

Rules of the Indian Council of Agricultural Research, this House do proceed to elect, in such manner as the Chairman may direct, one Member from among the Members of the House, to be a member of the Indian Council of Agricultural Research Society."

*The question was put and the motion was adopted*

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### GOVERNMENT BILL

#### The Lokpal and Lokayuktas Bill , 2011

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY) : Sir, I beg to move:

"That the Bill to provide for the establishment of a body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruptions against certain public functionaries and for matters connected therewith or incidental thereto, as passed by Lok Sabha and as reported by the Select Committee of Rajya Sabha, be taken into consideration."

... *(Interruptions)*...

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Sir, Lok Sabha passed this Bill. ...*(Interruptions)*... Then, it came to the Rajya Sabha. ...*(Interruptions)*... After deliberations, the hon. Chairman constituted a Select Committee under the Chairmanship of Shri Satyavrat Chaturvedi. The hon. Leader of the Opposition was also a Member. ...*(Interruptions)*... Sir, they recommended about 15 amendments. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD (Bihar): Sir, please control the House. ...*(Interruptions)*...

SHRI V. NARAYANASAMY : Sir, the amendments...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You go back. ...*(Interruptions)*... What can I do? ...*(Interruptions)*... The House is adjourned to meet at 2.30 p.m.

The House then adjourned at

thirteen minutes past twelve of the clock.

The House reassembled at thirty minutes past two of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

श्री नरेश अग्रवाल (उत्तर प्रदेश) : माननीय उपसभापति जी, हमने महंगाई के मुद्दे पर जो नोटिस दिया है, उस पर आप चर्चा भी नहीं करा रहे हैं और यह भी नहीं पता कि हमारे नोटिस पर चेयर का क्या डिजीज़न हुआ। ...(व्यवधान).. श्रीमन्, आज देश के सामने सबसे बड़ा मुद्दा महंगाई का है। ...(व्यवधान).. आज पूरा देश महंगाई से कराह रहा है और इससे बड़ी कोई प्राथमिकता सदन की भी नहीं होनी चाहिए, सरकार की भी नहीं होनी चाहिए। मैं नहीं समझ पा रहा हूँ कि जमीन का आधार क्यों नहीं सत्ता पक्ष और विपक्ष दोनों समझ रहे हैं। अगर ये भ्रष्टाचार समाप्त करने की बात करते हैं, तो पहले महंगाई समाप्त करें, गरीब के चेहरे पर मुस्कान लाएं, गांवों का डेवलपमेंट करें, फिर भ्रष्टाचार समाप्त करने की बात करें। ...(व्यवधान).. लेकिन इस तरीके से ...(व्यवधान)...

श्री रवि शंकर प्रसाद (बिहार) : हम महंगाई पर बहस के लिए कल तैयार हैं, आज लोकपाल पर बहस हो, बस। हम कल महंगाई पर बहस कर लेंगे। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN : Nareshji ...(Interruptions)... Nareshji ...(Interruptions)... Nareshji ...(Interruptions)... Nareshji please ...(Interruptions)...

श्री नरेश अग्रवाल : यह लोकपाल बिल ...(व्यवधान)...

MR. DEPUTY CHAIRMAN : Nareshji please, you know the rules. We have already started the discussion on the Lokpal Bill. ...(Interruptions)... No, No, I have already called the Minister. The Minister was already on his legs; and he has started. So, I am calling the Minister to proceed. ...(Interruptions)...

SHRI V. NARAYANSAMY : Sir, I would like to submit that the Select Committee of Rajya Sabha recommended ...(Interruptions)... about 15 amendments. I will narrate some of the important recommendations made by the Select Committee one by one. ...(Interruptions)...

MR. DEPUTY CHAIRMAN : Why are you interested in this? ...(Interruptions)... Why do you want to trouble like this?

SHRI V. NARAYANSAMY : In clause 3(4) of the Bill (dealing with disqualifications of becoming Member of Lokpal), the Committee has recommended ...(Interruptions)... that the word “connected with any political party” may be replaced by the words “affiliated with any political party” so as to overcome the ambiguity associated with the word “connected with any political party”. The Government has decided to accept this recommendation. ...(Interruptions)...

In clause 4(1)(e) of the Bill (composition of the Selection Committee for selection of Lokpal), the Prime Minister is the Chairman; hon. Speaker, Lok Sabha, hon. Leader of Opposition, Lok Sabha, Chief Justice of the Supreme Court and an eminent jurist are other members. The Select Committee has recommended that the eminent jurist may be selected by four members of the collegium headed by the Prime Minister. It has been decided to accept this recommendation. ...(Interruptions)...

The Select Committee has recommended that in clause 14(1)(g), while the category of institutions that are financed by the Government be retained in the jurisdiction of the Lokpal, the institutions “aided” by the Government may be excluded. It has been decided to accept this recommendation. ..(Interruptions)... Then, in clause 14(1)(h) for the purpose of getting exemption, we have agreed ...(Interruptions)...

MR. DEPUTY CHAIRMAN: .Why are you doing this? ..(Interruptions).. Why do you do this? ...(Interruptions)... No, this is wrong on your part. ...(Interruptions)... Why do you want to do like this? ... (Interruptions)...

SHRI D. RAJAJ (Tamil Nadu) : sir, we are not able to hear what the Minister is saying. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: What can I do? You tell them to go back.

SHRI V. NARAYANASAMY: We have agreed to exempt only such bodies or authorities from the purview of the Lokpal. ...(Interruptions)... This has also been accepted by the Government.

Then, in clause 20(1) of the Bill, the Select Committee has recommended that the Lokpal should be given the power to order an investigation straightway. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: What can I do? ..(*Interruptions*)... The House is adjourned till 3.30 p.m.

The House then adjourned at thirty-four minutes past two of the clock.

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The House reassmebled at thirty-minutes past three of the clock.

MR. DEPUTY CHAIRMAN in the Chair

श्री नरेश अग्रवाल : माननीय उपसभापति जी, मेरा एक प्वाइंट ऑफ आर्डर है।

डा. वी. मैत्रेयन (तमिल नाडु) : एक दिन में कितने प्वाइंट ऑफ आर्डर ले सकते हैं?

MR. DEPUTY CHAIRMAN : What is the rule?

श्री नरेश अग्रवाल : श्रीमन्, इस नियमावली में लोक महत्व के प्रश्न उठाने के लिए नियम दिए हैं, नियम हैं 167, 176 और 267, श्रीमन् आप नियम-167, 176 और 267 देख लें। तीन नियम दिए हैं कि अगर पब्लिक इंटरेस्ट की कोई बात सदन में उठानी है, जिसके लिए हम लोग आते हैं, तो इन नियमों के अंतर्गत हम उठाएंगे। श्रीमन्, हमने महंगाई पर नियम-176 में भी नोटिस दी, नियम-267 में भी नोटिस दी थी। दोनों नोटिस आपके पास पेंडिंग हैं। ऐसा नहीं है कि वे दोनों नोटिस आपके पास पेंडिंग न हों। दोनों नोटिस पीठ के सामने पेंडिंग हैं, और जबकि दोनों में दिया है कि पीठ उस पर डिस्मिशन ले लेगा जब नोटिस दी जाएगी और डिस्मिशन के बाद अर्जेंट पब्लिक मैटर पर इस सदन में डिस्कशन किया जाएगा और यहां का संदेश पूरे देश में जाएगा। समाजवादी पार्टी की हमारी दोनों नोटिस पेंडिंग हैं। नियम-267 में भी पेंडिंग हैं, 176 में भी पेंडिंग है। हमने महंगाई पर दोनों नियमों में चर्चा के लिए नोटिस दी थीं। श्रीमन्, वे अभी तक डिस्पोज-ऑफ नहीं हुई हैं। उसमें क्लीअर दिया हुआ है, नियम-267 को पढ़ लीजिए, बड़ा क्लीअर है कि अगर नोटिस देंगे तो चेयरमैन उसको संज्ञान में लेंगे, प्रोसीजर एडोप्ट करेंगे, एडोप्ट करने के बाद उसको रिजेक्ट करेंगे या डिस्कशन के लिए लेंगे, नियमों का निलम्बन कर देंगे या नियम-176 में हम जो नोटिस देंगे, उस पर चर्चा कराएंगे। तो उसमें हमारे दोनों नोटिस पेंडिंग हैं। लेकिन इस बीच में आप लोकपाल बिल को ले आए।

...(व्यवधान)

MR. DEPUTY CHAIRMAN: Nareshji, you yourself have said what has to be said by me that the hon. Chairman will decide whether it has to be accepted or rejected. Wait for that. ...(*Interruptions*)...

SHRI NARESH AGRAWAL: Only the Chair, not the Chairman.  
...(*Interruptions*)...

श्री रवि शंकर प्रसाद : महोदय, हम महंगाई पर बहस के लिए तैयार हैं, आज आप लोकपाल पर बहस शुरू कराइए और इसको पास कराइए ...(व्यवधान)

MR. DEPUTY CHAIRMAN: There is no point in that point of order. ...(Interruptions)... There is no point in that point of order. ...(Interruptions)... We have already taken up ...(Interruptions)... We have already taken up the Lokpal and Lokayuktas Bill. The hon. Minister has already started his speech. I call upon the hon. Minister to continue his speech. ...(Interruptions)...

SHRI V. NARAYANASAMY : Mr. Deputy Chairman, Sir, I would like to continue from whatever I spoke earlier ...(Interruptions)... Coming to Clause 20, Sub-Clauses 1, 2 and 3 ...(Interruptions)... The Amendments that have been proposed by the Select Committee that whenever the Lokpal finds that there is a *prima facie* case ...(Interruptions)... they can straightaway order an investigation. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: You can oppose the Bill. Why do you stall it ? ...(Interruptions)... आप जाकर अपोज करो, stall मत करो।

SHRI V. NARAYANASAMY : We considered it. ...(Interruptions)... We found that a fair opportunity has to be given... (Interruptions)...

श्री उपसभापति : आप जाकर अपोज करो, stall मत करो।

SHRI V. NARAYANASAMY : Whenever the Lokpal orders investigation against an officer, his views are also to be heard. ...(Interruptions)... Therefore, Sir, we want that to retain the original position in ...(Interruptions)... Also in Clause 2 (d) ...(Interruptions)...

MR. DEPUTY CHAIRMAN : You can oppose the Bill, but don't try to stall the Bill. It is undemocratic. ...(Interruptions)... I would like to inform you that the Chair will be forced to take action against you. ...(Interruptions)... The Chair will be forced to take action. ...(Interruptions)... How long can I tolerate it? ...(Interruptions)...

SHRI V. NARAYANASAMY : Therefore, we wanted that to be retained. ...(Interruptions)... The other amendments which have been given by the Select Committee ...(Interruptions)... especially grant of sanction for prosecution ...(Interruptions)... We want that grant of sanction for prosecution should remain with the Government ...(Interruptions)... The Select Committee ...(Interruptions)...

MR. DEPUTY CHAIRMAN : What can I do? You persuade these hon. Members to go back. ...(*Interruptions*)...

SHRI V. NARAYANASAMY : Some minor modifications we have agreed to...(*Interruptions*)...

MR. DEPUTY CHAIRMAN : I have no other go than adjourning the House. ...(*Interruptions*)... I will be forced to take action against you. ...(*Interruptions*)...

SHRI V. NARAYANASAMY : Sir, another important recommendation of the Select Committee... (*Interruptions*)... filing charge sheet in place of... (*Interruptions*)... Lokpal may be required to... ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN : The House is adjourned... (*Interruptions*)...

SHRI V. NARAYANASAMY: Sir, ...(*Interruptions*)... One minute, Sir. ...(*Interruptions*)...

SHRI SATYAVRAT CHATURVEDI (Madhya Pradesh) : Sir, don't adjourn the House. ...(*Interruption's*)...

MR. DEPUTY CHAIRMAN : The House is adjourned to meet on Monday, the 16th December, 2013 at 11.00 a.m.

The House then adjourned at thirty-six minutes past

three of the clock till eleven of the clock on

Monday, the 16th December, 2013.

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