

SHRI B. RATH (Orissa) : May I know, Sir, if there is any Party known as Congress Party in this House ?

SHRI H. N. KUNZRU : Like my hon. friend Shri Narendra Deva I should like to make it clear that in spite of my participation in the Joint Select Committee I hold myself free to follow any course I consider proper after the Bill comes back to this House. I say quite explicitly that my taking part in the Joint Select Committee will not restrict my freedom of action in any way.

PROF. G. RANGA : That is the case generally with everybody.

SHRI B. GUPTA (West Bengal) : On a point of submission. You, Sir, said while giving your ruling that there could be a brief discussion or brief remarks in regard to this Bill. I request you, Sir, to ask the Government to state their case and allow us to have initial discussion.

MR. CHAIRMAN : Not at this stage. Mr. Sundarayya has already characterised this Bill as a black Bill. That was the remark he has just made.

**THE CRIMINAL LAW AMENDMENT  
BILL, 1952—continued**

MR. CHAIRMAN : We now proceed with further discussion of the following motion moved by Shri C. C. Biswas on the 23rd July 1952 :

That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, and to provide for a more speedy trial of certain offences, as passed by the House of the People, be taken into consideration.

A long speech was made by Mr. H. D. Rajah. But he had to stop it in the middle or towards the end. Have you finished it ?

SHRI H. D. RAJAH (Madras) : No, Sir. But if you do 'not want me to speak on this Bill, I wil) keep quiet.

MR. CHAIRMAN : I want to tell you one thing that moderation and restraint are not signs of weakness; but are evidence of strength and reason.

SHRI H. D. RAJAH . Sir, this Bill which has been brought into this House

is mainly on the basis of the recommendations of Tek Chand Committee. You will see from paragraph 14 of that Committee's Report that investigation is started on the information received from officers. It may be from the head of a Department or from a subordinate of a delinquent officer or from a member of the public. That statement will clearly indicate the opportunities afforded to malevolent forces that want to create trouble even to honest public officers. I would suggest that when the Investigation Department proceeds on the basis of an anonymous letter or on the information received from a subordinate officer, you can understand to what length the morale of the subordinate officers of a department will be put to and every officer has to be on his watch whether somebody else is carrying tales or sending on anonymous letter about his conduct. No honest officer can put up with this nightmare. Now we will see that as soon as that procedure is accepted, a case is registered against that officer and then investigation starts. It is in this way that the investigation is starting. When the Inspector General of Police is seized with such matter, he sets up his constabulary to find out who is the bribe giver and who is the bribe taker and undesirable features creep in.

The provision in this Bill for ' approvers ' is the point in view. Yesterday, Sir, I told you how approvers are manufactured in this country. There was an interesting event of a Congressman being put into jail by the Congress Government itself because of his antecedents. You will see politically the police are totally unconcerned. They are concerned in getting conviction when a case is launched. Therefore, when the question of an approver is taken into consideration, the police are apt to concoct evidence even against honest officers or the public. I will tell you here what is said in another portion of Tek Chand Committee Report which clearly indicates that there are two ways by which this question of bribe is to be considered. We cannot ignore the other classes of cases which are perhaps not less numerous and I which possibly involve corruption on

[Shri H. D. Rajah.]

a large scale where a person seduces or attempts to seduce a public servant from his duty for the purpose of achieving a gain to which he is not entitled. I wish to point out this very fact before you. If a Government officer is prepared to confer a gain upon a public man for which he is not entitled, by all means hang him. But there is the usual routine in which certain lower strata of the Government are always inclined to accept something from the man who goes for some consideration. Do you put him on equal par with the other? What is that, that impels him to take that bribe? It is his environment; it is his association. If the word of an approver is to be taken as the criterion in establishing such crimes we are only creating a new class of criminals in this country, and that is the approver criminal class. A man who has already committed a crime according to our Statute Book, a man who has been an accomplice in the matter of illegal gratification that he gets in some form, is caught hold of by the police, is made to swear against another man who was a fellow accomplice, and that man is brought to book. I would, therefore, in all earnestness request the Law Minister to see that this concession is not given to a perpetrator of a crime. Even the Tek Chand Committee has made a reference to this matter. You will see, Sir, that in paragraph 23 they themselves have proposed a limit of two years for this experiment. You cannot have approvers on an experimental basis. If the commission of a crime is considered to be so serious, that crime must be established without the aid of an approver and if it is not possible to establish a crime without the aid of an approver, it is better to leave the crime where it is. Therefore, Sir, this question of approver is a matter which must be seriously gone into.

Coming next to the question of bribes, there are bribes and bribes. A bribe can be of two annas or it may be of two lakhs of rupees, but a bribe is a bribe. A policeman who is very low paid may take a bribe of a few annas. A big Officer of Government may

take a larger amount, but in both cases the crime is the same. If we take it for granted that, according to the admission of the Law Minister himself, the majority of our Government servants are corrupt, that the majority of our Government servants are amenable to bribes, then it means that the entire Government must be put in prison. If the Government are not able to create a sense of honesty among their servants, if they are not able to maintain their morale, if they are not able to see that their economic wants are properly met without this extra gratification, then what is the fun of the Government running the administration? The police, the special police—I may call them the Gestapo—are they free from these temptations? Are they so over-virtuous like Caesar's wife and above suspicion that they will go into the conduct of all the rest of the officers and see that the guilty people are brought to book? Are they themselves not amenable to extra influence? Then again certain officers, Sir, may go for certain social functions. It may be for a drink. It may be considered that even that is bribery. Is an officer to be cut off from society altogether? Do you want such a situation to develop? Is not an officer to have social contacts?

Then, Sir, there are other ways of influencing. What are these influences? I need not repeat all of them, but I would like to mention one kind of influence which the old Government of India brought to bear upon the M.L.As. of the pre-Independence days. It was openly said that telephone girls were let loose upon the M.L.As. in order to get a particular Bill passed by the House.

MR. CHAIRMAN: Please do no-mention such things here.

SHRI H. D. RAJAH : Sir, it was an open fact. The proceedings of the Legislative Assembly will show to you that this happened and the Congress members including Shri J. M. Mehta made a reference to that.

AN HON. MEMBER : What ! Is it mentioned ?

MR. CHAIRMAN : We need not repeat them here.

SHRI H. D. RAJAH : This is the way in which extra gratification or bribery was offered to the members of the old Legislative Assembly. This is also bribery. In some form it is prevalent even today. This amendment says, "any valuable thing" and whoever gets it is to be punished. The question is who is to decide what is a valuable thing, when a bribe is given, and what is not a valuable thing. What I am trying to stress is this. The Law Minister is interested, as all of us are, in seeing that the purity of the administration is preserved, but the innocent should not be made to suffer along with the guilty, and money is not the only valuable thing, extra-monetary consideration is also a form of bribe. Therefore we have to be careful that the law is administered fairly.

Then, Sir, I come to the root cause of all these troubles. If you remove the causes completely, your trouble will be over. If you adopt only superficial treatment, leaving the germs to remain inside the body politic, so long as you allow the germs to remain inside the body politic, you will not be able to eradicate the disease. • If you want to eradicate it root and branch, the controls on which the economic life of our countrymen are mainly dependent today must go. They are the root causes of all this corruption and bribery and nepotism. If you do not remove these controls, if for every small thing of life a man is made to hang on some Government Officer and if every honest trader is made to make a pilgrimage to Delhi even for small things, you will not be able to remove this corruption and bribery. The controls are the root causes of all this trouble. I want Government to take notice of this and try to remove these sources of corruption as early as possible.

SHRI D. D. ITALIA (Hyderabad): Mr. Chairman, Sir, I rise to speak a

few words in favour of this Bill. I think this Bill must have been brought years ago before the then Parliament. I do not think there is any hon. Member here who is in favour of giving bribes. I think that a man who gives a bribe is more sincere than the one who receives a bribe. There are certain circumstances in which a person is compelled to give bribes, though it was against his will and against his own conscience. I will give you my own instance. In the year 1946 when there was the foreign Government here, I was at Ooty in the month of May. On the 14th May I received a wire from my wife in Bombay saying that my eldest daughter who was laid down with typhoid was seriously ill and that I should start immediately. I wanted to start for Bombay immediately. I took a car and went to Mysore with my two daughters who were with me. I was in such a condition that I could not even get down from the car and my daughters had to carry me to the waiting room. They went back to the booking office and enquired whether first class tickets were available to Bombay. They said, "No".

Then they asked for second class tickets and that was also refused. Afterwards they came to me and said that the tickets were not available for today and for three days more. Then I said, "We can go by third class". Even that was refused. Then one of my daughters who had been to England said that she would go and try for the tickets. She said to the other daughter that the ticket should be got somehow. My other daughter who was a law graduate hesitated to take any such steps, by which they were doing unlawful thing and would be detained there. My daughter who had been to England told the other daughter, "Our father is dying here and so it is necessary to get the ticket somehow" She said, "Necessity has no law. You go and remain with father and I will go and fetch the ticket." She went to the station master, showed him the telegram and told him, "We have to go in any case and you please oblige us" and she

[Shri D. D. Italia-] placed Rs. 50 on the table and immediately he called the booking clerk and asked him to issue the tickets. May I ask what the Law Minister would have done under such circumstances? I am sure anyone would have done the same thing. It is a crime but under such circumstances what is to be done? I would have died on that day if they had not done that and after that the station master himself came and enquired about me, because money makes the mare to go. There is a saying in Hyderabad:

**इंसाफ उल्लाह तो भर गया मगर दो बच्चों को छोड़ गया, एक रिश्वतखोरी और दूसरा सिफारिश-**

That means there is no justice now, justice has died and it has left two sons—one bribery and the other nepotism. That is the case here.

Under such circumstances the punishment which is fixed here is not very serious. According to our olden days the person who has given bribe or the person who has taken bribe, his hands must be chopped off. I am not a lawyer. With my commonsense I say that unless we have stricter punishments, these things will continue for ever. I would, therefore, request the hon. Law Minister to make even stricter laws than this so that such things will not recur in the future.

SHRIMATI CHANDRAVATI LAKH-ANPAL (Uttar Pradesh):

**श्रीमती चन्द्रावती लखनपाल (उत्तर प्रदेश):** अध्यक्ष महोदय, देश के अन्दर फैली हुई रिश्वतखोरी और भ्रष्टाचार को दूर करने का जो प्रयास सरकार इस बिल के द्वारा करना चाहती है वह स्वागत के योग्य है। मैं इस बिल का सब तरह से समर्थन करने के लिये खड़ी हुई हूँ।

10 A. M.

आज देश के अन्दर ऐसा प्रतीत होता है कि रिश्वतखोरी, ब्राइबरी (bribery) और भ्रष्टाचार हमारे देश के सार्वजनिक जीवन, हमारे जीवन के प्रत्येक क्षेत्र, में बड़ी गहराई तक प्रवेश कर चुके हैं। देश के वातावरण के

कण-कण में आज ब्राइबरी, भ्रष्टाचार और रिश्वतखोरी समाये हुए हैं। आप किसी वर्ग के व्यक्ति को देखें उसके अन्दर किसी न किसी रूप में यह रोग प्रवेश कर चुका है, और वह इस रोग का शिकार बन गया है। जो बड़े पदों में आसीन व्यक्ति हैं वे बड़ी बड़ी रिश्वतें लेते हैं, और उनको बड़ी बड़ी रिश्वतें दी जाती हैं। वे बड़ी रिश्वत लेते हुए धबराते भी नहीं हैं। किन्तु जो छोटे तबक़े के लोग हैं, मध्यम वर्ग के लोग हैं, वे अपने हिसाब से थोड़ी, छोटी रिश्वत लेते हैं।

श्रीमन्, मैं यह कहना चाहती हूँ कि छोटे तबक़े के लोगों में, मध्य वर्ग के लोगों में आज रिश्वत आम तौर से ली जाती है और वह खुले आम चल रही है, दिन दहाड़े चल रही है। अगर आज रिश्वत को एक अपराध समझ कर चला जाय तो इसमें कोई शक नहीं है कि इस देश के आधे से भी ज्यादा लोग इस अपराध में जेलों के अन्दर भेजे जा सकते हैं।

श्रीमन्, कोई अफसर आज इस देश में ऐसा नहीं है कि जिसका चपरासी रिश्वत न लेता हो। चपरासी वगैर रिश्वत लिये हुए छोटा सा काम भी करने को तैयार नहीं होता है। यहाँ तक कि शिक्षा-विभाग के अन्दर तक इस रिश्वत के रोग ने अपना घर कर लिया है। अगर आप डाइरेक्टर साहब से मिलने जाइये या इन्स्पेक्टर से मिलने जाइये, तो जब तक आप चपरासी को कुछ रिश्वत नहीं देंगे, तब तक आप उनसे नहीं मिल सकते हैं। अगर आप कुछ नहीं देते हैं तो आपको दिन भर उनके कमरे के सामने बैठा रहना पड़ेगा। अगर आप उनके चपरासी के हाथ में एक रुपया या दो रुपया रख देते हैं तो वह आपको फ़ौरन ही उनसे मिला देगा। इसी तरह का हाल आज हमारे देश की कोर्टों में चल रहा है। वहाँ पर तो हालत और भी ज्यादा खराब है। आज हालत यह है कि कचहरियों में गरीब और बेपढ़ लोग गाँवों के जाते हैं और उन लोगों को वहाँ

के बारे में कुछ भी पता नहीं होता है। इसका नतीजा यह होता है कि उनको हर कदम पर रिश्वत देनी पड़ती है। अगर वह रिश्वत नहीं देते हैं तो उनका काम नहीं चल सकता है। छोटी सी अर्जा लिखाने के लिये, मजिस्ट्रेट से मिलने के लिये, हर कदम पर उनको रिश्वत देनी पड़ती है। वे लोग मजबूर होते हैं क्योंकि उनको अपना काम करवाना होता है जिसकी वजह से उनको रिश्वत देनी पड़ती है।

श्रीमन्, इसका मुझे ज्ञाती तजुर्बा है कि पिछले महीने मई में मुझे जब अपने रिटर्न्स वापस करने थे तो मुझे ठीक समय में भेजने के लिये उस पर पहिले मजिस्ट्रेट के हस्ताक्षर करवाने थे। मैंने एक बजे से पहले ही सब काम खत्म कर लिया था और मैं मजिस्ट्रेट से हस्ताक्षर करवाने के लिये कचहरी चली गई। वहां मैंने देखा कि कचहरी के पास कई लोग इधर-उधर घूम रहे थे और उन लोगों ने मुझ से कहा कि अगर आप दो रुपया या पांच रुपया देते हैं तो हम आपके कागज पर मजिस्ट्रेट के हस्ताक्षर करवा देंगे।

**KHWAJA INAIT ULLAH (Bihar) :**

स्वाभा इनायत उल्लाह (बिहार) : आपने रुपया दिया या नहीं ?

**SHRIMATI CHANDRAVATI LA-KHANPAL :**

श्रीमती चन्द्रावती लखनपाल : श्रीमन्, मैं यह बतलाना चाहती हूँ कि इस तरह से वहां पर रिश्वत दी जाती है। मेरा काम तो हो गया और मैंने उसके लिये एक पैसा भी नहीं दिया। लेकिन जो पढ़े-लिखे लोग हैं, जो कुशल लोग हैं, उनका काम तो हर जगह बगैर पैसे के चल जाता है और वह लोग किसी न किसी तरह से अपना काम चला लेते हैं, मगर जो लोग अनपढ़ है, जिनकी न शिक्षा है, और न किसी प्रकार की वहां पर सिफारिश ही है, उनको मजबूर होकर रुपया रिश्वत में देना पड़ता है और अपना काम चलाना पड़ता है।

श्रीमन्, आज हमारे देश की यह अवस्था है कि रिश्वतखोरी कोई बुरी चीज नहीं समझी जाती है, कोई अपराध नहीं समझा जाता है। इसको आजकल हमारी भोली-भाली भाषा में "ऊपरी आमदनी" कहते हैं। अगर आप किसी भां के पास जायें और उससे पूछें कि तुम्हारे लड़के को कितनी माहवारी तनख्वाह मिलती है तो वह आपसे कहेगी और गर्व के साथ कहेगी कि तनख्वाह तो ८५ रुपया ही है, मगर ऊपरी आमदनी १५० रुपया है। श्रीमन्, यह जो ऊपरी आमदनी है वह कहीं आसमान से तो नहीं टपक पड़ती है। यह तो रिश्वत का ही रुपया है। इसलिये मेरे कहने का तात्पर्य यह है कि आजकल जो व्यक्ति रिश्वत लेता है वह उसको अपना अधिकार समझ कर लेता है। समाज में उसको अपराध की दृष्टि से नहीं देखा जाता है। बल्कि उसको जनता द्वारा अधिकार के रूप में देखा जाता है। आज, श्रीमन्, हालत यह है कि देश में रिश्वत लेना एक अनलाफुल (unlawful) कानून सा बना हुआ है। उसकी लीगल पोझीशन (legal position) सी हो गई है। ऐसी हालत में जहां समाज के अन्दर आमतौर से रिश्वत लेना एक तरह से अधिकार समझा जाता है, तो वहां पर रिश्वत देना आवश्यक हो जाता है, बादमी मजबूर हो जाता है कि अपने काम को कराने के लिये रिश्वत दे। अगर यही अवस्था हमारे देश में बनी रही तो रिश्वत लेना एक प्रकार से लीगलाइज (legalize) हो जायेगा।

श्रीमन्, इस भयंकर स्थिति को, जो हमारे देश में रोग की तरह फैल गई है, अगर दूर नहीं किया गया तो यह रोग हमारे समाज को खत्म कर देगा। जिस कानून को आज हमारे मिनिस्टर साहब ला रहे हैं वह वर्तमान हालतों में बिल्कुल उचित है और उसको अवश्य आना चाहिये। इस तरह का कानून बनाकर हम इस तरह का

[Shrimati Chandravati Lakhaupal] वातावरण पैदा कर सकते हैं कि रिश्वत लेना समाज में एक जुर्म समझा जाये। इससे रिश्वत लेने वाला और देने वाला भी यह समझ जायेगा कि वह भी कोई जुर्म कर रहा है और वह कानून की निगाह में अपराधी समझा जायेगा। लेकिन सिर्फ कानून बना देने से ही काम नहीं चलेगा। कानून अक्सर कागज़ों के ऊपर ही रह जाते हैं, अगर उसके लिये अनुकूल वातावरण पैदा न किया जाय। आज हमें यह देखना पड़ेगा कि वह कौन सा मुख्य कारण है जिसकी वजह से यह कानून कानून बन जाने पर भी समाज के अन्दर माना नहीं जायेगा और लोग उसको मज़ाक़ सा समझते रहेंगे। श्रीमन्, सबसे पहला कारण इसका यह है कि हमारे देश की आर्थिक दशा ठीक नहीं है। आज हमारे देश की आर्थिक दशा बहुत ही भयंकर हो गई है। ऐसी दशा में वे सब बातें, जो गरीबी लाती हैं, रिश्वत को बढ़ावा देती हैं और इसकी वजह से [और भी ज्यादा यह बढ़ता ही जा रहा है। आज हम देखते हैं कि मजदूरों और दूसरे लोगों की तनस्वाहें बहुत कम हैं। आज एक चपरासी यह चाहता है कि उसको इतनी तनस्वाह मिले जिससे कि वह अपने बाल-बच्चों को पढ़ा सके और उनका लालन-पालन कर सके और इन्सानियत के तरीक़े पर उनको रख सके। वह अपनी आँखों के सामने देखता है कि जिनको ज्यादा तनस्वाह मिलती है उनके लड़के पढ़े-लिखे होते हैं और अच्छा कपड़ा पहन सकते हैं। जब उनको अच्छी तनस्वाह नहीं मिलती है तो वह रिश्वत लेने के लिये मजबूर हो जाते हैं; जिससे वे अपनी इच्छाओं को पूरा कर सके अपने बाल-बच्चों को अच्छी तरह से पढ़ा सकें।

श्रीमन्, हमें कानून बनाने के साथ यह भी देखना है कि हमारे देश की आर्थिक स्थिति कैसी है और आर्थिक दृष्टि से हमको अपने देश में अच्छा वातावरण बनाना होगा।

मैं यह कहना चाहती हूँ कि आजकल हमारे देश का जो आर्थिक स्तर है वह सब से न्यूनतम स्तर पर है। यही कारण है कि लोग प्रलोभन में पड़ कर रिश्वत लेते हैं। इसलिये यह आवश्यक है कि हमको अपने देश की आर्थिक स्थिति को ठीक करना होगा ताकि लोगों को रिश्वत लेने की प्रवृत्ति की ओर न जाना पड़े।

श्रीमन्, इसके साथ ही साथ मैं अपने माननीय कानून मंत्री जी का ध्यान इस ओर आकर्षित करूंगी कि जहाँ वह इस तरह का कानून बनाने जा रहे हैं वहाँ पर उनको इस तरह के उपाय भी बूढ़ने चाहियें जिससे कि हमारे देश के नवयुवकों का नैतिक स्तर ऊंचा हो और आर्थिक अवस्था में भी उन्नति हो। इन दोनों चीज़ों के होने से यह कानून क्रियात्मक रूप से लाया जा सकता है। इन शब्दों के साथ मैं इस बिल का हृदय से स्वागत करती हूँ।

[For English translation, see Appendix II, Annexure No. 36.]

SHRI B. RATH (Orissa) : Mr. Chairman, I do not disagree with the proposed amendment; but I know full well that these amendments to the provisions of the Indian Penal Code and the Indian Criminal Procedure Code will not put an end to bribery and corruption and corrupt people will never get penalised. During the discussion in this House that took place yesterday we found that all sections of the House were agreed that bribery and corruption started getting momentum just after the outbreak of World War II, and after 1946 and 1947 it took tremendous strides and it has now overwhelmed the poor people of our country. They cannot get any service without spending something at least, whether it be in money or in kind or some service in return or in certain cases a sweet smile or some other consideration. Sir, we have had several Acts since 1946. We have had Acts in 1947 too after the Congress Government came into power at the Central. But it is the open admission of the Government and

by the Members of the Government that still bribery and corruption have not come to an end. Therefore it is clear that it is not the amending of any law that is going to improve matters, not the appointing of committees and commissions to investigate the sources of bribery and corruption. Such methods conducted in this formalistic manner will not end corruption and bribery. I call this present approach "formalistic" because we are following the same oft-trodden path, the path followed during the last so many years, of having committees and commissions, getting their recommendations, discussing these recommendations at government levels and accepting some of them that suit the needs of Government. This sort of formal method will not improve matters. This orthodox method of approach is not going to help us to put an end to corruption and bribery. My hon. friends on the Congress side have admitted yesterday, in spite of their strong differences with the present Government of China, in spite of their strong desire to see that government replaced by some other government, that by unorthodox methods the Chinese Government have been able to put an end to corruption and black-marketing in that land. How did they manage to do that? They mobilised the whole country towards this end. No law was amended, no committees or commissions appointed. The Chinese people as a whole were aroused against this evil, against the corrupt people and the blackmarketees and thus the first round of the battle against this evil was won. I remember and I appreciate the remarks that Pandit Jawaharlal Nehru made before he assumed power at the Centre, made soon after his release from jail, where he declared, "If I come to power I will hang every blackmarketeer and I may add corrupt officers too from the nearest tree". (AN HON. MEMBER: Nearest lamp-post, he said.)— lamp-post in the cities, for you have no lamp-posts in the rural areas.

After they have assumed power, what do we see? Eradication

of corruption and blackmarketing has been discussed in various provincial legislatures. The Congress Governments, while admitting the presence of corruption and blackmarketing and also that it is gaining currency from day to day, have tried to root it out at the lowest level in Government service. They have not enough courage to deal with the higher posts from the Minister to the Secretaries and all those under them who are also involved in these things. Had they imagination and had they placed the national interest over the petty ones of the officials, they would have found out the root causes of bribery and corruption. They would have, thus, removed bribery from the country. That has not been done. Recently, before I came to this place, practically a tempest was rising in my State about issue of certain permits by the Central Government. The Congress newspapers of my State—they have got two dailies in my State and my Party has no daily newspaper—were discussing this matter about the Delhi Special Police Establishment having been entrusted with the task of enquiring into certain of the transactions with respect to the grant of import permits by the Centre. One of the Congress newspapers was practically supporting this investigation and the other Congress newspaper which came into existence practically after the Congress came into power—it was practically the paper of the ministerial party in Orissa .....

SHRI S. MAHANTY (Orissa) :  
And owned by no less a person than an ex-Minister .....

MR. CHAIRMAN : 'No names, please.

SHRI B. RATH : I am not mentioning names. I am making impersonal observations. A news item came in that paper (and if the House so desires I can submit it) that this Delhi Special Police Establishment is influenced by political considerations. It is being guided by a political faction ! of the ruling party not to go into the

[ShriB. Rath.]

investigation with respect to the import permit question, thereby interfering or practically bringing this investigation to a stop. That is one section of the Congress and the other was getting this enquiry started, thereby implicating police officers also. I know there are many honest officers who work sometimes under dishonest officers. I know there are dishonest officers who tried to corrupt the whole administration ; but, I must humbly submit that there are dishonest people in the Congress holding high positions sometimes giving a fillip to the spread of corruption and bribery in the administration and bring about corrupt influences in society. That is why, Sir, I suggest that neither this amendment nor even complete revision of the Indian Penal Code can ever end bribery and corruption at the stage at which it has reached at present. My suggestion is simple enough. I wholeheartedly offer my co-operation—not only mine but of the people who agree—to end bribery in this country. We must follow the unorthodox way and go straight to the people with the message that we are tired of this bribery and corruption. We are tired of amendments and new Bills and Acts. We want to end it and we are sincere about it. At whatever quater it may exist, come to our aid and expose the bribe takers, the corrupt people. Come to us in strength if there is suspicion and not enough evidence. I do not want that the corrupt people should be hanged in the nearest tree—I do not want that—but at least I expect that they must be demoted in service or removed from service because the people suspect their *bona fides* and also because the people who accuse them have some experience of it. There are various places where bribery and corruption is rampant. Railway servants are victims of this, of giving bribe to the higher ones. I think, the Railway Minister is not here but others who are interested in railway affairs know that in the Indian Railways, most of the gangmen—Class IV employees—are temporary. There

are persons who have put in about ten years' of service and yet they are temporary. To get one post, which carries a pay of Rs. 35 a month, they have to pay one or two rupees to the District Engineer and the person appointed by him to collect such money. It is an open practice everywhere. If the Government is very serious, let it make a confidential enquiry. There is no question of going to courts. If I go to a court, much is not gained. I believe the hon. the Law Minister knows, because he had been a High Court Judge, the trickeries of law, the treacheries of law and how the innocent people become victims of law and how guilty persons, getting the benefit of doubt, sometimes get acquitted completely. So, it is the unorthodox method that I am suggesting that will do good. Let anyone go to the railways and try to ascertain from the Class IV employees as to why they give bribe. If evidence could be got against some officer, then let that officer be removed. This is one of the sources of bribery and corruption, and the way to remove it.

Then there are particular focal points which if properly tackled, if properly attacked would lead to the removal of corruption and bribery to a great extent. Unless and until that is done, such amendments cannot improve matters. I have only two suggestions to make before I wind up my speech. If you want to end bribery, take the people's co-operation. I mean by 'co-operation' that if you are interested take all people into confidence. Do not go to the law courts for making enquiries ; have open meeting enquiries and if there is any suspicion against any particular individual, then take serious steps against him. Secondly, start attacking at the top ; it is not necessary to start at the bottom. If the top is good, the lower ranks who serve under the higher-ups would always be afraid. So, Sir, attack at the top and unless and until you do that, you cannot check bribery and corruption. If you cannot check bribery and corruption at the Ministerial



level, you cannot stop the Sec- i retaries from taking bribes. If you cannot stop the Secretaries\* from taking biibes, then the Under Secretaries also will take bribes. If a Chief Engineer takes bribe, then why should not the S.D.O. and the persons serving under him take bribe, especially when there is this example at the top ? And do not start in a puny way from down below. Start with the higher-ups in the Administration ; start intensive enquiries against persons— to whatever Party they may belong, whatever position they may be occupying. If you do that, there will be tremendous enthusiasm among the people to help the Government, to help anybody who is interested in wiping out bribery and corruption and like a magician's wand you will find that you get tremendous co-operation from the people. So much enthusiasm will be released by the people that this bribery and corruption can be removed within a year or two, whereas such Acts and Amendments cannot remove it. With this submission, Sir, I request the Government to take active steps to end bribery and corruption from this land, not by legislation but by earnest practice.

MR. CHAIRMAN : I think we have had nearly four to five hours' discussion on this matter and there are many people who wish to speak. I have found, listening to the speeches, more or less same remarks have been made— Railway reservation requires bribes and we must start at the top and not at the bottom— and I do hope that Members who wish to speak hereafter will be brief, not repetitive and make some new points which have not been made already, and although there is no time limit, I would still lay that they will take the value of time into account and confine their remarks within the minimum time possible.

KHWAJA INAIT ULLAH :

خواجہ عنایت اللہ : شریمان چیمبرمین صاحب ! میں اس بل کا سمرتہن کرنے کے لئے کہتا ہوا ہوں - میرے سمرتہن کرنے

کی وجہ یہ نہیں ہے کہ یہ بل ہمارے ہندوستان سے رشوتستانی کا خاتمہ کرنے جا رہا ہے بلکہ سمرتہن کی ایک ہی وجہ ہے اور میں اس کے لئے حکومت کو مبارکباد دیتا ہوں کہ حکومت نے رشوت ختم کرنے کی طرف پہلا قدم اٹھایا ہے اگرچہ میرے خیال میں یہ ناکامیاب قدم ہوگا -

(MR. DEPUTY CHAIRMAN in the Chair.)

اس بل کو پڑھنے کے بعد مجھے ایک فارسی کا شعر یاد آتا ہے - لگر آنریبل مسبران کو ان شہدوں سے دلچہ تکلیف نہ ہو تو وہ میں کہنا چاہتا ہوں - شعر یہ ہے -

درمیان قہر دریا تختہ بندم کردہ ای باز-ی گوئی کہ دامن تو مکن ہشہار باہر- اس کے معنی یہ ہیں کہ شاعر کہتا ہے کہ تم نے مجھے ایک ایسے دریا میں جس میں طوفان آیا ہوا ہے ایک تختے پر باندھ کر لٹا دیا ہے اور پھر تاکید کر دی ہے کہ دیکھو ہوشیار رہنا تمہارے کپڑے نہ بھینگیں - یہی حالت اس بل کی بھی ہے - ہندوستان کے چہہ چہہ میں ہندوستان کی ہر زندگی میں ہندوستان کے ہر شعبہ میں رشوت کا بازار گرم ہے اور آپ نے یہ کہہ کر کہ رشوت دینے والا بھی مجرم اور رشوت لینے والا بھی مجرم بالکل ایسی ہی حالت کو دی ہے کہ ہمیں ایک سمندر میں قال دیا ہے اور کہہ دیا ہے کہ دیکھو ہوشیار رہنا تمہارے کپڑے نہ بھینگیں پائیں - اس میں شک نہیں کہ اصولی طور پر رشوت

[Khawaja Inait Ullah.]

لہذا جتنا جرم ہے اتنا ہی رشوت دینا بھی جرم ہے۔ مگر آپ کہتے ہیں کہ شمع کو جلنے دو اور پروانوں کو منع کر دو کہ وہاں نہ جائیں، چل جائینگے۔ آپ تو پہلا کام ہے شمع کو بجھانا۔ یہ میں مانتا ہوں کہ جتنا رشوت دینے والی بھی غلط کام کرتی ہے اور اسے بھی سزا دینی چاہئے مگر ان لوگوں پر آپ کا اتنا حق نہیں ہے جتنا کہ آپ کا ان لوگوں پر ہے جن کو آپ نے نوکر رکھا ہے، جن کو آپ اس بات کی تنخواہ دیتے ہیں کہ وہ انصاف کریں۔ عوام کی تمام مشکلات کو دور کریں اور عوام کے جاننے حقوق میں ان کی نگہداشت کریں۔ آج یہ قانون آنا ہے۔ آپ کہتے ہیں کہ تین برس دینے والے اور تین برس لینے والے کو سزا ہوگی۔ لہنے والے کے لئے پہلے دو برس تھا۔ اس کو اب آپ نے تین برس کر دیا لیکن دینے والے کے لئے پہلے کچھ کم تھی اور اب اس کو بھی تین برس کر دیا گیا اور دونوں کو برابر درجہ پر لے آئے۔ میں کہہ سکتا ہوں کہ اصولی طور پر یہ صحیح ہے۔ ہمارا اخلاق ایسا ہونا چاہئے کہ ہم رشوت مانگنے والے سے لڑ سکیں اور کہیں کہ رشوت نہیں دینگے اور بغیر رشوت دینے اپنا حق مانگیں۔ لیکن آپ کو معلوم ہے کہ ہندوستان میں کتنے لوگوں میں کتنی طاقت ہے۔ دیہات کے ہزارے غریب بیٹھوں میں کتنی طاقت ہے کہ وہ ہر سب انسپیکٹر (Sub-Inspector) سے ہر پولیس والوں

سے ہر چھوٹی اور ہر سرکاری نوکر سے اپنا حق مانگ سکیں۔ اگر آپ ایسا قانون بنانا چاہتے تھے تو اس کے لئے آپ کو ایسا ایٹماسفر (atmosphere) بھی بنانا چاہئے تھا۔

SHRI C. G. K. REDDY (Mysore)

श्री सी० जी० के० रेड्डी (मैसूर) : कैसे करें ?

KHAWAJA INAIT ULLAH :

خواجہ عنایت اللہ : وہ بھی میں بتاؤں گا کہ کیسے کریں گے۔ یہ جو آپ کے سامنے آیا کہ رشوت دینے والا جرم کرتا ہے اس کو آپ نے سنٹرل سکریتیریٹ (Central Secretariat) یا اسٹیٹ سکریتیریٹ (State Secretariat) میں بھیج کر سوچا ہے کیونکہ یہاں پر جو رشوت دینے آتے ہیں وہ لکھپتی اور کروڑ پتی ہوتے ہیں۔ کوئی امپورٹ لائسنس (Import Licence) کے لئے آتا ہے کوئی ایکسپورٹ لائسنس (Export Licence) کے لئے آتا ہے کوئی بڑے بڑے تھیکے لینے کے لئے آتا ہے۔ تو یقیناً وہ یہاں کے ایماندار افسروں کو رشوت لینے کی ترغیب دیتے ہیں اور اس لئے اس ترغیب سے ہمارے ایماندار افسروں کو بچانے کے لئے یہ قانون بالکل صحیح ہے کہ بڑے بڑے لوگ کم تنخواہ پانے والے ملازموں کو یا ہزار دو ہزار تنخواہ پانے والے ملازم جو کہ بڑی پوسٹ (post) پر ہوں ان کو بھی کرپٹ (corrupt) کرنے میں ترغیب نہ دے سکیں۔ ان کے لئے یہ قانون صحیح ہے۔ میں مانتا ہوں کہ سکریتیریٹ میں جتنے افسر

ہیں ان کو اگر لوگ رشوت لینے پر مجبور کرتے ہیں۔ مگر یہ قانون تو آپ سارے ہندوستان کے لئے بنا رہے ہیں۔ میں ان لوگوں میں رہتا ہوں جن کو آپ ہندوستان کے عوام کہہ سکتے ہیں۔ آپ کو شاید معلوم ہوگا کہ اس وقت آپ کی کچھریوں میں انصاف بغیر قہمت کے نہیں خریدنا جا سکتا ہے۔ انصاف کی قہمت پڑتی ہے۔ بڑے بڑے انصافوں کی نہیں بلکہ معمولی انصافوں کی۔ ایک آدمی اپنے چھوٹے سے کیس کو اگر رجسٹر کرانا چاہتا ہے اور جب کہ باپ کے مر جانے کے بعد وہ اس کا جائز وارث بدلتا ہے تب بھی وہ جب تک اس کی قہمت نہ ادا کرے اس کا نام رجسٹر پر نہیں چڑھایا جاتا ہے۔

میونسپلٹی میں اگر ایک آدمی ایک مکان خریدتا ہے جائز قہمت دیکر اور خریدنے والا اس کو میونسپلٹی کے رجسٹروں میں لکھانا چاہے تو وہ جب تک انصاف کی قہمت نہ ادا کرے نہیں لکھا سکتا۔ چھوٹی سے لیکر جہاں تک بھی اونچے چمے جائوں جن لوگوں کا پبلک سے تعلق ہے عوام سے تعلق ہے ان میں شاید ہی کوئی ایسی ہستی ہو کوئی ایسا آفسر ہو جو یہ کہے کہ مجھے رشوت دینے آئے ہم چلو ہم تم کو گرفتار کرا دیں گے۔

اس قانون کے پاس ہونے کے پہلے میں عوام کی آواز کو حکومت کے سامنے پہنچانا دینا چاہتا ہوں۔ اس قانون کے بعد

عوام یہ کہہ نہیں سوجھے گی کہ رشوت ستانی کے بازار کو جو آزادی کے بعد دنگلا اور چونگلا ہو گیا ہے روکنے کے لئے گورنمنٹ نے کوئی کوشش کی بلکہ وہ کہے گی کہ رشوت لینے والے کی سلامتی پر مہر لگا دی ہے۔ آج رشوت لینے والا کرتا ہے کہ یہ مجھے رشوت دے رہا ہے۔ اب کہیں جا کر یہ شکایت کرے گا کنگریس والوں سے کہہنا یا کسی آفسر سے کہنا۔ لیکن اب اس قانون کے بعد اسے یقین ہو جائے گا کہ اس ہاتھ سے روپیہ اس جیب میں ایسا جا رہا ہے کہ نہ دینے والا بولے گا اور نہ لینے والے کو بولنے کی ضرورت ہے۔ آپ نے یہ قانون تو بنایا مگر اس کا احساس نہیں کیا کہ کتنے لوگ رشوت لینے پر مجبور ہیں۔ اس میں شک نہیں کہ بلیک مارکیٹر (Black marketeer) مجبور نہیں ہیں بڑے بڑے ٹھیکے لینے والے مجبور نہیں ہیں مگر غریب جلتا مجبور ہے۔ میں آپ کو پنچانوے فیصدی جلتا کی آواز سنا رہا ہوں۔ اگر آج ہندوستان میں کوئی خرابی ہے آج ہندوستان میں کمیونزم (Com-munism) پھیلنے کا قہر ہے یا آج ہندوستان میں انقلاب کا قہر ہے تو صرف اس وجہ سے نہیں کہ ہندوستان میں روٹی نہیں مل رہی ہے بلکہ اس وجہ سے ہے کہ ہندوستان کے ۹۹ فیصدی کومپنری رشوت لیتے ہیں اور لوگ ان کو رشوت دینے پر مجبور ہیں ورنہ ان کی زندگی برباد ہو جائے۔ آپ پوچھتے ہیں کہ کیوں دیتے ہیں میں آپ کو مثال کے

[Khawaja Inait Ullah.]

طور پر بنانا ہوں کہ ایک گاؤں میں  
 تاکہ پوتا ہے رات کو لوگ لوتے جاتے ہیں -  
 کئی آدمیوں کا قتل ہوتا ہے - پولیس  
 دوسرے دن بڑی تیزی سے وہاں پہنچتی  
 ہے اور علاقہ کے دو چار شریفوں کو پکڑ  
 لیتی ہے اور کہتی ہے کہ روپیہ لڑو ورنہ  
 تمہارا چالان ہوگا - اگر وہ روپیہ نہیں  
 دیتے ہیں تو کم سے کم ایک مہینے تک  
 پولیس کی حراست میں تھانے میں  
 سوتے ہیں اور مصیبتیں اٹھاتے رہتے ہیں  
 ہاں اگر ان کے پاس طاقت ہے روپیہ ہے  
 پیسہ ہے تو بہت سا روپیہ وکیلوں کو دیکر  
 سیشن کورٹ (Sessions Court) میں یا  
 ہائی کورٹ (High Court) میں اپیل  
 کر کے بری ہو سکتے ہیں - تو پولیس ان  
 کو رشوت دینے پر مجبور کرتی ہے -  
 عجیب حالت ہے اگر وہ رشوت دیتا ہے  
 تو اسے تین سال کا قید ہے اور اگر نہیں  
 دیتا ہے تو اس کی عزت جانے کا قید ہے  
 پریشانی اٹھانے کا قید ہے - اس لئے میں  
 کہتا ہوں کہ اگر آپ کو قانون بدلانا تھا  
 تو اس قانون سے پہلے ہندوستان کی  
 مظلوم جنتا کو ہندوستان کی غریب جنتا  
 کو بتانا چاہئے تھا کہ رشوت دینا بڑا  
 جرم ہے اور اسے نہ دیکر جنتا کو کون سا  
 راستہ اختیار کرنا چاہئے - آپ کو آلٹرنیٹو  
 (alternative) دینا چاہئے کہ رشوت  
 دینا جرم ہے اور اگر رشوت دینے پر مجبور  
 کیا جائے تو یہ کام کرو - کیا حکومت  
 اپنی آنکھوں سے نہیں دیکھتی ہے اور اپنے  
 کانوں سے نہیں سنتی ہے؟ بیل ایوں میں

سوکوں پر تراموے میں کہ لوگ ہمارے  
 مذہب پر کہتے ہیں کہ سب کچھ کر لیا  
 سوراخ لے لیا انگریزوں کو نکال دیا مگر  
 ان رشوت لینے والوں کو نہیں بند کر سکی -  
 ہم یقیناً بند کر سکتے ہیں لیکن یا تو  
 حکومت ہمارے ہڈائے ہوئے راستے پر نہیں  
 چلتی یا اس کو فرصت نہیں ہے -  
 میں یقیناً جانتا ہوں کہ جب حکومت  
 اس طرف دھیان دے گی تو وہ سب کچھ  
 کر لے گی - کیا حکومت کو نہیں معلوم  
 کہ ۱۵۰ روپیہ پانے والا سب ڈپٹی انسپیکٹر  
 (Sub-Deputy Inspector) موٹر پر  
 چلتا ہے، ریڈیو بجاتا ہے دو دو سو روپیہ  
 کا سوٹ پہنتا ہے - کھر میں الیکٹرک  
 (electric) کا پلنگھا چلاتا ہے اور شام کو  
 ہوتلوں میں شراب بھی پینا ہے اور سب  
 طرح کی عیص بھی کرتا ہے - کیا یہ  
 حکومت نہیں جانتی؟ حکومت اس  
 کو بڑی آسانی سے جان سکتی ہے کہ فلاں  
 آدمی کیا سوچ رہا ہے اور اس کو قید میں  
 (detain) کیا جائے وہ کیا انقلاب  
 لا رہا ہے وہ کھر کے اندر بیٹھکر یہ سوچا  
 کرتا ہے لیکن ایک آدمی جو آپ کا نوکر  
 ہے جو آپ کے سامنے رہتا ہے جو آپ کے  
 سامنے سب کام کرتا ہے وہ آپ کو معلوم  
 نہیں ہوتا کہ یہ روپیہ کہاں سے آتا ہے  
 اور اگر معلوم ہے لیکن آپ نے پاس ثبوت  
 نہیں ہے تو کیا اس کو بھی قید میں  
 نہیں کیا جا سکتا؟ ایسے افسروں کو  
 ایسے لوگوں کو کیا آپ پوچھ نہیں سکتے  
 ہیں کہ تم یہ بتاؤ نہ سب روپیہ کہاں  
 سے لیتے ہو اس کا ثبوت دو -

یہاں سنکریٹریٹ میں جائیے کوئی کام ہو اس کے لئے انکوائری آفس (Enquiry Office) ہے ریلوے میں انکوائری آفس ہے۔ اگے اسٹیشن پر معلوم کرنا ہو کہ کون گاڑی کس وقت کس جگہ جائیگی تو ہم انکوائری آفس میں چلے جاتے ہیں۔ کیا ہندوستان کے کسی بھی ڈسٹرکٹ میں کسی کورٹ کے نزدیک کسی بھی ایسی جگہ پر جہاں رشوت کا بازار گرم ہے اور آپ جانتے ہیں کہ گوم ہے وہاں حکومت نے کوئی ایسا محکمہ کھول رکھا ہے جہاں غریب جڈتا جا کر یہ شکایت کرے کہ میں فلاں دفتر میں گیا تھا تاریخ بڑھوائے کے لئے یا کسی اور کام کے لئے تو پیشکار نے کہا کہ دو روپیہ لاؤ تب کام ہوگا۔ میں حکومت کو جائز مشورہ دینا چاہتا ہوں کہ حکومت کو چاہئے کہ تمام علاقوں میں جتنی زیادہ جگہ ہو سکے ایک ایک انکوائری آفس چلتا کے آرام کے لئے کھولے جس طرح ریلوے کے انکوائری آفس ہیں۔ اسی طرح ایک چھوٹا محکمہ ہر جگہ پر ہو اور اس میں بہت ایماندار آفسر ہوں۔ اس میں ایسا آدمی ہو جو ایماندار ہو چاہے وہ آئی۔ اے۔ ایس (I.A.S.) یا اسی طرح کسی سروس (service) کا ہو اور اسے اتنی تلکھواہ ملتی ہو کہ رشوت لینے کی اسے ضرورت نہ پڑے۔ اس محکمہ میں ہر عام خاص کو درخواست دینے کا موقع رہے کہ ہمارا یہ کام ہے جو کہ میں بغیر رشوت کے کرانا چاہتا ہوں لیکن فلاں

آدمی رشوت مانگتا ہے اس لئے یا تو اس آدمی سے کام کرا دیا جائے یا اس کو دہسی سے ہٹا دیا جائے۔ میں سمجھتا ہوں کہ اس محکمہ کی سخت ضرورت ہے لیکن ایسا محکمہ گورنمنٹ کے پاس نہیں ہے۔ یہ جو قانون آپ پاس کر رہے ہیں یہ شاید بڑے بڑے لاکھ دو لاکھ رشوت دینے والوں کے لئے بہت تھیک ہے لیکن یہ چار آنے سے لیکر دس روپیہ تک کی جو روزانہ ہزاروں روپیہ کی رشوت ڈاکٹرانوں کو چھوڑ کر ہر جگہ ہر قدم پر چلتی ہے اور یہ جو ایسی رشوت کہ اگر پیسہ نہیں ہے تو پان ہی کھلا دو اس سب کو روکنے کے لئے آپکو پہلے کچھ کرنا چاہئے۔ رشوت دینا جرم ضرور ہے مگر رشوت دینے والوں کو کس مجبوری میں اسے دینا پڑتا ہے اس کا پتہ لگانا بہت مشکل ہے۔ میرے ایک دوست نے کہا ہے کہ برائیو گیورس (bribe givers) جب نہ رہیں گے تو برائیو ٹیکرس (bribe takers) خود آٹوماتکلی (automatically) نہیں رہیں گے۔ بات تو بہت اچھی ہے لیکن تھیک اسی طرح ہے کہ اگر چرائغ نہیں چلے گا تو پروانہ آکر اس پر جان نہیں دینا۔ اس لئے چرائغ کو بجھو دیں۔ یہ بہت آسان ہے۔ لیکن یہ مشکل ہے کہ پروانہ کو منع کر دیں کہ چرائغ نزدیک نہ جاؤ ورنہ پر چل جائیں گے۔ تھیک اسی طرح کہوں نہ ہم سوچیں کہ برائیو ٹیکرس (bribe takers) نہ رہیں گے تو برائیو گیورس

[Khwaja Inait Ullah.]

(bribe givers) خود بخود ختم ہو جائیں گے۔ اس کے علاوہ رشوت دینے والوں پر آپ کا کچھ نہیں کر سکتے اور رشوت لینے والے آپ کے ملازم ہیں آپ ان کو ڈسمس (dismiss) کر سکتے ہیں۔ آپ ان کو سسپینڈ (suspend) کر سکتے ہیں۔ آپ ان کی ترقی روک سکتے ہیں ان کی تفریق کر سکتے ہیں۔ آپ کے پاس ان کی ریکارڈ شیٹ (record sheet) ہے آپ اس میں بلیک مارک (black mark) لکھ سکتے ہیں۔ طرح طرح کی چیزیں آپ کے پاس موجود ہیں جن کو آپ رشوت لینے والوں کے خلاف استعمال کر سکتے ہیں۔ پھر اگر کوئی رشوت دینا ہے تو وہ تبھی دیتا ہے جب کہ وہ مجبور ہوتا ہے یا وی لالچ ہوتا ہے۔ میں جانتا ہوں کہ کچھ لوگ ایسے ہیں جو رشوت دیکر دوسروں کا حق چھینتے ہیں وہ واقعی مجرم ہیں۔ لیکن میجرٹری (majority) ان لوگوں کی ہے جو رشوت دینے پر مجبور ہوتے ہیں کسی تحصیل میں جائیے اس ضلع کی کچھری میں جائیے جب تک کچھ نہ دو اسوقت تک نام میں چلتا۔

ہمیں پبلک میں کام کرنا پڑتا ہے۔ ہم پبلک کی شکایتیں سنتے ہیں اور ان کو دور کرنے کی کوشش کرتے ہیں۔ ہم ان سے وعدہ کرتے ہیں کہ جہاں تک ہم سے ہو سکیے گا ہم ان لوگوں کی تکلیفوں

کو دور کر دیں گے۔ آج ہمارے سامنے یہ بل آنا ہے اور جب ہم اس بل کے بارے میں اپنے لوگوں کے پنس جا کر کہیں گے اور ان کو سنائیں گے کہ ہم نے تو رشوت بند کر دی ہے تو وہ لوگ کہیں گے کہ اس بل سے تو رشوت لینے والے اور دینے والے دونوں کے لئے ایک پکا راستہ بنا دیا گیا ہے۔ اس سے رشوت دینا بند نہیں ہوگا۔ پہلے تو مار کھاتے تھے اور روتے تھے۔ رشوت دینے تھے اور شکایت کرتے تھے۔ اب ایسی مار پیچی کہ چپ دھینگے اور رو بھی نہ سکیں گے۔ جہتک آپ اس بل کو اور مضبوط نہیں بنائیں گے تب تک اس میں کمیوں نہیں کی۔ میرا آپ سے یہ کہنا ہے کہ جس طرح سے آپ نے رشوت لینے والے کی سزا دو سال سے تین سال کی اور دینے والے کی بھی تین سال کی کر دی ہے اور اس کے ساتھ ہی "either description" جو آپ چاہتے ہیں کہ "simple imprisonment" کی جگہ پر کر دیا جائے۔ تو میں چاہتا ہوں کہ اس کو بدل کر "rigorous imprisonment" کر دیا جائے۔ کیونکہ ہم تین سال کی میعاد کو آگے نہیں بڑھا سکتے اور اس کے ساتھ ہی اس میں جو یہ بھی لکھا ہے کہ "may extend for three years" تو اس کی جگہ پر "shall be extended at least for three years" کر دیا جائے۔

میرے ایک دوست نے ابھی کہا کہ اکثر یہ دیکھا گیا ہے کہ اس طرح کے کیس (cases) میں جو بڑے لوگ ہوتے

ہمیں ان کو دلچسپی پرخواست ہونے تک سزا دی جانی ہے اور کبھی کبھی پندرہ روپیہ بھیس روپیہ جرمانہ بھی کر دیا جاتا ہے اور جو چھپاسی لوگ ہوتے ہیں غریب لوگ ہوتے ہیں اگر وہ کبھی اسطرح کے قانون میں پھنس جاتے ہیں تو ان لوگوں کو تین سال کی سزا دی جاتی ہے اور ساتھ ہی ساتھ جرمانہ بھی کیا جاتا ہے - تو مہرا سرکار سے یہ کہنا ہے کہ قانون کی نگاہ میں سب کے ساتھ یکساں سلوک کیا جانا چاہئے

SHRI C. G. K. REDDY :

श्री सी० जी० के० रेड्डी: फांसी देनी चाहिये ।

KHWAJA INAIT ULLAH :

خواجه عنایت اللہ: پھانسی دینے کا کم تو آپ کا ہے ہم تو نان وانڈس اصول پر چلنے والے ہیں ہم کسی کو برباد کرنا نہیں چاہتے، ہم اصلاح کرنا چاہتے ہیں - ان چند الفاظوں کے ساتھ میں پھر اپنے لامنسٹر صاحب سے درخواست کرونگا کیونکہ میں نے یہاں پر ہندوستانی زبان میں تقریر کی اور نہ معلوم انہوں نے میری باتوں کو تھیک تھیک سمجھا یا نہیں جتنا کہ وہ انگریزی میں سمجھ پاتے - میں آخر میں یہ ضرور کہونگا کہ انہوں نے اس قانون کو پیش کر کے بہت اچھا کام کیا ہے اور میں ان سے عرض کرونگا کہ جو ہماری فیاق ورکروں (field workers) کی آویشکتا ہے ان کی طرف آپ کا دھیان ضرور رہنا چاہئے - میں ان کو اس قانون کے لئے مبارکباد

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دیتا ہوں - اور ان سے میں آخر میں پھر یہی کہنا چاہتا ہوں :  
دندوسہان قہر دریا تختہ بدم کردہ لی بازسی کوئی کہ دامن تر مکن ہشیار باش

[For English translation, see Appendix II, Annexure No. 37.]

SHRIMATI LAKSHMI MENON  
'Bihar): Mr. Deputy Chairman,  
this Bill does two things. One it creates a new offence and secondly it treats the bribe giver as well as the bribe taker in the same manner. Sir, everybody knows that by creating a new offence you do not solve the problem and the problem will remain a problem. It deals with the corruption of bribe taking of public servants. From the speeches that were delivered yesterday and from our own experience we know that the administrative deficiency which it proposes to cure will not be cured by a legislation of this type.

Another disadvantage of this legislation is that hitherto the people who have confessed and brought to book the bribe taker were the bribe givers themselves. It is the bribe givers who have betrayed the bribe takers and now this legislation will help the bribe givers to keep quiet and therefore in spite of creating a new class of offences and criminals you are really trying to shelter them. Sir, the law will affect not the very big people who take bribes or who give bribes in order to violate the existing laws but those officers in the lower rungs of administration who take bribes for certain valid reasons. They take bribes not because they have no sense of right or wrong, but because in the face of dire necessity ethical considerations do not prevail. What happens now is that a man who is under-paid, overworked, neglected and whose work is not appreciated and whose needs are not met by the society or by the Government whom he serves, is tempted by dire need to accept illegal gratification and he is brought to book.

[Shrimati Lakshmi Menon.] Why ? Because he has no influence. Because he has no big officer to shield him and therefore he sutlers. Now whose fault is it ? It is a social mal-adjustment which should be cured in a different way and which has to be tackled in an appropriate manner-And we who are connected with education feel that this kind of legislation does not help at all. For instance law by itself does not help to obviate social evils. Take for instance this section 165 which has remained in the Indian Penal Code since 1898. Has it decreased corruption, Sir ? If it has, then why do you want this amendment ? If it has not, there is no sense in bringing in 165A in order to stop corruption.

Sir, the problem of corruption has to be tackled in quite a different way. Sir, when you do not have social security laws, when you do not have sickness insurance, when you do not have your public servants properly paid, how do you expect them to be honest ? In this connection I would like to recall a story. During the civil war in America a drunken soldier was brought before General Sherman for disorderliness. General Sherman scolded him for his conduct. Then the soldier looked at the General and said "Sir, you cannot have all the cardinal virtues for 15 dollars a month." Similarly, Sir, we cannot get all the cardinal virtues for Rs. 20 a month in the case of teachers or Rs. 25 in the case of a policeman. Yet it is astonishing to find, Sir, that in the face of these difficulties it is these people in the lower rungs of the Administration that have remained honest, that have remained faithful to the traditions of public service. The people who are corrupt are not these hardworking public servants, especially the middle and lower middle class employees in the Government. The people who are corrupt are the people who need not take bribes, and they are not punished, although everybody knows their crime. They are not punished because they have advantages and faci-

lities and a social chance to placate those who are there to punish them.

In the Administration itself, Sir, one finds that delays are mainly responsible for corruption. We have been told how slowly files move from Department to Department or from table to table. And a person who is very anxious to get a particular job done, waits and waits and waits for months in the mofussil. Then he takes a long journey to Delhi or to the capital of the State and there he finds that the only way to get things done is by offering a bribe. If that is the case, is it not the duty of the Department or the Departments concerned to see that these delays are not permitted, that these delays are eliminated so that the circumstances under which bribery flourishes are totally eliminated? Instead of doing that, instead of pulling up the administrative system, instead of seeing that the Departments function as they should in a free country and a free Government which has the welfare of the people in their hearts, we find you follow the same old traditions and you take to task only the under-paid officers in the lower rungs of the Administration.

Sir, what we need today is proper sickness insurance and social security laws. Here in this connection I would like to ask the Health Ministry whether it has done anything to reduce private practice of doctors or reduce the fees that a private doctor charges in our cities. Sir, the under-paid, the under-nourished public servant and his family are faced with many difficulties. To him sickness means not one week's salary but the salary of a few months. I remember, Sir, the case of a man who gets Rs. 150 a month. His little boy broke his right arm. The doctor—he had to take him to an expert—charged him Rs. 150 for just setting the bone aright. That is his month's salary. There is nothing that the Department can do to the doctor who charges such sums. The doctor merely said, "My charges are Rs. 175, but since you are poor, I will make it Rs.150!" In a society in which such instances exist, such instances can be quoted not by hundreds,



not by thousands but by tens of thousands,—how do you expect to root out corruption and bribery by just adding one more clause to the Indian Penal Code ? What we have to do is to offer better salaries for our employees, for our public servants. What we have to do is to transfigure the human power in our Administration into a definite and conscious purpose. Do the heads of Departments and the Ministries do anything to get the co-operation of the staff and to make them feel that they are working for a common purpose, that they are not merely just cogs in the administrative wheel, but real people engaged in a joint co-operative effort to make this country realise its great purpose ? Sir, unless this is done, we cannot hope to have a clean administration. Some people have quoted the things that are happening in China. I am not for ruthless extermination of the anti-social elements. We have to proceed in a different way. What we want is not the ruthless extermination of the antisocial elements because they cannot be exterminated that way but the creation of those conditions in which anti-social elements cannot flourish at all. This has got to be done in a non-violent manner, and not in the China way. In any case, Sir, it cannot be done by adding one more clause to the Indian Penal Code. Sir, I thank you.

PROF. G. RANGA (Madras) : Mr. Deputy Chairman, Sir, I am glad that all sections of the House are united in condemning corruption and in also expecting the Government to take adequate measures to put down corruption. Difficulty arises only regarding the manner in which this corruption is to be put down. Some of our friends have been asking us to emulate the example of China. What China has exactly done and if she has achieved the abolition of corruption, to what extent and in what departments of life and whether this is going to be permanent or temporary, we do not know, but anyhow those who have spoken about China have taken it for granted that she has put down corruption. Let it be so. I do not want to say anything about it except this, \*Are we prepared to adopt the Chinese methods in this country ? If we are I

adopting those measures, are we going to have the kind of administration that China has today, which alone can be expected to practise these methods ?" One of our friends from Hyderabad said that in the olden days if\* a man who was corrupt was found out, he was liable to have his arm cut off, legs cut off and even in some cases his head chopped off. I also used to hear in my early days that these things used to happen in Hyderabad and that in Hyderabad there was no thieving. But are we quite sure that there was no thieving in Hyderabad at all ? And then are we going to be in favour of such punishments ? Even if we were to harden ourselves to such an extent, where is the guarantee that we are not likely to murder or maul innocent people. Our friends who wish to emulate the Chinese example say that they do not mind if a few innocent people are murdered wrongfully provided a large number of the real culprits are also murdered at the same time. I am not prepared to subscribe to that method. There was an occasion, Sir, when I made a suggestion to Bapu that those of us who were dissatisfied with the way some of the Supply Officers were behaving should be free to offer Satyagraha in front of their houses.

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I very well remember his reply : "How do you make sure that that man in front of whom you offer Satyagraha is really guilty? How do you satisfy yourself about his guilt? How can you feel sure that the source of your information is not incorrect? It is quite possible that innocent people may be victimised in this fashion. The moment you start Satyagraha in front of their houses, they get discredited, their wives and children lose caste in the town, and it is quite possible that someone amongst them might take to suicide in order to get over the odium."

If that is the case with Satyagraha, we must be more careful in going ahead with the kind of Chinese methods that are being propagated in this country by the people in favour of those methods. So many of our friends including my sister who has just now sat down bravely

[Prof. G. Ranga.] dismissed this Bill and they say that somehow let us put down corruption but that one more clause is not going to help. If you do not want to have these laws and if you do not want to have judges to administer those laws, how will you assure yourself that an innocent person is not punished at the instance of his enemies ? And when you actually book the guilty person, what is the punishment you are going to give him and who is to decide whether it is commensurate with the offence that he has committed ? For all these reasons laws and law courts are necessary. And laws sometimes need amendments and that is the justification for the Law Minister' bringing in this Bill before this House.

Let us also look at the magnitude of this problem. I think we are exaggerating the evil. So far as private enterprise is concerned, it also gives employment and a great many people are interested in it, and yet no one says that there is widespread corruption there. Then we come to the ten million and odd people who are either directly in Government services or are interested in those who are employed in Government Departments. Even there the majority of them are not corrupt. The majority of the school teachers who are paid such obviously low salaries, unjustly so, are not corrupt. The railway lower-paid employees, the postal employees are not corrupt. The great majority of them are honest. Only a few of them are corrupt. Take again the officers in the Secretariat here and in the State Secretariats. The great majority of them are not corrupt. Therefore, why should we malign all these people ? Only sections of them are corrupt. We have got to find ways and means to see that only such among them as are corrupt are brought to book.

Again you will find that it is not the lower salaried people who are responsible for this corruption so much as those few who are vested with some authority and who come into direct contact with the people and people have no alternative but to give them bribes if these officers are so minded to take ad-

vantage of the powers that they are vested with. You must focus your attention on those centres of the administration where there is room for corruption. The Central Public Works Department has been mentioned. There are the States Public Works Departments, the Registration Department, the Police Department and the Revenue Department. Take again the Finance Ministry. Such large numbers of people are employed by my hon. friend, the Finance Minister. There, there are the Accountants General and the Auditor General. Thousands are employed in their offices, but we do not hear of corruption there. Therefore let us have a sense of proportion. Then to what extent are people corrupt today ? Let us lay our finger on where the obstructions lie. The Tek Chand Committee has drawn our attention to one fact. That is, if you are to prosecute any officer, you have to get the permission of the concerned Ministry. It has so happened that the concerned Ministry has not been so very willing to give this permission. Inordinate delay has taken place and does take place. We must find a way to avoid it. You can't do it by law but anyhow that piece of legislation is not before us. It is for my hon. friends on the Treasury Benches to take necessary administrative steps to see that it would not be necessary at all for the Home Ministry, if and when they decide to prosecute any officer, to seek the prior permission of the Head of that concerned Department. All that they have to do is to place this matter before the Secretaries' Joint Council and also in any formal or informal conference between the Home Minister and the Minister concerned. Let them discuss it and let them satisfy themselves that such and such man should be prosecuted and then it can be done.

Secondly, I am not in favour of placing the bribe giver on the same box or on the same footing as the bribe taker. So many friends have already pleaded in favour of the bribe giver and there are certainly so many extenuating circumstances in his favour. The Tek Chand Committee itself has admitted that. It is wrong for my hon. friend to

make a provision that his offence should be treated as a substantive one. It would be more difficult—I wish to warn him—hereafter to find any of these people willing to give you information at all. You may say that there is provision to enable him to become an approver and then give all information. There is an odium attached to it and many people would not be willing to do that and therefore this amendment should be amended.

THE MINISTER FOR LAW (SHRI C. C. BISWAS) : That is why we propose to try this experiment for two years.

PROF. G. RANGA : I am not opposed to the Bill giving an opportunity to certain people to attain the status of approver. But the point is by appearing to be giving this concession from one end you are denying him the privilege that he enjoys today and you are putting him in the same box as the other man—the bribe taker. That is wrong.

SHRI J. R. KAPOOR (Uttar Pradesh): What is the existing privilege?

PROF. G. RANGA : His offence is not to be taken as a substantive offence at all and therefore the punishment that is to be given to him is much less, whereas hereafter the same punishment can be given to him as is given to the bribe taker. Some friends have said that the man who gives bribe is as guilty as the man who takes. Already many Members have offered their criticisms of this statement. Most people are not over-anxious to give bribes. I know there are a few in your big cities dealing in controlled commodities. Now if because you have a few people like that at the top, are you to penalize all the others who have no other choice at all? If you want to get at them, you have this Preventive Detention Act. Make use of it, catch hold of them, and put them behind the bars, ostracise them in the society, make it impossible for these people to carry on the legitimate trade in the manner in which they have been carrying on. That the way to deal with it,

but not to penalise all others who are innocent by themselves but who are obliged by the kind of social system that you have created in this country to give bribes because they must necessarily get only what should legitimately come to them and not anything more or less.

KHWAJA INAIT ULLAH : Only the poor will be penalized?

PROF. G. RANGA : I agree with my hon. friends in regard to the need for maintaining the integrity, honesty and reputation of our Ministers and Legislators. Some had said that there should be some provision here itself to deal with the Ministers. I don't think there is any need for that. We have the Legislature here and on the other side and we have the right to impeach any Minister provided we get proper information and place it first before the Privilege Committee and afterwards take the House into confidence, but more important than that is that the Leaders of the Houses on both sides here and also in the States and the Prime Ministers should set such standards and insist upon these standards of probity, standards of honesty, standards of public decency which should be satisfied by each one of these Ministers. Then it was suggested that the people concerned should be given an opportunity of expressing themselves about these higher-ups. So far as the Delhi Officers are concerned it is impossible for anybody to follow this suggestion because they don't have sufficient information about these top people. The top people can be tackled only by the Ministers and the Ministers have to be tackled by themselves and also by the Prime Minister and Leaders of the Houses and the Houses as a whole. That means we have to maintain a very high standard of behaviour, public behaviour. We can do it provided the legislators themselves learn to behave themselves. So many exhortations have already been made and I need only say that I agree with them but I wish to make a practical suggestion to the Treasury Benches. It has become for some time the habit on the part of those who are having double

[Prof. G. Ranga.] qualifications—i.e., of being Members and also lawyers in themselves in profession—to reach many of these Ministers and make various recommendations about various individuals or group interests and they see nothing in still drawing their fees as well as remain Members of Parliament.

SHRI J. R. KAPOOR : That would be unparliamentary.

PROF. G. RANGA : It has been done. Therefore I wish to suggest to the Ministers that whenever any Member of Parliament comes to see him in favour of any gentlemen, he should insist that the M.P. concerned puts down his reasons in writing, sends it up to him and only in support of that the M.P. could go and make his representations so that it would be open to the Minister at any time to point it out to any M. P. in as friendly a manner as possible "Sir, this is a case where you ought not to be interested. You excuse me and leave me to my own discretion." If on the other hand he finds that there is sufficient material which deserves consideration, he should go into it and there is nothing wrong in that. Then they would be acting and reaching each other. It would not be open then for any Member of Parliament to go and make undue use of the power and prestige of his membership here in his relations with a Minister. It would not also be possible for a Minister to go out of his way to oblige any Member in order to help some officer or other.

Then there are these top officers. Much delay is caused in bringing these people to book. Some of these Ministers do come to know something about the Secretariat of the other Ministers and somehow they keep mum. It is a matter of mutual insurance. They perhaps think 'If I find fault in the other Minister's Secretariat, the other Minister might try to find fault with my Secretariat' and thus there seems to be a mutual insurance policy and programme. This is wrong. I had an opportunity of bringing to the notice of some of these Ministers about the bad reputation that was won by some of the Secretaries at one time. They did not attach

much importance to that but recently I found that all those people against whom I made complaints had themselves fallen out of favour. But it has taken three years for the Government to discover that there is something wrong among the higher-ups. It ought not to have taken them so long. And if the Central Government were to set an example in this fashion and this strictness goes round the Secretariat all over India if they know that such and such higher-up has been dealt with very harshly because he has been found to behave in an unprofessional manner, in an indecent fashion, although there was not enough evidence to convict or dismiss him then everywhere there will be a new atmosphere. I therefore, want a serious effort to be made by the Central Government here in that direction so that they may tone up the morale of their own Secretariat.

Sir, I am very sorry that this Special Police Establishment is still being treated as a temporary one. I want this establishment to be made a permanent one. Just as you have special staff in order to bring down ticketless travelling, just as you maintain the C. I. D. in order to deal with bad characters, social and political, so also, in order to ensure the proper conduct of the ten million people—the employees and those who are interested in them—in order to see that these people behave themselves properly and render proper account to society, we should have a permanent establishment. I am glad to find from the Tek Chand Report that the State Governments also are keen on this kind of thing. They are also anxious to put down corruption. Therefore, they want central administration. One friend has drawn our attention to one or two very serious cases of dereliction of duty on the part of high-placed people in a State—Orissa. Some friends wondered whether this Special Police Establishment could possibly be of greater use than the ordinary police, whether those in it would be more honest than the others. In answer to that I may just inform the House that in one case, at any rate, in South India this establishment did prove itself to be absolutely independent of the local Ministry.

There was one Minister who gave oral authority to the District Magistrate to give permit to a group of people to form themselves into a society and ply buses over a particular route. The District Magistrate accepted it and passed it on to the D.S.P. who also accepted it and both of them gave authority to some motor transport inspectorate or something like that and all these three conspired in allowing a motor bus to ply over a route without any licence at all. That went on for over a year and a half or two years. No one would discover it because all the local people were interested in keeping it and hushing it up. But it fell to the lot and the privilege of this Special Police Establishment to discover this thing and tackle the Ministry about it. The Minister concerned was, naturally interested in hushing it all up, but here was an officer who was not under his control, but directly responsible to the Central Government. Therefore, although he was not a very highly paid officer, nevertheless he wanted to maintain the prestige of the Union Government and therefore insisted upon the matter being brought to the notice of the Prime Minister here as well as other Ministers at the Centre. The people were brought to book, and some of them were prosecuted. Of course, the Minister escaped; but the District Collector was chastised, the D.S.P. transferred, and the motor-man dismissed or some other punishment given to him. Anyway, this shows the utility of this Special Police Establishment. I would like this establishment to be responsible to the Home Ministry here at the Centre and be completely independent of the State Ministries. And I am sure the State Ministries themselves would only be too glad to have this establishment on a permanent footing. Therefore I would urge that this Establishment be made a permanent one.

Sir, a lot has been said about the co-operation that is necessary from the public in this matter. It is said that the public must co-operate with the Government to put down corruption and allied evils. But in order to enable the public to co-operate in this manner it is the duty of every political party to help the public to give

this co-operation to the government. What is happening today? Take for instance the private industries. It is admitted on all hands that in these industries there is less of inefficiency and less of corruption because where the manager or the entrepreneurs feel it necessary, they have the power to summarily discharge anyone or suspend him from their employment. But what is the case in the Railways or the various other enterprises where all the employees are protected by so many standing orders and various conventions, and on the top of it all where you have resolutions of trade unions and so on. The top officers are not able to take to task the lower officers and the lower officers are not able to take to task the staff as a whole. So much of procedure is there before you can do a thing. I do not say that all that procedure is unnecessary. I myself have had a lot to do in seeing that the rules on the Railways are properly codified in a systematic manner. But at the same time, there is justification for making the demand on behalf of the public that those who are in charge of labour, in charge of the staff associations and other organisations, should also try to play their role properly and see to it that there is internal discipline among these employees themselves, a new code established even within the trade unions so that no trade union leader or worker would offer any sort of safeguard or protection to the employee just because he belongs to this union or that party. If really he has been guilty of wrong conduct, that man must apologise at the earliest possible moment to the officer concerned for the wrong he has done. On the other hand what do we find? So many lightning-strikes are called for because one particular subordinate officer or someone else has been suspended or fined for bad behaviour. Such things should cease. Indeed, from every side there should be co-operation. There should be co-operation from the labour side and from the trade-union front. There should be co-operation from our own peasants' front also and from the public front and the legislators' front. Then and only then will it be possible for us to tackle this problem properly and efficiently.

[Prof. G. Ranga.]

Sir, in the administration of this measure when the Bill becomes an Act I would like the Home Department to keep in mind not only this Act, but also the Preventive Detention Act and deal with the merchants and the public, and also the members of the public services— These public servants should be caught without giving them any notice and sent to detention. They should make use of not only this measure but also the powers under the Preventive Detention Act, and send the public servant to detention before this long-drawn out enquiry is started. The Tek Chand Committee complaints of these delays and tells you how they weaken prosecutions and weaken the morale of the Special Establishment and make it impossible to bring anybody at all to book and get him convicted. One hon. friend suggested that as soon as it is strongly rumoured or suspected that a particular officer has a very bad reputation, he should be straightaway suspended from service. I entirely agree with that suggestion.

While he is under suspension and until he is declared to have been thoroughly innocent he ought not to be paid any salary or allowance. That is one thing.

The next thing is that if the reputation of the officer concerned is very bad and the Minister or the Secretary is satisfied on the reasons—and these reasons should be put in writing—that the particular officer has earned a very bad reputation and his presence any longer, even in the countryside or in his own home would be detrimental to social well being, he should immediately write to the Home Department and obtain a detention order in order to keep him under detention. That is the only way by which we can bring again a new atmosphere into our administration.

Lastly, in conclusion, I wish to make this appeal to hon. Ministers on that side that they should make it clear to their own officers that they would find fault with those who come under suspicion. Not only that, they should tell them that they would go out of their way to commend those officers about whom good reports come, those officers from

whom very good work comes and at whose desks things are not allowed to pile up. Also, special promotion should be given to such of those officers about whose work they are absolutely satisfied just as we are giving prizes—and I am glad my suggestion was accepted—to all those persons who are producing the maximum possible crops. Let our hon. Ministers hold *darbars* here in Delhi and in the State capitals in order to honour such of those officers who, according to them, have earned the best possible reputation. This will be an inducement for more and more officers also to win that award. A 'Vir Chakra' is not too small a thing to be given to an honest officer who has served the country and the people for about 20 years.

SHRI A. S. KHAN (Uttar Pradesh): Sir, if I stand up to speak, it is only to add my feeble voice.....

SHRI B. B. SHARMA (Uttar Pradesh): I have a request to make, your honour. At one time your eyes turn right and the other time to the left, but never in front.

MR. DEPUTY CHAIRMAN : Mr. Ranga is in the front bench to my front.

SHRI A. S. KHAN :... to add my feeble voice to the proposal made by the lady speakers on my left. The proposal is of putting the bribe giver and the bribe taker in the same boat. I sympathise with the desire of the Government to stop corruption. It seems that they suppose that these bribe givers go about with money in their pockets anxious to be relieved of the superfluous money with them. That is not the case. In 90 cases out of 100, I assure you that the bribe is extracted from them. They have to give it. They have to pay it. Therefore, I am sure that if this amendment remains as it is, it will cause great jubilation, great happiness in the minds of bribe takers because their safety is assured. After all, who is the chief witness against the bribe taker ? It is the bribe giver. If you make him a co-accused who is going to come forward to say that A took bribe from B

or B from C? So, Sir, I would like that they should reconsider this part of the amendment; otherwise, I am certain in my mind that within two years they will have to change it again because it will be a great help to the bribe taker and will not stop corruption.

There is one other thing that I would, like Government to consider. There are certain laws which give lots of opportunities for people to take bribe and in making laws one should be very careful because if they give opportunities, people are tempted. Of course, some of them are not very well placed; but, I am a great believer, Sir, in the fact that honesty comes from the heart. It is not that rich men are honest. Really, there are many rich people who are dishonest and I have known very poor people who are strictly and scrupulously honest. Honesty comes from the heart and not on account of wealth. At the same time, if you make such laws that there is temptation before them, people are bound to lose their balance. I do not wish to inflict a long speech on this House. My only point was particularly to draw the attention of the Government to this part of the amendment which makes bribe takers and bribe givers both co-accused.

SHRI D. NARAYAN (Bombay) :

**श्री डी० नारायण (बम्बई) :** सभापति महोदय, रिश्वतखोरी की जो बात दो दिन से चल रही है उसको सुनने से यही मालूम देता है कि हमारे देश में रिश्वतखोरी ही रिश्वतखोरी है। मेरा भी कुछ अनुभव है, मैंने भी कुछ वर्ष एंटी करप्शन कमेटी (Anti-Corruption Committee) में काम किया है और मैं अपने प्रान्त के अनुभव से कह सकता हूँ कि इस समय प्रान्त में रिश्वतखोरी पहले से कुछ कम है। अभी तक जो बातें यहाँ कही गईं उनसे मालूम होता है कि रिश्वतखोरी चारों तरफ फैल रही है लेकिन मेरा यह अनुभव नहीं है। बात यह है कि हमारी जागृति बढ़ रही है, हम कुछ ज्यादा देखने लगे हैं, सोचने लगे हैं, इसलिये

पहले से ज्यादा यह बातें दिखाई देने लगी हैं, न कि पहले से ये बातें बढ़ गई हैं।

दूसरी बात जो मैं कहना चाहता हूँ वह यह है कि यह जो कहा जाता है कि तनख्वाह कम दी जाती है इसलिये रिश्वतखोरी बढ़ रही है। उसके सम्बन्ध में मेरा अपना प्रान्त का अनुभव यह है कि रिश्वत बजाय छोटे के बड़े ही ज्यादा लेते हैं और बड़े इस तरह से लेते हैं कि जिसका पता भी नहीं चलने पाता। ऐसा मैंने एंटी करप्शन कमेटी में काम करते हुए देखा है। कहा जाता है कि वकीलों के टाउट्स (touts) हुआ करते हैं, मैं कहना चाहता हूँ कि जो रिश्वतखोर गवर्नमेंट सरवेंट्स हैं उनके भी टाउट्स हुआ करते हैं, उनके भी दलाल होते हैं और उन दलालों की माफ़त रिश्वत ली जाती है। किस तरह से ली जाती है, इसका पता भी नहीं चलता। यही नहीं कि रिश्वत दलालों की माफ़त ली जाती हो बल्कि घर की बहनों और स्त्रियों की माफ़त भी ली जाती है। एक बात मैं यह भी कहना चाहता हूँ कि कुछ नियम ऐसे हैं, जो उन गवर्नमेंट सरवेंट्स को, जो रिश्वत लेते हैं, बचाते रहते हैं। कुछ गवर्नमेंट सरवेंट्स को रिश्वत के लिये प्रासीक्यूशन (prosecution) करने के लिये ऊपर की इजाज़त लेनी पड़ती है और ऊपर की इजाज़त इतने दिनों में आती है कि दुनिया भूल जाती है कि इसने कभी रिश्वत ली थी। मुझे पता है कि वर्ष या १॥ वर्ष हुआ होगा कि मेरे यहाँ एक इंकमटैक्स आफ़िसर ने रिश्वत ली। रिश्वत लेने के बाद वह सस्पेंड किया गया। प्रासीक्यूशन के लिये इजाज़त ६ महीने के बाद आई जब कि दुनिया भूल गई। इसी तरह से एक दूसरा क्रिस्सा है। गत वर्ष नवम्बर के महीने में मेरे यहाँ के एक रेलवे आफ़िसर ने रिश्वत ली। १० महीने हो गये लेकिन अभी तक प्रासीक्यूशन करने के लिये ऊपर से इजाज़त नहीं आई। मुझे कहना है कि ऐसा कोई नियम हो जाना चाहिये

[Shri D. Narayan.]

कि डिपार्टमेंट की सैंक्शन (sanction) जहां जरूरी है, वहां वह महीने या १५ दिन के अन्दर मिल जानी चाहिये। इसके अतिरिक्त जब कोई रिश्तत लेता है तो उसको फ़ौरन सज़ा देनी चाहिये और उसका काफ़ी प्रचार दुनिया में होना चाहिये। जब दुनिया जानेगी कि रिश्तत लेने वालों को सज़ा होती है और इस तरह से उसकी बदनामी होती है तो इसका जल्दी ख़ाल किया जायेगा और तभी उसका कुछ परिणाम होगा। जब वर्षों बीत जाते हैं तो दुनिया भूल जाती है और इन प्रॉसीक्यूशन्स का भी कोई परिणाम नहीं होता। तो मुझे मिनिस्टर साहब से यह ख़ास करके कहना है कि ऐसा कोई नियम बनाना चाहिये जिससे कि जो रिश्तत लेने वाले गज़ेटेड आफिसर्स हैं, उनके धारे में जो डिपार्टमेंटल सैंक्शन (Departmental sanction) की जरूरत होती है वह १५ दिन या महीने भर के अन्दर मिलनी चाहिये।

तीसरी बात जो मुझे कहनी है वह यह है कि रिश्ततख़ोरी कुछ डिपार्टमेंट्स में इस तरह से बढ़ गई है या बढ़ रही है कि वहां वह एक आदत बन गई है, जैसे कि पब्लिक वर्क्स डिपार्टमेंट (Public Works Department) है, जिसे कि पब्लिक वेस्ट डिपार्टमेंट (Public Waste Department) कहा जाये तो ज्यादा ठीक होगा। वहां तो पांच परसेंट, सात परसेंट या तीन परसेंट का एक नियम सा बना हुआ है और वहां यह चीज़ आदत में ऐसी शामिल हो गई है कि कोई यह नहीं समझता कि यह किसी तरह से रिश्ततख़ोरी है। इसलिये मैं ला मिनिस्टर साहब से ख़ास तौर पर कहना चाहता हूँ कि यदि वह इस तरफ़ ध्यान देना चाहते हैं और गवर्नमेंट डिपार्टमेंट्स का सुधार करना चाहते हैं तो सब से पहले वह पब्लिक वर्क्स डिपार्टमेंट या पब्लिक वेस्ट डिपार्टमेंट की तरफ़ अधिक से अधिक ध्यान दें।

चौथी बात मुझे यह कहनी है कि इस बिल में यह ख़ास तौर से कहा गया है कि रिश्तत देने वाले को भी उतनी ही सज़ा मिले जितनी कि रिश्तत लेने वाले को मिले। मुझे इस बात का दुःख है, क्योंकि रिश्तत जो देने वाला होता है, वह किन किन कारणों से रिश्तत देता है, इसका पता हमको नहीं चल सकता और किन हालातों में उसको रिश्तत देने के लिये मजबूर किया जाता है यह भी हम नहीं समझ सकते। इसके अतिरिक्त यह भी है कि रिश्तत देने वालों की तादाद बहुत बढ़ी हुआ करती है और रिश्तत लेने वालों की तादाद बहुत कम होती है। इसलिये अगर सरकार कुछ करना चाहती है तो ये जो रिश्तत लेने वाले अधिकारी हैं उनको पहले सुधारा जाय। उनको सुधारना या उनको डराना सहज में ही हो सकता है इसलिये वह पहले किया जाय। न कि यह कि जो आफ़त के मारे हैं और किसी अड़चन से रिश्तत देते हैं उनकी तरफ़ पहले ध्यान दिया जाय या उनको भी सज़ा दी जाय। आप एक साधारण सी बात ले लीजिये। मुझे अनुभव है कि सरकार की ओर से तकाबी दी जाती है और तकाबी लेने के लिये गांव गांव से १०, १० या २०, २० मील की दूरी से हमारे किसान कचहरी में आते हैं। बहुत सी जगह यह देखा गया है कि तकाबी देने वाले जो छोटे-मोटे आफिसर्स होते हैं, उनको जब तक हिस्सा न मिल जाये, तब तक ठीक तरह से किसान के पास वह तकाबी नहीं पहुंचती। क्या करें, वे बेचारे किसान जरूरत के मारे होते हैं और वह अपनी तकाबी से थोड़ा हिस्सा कटा देते हैं और अपने घर को चलते बनते हैं। इसलिये मुझे कहना है कि हमारी उतनी कड़ी नज़र रिश्तत देने वालों की ओर नहीं होनी चाहिये जितनी कि रिश्तत लेने वालों की ओर। इसके अलावा मुझे यह भी कहना है कि यदि हम आम दुनिया को सुधारना चाहते हैं, तो उसका रास्ता कानून नहीं हो



सकता है, उसका रास्ता तो सामाजिक प्रचार है, जो कि हमें करना चाहिये।

आखिर मैं एप्रूवर (Approver) के बारे में कहना चाहता हूँ। यह जो एप्रूवर की बात इसमें रखी गई है उससे मुझे डर है कि एप्रूवर पैदा किये जायेंगे। आज तक के पुलिस के केसेज (cases) का हमें अनुभव है कि यहां एप्रूवर पैदा किये जा सकते हैं। एप्रूवर पैदा करके झूठे-सच्चे इल्जाम लगाये जायेंगे और एक तरह से अनीति फैलाई जायेगी। मैं यह कहूंगा कि इसके बारे में भी बहुत दूर की सोचना चाहिये और एप्रूवर के बारे में बहुत सोच समझ कर काम करना चाहिये। एप्रूवर एक बदनाम शब्द हो गया है। हमारे मुल्क में एप्रूवर की बदनामी को सब कोई जानते हैं और जो हमारी परम्परा से नीति चली आई है उसमें भी चुगली एक बहुत बुरी बात समझी जाती है। ऐसी हालत में एप्रूवर कोई अच्छी निगाह से नहीं देखा जाता और न वह खुद मानता है कि मैं कोई भला आदमी हूँ। ऐसी हालत में मैं नहीं समझता कि कोई भला आदमी एप्रूवर होने के लिये आगे आयेगा। इससे तो यही अच्छा होगा कि देने वाले को मौका रहे और उसे सजा का डर न रहे और तभी देने वाले खुल्लमखुल्ला आपको मालूमात देते रहेंगे, जो कि वे आज तक देते रहे हैं।

अंत में मैं यह कहना चाहता हूँ कि सबसे बड़ी और आखिरी बात यह है कि जो समाज सेवक हैं उनका यह काम है कि वे समाज को जागृत करें और समाज को समझायें कि रिश्वत-खोरी से वे अपना ही नुकसान नहीं कर रहे हैं बल्कि देश का नुकसान कर रहे हैं। यह काम आखिर में हमारे पारस्परिक सहयोग से होगा न कि कानून से। कानून से तो बहुत कम बातें हुआ करती हैं, ऐसे कार्य तो हमारे पारस्परिक प्रेम से, मुहब्बत से और आपस के व्यवहार से होते हैं।

[For English translation, see Appendix II, Annexure No. 38.]

SHRI K. SURYANARAYANA (Madras) : Sir, I support this Criminal Law Amendment Bill, 1952, which is sponsored to put down corruption which has spread all over the country like cholera and plague. This disease of corruption could not be cured unless the people who are the accessories to this evil also co-operated and abstained from offering illegal gratifications. So far as I know, corruption is prevailing in certain Departments, especially in the Public Works Department, Railways, etc. There are already laws existing to prevent this evil, but the Government are not enforcing the laws strictly except in the case of petty officers. Where is the guarantee that this Government, even though we pass this amendment, is really interested to root out this social evil in our country? First of all, favouritism should go from this Government. There is too much of non-official interference, especially in Madras State, by our legislators since the last five or six years. And as the hon. Member Prof. Ranga says, officers do not behave in a manner in which they should. Not only officers, but Ministers also behave like that to maintain their group in power. They have advanced loans lakhs of rupees—to their relations to build up industries, in the name of State aid, but the said industries are not working at all. Is it not corruption, Sir?

Let me give you one or two grave instances which happened in my District West Godavari. During the last Government's regime in Madras State a member of the District Irrigation Committee nominated by the Madras Government collected Rs. 5 per acre from the kisans who were expected to be granted water for their second crop. By that time I happened to become the President of our District Congress Committee and I sent a representative to represent the kisans regarding this unlawful collection of Rs. 5/-per acre by this nominated representative of the Government of Madras. Our representative lodged a complaint with the District Collector and also before

[Shri K. Suryanarayana.] the Irrigation Committee against the nominated member where he was also present. He was also present, when the Collector questioned the nominated member, he said that he was collecting the money for a college. Is it not corruption ? Then Sir, the District Congress Committee passed a resolution on the subject of malpractices. I sent a memorandum to the Madras Government on this subject. The Chief Minister, as I understood, investigated through proper channels. The Collector's evidence was also taken about what had happened in the matter of the collection of Rs. 5 per acre. But I am sorry, Sir, to let you know that the result has not come out till now. Then, there is a written complaint from me. If it was a false charge, they could have taken action against me. But they kept mum. Now, the same gentleman is a Congress M.L.A. He is in the Madras Legislative Assembly. That is one of my grievances against the Congress organisation and that is why I have come out from the Congress recently.

Let me give one more instance. It relates to one M.L.A.—now ex-M.L.A.—from Guntur District. He possessed five or six acres of land before his coming into the Legislature. Now, Sir, so far as my knowledge goes he has got nearly 125 acres of wet land. There is no law to check this kind of legislator. If the Government is prepared, I am ready personally to give some more instances of this kind which have happened in Madras State during the last five or six years.

Sir, before we make a law, first of all there must be self-purification among public workers like legislators. There is contempt against legislators among the public in the Andhra parts of Madras State. Laws should be enforced with strictness against each and every one concerned in order to eliminate this disease of corruption. Government should take severe action against politicians also along with public servants if they are serious in rooting out this evil from this country. There must

be a law also to check the malpractices of the law-makers. My last suggestion is that there must be a law prohibiting lawyers, particularly legislators, from taking *vakalats* in any corruption cases. I request the Government to consider our constructive suggestions which are based on our experience and on the instances which have happened in Madras State, and to make the necessary amendments in the law.

SHRI KARTAR SINGH (PEPSU) : Sir, I do not want to inflict a long speech on the House. I do not agree with the arguments advanced by the Nawab of Chattari. My experience is this. I have been practising at the Bar for the last 24 years mostly as a criminal lawyer. It is alleged that it is the officers who make people corrupt. My experience, on the other hand, is otherwise. Officers in the beginning are ordinarily honest. It is the people who take all sorts of suits to courts of law that are responsible for corrupting officers. I have seen that out of the private complaints that are lodged in a court of law, 90 per cent, are dismissed, mostly for the reasons that they are vexatious, they are unfounded, and they are lodged with a view to bringing pressure on the opposite party. When cases are brought in a court of law where the litigant finds that he cannot prove anything, then he adopts all sorts of practices. That is one side.

Then, Sir, we have seen what happens in both cognizable cases and non-cognizable cases. There are many accused in a case—one, two, three, four or five—and they find that the prosecution is very strong against them. They find that if they do not resort to some corrupt practice, it is just possible that the trial would end in a conviction. What means do they adopt then ? They try their best to make officers corrupt. They put up money and try to find out friends who can help them in their need. The accused knows that it is to his interest to try and secure acquittal. He knows further that once he secures acquittal from a magistrate, it is difficult to have that acquittal turned into a conviction. He knows that in 90 per cent, of the cases no Government appeal is filed. It is only

in rare cases, not even 10 per cent, of cases, that the Government lodges an appeal under the Criminal Procedure Code. Therefore, it is mostly people who are challenged in criminal courts who try their best to give bribes, and it is they who resort to all sorts of malpractices. Therefore, my submission is that it is not correct to argue that it is only officers that are corrupt from the very beginning and that the bribe-giver is a man who is compelled somehow or other to give bribes. That is a wrong assumption. My submission is that in 90 per cent, of the cases it is in the interests of the bribe-giver that he offers bribes. If it is a civil case, the litigant brings a suit of Rs. 10,000 knowing that it is a false suit. He is a rich man, and he goes to a court of law. He is able to pay the court-fees also. He gets a decree in his favour by offering bribes. And he knows that once he gets a decree the other party will have to file an appeal within the prescribed period, and he also knows that the opposite party is not able to secure funds within that short period. If the decree is once obtained by corrupt practices, it becomes difficult to prove who was at fault. My argument is that the bribe-giver should not be considered so innocent as my friend the Nawab of Chhattari has made out. My respectful submission is that the bribe-giver should be placed on the same level as the officer who accepts bribes. The experience has been that it is the bribe-giver who plays the more prominent part, and my submission is that this provision in the criminal law should have been made long ago, and I support the bill which is now before the House,

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh) : Sir, I would support this Bill with certain reservation not because after our clamouring the Government is coming forward to stop bribery and corruption I do not want to withhold full support from that point of view. But because I feel that it leaves the Bill incomplete. I have heard it said that there is a committee either sitting or going to sit for anti-corruption or for recommending anti-corruption legislation, Sir, I wanted to point out that this

present anti-bribery law omits blackmarketeers as well as profiteers. Those people have also to be included. Otherwise this Bill singles out only one class of people, namely the officers. In the Bill has to be all-absorbing from that point of view. Similarly it is not only the bribe-taker and bribe-giver who have to be brought under the rule of law when proof is found, but also such people who accept wedding presents and presents of different kinds—sometimes to the tune of lakhs of rupees. This Bill should also include those people who adopt a high standard of living—much higher than they really would have been expected to go with their salaries. So the Government should have powers to start investigation against such people.

Sir, I would suggest that as in America President Truman found that bribery had been democratised, he initiated in September 1951 I do not know what has happened to it today—but that legislation wanted not only the officers but all public servants including Congress men—that means a public declaration of their annual income not including only salary but presents and other things that they received during the year. Bribery and corruption was not only rampant in China. It was rampant in the USA also where President Truman initiated this kind of legislation. So, Sir, this legislation is necessary for those reasons as it singles out only one class of persons. I think even half a measure is better than no measure. So I would not like to say that the Government should stop at this stage but if it is possible, it should include all these classes of people. Then only we will be able to check bribery and corruption and then only we will not be trying to catch only a smaller fry.

Similarly, Sir, I would like to suggest that something should be done to make the punishment really heavier for a person who has high cultural education. For this reason the higher officers and Ministers etc., who would be coming into this class should get

[ Dr. Shrimati Seeta Parmanand ] higher punishment, because this is permitted by our ancient Code. According to the principles of Manu Smritis the three castes Brahmin, Khatri and Vaisha were always given a higher punishment than a Shudra, because it was considered in conformity with his education that it was not possible for him to adopt a higher moral standard. 12 noon

I would also suggest, Sir, that we have a habit here that our Government Departments bring out measures only on their own and without consulting other departments. As has already been said, moral and social education has to be given to the people to put a stop to bribery and corruption. This education is to be given not through schools necessarily, but by devising a machinery of some sort of social and moral education should be given once which has rather been neglected for the last 20 years. A good deal could be done and public opinion can be created. As has been suggested, a number of social workers and leaders of political parties would join in this drive. I feel that at present there is lack of this moral and social education to a great extent and I am sorry to point out that examples of that are not wanting even in the two Houses of Parliament where Members forgetting all standards of decency do not hesitate in a mixed House to make remarks which should make good people uncomfortable. Obscene remarks are made where the Chair has to pull them to order. That is an instance of lack of moral and cultural education. I am sorry to put it so strongly.

SHRI C. G. K. REDDY : Has this House been guilty of that ?

DR. SHRIMATI SEETA PARMANAND : Yes, only this morning when the Chair called certain Member to order. Any way I would not go into that, Sir. I would like to make one more point as I do not like to cover the same ground which has already been covered by many other speakers.

This bribery and corruption has increased particularly during war years and since 1947. We have to see that slackness of administration is removed.

Slackness of administration came in war years because Government agencies had to devote their attention to various other things such as recruitment, collecting supplies and food controls etc. But later on Sir, after 1947 on account of the conditions resulting from partition and also various things Government control became slack- I would say that the removal of Commissionerships also removed whatever control it was possible to have on officers. Besides this, officers later on were promoted suddenly to hold jobs much higher than their experience justified. In this way some of the Ministers also came to shoulder the responsibilities of Government although they had not adequate administrative experience. Even today they have not adequate experience by which they can give proof that they are able to detect cases of any dishonesty or slackness. They think that this is a good opportunity to cash in their self-sacrifices and so set an example for others to follow. Is it not said :—

यद यद आचरति श्रेष्ठः तदेव इसरे जनः ।  
सयत् प्रमाणं कुरुते लोकः तदनवर्तते ॥

(Whatever the great do, -the rest also do the same ; whatever is taken by the great as ideal, people only imitate.) So lack of control, lack of proper supervision is due to the fact that these Commissionerships have been done away with. Because the Congress had promised the people long ago that Commissioners were just like post offices, they have done away with these Commissionerships. They were done away with before the people lower in the rank had been properly trained. It is also due to the general lack of moral and social education which has come about on account of the sudden disruption of economic condition. I would request the Law Minister that he should try with the help of this Committee to bring in measures which would rid society of all corruption. He should also send the various suggestions we have made during the course of the discussion to the various administrative departments and also to the Education Department, and ask them not only to remove this evil with the help and force of the law but also by educating people. Thank you, Sir.

SHRI K. L. NARASIMHAM (Madras) : I have very carefully heard the speech of the Law Minister yesterday and from his speech I understand that he is suggesting some measures to tackle this anti-social evil of corruption. The measures are an increase in the term of imprisonment, punishment for the abetter of the crime, and trial by special judges. I would say that these measures cannot put down this anti-social evil. These measures will only conceal the corrupt official and the blackmarketeer. I need not dilate on this point as many hon. Members have expressed themselves in very emphatic terms that this is no solution to tackle this problem. I would like to bring to your notice and to the notice of the House the fundamental issue that the present social set-up and the present administrative mechanism are such that they encourage corruption in this country. The administrative set-up is functioning in such a way that it is giving more and more powers to the executive officers who are using these powers to amass wealth at the expense of the common man. So, the measures that are suggested by this amendment are not the real measures to solve this problem. You cannot solve this problem by the old beaurocratic way of concealing the real culprit and punishing the poor common man because he is forced to give bribes.

I need not explain the mamul system that exists in the various departments. If you go to the Registration Department or for any other Department, you cannot get your work unless you pay the mamul. If you refuse to pay the mamul, you will have to wait for a number of days to get your work done.

Another factor, another type of man, is coming up, as Prof. Ranga mentioned and as my hon. friend Mr. Suryanara-yana mentioned, the man who arranges parties to the Ministers. It is this class of men who collect the money for the Ministers or the highly paid officials. Coming as I do from Madras City, I know this to be a fact. I know this from my personal experience and from the

information I get from the newspapers. There was one case in Madras. Mr. Prakasam has placed before the country certain charges against some Ministers in Madras State. To this day these charges have not been enquired into. No public enquiry has been instituted. That means that corrupt Ministers and officials connive with those who are corrupt.

Another factor that has to be taken into account here is the power that is being given to police officers. I know that police officers under the Preventive Detention Act can, by sending a report to the District Magistrate, characterise any man as dangerous and use these powers to earn money. There are instances in Krishna District where police officers or the officials who were given these powers have threatened businessmen and their relatives and got money in that way. Sir, the measures that are suggested are no solution to this crime. On the other hand, we find here concealment of the culprits.

I want to bring to your notice some points which were mentioned by some of the hon. Members, and that is about some Ministers and high officials of Government. The Ministers receive their friends and are spending their time by talking to their party men or to their contact men who are functioning as agents of private firms, and when any Member from the opposite party or from any other political party approaches them, they talk to them in a harsh tone as if saying, "Here is a Communist. There is nothing that I can talk about with him." It happened that when one of the hon. Ministers visited Rayalaseema we wanted to make a representation that the money that was to be spent on the gruel centres was being taken away by the contractors, but he refused to meet us, but he met many persons who are opposed to the Communist ideology, who are anti-Communists to the core, who were his partymen. They are contact men to this businessman. So, I say that you are not tackling this problem in

[Shri K. L. Narasimham.]

the proper way. You are only trying to save the real culprit.

Coming to the Government machinery, I have to mention two facts, I have had the privilege of being associated with trade unions in the Central Governments service and in the provincial Government service. My experience has been that the lower paid man is generally honest. He cannot collect bribes also. After all, what is his job? His job is to do the work entrusted to him by the head of the department or the Superintendent of his office. As a Trade Union functionary in one organisation, I have had to make representations to Departments in so many cases where innocent people were punished. Take the case of selection posts. Suppose a higher job is there which is a selection post. The real, genuine, honest man in the office, because of his long service in the Department and his efficient work, is not promoted. He cannot get it unless he gets a letter from a Minister or relatives of a Minister to the officials sitting in the selection boards. I do not make any aspersion on all persons who are sitting in selection boards, but there are many cases of this category. After all, a person who gets Rs. 50, or Rs. 100 or Rs. 150 has to live in this world. There are no social security measures. There is no sickness benefit. In a city like Bombay or Madras, his life becomes very miserable. He is forced to pay heavy rent. On account of this, he is tempted to take illegal gratification. But what is the amount of illegal gratification that he gets? A cup of coffee or a smoke or he may get Rs. 5 or Rs. 10. But what about the officers who actually carry on a regular trade in the name of their officialdom and what are you doing to catch them under this measure? You are not putting that down by this measure. I will give a few constructive suggestions. Tackle this problem in the real people's way—give a minimum wage to your Government servants, pay them adequately, protect them from false complaints or maligning by political parties. Save them from harassment and at the same time

you constitute public tribunals, associate them with the real representatives of the People and let the public tribunals try these cases, try the blackmarketeers, try the profiteer, try the corrupt officials, give scope to give evidence and in that way put down corruption ruthlessly. This measure is putting the bribe giver also in the same position as the bribe taker. As some hon. Members said, I don't agree with that, that he is forced to pay. By this a person who is forced to give bribe will not come forward and tell you that he has given the bribe. So this Act will in practice save the really corrupt official and this will only perpetuate the corruption.

Coming to the last point, I have to mention that this amendment in this form is only giving scope to the person who is forced to give bribes to come to you and ask your pardon and then turn himself an approver. As one of the office-bearers of a Trade Union I had to refer some cases to the anti-corruption officials. Although they agreed in a particular instance that a Railway Officer was using railway material for building his own house, that he was regularly moving railway material and pilfering from the workshop, the anti-corruption official had to tell me he could not do anything. Who is the person who can give evidence? There is no security for those who are prepared to give evidence. As soon as that officer heard that I made this complaint he immediately, in the name of disciplinary action, sacked some people, transferred some people and said that there is a Communist who has come to create discontent and there is a Minister who is kind enough to help him and immediately pass orders to detain that man because he is dangerous. So are the cases. The Government is not really tackling the problem in the interests of the people and in the interests of the common man and unless you view this in this perspective, you cannot tackle the problem of corruption and put it down ruthlessly.

SHRI GOVINDA REDDY (Mysore): Mr. Deputy Chairman, while I welcome

this Bill, I would like to urge for the consideration of the hon. Law Minister only one difficulty, as other points which I wanted to make have already been covered. But before I go to that, I should like to remove a wrong impression that has been created by a statement made by the hon. Member who just spoke before me. While speaking, he made a reference to the charges made by Shri Prakasam against some of the Ministers and said that those charges were not enquired into. I stand here to correct the hon. Member and say that it is not true. As this House knows and the whole county knows, the charges were made on the floor of the Legislature there and the Congress High Command instituted an enquiry and gave their findings.

SHRI K. L. NARASIMHAM : I meant no judicial enquiry was made.

SHRI GOVINDA REDDY : I don't know what he means unless he wants Ministers to take their place in the dock.

The difficulty which I wanted to urge for the consideration of the Law Minister is this. This Bill is intended to arm the Government with due powers and establish a machinery to fight corruption on all fronts. Of course this is a laudable object but my fear is whether the amendment which is sought to be made in clause 3 of this Bill to Section 165 of the Penal Code, would be conducive to achieve this end. The procedure that is now being adopted in dealing with corruption cases is this. A private member of the public lodges a complaint to the police that he has given a bribe to a certain officer or he has seen a certain officer receiving a bribe and if the complainant is prepared to say so in the open court, on that evidence the police will launch a prosecution. Another way of launching a prosecution against the corrupt official is to lay a trap on the basis of information received, for the officer and catch the officer red-handed when he receives the marked money or a present within the sight of several witnesses. Any circumstantial evidence which does not include a man who

acknowledges that he has paid a bribe or which does not include an apprehension of the giver of the bribe or the officer receiving the bribe red-handed, such circumstantial evidence will not secure a conviction in law courts as every body knows. If these amendments when enacted are to be effective, then Government must be in a position to secure evidence on which conviction could be based. By virtue of these amendments now the abettor also is made culpable and he will be punishable by the substantive punishment that is prescribed for the offence itself. When the police take initiative for action either of their own account or on a complaint, the main evidence for the police for prosecution is the informant and that informant is generally the bribe giver. Generally bribes are not given within the seeing of others. Bribes are given in a manner where every precaution is taken by the corrupt official so as not to be seen. So the Government will necessarily have to depend upon the bribe giver as the main support of the prosecution. Any intelligent man or a powerful and influential man who either receives the bribe or offers the bribe will not get caught. They will adopt other measures in order to safeguard themselves from detection. So the only persons to be caught would probably be the illiterate ones. The powerful people, the influential bribegivers and bribe takers, they will adopt subtle methods as has been pointed here, such as giving of parties or presents, and they will avoid detection. The illiterate man, he does not know these subtle ways and he gets caught. I do not mean to absolve him from the guilt of giving bribes. But my difficulty is, how will Government be able to secure evidence of bribery and corruption if the bribe-giver is made culpable? There can be only one way and that is, to have a strong establishment, a Special Police Establishment or the C. I. D., who could catch the bribe-giver and the bribe-taker when the actual transaction is taking place. But that, in the nature of things, is impossible. Therefore, it is what I would like to know from the hon. Law Minister, as to how he will be able, by virtue of these amendments

[Shri Govinda Reddy.] to make arrangements for the detection of cases.

Thank you, Sir.

DR. ANU? SINGH (Punjab) : Sir, I would like to make some very brief observations only, because the time is rather late.

Apart from the merits or demerits of the amendments that have been brought forward, the first thing I would like to do is to say that the Law Minister has to be congratulated because this is the first occasion when any amendment or any Bill has elicited this amount of unanimity. We are all agreed that there is such a thing as corruption and that bribery is rampant. The only problem then is, what are we going to do about it? What is the solution? I am afraid that some Members—and I refer particularly to the gentleman who was sitting just in front of me—in their zeal to eradicate this disease, have done a little exaggeration. This gentleman, in his zeal and as a crusader went to the extent of making a confession—I hope he was speaking only for himself—when he said that there is hardly anybody, either here or anywhere else in the country, who is not susceptible to taking bribes. He said the difference is only in the matter of the amount. For instance some people take Rs. 5 some Rs. 10 and if a sum of Rs. 1 lakh were offered to him, he said he would accept it, and he said there may be some others whose price may perhaps be Rs. 1 crore ! I regret to say that that sort of a statement is a very damaging and serious reflection on our society. I should hate to believe that we have deteriorated so much that honest people are not to be found anywhere, either here or abroad in the country. But I think that was an exaggeration only and he meant to cast no reflection, but that it was just an attempt to dramatise the seriousness of the problem that we are facing.

Speaking for myself, I never realised that things reached such a pitch till I was myself confronted with a personal experience. I happened to run into an American friend of mine

in Bombay, a young businessman who was here for business and I asked him, "How are things with you? How are you getting along?" He had come to India some four or five months before I did. And he told me in a rather depressed mood, "I am sorry to tell you I am not making any progress whatsoever. I have wasted a good deal of money of my parents and of the firm that I represent and I have decided to go back and count it all down as a loss." A year or so later, much to my surprise, I ran into the same friend in the Imperial Hotel and asked him precisely the same question—"How are things with you?" And his reply was—these are more or less his exact words, though I am repeating from memory—"Oh, Mr. Singh, I am very happy to tell you that I am doing extremely well, because I have learned the Indian trick." That certainly injured my national pride, though I did not want to retaliate and tell him there are among Americans many cases of corruption and black marketing, for that would serve no purpose. But what I mean to say is, this kind of a remark coming from a foreigner, that he had learned the Indian trick, and he is doing quite well, should make us think. That shows how the situation is,

As for the various solutions that have been suggested, I for one believe that there is no patent or set solution which will solve the whole problem. But I do agree with those who state that even if these amendments were to go through and put on the Statute Book, it will merely be tinkering with the problem. The social, political and economic [situation in the country requires, in [my humble judgment, a major operation and not homoeopathic treatment here and there. If I were to make one hard generalisation from my somewhat limited experience, I would say that what we lack in India is enthusiasm among the people. We referred to China. We referred to Russia and some of us are inclined to agree with the solutions or methods adopted there. Others would vehemently repudiate any such suggestion. But there is one thing on which we are all agreed and



that is, that there is a great deal of discontent and dissatisfaction and frustration all over the country, no matter where you go. I need not give examples. We all know them. But one would naturally expect, especially one like me coming to India after a good many years, that the people will have a certain sense of pride and enthusiasm, in feeling that after all, we are living in a free India. But no such feeling is there. On the other hand it is all complacency, apathy. If you ask them what is the solution, the poor, ordinary people, they do not know the answer. They simply say that nothing is changed. Some of the people who are more familiar with the administrative set-up will tell you that though the Government or the driver has changed the same engine, the same dilapidated automobile is there. Of course, we can derive some satisfaction from the fact that the driver is new, but unfortunately, in the administration set-up, the feeling that we now belong to a free country that they should identify themselves with the people and be, if not their servants, at least their comrades, that feeling is completely missing. I am not suggesting that all the services are corrupt. There are and there must be many competent, honest and conscientious officers. But in my little travels in the Punjab I have found that the arrogance and the indifference of the officers from high and low, is something which is almost unbelievable. And unless there is some thorough-going change in that attitude, unless these officers, either by directions from their superior officers or by some other radical, dynamic change in ourselves, effect a change of attitude, minor solutions, little amendments here and there will not help us. I am not opposing the amendment. I do hope that it will serve some purpose at least, and focus the attention of the people that corruption has permeated our society to this extent. But I may be permitted to say that the amendment seems to be based on the assumption that our people somehow are addicted to the idea of giving bribe. That is the kind of solution that you apply to a thief or a drunkard. But people will not offer a bribe if they

can help it. No body wants to part with money if he can help it. The simple factor is that these people are driven to give bribes as otherwise they cannot get the ordinary simple elementary thing that it should be possible to accomplish if the administration was running smoothly and for the good of the people. I do hope that this amendment will do some good, but I am afraid, Sir, that the assumption on which it is based is sociologically incorrect and erroneous.

SHRI ABID ALI (Bombay) : Sir, with your permission I move for the closure of the Debate. More than two dozen speakers have already spoken and now the arguments are being repeated.

KHWAJA INAIT ULLAH : I support it, Sir.

MR. DEPUTY CHAIRMAN : I think there has been a reasonable debate.

The question is :

That the question be now put.

The motion was adopted.

SHRI C. C. BISWAS : Mr. Deputy Chairman, I am glad closure has been applied because that gives me a chance to reply. The discussion has travelled over such a wide field that if I were to deal with all the points I shall not be able to finish. But, Sir, although I welcome the decision from one point of view, in so far as it shows an anxiety amongst Members of this House to stamp out corruption from the land, I don't think, Sir, that a great deal of what has been said need had been said on this occasion. The matter before the House is a very simple one. Here is a Bill which has been brought here in pursuance of the recommendations of a Committee which was appointed by Government in 1949. That Committee had a limited purpose which was to review the working of the Prevention of Corruption Act, an Act which had been passed in 1947, shortly after attainment of independence, and to make recommendations with regard to any improvement that may be

[Shri C. C. Biswas.]

considered necessary in the law as well as in regard to the machinery for enforcing it. The terms of reference were afterwards extended so as to include the question of assessing the success which the S.P.E. achieved in combating corruption and of making recommendations regarding the continuance, strengthening, reducing or abolition of the S.P.E. Sir, the Committee went into the matter very thoroughly, but observed that it was not required to hold a general enquiry into what may be described as the problem of corruption in the public services or among people who have financial dealings with the Central Government, and to suggest methods of eradication of such corruption. So, even that Committee which was charged with the duty of examining the working of the Prevention of Corruption Act felt that it was not at liberty to deal with the general question of corruption. That is, however, Sir, the task which this House has taken upon itself over this small Bill, and that accounts for the fact that we have spent two days discussing what I thought was a very simple measure. The scope of the proposed amendment is a very narrow one. In submitting its Report, the Tek Chand Committee referred to certain provisions of the Indian Penal Code and the Code of Criminal Procedure, and suggested certain amendments. Some of these, other than those which are now sought to be made in this Bill, are connected with the other Act, the Prevention of Corruption Act. Effect has already been given to some of the recommendations which the Committee made with respect to that Act. Sir, so far as legislation is concerned and is called for, as the result of the recommendations of that Committee if the House passes this Bill, nearly all its recommendations would have been given effect to. There are also matters dealt with in the Report which impinge upon action which has been taken or has to be taken on the administrative side. Various suggestions have in fact been made regarding these, but I submit, Sir, we are not concerned with those

matters in dealing with this Bill.

Sir, Members on the Treasury Benches ought to be given some little credit for commonsense. They are not under the delusion that by passing this Bill or any other legislation it is possible to root out corruption from the land. Even if you had Draco to legislate, that would have not sufficed for the purpose.

SHRI B. C. GHOSE (West Bengal) : So long as you are in power.

SHRI C. C. BISWAS : If you raise the general question, it means, you have to consider how to bring into existence a nation who will be above suspicion, above corruption, free from all taint of immorality. That is a very big problem, Sir. That has to be tackled not by legislation, but by the individuals who compose the nation. A little self-introspection on the part of all, high and low, that is what is called for, if we are to achieve this. Sir, it is no use saying as has been said, that Government ought to do this or do that or do the other thing, that they will have to create conditions of social justice, social readjustment, etc., to eliminate all sorts of inequalities and then all of a sudden a new heaven and a new earth will dawn upon us. That is not how, in my humble opinion, the object which all of us desire and have in view can be brought about. A good deal of sympathy has been shown today here for the poor unfortunate bribe giver, as if he is not guilty or culpable at all, but this is all sympathy. Sir, there are, even amongst bribe giver classes and classes, categories and categories.

SHRI B. GUPTA (West Bengal) : They are victims of your seduction.

SHRI C. C. BISWAS : My friend talks of seduction. A robber then is also a victim of seduction : Will you justify robbery, I ask, on that ground ? Will you say, why should the man who was robbed have possessed so much wealth because it was this which seduced the robber? Would inequality of wealth be an excuse for the robber to try and equalise his condition with that of his victim on the plea of seduction ?

You can pursue that line of argument to any length. If there is a murder, you may say, the murderer was seduced by the victim coming within the troubled area, carrying a head over his shoulder which lent itself to be chopped off ! Sir, it is possible to argue on those lines.

As I said in my opening remarks, there are occasions, recognised also by the Tek Chand Committee, when people find it easier and more convenient to offer a small bribe to get things done ; but, Sir, will you approve such conduct ? Will you say that just because a poor man earns a salary of Rs.30 or Rs. 50 and wants another Rs. 50 to make both ends meet, he may be encouraged to earn that extra sum by the offer of bribes ? Will you say that a man, because he is poor, should not be blamed if he goes and tips somebody to secure a permit to relieve his troubles ? If that is what hon. Members of this House think, that because there are poor men who cannot otherwise make both ends meet, they should, therefore, be held to have a moral justification for committing what is a moral wrong.....

SHRI C. G. K. REDDY : Economic justification.

SHRI C. C. BISWAS : I for one, in all humility, cannot accept that view, Sir. There may be other classes of bribe givers who do not act under such necessity or compulsion. They are out to make easy money. They think that they have only to get at some big officials who have large favours or large patronage to bestow, and they can get rich overnight. You will be only wasting your sympathies by showering them on this class of individuals.

SHRI B. C. GHOSE : We have left it to the Government.

SHRI C. C. BISWAS : Sir, what the Tek Chand Committee felt was that the punishment for the bribe giver should be the same as the punishment for the bribe taker. First of all, they raised the quantum of punishment in the case of the bribe taker in section 165—they raised it from two to three years—the same as provided in section 161, and then equalised the punishment

for the bribe-giver to that of the bribe taker. As the Tek Chand Committee itself recognised, there might be extenuating circumstances which made a man succumb to the temptation of offering a bribe. But these are cases which you cannot crystallise in the form of propositions of law. You cannot draw up a long list of different categories. Category A—Income group, Rs. 50 to Rs. 100. If a person of this category offers a bribe in order to gain a certain amount, then he should be given one-tenth of the sentence. Then the next category is Category B—Income group of Rs. 100 to Rs. 200. In this case the punishment should be a little more, and so on. You cannot do it. Therefore it is that the maximum punishment is laid down. The court is not bound to award the maximum penalty in every case. It will be for the court to judge the circumstances in which the offence was committed, and having regard to those circumstances, having regard to the gravity of the offence, having regard to the status and rank of the person who commits the offence, the court will award the punishment within the limits laid down in the Code. And in judging the circumstances, why should we think that the courts will not do their duty ? We have no right to assume that in every individual case in which the bribe giver is prosecuted he will be awarded the maximum punishment. Now the whole problem is whether or not you regard bribe giving as an offence. Sir, bribe giving is already an offence under the Indian Penal Code as it stands . As I pointed out in the course of my earlier remarks, which I am afraid, Members have not followed,—under the Penal Code the giving of a bribe is made penal only as abetment. The bribe giver is the person who abets the offence of acceptance of illegal gratification. The Code provides that if the offence is committed, then the bribe giver is equally guilty with the bribe taker ; if the offence is not committed, i.e. if the bribe is offered but refused, there also the person who attempts to bribe is an abettor, but in his case the punishment is reduced to, I believe, one-half of the punishment meant for the principal offender.

SHRI K. S. HEGDE (Madras) : How can there be abetment of an attempt ?

SHRI C. C. BISWAS : The attempt itself is abetment. It is now proposed to eliminate that distinction—the distinction between a case where the offence is committed and a case where it is not committed—and as the simple way of dealing with the matter it is proposed to make the giving or offering of bribe a substantive offence, providing the same maximum punishment for it as for the offence of acceptance of bribe. That is the object of this amendment. There is no injustice done, whether in the case of bribe giver or bribe\* taker, so long as the court is there to determine, upon consideration of all the facts, what should be the actual quantum of punishment to be awarded in any given case.

Then, Sir, a great deal has been said about the Ministers. In fact, the brunt of the attack was directed against the Ministers as if Ministers were in the dock standing their trial before this House ..... *{Several interruptions}*

MR. DEPUTY CHAIRMAN : Order, order.

SHRI C. C. BISWAS : As if Ministers were all corrupt, as if they have been all the time practising bribery in different forms—accepting bribes, if not directly, at least in the shape of teas, dinners and so on.

SHRI C. G. K. REDDY : Are they bribes or not is the question.

SHRI B. GUPTA : Just as there are bribe givers and bribe takers, there are Ministers and Ministers.

SHRI C. C. BISWAS : I may be permitted to go on, Sir. I did not say a word during the whole of this debate these two days. I only interjected once when one Member stated that the Bill was meant only for two years, and I said that the two years' limit applied only to clause 5. That was the only interruption I made during the entire discussion these last two days. Therefore I may be shown some consideration by my friends opposite while I am speaking.

What I was pointing out was that many hon. Members referred to Ministers, Ministers of State, and other big officials, making them the main target of their attack. Let me tell you that the Law makes no distinction between Minister and Minister or between a Minister and a person who is not a Minister. *{Several interruptions.}*

MR. DEPUTY CHAIRMAN : I am sorry there is a lot of disturbance when the hon. Minister is speaking. Let there be no disturbance.

SHRI C. C. BISWAS : If a Minister is found guilty, he will be brought to the court and dealt with in the ordinary way. The Minister does not claim any special privilege, as Members of Parliament may sometimes do for themselves. Ministers will not do that. They have a high sense of duty, and they try to set for themselves a high standard of conduct and to follow it in their own way. Whether that satisfies others or not, it satisfies their own conscience. After all, it is conscience which makes cowards of us all. Sir, Ministers have not forgotten their duty ; and they will not forget their duty. If specific cases are brought forward where they have shielded high officials, under them although they knew these officials were to blame, then if you find that the Ministers have not taken or are not taking any action, come down upon them with all the vehemence of your eloquence.

*{Shri B. Gupta rose in his seat.}*

MR. DEPUTY CHAIRMAN : You have been disturbing the speaker very often. I am sorry. Please do not disturb him.

SHRI C. C. BISWAS : As I said before, I welcomed the general discussion in so far as it showed a general anxiety on 'all sides of the House to eradicate corruption and bribery. I can tell you, Sir, Government are as much interested in this matter as anybody else. Sir, it is they who passed the Prevention of Corruption Act. It is they again who appointed the Tek Chand Committee, and it is they

who are now seeking to implement the recommendations of the Committee. Does not all this show how interested they are to combat corruption in the public services ? Sir, Government do not claim that legislation alone will suffice. Legislation is only one part of the work. But because it does not cover the whole field, does not bring about the whole change that is desired, does it follow that legislation need not therefore be undertaken ? There lies the fallacy in the argument of the other side. All of us know how widely and in how many different forms this evil is rampant in the land. Age cannot wither, nor custom stale the infinite variety of ways in which the forces of corruption work. Government are as aware of this as hon. friends on the other side, and they know it is a gigantic problem, which has got to be tackled on different fronts. We are tackling it today only on a very limited front. And as I have explained, we are dealing with it in the manner which has been indicated to us and for us by the Committee which we appointed.

SHRI C. G. K. REDDY : The Committee said so many other things.

SHRI C. C. BISWAS : Sir, there are five minutes left, and.....

AN HON. MEMBER : Continue tomorrow.

SHRI H. P. SAKSENA (Uttar Pradesh) : Sir, I have a request to make to the hon. the Law Minister, and that is that he should be less excited. He is spending himself out.

SHRI C. C. BISWAS : Sir, I should now like to reply to those who have argued against specific provisions of the Bill. It has been asked : Why put the bribe giver on the same level as the bribe taker ? I have already dealt with that. Then, we have this question of tender of pardon. That has been criticised. Some of the criticism, I consider, is perfectly legiti-

mate, and a fear has been expressed which I cannot say is altogether groundless. Now, the man who gives the bribe may be an abettor and be punished, though in a lesser degree, but he is generally let off and not proceeded against. The result is that he is free to give and often gives evidence against the other man who takes the bribe. As we know in these transactions it is very, very difficult to obtain a conviction merely on circumstantial evidence. Sometimes even circumstantial evidence is not forthcoming. There a conviction becomes almost impossible. But if you can somehow get the evidence of the other party to the transaction—the man who offers the bribe—then of course the chances of securing a conviction of the man who takes the bribe are much better. The question is whether by making the bribe giver a co-accused with the bribe taker you reduce the chances. That is why it is proposed that though both the bribe taker and the bribe giver will be equally offenders, one of them may be given a pardon, in the same way as an offender under other sections of the Indian Penal Code which are specified in section 337. If he is given a pardon, and if he discloses fully and truly the facts of the case, he gets immunity from prosecution. It may be that many people may not be willing to come as approvers because the very stamp of an approver might be galling. We should not in that case get as many witnesses as we expect. The Tek Chand Committee, however, took a different view. They thought that if this amendment is accepted, then it would lead to a large increase in the number of persons who would come forward to give evidence. Their fear was that in view of the large number of such witnesses the ordinary courts would not be in a position to deal with the cases promptly and expeditiously, and that led them to suggest the appointment of special Judges to take cognisance of such cases so as to relieve the ordinary courts of this work. But whatever that may be, you will find that this is regarded as an experiment which will for the present be in force only for two years. We shall watch the results. If in the

[Shri C. C Biswas.] course of two years' administration of this Act it is found that placing the bribe giver on the same footing as the bribe taker makes it all the more difficult to proceed against bribe takers, then the Government will review the position and consider the steps which have got to be taken. That is what the Tek Chand Committee said :

" We propose further that the amendment made for the present should be on an experimental basis and may be given a limited life of two years, at the end of which the position may be reviewed."

Government stands by this provision. In a subsequent paragraph the Committee makes the other observation:

" We appreciate that the recommendation made by us in the preceding paragraph (about pardon) may result in the coming forward of approvers in a substantial number of cases and their disposal would be seriously retarded if all of them had to be inquired into in the first instance by a Magistrate and then be committed to the Court of Sessions."

That was their anticipation. That may be right ; that may be wrong. In the course of two years we shall find out how it operates—whether it operates to retard or make the punishment of the principal class of offenders more difficult.

MR. DEPUTY CHAIRMAN :  
How long will the hon. Minister take to conclude his speech?

SHRI C. C. BISWAS : Another five minutes, at the most. Or, I shall finish in a few minutes.

AN HON. MEMBER : Do not be in a hurry. Why not tomorrow?

MR. DEPUTY CHAIRMAN : The hon. Minister may resume his reply tomorrow. There is a Message from the House of the People.

PROF. G. RANGA : Sir, before we proceed to the Message, as the Prime Minister is present here, may I request him to give us a summary or a full account of the terms of the agreement that he has reached with the Kashmir Government, about which he has, I learn, already made a statement in the other House ?

THE PRIME MINISTER (SHRI JAWAHARLAL NEHRU) : Unfortunately, Sir, it is not possible for me to speak simultaneously in both Houses. If hon. Members so desire, I should gladly send the full report of my speech to hon. Members, though, of course, I presume, it will have appeared in the Press in some measure.

DR. RADHA KUMUD MOOKER-JI (Nominated) : We shall miss the Prime Minister's personal accent.

SHRI JAWAHARLAL NEHRU : Anyhow, I would like to do everything to place the facts before the House.

#### MESSAGES FROM THE HOUSE OF THE PEOPLE

##### (1) JOINT COMMITTEE ON RESERVE AND AUXILIARY AIR FORCES BILL, 1952.

##### (2) CENTRAL TEA BOARD (AMENDMENT) BILL, 1952

SECRETARY : Sir, I have to report to the Council the following messages received from the House of the People signed by the Secretary to the House :

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"I am directed to inform the Council of States that the annexed motion in regard to the Reserve and Auxiliary Air Forces Bill, 1952, has been passed in the House of the People at its sitting held on Thursday, the 24th July 1952, and to request that the concurrence of the Council of States in the said motion and further that the names of the Members of the Council of States to be appointed to the Joint Committee be communicated to this House.

#### MOTION

That the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 31 members; 21 members from this House, namely:—

- (1) Major General Jagannathrao Krishnarao Bhonsle.
- (2) Shri Shahnawaz Khan.
- (3) Sardar Surjit Singh Majithia.
- (4) Shri P.T. Chacko.
- (5) Shri T.S. Avinashilingam Chettiar.