उनके अन्दर लालच पैदा हो सकता है। यह स्वाभाविक बात है, इसको मानकर हम चलते हैं। तब उसके निरोध की व्यवस्था करनी होगी और निरोध की व्यवस्था हम कर सकते हैं, उस में कोई अस्वाभाविक बात नहीं है। हमारे देश में प्रजातंत्र है और जिस तरह की चीज हमारे जनसाधारण में है, छोटी मोटी शिकायत कर देने की, एक झूठा चालान कर दिया किसी आदमी का और इस तरह से हम दलबन्दी में पड़ जाते हैं। एक दल किसी व्यक्ति के

[पंडित अलगू राय शास्त्री]

विरुद्ध एप्लीकेशन दे देता है और तमाम लोग विरुद्ध पड़ जाते हैं, ऐसे लोगों के प्रति हमें बहुत सावधानी बरतनी है। इन्क्वायरी करने वाले जो आथरिटी पर होंगे उनकी ईमानदारी फुल प्रूफ होनी चाहिये और वे लोग ऐसे होने चाहिये जो कि न्यायसंगत भावना से प्रेरित हों और ऊँचे दर्जे के लोग हों। इन सब चीजों को ध्यान में रखते हुए और सरकार का ध्यान इन सब बातों की ओर दिलाने की दृष्टि से मैं नये शब्द कहे। अन्त में मैं विधेयक का समर्थन करता हूँ।

श्री बी० बी० शर्मा : अध्यक्ष महोदय, इससे पहले कि मैं कुछ कहूँ, सब से पहले मैं इस विधेयक का तद्देहिल से समर्थन करता हूँ। मैं तो यह कहूँगा कि इससे भी सख्त कानून अष्टाचार के दोष को मिटाने के लिए हमारे सामने लाना आवश्यक है। हम लोग जो देहातों में रहने वाले हैं उनको मालूम है कि कौन से स्थानों में कौन से अधिकारी हैं जिन पर इस प्रकार के दोष के आरोप लगाये जा सकते हैं। करप्शन के स्थान सब को मालूम हैं। मैं समझता हूँ कि इस सदन में कोई भी मेम्बर ऐसा नहीं होगा जिसको यह मालूम न हो कि पटवारी से लेकर कानूनगो तक किस प्रकार से जनता को तबाह करते हैं, किस प्रकार से नाना प्रकार के गलत इंदराज कराके गांव के लोगों को आपस में लड़ाते और भड़काते हैं और कल्ल कराने में प्रोत्साहन देते हैं। सदन के मेम्बरों को यह भी मालूम है कि करप्शन का दोष न सिर्फ छोटे छोटे अफसरों में है बल्कि बड़े बड़े अफसरों और बड़े बड़े डिपार्टमेंट में, जैसे कि सप्लाय डिपार्टमेंट है, चल रहा है और उससे ब्लैकमार्केटिंग को भी प्रोत्साहन मिलता है। इंकमटैक्स डिपार्टमेंट में जो करप्शन चलता है, वह सबको विदित है।

मेरे लायक दोस्त ने अभी कहा कि इंकमटैक्स ला राजस्थान के हिस्से में लागू होते ही वहाँ लोगों को हैरिसमेंट मिलने लगा है। तो वह हैरिसमेंट कहाँ से मिलता है? वह अफसरों से मिलता है। अफसर कानून

द्वारा हैरिसमेंट करते हैं। तो यह जो दोष है इसके निवारण के लिए कोई न कोई युक्ति होनी चाहिये। इस उद्देश्य की पूर्ति के लिए हमारी सरकार यह विधेयक ला रही है जिससे कर्मचारियों पर आरोप की जांच करने के साथ साथ उनके प्रति नम्रता और मुलामियत बरती जाय। यह बात सब मानते हैं के सभ अफसर काफ्ट नहीं है फिर भी इस विधेयक द्वारा यह नियम बनाया जा रहा है कि अगर कोई अधिकारी अपनी आमदनी से ज्यादा पैसा या सम्पत्ति रखता है तो सरकार द्वारा उसका जवाब तलब किया जा सकता है। अगर जवाब तलब करने के बाद यह सिद्ध हो जाता है कि उस अफसर के पास जो ज्यादा सम्पत्ति है उसको अर्जित करने के लिए उसके पास कोई और जरिया नहीं था जिससे वह उतनी सम्पत्ति प्राप्त कर सकता, तो उसके ऊपर मुकदमा चलाया जायगा। लेकिन यह बात कितनी नम्रता से रखी गई है यह सब जानते हैं क्योंकि जाहिर जो व्यक्ति अपनी आमदनी से ज्यादा सम्पत्ति रखेगा वह प्रकट हो जायगी। मगर वह ऐसा तरीका भी निकाल लेगा जिससे यह मालूम न हो सके कि यह सम्पत्ति उसी की है। जब कोई आमदनी खूब आमदनी करता है तो वह कानून से बचने के लिए अवश्य कोई ऐसा तरीका निकालना चाहेगा जिससे यह मालूम न हो सके कि इतनी सम्पत्ति उसके पास है। आमदनी से अधिक पैदा की हुई सम्पत्ति को वह अपने रिश्तेदार, भाई या स्त्री के नाम कर देगा। तो इन सब बातों का पता लगाने के लिए सख्त इन्क्वायरी की आवश्यकता होती है, क्योंकि केवल साधारण इन्क्वायरी करने पर ही मुकदमा नहीं चलाया जा सकता है। जब प्राइमार्फेसी केस होगा तब ही उस पर मुकदमा चलाया जा सकेगा। अगर किसी अफसर के खिलाफ ज्यादा सम्पत्ति रखने के आरोप पर कार्यवाही की गई और वह सिद्ध नहीं हुआ तब यह कहना कि उस अफसर के लिए हैरिसमेंट होगा और वह तबाह हो जायेगा, यह बात मेरी गलत है।

मेरी राय में हैरासमेंट उसका नहीं होता है, हैरासमेंट जनता का होता है। हम लोगों ने चुनाव के दिनों में देखा कि किशन चन्द जी की पार्टी के लोग कांग्रेस गवर्नमेंट और उसकी पार्टी के लोगों को गाली देते थे और जितने भी दोष हैं कांग्रेस गवर्नमेंट और हमारे जनता के लीडरों के ऊपर सड़ देते थे। आज देखने में यह आता है कि किशन चन्द जी के पार्टी के लोग और कम्युनिस्ट पार्टी के लोग जोर जोर से और गला फाड़ फाड़ कर कांग्रेस गवर्नमेंट और कांग्रेस नेताओं को सारी बुराइयों की जड़ कहते हैं। लेकिन इसके विपरीत वे ऐसी बात करते हैं और ऐसे तरीके अपनाते हैं जिन से वे बुराइयाँ दूर न हो सकें। यह तो वे बड़ी विचित्र बातें करते हैं। तो इस पार्टीबन्दी की चालों को अपनाने से किसी देश की सेवा नहीं होती। मुझे इतना ही कहना है।

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SHRI GOVIND BALLABH PANT: Sir, I appreciate the solicitude shown by Mr. Kishen Chand for Government servants in general. I must say that I share his feelings that they should not be subjected to any harassment. Government servants have to discharge difficult and delicate duties. Yet they have to perform their part without fear or favour. This they can do if they have the support of this House and we start with the presumption that, unless their guilt is established, they should be presumed to be honest. Sometimes indiscriminate attacks are made against Government servants in general. Well, as I said at the outset, we are sorry that the evil of corruption persists, but we must not exaggerate the evil and we should not paint the picture blacker than it is. There are no doubt black sheep in every fold and they bring the entire flock into disrepute. It is necessary to handle them properly so that the entire fold may not suffer because of their misdemeanour. This Bill only seeks to ensure proper standards of conduct among Government servants. I think that, if Mr. Kishen Chand had closely examined the terms of this

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clause, he would have found that there is no reason for any nervousness, trepidation or anxiety. Even if this clause had not been there, I think that a court would have been justified in presuming that a Government servant has been guilty of improper conduct and that the burden has to be discharged by him of establishing his innocence if—

- (i) he is found in possession of assets which, on their very face, appear to be disproportionate to the legitimate sources of his income, and
- (ii) he is unable to satisfy reasonable persons as to the source from which he had earned those assets or collected them.

If a Government servant, say, who has got Rs. 100 as his salary per month, has in his possession assets of the value of one lakh of rupees or has in his bank account one lakh of rupees, I think it would be reasonable to find out as to how he had come to amass such a huge amount. If he was able to show that he had inherited a big fortune, say Rs. 50,000, from his parents about fifteen years ago, and interest had been accumulating since then with the result that the capital had gone up to one lakh of rupees, there would be no trouble, but if he has such an amount in his possession and he cannot account for it at all, then I think the court would be entitled to ask him to show why it should not be presumed that the means employed by him had not been decent, proper and fair. I think that even in the absence of this clause, such a presumption would have been perfectly justified; even under the normal law of evidence, such presumption would have been there, but that is not treated as conclusive. Even if a Government servant has got wealth which apparently he could not have been able to amass if he had behaved in an honest way, and if he fails to account for it, even then, there is no conclusive presumption, and a further opportunity has to be given to him under this clause to establish his innocence. I do not see how any Govern-

[Shri Govind Ballabh Pant.] merit servant can feel in any way perturbed because of the terms of this clause, but we have to take proper care, and lest any court should happen to stretch the law of evidence to an unreasonable extent, this safeguard had been introduced. No reasonable person can possibly have any objection to this clause.

The question was asked as to who has to administer it. Only the courts. It will be for a court to decide whether a Government servant had assets which seemed excessive in the light of his legitimate sources of income and about which he had failed to give satisfactory explanations, and whether he should not be asked to prove his innocence. Only if a Government servant, even after this, after he had been given this further opportunity, failed to prove that he was not guilty of any misdemeanour, would he come within the scope of this clause. I do not see how he can possibly have any objection to this.

Shri Jaswant Singhji referred to something which did not seem to me to be relevant to the Bill that I have placed before this House. I sympathise with him when he says that there were days when he exercised power and others who were similarly placed had similar opportunities. We have every sympathy with them now. We would like to be as considerate as we can be, but they have to realise, as everyone has to in this country, that we have accepted the democratic way of life. Democracy does not merely mean rule by majority. It can prosper only if every man feels that he is one with the rest of the community, that he has no right to regard himself as superior to the common man, and that he is not entitled to any rights which another citizen does not enjoy. So, all have to adjust themselves to the way of life to which we are committed. If we do that, I think there will be no occasion for any sort of misunderstanding, and we all will be able to pull together and to work for the uplift of each and all,

those who had power in the olden days and those who have power now today, power with everyone else in this country and not exclusively for himself or for themselves. Sir, I commend the Bill to the House.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Prevention of Corruption Act, 1947, be taken into consideration."

The motion was adopted.

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

Clauses 2 and 3 were added to the Bill.

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

SHRI GOVIND BALLABH PANT: Sir, I move:

"That the Bill be passed." MR.

CHAIRMAN: Motion moved: "That the Bill be passed."

SHRI PERATH NARAYANAN NAIR (Kerala): Sir, I support this Bill as a necessary measure. I just wish to point out that there is a feeling in the country that even though this provision has been there during the last more than three years, that has not been used with as much stringency as it could have been used. The Home Minister gave us to understand that under this provision about 1,300 cases have been investigated. It is a good number. Without suggesting that all our officials are corrupt, without attempting to paint a picture darker, still, if we take into account how this evil of corruption persists in all walks of life, this 1,300 is not adequate enough. I can speak with some experience about the affairs in my part of the country, in Kerala. There again I don't suggest that all our officials are bad and corrupt. There

are honest officials, good officials and they are universally respected. I am not indulging in any general attack on our officials but there have been instances where large amounts of property have been acquired by officials not always in their names. Some of them are quite clever people. By *benanu* transactions they acquire property in the name of other people and even in cases where officials are not in a position to render satisfactory account of the properties they have come by, I don't think adequate action has been taken under this provision. So my suggestion is, while according full support to this Bill as a necessary measure, while I am so anxious to safeguard the citizenship rights of the officials—and I am against unnecessary harassment—this provision is necessary and the only thing is—especially to go by my experience of Kerala and Southern India—this provision has to be pressed into service more often if we want to root out the evil of corruption.

Again I think it does not go far enough. Of course if an official acquires property in his name, well something can be done under this provision but it so happens that these very clever people indulge in *benami* transactions and they defeat the provisions of this Bill also. Such things also must engage the attention of the Home Ministry and I think that in our attempt to root out corruption, such things also must be explored and I think it will be done. With these words, I support this Bill.

SHRI KISHEN CHAND: Sir, may I say one word as a matter of personal explanation? While I was trying to point out some of the defects in this Bill, I was rather surprised that several hon. Members tried to impute motives to Members of the Opposition if they speak on a Bill of this nature. Our democracy is based on a rule of law and I was trying to point out that we are adopting methods which are not generally adopted in democracies. If you go to Communist countries, they will say, 'Hang every man about whom there is the slightest suspicion

that he is corrupt.' That is one method. You create a sort of fear. I was trying to suggest the method of love, an attitude of mind that your officers are honest. If they prove to be dishonest, certainly give them the fullest punishment but don't adopt that mental attitude of suspicion, suspecting every officer. That is a bad mental attitude. Therefore whatever opposition I have submitted to this Bill was from the best of motives in order to raise up the standard of our services and not suspect them continuously.

SHRI GOVIND BALLABH PANT: Sir, I have hardly anything to say. Shri Nair in a way indicated that the provisions of the Bill were not adequate and that something more stringent was necessary. Well, anyway that is an argument for the support of the Bill and no amendment for making it more stiff has been moved by anybody. So no reply is necessary.

As to the 1,300 cases, Mr. Kishen Chand said that these cases had been taken up in the course of one year. I said within the last 10 years, since this Act was passed in 1947. I am saying so just to remove any misapprehension that might otherwise be caused. I don't at all dispute the motives of Shri Kishen Chand. I in fact thank him for having drawn the attention of the House to the necessity and desirability of safeguarding the reputation and good name and the interest of the public servants.

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE BUDGET (RAILWAYS) 1957-58—GENERAL DISCUSSION

SHRI M. GOVINDA REDDY (Mysore): Mr. Chairman, in considering the Budget that is before us, we cannot but remember Shri Lai Bahadur Shastri who was in charge of this portfolio for almost the full period excepting these few months. The Railways have during the last 5 years,