

SHRI PREM CHAND GUPTA: Sir, ... *(Interruptions)*...

MR. CHAIRMAN: Please, please. You had a question yesterday. ... *(Interruptions)*... Please, sit down. Question No. 79. ... *(Interruptions)*...

SHRI PREM CHAND GUPTA: Sir, ... *(Interruptions)*...

MR. CHAIRMAN: Questions have to be rotated. I am sorry; you can't get a question every day. ... *(Interruptions)*... Prem Chandji, please don't do this. ... *(Interruptions)*...

SHRIMATI NAZNIN FARUQUE: Sir, my question is to the hon. Prime Minister.

MR. CHAIRMAN: Let the answer be given first.

Implementation of anti-graft laws

*79. SHRIMATI NAZNIN FARUQUE: Will the PRIME MINISTER be pleased to state:

(a) whether Government is serious about implementation of anti-graft laws, passed by the previous Government which got the assent of President of India;

(b) if so, the details thereof and the reasons for the delay of their implementation; and

(c) whether any time-frame has been fixed by Government, if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (DR. JITENDRA SINGH): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) to (c) The following anti-graft laws were passed by the Government, which have received the assent of the President of India, namely –

The Lokpal and Lokayuktas Act, 2013 (1 of 2014)

The Whistle Blowers Protection Act, 2011 (No. 17 of 2014)

The Lokpal and Lokayuktas Act, 2013 has come into force on 16-01-2014. The Government further notified the Search Committee (Constitution, Terms and Conditions of appointment of members and the manner of selection of Panel of Names for appointment of Chairperson and Members of Lokpal) Rules, 2014 on 17th January, 2014, which was subsequently amended and notified on 27th August, 2014.

Certain deficiencies/inconsistencies were observed in the Act, which *inter alia*, included absence of provision for situations where the composition of the Selection Committee (for recommending names for appointment of Chairperson and Members of the Lokpal) was incomplete due to absence of Leader of Opposition in the Lok Sabha. The Lokpal and Lokayuktas and other related Law (Amendment) Bill, 2014 has already been introduced in the Lok Sabha on 18th December, 2014 to remove these inconsistencies. The Amendment Bill stands referred to the Department related Standing Committee on Personnel, Public Grievances, Law and Justice for examination and report.

The Whistle Blowers Protection Act, 2011 was notified on 12th May, 2014. But the Act has not been brought into force as the Act required crucial amendments *inter alia*, to provide for safeguards against disclosures affecting sovereignty and integrity of India, Security of the State, etc. Necessary amendments are being finalized.

The aforesaid Department-related Standing Committee has so far held four meetings on 08th January, 3rd March, 8th April and 15th April, 2015. The Government can take further action after the recommendations are received.

In view of the above, it can be seen that it would not be possible to indicate any definite time-frame for implementation of the aforesaid Acts.

SHRIMATI NAZNIN FARUQUE: Sir, my question is whether the Government is serious about the implementation of the anti-graft laws passed by the previous Government, which got assent of the President of India. If so, the details thereof, and reasons for the delay in its implementation. I also want to know whether any time-frame has been fixed by the Government. If so, details thereof.

DR. JITENDRA SINGH: Mr. Chairman, Sir, the hon. Member has raised a question which is, in fact, a matter of concern for all of us on both sides of the House and indeed for the entire society as such – corruption and how to deal with it – and when the Government places before it the avowed objective of maximum governance, eradication or elimination of corruption would also form a part of it quite obviously.

Therefore, coming straight to what the hon. Member has sought, *i.e.*, the current status of the various measures taken as far as the legislations are concerned, just taking two minutes, I would like you to recall that when the Government took over, we were seized of, at least, four or five legislations dealing with the subject. One of them was the Lokpal and Lokayuktas Act, 2013, the other one was the Whistle Blowers Protection Act, the third one was the Prevention of the Corruption (Amendment) Bill, 2013; and then there was also the Prevention of Bribery of Foreign Public Officers and Officials of Public International Organizations Bill, 2011.

Now, one by one, just taking 30 seconds each, I will just try to update and satisfy the hon. Member about what has been the current status. As far as the Lokpal and Lokayuktas Act is concerned, the hon. Member and the House would appreciate that it was realized that there were modifications which were required. For example, one of the clauses which needed to be modified was that in order to hold the meeting for the selection of the Lokpal, the Selection Committee itself comprised of or envisaged the presence of the Leader of the Opposition in the Lok Sabha. So, in the absence of the Leader of the Opposition in the Lok Sabha, for example, an amendment was required to be brought in to have the Leader of the single largest party in the Opposition to be taken as the Leader of Opposition. This is just one. There were quite a few others also. For example, there was one clause asking for the presence of a jurist; the term had not been fixed. So, it was realized that the term would be fixed for three years and so on.

MR. CHAIRMAN: What is the short answer to her question?

DR. JITENDRA SINGH: So, that way, as far as the Lokpal Act is concerned, these amendments were brought in. The Bill was introduced in the Lok Sabha on the 18th of December, 2014 and it was then felt by the wisdom of Members across the party lines that it should be referred to the Standing Committee, and that is the present status.

MR. CHAIRMAN: Thank you. Second supplementary, please.

DR. JITENDRA SINGH: Now, as far as the Whistle Blowers Act is concerned – I am giving you an answer based on evident facts ...*(Interruptions)*... Now, in regard to Whistle Blowers Act, I will tell you a very peculiar story.

MR. CHAIRMAN: Very briefly, please.

DR. JITENDRA SINGH: Yes, very briefly, Sir, because she has asked a question which is quite wholesome. So, that is why the details. As far as the Whistle Blowers Act is concerned, the Whistle Blowers Bill, 2011 was introduced in Lok Sabha in 2010, passed in Lok Sabha on 27th December, 2011, passed also in Rajya Sabha in 2014. Now, the peculiar feature of this Bill was that the then LOP had suggested certain amendments which were related to the protection of the security of the country, sovereignty, etc.

MR. CHAIRMAN: Hon. Minister, all that is there in the answer.

DR. JITENDRA SINGH: Hon. senior Members of the Opposition are there. It was realized that these needed to be considered. But since the Session was coming to an end and if the amendments had to be brought in, it had to go back to the Lok

Sabha — it was passed without the amendments — and, therefore, now it requires to be reintroduced. So, that is the present status.

MR. CHAIRMAN: Do you have a second supplementary?

SHRIMATI NAZNIN FARUQUE: Sir, my supplementary is this. I want to know whether not fixing any time-frame for the implementation of anti-graft law reflects on the Government's seriousness about the Bills on corruption. I also want to know whether — the Government has gone to the extent of promulgating Ordinance repeatedly — it is justified to study different aspects of implementing the Whistle Blowers Bill after it has been passed by the Parliament.

My other question is,

MR. CHAIRMAN: You can ask one question only.

SHRIMATI NAZNIN FARUQUE: Why is the post of CVC Chairman vacant till now?

MR. CHAIRMAN: Thank you. Just answer one question.

DR. JITENDRA SINGH: There are three questions, Sir.

MR. CHAIRMAN: Please answer one.

DR. JITENDRA SINGH: Which one? The hon. Member can tell me. ...*(Interruptions)*...

MR. CHAIRMAN: No, no. I am sorry. ...*(Interruptions)*...

DR. JITENDRA SINGH: Sir, I am ready to answer all the three. ...*(Interruptions)*...

MR. CHAIRMAN: If the Members cannot discipline themselves, then ...

DR. JITENDRA SINGH: Sir, I will just take one-and-a-half minutes and I will answer all the three in thirty seconds each. ...*(Interruptions)*... Yes; they are very relevant questions, Sir.

The hon. Member has asked about the Whistle Blowers' Bill, saying why it has not been brought up. I have already answered it.

DR. VIJAYLAXMI SADHO: About the C.V.C. too.

MR. CHAIRMAN: It is not your Question.

DR. JITENDRA SINGH: Yes. That is question no. 3; I will come to that.

Then, you had asked about the time-limit. I am reminding you about your questions, which you are forgetting. Question No. 2 was about the time-limit, Sir. If you go through the Lokpal Act, it envisages that the time-limit of an inquiry would be two years, which is extendable by another two years. So, this concern has already been taken care of. The only hassle is that the Lokpal Act has yet to be brought along with the amendments. Now, the third part, as far as the C.V.C. is concerned, the process of appointment of the C.V.C. is already going on. The delay was not on account of the Department or the Government. What happened was, somewhere in-between, there was some intervention through the Court and it was then directed that all the proceedings in the process of selection of C.V.C. should be kept in the notice of, or, in the cognizance of the Court. I might just like to update that. The next date fixed by the Court for this is 12th of May. So, whatever proceeding has been accomplished in the process of selection of the C.V.C., it will now again be brought to the notice of the Court on the 12th of May, and then we would proceed. So, that is how it has been happening.

SHRI D. RAJA: Sir, the written answer refers to just two Acts. One is the Lokpal and Lokayuktas Act, 2013 and the other is the Whistle Blowers Protection Act, 2011. As far as the first Act is concerned, an amendment has been brought and it is being examined by the Standing Committee. It was to do about a situation where there is no Leader of the Opposition. Politically speaking, the Prime Minister and the Government could have been magnanimous enough to recognize the largest Party in the Lok Sabha for LOP.

MR. CHAIRMAN: Question, Mr. Raja.

SHRI D. RAJA: Having said that, my question is about the Whistle Blowers Protection Act, 2011. It has been notified, but it has not been brought into force. It is said that amendments are being considered for safeguards against disclosure affecting the sovereignty and integrity of India. Sir, there are people agitating on this issue. There are attempts to dilute the Right to Information Act, and the whistle Blowers are not being protected.

MR. CHAIRMAN: What is your question?

SHRI D. RAJA: Sir, my question is: where is the transparency? The Government says, necessary amendments are being considered. What are the amendments? Have they put those amendments in public domain? Have they asked for people's response? What is the time-frame for this Act to be brought into force?

MR. CHAIRMAN: Thank you. Now you have asked many questions. Let one be answered.

DR. JITENDRA SINGH: Sir, the hon. Member has asked valuable questions. I would take just half-a-minute to answer each one of them. He asked about the Whistle Blowers Act. But before that, let us go to the Lokpal Act which he touched upon.

MR. CHAIRMAN: You are not helping the Chair at all, hon. Minister. I am trying to get precise answers and precise questions.

DR. JITENDRA SINGH: But, Sir, there are three parts to the question. I would go by the Chair's direction.

The first one relates to the Lokpal Act. He suggested that the hon. Prime Minister should have been magnanimous enough. I would just like to inform the august House that this is precisely one of the amendments that is being sought to be brought.

Having said that, about the Whistle Blower Act, he asked two questions. One is about the amendments, which is also about the national security, the sovereignty and integrity of the country. The second part was about the protection of the whistle blowers. He may recall that we already had in place an Act called the Public Interest Disclosure (Protection of Informers) Act and the same provisions would be applicable. Where the complaint is made anonymously, after the complaint is received, the envelop is opened by a competent officer, two of them; then, a surrogate number is given and the envelop is again closed. The identity of the informer or the complainant is not disclosed. In case, there is any threat to him or, if there is any complaint regarding that, appropriate action is taken.

Now, the third part was about the time-frame. As I said earlier, there is a certain sequence of events which has led to this delay. In fact, soon after the Government took over, on urgency, we had to bring an amendment to the Delhi Police Act because the CBI Director was about to retire. There also, the same problem of having the Leader of the Opposition came up...

MR. CHAIRMAN: Please indicate the time-frame, if you are in a position to do so. That will satisfy the requirement of the hon. Member.

DR. JITENDRA SINGH: Sir, I can give you dates of the meetings that we have had. The last meeting we had was on the 15th, because we had to take the Law Department into confidence. ...(*Interruptions*)...

MR. CHAIRMAN: Mr. Raja, please sit down.

DR. JITENDRA SINGH: Sir, this requires inter-Ministerial deliberations. The last deliberation had taken place on the 15th of April. We are following it up on a war

footing. The Lokpal Act has been referred to the Standing Committee and the Delhi Protection Act is already there. So, I can say 'at the earliest' but I cannot give the date because that will depend on many other factors that go beyond my control.

SHRI JAIRAM RAMESH: Sir, the Prime Minister recently said and spoke about ART, that is, Accountability, Responsibility and Transparency. In this context, the Right to Information Act, which this Parliament passed ten years ago, assumed special significance. Why is it that the post of the Chief Information Commissioner (CIC) has been vacant for eight months?

MR. CHAIRMAN: Is that?

SHRI JAIRAM RAMESH: Why is it? Sir, it is related to graft because you fight graft through transparency and if the Right to Information Act is going to be emasculated by not appointing CIC and Information Commissioners...*(Interruptions)*...

MR. CHAIRMAN: That is not related to this question. ...*(Interruptions)*...

SHRI JAIRAM RAMESH: Please, Sir, let me finish. ...*(Interruptions)*... I would like to ask the hon. Minister why there has been this inordinate delay in the appointment of the Chief Information Commissioner ...*(Interruptions)*...

MR. CHAIRMAN: Thank you. But that is not the question. ...*(Interruptions)*...

SHRI JAIRAM RAMESH: By when will the CIC be in place? Otherwise, there are 40,000 complaints now pending with Information Commissioners?

DR. JITENDRA SINGH: Mr. Chairman, Sir, even though the question is not directly related to the question *per se*, part of it, I have already answered in one of my earlier questions about the CVC and the kind of court directions that we have received. The same happened also in the case of CIC. There was a court order; we had to advertise the vacancy. So, we had to actually redo the process. We advertised it; we invited applications. Earlier in the wisdom of the entire House, it was believed that instead of having an advertisement system we would have the best of the best. Sometimes, when you advertise, you are bound to choose only from among those who have applied. So, it was in the wisdom of all the sections of the House that procedure was followed. But somewhere midway someone went to the Court and now we were bound by the Court. So, I would like to inform this to the hon. Member; he has raised a very relevant question and that is my explanation to that. So, we had to actually restart the process.

डा. अनिल कुमार साहनी : सभापति महोदय, भ्रष्टाचार के संबंध में चुनाव के समय में जनता

से जो वायदा किया गया था, जिस प्रकार से कहा गया था कि काला धन भी विदेश से बाहर आएगा ...**(व्यवधान)**...

श्री सभापति : आप सप्लीमेंटरी क्वेश्चन पूछिए, भाषण मत दीजिए प्लीज़।

डा. अनिल कुमार साहनी : सर, यह उसी से संबंधित है, आज वह जुमला बनकर रह गया है। दूसरा, मैं मंत्री जी से यह कहना चाहता हूँ कि भ्रष्टाचार खत्म करने के लिए आपने जो वक्तव्य दिया है, उससे यह नहीं लगता है कि यह कानून लागू होने वाला है।

श्री सभापति : सवाल क्या है?

डा. अनिल कुमार साहनी : तो क्या आप भ्रष्टाचार को शिष्टाचार में लाना चाहते हैं, कृपया यह बताएं।

डा. जितेन्द्र सिंह : सभापति महोदय, जो प्रश्न इन्होंने किया है, तो भ्रष्टाचार को दूर करने की जो नीयत है, सारे सदन का वही भाव है, इसमें कोई दो रायें नहीं हैं, बल्कि भ्रष्टाचार को शिष्टाचार में बदलना या institutionalize करना rather I would personally say that the above objective of any successful nation would be to achieve the object of incorruptibility. अगर शिष्टाचार में लाना ही है, तो incorruptibility के virtue को लाइए, where incorruptibility is cherished as a virtue and as a conviction.

Categorization of Industries in country

*80. SHRIMATI SAROJINI HEMBRAM: Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

(a) whether Government has categorized the Industries or planning to categorize the Industries of our country in the Red Zone, Green Zone and Orange Zone as per the Environmental norms and potentials; and

(b) if so, the details thereof and the number of such Industries that have been categorized differently State-wise, zone-wise, so far?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (SHRI PRAKASH JAVADEKAR): (a) and (b) A Statement is laid on the Table of the House.

Statement

(a) The Ministry of Environment, Forests and Climate Change (MoEF and CC) had brought out two notifications in 1989 and 1999, which *inter-alia* refers to Prohibition/Restriction on operation of industries to protect ecologically sensitive areas or areas of specific importance and for this purpose these Industries have been