

[6 August, 2003]

RAJYA SABHA

THE DEPUTY CHAIRMAN : I have to take up another business now. Please, take your seats...(interruptions)...Please, sit down. The Central Vigilance Commission Bill, 2002,...(Interruptions)...

SHRI NILOTPAL BASU : Madam, we request you to protect the Members. None of the questions have been answered by the hon. Minister...(Interruptions)...

SHRI KAPIL SIBAL : This is not fair. We are walking out.

[At this stage, some hon. Members left the Chamber.]

THE DEPUTY CHAIRMAN : Please, sit down. Please, take your seats...(Interruptions)...See, generally the...(Interruptions)...take your seat, please. Mr. Nilotpal Basu, will you please, pay attention? One hour is generally given for discussion on a Calling Attention Motion. Considering the importance of the matter, the hon. Chairman allowed two hours for discussion. Considering your concern, it was extended to four hours. Now, no more time can be allowed. I have to do some business, which you promised that you would finish. Now, let us take up the Central Vigilance Commission Bill, 2003. Shri Harin Pathak...(Interruptions)...

SHRI PREM CHAND GUPTA : If we seek some clarification on the hon. Minister's speech, we should be allowed to put the questions...(Interruptions)...

श्री लालू प्रसाद: हम वाक-आऊट करते हैं।...(व्यवधान)... कोई जवाब नहीं आया, इसलिए हम वाक-आऊट करते हैं।...(व्यवधान)...

श्रीमती सरला माहेश्वरी: हम भी वाक-आऊट करते हैं।...(व्यवधान)...

[तत्पश्चात कई माननीय सदस्य सदन से उठकर बाहर चले गए]

GOVERNMENT BILL

The Central Vigilance Commission Bill, 2003

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
AND THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL,

PUBLIC GRIEVANCES AND PENSIONS (SHRI HARIN PATHAK) : Madam Deputy Chairperson, I move :

"That the Bill to provide for the constitution of a Central Vigilance Commission to inquire or cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by certain categories of public servants of the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

Madam, I would just briefly tell the House about the Central Vigilance Commission Bill, 2003.

THE DEPUTY CHAIRMAN : I can go ahead now.

SHRI HARIN PATHAK : Yes, Madam. The Central Vigilance Commission Bill, 1998, was introduced in the Lok Sabha on 7th December, 1998. Thereafter, this Bill was referred to the Department-related Parliamentary Standing Committee on Home Affairs, under the Chairmanship of Shri Pranab Mukherjee, for examination and report. The Standing Committee presented its report to the Parliament on 25th February, 1999. The Government examined the various recommendations/ observations made by the Standing Committee on this Bill, and accepted most of the recommendations made by the Committee. The Lok Sabha considered this Bill and passed the Central Vigilance Commission Bill, 1999 on 15th March, 1999 (with the change of year and enacting formula, the Bill became the Central Vigilance Commission Bill, 1999). However, before this Bill could be taken up for consideration in the Rajya Sabha, the 12th Lok Sabha was dissolved on 26th April, 1999, and consequently, this Bill also lapsed.

Madam, the Central Vigilance Commission Bill was again introduced in the Lok Sabha on 20th December, 1999. This Bill was basically on the lines of the earlier Central Vigilance Commission Bill, 1999, which had lapsed. The Central Vigilance Commission Bill, 1999, was referred to the Joint Parliamentary Committee of both the Houses of Parliament, under the Chairmanship of Shri Sharad Pawar, for examination and report.-The Joint

Parliamentary Committee consisted of 20 members from the Lok Sabha and 10 members from the Rajya Sabha, which represented the entire political spectrum, and had luminous experts from various fields such as judiciary, civil services, armed forces, journalism and so on. The Joint Parliamentary Committee had obtained public opinion from an assorted array of sources and personally heard the experts from various fields. The Bill, as reported by the Joint Parliamentary Committee, therefore, embodies the distilled acumen of not only the Members of the Committee, but also embraces the perspective, opinion and suggestions of those sources who provided inputs to it.

The Bill seeks to confer statutory status on the Central Vigilance Commission, which is now functioning as a non-statutory advisory body, on the basis of Government Resolutions of 4th April 1999, as amended further on 13th August, 2002.

The Commission is envisaged to be a multi-member body, consisting of a Central Vigilance Commissioner as Chairperson, and not more than two Vigilance Commissioners as Members, to be appointed by the President by warrant under his hand and seal, after recommendations for their appointment are made by a committee consisting of the hon. Prime Minister as the Chairperson, the Minister of Home Affairs and the Leader of the Opposition in the House of People as Members. The Commission will exercise superintendence over vigilance administration. But, this power is restricted in a manner that the superintendence is not inconsistent with the directions issued by the Central Government, mainly, because it is the Central Government, which is accountable to the Parliament. The area of preventive vigilance includes Government rules and procedures that are internal to the administration in the Government and where the Central Government should continue to exercise its Executive control.

Madam, in the meantime, the work relating to the Central Bureau of Investigation has been transferred to the Cabinet Secretariat from the Department of Personnel and Training. Secondly, the appointments at the level of Superintendent of Police and above are proposed to be brought within the purview of the CBI Selection Committee in the light of the directions of the Supreme Court in *Vineet Narain's* case. Accordingly, two official amendments in regard to Clause 26 of the Central Vigilance Commission Bill, 2003, as passed by the Lok Sabha, are also proposed to be moved.

Madam, Chairperson, I now request the hon. Members of this august House to consider the Central Vigilance Commission Bill, 2003, as passed by the Lok Sabha on 26th February, 2003 and pass it unanimously. Thank you.

The question was proposed.

THE DEPUTY CHAIRMAN: Now, I have to tell the hon. Members that the Business Advisory Committee took a decision to give four hours for this important legislation. Now, it is 5:15 ...*(Interruptions)*...*No*, because the House promised that they are going to do it today. Even if I have to sit till 12'0 clock in the night, I am going to sit here, and, so will you. Those Members who have promised, now, have left. It is a sad reflection on the part of the Members; they make a commitment, give an assurance to the House, but, they walk-out.

SHRI PRANAB MUKHERJEE (West Bengal) : No, Madam, walk-out is not on this Bill. Walkout is on a different issue, and, they will surely come and join us.

THE DEPUTY CHAIRMAN: But they are not here yet.

SHRI PRANAB MUKHERJEE: They will be coming.

THE DEPUTY CHAIRMAN: I am sorry, Pranabji, you are the senior-most Member in this House. You know the rules and regulations. It was a commitment that we will finish the Legislative Business. I am sitting here, and, I want that it should be done; but there are not many Members. Only two Members, who are the speakers on this Bill, are here. ...*(Interruptions)*...*You* are there, because you are the Party leader, but the rest of the Members are not here. I think, only the speakers are here. ...*(interruptions)*... Yes, I know you are there because you are a speaker. You are not a listener. The other point, which I am going to say, is that under the head 'Others', there are 52 minutes, and, I have nine names over here. It is impossible for anybody to let nine people speak for three minutes each on this Bill. The best thing would be that amongst yourselves, you decide who is going to be the speaker so that there is a reasonable time available for any Member to speak. Whether you want reasonably 10 minutes, you decide as to who will withdraw, and, if you want 15 minutes,

then how many will withdraw. For the parties, I have the time. But in case of Others' group, everybody is free to give his name; but I cannot call everybody. Then, I will have to say, 'it's three minutes, you sit down'. So, that is the problem. I do not want to come to this stage where I have to ring the bell for the senior Members. This is one point. We have to finish the Bill. So, I will ask Mr. Ashwani Kumar to make his speech.

SHRI ASHWANI KUMAR (Punjab): Madam, thank you very much for giving me the opportunity to speak, on behalf of my Party, on the Central Vigilance Bill, 2003 which we consider a Bill of immense importance to the functioning of our democracy and the functioning of our polity. In a sense, Madam, Deputy Chairperson, what we debate today are the cherished value of governance, cherished values of probity and integrity in public life.

[THE VICE CHAIRMAN (SHRI RAMA SHANKER KAUSHIK) in the Chair]

Also, in a way, it is a Bill intended to restore to health a structure of governance that has over the years lost credibility on account of pervasive corruption in the higher echelons of bureaucracy. To that extent, there can be no quarrel with the objectives and the purposes of the Bill. It is a Bill that is about reinstating values in the politics and the democratic structure of our country. It is, in a wider sense, in a wider philosophical sense, about the taming of power to the rigour of law and to the rigour of public morality. We know the context of the Bill; we know the genesis of the Bill. The Bill owes its genesis to the directions of the Supreme Court in 1997 in the *Vineet Narayan* case. It was a celebrated case, and also, in a way, a much-talked of case, because despite the lofty ideals, despite the unexceptionable end purposes, we did see abuse of power by higher officers of the CBI. And, in order to set right the malady, in order to ensure that there was not a repetition of the situation, where powers were abused and misused, the Supreme Court, in its wisdom, gave certain directions.- I am glad, Mr. Minister, that you have chosen, your Government has chosen to bring forward this Bill. I have certain issues with respect to the broad suppositions of the Bill and also with respect to certain specific provisions which, in my respectful submission, do not carry forward or help in achieving the guidelines or the directives given by the Supreme Court. But, before I come to the specifics, I need to re-state why corruption in bureaucracy, corruption in public life needs to be tackled above partisan considerations. While preparing for this debate, I was confronted with

certain figures, which I would like to share with this House. The direct impact of corruption on our economy, Mr. Chairman, Sir, is immense. I have been informed that if the corruption in India were to decrease by 15 per cent, we would see an overall increase of 2.9 per cent in our GDP, meaning thereby, that we would be adding Rs. 63,000 crores to our GDP. We are further told on the authority of Mr. Vittal himself, with whom I have some quarrel on certain issues, but, I think, here he is right, he informs us and, I think, we must believe him, that 31 per cent of our food grains meant for public distribution is lost on account of corruption at various levels in the bureaucracy; 36 per cent of sugar meant for distribution amongst the poorest of the poor is lost on account of corruption and, as we were reminded by late Shri Rajiv Gandhi, that out of each rupee meant for bringing succour to the poorest of the poor, 45 paise is lost to corruption at various levels. Sir, it is in this background that we are debating the validity of the need to- bring on the statute a Central Vigilance Commission, having a statutory status, having necessary and requisite powers to oversee the CBI in its functioning and to ensure that the functioning of the CBI fulfils the objectives for which it was meant.

Sir, we are also informed, unfortunately for us, that in the ratings given to India by an NGO in Berlin, we are at 73 in a list of 100, meaning thereby, that our track record or the perception about our country on the corruption radar is at No. 73 which is a poor record for a country, whose Father of the Nation was Mahatma Gandhi and whose entire life was devoted to probity and integrity in public life. Sir, without going into the merit of this gradation, the fact remains that in popular perception the level of corruption amongst the bureaucracy in this country is high. Sir, whether the perception is right or wrong, people may have different views. But I can only cite Joseph Brodseky and I fully agree with him. He said, "it is perception that promotes reality to meaning." And, Sir, the perception today is, that India suffers and reels under unacceptable levels of corruption. And, that, Sir, is the genesis why we as Parliamentarians are today debating the need for a statutory Vigilance Commission that would oversee the functions of the CBI. which despite functional autonomy has in certain cases not acquitted itself well. On an overall basis, if we were to see the track record of convictions ensured by the CBI, we do not have much to cheer about. Sir, in this context, I recall the observations of the Surpeme Court which said that power in a democracy is a trust in the hands of the peoples' representative. The Supreme Court further cautioned, Any

deviation from the path of rectitude by anyone of those who are charged with public authority, who are charged with public functions amounts to a breach of trust and must be severely dealt with, instead of aberrations being pushed under the carpet. Sir, it is to achieve these twin purposes of ensuring probity in public life and to ensure that prosecutions, once launched, are carried to their logical conclusion that this Bill has been brought forth by the Government. Sir, I know the Government has read the Vmeet Narayan judgement in its entirety and minutely but when I would come to specific discussions of the specific provisions, I would crave leave of the hon. Chairman to point out certain deficiencies, which in my judgement would render the entire exercise obsolete, redundant and ineffectual. But, Sir, before I take you to the provisions, I have a larger philosophical question. I have always been weary of entrusting too much power to anyone and Lord Acton was not wrong when he said, "Power corrupts and absolute power corrupts absolutely." Sir, we have to achieve the twin objectives of ensuring that the guilty do not go unpunished, but also ensure, at the same time, that the innocent are not hauled over the coals for no fault of theirs. Sir, a Chief Vigilance Commissioner, a Central Vigilance Commissioner is after all only a human being; he is susceptible to as much human frailty as a CBI Director. Because if you were to go to the Bill, who is he that we are going to pick up for appointment as a Central Vigilance Commissioner. The only requirement is, he must have held an appointment of a civil nature under the Government. That is not lifting the status too high. We have seen the mightiest of the mighty, the most exalted offices being prostituted. We have seen the high and mighty in the land buckle under pressure when it came to the crunch. We have seen certain ways of pressuring people, charged with the duty to bring to book those who are their political masters. If the CBI director who has been so far ensured, at least, on paper, a functional autonomy of a kind, has not been able to achieve very much. I ask myself the question; whether merely by giving statutory status to the Vigilance Commission we would thereby ensure total transparency, total objectivity, total fairness in the discharge of the functions. I dare say, Sir, there is no logical sequel. In the ultimate analysis, I am reminded of Guru Rabindranath Tagore. He said, "I admit of no institution's inviolability or infallibility without the people of integrity who would man those institutions." In the ultimate analysis, it is the person or the persons you would pick up who would ensure the efficacy of this legislation. I want to go on record to say that if we mean business, if we mean to ensure probity in public life, if we mean to achieve the end-result of

booking those guilty of corruption at the higher echelons of bureaucracy, we need to find four such people including the Director, who would not be susceptible to pressure, and in that context, I support the dissenting note of Mr. Kuldip Nayyar who said, In the ultimate analysis, it is men of integrity, not men of small integrity or men of little courage, who we need to man this position. But that is sought to be ensured by a very high-powered Committee, Mr. Vice-Chairman, Sir, which would select the Central Vigilance Commissioner. Sir, the power to do so has rightly been entrusted to the Prime Minister, the Home Minister and the Leader of the Opposition. But, Mr. Minister, I want to draw your attention to a particular provision in the appointment, and that provision talks of appointment to be made after obtaining the views of these three high dignitaries. This is given in Section 4(1) of the Bill, and this, in my respectful submission, is a very important Section. It says:

"The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the President by warrant under his hand and seal:

Provided that every appointment under this sub-section shall be made after obtaining the recommendation of a Committee consisting of the Prime Minister, the Minister of Home Affairs and the Leader of the Opposition."

So, what is it that you are saying? You are saying that you shall make the appointment after obtaining the recommendation, but you are not saying that you shall make the appointment pursuant to the recommendation. It is not a distinction without a difference. It will be a real distinction if the idea is to make these appointments by consensus, and that is the reason why you are involving the Leader of the Opposition. We do not want you to go through the ritual of consultation,' and, then, by ignoring a particular recommendation-it could be of the Home Minister; it could be of the Leader of the Opposition-you appoint the person concerned. Therefore, in my respectful submission, the words should be that the appointment shall be made pursuant to the recommendation which, in the very nature of the provision, should be an appointment by consensus.

Sir, there are various other issues towards which I would like to invite the Minister's attention. If you were to see, sub-clause (2) of Section

4, we are told, "No appointment of a Central Vigilance Commissioner or a Vigilance Commissioner shall be invalid merely by reason of any vacancy in the Committee." In the very nature of things, there cannot be a vacancy because the Leader of the Opposition has been defined to include a leader even of the single largest party. So, there will always be a Leader of the Opposition. There will always be a Prime Minister. In case there is no Home Minister, the Prime Minister would be the Minister in charge of Home Affairs. So, in real functioning of governance, there will never be a vacancy in the three. So, this is a redundant clause. It is not required. It means nothing. Now, I have a real problem; not only a real problem with draughtsmanship but also a real problem of substance. If you were to go to sub-clause (1) of Section 5, you say that the Central Vigilance Commissioner upon retirement or on ceasing to hold office shall not be eligible for reappointment in the Commission. No, Sir, not only in the Commission but also in any office under the Government. The problem comes later. It creates an unnecessary ambiguity because you have clarified it in sub-clause (6) that you will not hold office under any Government; you must say in sub-clause (1) itself. Otherwise, some lawyers like our distinguished friends may argue an incongruity between sub-clause 5(1) and sub-clause 5(6). And, therefore, it will be open to challenge in courts. Please, in order to plug this ambiguity, include it in sub-clause (1) of clause 5 also that he shall not hold any office, not only in the Commission, but also under the Government.

Sir, I have a real problem when I come to clause 6(1). We are creating statutory institutions. I presume, for the moment, that these are exalted people, people with integrity, who, at the point of their appointment, have no blemish in their service record. But it happens, not infrequently, that even when very eminent people are elevated to high offices, there are some instances, and hopefully only sometimes, that they are guilty of certain actions and acts of omission and commission which are not becoming of their office. In that case, there is a rather rare process of removal from service, that is, the President may make a reference to the Supreme Court, the Supreme Court shall inquire, the Supreme Court shall then report to the President and the President shall then decide whether the holder of this high office, the Central Vigilance Commission, shall be removed from service or not. Now, this is a limited inquiry. From the very nature of it, it is an inquiry at the highest level of Government. Therefore, you will not go into the nitty-gritty. But, what will you inquire, Mr. Minister? You will inquire into

proved misbehaviour. But where is 'misbehaviour' defined in the Bill? What would constitute 'misbehaviour'? You will, therefore, have to define 'misbehaviour'. Please take note of this.' You are charging the Supreme Court to inquire and you are expecting the President of India to take a view on misbehaviour and incapacity without clearly defining in this Bill what would constitute misbehaviour. Yes, we all know, on a general basis, what misbehaviour be. But when you are seeking the removal of a Presidential appointee, in this case a statutory appointee, an exalted functionary of the Government, you should not leave such issues ambiguous. Misbehaviour and incapacity, though we know in law what these mean, must be defined beyond the scope of any confusion.

My more serious objections are with respect to Chapter III. I call your attention Mr. Vice-Chairman, Sir, to them. These are very serious objections and, through you, Sir, I would like to invite the serious attention of the hon. Minister to them because we support the measure. We support it in principle. We want it to be effective. It is in that sense and spirit that I am here to find fault with the way in which the Bill was drafted. I am reminded of what Lord Halifax had said once. He said, "Parliamentary debates, the objections in Parliament, are of great assistance to a wise Government". So, please be a wise Government and listen to what we have to say.

Now, you are talking about the soul of this Bill, Chapter III, that is, Functions and Powers of the Central Vigilance Commission. Now, what are these powers? These are powers of superintendence, the power to give directions. The power of superintendence and to give directions, in judicial parlance, have a specific connotation. The power of superintendence is the power of widest amplitude. It is the power to correct and remedy a conscious or unconscious act of omission or commission. Is it in that sense you have used the word 'superintendence'? I think it is in that sense that you have used the word 'superintendence'. Since you nod and since you agree that it is in that sense confers overarching power to correct omissions and errors in the discharge of functions by the CBI, you have to come down to the next clause. You are, in fact, diluting in the very next clause this power of giving directions and superintendence. You are, in fact, bringing forward for consideration before this House a statutory instrumentality of the CVC which is, in fact, toothless to do what it is charged to do. Now please see why I say so. You say in proviso to

clause 8 (1), "Provided that while exercising the powers of superintendence under clause (a) or giving directions under this clause, the Commission shall not exercise powers in such a manner so as to require the Delhi Special Police Establishment to investigate or dispose of any case in a particular manner". So, what are you going to direct? Yes, I understand and I know that you do not want the Central Vigilance Commission to interfere in the actual operational discharge of its duties. But what other directions are you going to give? For example, if the CBI delays prosecution for two years, will you or will you not direct it to do it expeditiously? That would be a direction on the manner it is performing its function. Please correct the wording of this Bill. This Bill will become a fetter on your own powers. This Bill will frustrate the underlying purpose of the Act which you are seeking this Parliament to endorse. Please see again in clause 8 (1) (e). You are saying you will have the power to review the progress of investigation. When you review the progress of investigation, you are, in fact, actually asking the CBI to report to CVC the manner in which it is prosecuting the case, the time it has taken to do it and the evidence it is marshalling. All this is actually a direction. All this is actually with respect to the manner of investigation. Therefore, the proviso conflicts with sub-clause (e). Then please see the proviso 8 (1) (h). This is a very crucial part of the Bill. Mr. Minister, there is no point in standing on prestige. We are pointing out anomalies and deficiencies not to defeat the Bill, but to make it more effective. Please take our suggestions in the spirit in which these are given. Before the proviso, you talk of exercising the power of superintendence. You say, "The CVC will exercise superintendence over the vigilance administration of the various Ministries of the Central Government or corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government." You are, therefore, creating a super cop who would, by virtue of its exalted status, be able to rein in or correct or cure the malady in case there is some shortcoming in the investigation. Am I right? You know it and you will say that that is the underlying intent. Please see the very next proviso. The very next proviso says, "Provided that nothing contained in this clause shall be deemed to authorise the Commission to exercise superintendence over the Vigilance administration in a manner not consistent with the directions relating to vigilance matters issued by the Government and to confer power upon the Commission to issue directions relating to any policy matters." What is the function you are giving to the Central Vigilance Commission? On the one hand, you cannot give

directions to the CBI contrary to the Delhi Police Establishment Act and when it comes to exercising control over the Internal Vigilance Department of the corporations, you say don't do it contrary to their own internal policy directions or the directions given by the administrative Ministry which is the Government. What are you creating? You are creating a Central Vigilance Commission; you are creating a toothless tiger. You are, in fact, by putting statutory fetters, defeating the very purpose of this statute. Please bear with us. I am saying so consciously and deliberately.. Therefore, Mr. Minister, my real grievance is, while the aims are lofty, the ideals are unexceptional and cannot be found fault with, you, in your anxiety to pilot the Bill in some kind of a haste, have ignored the obvious anomalies which would stare anyone trained in the discipline of law. And I know that this statute is going to see more of court than many of our statutes have, because when you are going to haul up people under the Prevention of Corruption Act. reputations are at stake, careers are at stake, a lot is at stake, political futures are at stake and so on. Therefore, every single anomaly would be used to defeat the Bill in courts of law and the courts will then say, "Hands up! This is not our fault; this is the fault of a faulty drafting of the statute". *(Time-bell)* Sir, I have enough time, because we are two speakers from our Party. I will take five minutes more.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): आपके दल के और भी एक माननीय सदस्य मौजूद हैं।

SHRI ASHWANI KUMAR: Yes, Sir, I know. I will only add that when 40 years, after the Santhanam Committee in 1964 cautioned and warned us that the tendency to subvert integrity in public services should be isolated, and we have failed in these forty years to achieve that purpose, at least, now, bring in not a toothless tiger but an effective instrument of legislation. Sir, I have one point to make. Having shown the anomalies, having stated at one level that you are creating a toothless tiger, if that were not to be so arid if you were, in fact, investing the Central Vigilance Commission with overriding and overarching powers, I have an objection of a different nature, and that objection is that history has proved that extremes of power have never rendered justice to anyone. Power does corrupt, and unguided and unchannelised power corrupts absolutely and, Sir, even otherwise, we know that life gravitates towards moderation. Any extreme extreme of lack of power, or extreme in terms of excess of power -- would defeat this otherwise wholesome piece of legislation.

Sir, there is one other thing and then I will conclude. When water begins to eat at the shoreline, no one is safe. Have you ever considered the possibility of the Vigilance Commissioners themselves being derelict in their duty? Merely the process of removal by a reference of the President and the report of the Supreme Court is not enough. There must be some in-built safeguard against the abuse of power by those who are sought to be invested with the power to police. Who shall police the ultimate policeman is a question that stares me in the face in the context of this Bill.

With these words, Sir, I thank you for giving me this opportunity to make my point.

SHRI FALI S. NARIMAN (Nominated): Sir, I have a point to raise. Very unfortunately, it could not be raised because the hon. Chairman just called upon.....*{Interruptions}*... The question arises is this. I do not want to speak out of my turn. But I only want to suggest that a serious question arises on the constitutionality of this particular Bill, particularly the abolition of the single directive, and that has been struck down by the Supreme Court as a directive. Now, this will become law, if it is passed. But it was struck down on the ground -- and I have got this judgment with me -- that it treats equals unequally and violates Article 14. If that is so, the question of constitutionality has to be first determined here, and the hon. Minister must satisfy the House that this Bill that he has brought -- contrary to the directions of the Supreme Court -- is constitutional.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): ऐसा है ...*(व्यवधान)*... एक मिनट, यह आपत्ति तब उठती है जब बिल इंट्रोड्यूस हो रहा हो। अब यह तो लोक सभा के द्वारा पारित रूप में हमारे सामने विचार के लिए आया है। जब यह बिल इंट्रोड्यूस हो रहा था तब आपको आपत्ति करनी चाहिए थी। इसलिए इस समय आपकी कोई आपत्ति दर्ज नहीं की जा सकती। आपको जो कुछ बोलना हो, अपने भाषण में बोलिए। ...*(व्यवधान)*...

SHRI C. P. THIRUNAVUKKARASU (Pondicherry) : Sir, the main point is that Section 6A has already been struck down by the Supreme Court. The same provision has been again incorporated in the Bill. What is the reply of the hon. Minister in this regard? Even though a lot of objections had been raised by the Committee *{Interruptions}*...

SHRI SWARAJ KAUSHAL (Haryana): We are only asking the Government to respond. ...*(Interruptions)*...

SHRI C. P. THIRUNAVUKKARASU: If the hon. Minister replies to it, the Bill can be passed.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): नहीं, वह तो होगा ही। ...*(व्यवधान)*... आपने यही कहा है। ...*(व्यवधान)*...

SHRI SWARAJ KAUSHAL : Sir, when two eminent lawyers like Mr. Fali S. Nariman and Shri Jethmalani have stood up to enlighten the house that what you are rushing through is patently unconstitutional, is it not something that the Government can respond to? All that they are asking is, गवर्नमेंट यह बता दे कि यह कंस्टीट्यूशनल कैसे है? यह संवैधानिक कैसे है? बेहतर होगा। सर, इसे आप डिबेट का हिस्सा मान लीजिए।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): नहीं।

श्री स्वराज कौशल: मगर जब ये दो इतने एमीनेंट लोग खड़े हुए हैं। ...*(व्यवधान)*... यह न समझना तो कोई जरूर नहीं है।

SHRI RAM JETHMALANI (Maharashtra): It is not fair to the hon. Minister for Home. The Law Minister should be here. He should deal with it. It is the contempt of the Supreme Court to deliberately legislate a law which has already been declared as ultra vires and unconstitutional. ...*(Interruptions)*...

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): आप बैठिए। आप बैठिए। आपने अपनी बात कह दी, न? ...*(व्यवधान)*...

श्री नीलोत्पल बसु (पश्चिमी बंगाल): सर, जैसा माननीय जेठमलानी जी ने कहा, विधिकायन मंत्री आएँ और स्पष्टीकरण दे दें, इसके बाद हमारी डिबेट हो जाए।

श्री उपसभाध्यक्ष (श्री रमा शंकर कौशिक): माननीय मंत्री जी कुछ कहना चाहें तो कह सकते हैं। माननीय मंत्री जी, बताएं। ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE: Sir, I think certain constitutional points have been raised by the hon. Members. Sir, you are absolutely correct that we can raise objections about the legislative competence at the introduction stage. Here, both Ram Jethmalani and Fali S. Nariman are talking about the legislative competence which will come because if they know that the law is going to be declared ultra vires from the very

beginning, unless the Government give a satisfactory explanation, it may be a futile exercise. But, my most respectful submission to you is this. If the other hon. Members also like to make certain points on this aspect, you allow them to speak. After listening to them, you can ask the Minister to answer those questions; otherwise, some Members will raise some issues, and the hon. Minister will have to reply so many times. About the rationality(*interruptions*)...

SHRI FALI S. NARIMAN: We have just had the reversal of our own law passed very solemnly, i.e., the Representation of the People Act We, of course, are a sovereign body. But, at the same time, who interprets the Constitution, except the Supreme Court? If we have a direct decision with regard to a particular provision, it is best that the Minister should either have consultation with the Law Minister or the Attorney General, and inform us. There is no difficulty. He can say that the Attorney General says this, and it is all right. ...(*Interruptions*)...

SHRI PRANAB MUKHERJEE: I am not disagreeing with you. What I am trying to point out is this. If some other Members want to supplement your line of argument, then they should be allowed to do so. Thereafter, let the Minister reply. I am not disputing that.

[THE DEPUTY CHAIRMAN in the Chair]

SHRI HARIN PATHAK: Madam, both the eminent lawyers have raised this point that in Vineet Narain judgement, this single directive has been struck down. I would like to submit that at the time of drafting of this Bill, we had taken the legal opinion of the Department of Legal Affairs. So, the Government had taken the advice of the Department of Legal the opinion of the Law Minister and the opinion of the Attorney General on this matter. They said that the sum and substance of the advice is that concept single directive is neither arbitrary nor ultra virus of article 14 of the Constitution. Hence, it is within the legislative competence of the Parliament to enact a provision to give effect to this legislation. So, the advice of the Department of Legal Affairs, the Law Minister and the Attorney General has already been taken. After that, we brought forward this Bill.

THE DEPUTY CHAIRMAN: The second thing is, at stage of introduction of the Bill itself, if anybody wanted to oppose" it. they should

have done so. It was not introduced today, I am sorry. It is listed for discussion. The Bill was introduced earlier. I can find out the date, on which day it was introduced in the House.

It was introduced in Lok Sabha and passed by Lok Sabha. But after it was passed by Lok Sabha, the day it was reported over here, at that point of time, somebody could have raised an objection; or, maybe, in Lok Sabha, somebody could have raised it. Mr. Minister, has anybody raised objection in Lok Sabha also?'

SHRI HARIN PATHAK: No, Madam, they didn't. With due respect, I just said that the legal opinion has been taken from the Auditor General and from the Ministers.

THE DEPUTY CHAIRMAN: That is as far as the Bill is concerned. But I am talking of the procedural matter of the Rajya Sabha or Lok Sabha or Parliament. When a Bill is introduced in any House, at the time of introduction, objections can be raised. Then, the Chairman or the Speaker takes a view on that. About this Bill, it was not introduced here but was introduced in Lok Sabha. It was reported in Rajya Sabha. That is how it is listed for discussion today in our Order Paper. I think, it was listed yesterday also, but no objections came.

Secondly, when the Minister explained the position, of the recommendation and the observation of the Law Ministry, now we can't raise any objection on it. We can pass the legislation, or, if you don't want to-pass it, you can reject it by vote. Then, it is for the court to decide; and they can decide in courts. But our job is, when the Government brings forward a Bill, we consider and pass it, or, reject it after a discussion.

SHRI SWARAJ KAUSHAL: Madam, I can understand that there is some grey area in this. What Mr. Nariman and Mr. Jethmalani were saying was, firstly, it is patently unconstitutional. Secondly, it will be contempt of the Supreme Court. Still if you want to proceed with that, please do proceed!

THE DEPUTY CHAIRMAN: It is not contempt of the Supreme Court, because we have no order of the Supreme Court before us. If there was an order of the Supreme Court, then, we can say that we have got it and come to some conclusion that it is contempt. I remember many

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instances. When the court decided in a particular case, to find some remedy, to overcome the hurdle of the Supreme Court, this House had discussed that legislation and it was passed. So, our job is to legislate.

SHRI PRANAB MUKHERJEE: Many times we have done it.

THE DEPUTY CHAIRMAN: In Shah Bano case we have done it.

SHRI KAPIL SIBAL (Bihar) : The enactment of a law can never amount to contempt of court. There is no question about it. Yes, it is true that the Supreme Court opined that the single directive is bad in law; it is true that the Joint Committee recommended it unanimously. ...*(Interruptions)*... All right, there was one dissent. That is all right. As a matter of law, it is okay. But others agreed and it is a part of law. We are considering it. There is no question of contempt of court. It may be a question of judgment. We may reconsider it again, that is another matter. We may not like it, it is another matter. But it is certainly not a contempt of court. It can be struck down later. The Supreme Court may strike it down, the Supreme Court may, well, not. It all depends. Certainly, it is not a contempt of court. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: I would like the Members to refer to the Rajya Sabha Rulings and Observations from the Chair, 1952 to 2000, page 37, para 51 says on the legislative competence: "No ruling is needed on whether a Bill is Constitutionally within the legislative competence of the House or not." So, you don't need any ruling. Only an explanation and information is being given.

SHRI RAM JETHMALANI: When we are discussing the matter, we are entitled to tell the House that this is unconstitutional, and if the House so agrees, it can take suitable steps. In all fairness, the Attorney General might have given an opinion. The hon. Law Minister might have given an opinion. But, in all fairness, they ought to be here. At least, the hon. Law Minister should have been here so that he hears Mr. Nariman. He hears us. And, then, gives a reply to the House which is an intelligent way to *do*...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Mr. Jethmalani, the main thing is...(Interruptions)...

SHRI B.P. SINGHAL (Uttar Pradesh) : Madam, actually,...

THE DEPUTY CHAIRMAN: Would you let me handle the House? Or, Can I leave the Chair for you...(Interruptions)...Just one second ... (Interruptions)...

SHRI KAPIL SIBAL: Madam, I have a point. Just the other day, we had a Bill where Section 33(B) of the Representation of People Act was incorporated in the judgment despite what the Supreme Court had earlier said. And, the Supreme Court, later, struck it down again and the Government is, now, following it...(Interruptions)...

SHRI RAM JETHMALANI: Why should we face that situation again? ... (Interruptions)...

SHRI KAPIL SIBAL: I am not saying that. I am saying that does not prevent us from passing law. That is all I am saying...(Interruptions)...

THE DEPUTY CHAIRMAN: Mr. Jethmalani, it is 6 o' clock. I request you to resume your speech...(Interruptions)...There is one thing. If you have any objection, you can speak. Nobody can stop you from expressing your viewpoint. And, it is for the House to consider whether to accept it or reject it.

SHRI RAM JETHMALANI: We will do that. But, is it not fair that the hon. Law Minister should be here to understand what has been said in the House?...

THE DEPUTY CHAIRMAN: The competent Minister is here. I think he is in his right. He has moved the Bill. He is piloting it and he has not yet replied to make you feel dissatisfied. So, make your point.

SHRI RAM JETHMALANI: The second aspect of the matter is this. This is a matter of constitutionality of law. A fraud is being played. I will explain what is fraud in this case. All that is required is that, at least, the

Independent Members, who do not very often participate in- the debates, you don't put us on the time limit of party allocation.

THE DEPUTY CHAIRMAN: Just a minute. Mr. Jethmalani, everything runs according to certain rules and principles. Correct? Whether you attend the House or not, it is your free will.

SHRI RAM JETHMALANI: No, no. It is all right.

THE DEPUTY CHAIRMAN: *Nobody...(Interruptions)...* Just one minute ... *(Interruptions)...* Let me finish because these comments go on record. So. my ruling should also go on record. You are free to come to the House whenever it pleases you. But. that does not give you the right to take away the time of the other Members of the House. And those political parties, which have more Members, have more time and will have to take that much time which has been allocated to them. This is not my ruling. This is your fate.

SHRI RAM JETHMALANI: You are compelling us to borrow time from other parties...*(Interruptions)...*

श्री लालू प्रसाद (बिहार): मैडम, हम लोग भी असेंबली और पार्लियामेंट में रहे हैं। ऐसे गंभीर मसले पर सदन की भावना को जानना, यह भी आपका दायित्व है। सदन चाहता है कि इस पर पर्याप्त समय मिले। यह बहुत गंभीर मसला है। इसलिए सिर्फ एक व्यवस्था देकर इसको न टाला जाए। आप हम लोगों की राय जान लीजिए, सदन की राय जान लीजिए। इस पर पर्याप्त टाइम मिलना चाहिए।...*(व्यवधान)...*

उपसभापति: आप जरूर टाइम लीजिए।

श्री लालू प्रसाद: जैसा कि माननीय जेठमलानी जी ने कहा, लॉ-मिनिस्टर को यहां बैठना चाहिए। गिन लीजिए कितने आदमी यहां बैठे हुए हैं?

उपसभापति: लालू प्रसाद जी, जहां आपको गंभीरता से बोलना होता है, आपकी पार्टी का जितना समय निर्धारित है, उससे ज्यादा समय दिया जाता है। अगर आपको रिकॉर्ड चाहिए तो वह मेरी टेबल पर है, मैं आपको दे दूंगी।

श्री लालू प्रसाद: महोदया, हम लोग अपने दल का पूरा टाइम राम जेठमलानी जी को देते हैं।

SHRI PREM CHAND GUPTA (Bihar): Madam, this is an issue of national interest...(Interruptions)...

उपसभापति: अच्छा, आप बैठिए। अगर लालू जी बोल रहे हैं तो जरूरी नहीं है कि पीछे से और दो लोग भी सपोर्ट करें। I think, he is capable to speak on his own.

SHRI PREM CHAND GUPTA: We are equal Members of this House...(interruption)...I have every right to express my views..., (Interruptions)...

THE DEPUTY CHAIRMAN: You have every right to speak to me, but once he stops talking. And, now, you sit down...(Interruptions)...Mr. Jethmalani, you continue your speech...(Interruptions)...

RI RAM JETHMALANI: Madam, I have not yet started. You want us to sit late?

THE DEPUTY CHAIRMAN: Yes. The House gave an assurance that it is going to finish it today. When we were discussing the other issues, the Members should have thought about it. I have given a commitment to the hon. Chairman and the Members have given their commitment to the House. So, we have to sit...(Interruptions)...

श्री लालू प्रसाद: कोरम कम हो जाएगा, तब क्या कीजिएगा?

उपसभापति: अभी आप इस तरह की बात न करें तो ज्यादा बेहतर है। अगर आपको डिसकस यहीं करना है तो आपकी मरजी है, जिसको डिसकस करना है, वह करे। जेठमलानी जी, आपका हो गया? आप बोल रहे हैं कि नहीं बोल रहे हैं? कोई और बोल रहा है?

श्री राम जेठमलानी: मुझे तो बोलना है।

उपसभापति: इसमें सुरेश भारद्वाज जी का नाम है। मैं बीच में आई थी। जेठमलानी जी, अब आप बैठिए। You have made your observations.

SHRI RAM JETHMALANI: I have not started yet, Madam.

THE DEPUTY CHAIRMAN: But, you start only when your turn comes.

SHRI RAM JETHMALANI: Okay. I am prepared to wait for my turn. But, you have noticed that I have borrowed time from him.

THE DEPUTY CHAIRMAN: I do not know. It is between you and him.

SHRI RAM JETHMALANI: He has said so in clear terms.

THE DEPUTY CHAIRMAN: Many things are said in the House and not being followed.

SHRI RAM JETHMALANI: Kindly take notice of that.

THE DEPUTY CHAIRMAN: I have taken notice of that. First, let him speak.

श्री सुरेश भारद्वाज (हिमाचल प्रदेश): धन्यवाद उपसभापति महोदया, मैं एक बहुत ही महत्वपूर्ण विषय पर सरकार द्वारा लाए गए विधेयक पर चर्चा करने के लिए तथा इस विधेयक का समर्थन करने के लिए यहां खड़ा हुआ हूँ। केन्द्रीय सतर्कता आयोग विधेयक 2003, एक बहुत ही छोटा-सा विधेयक है। लेकिन जिस प्रकार की बहस हमने इससे पूर्व यहां पर देखी है यह बहुत ही महत्वपूर्ण विषय और बहुत ही महत्वपूर्ण विधेयक समझ जाने लगा है। इस विधेयक को लाने की क्या आवश्यकता पड़ी इस बारे में जानने के लिए हमें इसके इतिहास के बारे में जानना होगा। भ्रष्टाचार आज सम्पूर्ण समाज में व्याप्त है और देश की जड़ों को खोखला कर रहा है और प्रशासन में और नौकरशाही में जो भ्रष्टाचार है उसकी जड़े यदि हमें देखनी हो तो हमें उपनिवेशवादी जो परिस्थितियां थी आजादी से पूर्व की उसमें इसकी जड़े मिलती हैं। उस समय ब्रिटिश अधिकारी अपने शासन की सुदृढ़ता के लिए यहां पर नौकरशाही का प्रयोग करते थे और उस समय हिन्दुस्तान नौकरशाही अपने अधिकारियों को खुश करने के लिए डालिया दिया करते थे।

[उपसभाध्यक्ष डा.ए.के.पटेल (पीठासीन हुए)]

आजादी के पश्चात, जब देश समाजवादी अर्थव्यवस्था की ओर बढ़ने लगा है कंट्रोल की इकॉनोमी प्रारम्भ हुई, उस समय भ्रष्टाचार और ज्यादा पनपना प्रारम्भ हुआ। इन सारी परिस्थितियों के अनुरूप 1962में भारतीय संसद में दोनों सदनों में उस समय के सांसदों ने किस प्रकार से भ्रष्टाचार को रोका जाए इस बारे में एख गहन बहस की ओर उस बहस के उपरान्त सन् 1964में को.संथानम जी की अध्यक्षता में एक समिति का गठन किया। विभिन्न प्रशासन के जितने विभाग हैं उनमें जिस प्रकार की सतर्कता के विजिलेस की दृष्टि से कंट्रोल के लिए सिस्टम बने हैं, उनके ऊपर कंट्रोल करे, उसको सेटलाइज करें। इसी दृष्टि से केन्द्रीय सतर्कता आयोग का स समय की भारत सरकार ने अपने एक प्रस्ताव के द्वारा गठन

किया। 60 के दशक में यह कहा जाता था . "Hang the corrupt on the nearest lamp post." लेकिन उसके पश्चात जब 70 का दशक आया तो देश के बहुत बड़े नेताओं ने यह कहना शुरू किया कि करप्शन तो वर्ल्डवाइज फिनोमिनन बन गया है इसलिए इसके बारे में बहुत ज्यादा चिंता नहीं करनी चाहिए और उसी समय गुजरात में और बिहार में भ्रष्टाचार को लेकर के बहुत बड़े आंदोलन भी हुए जिनसे निकले हुए हमारे बहुत से नेता आज हमारे सदन में भी विराजमान हैं। लेकिन यह भ्रष्टाचार बढ़ता-बढ़ता जैसा मुझसे पूर्व हमारे माननीय सदस्यों ने यहां बताया था कि जब माननीय राजीव गांधी प्रधान मंत्री बने थे तो उन्होंने कहा था कि विकास कार्यों के लिए मैं केन्द्र से यदि एक रुपया भेजता हूं तो वह अपने स्थान तक केवलमात्र 15पैसे ही पहुंचता है ,बाकी 85पैसा बीच में कहां चला जाता है इसकी जानकारी शासन या प्रशासन को नहीं मिल पाती है। इसी दृष्टि से 1997में स समय की सरकार ने एक इंडेपेंडेंट रिव्यू कमेटी का गठन किया और इंडिपेंडेंट रिव्यू कमेटी ने जो सुझाव दिए उसमें एक सुझाव यह भी था कि केन्द्रीय सतर्कता आयोग को वैधानिक दर्जा दिया जाए स्टेट्यूटरी स्टेटस दिया जाए । उसमें विजिलेंस कमिशनर और चीफ विजिलेंस कमिशनर हो और उनकी सेवा शर्तों को निश्चित किया जाए। उसी दौरान एक बहुत ही महत्वपूर्ण मुकदमा सुप्रीम कोर्ट में जैन हवाला केस के संबंध में दर्ज हुई था पीआईएल के रूप में। विनीत नारायण केस से सुप्रीम कोर्ट ने अपना निर्णय 18दिसम्बर , 1997को दिया। उसमें यह निर्देश था कि सतर्कता आयोग को वैधानिक दर्जा दिया जाए। उसमें और भी कई निर्देश दिये गये थे । उसको देखते हुए केन्द्रीय सरकार ने 1998में एक अध्यादेश जारी किया जिसके अंतर्गत इस आयोग को वैधानिक दर्जा दिया गया उ सी दौरान 1998 में यह बिल लोक सभा में इंट्रोड्यूस किया गया ,स्टैंडिंग कमेटी को रेफर हुआ ,उसके बाद लोक सभा भंग होने के कारण केन्द्रीय सतर्कता आयोग ने संबंध में विधेयक को पुनः लोक सभा में लाया गया। लोक सभा में सभी राजनीतिक दलों के सदस्यों ने ,दोनों सदनों में यह तय किया कि एक ज्वाइंट पार्लियामेंट्री कमेटी को इस विधेयक को भेजा जाये। जिस प्रकार के आब्जेक्शन्स आज यहां पर लिये जा रहे हैं और जितने भी प्रावधान इस विधेयक में किये गये हैं ,उन सभी विषयों पर ज्वाइंट पार्लियामेंट्री कमेटी में ,जो शरद पवार जी की अध्यक्षता में बनी थी ,उसमें गहन चर्चा के पश्चात् संशोधित चर्चा हुई है वहां पर पारित होने के पश्चात् इस सदन में आज हम इस पर चर्चा कर रहे हैं। यह ठीक है कि सुप्रीम कोर्ट के निर्णय के बाद इस विधेयक पर विचार प्रारम्भ हुआ । लेकिन इसके बारे में संसद को संवैधानिक अधिकार प्राप्त है कि यह कोई भी विधायी कार्य करने के लिए न तो सुप्रीम कोर्ट की .न किसी अन्य अथारिटी की आज्ञा मानने के लिए बाध्य है। यह संसद के दोनों सदनों का अधिकार है कि ये किसी विषय पर किस प्रकार का कानून बनाती है और सुप्रीम कोर्ट को अधिकार है।...(व्यवधान)...

श्री लालू प्रसाद :उपसभाध्यक्ष महोदय ,मैं आपका ध्यान आकृष्ट करना चाहता हूं कि हाउस में कोरम पुरा नहीं है। इसलिए बहस चलाने का की औचित्य नहीं है। हाउस में कोरम नहीं है। इसलिए हम भी जा रहे हैं।

SHRI SURESH BHARDWAJ: But quorum is there; and this question was never raised. ...*(Interruptions)*...

उपसभाध्यक्ष (डा.ए.के.पटेल) : लालू जी हाउस में कोरम है। प्लीज प्रोसीड।

सुरेश भारद्वाज : माननीय उपसभाध्यक्ष जी ,यह विधेयक ज्वाइंट पार्लियामेंट्री कमेटी में हुई चर्चा के पश्चात् संसद अपनी विज़डम से इसे पारित करे ,इस दृष्टि से लोक सभा में और राज्य सभा में लाया गया है। इस विधेयक के सैक्शन चार के अंतर्गत इस आयोग को बहुसदस्यीय बनाया गया है , जिसमें एक सेन्ट्रोल विजीलेंस कमिश्नर तथा दो विजीलेस कमिश्नर होंगे। उनकी क्वालिफिकेशन के बारे में जैसे माननीय सदस्य श्री अश्विनी कुमार जी कह रहे थे कि इसमें नहीं दी गई है ,मैं समझता हूं कि हमारे संविधान में सुप्रीम कोर्ट और हाई कोर्ट के जजिज के लिए केवल एक व्यवस्था है कि वह दस साल से प्रैक्टिस करता रहा हो ,बाकी वह किस प्रकार का व्यक्ति है ,कैसा व्यक्ति है ,इस बारे में कही कानून में नहीं दर्शाया गया है। लेकिन हम जो आज तक ...(व्यवधान)...

श्रीमती सरोज दुबे (बिहार) : महोदय .हाउस में कोरम नहीं है।...(व्यवधान)...

एक माननीय सदस्य: महोदय हाउस में कोरम नहीं है। ...(व्यवधान)...

SHRI KULDIP NAYYAR (Nominated): Sir, there is a lack of quorum.

SHRI SURESH BHARDWAJ: Ruling is already there.
...(Interruptions)...

THE VICE-CHAIRMAN (DR. A.K. PATEL): We need a quorum of 25 Members. ...(Interruptions)....And there is a presence of 25 Members. So, please proceed.

श्री सुरेश भारद्वाज :माननीय उपसभापति महोदय ,सैक्शन चार के अंतर्गत विधेयक में यह निश्चित तौर पर प्रावधान किया गया है कि किस प्रकार की सेवाओं से केन्द्रीय सतर्कता आयुक्त तथा विजीलेस कमिश्नर की नियुक्ति होगी।...(व्यवधान)...

श्रीमती सरोज दुबे: महोदय .हाउस में कोरम नहीं है।...(व्यवधान)...

THE VICE-CHAIRMAN (DR. A.K. PATEL) : There is a quorum.
...(Interruptions)...

श्रीमती सरोज दुबे : इस विषय पर अगर विवाद खड़ा होता है तो ...(व्यवधान).... कोरम पूरा होना चाहिए। कोरम नहीं है।...(व्यवधान).... बिना कोरम के हाउस चलाएंगे तो यह गलत परम्परा होगी। ...(व्यवधान)...

श्री सुरेश भारद्वाज: सेक्शन पांच में भी नियुक्ति के बारे में एक निश्चित प्रोसीजर का प्रावधान किया गया है।...(व्यवधान)...

श्रीमती सरोज दुबे : बिना कोरम के हाउस कैसे चाला सकते हैं?... (व्यवधान)...

श्री सुरेश भारद्वाज : केन्द्रीय सतर्कता आयुक्त तथा सतर्कता की नियुक्ति के लिए जो प्वाइंट पार्लियामेंटरी कमेटी और इंडिपेंडेंट रिव्यू कमेटी ने सुझाया था कि इनकी नियुक्ति राष्ट्रपति के वारंट के अधीन हो, उस बात का प्रावधान सेक्शन पांच में किया गया है और इसके लिए एक बहुत ही हाई पॉवर कमेटी के गठन का प्रावधान भी इस विधेयक में किया गया है जिसकी अध्यक्षता हिन्दुस्तान के प्रधान मंत्री करेंगे। इसके साथ ही भारत के गृह मंत्री तथा उनके साथ विपक्ष का जो भी नेता उस समय होगा, वे इस समिति के सदस्य होंगे। इस विधेयक में यह भी प्रावधान किया गया है कि यदि विपक्ष का नेता किसी कारण से कभी न हो — सदस्य संख्या के आधार पर विपक्ष का नेता बनता है - तो जो लोक सभा में सबसे बड़ा विपक्षी दल का नेता होगा, वह इस समिति का सदस्य होगा। इसलिए यह बहुत ट्रांसपेरेंट प्रावधान इसमें किया गया है।... (व्यवधान)...

श्री सरोज दुबे : महोदय, कोरम के अभाव में... (व्यवधान)...

श्री सुरेश भारद्वाज : हाईएस्ट कमेटी इसके लिए बनायी गयी है।... (व्यवधान).... इस दृष्टि से यह बहुत ही उपयोगी और कारगर कदम इस सरकार ने उठाया है।

श्रीमती सरोज दुबे : महोदय, कोरम नहीं है।... (व्यवधान)...

THE VICE-CHAIRMAN (DR. A.K. PATEL): As per the convention, the issue of quorum is generally not raised. If any hon. Member raises the issue of quorum, I would get ... (Interruptions)...

श्री लालू प्रसाद : महोदय, कोरम के अभाव में हाउस को चला रहे हैं। 25 लोग होने चाहिए कोरम नहीं है पूरा हाउस खाली है।

उपसभाध्यक्ष (डा. ए. के. पटेल): हम कोरम पुरा कर लेते हैं।... (व्यवधान)...

श्री लालू प्रसाद : और आप कह रहे हैं कि कोरम है। कहां है कोरम ? आप नियम देखिए। ऐसे गंभीर मामले में आप इस प्रकार हाउस चला रहे हैं।... (व्यवधान)...

THE VICE-CHAIRMAN (DR. A.K. PATEL): Some people are coming... (Interruptions)... Some people are coming. कोरम के लिए बेल बजवा देते हैं।

श्री लालू प्रसाद : बेल बजवानी है तो बजवाते रहिए लेकिन कोरम नहीं है। इस समय कोरम नहीं है।... (व्यवधान)...

श्रीमती सविता शारदा (गुजरात): अभी लोग आ रहे हैं।...(व्यवधान)...

श्रीमती गुरचरण कौर (पंजाब): कोरम तो है।

श्री लालू प्रसाद: कोरम नहीं है। आप कोरम के अभाव में हाउस कैसे चला रहे हैं?... (व्यवधान)... यह गलत हो रहा है।...(व्यवधान)...

उपसभाध्यक्ष(डा.ए.के.पटेल): आप बाहर चले जाते हैं तो कैसे कोरम होगा?... (व्यवधान)...

श्री लालू प्रसाद: हम इसका विरोध करते हैं। इस तरह से हाउस नहीं चलता है। सरकार को हाउस चलाना है तो कोरम को देखना होगा। नियम को देखना होगा आपोजिशन को देखना होगा। जोर -जबर्दस्ती वाली बात नहीं चलेगी।...(व्यवधान)... यह गलत काम हो रहा है।...(व्यवधान)...

श्री भारतेन्दु प्रकाश सिंहल: कोरम पूरा होगा।...(व्यवधान)...

श्री सुरेश भारद्वाज : माननीय उपसभाध्यक्ष महोदय .इस विधेयक में इस बात का भी प्रावधान किया गया है कि प्रविशन ऑफ ऐक्ट के अंतर्गत जो मामले इस आयोग के सम्मुख आएंगे या अन्य इस प्रकार के मामले जो प्रशासन में उन प्रावधानों के अंतर्गत होंगे। उनके लिए दिल्ली स्पेशल पुलिस इस्टेब्लिशमेंट ऐक्ट के अंतर्गत सुपरिन्टेंडेंस का अधिकार भी इस आयोग को दिया गया है। माननीय सदस्य अश्विनी कुमार जी कह रहे थे कि इसमें केवल "सुपरिन्टेंडेंस" शब्द लिखा हुआ है। संविधान के आर्टिकल 227में जो उच्च न्यायालय को अधिकार है ,वह भी सुपरिन्टेंडेंस का ही होता है और इस विधेयक के सेक्शन 12में प्रावधान किया गया है कि इस विधेयक में होने वाली सभी प्रोसीडिंग्स ज्युडिशियल प्रोसीडिंग्स होगी और ज्युडिशियल बॉडी के रूप में यह आयोग काम करेगा। इसे सिविल कोर्ट के सभी अधिकार प्राप्त होंगे। इस दृष्टि से मैं समझता हूं कि जो सुपरिन्टेंडेंस का अधिकार , सीबीआई के ऊपर जो डायरेक्शंस देने का अधिकार इस विधेयक में दिया गया है, वह बहुत सामाजिक है और बहुत कारगर उपाय इस विधेयक में किया गया है। माननीय उपसभाध्यक्ष महोदय ,भ्रष्टाचार के कारण देश की सारी अर्थव्यवस्था ,देश की प्रशासनिक व्यवस्था और देश की सामाजिक व्यवस्था है ,इसमें जो व्यवधान पड़ता है। इसको समाप्त करना है ,इसको दूर करना है ,यह समय की आवश्यकता है। आज एक टी.वी .सीरियल पर नजर पड़ गई थी .उसमें एक नेताजी बात कर रहे थे , वे कह रहे थे कि बदनामी हो जाएगी ,अगला इलेक्शन कैसे जीतूंगा?... (व्यवधान)... जो उसके दुवाइसी थे...(व्यवधान)...

श्री लालू प्रसाद: महोदय .कोरम नहीं है।...(व्यवधान)...

उपसभाध्यक्ष(डा.ए.के.पटेल): कोरम है।...(व्यवधान)...

श्री सुरेश भारद्वाज : उनके दुवाइसी कह रहे थे ...(व्यवधान)...

उपसभाध्यक्ष (डा.ए.के.पटेल): घंटी बजाइए!...(व्यवधान)...

श्री सुरेश भारद्वाज : जितने अधिक दाग अगर दामन पर लग जाएं ...(व्यवधान)... जितना अधिक भ्रष्टाचार किसी व्यक्ति के खिलाफ हो, जितना भी वह ज्यादा बदनाम हो उतने ही ज्यादा वोदों से वह जीतता है। इसलिए आज भ्रष्टाचार को इंस्टीट्यूशनलाइज कर दिया गया है। जब हम भ्रष्टाचार की बात करते हैं तो वहां पर वोटों की बात की जाती है और जब हम प्रशासन में थे भ्रष्टाचार को हटाने के लिए किसी प्रावधान की व्यवस्था करते हैं तो सदन को न चलने देने की कार्यवाही की जाती है। इस दृष्टि से मैं समझता हूं कि जो केन्द्रीय सतर्कता आयोग विधेयक, माननीय मंत्री जी यहां आज इस सदन में लाए हैं, उसका भरपूर समर्थन होना चाहिए। क्योंकि प्रशासन से भ्रष्टाचार को मुफ्त करना आज की बहुत बड़ी आवश्यकता है। आज कल ...(व्यवधान)...

उपसभाध्यक्ष (डा.ए.के.पटेल) : बेल बजाई है। We are just waiting for ...(व्यवधान)...

श्री सुरेश भारद्वाज : आज कल ...(व्यवधान)...

SHRI KULDIP NAYYAR: How can you proceed without quorum?

THE VICE-CHAIRMAN (DR. A.K. PATEL): There are twenty-five Member...

SHRI KULDIP NAYYAR: Lets count the heads. There are not more than twenty five Members. ...(Interruptions)... कहा है, हमने भी गिने हैं। ...(व्यवधान)... हमने गिने हैं।...(व्यवधान)...

श्रीमती सविता शारदा : सदस्यों को बुला लिया गया है, कोरम तो पूरा है।...(व्यवधान)...

THE VICE-CHAIRMAN (DR. A.K. PATEL): There are already 25 Members present in the House.

श्री कुलदीप नैयर : लोक सभा के मेम्बर मत जोड़िए।...(व्यवधान)... अभी और आएंगे तो वह अलहदा बात है। जिस वक्त मैंने रेज किया ...(व्यवधान)...

श्री सुरेश भारद्वाज : आप बार-बार सदन को न चलने दें।...(व्यवधान)...

THE VICE-CHAIRMAN (DR. A.K. PATEL): Please do not disturb. ...*(interruptions)*...

श्री सुरेश भारद्वाज : किसी को बाहर लाएं और कभी अंदर आ जाएं महोदय .विधेयक पर चर्चा करते हुए...(व्यवधान)...

श्रीमती सरोज दुबे : महोदय .कोरम नहीं है तो डिबेट रोक दी जाए।...(व्यवधान)...

THE VICE-CHAIRMAN (DR. A.K. PATEL): Twenty-five Members are already in the House. ... *(Interruptions)*... पच्चीस मेम्बर्स हैं।...(व्यवधान)....Please don't disturb. ...*(Interruptions)*... Please don't disturb. ...*(Interruptions)*...

श्री सुरेश भारद्वाज : महोदय, ये सदन को बार-बार नहीं चलने दे रहे हैं ...*(व्यवधान)*... इनके खिलाफ भी कार्यवाही की जानी चाहिए। ...*(व्यवधान)*...

THE VICE-CHAIRMAN (DR. A.K. PATEL): Please don't disturb. ...*(Interruptions)*...

श्रीमती माया सिंह (मध्य प्रदेश) कोरम है। ...*(व्यवधान)*... सरोज जी, जरा काउंट कर लीजिए। ...*(व्यवधान)*...

(उपसभापति महोदय पीठासीन हुईं।)

उपसभापति : क्या लड़ाई झगड़ा हो रहा है। ...*(व्यवधान)*... आप बैठिए, बैठिए।Let us have a head count. ...*(व्यवधान)*...

श्रीमती सरोज दुबे : मैडम, कोरम पूरा हो जाए ...*(व्यवधान)*... यह लड़ाई है। ...*(व्यवधान)*...

उपसभापति : देखिए, आप बैठिए। आप बैठ जाइए। आप कोरम पूरा कर दीजिए।

श्रीमती सरोज दुबे : नहीं हमें बहुत जरूरी काम से जाना है।

उपसभापति : आप बैठिए ना, आप बैठ जाइए। सवाल यह है कि कोरम हाउस में होना चाहिए। यह निर्णय सब पोलिटिकल पार्टीज ने चेयरमैन साहब के सामने लिया है और यह तय हुआ था कि हर पोलिटिकल पार्टी 25 परसेंट मेम्बर हाउस में रखेगी। यह मैं मानती हूं कि हम हमेशा यह सोचते हैं कि सरकार की जिम्मेदारी कोरम की होती है मगर हाउस चलाने के लिए जब बिजिनेस में सब बोलते हैं तो यह पूरे हाउस के मेम्बर्स की भी जिम्मेदारी है कि वे हाउस को चलाएं और कोरम को भी पूरा रखने की कोशिश करें। अगर इतना महत्वपूर्ण डिस्कशन लोग

नहीं करना चाहते हैं तो कोई किसी को बोलने के लिए मजबूर नहीं कर सकता है। YOU cannot force Members to speak on an important legislation. If they feel it is important, let them speak. I have seen, many a time, in the Rajya Sabha, when we had very important legislations, people have sat through the night, and nobody said, 'it is late in the night, we don't want to sit.' So, the question is, how seriously a Member takes a debate, or legislation or a business, which is before the House. We sat through a very good debate on the whole day. This Bill has a lot of ramifications. If they feel that there should be a meaningful discussion on the Central Vigilance Commission's Bill, which the Minister of State for Home Affairs has moved in, I think the Members should come. But if, on a frivolous issue raised by of one Member, all others walk-out, that is not good. I can see all the Members standing outside. Dr. Manmohan Singh is such a decent, person, he has come in. Now, are we 25 Members? We are 27 Members. So, we can continue.

प्रो. रामबख्श सिंह वर्मा (उत्तर प्रदेश) : माननीय उपसभापति जी, अगर आप इजाजत दें तो मैं कुछ कहना चाहता हूँ।

उपसभापति: बोलिए।

प्रो. रामबख्श सिंह वर्मा : मैडम, हम सबको इस सदन में आने के लिए महामहिम राष्ट्रपति जी द्वारा सम्मन मिलता है, यह हम सबका अधिकार है कि हम ...(व्यवधान)...

उपसभापति : बैठिए। मैंने कह दिया। मेरा काम चेयर से, यही है कि मैं सबसे गुजारिश करूँ, रिक्वेस्ट करूँ कि आपके लिए अच्छा लेजिस्लेशन आ रहा है, इस पर बोलिए। अगर कोई नहीं बोलना चाहता है तो मैं किसी से बुलवा नहीं सकती हूँ। आप घोड़े को पानी तक ले जा सकते हैं, उसे पानी नहीं पिला सकते। हम हाउस में लेजिस्लेशन ला सकते हैं, गवर्नमेंट लाती है, हम उसे लिस्ट करते हैं, बिजनेस एडवाइजरी में उसे टाइम देते हैं, जिसे बोलना है वह उसकी अहमियत समझकर बोले, जिसको नहीं बोलना है न बोले, इसमें तो किसी पर कोई कम्पल्शन नहीं है। चलिए, अब मेरी रूलिंग हो गई है, कोरम हो गया है, आप बोलिए।

SHRI RAM JETHMALANI : Madam, I am not talking of quorum. But there is also some other aspect of the matter.

THE DEPUTY CHAIRMAN : What are the other aspects of the matter, Shri Jethmalani?

SHRI RAM JETHMALANI : It is that such an important legislation

should not be passed in a thin House like this.

THE DEPUTY CHAIRMAN : I know that.

SHRI B. P. SINGHAL : They had deliberately gone out. we did not send them out. If they want to join, they are welcome here. It will be good for them.

श्रीमति सविता शारदा : मैडम, यह कहां का रूल है कि एक आदमी उठकर कहता है कि कोरम पूरा नहीं करना है, सब लोग बाहर निकल जाओ। यह क्या मतलब है?

उपसभापति : कोई बात नहीं है। जिसका जो बिहेवियर है, वह उसका है। हम किसी पर क्यों टिप्पणी करें। सब देख रहे हैं कि क्या हो रहा है। मेरी किसी पर टिप्पणी करने की आदत नहीं है। सब लोग इलेक्ट होकर, अपनी-अपनी कांस्टीट्यूंसी से, स्टेट से आए हैं, अगर वो चाहते हैं कि इसमें पार्टिसिपेट करे तो उनकी मर्जी है। चेयर के पास कोई ऐसा तरीका नहीं है कि वह उन्हें कम्पलशन दे। कृप्या करके अब भाषण आगे बढ़ाइए। जब भी हाउस की यूनेनिमस राय होगी कि हम लोग डिसकशन कल करेंगे, परसो करेंगे, जब भी करें, अगर हाउस एग्री करे तो I will agree. I have no problem about it. But the thing is, just now, the person is half-way through; let him at least finish, अभी कोरम बढ़ गया है।

SHRI SURESH BHARDWAJ : Madam, this is a very important legislation, which has been brought before the House by the Government, for the eradication of corruption and I am grateful to the hon. Chair for having given me time to speak on this important legislation. With these words, I support this Bill. Thank you, Madam.

उपसभापति : अभी कोरम और बढ़ गया है He has finished. Shri Rumandia Raamachandrayya. In the process of acquiring the quorum, I forgot your name also. I am sorry, बोलिए।

SHRI RAVULA CHANDRA SEKAR REDDY (Andhra Pradesh): Madam, we have kept our word. There is 50 per cent attendance from my party.

श्री रुमान्डला रामचन्द्रय्या (आंध्र प्रदेश) : धन्यवाद उपसभापति जी, आज जो बिल मंत्री महोदय लाए हैं यह बहुत ही महत्वपूर्ण बिल है, समयानुकूल है। भारत देश में ऐसे बिल के आने से जनता और लाभान्वित होगी। गत चालीस-पचास सालों के राज में भ्रष्टाचार ने कैंसर की तरह उभरते हुए इस देश को बर्बाद किया है। इस पर कुछ लोगों ने अपनी राय देते हुए कहा है कि अन्य देशों में, सारे संसार में भ्रष्टाचार फैला हुआ है। इसमें भारत देश का 73वां नम्बर है।

इससे हम यह पता लगा सकते हैं कि गत चालीस सालों से इस देश की बागडोर सम्भाले हुए लोग इस देश को कितनी बर्बादी के रास्ते पर ले गए हैं। आज विजिलेंस कमीशन पर हम जो भी विचार प्रकट करेंगे वह हमारे देश के लिए हितकारी होगा। तो आज हमारे जो भी लोग अपने धन से इन कार्यालयों को चला रहे हैं, जैसे स्वास्थ्य है, ऊर्जा है, शिक्षा है, भूमि है, न्यायपालिका है, पुलिस है, पीडीएस है, दूरसंचार है और रेलवे है, इन सब शाखाओं से कुछ कम 26 हजार 7 सौ 88 करोड़ रुपये इन सेवाओं में अदा करते हैं, लेकिन ये कितने भ्रष्टाचार में चले जाते हैं उनको देखना आप सब का कर्तव्य है। एक बिल लाने से या कानून बनाने से भ्रष्टाचार नहीं जाएगा। इसमें नेता लोगों की, सरकार की, जनता की भागीदारी भी करने से, कुछ नया काम लेकर आगे बढ़ने से भारत देश में भ्रष्टाचार को थोड़ा न थोड़ा कम कर सकते हैं। 60वें वर्ष के दशक में संथानम कमेटी ने सिफारिश की थी, क्योंकि उस समय देश में स्वंत्र व्याप्त भ्रष्टाचार भरा हुआ था, उसको समाप्त करने के लिए उसने भारत में सीवीसी की स्थापना करना आवश्यक माना था और सुझाव दिया था। गत 40 वर्षों में देश में भ्रष्टाचार कैंसर की तरह फैला हुआ है, उसको समाप्त करने के लिए बड़े अच्छे ढंग से सीवीसी बनाया है। आप भी सीवीसी को यहां पर बिल के ऊपर प्रकट कर रहे हैं, लेकिन इसमें कुछ कमियां भी हैं। जैसे इस देश की यदि हम उन्नति चाहते हैं तो केवल इस बिल से नहीं, जनता की भागीदारी और अधिकारियों का भी कर्तव्य होता है। आज भारत देश के हर राज्य में अधिकारी जितना भ्रष्टाचार कर रहे हैं, उतना शायद कहीं नहीं होगा। पहले उनको सुधारने के लिए इस बिल में और कुछ लोगों को बढ़ाने से भी अच्छा हो सकता है। आरंभ में सीवीसी एक गैर सांविधिक न्यास था। सुप्रीम कोर्ट ने विनीत नारायण बनाम भारत सरकार के निर्णय में कहा था कि सीवीसी को सांविधिक दर्जा दिया जाए। अतः मैं इस बिल के प्रावधानों का समर्थन करता हूं। मुझे प्रसन्नता है कि सरकार इस बिल के क्षेत्राधिकार को बढ़ा कर न केवल सरकारी विभागों बल्कि सरकारी कंपनियों, सरकारी क्षेत्र के उपक्रमों और राष्ट्रीयकृत बैंकों को भी सीवीसी के क्षेत्राधिकार में लाई है। 14 जून, 2002 में सीवीसी आयुक्त ने अपने एक सार्वजनिक वक्तव्य में कहा था कि 52 सरकारी उपक्रमों और 6 बैंकों में भ्रष्टाचार व्याप्त है। मैं आशा करता हूं कि इस विधेयक के पारित होने से सीवीसी का सरकारी उपक्रमों पर अच्छा नियंत्रण होगा और इससे सही दिशा-निर्देश होगा। इस विधेयक में कुछ त्रुटियां हैं, सरकार उनको दूर करे। क्लॉज 8 से आभास होता है कि सीवीसी केवल उन मामलों की जांच करेगा जिनके बारे में सरकार उसे कहेगी। मैं चाहता हूं कि सीवीसी को स्वयं मामलों की जांच करने का अधिकार हो। नहीं तो एक और हास्यास्पद प्रावधान सामने आता है। जब उपखंड एक के भाग एच को पढ़ते हैं तो उसमें व्यवस्था है कि सीवीसी को इस प्रकार सतर्कता करनी होगी कि सरकार द्वारा दिए निर्देशों के अनुसार सीवीसी को काम करना होगा। सीवीसी सरकार के आदेशों के अनुसार ही जांच करेगा, इससे बड़ी पाबंदी और क्या हो सकती है, इससे तो यह समूची जांच एजेंसी आर्थात् सीवीसी एक बड़ी निरर्थक हास्यास्पद एजेंसी बन कर रह जाएगी। इसलिए मैं सरकार से यह कहता हूं कि उसको कम से कम थोड़ी सी स्वतंत्रता देने की इच्छा कानून में लाइए।

उपसभापति महोदया, बिल में यह व्यवस्था है कि सीवीसी की नियुक्ति एक संसदीय समिति करेगी, जिसमें प्रधानमंत्री, होम मिनिस्टर और प्रतिपक्ष के नेता होंगे। इसी के साथ यदि स्पीकर साहब को भी रखवाया जाए तो शायद यह सरकार की ओर से एक बेलेस्ड सार्वजनिक सबको सम दृष्टि से देखने वाला बिल कहला सकता है। अधिकारियों, राजनीतिज्ञों, अपराधियों की

सांठ-गांठ पर आई रिपोर्ट पर चर्चा कराकर यथाशीघ्र लोकपाल बिल को भी पास करना चाहिए।

उपसभापति महोदया, सीवीसी की महता भारतवर्ष में उस समय सामने आई, जब एन.विट्टल ने इस बारे में बहुत से अधिक और कठोर निर्णय लिए। हम भारत सरकार से यही निवेदन करेंगे कि जिसको भी आप सीवीसी का चेयरमैन बनाते हैं या सदस्य बनाते हैं तो उनको यह डायरेक्शन देनी चाहिए कि तुम निष्पक्षता से भारत देश में भ्रष्टाचार को कम करने के लिए काम करोगे और दोषी चाहे वह राजनीतिज्ञ हो, चाहे वह अधिकारी हो, चाहे वह कोई भी हो, सबको समान रूप से दंड दिलाया जाए। जब कांग्रेस का राज था तो तत्कालीन प्रधानमंत्री राजीव गांधी जी ने कहा था कि भारत सरकार जो पैसा विकास के लिए देती है तो उस सौ पैसे में से 15 पैसा वहां पहुंचता है, लेकिन आज एनडीए सरकार के बारे में भी कुछ लोग बाहर यह कह रहे हैं कि ये लोग ठीक नहीं चला रहे हैं, भ्रष्टाचार मिला हुआ है, कई स्कीम आ रही हैं, वह ऐसी हैं, यह ऐसी हैं। इसको ठीक करने के लिए आप देखिए। आंध्र प्रदेश के मुख्यमंत्री नारा चन्द्रबाबू नायडू जी जो भी काम करते हैं उसमें जनता की भागीदारी रखते हैं, अधिकारियों की भागीदारी रखते हैं। वे स्कीम को जनता तक पहुंचाने के लिए प्रयत्न करते हैं। अगर भारत सरकार की अच्छी नीयत है तो ऐसे राज्यों में अपनी टीमो को भिजवा कर वहां क्या क्या फलित है, क्या अच्छे काम हो रहे हैं, कैसे जनता लाभान्वित हो रही है, उसकी स्टडी करवाएं और उस तरह से भारत की जनता को फल देने के लिए अच्छे-अच्छे काम करने के लिए आपको भी आगे बढ़ना चाहिए।

महोदया, इन्हीं बातों के माध्यम से मैं सरकार को यह कहना चाहता हूँ कि आज सदन में इस बिल पर चर्चा हो रही है। अगर इसके कार्यान्वयन में सीवीसी को पावरफुल बनाकर सब लोगों को समान दृष्टि से देखेंगे तो सरकार का जनता में अच्छा नाम आएगा, नहीं तो यह सीवीसी सबके लिए समान नहीं रहेगा तो सरकार का बुरा नाम आएगा, हमारे देश में भ्रष्टाचार और बढ़ेगा। इसलिए मैं आपसे निवेदन करता हूँ कि मंत्री जी, जिस सदुद्देश्य से आप कानून में और मजबूती लाने के लिए यह बिल लाए हैं, उसी मजबूती से कार्यान्वयन में भी वैसा काम कराएं तो अच्छा रहेगा। धन्यवाद।

श्री सुरेश पचौरी : महोदया, आपकी अनुमति से मैं आपका ध्यान आकर्षित करना चाहता हूँ कि यद्यपि यह तय हुआ था कि सीवीसी बिल पर चर्चा आज समाप्त कर ली जाए, परन्तु सीवीसी जैसे महत्वपूर्ण बिल पर चर्चा के दौरान आदरणीय सदस्यों की उपस्थिति ज्यादा नहीं है, इसलिए इस कमी को मद्देनजर रखते हुए ...(व्यवधान)... इस कमी को मद्देनजर रखते हुए यदि आप मुनासिब समझें तो इस महत्वपूर्ण बिल पर चर्चा आप कल करा लें। इस संबंध में आपका जो भी आदेश और निर्देश होगा, वह हमें शिरोधार्य होगा।

उपसभापति : अगर कायदे से देखा जाए तो हम लोगों का कोरम, रिक्वायर्ड कोरम है। It is there. There is no problem of quorum in running this House. But, I will leave it to the House. If Members so feel that they want to discuss it tomorrow or as the time permits, then...

SHRI B.P. SINGHAL: Madam, with your permission I want to make a submission.

THE DEPUTY CHAIRMAN: Yes, you are most welcome. माननीय जसवंत जी कुछ कह रहे हैं।

सदन के नेता (श्री जसवंत सिंह) : मैडम, सदन सबकी सहमति से चलता है, किसी एक के मन से नहीं चलता। मुझे नहीं मालूम, आप क्यों हंस रहे हैं पीछे बैठे, मीणा साहब? हमने तो वही बात कही है कि सदन किसी एक व्यक्ति की राय से नहीं चल सकता। यह सही बात है। दो निवेदन मैं अवश्य करना चाहूंगा। एक तो यह कि आज जो हमने देखा वह सुखद घटना नहीं है। हाऊस को एक प्रकार से धक्का देकर रोका जाए। हम कब तक इस रास्ते पर चलेंगे, यह हमको सोच लेना चाहिए। माननीय सदस्य गलियारों में खड़े रहें लेकिन सदन में न आए *defeats, somewhere, the spirit behind, what we call, the requirement of the quorum.* I am not a moral Judge of what the hon. Members should do or not do. I do not sit upon the judgement on the conduct of any hon. Member. It is for the hon. Members themselves to recognise what is to be done.

The second thing, Madam, I do wish to submit is that the Legislature is essentially for the purpose of conducting the business of the Government. The Legislature is to legislate. Of course, alongwith legislating, we, as Government, are duty-bound to address ourselves to the great issues of the day, and, whatever other issues the House wishes to raise. We have attempted to accommodate the requirements of the entire House, particularly, the Opposition since this Session has started.

I wish to make an appeal, Madam, particularly, to Pranab Babu that it is very important economic legislation that is still pending. We need to reflect seriously that in the entire period of this sitting of this Parliament, this House has enacted actually the Fiscal Responsibility Management Bill only. I am not saying what the House should do or not do, that is decided by the Business Advisory Committee, and. I am a servant of the Business Advisory Committee.

In this particular case, considering the manner in which the whole debate has now arrived at this point, I have no difficulty in going along with what Mr. Suresh Pachouri has said or whatever anybody has said because the House can only function with the consent of the House. I cannot function without the consent of the House. But, what we witnessed today

is, in fact, a saddening experience. It is not a happy experience. That is all what I wish to say.

SHRI PRANAB MUKHERJEE: Madam, I would just like to respond to it. I do entirely agree with the hon. Leader of the House that the Parliament is essentially to transact the Government business. This is the point which I have, sitting here or there, no hesitation to tell repeatedly. Rather, I would say that the Government side did not insist on it and the Leader of the House did not assert it. Because, essentially, the House is to carry on the Government business, Parliament is convened to transact the Government business, and, I do appreciate that the hon. Leader of the House has accommodated our views. Hon. Chairman and yourself, Madam, Deputy Chairperson, have accommodated our views. We have no problem. But, at the same time, most respectfully, I would like to submit that we did not obstruct the legislations. From the very beginning, I masked what are the important legislations we shall have to pass.

Even yesterday, I angrily told the Minister for Parliamentary Affairs: "Mr. Minister, you please tell me when are you bringing the Constitutional (Amendment) Bill because we require the presence of the Members; as in between the intervening holidays are coming and the Members will have the tendency not to come". So, I requested him to please let me know the exact date on which the Constitutional (Amendment) Bill is to be brought to give effect to the Bodoland Agreement. So, I can assure the Leader of the House that whatever has happened today -- I am not going to make any reflection on it, sometimes that happens -- should not have happened. But, at the same time, I can assure him that no Legislative Business will remain pending. But it may happen that sometimes we may do it on a particular day, sometimes, we may defer it. Even tomorrow, we can take up this issue, and, thereafter, we can take up the Science and Technology Policy Statement. As the Business Advisory Committee has decided that we will meet up to 6'o clock or beyond 6'o clock, I do feel that it would be possible for us to transact all the Government Business, specially, the Legislative Business, and, nothing will remain pending when the House will be adjourned. This is my submission.

THE DEPUTY CHAIRMAN: I have been presiding over this House for so many years now and been a Member of this House. But, never have we raised an issue- of quorum in the Rajya Sabha while the House is in

progress. I can understand, it has happened sometimes at the time of the assembly of the House after lunch that we did not have the quorum. But, while the House is in progress, I have never seen such a thing. I remember occasions when there was only a Member who had to speak next and when he was speaking, the Secretariat staff, the Leader of the Opposition, the Leader of the House, the Parliamentary Affairs Minister and myself were present. We were the only people present in the House. But, nobody raised the issue of quorum. I agree that there should be a large number of Members in the House to participate in a very constructive way, giving their views on an important legislation. But, for me, if it comes at 7 o'clock, and for you, if it comes at 12 o'clock, it is that much time of the House. It does not identify the importance of legislation at what time it is taken up. We should take up what legislation we are having. I can also understand that Members might be tired. The Minister also might have commitment and business in the other House also. Now, I entirely leave everything to the wisdom of the House to decide whether we should continue. I have Members whose names are there and who are present in the House to speak. They can say that they want to go.

SHRI JASWANT SINGH: Madam, as has been proposed, in this particular frame of mind, it is really best that the House is adjourned today. And, I would be very grateful if we did complete the Legislative Business of the Government. By and by as the *(Interruptions)*... But, the House can be adjourned today.

श्री राजीव शुक्ल (उत्तर प्रदेश) : मैडम, जो लोग इस समय उपस्थित नहीं थे, कुछ लोग बाहर थे तो ऐसा नहीं था कि वे इस बिल के विरोध में थे या बिल पर बहस नहीं चाहते थे। मेरे ख्याल से वे थक गए होंगे, इसलिए वे लोग सदन का स्थगन चाह रहे थे ...*(व्यवधान)*...

SHRI SURENDRA LATH (Orissa) : Madam, one of the Members of the House was inciting the other Members to come outside. ...*(Interruptions)*... This is very unfortunate that such things are happening in the Upper House. लोगों को उठाकर ले जाया जा रहा था ...*(व्यवधान)*...

श्रीमती सविता शारदा : यह जान-बूझकर किया जा रहा था ...*(व्यवधान)*...

प्रो. रामबख्श सिंह वर्मा : महोदया, गेट पर खड़े होकर कुछ जिम्मेदार लोगो बुला रहे थे कि बाहर आओ, बाहर आओ ...*(व्यवधान)*...

श्री सतीश प्रधान (महाराष्ट्र) : कुछ लोगों को गेट पर खड़े रहने की आदत होती है ...*(व्यवधान)*

SHRI B.P. SINGHAL: Madam, just one submission. ...*(Interruptions)*... May I make a submission, Madam? What you have done is you had taken the consensus of the House. Before you extended the time for the Calling Attention Motion, you had taken a commitment from all the Members that they will stand by, complete the legislation today, even if it meets till 12 o'clock.— That was the commitment that had been made. Now, what are the values of commitments, if they cannot be kept? My leader has spoken and I am absolutely with him. But, I think, it is required to be placed on records that this commitment is not kept. This is not a happy precedent and should not be repeated. This matter may kindly be brought on records.

THE DEPUTY CHAIRMAN: Thank you, Mr. Singhal. As the House agreed, and the Leader of the House and the Leader of the Opposition made a commitment, and I know that they are very senior Members who have been in this house for a long time, I think, that we should adjourn the House, with a good spirit and no ill feeling, but with one caution which I want to give ...*(interruptions)*...

श्री राजीव शुक्ल : मैडम, एक काम करना चाहिए ...*(व्यवधान)*...

THE DEPUTY CHAIRMAN: Just one minute, Mr. Shukla. It is not proper to come in when the Chair is speaking. It is not a very appreciated habit because I want to record a few things. Whatever is said by the Chair has to be recorded. And, I never say anything which hurts anybody's sentiments. I am always very careful about my words, what I say. My anguish is that it should not happen again, because we are going to have many more important discussions and legislations. We should sit. After all, we have committed ourselves to something. We are not forced, we volunteer ourselves to be in whatever position we are. Nobody has forced us to sit here in the House or, for me, to sit in the Chair. With this good feeling and commitment ...*(interruptions)*...

श्री राजीव शुक्ल : मैडम, जो लोग उपस्थित हैं उनको कल प्रायोरिटी दे दीजिए बोलने में, वरना फिर उनकी लाईन में जो लोग गायब हैं वे पहले बोलेंगे कल आकर के। तो उन लोगों को प्राथमिकता दी जाए जो बैठे हैं हाउस में।

उपसभापति : ठीक है, In any case जिनके नाम लिखे हैं वह तो प्रोयोरिटी वाले ही हैं।

श्री रुमान्डला रामचन्द्रय्या (आन्ध्र प्रदेश) : मैडम, शुक्ल जी को लास्ट में दीजिए।

श्री राजीव शुक्ल : फिर कल क्या फायदा।

उपसभापति : अभी लास्ट में हो या फर्स्ट में हो जो कोई अच्छा बोलेगा उसका कंट्रीब्यूशन होगा। जो लास्ट में बोलते हैं कभी-कभी बहुत अच्छा बोलते हैं और जो पहले बोलते हैं हो सकता है वे अच्छा न बोलते हों। So, let us not talk about the first and the last - somebody will have to speak first and somebody will have to speak in the last. With these words, I adjourn the House till 11.00 a.m. tomorrow.

The House then adjourned at fifty-one minutes past six of the clock till eleven of the clock on Thursday, the 7th August 2003.