

[Mr. Chairman.]
of States making provision for the constitution of a Business Advisory Committee. In pursuance of sub-rule (1) of rule 28A of the Rules as so amended, I have nominated the following Members to be the Members of the Business Advisory Committee:

Shri Krishna Moorthy Rao.
Shri Amar Nath Agrawal.
Shri Amolakh Chand.
Shri Prafulla Chandra Bhanj Deo.
Shri Laksheswar Borooah.
Shri Bimal Comar Ghose.
Shri Hriday Nath Kunzru.
Shri Satyendra Narayan Mazumdar.
Shri Manilal Chaturbhai Shah.

**PREVENTION OF CORRUPTION
(SECOND AMENDMENT) BILL,
1952—continued.**

MR. CHAIRMAN : We were on the discussion on the Prevention of Corruption (Second Amendment) Bill, 1952. Shri Kishen Chand.

SHRI KISHEN CHAND : Mr. Chairman, it is surprising with what rapid frequency some Members of the Treasury Benches are taking objection to the Opposition and instead of discussing the motion before the House, they hurl abuses at each other and the net result is that instead of discussing the Bill we get lost in the maze of abuses.

I submit that this Bill has the support of the entire House. Everybody realises that there is corruption in our country, and we have got to find ways and means of fighting corruption. The Opposition is not against this measure, but it is against the degree of this measure. The Opposition thinks that the measures adopted by Government are not sufficient, that they are not strong enough and that stronger methods and stronger measures are needed to root out corruption from our public life. Sir, the measures that have so far been adopted by Government, say in the

Indian Penal Code or the Indian Criminal Procedure Code or even the Bill which is before the House at present deal only with slight enhancement or the punishment or with procedural matters. Many Members feel that no anti-corruption steps have been taken by Government to deal with corruption in the higher offices, among the highest officers of the State, among even Ministers, for this type of corruption consists not in the taking of bribe or illegal gratifications in cash or in presents. That is corruption of a different type. Therefore these measures taken by Government are not going to help us in the matter. Corruption among such high officers or in the ministerial ranks consists of favouritism or nepotism. It does not consist of any taking of cash bribes or giving out permits or other things against money received by them. I do not think anybody has suggested that. But as the saying goes, even one fish spoils the pond; so even one bad Minister can spoil the whole administration. Therefore when we are trying to root out corruption, we have got to work from two ends. We have to work in the lower rungs of officers, where you have the petty police officer, the police inspector or the subordinate officers in offices, like the clerks, peons etc. They have got to be dealt with and for these officers or servants of the State the steps suggested by the hon. Minister are quite right and I think they will go a long way in rooting out corruption in these grades of public servants. But I submit that no steps have been suggested by the hon. Minister for rooting out corruption at the top, corruption of the kind that I have suggested. I could give one or two examples of corruption of that kind. Supposing, Sir, an hon. Minister, after retirement accepts the directorship of a big industrial concern. I do not say that in every case it amounts to corruption. But there may be cases where the acceptance of the directorship of a big industrial concern, after being a Minister, may indirectly amount to some sort of corruption, or rather I would say,

not the attainment of the highest type
of public morality. To give another

example. Supposing a party, selects a candidate simply because he is related to a member of the working committee of that party and gets him elected, and suppose that candidate is really not suitable, will it be called corruption or will it be called nepotism? Take another example. Supposing an hon. Minister makes an appointment, of his relation. Of course, most of these recruitments to the services are made by the Public Service Commissions and even promotions are made by the Commission and so we have nothing to say about them. But there are certain posts in the hands of the hon. Ministers, the appointment to those posts or the giving of promotions from one post to another. Supposing in the filling up of these posts or in making these promotions, the Minister is interested and indirectly influences it in favour of a blood relation, some son-in-law of this man or that man, or it may be by adjustment between two departments, then this type of action also amounts to corruption and bribery. There may be many other cases where the appointments are made in order to oblige the Minister in some other Department. Then there are cases where commercial concerns give employment to certain distant relations of Ministers or high officers. Will that also be called corruption or not. I submit that this is a very difficult thing to deal with. There may be genuine cases. There may be cases of a serving person who get apposed and against such cases no person can have any grudge or grievance. But there may be cases where unmerited rewards in the shape of emoluments, in the shape of services, in some cases Sir, it will be a fit point to consider whether they are not cases of corruption.

It has been suggested by some hon. Members that there should be a high public service committee which should sit, *in camera*, and examine these cases. But that the hon. Ministers have a responsibility. As they are the Emperor's wife should be above suspicion and they have to set standards of public

morality which are really high and they may have to become almost—shall I say—impersonal, and they should almost give up these ties of blood relationship, and whether it be the son of a Minister or the nephew of another Minister or the son-in-law of a third Minister, they should all be equal before a Minister. As a matter of fact, before a Minister there should be no relationship at all. That type of public morality is really difficult to attain, but that should be the ideal to be put before our minds. And when we are considering this question it is not so much the provisions of this Bill that Members on this side try to change, but they are trying to impress upon the Government that the measures taken by them are not sufficient in themselves, that they must take more drastic and more severe steps to root out corruption in high places. I realise that the appointment of a high-power committee to enquire into the corrupt practices of Ministers and high officers is a very very difficult thing. If by chance or mistake we enquire about the activities of a Minister who is quite innocent and performs his duties honestly and efficiently, the mere suspicion would bring down his prestige in society and make him unfit for any ministerial position in the future. Therefore, if the Government could put its heads together and solve this problem they should do so. Examples of corruption can be considered *in camera* by a select committee of two or three Ministers or the Prime Minister may appoint two or three High Court Judges or Supreme Court Judges to go into these cases and where the highest standard of public morality is not being maintained by high officials or Ministers, drastic and quick action should be taken and any sort of condoning of such offences should never be tolerated by any Member of either House.

I, Sir, in supporting this Bill I will again submit that this Bill by itself, is not enough, that we are trying to root out corruption only at the lower levels and this is not going to solve the problem. Corruption at the top

[Shri Kishen Chand.]
remains there and we have got to think of some other means and some other methods of rooting out corruption. With these words, Sir, I support the motion.

PANDIT S. DUBE (Madhya Pradesh) : Mr. Chairman, corruption, as is known, is a world wide disease. It has been there from ancient times and has prevailed everywhere. In India's history corruption has been most shamefully practised in the past, when the invaders came and traitor people betrayed their country. Next go towards the West where corruption is seething. Go to Iran, and other countries where we have corruption galore. Only yesterday, we were reading of corruption in the highest quarters of Egypt. Take Greece, Italy, Rome of the past, Spain of the present, France and Germany. I am only talking of countries which are on this side of the Iron Curtain. Take these countries and you find corruption seething everywhere. Go to South America, Brazil, Chile and any country in the world, Mexico, J14 i.n and China— you find corruption all over. One thing you can do is to minimise corruption and to see that it does not corrupt public life. If you secure that, I suppose, you will have secured all that you can possibly achieve, considering human nature being what it is.

Sir, the best way, perhaps, of fighting corruption is to create public opinion. Why is public opinion so packing in strong! h ? I may venture to suggest that public opinion is lacking because the sanctions behind the morals are lacking. There is no sanction and there is no punishment ; those are behind the disappearance of morals in the country. It is when you raise the standard of public life, of public character, that you can afford to root out corruption or, at any rate, to minimise it. May I, Sir, suggest the curious way corruption enters life. We have a provision that bribe-giving will be a cognizable offence. We have

j the provision that a person who takes bribe is just as guilty as the person who gives the bribe. Very well. I can understand genuine cases of bribe. I can understand where a policeman or any other official demands and extorts bribe and a case where a man gives bribe for his purpose. What about the false cases being put up ? What about the cases in which there is what you call people laying a trap ? Those people never intended to give a bribe. The district magistrate and the policemen join hands to persuade a man to offer a bribe which he never means to offer. Now that man is not guilty at all. It cannot be said of a man, when he never intended to offer a bribe or the man who never intended to accept it, that he is guilty. We are putting the bribe taker and the bribe giver in the same basket. If bribe taker is guilty, is it not natural to expect that the other man would be equally guilty or do you condone the means for the end ? Because he is a bribe taker, therefore, by hook or crook, you are going to catch him. Therefore, the district magistrate enters into an unholy conspiracy with the police and lays a trap. Is it permissible, does it appeal to their conscience, that this should be permitted ? I am afraid, Sir, this attitude of spies coming in has received, I believe judicial sanction. I cannot accept it because it goes against my grain, that we should be instrumental in securing the conviction of an innocent man. It is our duty to see that the offence does not take place. The Bill has stated 'Prevention of Corruption' and here you are getting corruption done. Is it proper, is it just, is it honest that you should get a man, as perfectly innocent of this crime as anybody— of course he may be guilty in many others— convicted? Do you mean to say that the means you adopt for the purpose of getting the man into a trap is honourable, decent or at all justified ? I lay emphatic protest against a possibility of this kind of trap being made. Sir, there was a suggestion of a high-power committee for the purpose of meeting corruption. My respectful suggestion is that we in

ought to follow the District Attorney system in America. The District Attorney is a person who is invested with wide powers of investigation. He has power to command assistance of police force and he can have investigations carried on in cases in which the police,—even cases of murder which have not been investigated and other cases which have not been investigated because—has not had time, or because it has been corrupt or has not the men even to find out. In such cases the District Attorney takes upon himself the duty and prosecutes. I wish and hope that it may be possible for the Government to investigate the possibility of instituting District Attorneys. We have got only Public Prosecutors but they have got limited powers. The District Attorneys can deal with cases of this kind where, as my friend Shri Bhanj Deo mentioned, there was no possibility of getting redress from other sources. That is my suggestion, Sir.

MAJOR-GENERAL S. S. SOKHEY (Nominated) : Mr. Chairman, I rise to give expression to a deep anguish that I experienced just before lunch after what I heard and saw in this Chamber. On two days I had heard every Member in this House get up and tell how widespread corruption was, how it was eating the very vitals of the nation. In that background, I was delighted to hear the Member from Orissa give exact details of a case of gross corruption of which he himself was the victim. The least I expected of the Members of the Cabinet present here was that they would see to it that the person, the culprit, would be in jail before the evening. But, what did I see? The hon. Leader of this House and the Minister for Law both simultaneously stood up, not to take action to see that that man was in jail but to ask the hon. Member from Orissa not to give details of the case in his own interest because the matter was *sub judice*. In the first place, I understood, what is *sub judice* is the case of theft and not the case of corruption. In the second place I

concept *sub judice* is designed to see that justice is done, but such a concept under certain conditions may act in the reverse and may defeat justice. This was just the case where it was going to defeat justice, for the simple reason that these things occurred some time in January and now we are in the middle of August and nothing has happened. I think it must be perfectly clear to all of us that if we do want to put down bribery and corruption, as I have no doubt both the Government and the House want to, then prompt summary action is needed. Mere passing of laws is not going to have any effect. What is needed is peremptory and summary action. People who are largely responsible for bribery and corruption are government officials. They are recruited by Government and Government lays down the conditions of service, conditions of promotion and so on; Government has also the power to regulate the conduct of those officers, in these conditions, it should be possible for Government to take summary departmental action against them.

SHRI N. GOPALASWAMI : May I intervene just for a minute? I am afraid the hon. Member who is speaking has not quite comprehended the attitude which was expressed in the intervention made by me and by my hon. friend the Minister for Law in the course of the speech of the hon. Member from Orissa. The particular thing that we took exception to was that the hon. Member from Orissa was giving details of something which was in the nature of accusations against a public official in connection with a case which, according to his own confession, is *sub judice* in a court of law. Now, that case is a theft case and we could not say anything definitely till the court disposed of the matter. He went on to refer to an attempt made on himself by the officer in charge of the investigation of the case to extort money from him in order to see that that particular theft case was proved in court and so on, and he proceeded to give details. These are accusations I made against public officials in a House

[Shri N. Gopalaswami.] where they happen not to be present and I think ordinarily the convention is that such accusations against individual officials should not be made in the course of a debate of this sort. I only appealed to him asking whether he thought it was proper on his part to do so. I do not see how the hon. Member is trying to suggest that the intervention by either myself or by my hon. colleague here was anything but proper in the circumstances in which that intervention was made.

MAJOR-GENERAL S. S. SOKHEY : Mr. Chairman, in so far as the case I was making goes, what the Leader of the House has said makes matters still worse. Here is a definite case of gross corruption detailed by a Member of the House whose word can be taken to be true, if anyone's words can be taken to be true. I think his testimony is enough and I wish both the Leader of the House and the Law Minister who occupy important positions in the Government had taken steps to get further particulars and taken prompt action against the culprit. It is the lack of such proper action that is in the way of preventing corruption.

SHRI N. GOPALASWAMI : I wish, Sir, the House will give us jurisdiction to punish a person on the mere word of a member when it is uttered here.

MAJOR-GENERAL S. S. SOKHEY : That is precisely my case and unless we have the intelligence to do so, we are not going to wipe out corruption, •

MR. CHAIRMAN : In other words, you want a different method for putting down corruption.

MAJOR-GENERAL S. S. SOKHEY : So far as laws go, we will still have the Preventive Detention Act with us and it could be very usefully employed for this purpose, and my hon. friend's words should be quite enough to get that man in jail. It would also be a very good use for the Preventive Detention Act.

I would also like to draw the attention of Government to another point. We can learn a great deal from the Army in this matter. They have to keep their organisation absolutely uncorruptible and they do it by summary trials and court martials which are also summary. And I think the Government, if they really want to wipe out corruption, should follow the practice of the Army and resort to summary departmental trials, and take prompt action even if some innocent people are injured thereby. The evil is too widespread, too serious to be ignored.

Further I can say from experience that ' in a well-conducted, well-run office or organisation a junior officer can not take bribes or think of doing so without the senior officer being aware of it or being a party to it and I wish to suggest that we should take summary action and see to it that when a junior officer is found guilty the senior officer should also go with him. If we start taking action promptly somewhat on these lines and supplement it by giving adequate publicity, it would bring about very great results. I would suggest that instead of putting our faith in legislation and passing more laws and still more laws, I would suggest that Government should collect a body of men—a dozen or so—whose integrity is beyond question and give them the responsibility of putting down corruption by making enquiries and so on and organising summary action against those who are found to be corrupt. And I would again say—I think this was eloquently said by others—there is a difference between low-paid public servants and senior well paid officers. It is obvious that the minimum that a man should have to keep his body and soul together is about Rs. 80 or so a month and if we pay him Rs. 40 we cannot expect him to carry on with that insufficient salary. We should pay them adequately and when such men are found guilty we should treat them differently from the people who are well-paid. I feel that a well-paid official, if he is found guilty, should be given more severe punishment

than a low-paid servant for a similar offence. In conclusion I would again beg of Government and particularly the Law Minister to enquire into the complaint of the Member from Orissa, get more particulars of the officer concerned and have that man jailed under the Preventive Detention Act before this night falls.

SHRI C. C. BISWAS : Sir, the hon. Member from Orissa saw me and I have advised him to place all the facts before the Home Minister who will deal with the matter. So, that action has been taken.

4 p.m.

SHRI H. C. MATHUR (Rajasthan) : Mr. Chairman, we have already passed the Criminal Law Amendment Bill and this Bill which is before the House now is only a consequential measure, and as such I think there should be no argument or objection regarding the passing of the Bill. As a matter of fact, we all very much welcome these enactments, Sir. We welcome them because these enactments propose to tackle a much more wider problem—a problem which we consider is very important in the interests of the community. That is why we welcome this proposal, why we welcome this enactment and it is only the importance of the problem that has evoked all the discussion and debate in this House. We have already expressed ourselves fully while we were considering the Criminal Law Amendment Bill. Then we talked about the bribe-taker and we talked about the bribe-giver. There were quite a few Members who were very vehement against the bribe-taker. It appears to me that the Government, though they condemn the bribe-taker, seem to lay a little greater emphasis on the bribe-giver. I am not going into all these details here, but in passing I might mention that the bribe-taker owes a much greater responsibility ; not the bribe-taker as such, but the Government servant who takes the bribe owes a much greater responsibility, because he is a paid servant of the Government, and he is paid to discharge his duties

and responsibilities. He is not only paid; he is also given the security to be able to discharge his responsibilities. And yet if the officer betrays the country at this critical time, certainly he deserves exemplary punishment, a much severer punishment than we would give to the bribe-giver.

Another aspect of this question is this. If we analyse the position, we will find that it is hardly in 5 or 10 per cent, of the cases that it is the bribe-giver who corrupts an honest officer. We have to pay bribes to get justice, or even to get going. It is mostly under compulsion that bribes are given. Sir, the one point which I want to emphasise is this, that we should not permit any impression to go round the country, and we should not permit the officers to run away with the idea, that the emphasis has shifted from the bribe-taker to the bribe-giver. It would be very wrong if such an impression is given to the country at large or if our officers run away with the impression that the emphasis from the Government's point of view has now shifted from the bribe-taker to the bribe-giver. In those 5 per cent, of the cases when the bribe-giver corrupts an officer, there is no reason why we should have any compunction; they should be dealt with as severely as possible. But I think the basic approach to this problem is entirely wrong. I may be wrong myself ; I do not know. But I will just submit that it is not the bribe-giver or the bribe-taker who is the primary factor. The bribe-giver and the bribe-taker are there because we are failing somewhere else. I would lay much greater emphasis on this aspect. I would lay the responsibility on the Government. When I say " Government ", I wish to distinguish the Government from the administrative machinery. Government is constituted by the Ministry, and it is my definite opinion that if you have a really capable, honest and strong Ministry, the administrative machinery cannot go wrong. I do not mean to suggest that most of our Ministers are dishonest in the sense that they are accepting bribes. But with all due deference to the Ministry

[Shri H. C. Mathur.]
I do suggest that most of the Ministers, I venture to submit, are honest to a very limited extent. Dishonesty takes many shapes. You have dishonesty in the shape and form of nepotism ; you have dishonesty in the shape of favouritism. It also takes the form of accepting money, accepting gifts, and it may also take the shape of pacifying some other passions of those in power. I do submit that there are quite a few people at the top who may not hesitate to indulge in any scandal, where sound principles of administration are thrown to the winds simply because they are going to prop up their party interests. The over-all interests of the country and sound principles of administration are thrown to the winds just to prop up certain party interests. There are people at the top who would not hesitate to indulge in certain practices just to collect huge amounts of money for their party funds. There is nothing farther from my intention than to hurt the feelings of my Congress friends. I know very well that there are many people on the Congress side who have spoken very vehemently against corruption, and I do think that there are many people who sit over there, who feel as strongly as I do, who feel as strongly as anybody else would feel. But the unfortunate fact is, and there is no denying it, that there is a particular section of people who call themselves *karyakartas*, who are mostly after Ministers and who constitute a very great corrupting force. And the Ministers, who depend-upon their support have not got the courage to say " No " to them. I can quote to you example after example

MR. CHAIRMAN : Not necessary.

SHRI H. C. MATHUR :
..... where
e
they have indulged in such public scandals. I know it is not necessary, and as a matter of fact I have no intention of washing dirty linen here, although I have concrete examples ; but that does not serve my purpose. I wish only to enunciate the principles and bring home certain facts. It is at the topmost level that corruption starts.

Until and unless we do something, until and unless we change our whole attitude, until and unless the Ministry feels that they are there to see that the administrative machinery works correctly, nothing will happen. We may enact all kinds of laws ;" but with corrupt officers, corrupt *karyakartas* and corrupt businessmen, you will only open fresh fields and provide opportunities for more and more corruption. I venture to submit that if only the Prime Minister and the Chief Ministers of the various States see that they get a team of Ministers who are not only honest themselves but who have got a grip over their departments, then shall we succeed in solving this problem. Why is our Administration so slack ? Why is corruption there ? There is only one reason. Our Ministers unfortunately have not got the grip over their departments which they should have. Until and unless we see that Ministers have got that grip over the Administration, we shall never be able to deal with this evil of corruption. Before the Congress Government came into power, dishonest people shuddered in their shoes. They knew that Jawaharlal Nehru, their great leader, meant what he said and that dishonest officials would have the worst of it. Unfortunately, things are entirely different. Not that the Prime Minister is not anxious to root out corruption ; not that the Prime Minister is dishonest ; but, as matters stand today, here and in most of the States the Ministers are honest to a limited extent, and they have not got that grip over the Administration which is necessary if corruption is to be rooted out.

Sir, we have got departmental heads. Nobody has any business to be a departmental head until and unless he has established a reputation for transparent integrity, until and unless he can keep his department straight, and until and unless he can control his department. The Ministers should be able to see that this sort of rigidity is enforced by their Secretaries and by their departmental heads. There should be this drive in the Secretaries and the departmental heads. You can certainly demote a departmental head

You can at least send him away most unceremoniously. But what are they doing ? A Minister knows that a particular Secretary is dishonest, but he goes on. We are talking about social boycott. We are wanting the public to boycott these officers. But even the Ministers are not boycotting them. They do not even give them the impression that those people have no place with them. Certainly a departmental head could be sent away in a most unceremonious way, to a most undignified job. That need not affect his security of service, but you can certainly make him most uncomfortable. I will just give an example. It is not an example of corruption or scandal. I will give you a simple example which will illustrate my viewpoint. It was in 1934 that in Jodhpur we got Sir Maharaj Singh as our Chief Minister. I think, Sir, most of us know Sir Maharaj Singh. He is the same man who has retired from the Governorship of Bombay. He was there only for a short time. He never asked for all these enactments and he never asked the people to hold their souls in patience till the general standard of morality was raised. He never imported one single officer from outside to root out corruption but he conducted himself in such a manner that the whole climate of the place was changed. The whole atmosphere was changed and, Sir, every dishonest officer began to tremble in his shoes and every honest officer felt very much encouraged. He hardly dismissed two or three officers but the whole atmosphere was changed without all these enactments and without the tall talk about social boycotts. What do we do here ? We find that one of our Ministers is not above suspicion. We just wait for an opportunity so that he may be dropped out of the Cabinet and then send him out singing all his praises. We know that he is corrupt. We know that a particular high dignitary or a particular officer is corrupt, still we screen him. We give him all the support and then we permit him to just get out of the door with all his ill gotten money. Is that the way we are going to root out corruption ? I mean to submit, Sir, that these enactments are very very

secondary and very insignificant. It is only, Sir, the executive action and drive in the Ministers at the high level that can root out corruption and that can be helpful in these things. If I am taking more time, I will close my speech, Sir.

SHRI H. P. SAKSENA (Uttar Pradesh) : Mr. Chairman, at the outset I may inform the House that I do not worship in the same temple as the speaker who just spoke before me. The subject that we are discussing just now is just an ordinary everyday affair of wiping out corruption which we all agree is more or less prevalent in our country. All genuine efforts have been made, are being made and shall probably be made in future also to put an end to this evil by the Administration with the best of its intentions. While my hon. friend from Rajasthan was ruling out details and details of the dishonest actions, intentions and measures resorted to by the party in power, by the Ministry in power, I was simply wondering what we had come to. With a full sense of responsibility they are levelling charges right and left against men who are in no way less responsible, and having no idea of the fact that it is very probable that they would find themselves unable to substantiate any of those charges. It struck me that while he was talking of dishonest practices of the Congress Party, he was referring to a party other than the Congress, perhaps to the activities of the party to which he himself has the honour to belong.

SHRI H. C. MATHUR : I do not belong to any party.

MR. CHAIRMAN : He is an Independent.

SHRI H. P. SAKSENA : If he does not belong to any party, I withdraw. Now if he is Independent, well, the very epithet implies that he can talk and he can say whatever he likes about anybody under the sun. Now, Sir, the only object of the Bill as I said before, is to root out corruption and I do not feel he suggested even one single step to that end. What he said was :

[Shri H. P. Saksena.] Well, if these Ministers are bad, if they are corrupt, send them away. It seems that you do not have the power to do it. You are given opportunity after opportunity to change the Government, to send these "rogues" away. But if you do not succeed, why do you come here and lament? Why not try it at the polls?

Now we have selected as our Ministers the best of the men to be found in India. They are above suspicion. Their conduct which is known to the entire world is entirely above suspicion and if these men also do not satisfy you, well then the only inference that can be drawn is this that you are simply jealous of the power that they are having. If you happen to occupy the same places, you will be happy about it.

SHRI GOVINDA REDDY (Mysore) : Dogs bark but caravans pass on.

SHRI H. P. SAKSENA: Now, Sir, I would not reply to our own colleagues, our own associates in this august Assembly in the same tone as they do. After all it is a game at which two can play. But we have got to exercise the utmost possible restraint. We cannot pay them back in their own coin and therefore in order not to avail myself of another opportunity to speak on this anti-corruption Bill, I would lend it my utmost support and would request the hon. Members to pass it without much ado and without further discussion, because the result of all this unnecessary talk and discussion has been that we have now to attend two sessions of the House daily for today and tomorrow and probably we might have to sit twice each day for a few days more. And it is very likely that it may be extended a third time. I support this Bill.

SHRIMATI CHANDRAVATI
LAKHANPAL (Uttar Pradesh) :

श्रीमती चन्द्रावती लखनपाल (उत्तर प्रदेश):
श्रीमन्, इस समय जो बिल हमारे सामने प्रस्तुत है

उसके अनुसार जितने भी पब्लिक सर्वेंट्स (public servants) हैं, चाहे वह छोटे हों या बड़े हों, में समझती हूँ पब्लिक सर्वेंट की व्याख्या में छोटे-बड़े सब प्रकार के आफिसियल्स (officials) आ जाते हैं। इन आफिसियलों में चाहे कोई छोटा हो या बड़ा हो, अगर वह कोई ऐसा अनैतिक व्यवहार करता है तो वह भ्रष्टाचार का अपराधी है। वह अपने व्यवहार से, अपने अनैतिक व्यवहार से सारे समाज के ऊपर कलंक लगाता है और समाज के सामने एक दूषित उदाहरण रखता है। इस तरह के अपराधियों को, जो पब्लिक सर्वेंट हों, सरकारी कर्मचारी हों, उनको भारी से भारी दंड दिया जा सकता है।

श्रीमन्, निश्चय ही यह बिल भ्रष्टाचार को रोकने के विषय में एक बड़ा कदम है, और ऐसे अपराधियों पर कड़ी चोट करने का इरादा रखता है। श्रीमन्, यह बिल कितना सामयिक है, और देश की वर्तमान अवस्था में कितना ज्यादा उपयोगी है और कारगर है, यह इससे साबित होता है कि जो उस पक्ष में, उस साइड (side) में बैठे जितने माननीय सदस्यगण हैं, इस बिल का सब पूरी तरह से समर्थन करते हैं। साधारण रूप से जो कुछ उधर से कहा जाता है और अक्सर उधर से तो विरोध ही होता है, लेकिन यह कुछ बिलों में से एक बिल ऐसा है जिस बिल को विरोधी पक्ष के माननीय सदस्यों का बहुमत समर्थन प्राप्त है। और तो और, मेरे माननीय बन्धु श्री भूपेश गुप्ता, जो सदैव इस सदन के अन्दर अपनी बांमुरी पर एक ही सुर बजाया करते थे, उन तक ने इस बिल की प्रशंसा की और इसका समर्थन किया। यह दूसरी बात है कि उन्होंने अपने अजीब व गरीब तरीके से इस बिल का समर्थन किया है। लेकिन इसमें उनका दोष नहीं है। यह उस पार्टी का दोष है जिसके साथ वह बंधे हुए हैं। उनकी पार्टी का यह सिद्धान्त है कि

वह इस सदन के अन्दर हर बात का विरोध करें परन्तु इस बिल का उन्होंने भी समर्थन ही किया है, भले ही अपने ही बंग से किया हो। जो विरोधी पक्ष में बैठे हुए माननीय सदस्य हैं और उन्होंने जो कुछ इस बिल के बारे में कहा है उसमें बड़ी सचाई है।

श्रीमन्, आज देश के अन्दर गहराई तक भ्रष्टाचार, घूसखोरी, करप्शन (corruption) इस तरह की चीजें सब फैली हुई हैं, इस बात से कोई भी इन्कार नहीं कर सकता है। इसकी ओर से आंखें मूंदी नहीं जा सकती हैं। हम यह सोचकर संतुष्टि नहीं कर सकते कि जो आज मुल्क के अन्दर करप्शन है वह अमेरिका में भी है, और इंग्लैण्ड में भी है। श्रीमन्, मैं कहना चाहती हूँ कि आज हमारे देश में जहां तक भ्रष्टाचार का सम्बन्ध है, जहां तक अनैतिकता का सम्बन्ध है, वह एक गम्भीर अवस्था में पहुंच गया है। साम्प्रदायिकता, कम्युनलिज्म (communalism) और प्रायत्नीयता यदि इस देश के शत्रु हैं तो मैं कहना चाहती हूँ कि अनैतिकता, भ्रष्टाचार, करप्शन और ब्राइवरी (bribery) यह देश के और भी भयानक शत्रु हैं। यह ऐसे शत्रु हैं जो हमारी सारी सामाजिक व्यवस्था की जड़ों को खोखली कर रहे हैं। हमारे देश की नवप्रान्त स्वतन्त्रता के लिये यह चीजें एक खतरा उपस्थित कर रही हैं। यदि यही रफ्तार रही तो यह नवजात स्वतन्त्रता शीघ्र ही तहस-नहस होने वाली है।

श्रीमन्, यदि हम इतिहास के पन्नों को पलटें तो हमको यह पता चलेगा कि जब जब हम राजनीतिक दृष्टि से पतित हुए तब तब सदैव हमारा नैतिक पतन भी हुआ है। श्रीमन्, हमारा नैतिक पतन हमारी राजनीतिक पराधीनता का एक अवश्यभावी परिणाम है। इसलिये स्थिति गम्भीर है इससे इन्कार नहीं किया जा सकता है।

आज से ५ वर्ष पूर्व हमारे राष्ट्रपिता पूज्य महात्मा गांधी जी जीवित थे। उन्होंने हमें यह

पाठ पढ़ाया था कि देशसेवा करनी चाहिये, देशप्रेम, त्याग और तपस्या करनी चाहिये। उन्हीं सिद्धान्तों के बल पर उन्होंने देश के लिये स्वतन्त्रता प्राप्त की थी। और यहां से चलते चलते वह हमें बता गये थे कि त्याग, तपस्या, देश-सेवा और देश-प्रेम की भावना से ही हम अपनी स्वतन्त्रता को कायम रख सकते हैं। किन्तु आज यह खेद का विषय है, दुर्भाग्य का विषय है कि ५ सालों के बाद हम अपने पूज्य बापू जी की बतलाई हुई बातों को भूल गये। उन्होंने जो मार्ग बतलाया था, जो उपदेश दिया था, वह हम सब भूल बैठे हैं। वह चलते चलते हमें यह उपदेश, आदेश और संदेश अपने खून से लिख कर छोड़ गये थे। श्रीमन्, यदि अपने राष्ट्रपिता द्वारा बताये हुए मार्ग पर प्रत्येक भारतवासी चले तो हम अपने क्रियात्मक जीवन द्वारा देश को ऊंचा बना सकते हैं।

नैतिक पतन को दूर करने के लिये इसमें सन्देह नहीं है कि कानून हमारी बहुत हद तक मदद कर सकता है। आज यह दूसरा कानून थोड़े ही दिनों के अन्दर हमारे माननीय कानून-मंत्री द्वारा यहां पर पेश किया जा रहा है। इस से १५ दिन पहिले एक कानून इसी तरह का रखा गया था और यह दूसरा कानून है, तो यह इस बात को साबित करता है कि हमारी गवर्न-मेंट का शासन सूत्र से और देश के अन्दर से भ्रष्टाचार को दूर करने का जो इरादा है, वह वास्तव में सिसियर (sincere) है और सत्य है। किन्तु, श्रीमन्, मैं यह कहना चाहती हूँ कि इस अनैतिकता को दूर करने के लिये कानून द्वारा ही हम इसको खत्म नहीं कर सकते हैं और न मैं उन भाइयों की राय से सहमत हूँ जो यह कहते हैं कि कानून के ही द्वारा इस भ्रष्टाचार को समाज से दूर किया जा सकता है। इसके साथ ही साथ मैं यह मानने के लिये भी तैयार नहीं हूँ कि भ्रष्टाचार जो इस समय देश में फैला हुआ है उसकी समस्त जिम्मेदारी गवर्नमेंट के ही ऊपर है। मेरा तो यह ख्याल है कि जो भ्रष्टाचार देश के

[Shrimati Chandravati Lakhnapal.]

अन्दर फँला हुआ है उसकी जिम्मेदारी केवल गवर्नमेंट पर ही नहीं है बल्कि हम सब लोगों पर, सब भाइयों पर और इस देश की जनता पर है। इसलिये अगर हम चाहते हैं कि देश के अन्दर से नैतिक और अनैतिकता, भ्रष्टाचार और कर्प्शन को समूल उखाड़ कर फेंक दें तो आज हम सब लोगों को इस ओर दत्तचित्त होकर प्रयत्न करना होगा। चाहे वह मिनिस्टर हों, चाहे इस संसद के सदस्य हों, आम जनता हो, चाहे वह ऊँचा हो या नीचा हो, सब को अपनी समस्त शक्ति को इस ओर लगा देना होगा। हम सब को इस तरह का वातावरण देश में बनाना होगा कि कोई भी व्यक्ति अनैतिक कार्य न कर सकें।

श्रीमन्, मैं एक बात और आपसे कहना चाहती हूँ वह यह है कि अगर हम देश के नैतिक वृक्ष को हरा-भरा रखना चाहते हैं और चाहते हैं कि वह सदैव पल्लवित रहे तो हमें उसकी जड़ को पानी देना होगा न कि पत्तों को। अगर हम जड़ को पानी नहीं देंगे तो हम वृक्ष को हरा-भरा नहीं रख सकते हैं। हमें अपना ध्यान उन बच्चों की ओर देना होगा, उन बच्चों के मारल (moral) की ओर देना होगा, जो स्कूलों के अन्दर पढ़ते हैं। हमको उनके विचारों को बदलना होगा और उनको व्यवहारिक शिक्षा देनी होगी। श्रीमन्, यदि हम स्कूलों के अन्दर मारल एजुकेशन (moral education) अपने बच्चों को दे सकें तो यह निश्चित है कि जो बच्चे स्कूलों के अन्दर आयेंगे वह बाहर निकल कर समाज के लिये और देश के लिये एक ऐसा वातावरण पैदा करेंगे कि कोई भी अनैतिक व्यवहार नहीं कर सकेगा। इसलिये मेरा यह भी निवेदन है कि अगर माननीय कानून मंत्री और अपनी सरकार यह चाहती है कि देश के वातावरण को एक ऊँचे स्तर पर लाया जाय, देश के मारल (moral) में एक उच्च कोटि की उन्नति हो तो यह आवश्यक है कि हमें अपने बच्चों

को उनकी स्कूल स्टेज (school stage) में किसी न किसी प्रकार की नैतिक शिक्षा देनी होगी। श्रीमन्, जो आज के बच्चे हैं वह कठ के नागरिक होने वाले हैं। इसलिये यदि हम चाहते हैं कि हमारे देश के नागरिकों का मारल ऊँचा हो, उनका मारल का स्तर ऊँचा हो तो यह आवश्यक है कि उनको इस तरह की भी शिक्षा दी जाय।

इन शब्दों के साथ मैं इस प्रस्तुत बिल का हार्दिक समर्थन करती हूँ।

[For English translation, see Appendix II, Annexure No. 65.]

BEGAM AIZAZ RASUL (Uttar Pradesh) : Mr. Chairman, I rise to support this Bill. Several opportunities have arisen during the present session for hon. Members of this House to express

their views on this very important subject, and Government has come in for a great deal of criticism. I repeat, Sir, what I said on a previous occasion that

! Government cannot be held entirely responsible for this state of affairs in the country. After all, if this is the standard of morals of the people, what, can the Government do? These things cannot be eradicated by legislation but as one hon. Member rightly remarked, it is not only our own country that is suffering from these vices of corruption and bribery. There are many other countries in the world which are facing similar problems. We have to think of ways and means to deal with them. But wholly to blame the Government of the country for this state of affairs, I do not think, is fair.

My hon. friend Shri Bhupesh Gupta, who was speaking this morning, has been harping in the same tune. I have nothing against him because I also have been criticising Government in this respect a great deal but I certainly think that some tact is required in dealing with these vital social problems. I saw in the galleries a large number of American students, who are visiting this country, when the hon. Member was speaking and for them or other foreigners to get this impression

of this country of ours is not a very good thing from any citizen's point of view. I don't say that we should hide our faults. I think it is our duty to bring our faults and vices to the forefront and try to improve the conditions as much as possible. But as I said just now, it is not only our country which is addicted to these vices. There are other countries also but I don't think that in those other countries in the legislatures in time and out of time this sort of criticism is levelled at Government only. The Government cannot go on enacting measures and legislations to wipe out corruption and bribery. After all we must realize that there are certain things that cannot be wiped out by legislation, and we should also realize that that Government is best which governs the least. It is the duty of every citizen living in this country to improve the social conditions and to set up a higher moral standard. Our responsibility as representatives of the public in this House, as Members of Parliament, does not only end in making fiery speeches either from this side of the House or from that side. We must realize that our responsibility lies in a far wider field and it is for us, for those of us who feel strongly on these things, to take up the cudgels in this matter. I realize and I certainly feel that we can do something in order to mitigate these great evils that are unfortunately rampant in our country and in this matter I feel that the responsibility of women is very great. Women, as the guardians of the household, as the holders of the purse, as the mothers of children, have a far greater responsibility than the men. I am also inclined to say with due respect and without meaning any disrespect to men that women are by habit, more honest than men. It may be that they lead more sheltered lives. It may be that the temptations in their lives are not so great as they are in the lives of men who have to earn for their families. Whatever may be the reason, there is no doubt that women are more honest than men in many respects and therefore it is for them to keep a watch on their husbands and their sons and not let them indulge in bribery

or bring home more money than they earn by honest and legitimate means and it is for them to refuse to take that tainted money or to spend it on themselves or their children. They should refuse to marry their daughters to men who indulge in these anti-social activities and I feel sure that if they took up the cudgels honestly and sincerely in this matter a great deal of corruption and bribery that we are hearing of day in and day out will certainly disappear. One of my sisters has just mentioned that morality should be taught to our children in schools. I agree with her but I feel that the mother is the first and fittest person to teach morality to the child and if she were to bring up her child on the principle that there is no morality higher than honesty, then I do not think many sons and daughters would go astray. You must also adopt other ways and means to bring this problem before the public and advise them on their duty as citizens. Different forms should be established—the most popular being the radio where the harm done by dishonesty and corruption should be brought out.

This leads me to the inevitable question as to why there is corruption and bribery in our country. It is realised that this is on the increase. No one can deny the fact that the high cost of living is to a very great extent responsible for this sad state of affairs. As the Prime Minister rightly remarked a few days back in some other connection, the value of the rupee is much less now than it was some 25 years back. It is now only about .4 annas. Now, we have to bear in mind that though the rupee has fallen in value, the low-paid clerks, the policemen and others who are being attacked for their corruption and bribery have not had an increase in their pays to the same extent. Apart from that the rise in the prices of commodities is also responsible for the present state of affairs. There are higher and greater demands made on the income of the family. Our requirements have also

[Begum Aizaz Rasul.] gone up considerably. We had no medical aid to speak of, some 20 years back. Then people never talked of medical facilities. They did not think too much about their education. Their requirements of cloth also were not much. And so we see that while the value of the rupee has come down, our requirements have gone up. How can the poor man make both ends meet? Many poor officials, clerks and policemen have in fact, acknowledged this fact to me. They say, "We have children to be educated, to be brought up, to be clothed and to be treated when sick. With all these things so costly, how can we make both ends meet?"

Another factor is, Sir, the unfortunate fact that our country is very prolific. The adage that the poorer the country the more prolific the people, unfortunately is only too true in our case. Today it costs as much to bring up one child as it used to do to bring up four or five in the past one or two decades, and yet we are having the same number of children or more without giving thought to this problem of family planning.

We do not think of these factors when trying to cure this evil of bribery and corruption. We try to apply the remedy at the top and not starting at the very root. I submit that these root causes also should be considered. These should be considered in their right perspective. The standard of living has to be raised and the prices of things also have to be brought down and so also the index figure of the cost of living. In this connection, I think Government should think of bringing forward some insurance schemes for the poor paid staff in the different branches of Administration and others, I mean those who get about Rs. 300 or Rs. 400 per month. They should have some insurance schemes for the medical aid of their children. They should have free educational facilities. If they are satisfied that the State *will* look after these needs of their children, I feel they would not resort to these unsocial practices. Sir, the purpose of a Welfare State is

that it should look after the citizens as properly and as well as possible. Therefore, Sir, while I support this measure that has been brought forward by the hon. the Law Minister, I feel that it is not only for the Government to bring forward this measure, but it is also for those of us, as representatives of the public, to do everything to help the Government as well as the people in order to wipe out this kind of corruption in life.

MR. CHAIRMAN : I have listened to the speeches. Everybody recognises that the Bill is essential but is not adequate. A more energetic drive against corruption and a general improvement in economic, social and moral conditions is required. Others are illustrations, details and examples. We have spent three hours and ten minutes on this general discussion. So, I hope the Members will limit themselves to about 5 minutes hereafter. (*Turning to Mr. Rath*) When it comes to you, it comes to five minutes.

SHRI B. RATH (Orissa) : Well, Sir, it is the unkindest cut and I expected this because the hon. Minister for Parliamentary Affairs was here some time before.

MR. CHAIRMAN: What has he got to do with this? It is an unfair insinuation.

SHRI B. RATH : No, Sir, it is not against you, but he never comes here into this House unless he has some business.... ..

MR. CHAIRMAN : You need have no fear. Get along with the speech.

SHRI B. RATH : Sir, the Prevention of Corruption Bill, as it is before us has taken a good deal of time but I must say that it has not taken enough time. Because, the more we discuss, the more we find the hon. Members on the other side feeling much inconvenience during the discussion and they butt in when some Members talk and make some remarks as "Dogs may bark but the caravan passes on".

SHRI GOVINDA REDDY : Is it not true?

SHRI B. RATH : Yes. The dogs of the Opposition are here to bark because they are faithful dogs of the community and the society which is suffering from bribery and corruption and here.....

SHRI GOVINDA REDDY : I must say, Sir, that it was not said in relation to the Opposition.

SHRI B. RATH : They do not want or aspire to be the caravan because they do not want to carry on the duty of the caravan. With our barking here we expect that the society will rise from the slumber and stop the caravan passing as it is passing on today. We had another Bill before us and we discussed it; but, what is the net result? If Bill would have improved the situation, if Acts would have wiped out bribery and corruption, then it would have long been wiped out. But, it has not done so and still Baksiu Tek Chand Committee and other Committees are giving suggestions and the hon. Ministers are here to bring Bills embodying these suggestions. I submit humbly that they are moving from the wrong end. They are not correctly applying the principle that would end bribery and corruption. I come from a State. I had put some questions here and some other Members of this House, coming from my State, also put questions and Government evaded to give a direct reply to those questions because they felt that correctly replying to those questions would not be in their interest. That is the very root of corruption, and it is because of that attitude that bribery and corruption continues. If they would put the figures and facts as to why the searches were made in my State, if they would have given facts and figures as to how many permits were given to a particular firm in Orissa whether those permits were used for whom the permits were used and where those permits went, then they would have achieved some confidence. At least I would have some confidence in the Ministers, but they cannot aspire for that confidence from me. If in spite of our protests, il

pite of our repeatedly asking the Government that Ministers at the top should be examples, that they must set the example, we find that Ministers, both in the States and also in the Centre create fabulous wealth in a short time of a year or two of their entrance into the Ministry, to the amount of two or three lakhs, can we not say that you are not very serious ?

SHRI GOVINDA REDDY : Sir, [must take exception to this reference. Under Rule 20b no speaker shall refer to persons in high authority so as to cast reflections on them. It is certainly not parliamentary.

MR. CHAIRMAN : Agreed.

SHRI B. RATH : Sir, you are to protect me.

MR. CHAIRMAN : You get on with the speech.

SHRI B. RATH : Now, Sir, my friend is so much shaken when I discuss about high-placed persons. I have discussed about some persons who are below them and for whom my friend sometimes has no love. Now I will come to the very Department in the hands of which this Prevention of Corruption Act is going to be administered—the Police Department. There is a district called Balasore in my place. I am not going to go into the details of the history of that place but I will simply say that there were a number of dacoity cases very recently in that district and the main culprit was caught. He made a statement before the Magistrate—a confessional statement—in which he gave a description of all the cases in which he was involved, how he was carrying on his profession and there he involved several police officers—some lowly-placed, some medium-placed and some if not very highly-placed, but highly-placed, and what happened ? Another Department which is known as the Criminal Investigation Department, that also independently made certain enquiries and it was found that the statement made by the chief culprit in the dacoity cases was to

[Shri B. Rath.]

a certain extent corroborated. Now, this Criminal Investigation Branch made a representation to the Government that these people against whom the statement has been made must be transferred from that district in order to carry on the necessary investigation more freely and independently, but the highest-placed officer of that district wanted the officers under him to be protected and as such he made a remark that this is all a wild tale, that he (the dacoit) wants to implicate other people because he himself is a dacoit and he wants to bring others with him. So it is only the highly-placed men who want to protect the officers under them. Why, of course, I cannot say, and many friends can at least bear me out as to what would be the position of the Criminal Investigation Department when it has given reports against the civil police that there is reasonable ground for suspicion and says that further investigation is necessary, it is the high-placed police officer of that district who tries to protect those people involved. What has happened during the last one and a half month, I cannot say. Whether the will of the high-placed district officer has at last won or it is the Criminal Investigation Department which has won, that I cannot say, but that was the situation when I left that place. That is why you cannot root out corruption. If we do not boldly take steps to at least break up the police force in one district who are guided by common interests in order to conceal each other's crime, we cannot root out corruption. The same thing also happened in the district of Mayur-bhanj from which my hon. friend is coming. It was some case with respect to a murder in Amarda airfield area. Sir, when this is the case, how can we expect that by passing such Acts we can root out corruption? Some other method is necessary. The other day I was listening to a speech of an hon. Member of the other House, Shrimati Vijaya Lakshmi Pandit, after her visit to China, and she was speaking about the fight against corruption which is being carried on in China. Of course she had certain

remarks to make; she said that the method was very undemocratic, because the judge sits in a public place, and all the people of the locality are assembled there and the criminal is brought before them. All the people are there, and the criminal is asked questions, and he replies to the people's questions. The Judge puts questions and asks if any man from the audience has some personal experience about the criminal. Then he also puts questions till the criminal either confesses or behaves in such a way as to show that he is trying to conceal something. Then the guilt is completely proved and the judgment is delivered. But what is done here? Here our Government wants to make proper investigation. In the name of secrecy of investigation, in the name of the case being prejudiced if anything is divulged etc. etc. by such arguments they want to protect the person. That is not the method.

DE. P. C. MITRA :

डा० पी० सी० मित्रा : मिस्टर चेयरमैन, यहां जो यह बिल लाया गया है वह बहुत अच्छा बिल है क्योंकि ब्राइबरी (bribery) की वजह से जो इनजस्टिस (injustice) हो रही है, उसको रोकने के वास्ते यह बिल लाया गया है। मैं तो समझता हूँ कि जो जस्टिस (justice) नाम की चीज है उसको कंट्री (country) में लाने के लिये यह बिल लाया गया है। ब्राइबरी से इनजस्टिस होती है इसी से इस बिल से जस्टिस ले आने की कोशिश हमारी कांग्रेस गवर्नमेंट ने की है। लेकिन क्या यह खाली ला (law) बनाने से जस्टिस आ जायगा? जिस तरह से घर में बैठक होती है, ड्राइंग रूम (drawing room) होता है, उसी तरह से हिन्दुस्तान ईश्वर का ड्राइंग रूम कहा जाता था, हिन्दुस्तान को ईश्वर की बैठक बोलते थे, लेकिन आज हिन्दुस्तान गाडलैस (godless) हो गया है। इसलिये हम को हिन्दुस्तान को गाड फीयरिंग (god-fearing) बनाना पड़ेगा। जब तक हिन्दुस्तान गाड फीयरिंग न हो तब तक

यहाँ से करप्शन (corruption) जा नहीं सकता। हम लोगों ने किताब में पढ़ा है कि जो दो मुंह का सांप होता है वह एक मुंह में विटनेस (witness) रख करके, यानी भगवान को विटनेस करके, दूसरे मुंह से काटता है और भगवान से कहता है कि हम अपने पेट के वास्ते दूसरों को काटते हैं, तुम हमारे साक्षी रहो। ब्राइब (bribe) क्या है, यह इनजस्टिस है, इसके न लेने से जस्टिस होती है लेकिन लेने वाले के दिल में कुछ ऐसी बात हो जाती है जिससे कि उसे इनजस्टिस करना पड़ता है। तो यह बिल जस्टिस लाने के लिये है क्योंकि अगर किसी के ऊपर शक होगा तब भी उसके ऊपर लागू होगा और ब्राइब टेकर (bribe-taker) और ब्राइब गिवर (bribe-giver) कोई नहीं बचा रह सकता।

लेकिन यह हम लोगों ने पढ़ा था कि "नेसिसिटी हैज नो ला" (necessity has no law) अगर किसी को कोई दरकार होती है तो उस वक्त वह कोई ला नहीं मानता। अभी हमारी एक लेडी मेम्बर (lady Member) बोल कर गई हैं कि मदर अपने लड़कों को और अपने हसबैंड (husband) को सुधार सकती हैं, लेकिन मेरा कहना है कि जितने मैरिड मैन (married man) हैं वही करप्ट (corrupt) हैं, जो अनमैरिड (unmarried) हैं वे करप्ट नहीं हैं। अनमैरिड मैन करप्ट नहीं हुए हैं बल्कि मैरिड मैन ही ज्यादा करप्ट हैं। हम लोगों के समय में जूता कौन पहनता था लेकिन अब लड़के-बच्चे सब कोई पहनते हैं और एक एक जोड़े जूते का दाम २० रुपया है, तो फिर वह कहां से देंगे। इसलिये मेरा तो कहना है कि जो करप्शन है, वह औरतों से ही आता है। उसी को सैटिसफाई (satisfy) करने के वास्ते उसके हसबैंड को रुपया लेने की, ब्राइब लेने की, दरकार होती है नहीं तो कोई

जरूरत नहीं है। आज कल जिमको देखो वह २० रुपये से कम का जूता नहीं पहनता। लेकिन हम लोगों के समय में बहुत कम लोग पहनते थे और इसीलिये हम लोगों के समय में करप्शन नहीं था। २०, २० तोले की गले में माला पहन कर लोग अकेले जंगल में जाते थे लेकिन कोई नहीं छीनता था, क्योंकि उस वक्त नेसिसिटी (necessity) नाम की कोई चीज़ नहीं थी। उस वक्त सब चीज़ प्लेंटी (plenty) थी। आज मैं कहता हूँ कि यहाँ सब मेम्बर बैठे हैं, सब राशन लेते हैं लेकिन मैं पूछता हूँ कि कौन ऐसे हैं जो कि सिर्फ एक आदमी का ही अपना राशन लेते हैं ?

SHRI T. PANDE (Uttar Pradesh):

श्री टी० पांडे (उत्तर प्रदेश) : मैं कहता हूँ कि मैंने एक यूनिट (unit) का लिया है।

DR. P. C. MITRA :

डा० पी० सी० मित्रा : और कोई बोले ? कोई नहीं। तो यह तो नेसिसिटी की बात है। डेढ़ छटांक में पेट नहीं भरता है। अगर नेसिसिटी नहीं होगी तो कोई करप्ट नहीं होगा। जब नेसिसिटी बढ़ती है तभी लोग करप्ट होते हैं। हमको यह कोशिश करनी चाहिये कि हमारी नेसिसिटी कम रहे। इसी से मैं बोलता हूँ कि सिर्फ ला बनाने से ही कुछ नहीं होगा जब तक कि नेसिसिटी को कम न किया जाय। इसी वास्ते मैं यह भी बोलता हूँ कि स्पिरिचुअल एजुकेशन (spiritual education) देना चाहिये और लोगों को गाड फीरिंग बनाना चाहिये। जब तक ऐसा नहीं होगा तब तक करप्शन दूर नहीं हो सकता। बस मुझे इतना ही कहना है।

[For English translation, see Appendix II, Annexure No. 66.]

SHRI K. RAMA RAO (Madras) :

Mr. Chairman, I want to bring a professional angle to this question. I

[Shri K. Rama Rao.] at once refer to the law of libel. I trust the Law Minister will follow me. I have been prosecuted twice. Once I got it in the neck and another time I got off. So long as the present system of society continues, corruption is bound to be there but those of us who are charged with the responsibility of building up public life, have a right to expect that the laws of the country will help them. But what actually happens? I have been an editor for years. I get a threat of a libel action at least once a month. Very often I throw it out. But it happens that an editor has to apologise to get out of trouble. He has to kill his conscience in doing so.

Public scandals in high offices, corruption in municipal contracts and malversation in top ranks, I am called upon to attack as an editor, but if I do so I am prosecuted. The defence pleas required under the I. P. C. are very difficult to put up successfully. I am called upon to say that I believe what I have written to be true, or I believe to be true, that it is in the public interest and that I have done it in good faith. The law of libel is thus a terrible difficulty for an honest journalist and public man. It becomes increasingly impossible in this country to put down corruption so long as you shackle the press in the manner you are doing.

Sir, you will remember the story of Sri Viresalingam Pantulu, a great social reformer and one of the heroes of the Andhra renaissance. He was editing a small weekly paper in Raja-mundry years ago. It happened that there came to that place a District Munsif who was liberally taking bribes. The editor came to know of it and wrote—I cannot reproduce the exact nuances of the Telugu idiom he used—that a "bull has come to our place and is eating all kinds of grass". The officer, unable to stand the exposure, committed suicide. That is the power of the pen, and that was the power of public

opinion then. That is how a journalist should function. But today if I write on the same lines there will be dozens of people ready to prosecute me. My proprietor would tell me to take no risks. I hope and trust that the Law Minister will take note of these difficulties in the way of cleaning up public life under the present law of libel.

5 p.m.

May I make another suggestion? There is no sense in prosecuting a man and sending him to jail so long as he is free to keep his stolen or ill-gotten property to himself or for the benefit of his family. I will give you an instance. A clerk in my village stole about Rs. 75,000 from the post office. He took the money, gave it to his wife, jumped into a well and died. So long as you are not able to trace stolen property or other ill-gotten wealth and take it back, it will not be possible for you to put down corruption. A bribetaker will say to himself "All right, I will go to jail, but my wife and children will be happy with this money". I remember, Sir, in 1946 the Communists—give the devil its due—brought to light all kinds of scandals in Madras, exposing corruption in high places. What happened? The Government of the day did nothing. On the other hand, the police arrested the communists. Dr. Katju has been talking of social boycott. I do not believe that after the great destruction caused by the British of our social system especially in the villages it will be possible for social boycott to function as in times of old but if the administration is decentralised and the villages develop a greater consciousness of their powers and responsibilities, I am sure corruption will be put down in the lower reaches at least.

Sir, I would make a plea to my Congress friends. It is time we forgot those men who helped us in the course of our liberation struggle. They are today the greatest sources of mischief and corruption and antisocial evils of all kinds. The biggest

blackmarketeers who today enjoy official protection are men who helped us in the national struggle. The story is in Tulasidas' Ramayana that when Rama was winding up in Ceylon and going back to Ayodhya, almost all the people there wanted to go with him, but he said, "No, I am going to be a ruler of men. I have got to hold the scales even. You have been helping me here, and I may therefore be tempted to show you partiality and practise favouritism. Nobody shall accompany me to Ayodhya." That is the appeal I make to Congress Ministers and Congress leaders. Let us forget the past and begin anew.

SHRI B. V. KAKKILAYA : Mr. Chairman, prevention of corruption is no doubt a laudable object, but my fear is only this : Are we going to put down corruption by adding a few pages to the Statute Book. Sir, my hon. friend, Mr. Reddy, said that dogs may bark but the caravan will pass on. If this is the attitude of the Government and their supporters.....

SHRI GOVINDA REDDY : That cap seems to fit some Members here.

SHRI B. V. KAKKILAYA : I am afraid, they are not going to put down corruption. Dogs may bark but the caravan will pass on, it is true but there are a few wretched dogs also following the caravan hoping to pick a few crumbs falling from the bags of those on the saddle.

SHRI M. L. PURI : Caravan means good men.

SHRI B. V. KAKKILAYA : That is also true. Now, the worst part of the situation in our country today is that the policies and practices of the Government themselves are giving rise to corruption. It is no use simply passing a few measures here and adding them to the statute book and then keeping quiet. If we expose corruption, then we are called all sorts of names. This morning one hon. Member said, "These Communists have

no other business. They come here, they talk of corruption and they accuse the Ministers. It is because these Communists want to create confusion in the county." It is not with a view to creating chaos in the country that we come here and expose these corrupt practices that are going on in the country in the Administration from top to bottom. Today corruption is not there only in the lower ranks. We know it is in the very high ranks, in the highest parts of the administrative machinery and if we are to clean the big structure, this administrative structure, I mean we have to begin— it is commonsense that we should, if we are serious about cleaning the structure, begin from the innermost recess of the topmost floor of the structure and not from the bottom. We suggest to the Government that if you are serious about putting down corruption, you direct the searchlight on the Government themselves; on the topmost quarters nearest to themselves. Then only you will be able to put down corruption and not by tinkering with the problem, not by catching hold of a few clerks or petty officers here and there. One hon. Member said in the morning that 'these people want to malign the Ministers and they want to create dishonesty in the country. They want to give an impression to the lower officials of the Administration that they also must become dishonest or corrupt because the Ministers are corrupt.' It is not with a view to creating dishonesty or creating corruption that we make this suggestion. Already there is corruption from top to bottom, we need not create it in this country. We have enough of it already. The problem is how to put it down.. If you are serious about putting it down, you must begin it from yourselves ; you must begin from the top levels of your administrative structure. I will give you one example. In 1946, our paper *Deshabhimani* of Kozhikode published a news item exposing the corruption that was rampant in one remote village in Khasargod Taluk. Then what happened was that instead of enquiring into

[Shri B. V. Kakkilaya.] the corrupt practices of the Revenue Inspector and the village officials there, the Editor of the paper was prosecuted. Then we had to take some Members of the Madras Legislature to that village, conduct enquiry in their presence and go to so many houses and people came voluntarily and gave evidence before them that 'this village official and this Revenue Inspector came here and while procuring paddy, they threatened us and collected from us Rs. 2 and Rs. 4 per head.' Then in the court we had to fight for 4 or 5 months and we had to dance up and down the court and get acquittal for the Editor. Such things are going on and if the Ministers and Government shield these officials who are corrupt, then no amount of legislation will put down corruption.

SHRI M. L. PURI : Sir, this House dealt with the subject of corruption a short time ago and we heard lengthy arguments as to how corruption should be put down and why it is not possible to put down corruption in the country but I did not think that this Bill, the scope of which according to statement of objects and reasons is to clarify some doubts about the application of certain sections and to rectify certain drafting omissions, would start the discussion over again. This Bill proposed to make certain verbal alterations. It proposes that in States where Deputy Superintendents of Police don't exist, other officers of equal rank and with legal authorization may investigate offences dealing with corruption and it also clarifies the authority who is competent to grant sanction in such cases. There is only one change of importance and that is in sub-clause 4, where it is said that in spite of the enactment of the Anti-Corruption Act of 1947 Government servants would still continue to be liable under Section 409 of the Indian Penal Code. One of the High Courts, the Punjab High Court, in two cases has held that the enactment of section 5(c) in this Act

1947 has impliedly repealed the "pro" visions of Section 409 I. P. C. so far as public servants are concerned. This is the only substantial change introduced by this Act. Government servants will, in future, be liable to be convicted also under Section 409 which the High Court had held in a few cases to be impliedly repealed by the Act of 1947. Therefore I should have expected that people who are really anxious to put down corruption would have come forward with constructive suggestions and told us what changes should be made in the proposed law with a view to effect more speedy or more effective suppression of corruption. But no such suggestion has been made here. Government is actually proceeding step by step. It passed the Corruption Act sometime back and now that it has detected another anomaly it is trying to remove that also. It was pointed out by an hon. Member who spoke a short while ago as to why Government which has prescribed sentences of imprisonment for bribetakers and givers, has not done anything to relieve the bribe takers of their ill-gotten wealth and who may have enriched themselves and their progeny by corruption. But the Government has not provided for this in the last Bill that we passed? Now corruption, instead of being tried by a first-class magistrate, who can impose a fine of Rs. 1,000 only, can now be tried by Special Judges whose power to give sentences of fine is unlimited. Even Rs. 50,000 can be imposed by them in suitable cases, in view of the amendment which this House was pleased to pass a few days ago. Moreover, if there are any other suggestions made, the criminal law can be amended accordingly. There was one suggestion made by an hon. Member here who is connected with the press. It was suggested by him that the law of libel should be relaxed in favour of newspapers which attack corruption. I take serious objection to such a relaxation. I am not referring to newspapers of the type which my hon. friend represents. But my experience is that there are newspapers in the lower rungs of the profession which

actually live on blackmail and it is very necessary to have the law of libel strictly enforced in order to protect the respectable government servant from unnecessary attacks and harassment. It is quite common that when a person goes for a favour to an officer and if that officer in the discharge of his duties finds himself unable to meet that request, then that man comes in for all kinds of criticisms. I certainly am not in favour of any relaxation of the law of libel in the case mentioned by my hon. friend.

SHRI D. NARAYAN (Bombay) :

श्री डी० नारायण (बम्बई): माननीय सभा-पति जी, आज सुबह से जो भ्रष्टाचार और घूसखोरी की बातें हम सुन रहे हैं उनसे तो यही पता चलता है कि इस देश की हालत हमारे भाइयों की निगाह में इतनी बिगड़ी हुई है कि उसमें अब सुधार होने की कोई आशा नहीं रह गई है। इतनी अतिशयोक्ति मैंने आज तक नहीं देखी जितनी अतिशयोक्ति हमारे भाइयों ने दिखाई है। जिस देश की सरकार को करोड़ों मतदाताओं ने चुनकर भेजा है यदि वह सरकार, चपरासी से लेकर मिनिस्टर तक घूसखोर है, भ्रष्टाचारी है, तो तब मैं कहता हूँ कि वह देश रसातल में गये वगैर कैसे रह सकता है। परन्तु यह बात सत्य से बहुत दूर है। परन्तु यह कहना होगा कि यदि हमारे मिनिस्टर, यदि हमारे अधिकारीगण कहे जाने वाले इस तरह से भ्रष्टाचारी हैं, तो हमारी जनता उससे कम नहीं हो सकती। यह एक कहावत है कि "यथा राजा तथा प्रजा"। मगर लोक-राज्य में अब यह कहा जायेगा कि "यथा प्रजा तथा राजा"। अगर हम इस तरह से एक दूसरे के ऊपर धूल फेंकते रहेंगे तो मैं नहीं समझता कि हम कोई तरक्की कर सकेंगे।

परन्तु मैं तो मानता हूँ कि दिन ब दिन हमारी सरकार और हमारी प्रजा उन्नति कर रही है। अगर यह भ्रष्टाचार का सवाल देखा जाय, तो मैं कहूँगा कि यह कानून से रफा

नहीं हो सकता है; क्योंकि यह बात समाज के सदाचार के ऊपर निर्भर करती है। सरकार चलती है तो वह सदाचार के ही ऊपर चलती है। जिस सरकार में सदाचार नहीं होगा उसकी प्रजा में भी सदाचार नहीं होगा। वह सरकार और वह प्रजा कभी आगे नहीं चल सकती है। न वह आज तक चली है और न वह भविष्य में आगे चल सकेगी। इसलिये सबसे प्रथम यदि हमसे कोई यह पूछे कि भ्रष्टाचार के लिये कौन जिम्मेदार है, तो मैं उससे यह कहूँगा कि हम खुद इस चीज के लिये बहुत दूर तक जिम्मेदार हैं। मैं यह बात सत्य कहना चाहता हूँ कि जितने जोर से हम इस भ्रष्टाचार की निन्दा करते हैं हमारे आत्मनिरीक्षण से देखा जाय तो यह मालूम होगा कि हम खुद ही इसके अधिक जिम्मेदार हैं।

पैसा या रुपया देने से ही भ्रष्टाचार नहीं होता है वह तो भ्रष्टाचार का केवल एक स्वरूप है, अगर कोई अपने अधिकार का गलत प्रयोग करता है, अपनी पांजीशन (position) का गलत उपयोग करता है, तो यह भी एक तरह से भ्रष्टाचार कहा जा सकता है। इसलिये मेरा यह निवेदन है कि अगर हम भ्रष्टाचार की बात करते हैं तो पहले हमको अपने को सुधारना होगा। हाँ, मैं मानता हूँ कि आज हमारी सरकार में काफी सरकारी कर्मचारी ऐसे हैं जो भ्रष्टाचार करते हैं, रिश्वत लेते हैं। अगर रिश्वत दी जाती है और ली जाती है तो इसकी बहुत कुछ जिम्मेदारी पुलिस के ऊपर है। आप देहातों में चले जाइये, तो वहाँ के लोग मिनिस्ट्रों के और वहाँ की असेम्बलियों के बारे में कुछ नहीं जानते हैं। यदि उनके लिये कोई सरकार है तो वह पुलिस ही उनकी सरकार है। वह उसका ही हुक्म मानते हैं और उसके ही इशारे पर चलते हैं। तो यह भ्रष्टाचार जो होता है वह सब से पहिले पुलिस फोर्स से ही शुरू होता है और इसकी जिम्मेदारी उसी पर है। मैं सरकार से यह कहना चाहता हूँ कि पुलिस में शिक्षित व्यक्तियों को ही लेना

[Shri D. Narayan.]

चाहिये। खास तौर से मैं ला मिनिस्टर साहब से एक बात कहना चाहता हूँ कि अगर कोई सरकारी कर्मचारी रिश्वतखोरी में पकड़ा जाता है तो उसे जमानत पर नहीं छोड़ना चाहिये। (Bail must not be allowed.) उसके ऊपर जब दावा या मुकदमा चलता है तो वह गवाहों को बहकाता है, बिगाड़ता है—विटनेस (witnesses) पुलिस के सामने सच कहते हैं और कोर्ट में बदल जाते हैं—तो वह अपनी बात को बदल देता है। इसलिये मेरा मिनिस्टर साहब से यह सुझाव है कि यदि आपको रिश्वत कम करना है तो 'बैल' (Bail) न दीजिये।

[For English translation, see Appendix II, Annexure No. 67.]

SHRI K. B. LALL : Sir, never was confusion more confounded than the situation in the House just now shows. From every side legislators were accusing the Ministers and the Ministers were accusing the legislators; the public was accusing the police and the police was accusing the public and his way men were accusing women and women were accusing men, bribe giver accusing the bribe taker and vice versa and it seems as if we are so much lost in darkness that we do not know how we will grope our way out. The only thing that was worth appreciating was what a lady Member spoke about our moral education being first looked into. I do not mean the lady who just took up the cause of Eve that men are more prone to temptation than women and I don't think that she has retrieved the cause that Eve had lost long before. However, the other lady speaker said that our moral education should be first looked into : this is the real thing and I lay stress upon this very thing. I do not say that henceforth legislation should be stopped and there should be no legislation.

Of course, these things go on as usual. I support this piece of legislation as an honest attempt to root out corruption but I must submit to the Government that they should see that there is some moral foundation laid for rooting out corruption and that can be done only by looking into the education of the would-be citizens—the children. Corruption is prevailing everywhere even in the Education Department and our life is being spoiled from that very place where we are to learn and mould our character.

I think there is another value of this discussion. Even this debate that is going on here has some value because it creates vibration in the atmosphere. We all believe that everything is happening in a spiritual plane and if so if we were at least to hold debates even longer over anti-corruption in this House, this will have some effect outside because these vibrations will go and act in the spiritual plane. It will do some good to the people, just as in war-time it was said that we must always think about victory. Let us write 'V' over our back, over our shoulders, over our chest and everywhere. In this spirit if we talk more about-rooting out corruption that may help and with that point of view I was rather going to appeal to the Chair that some more time should have been given so that we can vent forth our feelings. All these might have some effect and some good would come out by the public concentrating their thought over this problem of rooting out corruption. I also suggest that there should be some humanising of Administration. Wherever you go there is no feeling of humanity, not only on the part of Government men but everywhere, and because of that want of feeling of humanity, society suffers so much and people are led to corruption on account of that. So I would suggest that somebody in the Government should also think how this feeling of humanising the people should be encouraged. That will also help in rooting out corruption. With these words, Sir, I support the motion.

SHRI C. C. BISWAS : Mr. Chairman, very little has been said about the Bill itself but so much about the general question of corruption that I do not know what I am to say at this stage. So far as the general question is concerned, I thought that had been discussed fully on the last occasion when the other Bill was before the House. But the same arguments have been repeated. But from one point of view this discussion is of some value because it does focuss attention on a festering sore not merely in the Administration but in the community. It will not do, Sir, to blame Government only; we have all to blame. Now, I am not suggesting that if we ostracise our relations who might be guilty of corruption that will not bring about a change.

(MR. DEPUTY CHAIRMAN in the Chair.)

Whether we do that or not, still everyone of us, if we take a correct view of things, can, each in his own way, do a lot. It has been my unfortunate experience that even when considered steps have been taken for the purpose of eradicating corruption, those steps have been brought to nought, not by Government but by those from whom we have a right to expect better. Take, for instance, a case which happened in the Calcutta University. My friend Mr. Rama Rao says that newspapers should be given full freedom to publish these scandals about corruption. There was a paper in Calcutta that did so, and that was followed up by other papers. Really the revelations which were made in the Press constituted a scandal and I, as the head of the University at the time, thought that some action was called for, because those allegations which appeared in the papers were supported by photostatic copies of documents which did not lie and which after investigation were found to be absolutely correct. What happened ? I approached the Chancellor with the concurrence of the Syndicate, so that a very strong inquiry committee might be appointed—a committee consist-

ing of persons not at all connected with the University. With great difficulty I was able to persuade one of the former Law Members of Government of India, Sir B. L. Mitter, to accept the chairmanship of the Committee. I got the Advocate-General of West Bengal to join the Committee. I asked for the services of a retired Director of Public Instruction of Madras and they were placed at my disposal. And so one of the strongest possible committees was appointed and it went into the matter. There was an Accounts Officer of the highest eminence. I had approached the Auditor-General to give me one of his officers. He was unable to spare one. Then I happened to get this gentleman who was a retired Accounts Officer. When I wrote back to the Auditor-General, he said : " You could not get a better man." He was an officer who had been placed on special duty by the Government of India on many occasions whenever there was any serious financial scandal to inquire into. Very well. What was the result ? The Committee laboured, and went very minutely into all the matters, and they produced a report. That report came. The report was not published. I had to take charge as Minister for Minority Affairs. I had to resign my Vice-Chancellorship. And what happened ? The report came before the Senate of the University. In the meantime the Syndicate had appointed other committees to sit over the recommendations of this Committee, or they proposed to appoint other committees to appraise the findings of this Committee, and so on. And they said this Committee had condemned persons without giving them a hearing, and so on. Of course there was no formal hearing. Friends here are asking for drastic action against those who are proved guilty of corruption ; they would shoot them at sight. But what happened here ? Every one of them was heard. Evidence was taken. Opportunities were given to them. Of course lawyers were not allowed to cross-examine witnesses. Even after the Committee had submitted its report, at my instance the

[Shri C. C. Biswas.] Chancellor was pleased to send extracts from the report concerning two persons in high rank and ask them what they had to say. Of course they submitted elaborate reports making complaints : even the worst criminals got an opportunity of being heard, of defending themselves, and so on. All those pleas were put forward. The matter came before the Senate of the University. What happened ? Nothing. And, Sir, the persons against whom serious allegations were made and about whom recommendations were made by the Committee that they should cease to have any further connection with the University they are still there. That is, Sir, what is happening. So what is the use of talking here and saying that Government must take more drastic action ?

SHRI B. GUPTA : Why not publish the report ? I say, Sir, I am coming from West Bengal. I understand what the hon. Minister is driving at but since the ex-Vice Chancellor happens to be now the Minister of this Government he should take steps so that this report is published. We on our part have demanded the publication of this report and certain vested interests in the Ministry and in the University have prevented its publication. The hon. Minister should know that and let there be a Resolution of this House so that this report is published and made available to the Members of this House.

SHRI C. C. BISWAS : Unfortunately this House does not possess any authority over the University, nor do I as an ex-Vice Chancellor or as a member of the Syndicate. With all my attempts the report could not be published. I was not against its publication. I was in favour of its publication. The reports were certainly circulated confidentially to the members of the Senate, but nothing appeared in the papers.

PRINCIPAL DEVAPRASAD GHOSH (West Bengal) : I know that the hon.

Minister, Mr. Biswas tried his best to have the report published.

SHRI C. C. BISWAS : I did my best to bring these things to light in the interests of purity of University administration. But still all my efforts failed.

Therefore, Sir, if you want to stamp out corruption, educate yourselves, educate your countrymen- Give them a greater sense of responsibility. Let it be realised that if they do not take steps themselves to stamp out corruption, then society will come down upon them. They will not be permitted to hold their positions which they are now holding. So long as that state of affairs prevails, it is useless only to say that this Minister is taking bribes, the other Minister is appointing sons and sons-in-law and so on. What is happening now in the High Courts ? I can speak of the Calcutta High Court with confidence and with knowledge. It is a perfect scandal. The way the sons-in-law of the hon. Judges appear before them, is a perfect scandal. What steps have been taken ? The Chief Justice of the Supreme Court sent out a circular that such things should not take place. But that also failed to have the desired result. If we do not know our duties, if we do not know what are the moral standards to be set up for ourselves, well, what is the use of blaming Government ? I can tell you that Government is as much interested as anybody else in stamping out corruption.

SHRI B. GUPTA : May I, Sir, make one suggestion ?

MR. DEPUTY CHAIRMAN : No interruption.

SHRI C. C. BISWAS : The Tek Chand Committee went into this question. They themselves pointed out that the Committee was not required to hold a general enquiry into what has been described as the problem of corruption in the public services or among people who have financial dealings with the Central Government

That enquiry has yet to take place, and it may be that if specific cases of corruption in higher quarters are placed before the Home Ministry, the Home Ministry will find itself compelled to take action on the lines indicated in the Report of the Tek Chand Committee. But, Sir, mere statements will not do. If there are specific cases where you find corruption or any traces of corruption amongst higher officers, by all means place them before the Home Ministry. Ask them to appoint a Committee to go into the whole question with reference to those cases and with reference to similar cases of which they may have heard. That is the way Sir, to approach this problem. It is no use making vague and general allegations on the floor of this House.

Only one specific instance was referred to in the course of the debate. That was by my hon. friend, Mr. Bhanj Deo- Unfortunately that was an illustration from a pending case and it was pointed out that it was not desirable that those facts should be discussed here on the floor of the House. Sir, I have advised my hon. friend to go to the Home Minister and place these facts before him. I am quite sure adequate action will be taken. That is how such cases should be dealt with. I am not speaking of individual cases. If there are numerous cases, let them be properly placed before the Home Minister and I am quite sure action will be taken not only in individual cases but also by way of a comprehensive enquiry into this general question and you may have another Committee with much larger and wider terms of reference than even the Tek Chand Committee. Sir, we want to root out corruption, we want corruption to go, but corruption is in human nature and it is never eradicated completely. There are so many forces operating and counter-forces acting and reacting on each other. It is difficult to say what inspires a man to commit this offence of corruption and bribery. We are told that in some cases it is self-interest, enlightened self-interest

in some cases may be. It is there, and you cannot completely eliminate it. But the question is to what extent that may lead to corruption. Corruption arises from temptation, and my hon. friend over there, the Begam Saheb, said that it was Adam who corrupted Eve. Maybe Adam corrupted Eve, or Eve corrupted Adam in those early days.

BEGAM AIZAZ RASUL : It was Adam who corrupted Eve.

SHRI C. C. BISWAS : In those days I think it was Eve who corrupted Adam. So far as this Bill is concerned, the question is this : " However much you may condemn corruption, however determined you may be to root out corruption from the Administration, there must be some penal legislation to deal with such cases." You may take other measures but there must be some penal legislation, and we are concerned today with the question, of what form that penal legislation should take. Up to now we have been having only the Penal Code, sections 161 to 165. That is about all. Then came this enquiry as a result of which certain new offences were created. Some new suggestions were made that bribe giving should be placed on the same level as bribe taking. Some hon. friends have got a mistaken idea about this latter question. What the Tek Chand Committee did, and what we have done in the Bill which was passed the other day, was to place the two offences of bribe-taking and bribe-giving on the same level, so far only as the maximum punishment for these two offences was concerned, and nothing more. That is about all. Bribe-giving was an offence also under the Penal Code but liable to a much lesser degree of punishment. What we have done is to make the maximum punishment the same for both offences. This is all that is meant by saying that bribegiving has been made a substantive offence, just as bribetaking is a substantive offence. The Tek Chand Committee suggestions involve some consequential changes

[Shri C. C. Biswas.] in the law, which it is the object of this Bill to make. The Tek Chand Committee Report suggested that some sort of adverse presumption should be raised against persons accused of these offences. That is to say, in certain circumstances if they are found, for instance, in possession of some property for which they cannot account, then the presumption will be that that property has been acquired in an improper manner.

SHRI M. L. PURI : That is the law since 1947.

SHRI C. C. BISWAS : That is meant to be applied also to the new offence under 165-A and the other changes are, as Mr. Puri has indicated, minor changes of a procedural character and they don't affect the substance of the matter. In fact there is not one amendment to this Bill. So far as the Bill is concerned, it may not be adequate to deal with the general question of corruption, but certainly it is very necessary. I hope the House will accept this Bill without any further discussion.

SHRI B. GUPTA : Sir, the hon. Minister brought in the Calcutta High Court and made a very responsible statement. Since the words have fallen from the lips of no other than the hon. Law Minister of India may I request him to take immediate steps to stop that kind of unwholesome practices in the High Court of Calcutta ?

MR. DEPUTY CHAIRMAN : The question is :

That the Bill further to amend the Prevention of Corruption Act, 1947, as passed by the House of the People, be taken into consideration.

The motion was adopted.

There are no amendments to this Bill.

Clauses 2, 3, 4, 5, 6 and 7 were added to the Bill.

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

SHRI C. C. BISWAS : Sir, I move : That the Bill be passed.

MR. DEPUTY CHAIRMAN : Motion moved :

That the Bill be passed.

SHRI J. R. KAPOOR : Mr. Deputy Chairman, this being the last of the series of Bills which is being brought on the Statute Book based on the Tek Chand Committee Report, I should like to take this opportunity to sincerely congratulate the Government for the earnestness and the anxiety that they have shown in uprooting bribery and corruption. I particularly congratulate the Government on the fact that they have come out with these Bills, the present one and the previous one with so much

MR. DEPUTY CHAIRMAN : Please be brief and cut out the congratulations, Mr. Kapoor.

SHRI J. R. KAPOOR : I have a particular reason to speak. I wish to draw the attention of the House that the Government are so very prompt on this occasion as they have never been before. The Tek Chand Committee Report was submitted to them only so late as June 1952 and within a few weeks they have come before the legislature for its sanction to enact these Bills.

One thing which I particularly appreciate is that even when the Committee submitted its interim report, the recommendations made therein were promptly acted upon and Bills based on those recommendations were brought before the Parliament and they were promptly enacted.

After having congratulated the Government, I would like to express my very great admiration and respect for the sincerity and earnestness which has been exhibited by the hon. Law Minister when he just spoke. We do

appreciate how sincerely he feels in the matter and what earnest steps and measures he has always been taking to root out corruption and bribery. We have a lot of corruption and bribery and there is no doubt that they are rampant all over the country and we must do our very best to root out this evil. While we condemn those who are corrupt while we criticise those who are guilty of these anti-social practices we must also, on an occasion like this, appreciate the work of those who are honest, and so, Sir, I would not like to let slip this opportunity without submitting that we must express our appreciation of the honesty and independence which one service in our land has shown—I mean the judiciary of our country. While the police is corrupt in no small measure, while the executive is corrupt in no small measure, while there may be a good deal of corruption in the Secretariat, when we look at our judiciary, we must feel proud of the fact that their honesty and independence are the highest. Right from the Judges of the Supreme and High Courts down to the ordinary Munsifs, we find every one scrupulously honest and independent. There may be a few stray cases of corruption here and there, but speaking of them as a body, we find that the judiciary have set before the country a very high standard of honesty and integrity, and on this occasion when we are condemning all and sundry, and rightly too, we must also appreciate the high standard of honesty and integrity which they have set before the country. I would expect that the other departments of Government as also the press and the public would follow the noble example which has been set in this country by the judiciary. The judiciary is our hope and pride. We must look to the judiciary and follow their noble example. Sir, this was my only purpose in standing up to speak for I thought that this occasion should not be allowed to go away without our placing on record our great appreciation for our judiciary.

SHRI S. MAHANTY (Orissa) : Mr. Deputy Chairman, we are now in

the final stage of passing this Bill. I would only say that the intention of the Opposition here have been misunderstood. We are not against the passage of this Bill.

MR. DEPUTY CHAIRMAN :
You need not dilate upon this matter.

SHRI S. MAHANTY : We only feel that it is not a Bill adequate to the measure of our intentions of putting down corruption. One important fact has been rather ignored. Why does corruption take place ? Whenever the party is placed above the State corruption becomes inevitable. It is, not only bribe giving and bribe taking that lead to corruption. Favouritism is also a great contributory factor to the great plague of corruption that we find in our country.

Sir, in my State, a particular gentleman, a Minister, was charged with blackmarketing in regard to 40 tons of corrugated iron sheets and no less a person than Pandit Jawaharlal Nehru, the Congress President went to his constituency seeking votes for him. I issued an open letter saying that "since you said that blackmarketeers should be hanged at the nearest lamp post, how have you come now to canvass votes for a blackmarketeer". But, Sir, in reply he said that whoever wrote this is, "बेहदा, बदजवान and बदतमीज"—With these records, with these achievements, how dare you think you will stamp out corruption ?

श्री टी० पांडे : मैं पूछता हूँ कि उस पर जनता ने क्या निर्णय दिया है ?

*[SHRI T. PANDE : May I know what is the verdict of the people ?]

SHRI S. MAHANTY : If I may venture to say, Congress rule and corruption practically are synonymous terms. With these words, I wish to recommend the passage of this Bill and while concluding, I should also most humbly submit that I do not believe very much in the corrective values of

♦English translation.

[Shri S. Mahanty.] penal measures. I am in perfect agreement that there should be a movement, a movement on a very wide and popular scale, to stamp out corruption and, here, in this particular field, those who are the leaders, those who are the administrators, should set up ideals.

SHRI H. P. SAKSENA : It was very wrong on the part of the hon. Member from Orissa to say that Pandit Jawaharlal Nehru went canvassing votes. Pandit Jawaharlal Nehru never went to any constituency, although he toured the entire country.

SHRI S. MAHANTY : He went to canvass.

MR. DEPUTY CHAIRMAN : Order, order.

SHRI H. P. SAKSENA : He never canvassed votes for anybody. What he did was to place before his audiences the ideals of the Congress. That was all. He never canvassed votes.

SHRI S. MAHANTY : He canvassed votes for a blackmarketeer.

SHRI S. N. MAZUMDAR : I find some friends opposite are very impatient and I find.....

MR. DEPUTY CHAIRMAN : Please speak on the Bill. We are in the third reading stage.

SHRI S. N. MAZUMDAR : A remark has been made.....

SHRI M. L. PURI : Unnecessary and improper personal references should be avoided.

MR. DEPUTY CHAIRMAN : Charges have been met with counter charges. There is no use in indulging in such things. Please speak on the Bill.

SHRI S. N. MAZUMDAR : I am losing my time, Sir.

MR. DEPUTY CHARIMAN : Yes, you are losing your time.

SHRI S. N. MAZUMDAR : Here, I find some friends who feign surprise that from the speeches of the Opposition, it seems that corruption is rampant in the Indian society today. Well, if they think that there was no corruption, then what was the necessity of bringing this Bill. It is a fact that corruption is rampant. It has also been said that the Opposition has not offered any constructive suggestions. About that, I am going to say this : Is the Government really serious about accepting the suggestions of the Opposition and to associate it with its administration ? I raise this question because Standing Committees have been abolished. That is the move of the Government and that shows that they are not very serious to take the concrete suggestions of the Opposition. Secondly, Sir, many speakers have spoken from the other side also but they have all avoided the basic question : " Why is corruption so rampant in India today ? " It is because the Indian social economic set up is over rotten. Urgent radical democratic transformation of the social order is urgently necessary. If that is not done and if this rotten social economic order is allowed to continue, then its putrefaction is bound to affect the members of the society also. That is why radical democratic transformation of the present social economic set up is absolutely and urgently necessary. I know, Sir, the present Government is not capable of that radical social transformation. But let them take at least certain steps which they also profess to take. The main thing is that in order to create popular enthusiasm the basic task should be tackled. Many friends have said that people must be re-educated. They spoke on the necessity of moral education and so on, and perhaps they will bring in later on the psychoanalysis which has been in vogue in America nowadays as a remedy for all social evils. But I say that people's enthusiasm which is absolutely necessary to fight corruption can be roused only when people know that steps are being taken to eradicate those social evils which are at the root of all this, i.e., when basic transformation in the social economic order is undertaken.

SESI C. C. BISWAS : I do not wish to say anything more at this stage. I have already dealt with it exhaustively.

MR. DEPUTY CHAIRMAN : The question is :

That the Bill further to amend the Prevention of Corruption Act, 1947, as passed by the House of the People, be passed.

The motion was adopted.

SALARIES AND ALLOWANCES OF MINISTERS BILL, 1952

THE MINISTER FOR DEFENCE (SHRI N. GOPALASWAMI) : Sir, as my hon. colleague, the Home Minister is engaged in the other House, I beg to move :

That the Bill to provide for the salaries and allowances of Ministers, as passed by the House of the People, be taken into consideration.

Sir, I do not think any long speech from me is necessary to commend this motion to the House. The question of Ministers' salaries has engaged the attention of the two Houses and the public for some time. I believe it figured also prominently in the course of the election campaign and there has been sensed a general feeling of discontent with the amount of salaries that Ministers of the Central Government have been receiving. The Government took note of these facts—these developments in public opinion—and after giving it a great deal of thought came to the conclusion that response

should be made to public opinion in this regard. As hon. Members know, the Salaries and Allowances of Ministers Act, which is now in force provided for three classes of Ministers, namely, Cabinet Ministers, Ministers of State and Deputy Ministers. That Act fixed the salaries and allowances of these three different categories. For Cabinet Ministers it fixed a salary of Rs. 3,000 per month with a furnished house and a sumptuary allowance of Rs. 500 per month. For Ministers of State the salary is the same, namely, Rs. 3,000 per month, but they are not entitled to a free furnished house nor are they given any sumptuary allowance. Deputy Ministers' salaries were fixed at Rs. 2,000 without a free house or any sumptuary allowance. That is, under the law, the state of things. When after the elections were over the new Ministry was constituted, out of the Ministers of State who had been previously in office one was retained as a Minister of State and the other Ministers were divided into two categories— Cabinet Ministers, and Ministers of Cabinet rank not in the Cabinet.

SHE; H. N. KUNZRU (Uttar Pradesh) : It is past six. Would it not be desirable that my hon. friend should speak tomorrow, so that what he says may be fresh in the minds of hon. Members ?

SHRI N. GOPALASWAMI : I have no objection.

The Council then adjourned till a quarter past eight of the clock on TuesJay. the 5th August 1952.