Saturday 27 August, 2011 5 Bhadra, 1933 (Saka)

#### PARLIAMENTARY DEBATES

#### RAJYA SABHA

#### OFFICIAL REPORT

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#### RAJYA SABHA

Saturday, 27th August, 2011/5th Bhadra, 1933 (Saka)

The House met at eleven of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

#### PAPERS LAID ON THE TABLE

## Statements of the Department-related Parliamentary Standing Committee on Social Justice and Empowerment

SHRI PRAVEEN RASHTRAPAL (Gujarat): Sir, I lay on the Table, a copy each (in English and Hindi) of the following Statements of the Department-related Parliamentary Standing Committee on Social Justice and Empowerment (2010-11):-

- (i) Action taken by the Government on the recommendations contained in Chapter-I and final replies in respect of recommendations contained in Chapter-V of the Twelfth Report of the Committee (Fifteenth Lok Sabha) on Action Taken by Government on the recommendations contained in the Sixth Report (Fifteenth Lok Sabha) of the Committee on 'Demands for Grants (2010-11)' of the Ministry of Minority Affairs; and
- (ii) Action taken by the Government on the recommendations contained in Chapter-I and final replies in respect of recommendations contained in Chapter-V of the Fourteenth Report of the Committee (Fifteenth Lok Sabha) on Action Taken by Government on the recommendations contained in the Fifth Report of the Committee (Fifteenth Lok Sabha) on 'Demands for Grants (2010-11)' of the Ministry of Tribal Affairs.

MR. DEPUTY CHAIRMAN: Government Statement and Government Business. Zero Hour. Shri Rajniti Prasad. ...(Interruptions)...

DR. V. MAITREYAN (Tamil Nadu): But, Sir, the agenda mentions about Private Members' Business. ...(Interruptions)...

प्रो . राम गोप्राल यादव (उत्तर प्रदेश ): उपसभापति महोदय ,

मैंसे एक विशेषाधिकार हनन का नोर्रिटस दिया हैं। जिस तरह से एम.पीज़ . को गालियां दी जा रही हैं , मुझे इस मामले को उठाने की इजाजत दी जाए।

 श्री
 उपसभापति
 : इसे
 Monday को
 ले
 लेंग्रें।
 ...(व्यवधान
 )...

 श्री
 मोहम्मद
 अदीब
 (उत्तर
 प्रदेश
 ): सर, इसे
 Monday
 को

 उठाने
 दिया
 जाष्ट, यह बहुत
 महत्वपूर्ण
 हैं

# جناب محمد ادیب (اتر پردیش): سر، اسے Monday کو اٹھانے دیا جانے، یہ بہت ) † [اہم ہے۔

श्री उपसभापति : इसे Monday को लेंग्रे। ...(व्यवधान )...

शरी रुद्रनारायण पाणि (उड़ीसा )ः सर, मेरे में जिल्ले की जांच एक केस्द्रीय के मामलों के लिए टीम गई थीः , लेकिन भीः उडी साः में डेंग के कारण बाबजूद लोग मर रहे मैं आपके माध्यम से केट्द सरकार से मांग्र कि करता वहां पर डॉक्र्टरों कीः एक सप्रेशल टीम भेजी जाए। उडीसा में के कारण 30 लोग मर गए हैं। डेंगू . . . (व्यवधान )...

श्री उपसभापति : ठीक हैं। Shri Rajniti Prasad. ...(Interruptions)...

DR. V. MAITREYAN: Sir, it is neither given in the Bulletin nor have we passed it out.

MR. DEPUTY CHAIRMAN: In extra-ordinary circumstances we are doing this!

#### MATTERS RAISED WITH PERMISSION

MR. DEPUTY CHAIRMAN: Shri Rajniti Prasad. He is not present. Shri Rama Chandra Khuntia. He is also not present. Shri Jugal Kishore. आपका विषय "Pitiable condition of weavers in Uttar Pradesh" हैं। आप बोलिए।

#### Pitiable condition of weavers in Uttar Pradesh

कशोिर परदेश महोदय , मैंः शरी ज्ग्ल (उत्तर )ः उपसभापति आपको अवगत कराना चाह्रंगा कि उत्तर परदेश भारत काः सबसे बडा भौगोलिक क्ः षेक्षफल है , जिस्नका राज्ञ्य 284.93 **लाख हैक्टेयर** परदेश काः लगभग 73.06 लाख हैक्टेयर खेल बाढ़ से प्रभावित है , ... (व्यवधान में बाढ़ प्रभावित जोः देश कष्रेत्र ) . . . वह लगभग 21 प्रतिशत हैंक क्षेत्र के साप्रेक्ष बाद्ध प्रभावित 58.72 लाख की जा सकती है । पुरदेश हैक्टेयर को बाद्ध से स्रक्षा परदान वासी म्ख्य नदियों गंगा , यमुना , घाघरा , शारदा , ताष्ट्रती आदि , से वर्षाकाल के समय बाद्ध से . . . ।

श्री उपसभापति : आपका सब्जेक्ट हैं "Pitiable condition of weavers in Uttar Pradesh". बुसकरों के बारे में हैं। आपने

बुनकरों के ऊपर नोस्टिस दिया है।

श्री जुगु ल कशोर : सर, यह मैंसे काफ़ी पहले दिया था।

श्री उपसभापति : यह वही है , जो आजके लिए एडिमट हुआ है।

**श्री जुगुल किशोर :** सर, यह बहुत पहले का हैं

श्**री उपसभापति :** यह आजकाः हैं। जिसके बारे में आप बोक्ष रहे हैं , वह एडिमेट नहीं हुआ हैं।

**श्री अवतार सहि करीमपुरी** (उत्तर प्ारदेश ): आप बुझकरों पर बोस दीजिए। बुझकरों के भी बहुत मसले हैंं

<sup>†[ ]</sup>Transliteration in Urdu Script.

शरी उपसभापति : आपवीव्यर्स के बारे में बोलिए।

**श्री अवतार सहि करीमपुरी :** आप बुद्यकरों का भी बोल दीजिए।

श्री उपसभापति : जो एडमिट हुआ है , आप उसी पर बोलिए।

श्री जुःगुल किशोर : उपसभापति महोदय , मैं उस पर भीः आ रहा हुं। माम्यवर , मैं इस पर भीः बोसना चाह रहा हुं।

श्री उपसभापति : बाढ़ पर उत्तर प्रदेश के बारे में हो गया हैं। करीमपुरी जीः, दूसरे पर...(व्यवधान )...

**श्री अवतार सहि करीमपुरी :** सर, बुझकरों के ऊपर बोक्षने दीजिए।

श्री उपसभापति : आपका नोस्टिस बुझकरों के ऊपर हैं आप उस पर बोलिए और वहीं एडिमिट हुआ हैं।

कशोर : उपसभापति महोदय , उत्तर परदेश जुगुल में की जो समस्या है , वह बड़ी भीष्रण समस्या है¢ बुझकरों हमारे में मऊ है , आजमगढ़है , बनारस उत्तर प्रदेश है , यहां हुई साड़ियां , यहां के बने हुए कास्रीन भारत में हीः नहीं बनी बल्कि वश्वि में भीः प्रसिद्ध हैंक वहां पर ब्द्धकरों समस्याओं काः सामना करना पड़ रहा है , चाहे बिजली कीः समस्या याः सब्सिडी कीः समस्या हो। उनको सब्सिडी भीः नहीं दीः जाती क्री महोदय , उनकी समस्याओं के निद्यान के लिए भारत सरका र को सोचना चाहिए। वहां बहुत बड़े पैस्राने पर बुनकर रह रहे हैं , आज खाने -पीने कीः समस्या पैद्या होः रही ्रहे

केः लिए , केव्द्र उनकी समस्यों कोः सुल्लझाने से भारत काः जोः भीः प्रतिनिधि याः मंत्री है , वह उनके वहां जाला पैकेज काः ऐलान करता है¢ लेकिन बड़े दुःख की बास है कि आजतक को नहीं गया है और न ही उनको उनकी समस्याओं सुलझाया पैकेज दिया परदेश कीः सरकार ने सीमित गया है¢ उत्तर के चलते , उनकी समस्याओं को सुलझाया है और उनकी बिजली कम करके , उनको सब्सिडी दी हैं। उनको केझ्द्र सरकार से जोः मदद मिल्लिनी चाहिए , वह मदद उनको नहीं मिल्ली हैक , मैं आपके माध्यम माञ्यवर से केस्द्र सरकार से अन्रोध करना कीः समस्याएं कि उनकी जोः विभिन्न प्रकार हैं , चाहता ह् उनको वशिष पैकेज़ देकर राहत प्रदान कीः जाए।

Kerosene lamp and stove blasts in various districts of Assam

SHRI KUMAR DEEPAK DAS (Assam): Thank you very much, Sir. The incidence of kerosene lamp and stove explosions is spreading like anything in Assam. The incidence of kerosene lamp and stove explosions is taking place in Dhubri, Barapeta, Bongaigaon, Kaimajong, Karbi Anglong and Kamrup districts of Assam and it is spreading to other districts day by day. Till now more than 20 persons died and more than 100 persons injured. Most of them are BPL and minority people. Out of that, most of them are women. Those families which are affected have no electricity facility. Most of them can't afford the electricity facility. They use kerosene oil for their kitchen stove and lighting the lamp. Various district authorities have passed a ban order on the use of kerosene. But the authorities did not make any alternative arrangement for the benefit of the BPL people so that they can get light or prepare their food.

Sir, the local authorities of the Petroleum Ministry or the PSUs who are looking after the production and distribution of kerosene are not taking this issue seriously. I, therefore, urge upon the Government and the concerned Ministries to take this issue seriously and make an inquiry into the matter, to send a high level expert group to assess the situation and to give adequate compensation to those families which are affected by these explosions. Thank you.

#### SPECIAL MENTIONS

Need to increase the amount of financial assistance to be given to the widows under B.P.L. in the country

शरी शरीगोपाल वयास (छत्तीसगढ ): उपसभापति महोदय , मुझे हुआ है कि केस्द्र सरकार के माध्यम से दरिदी रेखा (बीः .पीः .एल.) महिलाओं के नीःचे आने वास्री वधिवा के लिए राष्ट्रीय आर्थिक सहायता योजना के अंतर्गत आर्थिक सहायता पर एकम्श्त 10000 रुपए कीः राशि दीः जाःतीः हैं। से कार्यान्वित हैक जब से यह योजना कार्यान्वित हुई है , तब से इस योजना के अंतर्गत वधिवा महिलाओं को आर्थिक पर 10000 रुप्नए के तौर कीः राशि दीः जाही है¢ आज तक इस राशि में किसी भी परकार कीः बढ़ोत्तरी नहीं हुई हैक आज देश महंगाई आसमान छ्ू रही हैक इस महंगाई काः सामना करते गरीबों के लिए के तोः जीमा दुभर हो गया हैक दरिद्री रेखा नीचे आने वासी वधिवा कें लिए ਰਿਸਿੰਨ कीः जिन महिलाओं योजना गई है , उन्हें हीः आर्थिक कठिनाइयों पहले काः सामना करना पड सिर से पति काः साया उठने के कारण वे परि वार उनके काः भरण-पोष्रण कैसे करें , उनके सामने यह अहम सवाल बढ़ती महंगाई कोः धुयान में रखते हुए 10000 रुप्रए कीः यह राशि अत्यल्प हैक

के माध्यम से दरिद्री के नीचे इस योजना रेखा वासी आने वधिवा महिलाओं को दी जाने वास्री राशि में कई ग्रह्मा बढ़ोत्तरी से ही इन महिलाओं कोः कुछ आधार मिल्लेगा। होने

महोदय , उपरोक्त विषय की गंभीरता को ध्यान में रखते हुए , मेरा सरकार से आग्रह है कि राष्ट्रीय परिवार आर्थिक सहायता योजना के अंतर्गत दीः जामे वाली राशि में बढ़ोत्तरी करके , वधिवा महिलाओं कोः पर्याप्त राशि प्राप्त कराने कीः एक योजना तैयार कराई जाए।

Need to increase the budget for laying of Nangal-Talwada

Railway line in Himachal Pradesh

श्रीमती बिसला कश्यप (हिम्सीचल प्रदेश ) ः उपसभापति सूद 2005 में माननीय प्रधान मंत्री जीः ने महोदय , वर्ष सुवयं हिस्राचल पर हिम्राचल से वाद्या किया थाः कि नं गल-के दौरे सरकार तलवाड़ा लाइन का कार्य 2008 **तक पूरा** कर दिया जाएगा और रेख्न मंग्रालय ने भी इस रेख लाइन हेस् रेख्न बजट के अलावा 270 करोड़ रुप्तये कीः अतिरिक्त धनराशि देखे किया काः वाद्या थाः , परंत् तक मात्र **ऊना से** अम्ब -अन्दौरा 44 किल्लोमीटर रेख्न लाइन हीः बन है तथा शेष 39 किलो मीटर रेख्न लाइन तलवाड़ा तक अभी बननी बाक़ी है।

दूसरी बाह्न , मैं रेश्न मंत्री जी के ध्यान में लामा चाहूंगी कि हिमाचल प्रदेश का वर्ष 2010-11 विस्तिय वर्ष का

रेख्नवे बजट 50 करोड़ रुप्तये थाः , जिस घटाकर 38 **करोड** कर दिया गया और 2011-12 के लिए 23 **करोड़** बजट रखा गया थाः , उसको भीः घटाकर करोड गया , यामी 13 करोड़ की यहां भीः कटौती कीः गई। महोदय , हमने तोः सोधा थाः कि हिम्राचल प्रदेश सीमा से लगता एक पहाड़ी कषेत्र है तथा पर्यटन की भी यहां अपार सम्भावनाएं इसके जिल्ले कोः रेखवे लाइन से जोड़ा जाएगा ऐसा नहीं हुआ है≬ जबकि हिमाचल प्रदेश में आने -जाने एकमात्र साधन केवल सड़क ही है और हवाई यात्रा की भी सम्भावना नहीं है , तब हिमाचल पुरद्वेश के साथ इस तरह काः भेदभाव क्यों देंग माम्यवर , यदि रेख्न यासायात नहीं तोः हिमाचल काः विकास जाएगा। रुक

जीः से विशेष अनुरोध अत: आपके माध्यम से मेश रेख्न मंत्री है कि 2012-13 के विस्तिय वर्ष के लिए हिम्राचल परदेश बजट बढ़ाया रेख्नवे और बिलासपुर जाए और नंगल -तलवाड़ा रेख्न लाइन पेद्युबल्ली रेख्न तैयार कीः जाए। लाइन जल्दी से जल्दी बनाकर धन्यवाद।

श्**री अनिवाश राग्र खन्ना** (पंजाब )ः उपसभापति जीः, मैं स्क्यं कोः इससे संबद्ध करता हूं।

श्री अनिल माधव दवे (मध्य प्रदेश ): उपसभापति जीः, मैंः स्वयं कोः इससे संबद्ध करता हूंः

श्री शाम्ता कुमार (हिम्माचल प्रदेश ): उपसभापति जीः, मैंः सुक्यं कोः इससे संबद्ध करता हूंं

Need to exempt the minority educational institutions from national eligibility tests for entrance in M.B.B.S and P.G. Courses

रामविलास (बह्निर ): उपसभापति शरी पासवान महोदय , भारत सरकार /एम.सी .आई. ने एम.बी .बी .एस. एवं स्बातकोत्तर चिकित्सा पाठ्यक्रमों में दाखिला हेस् राष्ट्रीय पात्रता प्रवेश परीक्षा काः नर्षिय हैक काः आयोजन करने लिया केंद्र /राज्ञ्य सरकार के साथ -साथ सभी नि वह्तिीय /वह्ति सहायता प्राप्त रहित , अल्पसंख्यक एवं गैरः -अल्पसंख्यक चिकित्सा संस्थानों कोः इसके दायरे में रखा गया है , परंत् एम्स , नई दक्षिली एवं पीः .जीः .आई. चंडीगढ को इस चयन प्रक्रिया से मुक्त रखा गया है¢

यह नर्ष्णिय संविधान के भाग 3 अन्च्छेद 30 (1) अल्पसंख्यक सम्दाय को पुरदत्त उन अधिकारों काः अतिक्रमण है , जिसके दुवारा अल्पसंख्यक समुदाय कोः उनके इच्छानुसार शक्षिण

संस्थान खोलने एवं उसके प्रबंधन का पूर्ण अधिकार प्रदत्त हैं।

डा . अम्बेडकर ने संविधान सभा में कहा था कि अल्पसंख्यकों को अनुच्छेद 30 (1) द्वारा पूर्ण एवं सुरक्षित अधिकार इसलिए दिया जा रहा है ताकि भविष्य में बहुसंख्यक समुदाय इस अधिकार को छीम न ले

संबिधान संशोधन द्वारा सरकार को यह अधिकार दिया वह निजी में शक्षिण संस्थानों आरक्षण की व्यवस्था करे , परंत् अल्पसंख्यक संस् थानों को इससे वंचित रखा गया। पुद्ध : केल्द्रीय शक्षिण संस्थान (आरक्षण एवं नामांकन ) अधिनियम 2006 के दायरे से भी अल्पसंख्यक संस्थानों को बाहर रखा गया।

सरकार का यह नर्ष्णिय उच्चतम न्द्यायालय द्वारा अल्पसंख्यक समुदायों के अधिकारों की व्याख्या एवं इससे संबंधित कई माः मलों में दिष गए महत्वपूर्ण फैसलों के विषिरीत हैं।

अतः संवैधानिक प्रावधानों एवं कानूनी फैसलों के आलोक में संस्थानों कोः राष्ट्रीय अल्पसंख्यक पात्रता एवं प्रवेश के दायरे से मुक्त रखा जाए , ताकि वे संबिधान परीक्षा प्रदत्त द्वारा अधिकारों के तहत सुरक्षित महसूस कर सकें।

## Need to take immediate steps to expedite the development of infrastructure in border areas of the country

SHRI GOVINDRAO ADIK (Maharashtra): Sir, I would like to raise the serious issue regarding the Border Road Infrastructure Development. The border roads, which are being constructed, are important roads not only from security point of view in the country, but they are equally important for the development of the bordering areas and for the benefit of the people residing in those areas.

Though, a lot of hue and cry has been created regarding development of infrastructure in border areas, it has been noticed with a concern that this development is far from satisfactory. Hence, there is an urgent necessity to take corrective measures urgently for creating required infrastructure in the bordering areas.

It has also been felt that there are lots of procedural hurdles like forest and wildlife clearances, which have already affected various projects adversely. Since the subject-matter is under jurisdiction of various Ministries, there is always apathy and non-cooperation with each other. The delay in granting various clearances just reflect the Central Government in helplessness, and it is also felt that the Government is playing with serious National Security issues. Hence, corrective measures are required to be adopted to accelerate the developmental growth in border areas.

I would also like to mention here that it is a matter of great concern that huge costs are required to be incurred for obtaining the forest and wildlife clearances, which is almost equal to the cost of the project itself in some cases. Moreover, there is a need to change the total approach since a majority of the population residing in these areas are deprived of even basic needs. Hence, projects for uplifting their living status, which have been pending for a long time, should be given priority.

I, therefore urge upon the Government to take immediate steps to accelerate the infrastructure development in the border areas by appointing a single authority, which may expedite the matter and take necessary steps by co-ordinating with different departments for getting the clearances.

SHRI RUDRA NARAYAN PANY (Orissa): Sir, I associate myself with this Special Mention.

SHRI KAPTAN SINGH SOLANKI (Madhya Pradesh): Sir, I also associate myself with this Special Mention.

## Need to take steps to ensure implementation of reservation for O.B.Cs in the University of Delhi

श्री अली अनवर अंसारी (बिहार ): महोदय , दिहली यूनिवर्सिटी वश्विविद्यालय भारत काः सबसे बड़ा केस् द्रीय क्री इसके लिए है , लेकिन और केस्द्रीय संस्राधन सरकार देती समाचार पत्रों हुआ के पत्र से जाहिर माभव संस्राधन मंश्रालय ्र है कि इस में वश्विविद्यालय ओबीसी आरक्षण पर अमल नहीं किया जांसा हैंक

ऐसा स्बातक , स्बातकोत्तर , एमफिल और पीएचडी कोर्स में हो रहा हैं। आरटीआई से प्राप्त सूचना से यह जानकारी मिल्ली है कि 2010-के 30 कॉलेजों में वश्विविदयालय क्ल मिल्रा **कर** 54% ओबीसी सीटें खाली रखी गईं , जिल्हें बाद में जनरल कैटेगरी के से भरा गया। कुल मिलाकर 7000 ओबीसी सीहें खाली रखने और बाद्य में जनरल में कनवर्ट किए जाने काः अनुमान है।

यह संबिधान के 93वें संशोधन और केस्द्रीय शक्षाि संस्थान है , जिसके अधिनियम , 2006 काः उल्लंघन तहत केझ्द्रीय शक्षाि संस्थानों में 27 फीसदी सीटें ओबीसी के लिए आरक्षित है जबिक दिल्ली विश्वविद्यालय ने यह तब किया जाः रहा सरकार से फंड ओबीसी कोट्टा करने के लिए केस्द्र भीः लिया लाग् हैक

हैरत की बास है कि जहां हाई कोर्ट के जज के फैसले के आधार पर जेफ्नयू ने ओबीसी कोटा पूरी तरह लागू किया है , वहीं दिल्ली विश्वविद्यालय ने उसी जज के फैसले को दिल्ली हाई कोर्ट में चुसौती देकर ओबीसी आरक्षण को उलझा दिया है ओबीसी के खिलाफ यह मुकदमा (LPA 21/2011) दिल्ली विश्वविद्यालय , सरकारी पैसे से लड़ रही है

इसके के वश्विविदयालयों में अलावा केद्ध सरकार प्रोफेसर तथा एसोसिएट प्रोफेसर (रीडर ) स्तर नहीं पर आरक्षण दिया जा रहा है। आरटीआई से जानकारी मिल्री हैं कि 25 केट्द वश्विविद्यालयों में प्रोफेसर के 2563 पदों में सर्फि **4** पर ओबीसी , 11 पर एसटी और 25 पर एससी हैं।

मामव संसाधन विकास मंञ्चालय को उपरोक्त मामलों में तत्काल हस्तक्षेप करके संवैधानिक प्रावधानों और कामून का पासन सुमिश्चित करना चाहिए।

श्री उपेन्द्र कुशवाहा (बिहार ): महोदय , मैं इनके विशेष उल्लेख का समर्थन करता हुं्

श्**री वीः हनुमंत राव** (आंध्र प्रदेश ): महोदय , मैं भीः इनके विशेष उल्लेख का समर्थन करता हुं

प्रो . अनिल कुमार साहनी (बिहार )ः महोदय , मैं भी इनके विशेष उल्लेख का समर्थन करता हूं।

श्री अवतार सिंह करीमपुरी (उत्तर प्रदेश ): महोदय , मैं भीः इनके विशेष उल्लेख का समर्थन करता हुं

प्रो . राम गोषाल यादव (उत्तर प्रदेश ): महोदय , मैं भी

#### इनके विशेष उल्लेख का समर्थन करता हूं।

DR. GYAN PRAKASH PILANI (Rajasthan): Sir, I also associate myself with this Special Mention.

SOME HON. MEMBERS: Sir, we all associate ourselves with this Special Mention.

#### STATEMENT REGARDING GOVERNMENT BUSINESS

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJEEV SHUKLA): Sir, I beg to announce that the Government Business in this House for the week commencing 29th August, 2011, will consist of:-

- 1. Further consideration and passing of the following Bills, as passed by Lok Sabha:—
  - (a) The State Bank of India (Subsidiary Banks Laws) Amendment Bill, 2011; and

- (b) The Indian Medical Council (Amendment) Bill, 2011.
- 2. Consideration and passing of the following Bills, as passed by  ${\operatorname{Lok}}$

Sabha:-

- (a) The Institute of Technology (Amendment) Bill, 2011;
- (b) The National Institute of Technology (Amendment) Bill, 2011;
- (c) The Customs (Amendment and Validation) Bill, 2011;
- (d) The Indian Institute of Information Technology, Design and

Manufacturing, Kancheepuram, Bill, 2011; and

- (e) The Educational Tribunals Bill, 2010.
- 3. Consideration and passing of the following Bills:-
  - (a) The Copyright (Amendment) Bill, 2010;
  - (b) The Central Educational Institutions (Reservation in Admission) Amendment Bill, 2010;
  - (c) The Right of Children to Free and Compulsory Education (Amendment) Bill, 2010;
  - (d) The Seeds Bill, 2004; and
  - (e) The Pesticides Management Bill, 2008.

MR. DEPUTY CHAIRMAN: Hon. Members, at 12 o'clock, the hon. Finance Minister, Shri Pranab Mukherjee, will be making a statement on the issues relating to setting up of a Lokpal, and there will be a discussion on the issue.

The House is adjourned till 12 o'clock.

The House then adjourned at twenty-one minutes past eleven of the clock.

The House re-assembled at twelve of the clock,  $\label{eq:mr} {\tt MR.~CHAIRMAN~in~the~Chair}$ 

DISCUSSION ON THE STATEMENT BY MINISTER

#### Issues relating to setting up of Lokpal

**श्री राजनीति प्रसाद** (बिहार ): सर, हम एक अहम मुद्दा उठाना चाह रहे हैं**ः ...(व्यवधान )...** 

श्री सभापति : आपज़रा एक मिलिट बैठ जाइए। ...(व्यवधान )... Hon. Shri Pranab Mukherjee to make a statement on issues ....(Interruption)...

**श्री राजनीति प्रसाद :** सर, यह बहुत महत् वपूर्ण हैं। ...(**व्यवधान** )...

**श्री राम कृपाल यादव** (बिह्नार )ः सर, यह बहुत महत्वपूर्ण मुद्दा हैं। ...(व्यवधान )...

श्री सभापति : आप ज़रा एक मिनट बैठ जाइए। ...(व्यवधान )...

शरी राजनीति प्रसाद पार्लियामेंट के लोगों को सर, `मौग्रा *'* कहा गया , `चोऱ ' कहा गया , <sup>,</sup> बेईमान कहा गया। ...(वयवधान )...

**श्री सभापति :** देखिए , आपको यह सवाल ज़ीरो ऑवर में उठाना चाहिए था। आप**बैठ** जाइए पृत्रीज़। ...(**व्यवधान** )...

**श्री राम कृपाल यादव :** सर, लोग अपमान कर रहे हैं**। ...(व्यवधान** )...

**श्री सभापति :** आपज़रा बैठ जाइए। ...(**व्यवधान )...** राजनीति जीः , आप बैठ जाइए। ...(व**्यवधान** )... पत्नीज़ ...(व्यवधान )...

**श्री राम कृपाल यादव :** सर, इसका क्या मतलब है ?...(**व्यवधान** )... क्या हम चुप्त रहेंगे ?...(**व्यवधान** )...

: आप जरा बैठ जाङ्गए। . . . (व्यवधान ) ... Rajnitiji, बैठ resume your place. ...(Interruptions)... आप ज़रा आप बैठ जाङ्गए। ...(वयवधा न) . . . जाइए। जब आपकी बारी आएगी , तब बोलिएगा। ...(व्यवधान ) . . राजनीति जीः , पृक्षीज़ जाइए। Hon. Shri Pranab Mukherjee.

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): Mr. Chairman Sir, I rise to make a statement on issues relating to Lokpal on which a vigorous debate has been going on both inside and outside the Parliament.

At the outset, I will like to, once again, request Shri Anna Hazare to end his fast in view of the appeal made by the Prime Minister in his statement in the other House, in view of the Resolutions adopted by the leaders assembled at an all political party meeting. I do hope, Shri Hazare will respond and end his fast.

Mr. Chairman Sir, I seek your indulgence to recount the sequence of events which has brought us to where we are today. On 5th of April, 2011, Shri Anna Hazare went on an indefinite fast. Interlocutors between his representatives and those of the Government discussed and he gave some conditions; those conditions were accepted; on the 8th April, 2011, the Government constituted a Joint Drafting Committee

consisting of ten members, five...(Interruptions)...

**श्री वीर पाल सिंह यादव** (उत्तर प्रदेश )ः सर, हिंदी में स्टेटमेंट की कॉफ्री नहीं आई हैं।

**श्री सभापति :** आप एक मिलिट बैठ जाइए। यह अभी आ जाएगी। ...(व्यवधान )...

**श्री राजपाल सिंह सैनी** (उत्तर प्रदेश )ः सर, यह हिन्दी में क्यों नहीं आई?...(व्यवधान )...

श्री सभापति : यह अभी आजाश्गी। ...(व्यवधान )...

SHRI PRANAB MUKHERJEE: We will see if we can circulate it during the day.

**श्री नरेश चन्द्र अग्रवाल** (उत्तर प्रदेश )ः सर, हमें इसकी कॉफ्री हब्दिी में भीः दक्षिवा दीजिए। श्**री सभापति :** नरेश जीः, आपको इसकी कॉष्टी मिश्र रही हैं। ... (**व्यवधान** )...

श् रीः नरेश चन्द्र अग्रवाल : याः तोः अंग्रेजी कोः माह्यभाषा माम लीजिए।

**श्री सभापति :** देखिए , इसका हिन्दी में interpretation चल रहा है , आप हिन्दी में सुझ सकते हैं ...(व्यवधान )...

**श्री नरेश चन्द्र अग्रवाल :** सर, यह प्रश्न नहीं हैं ...(व्यवधान )...

**श्री सभापति :** आपको इसकी कॉष्री हिन्दी में मिल्ल जाएगी। ...(व्यवधान )... आप बैठ जाइए। ...(व्यवधान )... आप थोड़ा सब्र कीजिए। ...(व्यवधान )...

**श्री नरेश चन्द्र अग्रवाल :** सर, अगर विह्त मंक्षी जी बांग्रला में बोक्सने लगें , तो . . . . (**व्यवधान** ) . . .

**श्री सभापति :** आपको यह थोड़ी देर में मिल्ल जाएगी। ...(**व्यवधान** )... आप बैठ जाड़ए।

एस.एस. अहलुवालिया (झारखंड )ः सभापति श्री जीः, यह एक बहुत कोः टेल्लीविजन महत्वपूर्ण मुद्दा हैंक मैं बाहर प्रणब बाब्र् था। पुरणब बाब्रू ने कहा क*ि* सारा इसको देख वश्वि रहा वधियक है और सारा देश भी देख रहा है¢ लोक्रपाल कोः लेकर लोग आन्दोलित हैं । सारे लोग देख रहे हैं , लेकिन सारे लोग अंग्रेजी जामते नहीं हैं क . . . (व्यवधान

**श्री प्रवीण राष्ट्रपाल** (गुजरात ): सर, गुजरात के हाई कोर्ट में ...(व्**यवधान )...** 

श्री सभापति : प्लीज़ ...(व्यवधान )... प्लीज़ ...(व्यवधान )...

**श्री प्रवीण राष्ट्रपाल :** सर...(**व्यवधान** )... हाः ई कोर्ट में अपील कीः गई हैः...(**व्यवधान** )...

**प्रो . अलका क्षत्रिय** (गुजरात )ः सर, मैं कहना चाहती हुँ ...(**व्यवधान )...** 

श्री सभापति : देखिए , प्लीज़ ...(व्यवधान )...

श्री एस.एस. अहलुवालिया : सर, मेरा इतना कहना है ...(व्यवधान )... देखिए , मेरा इतना कहना है कि मैं समझता हूँ कि आजइसका हब्दिी अनुवाद नहीं हुआ है। पर, आगे से सदन को और सदन की कार्यवाही को इस तरह से न चलाया जाए। हब्दिी अनुवाद भी हर वक्त उपलब्ध होमा चाहिए।

श्री सभापति : ठीक है।

श्री एस.एस. अहलुवालिया : सर, आज के लिए हम इसको भूख जाते हैं और आजइस पर चर्चा शुरू की जाःए।

MR. CHAIRMAN: Thank you very much. Mr. Minister, you please now proceed with your statement. ...(Interruptions)...

SHRI PRANAB MUKHERJEE: Mr. Chairman, Sir, I am sorry that the Hindi translation is not available for the use of the Members. It was decided at late night yesterday because we were discussing with the leaders of opposition of various political parties. The situation was moving out of hand. A crisis has been created. It was decided that I will make a statement in both the Houses. The entire exercise was over around 11.00 p.m. in my office yesterday. Therefore, it was not possible. I agree that there is a lapse. But as I started my observations in the other

House that there are occasions when we shall have to rise, when we shall have to keep in mind that not all but on occasions the issues which we discuss here or in the other House draw the attention of the entire nation. Substance is important; format is also important; form is also important. But sometimes it may happen. I regret that there has been a lapse on my part. That will be corrected. Shortly, the Hindi translation will be given. But let us carry on the discussion.

I would like to seek the indulgence of this House, which more than often I have sought, Sir, because I think, since 1952, when this House was constituted, till today, I have the record that I have the privilege of serving this House for the longest period. I do not know somebody else may break that record. ...(Interruptions)... Though I have left this House, but the House is kind enough, and indulgent enough to bear with my requests, bear with my lapses on so many times. I am deeply grateful for that. I would like to recollect the chronology of the events with which I started, that what has led us to the situation where we are today.

Sir, as I mentioned, on the 5th of April, Shri Anna Hazare sat on fast. We did not want him to continue on fast because from day one there was no doubt in the mind of the Government that the issues on which Shri Anna Hazare and his colleagues were agitating are genuine issues, are not partisan issues, to eradicate corruption and to have an effective institution like Lokpal to tackle it. There are no two opinions on it. I am not going into the history of the Lokpal Bill as to how many times it came before the Parliament. In the course of reply, I may have to return to it. But right now, I would like to confine myself with some of the chronological events. So, on 8th of April, we appointed the Joint Drafting Committee, consisting of ten members — five nominated by Shri Hazare, including himself; and five nominated by the Prime Minister, with me as the Chairman and Shri Shanti Bhushan as the co- Chairman. The Government representatives were all Ministers. Shri Hazare ended his fast on 9th April, 2011. The

Joint Drafting Committee met nine times from 16th of April to 21st of June. In the first meeting of the Joint Drafting Committee on 16th April, 2011, preliminary discussions were held to draft the legislation for the Lokpal. During the second meeting of the Committee, 40 basic principles and the Statement of Objects and Reasons were circulated by Shri Anna Hazare's team, which formed the basis of discussions in the subsequent meetings. There were extensive deliberations on the basic principles wherein the scope and vision of the proposed Lokpal were discussed. Some parts of my observations will not be in the statement and I am making it extempore to clarify but I will authenticate the full statement which I am making and lay it on the Table of the House. Please excuse me for that because I seek to clarify this particular point. Then out of 40 basic principles, 20 were agreed, there was no problem. Seven were agreed with just legalistic language to be

put in. There has to be legal language as it would be the part of the law. And on seven other issues there was agreement in principle but it required further discussions. That accounts for 34 of the 40 basic principles. But six issues were there where there was serious divergence of views. I will narrate those six issues. The six major areas of divergence of views were:—

- 1. Should one single Act be provided for both the Lokpal in the Centre and Lokayukt in the State? Would the State Governments be willing to accept a draft provision for the Lokayukt on the same lines as that of the Lokpal?
- 2. Should the Prime Minister be brought within the purview of the Lokpal? If the answer is in affirmative, should there be a qualified inclusion?
- 3. Should Judges of the Supreme Court and High Courts be brought within the purview of the Lokpal?
- 4. Should the conduct of Members of Parliament inside Parliament, their right to speak and right to vote in the House, be brought within the purview of the Lokpal? Presently such actions of the Members of Parliament are covered by article 105(2) of the Constitution.
- 5. Whether articles 311 and 320(3)(c) of the Constitution notwithstanding members of a civil service of the Union or an All India Service or a Civil Service of a State or a person holding a civil post under the Union or State, be subject to enquiry and disciplinary action including dismissal and removal by the Lokpal and Lokayukt, as the case may be?
- 6. What should be the definition of the Lokpal, and should it itself exercise quasi-judicial powers also or delegate these powers to its subordinate officers?
- 7. As these issues were of significance and affecting the larger areas, I decided to write to the Leaders of some political parties and State Chief Ministers. On 31st May, 2011, I wrote to the Presidents of various political parties and the Chief

Ministers of States soliciting their views on six contentious issues. Responses were received from 25 Chief Ministers and six Party President and Leaders. I would just like to state a few lines extracted from their observations. I would just like to state only a few lines extracted from their observations. BJP President in his letter dated 2nd June 2011 stated and I quote, "Expecting political parties to give their views to a drafting committee comprising of Civil Society representatives for acceptance or otherwise would be upsetting the constitutional propriety where parties, parliamentarians and the Parliament have the last word They are the decision makers and not suggestion

givers ... " The General Secretary of CPI said that "as a political party, they will most certainly state their views and suggestions during the discussion on the Bill within the Parliament." The President of the BSP, expressed her inability to respond to the issues raised as no BSP representative had been included in the discussion of the JDC. She also stated that in parliamentary democracy, the Bill has to be examined by the Parliament and the Standing Committee where detailed discussions are held. The National General Secretary of the Samajwadi Party in his letter stated that Government was holding a direct discussion with the so called representatives of the Civil Society in the JDC. On the other hand the leaders of the political parties have been sent a questionnaire. This was not acceptable to the Samajwadi Party and hence they will not send any reply. The Joint Drafting Committee, as I mentioned, met nine times and concluded its deliberations on 21st June, 2011 and both sides exchanged their drafts for the Lokpal Bill. Both these drafts were forwarded to the Government for further action.

8. To solicit the views of various political parties, after this meeting, a meeting of all political party meeting was convened on 3rd July 2011, During the discussions, the representatives of various political parties emphasized that and I am just mentioning two points:—

The supremacy of the Constitution of India has to be maintained, Institutions of democracy cannot be undermined and the checks and balances visualized in the Constitution cannot be adversely affected, Laws have to be made by the Parliamentarians who are elected representatives of the country. Few nominated members of the Drafting Committee cannot have precedence over elected members of the Parliament.

9. At the end of the meeting, on the conclusion of this meeting. it was unanimously resolved and I quote "Government should bring before the next session of Parliament a strong and effective Lokpal Bill, following the established procedures".

Mr. Chairman, Sir, Government exactly did the same. Whether it is strong or effective it is for the judgment of this hon. House.

- 10. This meeting was followed by an informal discussion by some of our colleagues along with some of the leaders of some political parties and their informal suggestions were also incorporated in the Bill which was sent to the Standing Committee after it was introduced in the House.
- 11. In pursuance of the directions of the All Party Meeting, the Government worked on the draft Lokpal Bill prepared by the Joint Drafting Committee and after following the formal process of inter-ministerial consultations and Cabinet approval, the Bill was introduced in Parliament on 4th August, 2011.

- 12. Unfortunately, even before the Bill could be introduced in the Parliament, Shri Anna Hazare's representatives restarted the agitation by burning copies of the draft Lokpal Bill. Shri Hazare also declared that if the Jan Lokpal Bill is not passed by the Parliament by 15th August, 2011, he would proceed on indefinite fast with effect from 16th August, 2011.
- 13. The Prime Minister, through his Independence Day Address, on 15th August, again implored Shri Hazare to abstain from the fast. This appeal was ignored.
- 14. On 16th August 2011, Shri Anna Hazare has again proceeded on fast. In view of his deteriorating health and Government's increasing concern for Annaji's condition, hon. Prime Minister wrote a letter to him on 23rd August 2011, making a fervent appeal for ending the fast.
- 15. To carry the negotiations forward, the Prime Minister directed me and Shri Salman Khursheed to hold discussions with the representatives of Shri Anna Hazare. We did so. A meeting was held on 23rd August, 2011, and it was clarified to Shri Anna Hazare's representatives that:—

Lokpal Bill is now before the Standing Committee. All options are open before the Standing Committee to consider not only the Bill introduced by the Government but the Jan Lokpal Bill as well as other versions sent by eminent members of Civil Society.

In deference to the wish expressed by Annaji, the Government is prepared to request the Speaker Lok Sabha — since the Bill originated from there — to formally refer the Jan Lokpal Bill to the Standing Committee for its consideration along with everything else.

About time and speed, the Government can formally request the Standing Committee to try, subject to its discretion, fast tracking their deliberations to the extent possible.

I explained to Annaji's representatives that Lokpal Bill alone cannot root out corruption. We need multi-layered laws to deal

with corruption at various levels. In addition to the Lokpal Bill, we are willing to strengthen the Judicial Accountability Bill and the Whistle Blowers Bill. We are also working on a Grievance Redressal Bill to tackle corruption at local level.

- 16. I again asked Annaji's representatives to convey our earnest request to him to end the fast and give us the space required to proceed in the matter.
- 17. At this stage, Annaji's representatives made the following demands. As it was in a

written form, I am bodily reproducing it exactly in the same languages as it was given to me:-

"If the Government can agree to introduce Jan Lokpal Bill (after removing those items on which we have differences) after clearing by the Ministry of Law within four days and also provide a commitment that the Bill will not be referred to the Standing Committee and will be discussed and passed (with minor amendments adopted by Parliament) during this session of Parliament (even if it is extended), we can then hopefully persuade Annaji to stop this fast.

(Above to be a written commitment with time lines)."

Mr. Chairman, Sir, when the meeting was over, it was around 10.15 at night. But, immediately, I contacted the hon. Prime Minister. He was kind enough to call the meeting of the Cabinet Committee on Political Affairs. I explained what transpired. And the Cabinet Committee on Political Affairs deliberated and took a decision and authorised me to convey this decision to them next day. As all of you are aware the next day an all-India and all-political party meeting was scheduled to be held. Therefore, I decided that I will also place, for information and to seek suggestions, in the all-party meeting what transpired between me, Shri Salman Khurshid representatives of Shri Anna Hazare. Anna ji's representatives also insisted upon the inclusion of following substantive issues, as a part of the Jan Lokpal bill: Public Grievances and Citizen Charter; Lok Ayukta; and the Lower bureaucracy. I will come to these three items a little later because these are the three items which have assumed importance, now, because we are told that Shri Anna Hazare may take a decision on how we, the Members of Parliament, collectively respond to these issues. Therefore, I raise these issues as I think it would be proper to seek your considered views on those issues. At the conclusion of the meeting, Annaji's representatives were informed, on the same day. At the conclusion of All Party Meeting held on 24th August 2011, the following unanimous resolution was passed; and, as I mentioned, I briefed the all-party meeting - who are present here;

they will bear me out - in detail what transpired between me and the representatives of Shri Anna Hazare. I am quoting the resolution adopted by the all-party meeting, "This meeting of all political parties in Parliament requests Shri Anna Hazare to end his fast. The meeting was also of the view that due consideration should be given to the Jan Lokpal Bill so that the Final Draft of the Lokpal Bill provides for a strong and effective Lokpal which is supported by a broad national consensus." In a late evening meeting held with Annaji's representatives on 24th August 2011, I conveyed the inability of the Government to accept the conditions put forward by them on 23rd 2011 August, and as referred to by me earlier.

The Prime Minister made a statement in the other House on 25th August, 2011 reiterating our Government's commitment to the passage of a strong Lokpal Bill. The Prime Minister also stated that he would welcome the Members of the House to discuss the Lokpal Bill before the Standing Committee, the Jan Lokpal Bill as well as other draft Bills and views of members of Civil Society which have been brought to the attention of the Government. I believe that the entire House is committed to the eradication of corruption at all levels.

Mr. Chairman, Sir, our Government is committed, therefore, to bring an appropriate legislation as well as put in place mechanisms that will reduce discretion and bring transparency in the functioning of public offices as well as take strong measures against those who indulge in corruption. Apart from other issues, the three issues that we need to discuss - and which have assumed importance, as I stated earlier are as under, I am placing these for the consideration of my distinguished colleagues in this House: (i) Whether the jurisdiction of the Lokpal should cover all employees of the Central Government? (ii) Whether it will be applicable through the institution of the Lok Ayukta in all States? (iii) Whether the Lokpal should have the power to punish all those who violate the 'grievance redressal mechanism' to be put in place? I will request my distinguished colleagues to have an objective discussion on it and consider all these issues. If there be a broad consensus on these issues, Mr. Chairman, Sir, on behalf of the Government, I can assure you that we will be part of the consensusmaking and not consensus breaking. We will go with the spirit of this House and the spirit of the other House. Therefore, my most fervent appeal to my colleagues in this House would be that this is very crucial, please give your considered views on these issues.

The specific issues raised by Shri Anna Hazare are important. They deserve our serious consideration. In case a consensus emerges at the end of the discussions, the Standing Committee will, in the course of their deliberations, take into account their practicability, implementability and constitutionality. For everything that we do, must be consistent with the principles enshrined in our Constitution.

I believe that the Government has amply demonstrated that it is

sensitive to the Shri Hazare's Movement; common man's concern about corruption. It has also requested Shri Anna Hazare Ji to give up his fast by assuring him that all these issues raised by him will be discussed by the Standing Committee. In the House, when we finalize the Lokpal Bill, all these will get adequately reflected.

Before I conclude, Mr. Chairman, Sir, I would like to make an appeal to my colleagues. As I mentioned earlier, sometimes, debate of this House and of the other House draws attention of the people at large. What we are saying and what we are doing today is catching attention of

people all over the country because people are anxious about what is going to happen and whether the impasse will be resolved or not. An expectation has been raised. Therefore, my respectful submission would be, let us rise to the occasion. Let us not indulge in triviality and scoring of brownie points here and there. If, collectively, this House leads to a process of consensus-building, on behalf of the Government, Mr. Chairman, Sir, I would like to reassure you that we will be part of consensus-making and not consensus-breaking. We will like to go with the wishes of the House as reflected by the observations of the Members in a collective manner. With these words, I thank you, Sir, for giving me this opportunity.

MR. CHAIRMAN: Thank you. Hon. Members, if the House agrees we can allocate 4 hours for issues relating to setting up of a Lokpal. ...(Interruptions)...

#### **श्री शिवानन्द तिवारी** (बिह्नार ): सर, यह बहुत महत्वपूर्ण विषय हैं। ...(व्**यवधान** )...

MR. CHAIRMAN: No; no.  $\dots$  (Interruptions)... One at a time.  $\dots$  (Interruptions)...

#### **श्री शक्तिनन्द तक्तिरी :** सर, यह बहुत हीः महत्वपूर्ण विश्वय हैं। ...(वयवधान )...

MR. CHAIRMAN: One at a time please. ...(Interruptions)... I would like to know the views of the hon. Members. ...(Interruptions)...

## श्री शिकानन्द तिकारी : सर, इस पर सभी सदस्यों को बोलने के लिए पर्याप्त मौका मिल्लिना चाहिए। इसलिए हम गुजारिश करेंगे कि...(व्यवधान )...

SHRI S.S. AHLUWALIA: Sir, it is a very important subject. ...(Interruptions)... It is a very important issue and we request, Sir, that there should not be any time-limit; by evening we should finish it.

But we should get all opportunities to ventilate our views on this subject and there should not be any time limit for this.

MR. CHAIRMAN: We would still need to allocate time to parties and Members. ..(Interruptions)..

SHRI S.S. AHLUWALIA: Sir, six hours may be allocated. ...(Interruptions)... You can suspend the lunch hour...(Interruptions)...

**श्री शक्तिनन्द तिवारी :** हम इसके लिए छ: घंटे का समय भी पर्याप्त नहीं मामते हैं७ उस हाउस में सास घंटे का समय तय हुआ है७ अगर सास घंटे में भी बास पूरी नहीं होसी , तो time extend किया जा सकता है७ ...(व्यवधान )...

श्री एस.एस. अहलुवालिया : सर, इसके लिए time extend करें ,...(व्यवधान )...

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श्री एस.एस. अहनुवालिया : सर, आप lunch hour suspend करिए और छ: घंटे का discussion श्रुक करिए। MR. CHAIRMAN: All right. ...(Interruptions)...

SHRI SITARAM YECHURY (West Bengal): May I suggest something, Sir? ...(Interruptions)...

MR. CHAIRMAN: Yes please. ... (Interruptions)...

SHRI SITARAM YECHURY: Mr. Chairman, Sir, my first suggestion is to please extend it from four hours to six hours. The second suggestion is that make it extendable. Allocate time according to six hours. ...(Interruptions)...

MR. CHAIRMAN: Is there a general agreement on this - six hours and extendable? ...(Interruptions)...

SHRI BIRENDRA PRASAD BAISHYA (Assam): Sir, kindly cancel the lunch hour. This is a very important issue. There should be a detailed discussion on this in the House. Initially, seven hours may be allocated. If necessary, cancel the lunch hour. During the lunch hour also, we can discuss it. ...(Interruptions)...

#### शरी सभापति : पासवान जीः , आपभीः बताइए।

शरी (बिहार ): सर, मेरा रामविलास पासवान यह आग्रह है कि यह क्षण है , हम इसमें historic debate है , यह ऐतिहासिक victim हो हैं , बड़े -बड़े दलों को तो पुरा समय मिल्ल जाहा है , हमें point रखने के लिए तीम या पांध मिनट ही दिए हैंक इसके जाहो नहीं लिए time का कोई बंधन होमा चाहिए क्योंकि यह ऐतिहासिक क्षण है , मेरा आप से यही आग्रह

MR. CHAIRMAN: All right. I have got the sense of the House. Hon. Members, we will start with six hours, extendable, and there will be no lunch break. Now, I call the first Member, the hon. Leader of the Opposition.

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Sir, we have just heard a detailed Statement from the hon. Finance Minister on the entire background of the negotiations, leading up to the present situation. We have also just witnessed a great amount of enthusiasm in this House, with a very large cross-section of Members wanting to participate in this debate. This, Sir, itself is an evidence of the sense of responsibility which Members of Parliament really have in

responding to the challenges as they emerge before the country. Sir, in the last two weeks, on events arising out of Shri Anna Hazare's fast, this is, actually, the third debate. The first one, I must concede, was confrontationist on the day when Shri Anna Hazare was, unfortunately and regrettably, arrested by the Government. In the second debate earlier this week, we debated with a great sense of maturity, as to how to deal with this larger problem of corruption and graft in Indian society. It was a little less confrontationist. Today, really,

the maturity of all of us and our democracy is on trial. There is a popular agitation or movement

going on in the country, which has sent to us a message, very loud and clear, that people of this country are no longer willing to accept the present status quo. The present status quo is that corruption in many areas has almost become a way of life. People in higher positions have a tendency to get away. There are cover ups. They have various instruments and technicalities available to them, where accountability norms are not very high. And, there are lesser areas of society where the average man has to confront with corruption really almost as a way of life. We discussed all these areas two-three days ago and therefore I don't intend to repeat them.

Sir, in the course of this entire agitation and the debate that it has thrown up in the last few weeks, we have also heard some not-so-complimentary statements made about Parliament and MPs. I would only urge my colleagues that our sense of maturity must compel us not to be provoked by anyone of them. It is our actions and how we respond to them which will be the best response of Indian democracy to all these statements which are made.

When we decide it - and today we are not legislating, we are only deciding the basic parameters of what should be the kind of integrityinstitution in India, which is the Lokpal, and, we are also deciding as to which are the areas which must come within its scope and which should be kept outside - I think we must be guided by two basic principles. The first is, the time has now come to raise the bar of accountability in Indian society. Routine structures have not succeeded till date. They have not responded to the enormity of the challenge that we face. And, the second is that when we think in terms of a scheme as to how to deal with it, we don't overreact or go in for knee-jerk reactions where we find solutions which are not consistent with our constitutional scheme. Therefore, even though I don't think that in this case we are legislating in haste, we must remember that we must be guided predominantly by two vital considerations which are: need for probity and the need to coexist with the constitutionalism as far as India is concerned.

Sir, the whole concept of a Lokpal was first borne out when the Administrative Reforms Commission in 1966 had recommended the

establishment of a Lokpal and a Lokayukta Bill. In fact, it is very little known that at that time the Bill was actually introduced in 1968 by none other than Shri Y.B. Chavan and while introducing the Bill, the Statement of Objects and Reasons was that the efficiency and integrity of public services should be kept in mind. So, this whole question of Citizens Charter or public grievances is not a new concept which is being brought into the system today. This was a part of the concept which was recommended by the Administrative Reforms Commission way back in 1966, and, in the 1968 Bill — 1st May, 1968 to be precise—which Mr. Y.B. Chavan introduced, this concept was very much there. It had two concepts and that perhaps may help Mr. Pranab Mukherjee to find an answer to the questions he has raised before us. Public grievances were a part of it; the concept of Lokayukta in the States was also a

part of that 1968 Bill. It is not something which has now been taken out of the hat and suddenly we are confronted with it. In fact, in the report which Mr. Pranab Mukherjee himself authored in 2001 as the Chairman of the Standing Committee, there is an important Preface which I must read to my distinguished colleagues here. It says, "The term "Lokpal" - and I am quoting from the Report - is the Indian version of "Ombudsman." Ombudsman is a Swedish term meaning 'one who represents someone else.' In other words, the term means, grievance-man.' Ombudsman is an official who is appointed to investigate complaints against administration. More specifically, he is an officer who investigates complaints of citizens of unfair treatment meted out to them by Government Departments and suggests remedies thereof, if he finds that the compliant is justified." Now, 'ombudsman' was a Scandinavian concept and, coincidentally, on 3rd April, 1963, then an Independent young Member of the Lok Sabha, Dr. L.M. Singhvi, in the course of his participation in a debate for having an ombudsman in India, attempted to find out what the Indian equivalent could be, and this word 'Lokpal' was added to our vocabulary, the Hindi vocabulary, by Dr. L.M. Singhvi who translated this word. Now, it is a coincidence that his very distinguished son, Dr. Abhishek Manu Singhvi, now has to prepare the final draft of this Bill. I am sure, he will keep in mind the great heritage, not only his personal, but also of this concept, and strengthen this Bill in order to maintain this very strong heritage as far as this Bill is concerned. In fact, the senior Dr. Singhvi defined the term 'Lokpal' or the 'Lokayukta', which he had coined, as 'the Indian model of ombudsman for the redressal of public grievances'. Now, that answers one of the questions we have squarely raised today, as to what should be the width of the activities as far as the Lokpal in India is concerned.

Now, this Bill, which was first introduced by Shri Y.B. Chavan, was actually passed by the Lok Sabha in 1969 — this fact is mentioned very rarely in our present discourse — but because of the split in the Indian National Congress then, the Lok Sabha was dissolved soon thereafter and the Rajya Sabha could not pass this Bill. Otherwise,

this country would have had, but for that split of 1969, a Lokpal Act way back in 1969-70, and the entire series of events which have taken place in the last few months would have been really unnecessary because we would have gone about strengthening this institution from day to day.

Sir, I said that we must not legislate in haste. I do not think we are legislating in haste. We worked on nine different drafts of this Bill in 42 years. Democracy cannot be so lethargic a system that it takes 42 years to really develop a consensus as to what a Bill should be. We have almost discussed and debated every aspect of the Bill. Whether the Prime Minister must be covered by the Lokpal or he must not be covered by the Lokpal, and so on, are areas which we have sufficiently covered and, I think, the time has now come when this whole concept of Lokpal

at the Centre, as an effective institution, and Lokayukta in the States became a hard reality as far as India is concerned.

Sir, before I come to the specifics, I think, today's debate is not, and should not, be on generalities. The Finance Minister, in his opening statement, has said that earlier there were six questions which he had posed to political parties and now there are three questions which need to be addressed by each one of us so that the sense of the House can be taken. Therefore, the need for today's debate is not that we express ourselves in generalities and just say, 'India needs a Lokpal and it must be a strong and effective Lokpal'. When it comes to the specifics and the nuts and bolts of what those provisions of the Lokpal should be, we skip that part of the debate. I think, today, all of us have to respond to this challenge which the Indian society is posing before us, and that is the strength of Indian democracy. We have to respond to each one of these questions which have been raised, not merely by the civil society but by the people at large today. We must not unnecessarily get into a position that there is the situation of Parliament versus civil society.

Sir, there are two basic principles that we have to keep in mind when we legislate. In any developing society, in any mature society, there will be a role for civil society. They are hard realities; they will exist. Some of them may take positions which seem a little excessive which may not be implementable. But then we must realize that their role is one of being a campaigner or a crusader or a flagbearer on several issues. They rise, try and compel the decisionmakers to change their views and come on track with their kind of opinion. We have the option of agreeing with them; we have the option of not agreeing with them. The second principle we have to bear in mind is - and nobody can dispute this - that Indian Parliament is supreme when it comes to law making. Laws cannot be made anywhere else except in the Indian Parliament. So, even when pressure groups build up pressures in the society, we must concede to them the right to build up pressures but not be provoked by them; we must not lose our sense of rationality as to what we are to accept and what we are not

to accept and we must legislate keeping in mind the basic principles and the values of Indian society both from our conditions, both from our administrative experiences, experiences of our democracy as also our constitutional values. And this is what we are going to endeavour today. What we must not do is to engineer a kind of a confrontation either between Parliament and civil society or Government and civil society. The maturity of Indian polity is that we must not allow ourselves to get provoked and, therefore, we must still keep all rationality in mind and, therefore, legislate accordingly as far as these principles are concerned. Sir, there are several questions that hon. Finance Minister had raised, and I hold his statement. I first come to the original six questions that he had raised.

One of the questions he says is, "Should a single Act provide for a Lokpal in the Centre and Lokayukta in the States?" I think you have to answer this question keeping two factors in mind. There is a need for a strong Lokpal in the Centre and there is a need for a strong Lokayukta in the State. The appointment of Lokayukta in States will not be made by the Centre. It will only be made by the mechanism as far as the States are concerned. So, that mechanism must be a State mechanism. Under no circumstances must Centre be seen as appointing or interfering in the Lokayukta of the States. Now, the recent incidents have actually brought a bad name to the institution of Lokayukta where in one of the States we find that the elected Government is completely bypassed and a Lokayukta is appointed. ...(Interruptions)... Once these kinds of events take place, then a question will arise in various minds 'Is someone going to use or misuse the institution to fix his political opponents?' Once we succeed in conveying that - and recent events have conveyed that - that probably will lead to the death of the Lokpal institution even before it is created because its credibility will be gone and the purpose of its creation will be defeated. So, we must refrain from doing that and not treat this as an adversarial exercise. What is a Lokpal or a Lokayukta supposed to do? When a complaint comes that some public servant or a Minister or a civil servant has indulged in a misconduct, he has to examine the evidence. He then has to peruse the evidence and decide whether it is a case of misconduct, whether it is a criminal offence or an offence which involves an administrative action. This requires assessment of evidence. Assessment of this evidence can be done by people who have a fair mind. Anybody whose appointment is brought in with a motive or anybody who is not well-versed in the art of assessing evidence, whose investigative or judicial or quasi-judicial abilities are suspect will not be able to do that. Therefore, when we appoint these, we must bear in mind that you need it in both the places. Your Government....

SHRI PRANAB MUKHERJEE: I would like to add that the responses which we got from various Chief Ministers, not all, say that they would like to have their own law of appointing the Lokayukta. I would like to be

clarified by an eminent lawyer like Shri Arun Jaitley whether we can make a Central law which will have its overbearing effect on the State, or, whether we can make a model law which the State may accept or may not accept. But, here, I entirely agree with you that Lokayukta or Lokpal will have to be established by the laws made by the Legislature — in case of Centre, by the Parliament; in case of State, by the State Assemblies. If you kindly clarify it, I will be happy.

SHRI ARUN JAITLEY: I think this debate is going to be more candid and  $% \left( 1\right) =\left( 1\right) +\left( 1$ 

upfront than most debates we have had in the Parliament. It is a question which is concerning

us also because here, there is a conflict between two principles which arise. The first is that we need higher standards of probity. But, while trying to achieve that, do we compromise with the federal structure? That is the conflict. How do we reconcile it? And, I must straightaway say that I share this concern with the hon. Finance Minister. Various groups of civil society, including members of team Anna, have met us and had detailed discussions with us. Now, if Lokayukta of the State is going to have some powers in the criminal law, their view is that under List-III, which is the Concurrent List, Entry 1 and 2, these powers may actually be with the Centre. But, then the Lokayukta's powers are not only restricted to that. It may also go across to taking action against the civil servants and employees of the State Government. So, when you deal with employees of the State Government, who makes a law - the Central Legislature or the State Legislature? Therefore, when I put this question to them, they were also concerned with this fact that we don't want to create a law which may tomorrow be struck down as violation of a federal polity in India because under List-II, Entry 41, State Public Services and State Public Service Commission is entirely within the domain of the States. Therefore, any antecedent fact to the State Service, which is action against them, inquiries against them, which the Lokayukta of a State may do, they fall within the domain of the State Legislature. Therefore, one possible option is that you can legislate on areas where the Central Legislature has jurisdiction. Where you find that the Central Legislature has no jurisdiction, you have two options either you leave that part to the States or under article 252, with the consent of two States, the Central Legislature can bring an enabling law. It will be binding on those two States, and then, every other State, which passes a Resolution accepting it, it will be applicable to those States. It will become a model law which will be applicable to each one of the States. So, it is an enabling law under article 252 which can be really brought in by the Central Legislature. Both options are available to you. Therefore, when you negotiate with the various in civil society, groups with opposition parties and finally, when Dr. Singhvi's Standing Committee goes into this, I am sure they will have the best of legal advice as to what areas fall within the Central domain and what falls within the State domain so that we are not compromising, in any way, with federalism. But, at the same time, we are able to lay down the highest norms as far as the accountabilities are concerned.

The second question you have raised before the political parties is whether

the Prime Minister should be brought within the purview of the Lokpal.

Now, we have heard sufficiently both the arguments. The first argument was that India is too large a country. The Prime Minister holds a very sensitive position. The Prime Minister will be kept out of the Lokpal purview because the Prime Minister will

be only accountable to the

## 1.00 P.M.

Parliament and the Parliament is always entitled to remove the Prime Minister. But, there are two drawbacks in this argument. The first drawback is that under ordinary law, both your Prevention of Corruption Act, Indian Penal Code and all other penal laws apply to the Prime Minister as much as they apply to any citizen of India. So, any public servant is bound by them. The Prime Minister is also under the purview of those laws. An ordinary police officer, where a complaint is made, or a CBI officer, today can investigate an offence against the Prime Minister. When you are creating a special procedural mechanism of a Lokpal, you want to suspend the operation of the substantive law, Indian Penal Code or Prevention of Corruption Act, by saying that this procedure will not apply to the Prime Minister.

That probably does not have much merit and the Government's draft, therefore, must be seriously reconsidered. The Government's draft must be seriously reconsidered because when you say that the Prime Minister will be held accountable only after he ceases to be the Prime Minister, then, the crux of your argument will be that if we find that there is a Prime Minister who is guilty of corruption, we must continue to suffer because of him and hold him accountable only when he ceases to occupy his office. Now, I don't think that the world's largest democracy can afford an experimentation of this kind, and, therefore, a more rational approach on which a larger consensus is emerging today is, you hold the Prime Minister within the purview of this law. People have suggested that there is 2001 Bill formulation, which was approved by Shri Pranab Mukherjee as the Chairman of the Standing Committee. There are several functions of the Prime Minister, which should really not be a matter of scrutiny, namely, his functions relating to intelligence, his functions relating to public order, his functions relating to national security. Maybe, tomorrow, you can include his functions relating to foreign policy. Now, I don't have a complete list as to what can be included and what can be excluded. It is for the Standing Committee to really work on it. You can keep some areas out where larger public interest is involved in keeping them out but today it will be very difficult to sustain an argument that the Prime Minister must only be held responsible after he ceases to be the

## Prime Minister.

You asked us as to what should be the mechanism for Supreme Court and High Court judges. At the moment, there are two mechanisms for Supreme Court and High Court judges. One is the in-house mechanism, which is a mechanism which has worked in some cases; not worked in some cases, and, the alternative mechanism is impeachment. We have discussed this two weeks ago in the course of proceedings for removal of a Judge of a High Court, where I had mentioned, and, I see that as a popular sense of the House, that there is a need to create a National Judicial Commission both to deal with grievances and complaints and also to deal with matters of appointments.

The Government's approach, which appears from your statement, is that you want a Judicial Accountability Bill. The civil society is saying that if you want it, please strengthen it. Now, whether you call it a National Judicial Commission or the Judicial Accountability Bill, we have to bear in mind one basic principle that the executive must not interfere in the independence of judiciary. But, at the same time, the task of appointing Judges and judging Judges cannot be left to Judges alone, and, therefore, your original Bill, as was introduced in the Parliament by Mr. Moily, the erstwhile Minister, left it to the Judges alone. Therefore, the present system, which is the in-house mechanism, will become a statutory mechanism. It won't improve the situation. So, unless you are able to seriously consider, and, I suggested to my friends in the civil society who had met us, that it is an important institutional reform, which is required. Therefore, this reform may not be possible in four or ten days. If you have a Lokpal Bill and the House shows concern, we must seriously think of a mechanism like the National Judicial Commission itself, and, I must say in all fairness to the flexibility and approach which the members of this group, including the Team Anna, had, on each one of the issues when we shared our concern with them, their response was quite reasonable.

Similarly, on the conduct of Members of Parliament, on the one hand, you need to check graft and corruption, but on the other hand, you cannot interfere with the primary of the House. And, therefore, there is a Constitutional mandate in article 105 that if an MP misconducts within a House, a Member of Parliament is liable for action. After all, have we not removed from Membership the Members who have taken Rs. 5,000/-? We removed eleven Members who took only Rs. 5,000/-. Had it been a case of a Government servant, somebody would have said that it was a very small offence; we could reduce his rank or give him some other punishment rather than throwing him out of his job. Sir, removed elected we representatives for compromising to the extent of Rs. 5,000/-, and, therefore, there nο presumption that the House, when it comes to the probity in relation to the inhouse conduct, does not take action.

As far as any impropriety outside the House is concerned, surely, no Member of Parliament can claim any immunity under Article 105. Therefore, the response really would be to a major issue that we include conduct outside the House, as it is included today, and any law we make should be subject to the provisions of Article 105. You said, "What happens to Government servants? Who has a right to take action because of Article 311"? I have put to the members of the civil society who met us and I got an impression that they are agreeable that the powers of the Lokayukt or the Lokpal could be powers of recommending action. Ultimately, protection of Article 311 is that there is a procedure prescribed by which a person holding a civil post in the Union or the State can be removed. There is a procedure prescribed as to who can do it. Now,

that Constitutional provision cannot be violated by the *Lokpal* Act. Therefore, the *Lokpal* Act is necessarily subject to those Constitutional requirements. There is a serious question and I would only urge that a cross-section of opinion should be examined by this ...(Interruptions)...

शरी रामविलास पासवान **:** सर, चूंकि हम लोगों कोः अभी जन लोकपाल नहीं मिल्ला है , लेकिन आपने के संसद सदस्यों यह बल्कि्ल संबंध कहा कि जो भीतर सही काः मामला होः, उसमें interfere नहीं हो सकता है और जो बाहर काः मामला हो . उसमें interfere हो सकता हैक इस जन-लोक्रपाल बल्नि में अन्ना जीः क्या चाहते हैंं हजारे कहना

जेटली : मैंः इस संबंध में यह सम्बष्ट कर दुँ कि जब उन्होंने में थाः , तोः सदन केः भीहार और सदन के इसे आरंभ बनाया दोनों परिस्थितियों में लोक्रपाल को अधिकार -कषेत्र बाहर दिया उन्होंने से बात की और विश्विक्ष के था। जब शायद सरकार लोगों से भी बाहा की , तो संविधान की धारा 105 ਸੇਂ जोः एक सीमा है कि सदन के भीतर जोः होहा है , उसका नर्ष्णिय की कोई बाहर एजेंसी कर सकती , बारे में हम लोगों ने उनको नहीं उसके है कि हमारा बतलाया। मुझे पूरा वश्विास जोः तर्क है , वह कोई है , बल्कि वह संबिधान के जपर आधारित अपना निजी विचार नहीं यह कहूँगा मैंः केवल कि मुझे इस स्झाव पर उनका है≬ response काफ़ी उत्साहजनक लगा। . . . (व्यवधान )...

**श्री नरेश चन्द्र अग्रवाल :** सर, मैं भी कुछ पूछना चाहता हुँ

**श्री सभापति :** नरेश जीः, देखिए आपकी जब बारी आएगी, तब आप बोलिए।

: सर, मैंं एक चीज़ यह जानना श्री नरेश चन्द्र अग्रवाल में एक सर्टिंग हुआ थाः, कि इन्हीं दोनों ऑपरेशन सदनों जिसमें -से माननीय सदस्यों से पुरश्न पूछने के संबंध बहूत में लेब –देब की बात हुई थी। तब सदन कीः कमेटी क्छ ने 11 लोगों की मैस्बरशिप कर दीः थीः। ...(व्यवधान समाप्त )... দিং यह शंका कुयों पैद्या हुई कि एमपीज पर बाहर कोई एक्शन नहीं होगा अंसर्गत ही होगा ?...(व्यवधान )... एक्शन लोक्रपाल लिया कि ने ? . . . (व्यवधान नहीं कमेटी )...

MR. CHAIRMAN: Nareshji, please.

SHRI ARUN JAITLEY: Sir, we have made the suggestions and we have tried to persuade, because this is not an adversarial issue, that any Lokpal Bill must necessarily be compatible with Constitutional values. Therefore, it can't violate Article 105; it can't violate Article 311. This is the reasoning. I am sure, they are also very mature people, they understand the significance of what we are saying. ...(Interruptions)...

Sir, the sixth question which you had raised was: Can quasi-judicial powers be delegated? Now, this is the question which will require a serious examination. I am sure, there are going to be mixed opinions on this because delegation of quasi-judicial and judicial power ordinarily does not take place. But whether it can, in an inquiry process, take place or not; or the power of inquiry can be delegated to the special officers created, this is an area which can be a matter of legislative drafting and which can be worked out.

Sir, you have, towards the end, said that the object of the discussion today is to really address us on three basic questions which are available. I don't think anyone of us should really shy away from responding to those questions because we have a freedom of expression as far as this House is concerned. Our object, while addressing those questions, has to be two-fold - the first has to be that India must get a strong and effective Lokpal and the second is that the current political impasse must get over and Shri Anna Hazare should be requested and persuaded to give up his fast. Whether all employees of the Central Government should be covered by Lokpal or should be split into two? I think it is a procedural matter. It is not such a major matter that it can break our options to a breaking point. The fact is that all employees and all public servants must be accountable. When we want even the Prime Minister of this country to be accountable, why must we really say that because somebody within the Government is a junior employee should not be accountable? Now what will be that accountability mechanism? You have various options. We have said that please bring them within the Lokpal. Some other civil society groups - I got some papers from them - have suggested if you want a vigilance mechanism, put it under the administrative control of the Lokpal. They suggested an alternative mechanism yesterday. Various kinds of flexibilities are available to you. But the overall overarching supervision of the Lokpal would remain there with regard to all employees of the Central Government. And we think there is considerable merit in accepting that suggestion.

As far as the option of Lokayukta institution in the States is concerned, I have already said that if you find that some areas are not within the domain of the Central Legislature, you can have an enabling law and leave the option with the States.

The last question is: Do we need a grievance redressal mechanism? Sir, we certainly do need a grievance redressal mechanism. आम आदमी कीः शक्कायत होही है कि मैंबे राशन कार्ड की दरख्वास्त दीः, भीः राशन लेकिन मुझे 6 महीने के बाद कार्ड नहीं मिल्ला। र्मे ट्शंसपोर्ट डियार्टमेंट तोः मुझे जाशा हुं तकलीफ होली हैंक

अब कई राज्ञ्यों ने , जैसे परदेश है , बिहार है , अपने मध्य उस दिल्ली सतीश जी कह रहे थेः कि उत्तर कामून ने यह व्यवस्था शुरू कीः हैः , पंजाब ने शुरू कीः है। महोदय , कई राज्यों ने अपने चार्टर यहां सिंटीजंस और आम आदमी grievances से निष्टिने के लिए कामून आरंभ कर दिए बनाने और अगर कोई अधिकारी उस चार्टर काः उल्लंघन करता है तो उसे परकार की पेसल्टी लगेगी यह भीः उस कामून में लिखा हैक मैं मानता हंः कि एक के बाद एक राज्य इस प्रकार काः कामून बना हैं , इसलिए में सोचे अगर केब्द्र भीः इस बारे तोः It will be a good step to परशासन की दृष्टि से अच्छा कदम होगा। say that every department of the Government has a charter. This is how grievances of the citizens are to be addressed. If somebody applies for a ration card or a licence or some other permission, 15-30 days should be the period under which it should be disposed of. And if somebody does not dispose of his application within that period, then he will be taken to task for

it. It will improve the quality of administration and governance. There is no reason why it can become a politically adversarial group amongst any one of us or between us and the members of the civil society who are suggesting it. It is a step towards good governance and we must really come out with a procedure which is fair and which appears to be effective.

Sir, there are many other small issues which have been raised. The Government in principle has accepted it. In fact, Shrimati Jayanthi Natarajan headed the Standing Committee which had recommended whistleblower's protection. They want whistleblowers to be given protection under the Lokayukta or the Lokpal. I don't think in principle there can be any difficulty as far as this factor is concerned. There is a grievance that punishment to complainants is very harsh. अगर उन के खिलाफ कोई आदमी शिकायत डासता है और वह अधिकारी भरष्ट साबित होसा है तो उस को सज़ा हो जाही है , उस अधिकारी की सज़ा कम है और अगर complaint गलत निकलिती तोः उस आदमी कीः सज़ा ज़यादा क्री यह बाल तो उन की ज़ायज है कि इस कामून में कहीं कोः बनाने –न–कहीं है जिस के बारे में हम सब कोः दोबारा सोधना चाहिए।

There is one subject where I want to sound a little discordant note. We are creating an institution where we say that the Prime Minister should be included in it, every Chief Minister should be there, and every Minister should be there. And MPs, Secretaries of the Government of India, and the Cabinet Secretary would be covered by this law. There is a suggestion that the authority will be entitled to tap phones of these people if it receives a complaint. I think in the last few years, we have been making a mockery out of our democracy by really making phone-tapping in this country to be virtuous. How can somebody tap the Prime Minister's phone? The argument is that it is being tapped because there may be an evidence of bribery. Well, there are thousands of conversations which Ministers or the Home Minister or the Finance Minister or a Chief Minister may be having with the Prime Minister. He may be discussing something with the Director, IB. He may be

discussing something with regard to other serious matters with the Army Chief or the Foreign Secretary. Are we going to create institutions which are now entitled to start tapping phones of even the Prime Minister, Ministers and other senior functionaries? We have a judgment of the Supreme Court which is a very well considered judgment. We have provisions in the Indian Telegraph Act that only to the extent it involves national security or it involves prevention of commission of some serious offence, you can do it. I think this power should be exercised with great caution because in the process of creating an anti-graft institution, we should not compromise with any tenets of Indian democracy which allows institutions to start interfering to this effect. When members of the civil society met us, I conveyed to them that this is one area where I would beg to disagree

with them even while supporting them on most other areas that they have said and they must seriously reconsider a proposal where an authority which covers the Prime Minister and other senior functionaries of the State is not entitled to start bugging their telephones. We can't make a virtue out of this and this is one area where I am sure the drafting committee will make a serious issue.

Finally, Sir, I have two points. You have asked us on these three specific questions in order to resolve the impasse. I think, there is considerable merit in including the entire bureaucracy. There is considerable merit in either enabling or otherwise, subject to the legal advice you get, going ahead with establishment of Lokayukta in the States. And there is also considerable merit — in fact, there is far greater merit — in having a grievance charter or a mechanism as far as the country is concerned.

Finally, Sir, one great strength of Indian democracy is that we have protests, we have crisis, we have confrontations, but then, we also have a great sense of resilience. We show an extraordinary amount of maturity in resolving every crisis and emerging stronger out of any crisis. I am sure that today would be a very important day for us when we show and display that sense of resilience and are able to resolve these issues which are confronting us. Thank you very much.

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING, THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE MINISTRY OF EARTH SCIENCES (SHRI ASHWANI KUMAR): Thank you, Mr. Chairman, Sir, for affording me an opportunity to participate in a debate which by all accounts is indeed historical.

Sir, the day is historic because it is a significant step in the processes of our democracy that enables us to turn back from a situation of confrontation. ...(Interruptions)...

SHRI SITARAM YECHURY: Mr. Ashwani Kumar, could you please yield? Mr. Chairman, Sir, the hon. Minister is yielding. I am making a request. We have agreed for a six-hour debate which is extendable. Now, that may go on to eight or nine hours and we will be sitting here. This is a very important issue on which, in my opinion, Members would be present. There are many medical reasons and other reasons

where Members would like to have something to eat. So, please have a break for just half-an-hour for lunch so that people will not get disrupted. ...(Interruptions)...

MR. CHAIRMAN: Is there an agreement on this?

SHRI S.S. AHLUWALIA: Up to 2 p.m.

MR. CHAIRMAN: After Mr. Ashwani Kumar has spoken.

SHRI S.S. AHLUWALIA: Sir, we can meet at 2 o'clock. ...(Interruptions)...

MR. CHAIRMAN: He has started his speech. Let him finish. ...(Interruptions)...

SHRI S.S. AHLUWALIA: We can meet at 2 o'clock when he will continue his speech. ...(Interruptions)...

श्री रामविलास पासवान : सर, इनको बोल्लने दीव्जिए , उसके बाद आधे घंटे के लिए एडजर्न कर सकते हैं।

श्री एस.एस. अहलुवालिया : वे कम से कम आधा घंटा बोलेंगे।

श्री सभापति : वे ज्यादा नहीं बोलेंगे।

श्री एस.एस. अनुवालिया : मेरा कहना है कि लंच के बाद वे कॉम्टीन्यू करें , क्योंकि वे आधा घंटा या चालीस मिनट बोलेंगे।

श्री सभापति : वे स्टार्ट कर चुके हैं।

SHRI ASHWANI KUMAR: Sir, I am going to take twenty minutes.

MR. CHAIRMAN: Okay, this is a fine compromise. He is asking for 20 minutes. That should be all right.

SHRI ASHWANI KUMAR: Thank you, Mr. Chairman, Sir. I started by saying that this is indeed a historic day for more reasons than one. It is historic because the highest forum of India's democracy recognises a huge national resonance and the Government sharing that resonance on the issue of corruption has decided to take this important step to debate complex issues of Constitution, complex issues of a legal architecture that will create an Ombudsman and the complex processes of democracy in action. Sir, this is also historic because we are eventually going to be testing the endurance of our Constitutional law.

Sir, I wish to raise the level of this debate beyond the nuts and bolts of legality. I will comment on those but, I think, the over arching structure of my intervention today is going to be whether the resilience of our democracy is subserved by this debate, whether the supremacy of the parliamentary institutions in the matter of law

making is reestablished and reinforced and whether our Constitution and our system of governance recognizes competing diverse values of the Constitution all of which must be harmonized, preserved and protected. It is a debate which will at times tilt on the windmills in favour of one Constitution imperative and sometimes in favour of another.

The genius of this House today is to find that middle ground where we will protect the first principles of our Republic, as indeed we are duty bound in this House today and also to determine that our law making and our parliamentary processes are not seen to be at variance

with the national conscience on the issue of corruption. That, Sir, is really the contour of the debate we have before us. Sir, at another level this debate is about the manner in which we go about law making. In the land of the Mahatma, we cannot reduce ourselves to irrelevance, the legitimacy of the means.

The end objective of fighting corruption is shared by each one of us in common. There is never a debate about the need to have an effective institution to combat and control corruption. The issue, Sir, is what are the processes that we adopt? Will those processes become precedents for the future? If so, will these be healthy precedents? Will the edifice of our Constitutional morality be subserved and secured by what we do in this House today? That, Sir, is the umbrella in which this debate has to take place.

I am grateful to the Leader of the Opposition who has tried to raise larger issues in a spirit that is merited where the issues which arise in these debates are concerned.

Sir, as students of law, we were told that the first principle of the Constitution is that Constitutions are established to be bulwark against the impulses of transient majorities. This principle has been repeatedly affirmed by the highest court of this country. First, in the Kesavanand Bharati case and thereafter in a number of cases, where, they say that certain features of the Constitution owe no apologies to the transient impulses of the momentary majorities. In elections Governments are voted to power; Governments are voted out of power. But certain fundamental principles of a nation which are so which non-negotiable have sacrosanct, are so consciously, deliberately, advisedly and in my respectful submission rightly placed outside the purview of legislature power lest the legislation is construed as a negation of the fundamental principles of the Republic.

Sir, parliamentary democracy today stands embedded as an integral component of the basic structure of the Constitution. Nobody disputes that the ultimate sovereignty of the people of India is something that vests with them and in their hands which they exercise after every five years, as Winston Churchill said, by using a small pencil and

marking a tick on a ballot paper. That is how this sovereignty of the people of India, the true custodians of the conscience of this country is exercised in a system that we the people of India have given unto ourselves.

But this power, the unbroken power of the people, under the Constitution, has been diffused and broken into three wings of Government — the Legislature, the Executive and the Judiciary. Each wing performs its functions. So far, in 67 years, we may not have had a perfect system of governance, and there can be fallibility; we could have made mistakes; much more needs to be done, and that is why we are debating the contours of the new Anti-Corruption Law. But, on the whole, Sir, this system has served the country well. That is why I am delighted,

I am gratified and my head bows to the collective wisdom of this House that if there is one issue on which there is complete unanimity, that issue is that lawmaking is the domain and the exclusive domain of both the Houses of Parliament and that law-making cannot be effectuated under a banyan tree or a peepal tree, by scores of people sitting under it. The day we allow ourselves to regress into that kind of coercive legislation, that, Sir, would be the death knell of all that we have nurtured to create and to consolidate us further.

Sir, I do wish to make a point which I feel very strongly about it. I have never, for a moment, doubted the innate wisdom of the people of India. But we also know, Sir, that emotions do sometimes, get the better of our judgment and that is true for the best amongst us and that is why, Sir, as someone very, very learned and very knowledgeable in this area, -and I know that the Vice-President and Chairman would have read this many, many times, W.G. Summers, said. Talking about the need to balance absolutes and the need to move away from extremes and because democracy is a song of moderation; it shuns extremes and because it is not the peak but a plateau that is dessideratum of democratic discourse, he some people tend to convert their beliefs, and strongly-held beliefs, into doctrines which they say are immutable. And my difficulty with the discourse that is going outside the Parliament is that one set of people howsoever, lofty may be their ideals. Believe that what they believe should be the nature and contour of the law and this is almost a doctrine that admits of no compromise. W.G. Summers, writing, in 1962, in a very famous treatise on "Modern Government", said, "Doctrines are the most frightful tyrants to which men ever are subject because doctrines get inside of man's own reason and betray him against himself." This, Sir, is the overarching theme of my intervention. I ask this House, Sir, to consider the proposals made in all the Bills, and I have no doubt in unhesitatingly admitting that all the people who are going to speak here in this House today, and all the people who have brought forward their versions of the Bill in the form of the proposed Bills, articles and views openly expressed, are certainly actuated by the highest and most lofty ideals of fighting corruption. But where do we draw the balance? Where do we draw the line? After so many months and weeks of

a very agonizing public debate that threatens the very basis on which our system of governance is founded, we have been able, Sir, to identify, as has been done in the Statement of the hon. Finance Minister, five or six areas of divergence and, Sir, these are very narrow areas, but are complex areas. As the Leader of the Opposition, in his characteristic and moderative speech has laid the foundation of further negotiations and consideration of the various aspects with a view to finding a common ground, I would like, Sir, to very briefly share my perceptions on these five-six areas of divergence. And, Sir, when I give my views, I must say that these are my personal views; my Government may have a view which might be slightly different, but I am sharing this perception, and I do hope.....

## SHRI S.S. AHLUWALIA: As a Minister.

SHRI ASHWANI KUMAR: No. I am speaking in various capacities, as a Member of this House, Sir. I, therefore, say that as far as point No.1, "Should one single Act be provided for both the Lokpal at the Centre and the Lokayukta in the State?", is concerned, the answer came from the Leader of the Opposition himself. He showed Article 242. These are mechanisms. But the fact of the matter is: Are we, today, going to be seen, if not actually doing, to be doing something which the States that are integral components of our federal structure may find fault with? Can this House be privy to a legislation which, at the worst, has many shades of grey? Can a law on the issue of corruption be faulted by the Supreme Court of India on the touchstone of the integrality of the federal structure? The federal structure has also been determined by the Supreme Court to be part of the basic structure of the Constitution and completely inalienable. No attempt, therefore, must be made, with most lofty ideals in mind, which would raise doubts about our intentions, as far as the integrity of our federal system is concerned. There is no doubt that we need a Lokpal for Central Government employees and we need a Lokayukta in the States.

The question is: Who will make the law? I would humbly submit, Sir, let us not, in our desire to hasten through this legislation, ignore the extremely delicate and complex possible questions on constitutional law. It is not, by any means, clear that this House can, indeed, legislate with respect to the employees of the State Government.

The second question is about the Prime Minister being within the ambit of the Lokpal. Sir, we all know that the Prime Minister is primus inter pares; he is not only first among equals, but also, in fact, the key-stone of the Cabinet arch. When Dicey wrote his treatise on modern Government, he said, the Prime Minister is the key-stone of the Cabinet arch. Do we subject PM to vexatious, frivolous and mala fide inquiries, investigations and litigations at a time when he might be in the conduct of exercising international treaty making powers or

when he might be in the middle of waging war to defend our borders or, as anyone here would see, the Prime Ministerial office is an office that is at the centre of everything that is required to be done to sustain the unity and integrity and inviolability of our Government? Therefore, in the face of the fact that we have mechanisms where Prime Ministers have been prosecuted, where officers serving under the Prime Minister's Office, maybe, the CBI, in turn, have gone and prosecuted them, I would only hasten to add, please reflect on what we should do with reference to his office. The suggestion that, perhaps, the Prime Minister could be excluded while he is Prime Minister but included when he is not, does not appeal to me at all. You can't keep the Damocles' sword hanging on the Prime Minister's head for acts done in his capacity as Prime Minister but to

be investigated later when he ceases to be the Prime Minister. He will be disabled in his defence and this is applicable to all Prime Ministers. Our Prime Minister has gone from pillar to post saying that he would like the Office of the Prime Minister to be under the Lokpal Bill. So, there is difference, as far as Government is concerned, on this issue. But I am raising a point that when we say that you can have the Prime Minister under the Lokpal after he demits office, it does not really advance the argument of the case. You might either have him entirely under the Lokpal. Why do we make this exclusion? That is something for your consideration in House. Since we are not making a law here, it is an issue on which there is a very strong view on either side of the aisle and, I think, these considerations need to be kept in mind.

Sir, as far as the conduct of the Members of Parliament is concerned, it is well known that we have a very effective mechanism under the Constitution which has proved to be effective. In a way, I am privy to the fact that we did expel eleven of our Members for taking Rs. 5,000 or Rs. 11,000. It is recognition; it is an expression of the sensitivity of the representatives of the people sitting in this House that they would not condone the slightest infraction of the principles of public probity and morality that they took the most harsh action against their own brethren. Therefore, Sir, we have a sufficiently adequate, a sufficiently effective constitutional mechanism in place. I don't think we should have a contrarian or a supplementary legislative framework in the Lokpal Bill on this issue.

Sir, articles 311 and 320 (3) of the Constitution relate to the Central Government employees. We have 37 lakh Central Government employees. It could be even more. My figures are 37 lakh. Do we imagine; can we imagine an alternate system over and above and in addition to the system in place, to police and discipline, by way of disciplinary inquiries and punishment and so on and so forth, these many people? Whose case is it, Sir, that there should be no protection to any civil servant? After all, we know that wild allegations can also be made against civil servants. They must have protection.

Article 311 does nothing but give them that elementary sense of protection. One can always believe that one's suggestion is better than what has held sway till now. Your view is as good as mine. I venture only to add that we need very seriously to ponder whether this Lokpal Bill, as proposed in the Jan Lokpal mechanism, can effectively achieve the purpose for which the suggestion is made. I have grave doubt as a lawyer, as a citizen, as a Parliamentarian, as someone who has been in the Government for a while. I have grave doubts as to the functionality, the efficacy and the purpose of bringing almost everyone under this regime irrespective of the constitutional mandate in articles 311 and 320 (3) and this provision in Bill is, doubtless, going to be challenged in the court as an infraction of a

constitutional safeguard. I can tell you, Sir, one will not be surprised if the Supreme Court were to say, well, this is clearly a transgression on the Constitution and by legislation you cannot transgress the Constitution.

Sir, I need to make this point. The reason is that we must understand the limits of our own jurisdiction. Parliament is supreme, no doubt, in law making. But it is subject to the fetters of the basic structure doctrine imposed by the court on the law-making power. The Parliament, Sir, when I say, reflects the broken sovereign power of the people of India in the exercise of law making function, is premised on the basis that this power is circumscribed by the parameters of the Constitution. The creature of the Constitution, and this is a jurisprudential dictum, cannot so exercise this power as to negate the basis of its creator. This principle alone must caution us against legislation rushed through in haste or under the pressure of people outside the Houses of Parliament.

The fourth point has been made. As far as the exercise of quasi-judicial powers and the delegation thereof to subordinate officers is concerned, is against the elementary principles of law that quasi-judicial powers such as the one you exercised when you impeached Justice Sen, cannot be delegated. The reason you don't have a whip on these issues is that these are quasi-judicial powers and everyone has to apply one's mind. Therefore, how can a Lokpal, exercising quasi-judicial functions have the authority to delegate his powers to administrative subordinates? On first principles, this is clearly against the constitutional scheme. Sir, I have two more points to make and then I will conclude.

शरी जाबडेकर परकाश (महाराष्ट् ): मेरा केवल एक ही है कि ये आपके निर्जी विचार हैंा याः आपकी पार्टी के मुद्दा विचार हैं ?...(व्यवधान

श्री अश्विनी कुमार : आप इसको जैसे मर्जी interpret कर लीजिए।

श्री रुद्रनारायण पाणि (उड़ीसा ): फिर अन्ना जी का अनशन तो ट्रहेगा नहीं ...(व्यवधान )...

## श्री राजनीति प्रसाद : सभापति जीः...(व्यवधान )... श्री सभापति : राजनीति प्रसाद जीः, बैठ जाइए ...(व्यवधान )...

SHRI ASHWANI KUMAR: I have said nothing contrary to what has been said. I have a submission to make on the two Bills; we have the Jan Lokpal Bill and the official version. An argument was made by the Leader of the Opposition that when the junior-most employees of the Government can be brought under the purview of the Lokpal Bill, why is it that the high constitutional functionaries, including the Prime Minister, cannot be brought under the Lokpal Bill. It can be so. That is the proposal of the Government's Bill. But please ponder, because today that is a proposal; there is no finality to the structure of the law. After the sense of the

House is established, after deliberations in the House, these deliberations and summaries will go to the Standing Committee, which will exercise its constitutional functions, will apply its mind and then the matter will again come to the House, when we can finalise it. I am putting a query for the consideration of the distinguished Members of Parliament. The only difficulty that one has is, you kindly look at clause 8 of the Jan Lokpal Bill and the structure, functions and powers of the Lokpal. It has 14 or 15 paras. And it says, "Lokpal shall be deemed to be a disciplinary authority or an appointing authority for the purpose of imposing penalties under the CCS (Conduct) Rules." How can you be an appointing authority under the Constitution, and, say that somebody else is the appointing authority? How do you become a disciplinary authority if the mandate of Article 311 cannot be abrogated? Further, it says, Section 197 of the Criminal Procedure Code, that is, the obligation to obtain sanction for prosecution, shall be deemed to have never existed or deemed to have been granted automatically to the Lokpal institutions. I know the argument against the prior requirement of sanction. But the Supreme Court has already given protection against the abuse of powers and refusal of sanction. If we have those principles in mind, I don't think we need to flounder or tinker with the integrity of the established structures that we have, even while they have subserved the objectives for which they were intended. So, that is the difficulty. You cannot take a provision out of the Jan Lokpal Bill in isolation and ask, What is wrong with it? You cannot also consider the official draft of the Lokpal Bill and ask, What is wrong with it? Of course, these are two proposals at this point of time before the House. The finality is yet to be arrived at, and I have no doubt that considering the wisdom of this House we shall be able to do it. We cannot really erect our own prejudices into legal principles, or, even our own preferences, howsoever laudable they may be, into legal principles. Legal principles and constitutionalism are intended to survive for centuries and to guide succeeding generations. It is not as if today one Government is in power and it can tinker with the

Constitution, and tomorrow, another Government comes and it can tinker with the Constitution. That is not the intention. That has never been the case.

Sir, the questions, that are important, have been answered. I must say that because my theme is the Constitution, — that is the theme which, I think, each Member in this House shall have — the Constitution, unlike the law, unlike the statute, is not only a legal document; it is also a mode of life, the way of life. It embodies the relationship of free citizens in a free State for the fulfillment of their fundamental needs. And if this be our conception and understanding of the time-tested Constitution, I appeal to this House, by all means, have a strong and effective Lokpal. We must have it. We have said so from every forum. And I repeat here, on behalf of my

party, my Government and myself, that we have to have an effective Lokpal Bill. But let it not be said by posterity that we rushed into law making without applying our conscious mind to every single aspect; which must fairly receive our attention.

To conclude, I must say that I am distressed about what I saw was going on at Ramlila Maidan. Anna Hazareji is a crusader in the cause of corruption, which all of us share. It is a national cause. It is not one individual's cause. But the kind of guidance which he has received is a matter on which we must ponder.

Lastly, about judges, there is a constitutional mechanism in place.

The Judicial Accountability Bill must come forward. We need an effective mechanism to correct aberrations in the Judiciary. Judiciary cannot claim itself to be the custodian of all wisdom, of all morality. I do not subscribe to that view at all and the Judges, despite the constitutional function that they exercise, must be amenable to some mechanism which is fair, transparent and objective.

Sir, I would conclude by saying,

"कुछ अनदेखी मझधारें थींः , कुछ माझी थे अन्जान बहुत , कुछ अनपरखी पतवारें थींः " — advisers of Hazare — "नदिया तो वही है , नाब वही , अब तुम ही कहो क्या करना है , अब कैसे पार उतरनाः हैं। "

MR. CHAIRMAN: The House is adjourned for  $45\ \text{minutes}$  to meet at 2.30 p.m.

The House then adjourned for lunch at forty-five minutes  ${\tt past\ one\ of\ the\ clock.}$ 

The House re-assembled, after lunch, at thirty minutes past two of the  ${
m clock}\,,$ 

MR. DEPUTY CHAIRMAN in the Chair.

श्री उपसभापति : श्री सतीश चन्द्र मिश्री।

शरी सतीश मश्रा परदेश ( उत्तर ): कि उपसभापति महोदय , आपका धन्यवाद आपने इस पर बोलने काः मौका दिया हैं ... (व्यवधान मुझे ) . . .

श्री नरेश चन्द्र अग्रवाल : सर, हमारे नेहा बोल रहे हैं और अभी कोई कैबिनेट मिमिस्टर बैठे नहीं हैं ...(व्यवधान )...

श्री उपसभापति : बैठे हुए हैंं ...(व्यवधान )...

कार्मिक , लोक शक्तिायत और पेंशन मंत्रालय में राज्य मंत्री

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सतीश चन्द्र मिश्रा : उपसभापति महोदय , सबसे पहले मेंन भीः कही और कल हमारी जोः बाह्य आज पहले पार्टी की , मामनीय बहन कुझारी राः षट्टीय अध्यक्ष मायावती जीः नेः भीः कही है कि जहाँ तक भ्रष्टाचार को खत्म करने की मुहिम है , तो उस हमेशा साथ है। मुहिम में बहुजन समाज पार्टी भुरष्टाचार चाहिए , यह बहुजन समाज पार्टी काः सोधना है। इस दिशा होमा जोः भीः कार्य आगे बढ़ेगा , उसमें हमारी पार्टी हमेशा साथ लेकिन , इसके साथ –साथ बहुत से महत्वपूर्ण रहेगी। सवाल उठते हैं , जो खास तौर से आजकी इस डक्किशन सेः निकले **हैं**क एक यह है के लिए जो कामून बनेगा , तो एक केस्द्र कि इसको करने खत्म में बनना है और एक प्रदेश में बनना है आज जोः जन लोक्रपाल की बात हो रही है , वह केट्द बाह्य होः रही हैः , जोः लोक्रपाल में बनाने की बात हो रही है , क्योंकि जहाँ तक सुटेट कीः बाह्य हैं , पर लोकायुक्त परदेश तोः वहाँ हैक अगर हम उत्तर वगैरह को लें पर लोकायुक्त पहले से हैं। लोकायुक्त सर्फि नहीं तोः वहां है , बल्कि के effective provisions भी हैं। उसका नतीजा लोकायुक्त हम सब लोगों ने देखा है कि उत्तर प्रदेश लोकायुक्त जो दींः , अपनी सलाह दींः , उनके तहत अभी हास ही में रिषोर्टस कैबिनेट मंत्री ने अपना इस्तीफा दिया और इसके पहले भीः एक नेः तक लोकायुक्त काः प्रश्न दिया। इस तरह, जहाँ है , वह हमारे सटेट में already **है**ं और हम लोगों काः यह मामना है कि यह हर चाहिए। गुजरात में यह क्यों सटेट में होमा नहीं है , यह समझ में नहीं आया , लेकिन हर स्टेट में यह होमा चाहिए।

सर, इसके साथ -साथ जब हम लोग लोकपाल बलि की बात है , लोक्रपाल बिल्ल और जन लोक्रपाल जिस पर आजचर्चा बल्लि पर, और जिल्लके सदन बैठा हुआ है , तो इसमें लिए आजयह पुरा हम लोगों काः मत यह हैः कि हम लोग संबिधान , जिस संबिधान कीः रचना डाः . बाह्या साहेब भीमराव ने की , इस संविधान कीः रचना अम्बेडकर वर्षी कर की गई, इसके लिए कमेटी बैठी , उसमें एक-एक कुलॉज़ पर डक्ष्किशन उसके बाद्व एक नर्णिय आया और तब संबिधान कीः रचना की गई, उस संबिधान के जो basic principles हैं , उनको हम नज़रअंदाज नहीं हम इस तरह कीः वयवस्था नहीं बना सकते कि constitution में जो provisions हैं , उनको दरकिनार करके हम ऐसे provisions बना दें जो कि ultra vires of the constitution हों ओर जिसका असर यह हो

कि वोः सुप्रीम कोर्ट में खारिज हो जाए। अगर हम इस बिल को , यह बिल जो बना है , इस बिल में , चाहे हम सरकारी बिल याः जन लोक्रपाल बिल्ले देखें , जन लोक्रपाल बिल्ले के बारे देखें में आज हमारे Leader of the Opposition ने कई बार्से ऐसी रखीं , जिस पर मैं बाद्य में आऊँगा , लेकिन जन लोकपाल बिल्ल के कई versions हैं। कम्प्यूटर से इंटरनेट से जो निकाला है , वह जन लोकपाल परसों बिल version 1.8 हैं। जन लोकपाल बिल का यह version हमें से प्राप्त हुआ था। इसके पहले 1.7 तक के और भी कई इंटरनेट versions होंग्रे। ...(व्यवधान )... आप कह रहे हैं कि अब इसका version 2.1 भीः आ गया हैः , लेकिन हमारे पास इसका version 1.8 है , जो परसों निकाला गया है। सर, आजजो बिन्न बन रहा है , वह चाहे का हो या सरकार का हो या जन लोकपाल बिल्ल हो , इसमें को मिश्र रहा है , एक ऐसा पुरावधान बनाया जा रहा है कि उसे कई powers दी जा रही हैं और इनमें से कुछ पॉबर्स ऐसी हैं , जो बड़े हम लोग फिर से यह देख रहे हैं कें लिए हैं। लोकपाल का constitution बनाया जा रहा है उसमें प्रावधान है कि लोक्रपाल में कौन –से लोग रहेंगे और उनकी क्या qualifications ? लेकिन उसमें यह कहीं पर भी नहीं रखा गया कि scheduled caste, scheduled tribe, backward class और minorities को इसमें ऐसा पुरावधान होमा चाहिए , जिसके अंसर्गत इसमें इनको भी रखना अनिवार्य हो क्योंकि अगर

अनिवार्य नहीं हो गा , तब यह discretion होगा जहां पर अनिवार्यता रही है , वहां पर भी इन वर्गों के साथ में हमेशा से धोखा होहा आ रहा है , आज भी हो रहा है , हर तरीके से हो रहा है और जब अनिवार्यता नहीं होगी , तब तोः यह माम लेबा चाहिए कि ऐसे तोः इनको किसी भीः तरीके सेः इसमें नहीं डाला जाएगा। डाब्रा जाएगा , तो उनका हिं कैसे स्रक्षित होगा ? उनका हिंही नहीं रह सकता। हम लोग यह बात कोई हवा में स्रक्षित नहीं रहे हम लोग यह देख रहे हैं और हर सुसर पर देख रहे अभी तक employment में reservation हैं। आप reservation खत्म नहीं हैं , क्योंकि संबिधान में इसका प्रावधान तरीका निकाल लिया गया। आजजिसने इसको खत्म करने का दूसरा पब्लिक सैक्टर कॉष़रेशन्स हैं , जिलने PSUs **हैं** , जिसने नगर निर्धिम हैं या जिल्लेनी नगर पालिका हैं , उनमें आजकीः तारीख अगर देखें , तोः धीरे –धीरे या तो वे üprivatise हो गए हैं। employment मिल्लता थाः और जहां डनको पर reservation compulsory follow पड़ता थाः, उसको avoid करने के लिए यह तरीका करना निकाला उसमें पराइवेट आदमियों से काम करा लिया जाए या contract पर काम करा लिया जाए। जब contract पर काम करा या जाला है , तो उसमें reservation की कोई बात ही नहीं रहती है , Contractor ने जिसको लगा दिया , उसी से काम ले लिया।

यह बाल दूसरी है कि उत्तर परदेश में इसको बाध्य किया प्रदेश में बहन मायावती जी के नेव्नत्व में जो उत्तर सरकार चल रही है , उसमें यह बाध्यता की गई है कि चाहे हों। या contract appointment हों। , उनमें भीः यह insure करना कि reservation हो रहा है या नहीं हो रहा है। लेकिन देश होः रहा हैः , और प्रदेशों तोः यह नहीं में नहीं होः रहा तरीके से जहां –जहां भीः नर्ष्णिय लेबे की बास है , जहां -जहां भीः पर कोई नर्ष्णिय की बास होसी है , वहां उच्च स्तर लेबे इन लोगों कोः हटाने का काम चल रहा है।

मैंबे भीः इस बात को कहा थाः कि जुडिशरी पछिली बार भीः लेः लें , जिसके हायर जुडिशरी , highest जुडिशरी अंसर्गत कोर्ट है\ हमने आपको उत्तर प्रदेश का एक उदाह रण भी दिया कि जहां 160 Honorable Judges की vacancy है , उनमें एक भी scheduled caste का वयक्ति उनको नहीं मिल्ला और आजएक भीः वृद्यक्ति वहां है , तो इन वर्गी नहीं का ध्यान रखे। ऐसा नहीं है कि हाई कार्ट में जो भी बैठते हैं , हम लोग यह मामते हैं कि वे सबको

एक समान देखेंगे , लेकिन आप जहां पर निर्णय लेबे की शक्ति दे हैं और किसी को निर्णिय लेबे के लिए बैठा रहे हैं , तो यह अनिवार्य होमा चाहिए कि आप उन लोगों का भी ध्यान रखें। इस बारे में पूछा कि इसमें इनका appointment क्यों नहीं हुआ , तो कहा गया कि circular issue हैं। Circular है कि इनका भीः धयान रखिए। केद्ध सरकार से पूछा गया कि आखिर आप लोग करते हैं , तो उन्होंने कहा कि यह circular कयों नहीं बाध्य है , इसके तहत उनको भेजना चाहिए। उच्च नुद्यायालय में जब बात की गई, तो उन्होंने कहा कि circular बाध्यकारी नहीं होसा है≬ तोः उसको देख कर जैसा समझ में आता है , वैसा भेजते Lower Judiciary **से**ं जोः प्रमोट होकर आते हैं , उसमें भीः येः लोग इस तरीके सेः हम लोक्रपाल जैस्री संस्था बनाने हैं , जिसमें जन लोक्रपाल बिल्ल के मुल्लाबिक 20 से ऊपर सदस्य हैं कि आप इसमें इसमें अगर हम यह condition नहीं डास्रते reservation रखिए या कम से कम इसमें यह तो लिखिए कि इस-इस category के लोग इसमें होंग्रो तब तक इनको इसमें नहीं रखा जाएगा। है , इसलिए यह बास इसमें नहीं यह अफसोस की बास है। मैंबे पछिली बार भी यह बाल कही थी और अब फरि दोबारा इस बाल को रिपीट कि इसको लामा ह्ँ⊅ बहुत जरूरी हैक वरना , धीऱे जैसे कि employment से आपने Privatisation करके Reservation आपने हटा दिया है आखिर आपइन लोगों को कहां ले जाएंगे ?

यह सबको मासूम है कि इस देश में अगर कोई सबसे गरीब है , तो इसी category में सें हैं , Scheduled Caste और Scheduled Tribes हैं⊅ फिर आगे चल कर जब आप उनके ऊपर अत्याचार और इस पर अगर वे करते हैं weapon **ਤਠਾ ਨੇ**ਜ਼ੇ हैं , तो आप कहते हैं कि ये लोग नक्सलाइट गए और आप उनके ऊपर दुसरे तरीके से दमन करते हैं⊅ लेकिन , अगर तब आप इस तरीके से इनको किंदारे करते जाएंगे , तोः आप उनसे क्या उम्मीद करते हैं ? वे कहां जाएंगे ? चाहे नौकरी हो , चाहे हो , आप उनको हर जगह से अलग करते हैं⊅ यह बाल दुसरी कि उत्तर प्रदेश में जब इस बार पूर्ण बहुमत के साथ की सरकार बनी , तो यह condition जोड़ी गयी कि 20 लाख समाज पार्टी रुप्रए तक के contracts scheduled caste की category के लोगों दियो इस पर हाई कोर्ह में और उच्च challenge हुआ ने उसको uphold कथा , लेकिन आज इस तरीके नद्यायालय से उत्तर Scheduled Caste काफ़ी लोग , एक-दोः नहीं परदेश में employment ਸੇਂ हजारों कीः संख्या में आए। लेकिन , केव्द है ? इस बारे में क्छ करने सरकार कर रही के बजाए वह हर क्या कीः कोशिश हो रही है कि इनको तरीका निकालने किसी तरीके से बना दीजिए , जिससे अब ऐसा कामून कि संविधान दबाया जाए। ही किवारे होः जाए।

अब अगर हम जन-लोक्रपाल बिल्ल , जिस्से पर आजयहाँ चरुचा रखी गयी है , हैं , उन्हें जोः पुरोविजंस हम लोग आजयहाँ उसके accept **कर लें** , कि बाहर कहा जा रहा है कि हम पार्लियामेंट से यह उम्मीद जैस्रा करते हैं कि राहा के 12 बजे तक बैठें याः जिसने बजे तक बैठे , ये बिल्लि हैं , इस पर आप मुहर लगा कर भेज दीजिए। जोः हमारा जन-लोक्रपाल जीः कीः बहुत इज्जत हम लोग अन्ना करते हैं। हज़ारे हम लोग उनकी को भी appreciate करते हैं कि उन्होंने भर्ष्टाचार की बात उठायी , जिस्सकी वजह से आजकेट्द सरकार इस बाहा के लिए हो रही है कि हम लोकपाल बिल्ल लाएँ , लेकिन उसके साथ -साथ यह भीः देखना है कि तरी का कया होमा चाहिए। अगर हम वह हैं जो constitution से हट कर है , तो वह कोई ultra vires तो डिक्लियर होगा हीः , साथ हीः यह मैसेज भीः जाएगा अगर constitution से हट कर इस तरह की बाहा उठती है तो भी हम क़ामून बना सकते हैं।

हमारे सामने जो जन-लोकपाल बिन्न का version है , इसमें जो बार्से इन्होंने कही हैं , उनके अनुसार इसमें मैम्बर्स ऑफ पार्लियामेंट कोर्ट जज़ेज और सुष्टीम कोर्ट , हाई जजेज को कि जुडिशरी इन्क्लूड किया गया है≎ हम यह नहीं कहते होमी चाहिए। उसकी accountability होमी accountability नहीं चाहिए। आजके वाह्मावरण में तो जुडिशरी की accountability बहुत है और उसके लिए एक effective method और mode होना हीः जरूरी लेकिन चाहिए। इस तरीके से नहीं होमा जन-लोक्रपाल परोविजंस हैं , अगर हम उनके डाह्रो गये तहत जुडिशरी को ले आते हैं , तो यह बल्कित ही ऐसा पुरो विजन बन जाएगा , जिसमें जुडिशरी आपने उनको पाबर्स हीः ठप होः जाएगी। क्योंकि दी है और कहा है कि हम हर उस एक्शन के खिल्लाफ कम्प्लेंट और लाः सकते हैंः अगर आपने नर्ष्णिय में यह cognizable complaint हो जाएगी चाहे देवे कर दी। इसमें जुडिशियल परोसिडिंग के संबंध लिखा हैं कि अगर complainant को यह लग रहा है कि malafides हैं , तो complaint हो सकती इस तरह कीः complaints होने के बाद हैक काईवाई होगी ? उनके खिलाफ लोक्रपाल कया को search, seizure और arrest warrant की भी पाबर हैंक इसके साथ ही , transfer और suspension की पाबर भी हैं Transfer and suspension में एक ही जगह exemption दीः गयी हैं। वह exemption जुडिशरी कोः नहीं दी गयी है , उसका तो transfer भी कर सकते हैं और suspension भी कर सकते बिल्ल में मिनिस्टर जन-लोक्रपाल केवल पराइम साहब के ऊपर एक लाइन लिख कर कुषा की गयी है

कि suspension और transfer वाला परोविजन उनके ऊपर apply नहीं करेंगे। है कि transfer और suspension के यह इसमें लिखा हुआ संबंध ऊपर हम रियायत दे रहे इनके हैं क इसमें search and seizure **कीः पाबर** दीः गयी है इसमें contempt of court की वही दीः गयी हैः , जोः उच्च नया यासय के पास है¢ अगर जुडिशरी वयक्ति ने इनके हिस्राब से जजमेंट में डलि कर दी या इनको लगता है कि mala fide है अथवा यह लगता है कि उनकी सुबवाई ठीक होः रही है , तो इस प्रोविजन के तहत complaint होगी के बाद , suspension and transfer तो है complaint होने अगर यह लगता है कि बुल्लाने के बाद वे ठीक़ से behave नहीं हैं , तो contempt की भी बात है। Contempt की पाबर में दे सकते हैं , जो उसमें देवी हो। Finally, अगर वे यह पाः लेहे कि उन्होंने गलत काम किया है और complaint prove हो है , तो दस साख्न और उससे के लाइफ टर्म जाही ज्यादा कीः सज़ा है। मिनिस्टर्स कोः और ज्वायंट सेक्रेटी से above को लाइफ टर्म यह कह देखे की सजा दे सकते हैं। सर्फि से कि हमारे जन-लोक्रपाल बिल्ल को पास कर दीजिए से हम पास नहीं कर सकते , हम लोगों को यह देखने की भी जरूरत है कि जन-लो कपाल बल्लि में क्या हुआ हैक

यह खुशी की बास है कि आज लीडर ऑफ दि अपोजिशन ने बहुत -सी बाहों कहीं। I really appreciate that because he intervened in the matter, it appears so, and he had consultations with the persons who have prepared this Jan Lokpal Bill. They have met him and he has tried to put, according to him, certain sense on them and they have realized that. There are several provisions in this which they feel that they cannot be accepted, for example, the service matters of State employees. The Leader of the Opposition has said that they have appeared to have agreed that they will not be able to violate article 311 or article 320 of the Constitution. There cannot be Lokayukts in view of the provisions in the Constitution where it provides that the State will have the power over the employees within the State's jurisdiction. So, there are several other things, which were said by the Leader of the Opposition, on which they have agreed. They have also agreed on judiciary and other things. If that is so, then what

are we discussing today? Why is not there a third version which should have come today or the last version which should have come today after consultation with the Leader of the Opposition? Suppose, they are not listening to anybody else, at least, they have listened to him. So, if good sense prevailed that there are certain provisions which they themselves agree - as has been said by the Leader of the Opposition today - that these things require to be reconsidered, as we think that they have to be reconsidered. If that is so, then, there should be a latest version of the Lokpal Bill, which should be before us and which should show that these are the provisions which are now finally agreed by them and that maybe forwarded to the Standing Committee. But, as I learnt the Jan Lokpal, as it is, has been sent to the Standing Committee for consideration. Is there an agreement on various issues, including the three issues which have been raised today and that is whether the jurisdiction of the Lokpal should cover all the employees of the Central Government?

Now, this, as I could understand after hearing, this question was probably not agreeable, they say every employee should be there. Now, if every employee has to be there, we don't agree with this. Why? एक चपरासी है , महोदय , यहां बताया Class 4 employee जोकि गया 39 **लाख** employees **है**ं और अगर सब employees को दायरे तो जो सब से lower level का Class 4 employee है , आप उस को भी जन लोकपाल बल्नि में लाएंगे ? Will it be feasible? Will this be practical? Therefore, अगर आप को corruption रोक्रना है , इसे चाहिए और र्कना चाहिए तोः हम लोगों का मत है। कि आप उपर से तक आइए जिंब का control नीचे उस लेक्ल रहता है≬ अगर उन के ऊपर आप अपना कंट्रोल रखेंगे , उन के ऊपर लोक्रपाल रहेगा तोः वेः नीःघे लेक्ल पर कंट्रोल के लिए अपने आप बाध्य होंग्रे करने वरना अगर हम Class 3, Class 4 तक के employees को भी इस में ले आते ही impracticable और अव्यावहारिक होगा। इसलिए हमारा है कि इस के अधीन सारे employees को नहीं लाया जामा दसरा यह कि Institution of Lokayukta in all States होमा चाहिए ? मैंबे अभी आप केः सामने यह बास रखी कि जहां तक लोक आयुक्त कीः बाह्य है , एक बिल्ल बनाकर यह कहा जाए कि लोक adopt करेंगे , यह जो suggestion है , वह अलग चीज़ है। बस्रि परश्रन यह है कि अगर लोक आयुक्त बनाने कीः पाँबर सटेट गवर्नमेंट को है तो उसे वह पॉबर चाहिए। exercise करनी अगर उस आप को लग रहा है कि कोई गलत provision है , या इस provision को है तो स्टेट effective बनाना कोः सजेशन दीजिए जिस से कि वह पर implement हो सके और आप का सजेशन कंसीडर किया जाः सके। वहां लेकिन कि एक जन लोकपा ल बिल्ली जो हम बना रहे यह कहना हैंा , जिस हम ने सारी पॉबर्स इस तरह की दीं , जिस के बारे खुद को भी नहीं मासूम है कि ये सही हैंा याः गलत हैंः , जिस केः आजभीः उन्हीं के बीच में बारे में लोगों confusion बना हुआ है और दोब्रारा a learned person like Mr. Arun Jaitley, who is the Leader of the Opposition, told them the discrepancies, probably of their Bill and they have agreed that there are so many discrepancies. So, therefore, first let there be a Lokpal Bill for the Centre and then think over about the other States. First get one which we are not getting for the last 42 years. One after the other, attempts have been

made to get it and we are always failing into it. So, let us achieve that and then decide to tread into the field of the States, which would not be advisable at this stage, specially looking into the fact that the Lokayuktas are already into existence. As I said, maybe in some places like Gujarat, it was said that it is not there. गुजरात में भी हो गया।

श्री एस.एस. अहलुवालिया : नहीं , गुजरात में कोर्ट ने without consulting the ruling party on the recommendation of the Opposition leader किया है।

**श्री सतीश चन्द्र मिश्रा :** जो provisions Act में हैं , उस के तहत लोक आयुक्त दिया ?

श्री एस.एस. अहलुवालिया : यह साहा साह्म तक गवर्नर के पास पड़ा रहा।

 श्री
 रामविलास
 पासवान
 वह तोः लोकपाल
 भीः करेंगा
 ? लोकपाल

 स्टेट
 गवर्नमेंट
 सेः consult करेगा
 ?...(व्यवधान
 )...

## श्री सतीश चन्द्र मिश्रा : मुझे अपनी बाह्य कहने दीजिए। श्री उपसभापति : उन्हें अपनी बाह्य कहने दीजिए।

SHRI SATISH CHANDRA MISRA: On whether the Lokpal should have the power to punish all those who violate the Grievance Redressel Mechanism should be put in place, I may bring to the notice of the House that yes, Grievance Redressel Cell should be there and they should be effective. So far as the State of Uttar Pradesh is concerned, it is already there. उन्होंने परदेश गाउंटी कामून बना दिया है और वह वहां पर enforceable भी है , उस पर वर्क होः रहा क्री उसमें अगर वॉयलेशन हो रहा है तो ऐक्शन है , उसके रज़िल्ट्स बहूत अच्छे आ रहे हैं⊅ः इसलिए यह कहना कि लोक्रपाल ही यह हो सकता है , ऐसा नहीं में हैक जहां तक इसका अलग सेः ऐक्ट बन सकता है और बनाना चाहिए सवाल है , इसका उत्तर परदेश में बना है , इसी तरह से सेंटर में राज्ञ्य भीः बनना चाहिए करना चाहिए , जिससे लोगों की जो शक्तायतं और इसको लागू पर उनकी जोः शक्कायत आती है कि उनकी हैंः हर सृत्तर है , वह स़्नी जा सके। सुद्धी जाः रही महोदय , वे तीम मुद्दे जिसके थीः , उनके बारे में आज म्ख्य रूप से डस्किशन रखी गयी संबंध क्री में मुझे यही कहना इसके साथ -साथ मैं फिर से एक चाहुंगा कि जहां तक जन लोक्रपाल बल्लि है , इसमें यह कहना am sure, those persons are reasonable persons. They have considered this once again in their meeting with the hon. Leader of the Opposition. They should come out with a new version of the Bill. It should not be the Government version. Then, Sir, any Bill has to go before the Standing Committee. The procedure provided under the Constitution for passing of any Bill has to be followed. We cannot bypass that. We cannot do merely because a large number of people say, 'no, this should be passed. This should be sent to Parliament...' -So, it is sent to Parliament - `...asking it to put a stamp, pass it and send it back to us.' That is not justified. The procedure has to be followed. Why I am emphasizing for following the procedure is, a detailed clause-by-clause consideration of the Bill would take place in the Standing Committee. When the Committee scrutinizes the Bill, there would be several recommendations for amending the original Bill.

Now, with regard to the latest version, they themselves have admitted and agreed, when they met the hon. Leader of the Opposition, that there are several issues on which there is a need for reconsideration. If that is so, how a Bill can be passed in this manner? How can they say, 'this has to be passed in such and such fashion, otherwise, Shri Anna Hazare it would not be permitted to break his fast?' This is very unfortunate. A person of 74 years of age — everybody respects him; the entire nation respects him — leading—such a big movement resulting in consideration of their demands by this House. We have to see whether the objective is being achieved. The objective would be achieved only when the provisions of the Government's version, Jan Lokpal's version and other versions are considered threadbare by the Standing Committee by following the prescribed procedure. After

that a final draft will emerge and then we in both the Houses - will have an opportunity to discuss and consider clause-by-clause and then this can be made into an Act, so that it does not become unconstitutional. Simply if we make an Act, without following the due process of law, tomorrow it will be declared as ultra vires. It is not going to help anybody. It will not help even to those who are agitating, including Shri Anna Hazareji. He also does not want that a Bill be passed in haste by Parliament and tomorrow it is struck down by the hon. Supreme Court. It will not, in any way, satisfy Shri Anna Hazareji. So, therefore, we have to look into it very cautiously. We have to follow the procedure laid down under the Constitution written by Dr. Bhimrao Ambedkar. At the same time, I once again appeal to the Central Government that it should, in its own draft, at least, reconsider their demands. The civil society people should also reconsider that they should not and cannot ignore SC/ST/OBCs and the Minorities class. If you continue to do this, it will not help in any manner the nation in the long run and it will bring out several other issues and several other problems which will be more harmful than merely getting a Lokpal. Thank you.

SHRI SITARAM YECHURY (West Bengal): Thank you, Mr. Deputy Chairman, Sir.

We are once again discussing this issue. This is the third occasion in the last few weeks. But, I am not complaining. I am only saying that the gravity of the situation and the urgency and importance of the situation is making us discuss it on the third occasion in the last few weeks. This seriousness of the situation — what is happening outside is that Shri Anna Hazare is on hunger strike for 12th day — demands us that this august House rise to the occasion, like we have risen in the past when we were considering the Impeachment Motion and on various other occasions, to seriously address this issue and to resolve the impasse that is there in the country today.

This is absolutely essential for our future and its constitutional order. Therefore, in that spirit, I would like to suggest some constructive points. First of all, I join this entire Parliament and

the entire country in seeking the withdrawal of the fast by Shri Anna Hazare so that normalcy can be restored, and that should be on the basis of certain assurances that they have sought from the Parliament. Representatives of team Anna also came and met us. They made those three points that were raised by the hon. Finance Minister this morning. And, we have given them the opinion which I would like to articulate here. But there are two issues that actually concern us here. One is the question of the Lokpal itself and the second is the three conditions that they have put. Before coming to that, I have stated this earlier also, but I want to take a minute of your time to talk about the 'civil society' and the 'uncivil' or 'non-civil society'. I have raised it a number of times. If you look back at the etymology of the term 'civil society, what I can

remember and what I can recollect, it was the German philosopher Hegel who first coined this term 'civil society' to describe the evolution of modern society. And, that civil society was to embrace all the juridical, political and all the other structures. That is how the concept of 'civil society' emerged. Karl Marx, who had said that Hegel was standing on his head and that he had to be turned on his feet, had said that 'civil society' is correct, but the anatomy of the civil society is to be sought in political economy. The economic conditions of the people are the one that finally determined quality of that civil society. In this august House, you have hon. Members, like, Shri Shyam Benegal and Shri Javed Akhtar. Are they 'uncivil society'? Let us not divide our society in terms of civility and uncivility. We are all parts of that civil society. And, as a part of that civil society, it is our responsibility to make sure that some things, which are wrong in our society, are to be corrected.

Therefore, let us take the first issue of Lokpal. Correctly pointed out, this was in 1968 when Late Morarji Desai headed the Administrative Reforms Committee. He made the recommendation of the `Lokpal' and the `Lokayukta'. We keep forgetting ...(Interruptions)... The recommendations came in 1968 and the first Bill was also brought in 1969 itself. But this had lapsed because the Lok Sabha was dissolved and, therefore, it did not come to the Rajya Sabha. We all know the history. After this, the Bill was presented to Parliament for nine times. What I am trying to State here is that it is not that we are unaware of this process, or not that we are creating this institution of Lokpal in a great hurry, but after applying mind for 40 years, which means, four decades, which the Parliament has gone through. That has delayed this. And, I think, unfortunately delayed this. I would like to convey to the entire country, through you, that this august House and the Indian Parliament, and including us, our party, the Left Parties, have consistently been advocating for a Lokpal. In the time of the V.P. Singh's Government, after the Bofors incident, we all said that the Lokpal institution must be created and that must include the Prime Minister too. In 1996, when the United Front Government came, the Common Minimum Programme was drafted. We had a role to play in that, and I personally too had a role to play in that. And, two of the others, who had a role to play in that, are today the members of your Union Cabinet - the current Home Minister and the current Petroleum Minister - also jointly drafted that. They were both parties to that draft. What did we say in the Common Minimum Programme? I quote, "The United Front is committed to provide a corruption-free administration. A Bill to set up Lokpal will be introduced in the first Budget session of the Eleventh Lok Sabha. The Bill will cover the office of the Prime Minister as well. All Members of Parliament will be required, by law, to declare their assets annually before the Lokpal."

## 3.00 P.M.

We were party to this draft. In 2004 when the UPA-I Government was formed, we were party to the draft where we insisted that the Lokpal should be institutionalised and that came in as part of the Common Minimum Programme. So, the Left has been, consistently supporting and wanting this Lokpal, but for various reasons it has not happened, and it did not come about. But, now, Sir, the issue has become an issue of national concern. The hon. Prime Minister saluted Shri Anna Hazareji the other day in the other House saying that you brought this into public discourse and the whole country is now seized of this matter, which is very good. It is on the basis of that feeling we must recognise two things. One is that it has become such a popular issue where people are expressing themselves as a manifestation of the disgust they have against the unfolding of scams that have been coming in the last few months. Scam after scam is coming up and the entire political class is being blamed saying that it is because of you that this sort of corruption in high places is taking place.

Secondly, Sir, we must, I think, in a self-critical way accept the fact that as Parliament; as august House, whenever these issues came up, we also did not rise to the occasion to tackle them immediately. One whole session was wasted on whether we should have the JPC or not. Whenever these issues came up, the Parliament did not intervene. But when the CAG gives a report, when the hon. Supreme Court or the CBI proceeds, only, then, action is taken. What is the message we have sent to the people? It is that we are not interested. We are not interested or we are not competent. And, therefore, only when the other authorities take initiative on this matter, we will act. That, I think, in retrospect, we must self-critically accept, is a very big mistake on our own part as the Parliament. You have created this sort of feeling among people that Parliament is not serious and, therefore, these public protests and public actions were given certain credibility.

Once we accept that, Sir, then, we should now come down to the issue of these nine drafts that have come of the Lokpal. For 40 years

deliberations have taken place. We cannot lose another moment in not establishing the Lokpal. Therefore, on the Jan Lokpal, I have around nine points to make. I will just put down those points. One is that the Lokpal should be established. But the first point is that the selection process for the Lokpal has to be broad-based and not only Government-loaded. It also has to reflect the social inclusiveness of our society.

Second, the Prime Minister has to be brought under the purview of the Lokpal with the required safeguards.

Third, it is a fact that during these  $40\ \mathrm{years}$  of discussion on Lokpal the situation in our

country has also changed, and we have moved towards neo-liberal reforms. A new situation has arisen, and, I think, in that background, the definition of corruption has to change. The definition of corruption will have to be widened to include wilfully giving any undue benefit to any person or entity or obtaining any undue benefit from any public servant in violation of laws and rules. This widening of the definition is necessary. It is not only for pecuniary gain that an individual makes, but by an act of that individual in authority, the nation loses; the national Exchequer loses. Therefore, it is not only the acts of commission, but the acts of omission should also be brought into this ambit. That is how we will have to safeguard ourselves.

As far as the Judiciary is concerned, I think, there is now an agreement that there should be a separate mechanism and that the National Judicial Commission should be established. We have been asking for that for many years. I think that should be brought about as soon as possible.

As far as the question of Members of Parliament inside the House is concerned, - Article 105 makes it clear - if there are instances of Members acting inside the House under charges of corruption, we are ready to discuss it. For example, we have seen the cash-for-votes case. Outside, of course, they will be part of the Anti- Corruption laws and Acts that we have. They have no protection there. But inside Parliament also, we are willing to discuss how that should be brought about. If necessary, we are willing to discuss provisions of Article 105 and see if they need to be amended. But the point is, no act of corruption expressed even inside the House can also be avoided and very correctly it was pointed out. In the Lok Sabha, we took action against Members of Parliament. Even here also we took action against our hon. Members. We are vigilant. But if public confidence has to be given, that Section can be strengthened or that opinion can be conveyed that this will be done. Then, sixth point relates to Lokayuktas at State level. Sir, I will come to this later when I respond to those three questions. But I think the question of Lokayuktas will have to be taken up on the basis of what we have done in the past. What we have done in the past on a number of issues, Sir, I think we should take all this as a process of maturation of Indian democracy. You had the Panchayati Raj Institutions formed in various States. A full 11 years after the Left Front Government instituted that in West Bengal, we had the 73rd and 74th Constitutional Amendments. When the States went through that experience, many States did that. Karnataka did that, Madhya Pradesh did that, many States did that and, then, you came up with a Central law. If felt necessary, you amended the Constitution. You did that with the Right to Information Act. Finally, you brought in a Central law in which you gave a direction that such Commissions should be there in every State. So, in that

learning process, as I said the other day, you are now coming to a situation where it is, perfectly, possible. We have done that in the past. Prepare a model Bill, send it to the States for their consideration and their Assemblies' deliberation and let them institute the Lokayuktas. So, it has to be mandatory that Lokayuktas will be there, but, how, what, that privilege of the State Legislatures and our Centre-State relations is something which is inviolable. That we cannot violate. So, let that be the procedure. That must be done.

My seventh point relates to whistle blowers. For the protection of whistle blowers, the existing Public Interest Disclosure Bill and Protection of Information Bill need to be strengthened and passed expeditiously.

Now, I come to the question of Citizens' Charter. Again, we are, actually, talking of it as though this is something new that we have brought about. There are Right to Services Act that have been passed by five States in our country already. They are Bihar, Jammu and Kashmir, Madhya Pradesh, Punjab and Uttar Pradesh. They are proposed in Jharkhand, Kerala and Rajasthan. I was surprised to see, Sir, - the hon. Chairman of the relevant Committee is not here at this moment the other day, on the Internet, the draft Electronics Services Delivery Bill. It was also written that citizens may send their responses to Abhishek80.gov.in by 4th of May, 2011. It is in the public domain. In public domain, there is a Bill of 2011 called Electronic Services Delivery Bill. The scope of the Bill, actually, says, that every competent authority of the appropriate Government shall publish (i) all the public services of the Department/Agencies or Body which have to be delivered through electronic mode - that is the mode that all of us, surely, should move to; this applies to all; then, (ii) the date by which these services shall be made available; (iii) the manner of delivery of such services and their service levels and this is most important (iv) the grievance redressal mechanism available to any person aggrieved about the outcome of any request made by him for such service... This is there. Your Bill is in public domain. You are discussing it. I do not know why the Government is not even referring to the fact that this mechanism has already been proposed by this very Government. You already have a mechanism that you have proposed. It is there in the public domain. Either the left hand of the Government does not know what the right hand is doing, or, the Government itself is not realizing that what it is, actually, doing. So, such a mechanism has already been suggested by it. So, if it can be brought into the framework of the Lokpal saying that such a mechanism is there, very good. You can bring it. But the point is that such a mechanism is, absolutely, necessary.

Finally, Sir, there has to be some provision in the Lokpal Bill to take steps against corporate companies and business houses which indulge in corrupt practices. Is corruption the prerogative only of public servants? I have said earlier that you have a nexus. You have the nexus, Sir, of

corrupt politicians, corrupt bureaucrats, corrupt corporate houses and I am sorry to add, certain sections of the corporate media. You have this nexus that is coming up. But the Lokpal should have the authority and power to also move against these other sections; it cannot be only for one particular section. ...(Interruptions)... Therefore, Sir, on the three specific issues, as I said earlier, suggested by Team Anna, they wanted an assurance from Parliament. Yes, on the question of the Lokayuktas, we agree that they should be established. But it can be done through a model Act from the Centre and the federal principles of our Constitution, cannot, as I said earlier, be violated.

Second, a reference to a separate law for Citizens Charter and redressal of grievances can be made under the provisions of the Lokpal, but a separate law, as I mentioned earlier, a sort of separate law like the Right to Services Act, must be created.

SHRI V. NARAYANASAMY: There is one clarification on that. For Citizens Charter and public grievances redressal mechanism, there is going to be a separate Act. This suggestion came from all the hon. Members. But how can it be brought within the ambit of Lokpal Bill? Can you give some suggestion on that?

SHRI SITARAM YECHURY: No, no; that is not to be brought within the ambit of the Lokpal Bill legislatively. The point is that the Lokpal legislation that you bring about can make a reference that you will have such a mechanism through a separate law. We have done this in the past. We have done this with the RTI regulation. We have given this thing. ...(Interruptions)...

Sir, the final question that has come up is the question of the lower bureaucracy. Lower bureaucracy, at all levels, must be under the Lokpal. Now, I for one, Sir, fully support that bureaucracy, at all levels, must be under its purview. But we will have to look at the constitutionality and the practicality of the issue. Today, Sir, you tell me — the hon. Judiciary is there; I don't want to cast any aspersions personally on anybody; that's not my idea at all — how many cases are pending in our country waiting for justice to be delivered? There are crores of cases, if you take the lower courts. Lakhs of

people in our country are in judicial custody not because they have committed a crime, but because the case whether they are guilty or not has not yet been processed. Now, you have such a backlog of the delivery of justice and you want that 1,46,00,000 employees should be covered only by one authority. Is that possible, Sir? So, I think, a serious thought must be given to it. While we say, 'yes, everybody 'must be' accountable, 'must be' brought to book', but practicality has to be seen in that 'must be'. That practicality, how you would do it, ...

SHRI RAJNITI PRASAD: Are you supporting civil society Bill? ...(Interruptions)...

SHRI SITARAM YECHURY: I am saying, 'I want a new Bill.' The Government Bill is not adequate. I have many differences with Jan Lokpal Bill. So, I want a combination of the best of all these Bills and a new draft should be brought here, and, in that new draft, the three points that Anna Hazareji has raised, I am addressing those three points. All three, according to me, are acceptable. But how is it to be done? That has to be within the framework of our Constitution. Secondly, Sir, as far as all the lower level bureaucrats are concerned, the lower level bureaucrats, I think, must be made accountable. But you understand the practicality. I gave the example of Judiciary. But there are also Articles 311 and 320 of our Constitution. They talk how they are protected. They are protected from harassment by higher bureaucrats. They see how they cannot be harassed by all this. ...(Interruptions)...

SHRI MOHAMMAD SHAFI (Jammu and Kashmir): What about time-lag?

SHRI SITARAM YECHURY: I am coming to that. So, as far as this is concerned, Sir, I think, that we can have a way. For the lower bureaucracy, the existing vigilance machinery, which is there to oversee them, can be brought under the supervision of the Lokpal. You already have an existing vigilance machinery. That can be brought under the supervision of the Lokpal. If the existing machinery is not delivering, then the Lokpal can be approached. But the question is, you cannot bring everybody under one institution and one authority at the country-level. It is just not feasible. It is just not possible. Therefore, Sir, what we will have to suggest in my opinion is that this august House must convey to Anna Hazareji and this entire agitation that is going on outside that 'on all the three points that you have raised, the House gives you the assurance that it agrees with these points.' ...(Interruptions)... We agree with these points, with all three points. ...(Interruptions)...

श्री रामविलास पासवान : अभी तो आप वरिध में बोल रहे हैं ...(व्यवधान )...

येचुरी : आप स्ब हीः नहीं हैं , चलिए शरी सीहाराम रहे पर है , उन मुझें हुं , हमारी सहमति उन ख़यालों पर है , जो उन्होंने तीम उन्होंने है बार्ह्स उठाई कहा

सभी मुख्राज़िमों को आपको लोक्रपाल के तहत लामा है , स्टेट्स में लोक्रायुक्त हो और तीसरी बास उन्होंने कही है कि redressal के लिए एक सिटीजन चार्टर हो। ...(व्यवधान )...

श्री नरेश चन्द्र अग्रवाल : येद्युरी जी , आप यह clear कर दीजिए कि आप कह रहे हैं कि स्टेट में लोक्रायुक्त हो , तो यह स्टेट की मर्जी से हो कि वह लोक्रपाल के अंत्रर्गत आए? दूसरी बाहा यह है कि सभी कर्मचारियों को इसके अंत्रर्गत लामे से पहले इस पर उनकी राय ली जाए या न ली जाए ? अगर कल कर्मचारी हड़ताल पर चले गए, तब क्या होगा ?

श्री सीताराम येचुरी : यह बिल्क्नुल सही बात हैं।

श्री रामदास अग्रवाल (राज्जस्थान ): कर्मचारियों केः
फेडेरेशन ने इसे support कथा हैं।

शरी सीहाराम येच **री**ः पहले तोः मैंः इस बाह्य कोः दोहरा कि जहाँ तक स्टेट्स के अन्दर लोकायुक्त काः सवाल है , हमने है कि सेंटर से एक मॉडल एक्ट कर भेजा है , जिसके आधार पर राज्ञ्य सरकार और राज्ञ्य की लेजिस्लेटिव असेम्बलीज उसे consider करके अपने हिस्राब से उसको होगा। लेकिन हर राज्य कोः लेखा कैसे लेंग्रे क्या लेंग्रे , ये बाहें वे लोग तय करेंगे। यहाँ वगैरह –वगैरह संघवाद हमारे संविधान कीः बुमियाद है , हम उसका उल्लंघन नहीं कर सकते हैं⊅

कर्मचारियों जहाँ तक सरकारी कीः बाह्य है , हमारे संविधान में आर्टिकल 311 और आर्टिकल 320 **के** तहत उनके अधिकार की गारंटी दी गई है उस गारंटी काः उल्लंघन नहीं हो सकता। चूँिक **उ**स होः सकता , इसलिए गाउंटी काः उल्लंघन नहीं हमारा यह कहना है कि कि मुल्लाजिमों एक ऐसा mechanism बने के लिए आजजो vigilance की mechanism है , अगर उससे justice नहीं होही है , तो लोक्रपाल में अपील हो सकती है या इस तरह की बाहों के बारे में हम सोच सकते हैं क यह दूसरी बास है।

जहाँ तक तीसरी बाह्य हैं , Citizen's Charter और Redressal की , हमने बताया कि इसके लिए सरकार का ही एक कामून तैयार पड़ा हुआ है , उसके बारे में सलाह –मशविरा हो रहा है , तो उसको आपजोड़ि ए।

तीमों मुद्दे विवादास्पद मुद्दे हैं क इन तीमों पर हमारी संसद की जो राय बनेगी , वह राय मुद्दों यही है कि हम इन तीमों को in principle मानें। लेकिन मुद्दों किस तरह है , वह हमारे संविधान के तहत होगा। उपसभापति से लागू करना जोः संवैधानिक और ढाँचा है , अब इसको जीः , हमारे पास व्ः यवस्था समझना जरूरी है कि हमारे उस संवैधानिक ढाँचे काः उल्लंघन किसी भीः ढंग से नहीं करिएगा कि जब बाबरी हो सकता। याद गरिने के बाद कोः बर्खास्त किया मस्जिद चार राज्य सरकारों गया थाः , तोः सुप्रीम कोर्ट काः यह नर्ष्णिय आया कि 'The fundamental features of our Constitution cannot be violated'. अगर किसी सरकार पास majority भी हो , तो Constitution के fundamental features को you cannot violate. You cannot change the fundamental features even if you have a majority. Now, that is the sacrosanctness of our Constitution.

Federalism is one of those fundamental features; secularism and democracy are fundamental features, as the Supreme Court has defined. That is why, I am pained to hear, Sir, that a former Law Minister, who was also the co-Chairman of the Drafting Committee, said that there were times when the Parliament passed a Bill and made a law within four hours. Yes, we did, Sir, and the whole country paid the price for it. It passed a law during the period of Emergency, abrogating democratic rights, and for that the entire Parliament, the entire country, paid the price. We all corrected ourselves, and the system itself corrected us, to make sure that such abrogations do not take place. That is why, Sir, we must now realize that the Constitution of India is the social contract between the Indian people and the Indian State. That social contract is inviolable; it cannot be violated. It is on that basis that we will have to convey this assurance from this House to Shri Anna Hazare and everybody else outside that all the three points that he has raised will be incorporated in the Lokpal, but it will be within the framework of

our Constitution, that Constitutionality will be maintained and all the three points will be incorporated.

Finally, Sir, there is a genuine fear that just as you brought the Bill nine times in the last 42 years, this time too, you would do the same thing. Now, we have to give that assurance...

SHRI V. NARAYANASAMY: We too share the responsibility. It is not only  $\mbox{you.} \label{eq:constraints} \mbox{...} (Interruptions)...$ 

SHRI SITARAM YECHURY: I am saying 'we' in the sense of the Parliament. We have brought it nine times in the past and again, we would all be doing the same thing, and nothing will come out of it! Now, that fear that people have is a genuine fear. That fear needs to be addressed, and that is what I meant when I began by saying that we must rise to the occasion. I think, we must rise to the occasion and say, 'yes, this is the learning process; yes, for the last 40 years we have been discussing it; yes, on many issues, various States have taken initiatives when a Central legislation was formulated, whether it was the Panchayati Raj or the RTI'. On this also, many States have the Lokayuktas and we are discussing the Lokpal. Now in the concept of the Ombudsman, that we were talking about earlier, the question of institutionalizing this Lokpal is something that will not be delayed any further. It will be done at the earliest. For that, the process has begun. I think, Sir, this unqualified assurance must be given to Anna Hazare and the people outside. This unqualified assurance we must give to ourselves to improve our democracy and, like I said earlier, we should assess the process of maturation of our democracy a little more in the process and enact an effective Lokpal and a strong Lokpal which is neither the Government draft today, nor the Jan Lokpal draft today. Let us incorporate all good points and make a new law that will give us a good stage in the future for better accountability, better transparency and better administration.

शरी शक्षिनन्द तिवारी (बह्निर )ः उपसभापति महोदय , धन्यवाद। अभी जानकारी दीः गई कि लोक्रपाल काः मामला 42 **वर्षी** से पेंडिंग लगता है कि इस बार है . लेकिन हमें लोक्रपाल

जरूर पास होगा , एक ठीक – ठाक बिल पास होगा। अभी सीक्षाराम येचुरी जी बोल रहे थे तो इन्होंने कहा कि...(व्यवधान )... अरे भाई , बोलने दो , निश्चिंत रहो , लोकपाल पास होगा। तुझ तो एमए पास हो , हम तो बीए पास भी नहीं हैं , मैट्रिक भी ठेल –ठाल कर पास की है ...(व्यवधान )... बाहर लोग जो बोल रहे हैं कि अनपढ़ लोग चले गए हैं , उसमें भी हम हैं तुझ तो पढ़े लिखे आदमी हो ...(व्यवधान )...

येचुरी जीः ने**ः कहा क**ि यह बक्षि पास मैं यह कह रहा थाः , सीलाराम होः , लोकपाल बने , ताकि नॉर्मेलिसी स्थापित होः सके। हम लोगों ने ४२ वर्षी तक, और 42 वर्ष हीः क्यों , 1946 में पहली हिन्द्रस्तानियों कीः सरकार बनी और पंडित जवाहर लाख़ नेहरू बने , 65 वर्षीं तक हम लोगों प्रधान मंत्री ने इंसजार किया। किस चीज़ काः इंत्रजार किया ? नॉर्मेलिसी कथाि। ऐसा काः इंसजार है कि अन्ना हजारे साहब की जान बचाने नहीं के

हम लोग इतने बेचैन हैं या सरकारी इतनी बेचैन है और सरकार भर जाग रही है , कोई रास्ता खोजने काः पुरयास कर रही है नहीं , ऐसा नहीं हैंक इस देश में अगर भुख से कोई मरता है , तो एक निशमानन्द सरकार को उसकी चिह्ना नहीं हैक जीः थे≬ हरिदवार गंगा कोः बचाने के लिए उन्होंने जाम दे दी , लेकिन में सरकार पर याः हम लोगों पर कहीं भीः हीख़ -डोख़ नहीं हुआ।

उपसभापति महोदय , यह ढोंः गीः लोगों काः देश है। गंगा कोः हम के लिए उस आदमी ने अपनी जान मांः कहते उस मांः कोः बचाने हैं क दे दी , लेकिन किसी के काम पर जूं तक नहीं रेंग्री। इस देश कुषोषण के शक्कार और हर साख़ कलिने हीः लोग भूख के 46% बच्चे हैंं कारण मरते हैं , इसका कोई हिसाब नहीं है , लेकिन सरका र पर कोई असर नहीं होसा हैक

बेचैन हुई ? वह इसलिए बेचैन नहीं कि सरकार क्यों जीः उपवास पर हैं¢ थाः कि अन्ना हजारे सरकार को अंदाज नहीं अन्ना हजारे जिस मुद्दे कोः उठाने जाः रहे हैं , उस मुद्दे से कीः जनता विचित्रित क्री लोगों के मन में एक बेधैनी है , इस देश लोगों के मन में ग्रसा है , इसका अंदाज़ सरकार कोः नहीं था। अगर इसका अंदाज़ सरकार को होता तो सरकार ने अन्ना हजारे कोः इस गरिफ्तार बार के अनशन पर बैठने के पहले नहीं किया होसा। अगर होता , तो कांग्रेस को इस बात का अंदाज़ पार्टी ने अपने से उस बूढ़े आदमी कोः \* नहीं दक्षिवाई होही। परवक्ता इनको अंदाज थाः , इसीलिए यह हुआ ...(**व्यवधान** और जब इनको ) . . . )... उस पर भीः हम आएंगे , अभी बहुत अंद्याज हुआ ...(**व्यवधान** आप बैठ जाइए ...(व्यवधान )...

**श्री एस.एस. अहलुवालिया :** आप उन्हें बोलने दीजिए , डक्स्टिर्ब क्यों कर रहे हैं: ?...(**व्यवधान** )...

**श्री शिकानन्द तिकारी :** हमें भी तो \* सुब्बनी पड़ी है , आप ही को नहीं सुब्बनी पड़ी है ...(**व्यवधान** )...

श्री उपसभापति : \* शब्द एक्सपंज कर दीजिए।

श्री शक्तिनन्द तिवारी : मैंः यह कह रहा था कि जब सरकार हुआ , तब सरकार अंदाज के अन्दर बेचैनी हुईः कि नहीं साहब , अब तोः मामला हाथ से बाहर जा रहा है और तब सरकार की आंख से राहों कीः नींद्य गायब हो गई।

उपसभापति महोदय , आखिर क्यों आजतक लोकपाल नहीं बना ? क्या इस देश में भ्रष्टाचार नहीं था ? क्या पंडित जवाहरलाल नेहरू के समय में भ्रष्टाचार नहीं था ?

आजकल पटना से एक अखबार निकलता है 'टेल्लीग्राफ <sup>,</sup> टेल्लीग्राफ ′ एक पुराना अखबार है और उसके पटना एडीशन में हमने वेंकट अगस्त को कल्याणम जी इंटर्व्यू काः एक पढ़ा , जोः 90 वर्ष के हैं , चेब्जई और वह महात्मा में रहते गांधी के थेः पर्सनल सेक्रेटरी उन्होंने लिखा है कि भ्रष्टाचार के बारे में 1947 के सित्तम्बर महीने से शिकायतें शुरू गईं। गाँधी के आनी हो जी यहाँ रोज भुरष्टाचार कीः शक्कायत से सम्बन्धित 80 चिद्धियाँ आती ৰ্থীত , लेकिन किसी ने इस धयान नहीं दिया। यहाँ तक कि पंडित नेहरू जीः नेः भीः धयान पार्लियामेंट नहीं दिया। उन्होंने इसी के बारे में जक्रि किया क्री उन् हों से यह कहा है कि '। remember, once, a Member of Parliament asked Nehru, "What was doing to curb corruption?" Nehru replied, "The hon. Member should

<sup>\*</sup>Expunged as order by the Chair.

not complain, should not worry about little corruption here and there." To this, the Member replied, "Sir, a little corruption is little pregnancy. It keeps on growing and that is what has happened." उस समय भीः corruption था। हमें याद है , देश की आज़ादी के बाद्य हीः, 1948 ਸੇਂ जीप्र सकैंडल हुआ था। 3119 Public Accounts Committee की उस समय की रिपोर्ट देख लीजिए और साथ में जो audit report है , लीजिए। लाख़ नेहरू जीः कीः अध्यक्षता उसको भीः देख जवाहर में कमेटी और Public Accounts Committee की रिपोर्ट को खत्म कर दिया दिया गया और इतना में गया , दबा बड़ा फरेब कि संसद हुआ सवाल उठा , सवा ल Order Paper पर आया और उसके बाद गायब का काम हुआ है। क्यों नहीं गया। इस ढंग लोक्रपाल बना ? मुद्रा कांड टीः .टीः . कृष्णमाचारी कोः इस्तीफा देखा पड़ा। मुद्रा कस्रिने कांड की बात उठायी थीः? फशिज गांधी ने¢ क्यों नहीं बना ? दुर्गादास कीः डायरी मुझे है कि सब को लोक्रपाल है≬ लगता - `from Curzon to Nehru'. उसमें आप पढ़िए। पढनी चाहिए हमारे के सबसे वह्ति मंत्री जो थे , 1952 में बने पहले थे , उन्होंने लोक्रपाल कीः जरूरत की बास उठाई थी। राज्ञेन्द्र बाब्र देश के राष्ट्रपति थेः ने प्रधान मंबी राजेन्द्र बाब्र , जवाहर लाख़ नेहरू जी को चड़ि लिखी थीः कि यह सवाल जरूरी है और हम लोगों संस्था चाहिए। कोः Ombudsman जैसी बनानी इस पर क्या प्रतिक्रिया हुईः पंडित नेहरु कीः? पंडित नेहरु की प्रतिक्रिया हुई कि राजेन्द्र प्रसाद जीः हमारे खिल्लाफ हैंः है , इसलिए ऐसी और इनकी नीःयत हमारे प्रशत ठीक़ नहीं ने दुर्गादास रहे बहुत दुखी होक़र राजेन्द्र बाब्र् है , वह कांग्रेस की coffin में कहा कि corruption का जो मामला लास्ट कीख़ होगा। उन्होंने यह कहा। यह हास्रत है¢ आजabnormal रही सथिति होः गई, जिसके बारे में सीहाराम येध्र्री पैक्ष जीः कह रहे बहु त बेधैन हैंा , राजनीति प्रसाद बेचैन हैं , राम कोः \* दीः जाः रही है। गोष्राल भाई बेचैन हैंं कि हम लोगों \* दीः जाः जी का भाष्रण मेंबे भीः सुद्या। मैंः रही है , ओम पुरी इस सदन से घर गया और मैंबे चासू किया अपने टेल्लीविजन तोः उस पर ओमपुरी जी काः भाष्रण आरहा था। उसके बाद अखबार में हमने एक रिटायर्ड महिला अधिकारी कें बारे में ये बुद्धिवादी पुलिस पढ़ा। लोग हैंक ये बहुत बेधैन हैं कि पार्लियामेंट में कैसे -कैसे लोग

पहुँच गये हैं ? कहा जा रहा है कि ये कौम लोग हैं ? अनपढ़ लोग हैं , अनपढ़ लोग हैं। सचमुच , इनकी बेधैनी हम समझते हैं‡ पार्लियामेंट की composition को देखिएगा और जो भी Assemblies हैं , उनकी composition को देखिएगा। 1977 तक आप इसी पार्लियामेंट को देखिए। की बनावट 1952 **से** लेकर 1977 **तक इस देश** पार्लियामेंट में upper castes या ऊँधी जातियों काः बर्चस्व जातियों **रहा। 1952 में ऊँची** के 64 परसेंट लोग थें 1977 के बाद इसमें परिवर्तन आया। आप 1977 काः सास्र देख लीजिए। 1977 वह वर्ष हुआ , कांग्रेस है , जिसमें कांग्रेस काः पराभव कीः पराजय श्रुक कीः पराजय से ही OBC के जो लोग हैं हुई। कांग्रेस backward community के लोग हैं , इन्होंने upper castes को overtake कीः संख्या 1952 **में सर्फि** किया। OBC के लोगों 12 परसेंट इसके बाद्व 1957 के इलेक्शन में 14 परसेंट , 1967 **के**ं **इलेक्श**न में और 1991 में 24 परसेंट **और** 2004 में 30 परसेंट OBC के आए। इस parliamentary democracy ने हमारे समाज में एक हलचल कीः , हजारों वर्षों काः जड़ समाज , जाति -व्यवस्था पैक्ष पर आधारित समाज , पैदाइश के आधार पर किसी को बड़ा और किसी को छोटा वास्रा समाज , और बाहें छोड़ दीजिए , रामविलास पासवान जीः यहाँ पुराने बैठे है , जो हमारे बहुत मित्रि हैं ये 1969 में MLA बने

<sup>\*</sup>Expunged as order by the Chair.

थे , उसके पहले से मैं इनको हूँ। इस देश में जोः \* हैंः , जामता पैदायशी जोः दलित हैंः , उनको 1970 **ਸੇਂ** अछूत कहा गया। पटना में वश्वि हिन्द्रि धर्म डाः . कर्ण सहि सम्मेलन हुआ থা जीः उसके अध्यक्ष थेः पुरी के शंकराचार्य भीः पटना गए थे और तब उन्होंने कहा था कि "\* are born untouchables." \* पैदायशी अछ्रत हैं⊅ मेंबे शंकराचार्य पर . . . (**व्यवधान** )...

**श्री नरेन्द्र कुसार कश्यप** (उत्तर प्रदेश ): सर, \* शब्द हटाया जाष्ट। ...(व्**यवधान** )...

उपसभापति : \* शब्द रिकॉर्ड में नहीं जाएगा , इसको हटा निकाल दीजिए। )... इसको निकाल दीजिए ...(व्यवधान दीजिए। ...(व् यवधान )...

: सर, मैं उस समय की बात कर रहा शरी शक्तिनन्द तिवारी कहा थाः, मैंः उसी बाल को कह रहा जोः उन्होंने उन्होंने कहा कि \* are born untouchables. इस तरह की खबर चली और हमारे आदमी के मन में बेचैनी हुई। हमने कहा कि लोकतंत्र के अधिकार काः वोद्य पर आधारित है। एक मुसहर और एक बराहमण के वोष्ट का माम बराबर हैं , तो फिर यह आदमी कैसे रहा है कि \* पैदायशी अछूत है हमने इसको लेकर शंकराचार्य पर Untouchability (Offences) Act के मुताबिक मुक्कदमा हमको लगता है कि जिंदिगी जीः हमारे गवाह थे≬ " के मुकदमे पहली दफा "शिवानन्द बनाम शंकराचार्य में के अख़बारों में इनका नाम छपा। हमने देखा कि उस समय क्या थीः , हमने कतिनी \* सुवीं और कांग्रेस कीः सरकार करती है कि हम दलितों के , scheduled caste के हमदर्द पार्लियामेंट में उस मुकदमे कोः लेकर सवाल उठा थाः, उस समय वाई .बीः . चव्हाण साहब गृहः मंत्री थे , संसद में बेचैनी लोगों ने कहा कि किसेने अधिकार दिया कि एक खास समुदाय यह कहा जाए कि वे पैदायशी अछूत हैं ? वाई .बी . चव्हाण दिया कि पटना में जो मुकदमा साहब ने सदन में आश्वासन मदद करेगी , लेकिन हम लोगों को कोई मदद उस मुकदमे में सरकार मिल्ली। यह देश ऐसा है

आजउसी तबके के लोग 1967 के बाद समाजवादी आंदोलन के जरिए
1977 के बाद पार्लियामेंट में जीत करके आ रहे हैंं ये जो
बुद्धिवादी लोग हैं , जो अपने आपको काबिल समझते हैंं . अपने
आपको सबसे ज्यादा पढ़ा -लिखा समझते हैंं , उनकी छाती में जलन हो

रही है , उनकी छासी पर सांघ्र लोट रहा है और उनको यह लग रहा है कि यह अनपढ़ कैसे चला जाः रहा है। दुसाध का बेटा , \* का बेटा , नाई का बेटा , हज्जाम का बेटा , यादव का बेटा , कैसे जीहा करके पार्लियामेंट में जा रहा है। हम जो अभिजात्य लोग हैं , Elite लोग हैं , हमको जगह नहीं मिल्र रही हैं , यें सब फास्नतू लोग वहां कर जाः रहे हैंक यही कारण है। यही लोग बोस रहे हैं , इसलिए हम राजनीति प्रसाद जीः कोः कहेंगे , हम रामगोपाल भाई को कहेंगे बेचैन होने की जरूरत नहीं है। इस पर बहु त ज्यादा कीः जरूरत नहीं हैं और न Privilege Motion लें आने की जरूरत हैंक चीओं कोः समझिए।

जब कर्प्री ठाक्र्र ने बिहार में आरक्षण लागू किया থা , থা , पछिडों को आरक्षण दिया तब सड़कों पर गाली दीः जाः रही थी। "येः पछिड़ा कहां से आई, कीः कर्पूरिया फलानी भीः आई ऐसी गाली दीः जाः रही थी:। हम लोग सुन्नने के आदि हैं¢ हमको याद्य है कि पटना के गांधी मैद्यान में थीः और एक दलित प्रकाश नारायण कीः सभा होः रही समाज के नौजवान ने वरिषेध किया कि जगजीवन राम

<sup>\*</sup>Expunged as order by the Chair.

जीः कीः गाडी को क्यों नहीं अंदर दिया जाः रहा हैक उनको आरक्षण विशेधियों ने घेर लिया और हम उनके सामने खड़े हुए , तो हमको थप्पड़ लगा और मेश चश्मा कर फेंक्का गया। हम लोगों खुस्न अपमान सहने काः भीः माद्या है≬ उनको बोल्लने दीजिए। और ज्यादा में उन गरीबों कोः, और ज्यादा में उन अनपढ़ लोगों ताद्वाद ताद्वाद को पार्लियामेंट में लाः करके , एसेम्बली में भेज करके , हम उन लोगों हमारी को जवाब देंगे। चमड़ी इतनी पतली नहीं क्षे सदियों से हमने अपमान सहा है , लेकिन हम उसके खिल्लाफ ਕਤਰੇ रहे और साबित किया है कि हमारे हैंं अंदर त्झ्हारी छाती ताकत है≬ पर चढ़ कर हम एम.पीः . बन कर घूझेंगे , मिनिस्टर बन कर घूझेंगे . तुस जलते रहो , हमको इसकी परवाह नहीं है≬

महोदय , लोक्रपाल के बारे में जोः technical पक्ष हैं , उनके बारे में वस्तिार से चर्चा हुई। मेरा यह मामना है कि आज बहुत जोः abnormal स्थिति पैद्या हुई है , आजभ्रष्टाचार का जो रूप आकार दिखाई दे रहा है , अगर आज़ादी के बाद , आज़ादी के साथ ही यह लोक्रपाल बन गया होसा , तोः आज तस्वीर दूसरी होही। आज राजनीति में ऊपर के लोगों कीः क्या है ? आज आप कह रहे हैंः कि हास्रत राजनीतिज्ञों के खिलाफ इतना कुयों है ? हमारे यहां ग्रसा के कई चेहरे है , लोहिया थे कि लोगों कहा जाशा कहते हैं क आज टलोग हैं , बेईमान हैं , कौन लोग जोः भरष लोग हैंं सब यहां लोग एक-दूसरे के बारे में जामते हैं क हम नहीं पकडे गए, तोः हम बोर्लेगे। बहुत ईमानदार हैं⊅ हम भ्रष्टाचार के खिलाफ हम यहां दक्षिली आते थें , बहुत दिनीं से आते रहे हें⊅ राजनीतिक कार्यकर्ता के रूप देवे कभी में कभी धरना तोः प्रदर्शन करने थेः आते हमने पटेल चौक पर लाही खाई है≬ हमको याद है , 1970 **ਸੇਂ** मोहन भाई यहां बैठे हुए हैं क लाठी चार्ज सन् हुआ থা इंद्विरा जीः वश्वि हिन्दिी और हमारा एक साथ मारा गया খা कोष्र काः के लिए माबलंकर हॉल आई थीं और हम लोगों ने अनावरण करने में था। उस समय शायद राजनीति नारा लगाया जीः भीः थेः तब हम लोगों ने डंदिरा गांधी के खिल्लाफ मुर्द्याबाद काः नारा लगाया थाः और वहाँ भीः हुए हम लोग गरिफ्तार थेः हम यहाँ लम्बे समय से आ रहे हैं क कि किस्रके कत्तिने यहाँ नेह्मओं काः वजन तौला जाशा है पास हजार करोड़ रुप्तये हैंा , कक्षिके पास कत्निने अरब रुप्तये हैं क जोः नहीं पकड़े गये हैं , वे बहुत ईमानदारी के साथ भरष्टाचार के

हैं , लेकिन बोलते लोग सब समझते हैं 🏗 इसलिए कहीं कहीं हमको अपने भीतर भीः झांक कर देखना होगा कि हममें कहाँ गरीबों क्या कमजोरी हैंक हमने काः हक आजतक नहीं दिया।

उपसभापति महोदय , मैंा एक चेह्नावनी देखा चाहता ह्ँाः इस भरष्टाचार के सवाल पर, इस लोकपाल के सवाल पर देश गरम हुआ है , ऐबनॉर्मल पैद्या स्थिति हुई क्री उसको नॉर्मल करने के लिए हम लोग बैठे हैं , लेकिन इस देश में एक सवाल और है , जिस पर आजया कल ऐबनॉर्मल सथिति पैक्ष होगी , वह कौन –साः सवाल है ? इस दे श में जोः गैरः -बराबरी है , इस देश में जो भूख है , वह सवाल उसके खिलाफ है¢ याद कीजिए कि जब इस देश का संविधान तैयार हुआ थाः, तब 1949 के नवम्बर महीने में बाब्रा साहेब भीमराव अम्बेडकर संविधान कोः सौष्रते हुए क्या थाः ? उन्होंने थाः कि कहा कहा संविधान के जरिये हम बराबरी काः वाद्या कर रहे हैं† डेम्रोक्रेसी कें जरिए बराबरी काः वाद्या कर रहे हैं . लेकिन हमारे गैरः -बराबरी थाः कि आर्थिक समाज में क्री उन्होंने गैर कहा बराबरी और सामाजिक गैरः -बराबरी दोनों है और अगर हमने इस गैरः -बराबरी जल्दी नहीं को पाटने काः काम किया , तो डेम्रोक्रेसी पर खतरा पैक्षा होगा , हमारी डेम्रोक्रेसी खत्म आज वही स्थिति आयी हैं। आज देश में भरष्टाचार के सकती हैक उथल-प्थल मची हैं। आगे चल कर गैरः –बराबरी खिल्लाफ के खिल्लाफ

ऐसा होगा। (**समय की घंटी )** ये 46 परसेंट बच्चे , जो कुप्नोषण के कि्सान जो आत्महत्या शक्कार हैं , हमारे कर रहे हैं , इनके भीः देश में एक जन आन्दोलन लिए भी कोई खिल्लाफ श्रुक होगा। उसके आवाज उठाएगा और एक ऐसी परिस्थति पैदा होग्री कि हमको फिर दिन्न -कर कोई रास्ता निकालना इसलिए मैं आपके जरिए बैठ पड़ेगा। इस देश में जो गरीबी सबको आगाह करना चाहता ह्ँ≎ है , इस देश है , उसको भी पाद्रने सर्फि जोः गैरः -बराबरी का काम कीजिए। inclusive growth और समावेशी विकास कहने से काम नहीं चलेगा। इस करके आपकक्षिने कोः ठगिएगा। काः इस्तेमाल लोगों

महोदय , हम बिहार बह्यिर उपसभापति से आते हैं। कीः सरकार ने सरकारी कर्मचारियों और काः क्रामून छोटे -छोटे कई मामलों बनाने काः काम किया और उसका हीः दखाियी देबे नतीजा दस दिनों में लगा है\ आप यह देखिए यहाँ कमाल है¢ वोद्य का कया हमारे पंचायतों में अति पछिडों को 20 परसेंट दिया गया है , जिसको कोई पूछता नहीं आरक्षण जब असेम्बली याः पार्लियामेंट का च्वाव होला थाः , तोः पूछा थाः कि राजपूत कह्मिने हैंं कत्तिने जांसा , ब्शहमण हैंं और याद्वव (समय की घंटी ) बस, अब मैं कत्तिने हैं 🕩 खत्म कर रहा लेकिन , हैं , मल्लाह भीख़ कतिने कत्तिने हैं , बढ़ाई क्रिने हैं , ल्हार हैं , इस बाहा को कोई नहीं पूछता था। अंस्रारी कतिने कत्तिने हैं , इसके बारे में कोई जामकारी नहीं यह जोः हजारों वर्षी काः जड़ समाज हैः , वह सर्फि एक नीवि चलते कि पंचायत में नीतीश ने अति पछिड़ों को 20 परसेंट कुमार दिया , उनके अंदर आ गयी। आजवे पूछते हैं आरक्षण एक ताक्रत वधािन फलां सभा कुषेत्र में अति पछिड़ों की क्या हास्रत है ? हम लोगों ने "महादलित आयोग " बनाया। लोग हम पर आरोप लगाते बहुत हैं कि आपने उनको तोइ दिया , आपने दलितों को बाँट दिया। यहाँ रामविलास जीः भीः बैठे हमने उनको बाँह दिया ? क्या र्हें क क्या मुसहर के बारे में किसी ने कभी सोचा ?...(व्यवधान )...

**श्री रामविलास पासवान :** शिवानन्द जीः , अति पिछेड़ों के लिए कर्पूरी जीः के समय के आरक्षण चला आरहा है।

शक्तिनन्द तिवारी : हम पंचायती राज में आरक्षण कीः बात कह रहे हमने यह कहा थाः और हमने तोः कर्पूरी जीः काः भीः नाम थाः...(व्यवधान )... आप क्यों बेधैन लिया होः रहे हैं ? आपकी बेचैनी का कारण भी हम समझते हैं । अब आखिर किया क्या जाए ? इनकी पार्टी के तीम एमएलसी थे , जो इनको छोड़ कर हमारे यहाँ चले आये। ...(व्यवधान )...

**श्री रामविलास पासवान :** आपने उनको खरीद लिया। ...(व्**यवधान** )...

 श्री शिवानन्द
 तिवारी
 : इनकी
 पार्टी
 के जो
 एमएलए हैं
 ,

 उन्होंने
 भीः इनको
 छोड़
 दिया।
 ...(व्यवधान
 )...
 इनके
 साथ रहने
 के

 लिए कोई
 तैयार
 नहीं
 है।
 ...(व्यवधान
 )...

**श्री रामविलास पासवान :** ये खरीद रहे हैंं ...(व्**यवधान** )... यह इनकी पुरानी आदतहै खरीदने की। ...(व्**यवधान** )...

श्री शिवानन्द तिवारी : आप अपने भीतर भी झांक्र कर देखिए कि आपकी ऐसी हास्नत क्यों हो गयी हैं एक तरफ आप रिकॉर्ड वोट से जीतते थे और दूसरी तरफ...(व्यवधान )... (समय की घंटी )

श्**री उपसभापति :** अब आप खत्म की जिए। अभी बहुत -से मैस्बर्स को बोलना हैं। प्लीज़। ...(**व्यवधान** )...

महोदय , मैं यह चेतावनी तिवारी शरी शक्तिनन्द : उपसभापति हुए अपनी बास खत्म करता हुँ कि सरकार भ्रख के खिलाफ , भ्खमरी के खिल्लाफ और देश में जोः गैरः -बराबरी है , उनके खिल्लाफ भीः क़ामून बनाये और सख्त कदम उठाये , नहीं तोः यह संकट जोः आज है , वह कल फिर पैक्ष होगा। इसी अन्रोध के साथ मैं अपनी बात खत्म करता ह्रॅंा आपने हमको जोः समय दिया , उसके बहुत -बहुत धन्यवाद।

MR. DEPUTY CHAIRMAN: The Chair is liberal in giving time because this is a very important debate.

## श्री राजनीति प्रसाद : सर, शिवानन्द तिवारी जी का भाषण अच्छा थाः , लेकिन अंस में गड़बड़ होः गया।

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, the prevalence of the menace of corruption is a global phenomenon. No one can dispute it. The Corruption Perceptions Index 2010 of Transparency International measures the perceived levels of corruption in 178 countries and ranks the countries on the index.

Sir, in the year 2009, India's rank was 84. In the year 2010, India's rank is 87. So it is very clear that the battle against corruption, in order to be effective today, can be achieved only through a comprehensive reform of our political, legal, and administrative judicial system. The establishment of a strong and effective Lokpal is one such measure.

Sir, the UPA II is very particular about bringing in a Lokpal. When it attempted to introduce a Bill to this effect, there was a mood prevalent across the country regarding the Lokpal Bill and the people who were connected with that were accommodated by the Government.

Sir, our Finance Minister's statement very clearly says that five nominees of Shri Anna Hazare were included in the Joint Drafting Committee along with the Government and so many sittings were conducted. Their issues were addressed. And as he said, out of 40 issues, 34 issues were resolved and only 6 are still prevalent. I think the discussion is aiming at a solution even on those points.

Sir, the accusation against the Government that it is not accommodative is baseless. The Government's gesture, the way it has

approached the issue, the way it is even being discussed now after the statement of the Minister, is a clear indication to the people at large in the country that the Government is not rigid in its stand.

Sir, after having many deliberations, the so-called civil society was not in a mood to come along with the Government's decision. They are still persisting with some more demands, and we are discussing them.

Sir, first I would like to tell whether the Prime Minister has to be brought under the purview of the Lokpal. As far as the DMK Party is concerned, we are of the view that the Prime Minister should be under the purview of the Lokpal. As it was pointed out by everyone, in the year 1967,

the first Administrative Reforms Committee suggested a Lokpal and Lokayukta. It was also mentioned repeatedly that the first Bill had been introduced in 1968 and passed in the Lok Sabha in 1969, and after its dissolution, it could not come to the Rajya Sabha. Subsequently in the year 1974 itself, when our Leader Dr. Kalaignar was Chief Minister of Tamil Nadu. Lokayukta was established, and the Chief Minister was brought under the purview of Lokayukta. The Prime Minister should come under the purview of the Lokpal. There are certain other views also which say that there should be a rider to that. They could be discussed and resolved. But we feel that the Prime Minister could also be brought purview of with adequate safequards. There is no dispute with that. Sir, as far judiciary concerned, judiciary has to be more accountable. Even the impeachment motion, was discussed in this House, brought out so many issues which are to be discussed. Appointment of Judges in the High Courts and the Supreme Court must be more transparent. But, Sir, there is a de facto immunity guaranteed to the judiciary by the Constitution. That cannot be challenged by anyone. But, Sir, I would suggest that the Bill which has been promoted by UPA-II, the Judicial Standards and Accountability Bill 2010, can be strengthened. By that way, judiciary will also come under scrutiny and judiciary will also not be an exception. It will also be accountable. So, there is no dispute or second opinion that judiciary must also come under scrutiny. On that line, we suggest that the Judicial Standards and Accountability Bill 2010 has to be strengthened.

Sir, a very important thing is whether lower bureaucracy could be brought under the purview of Lokpal. There are lakhs and lakhs of people. Whether they could be brought under the Lokpal is still to be discussed. Whether it could come under one authority. Will it be possible when already cases are piling up in the courts of law? Whether it is possible

has to be discussed. It cannot be resolved in one day or in one moment within

a small group. For all these things, there is one more solution. Apart from that, the citizen charter, which has been emphasised by Anna Hazare's team, suggests that it must be implemented without fail.

Sir, the Standing Committee on Personnel, Public Grievances, Law and Justice, when it was chaired by hon. Member Dr. E.M. Sudarsana Natchiappan, had submitted its 29th Report which has clearly said that the Government Departments and Ministries should have Public Grievances Redressal Mechanism on the lines of the RTI Act in place with special focus on the information delivery system. Officers responsible for the delay must be made accountable. The Committee recommended that like RTI Act, there should be a limit of 30 days and provision of fine on delay in the PGRM system in its 29th Report. The system should be accessible, simple,

quick, fair, responsive and effective. Various Government Departments and Ministries should have a Public Grievance Redressal Mechanism in place with a special focus on information delivery system.

Sir, on all these issues which are under discussion now, which are being insisted by a group who are undertaking an agitation outside, what we suggest is, Parliament is supreme. There is no second opinion on that. We can never challenge the constitutional authorities.

Sir, the separation of powers between Judiciary, Legislature and Executive is a part of the basic structure of our Constitution. Anything that is drafted or enacted should be in conformity with the basic structure of the Constitution and no one can dispute that. So, Parliament is authorised to enact laws and whenever a Bill is introduced, which has some issues, it goes to the Standing Committee. That is our procedure which we cannot dispense with.

Sir, I think, this is not out of place if I give you one very very important example. It is in today's news column which says, "Thriving used products market to hit waste recycling plan". The electronic waste, which is being used and dispensed with by the users, is thrown out and it causes a very big environmental hazard. And, for that, the Ministry has given very clear instructions which are going to be implemented. The Government makes the manufacturers accountable for successful implementation of electronic product recycling and they need to make a significant investment. This is what the producers say. The Government notification E-waste (Management and Handling) Rules 2011 issued in May makes it mandatory for the manufacturer to collect old products and recycle them. The companies have to set up collection centres for old products either individually or collectively where the consumers can go and deposit their old products. They have also to ensure that no hazardous materials are used for manufacturing. The initiative will cover the products like computers, laptops, printers, and cell phones, televisions, including CDRD, refrigerators and washing machines. Sir, you may think in what situation I am quoting. Sir, this is very important. This notification has come from the Government subsequent to a recommendation by the Standing Committee on Industry of which I am the Chairman. Till we discussed the e-waste management, the Government did not have any idea about this. They were very much worried about the electronic waste like the products which I told you. How to dispense of those was an issue them? The ordinary people who collect those products cause hazardous environment situation. Now, that the Government has taken a decision that the manufacturer should have a collection centre where the users after having used them can deposit those old goods there and the company being the manufacturer will be responsible for recycling it. The outcome of the Standing Committee recommendations have helped the environment very much and it has to be

appreciated. I have just cited one of the examples. The Standing Committee is nothing but more then a mini-Parliament. All the political parties have got representations. As I said here, our party has got a view that the Prime Minister should be under the purview of the Lokpal Bill whereas the draft Bill of the Government does not have that. But we will put forth our view in the Standing Committee. If it is discussed in the Standing Committee, if the recommendations come before the Parliament, it is going to decide. Even the RTI Act, before it was enacted, it did not have many things which are incorporated now only after the recommendations of the Standing Committee. Those things were incorporated and the RTI is very much appreciated only because of the Standing Committee recommendations. So, Sir, what we would suggest is that the Government is for a strong Lokpal Bill. It recognizes the sentiments of the people at large. The public views have been taken cognizance of. The Government is sending emissaries to discuss with Let them wait till the Standing Committee submits its recommendations. It is a procedure which we cannot change. We cannot change the system. It is not a target against the Government or any political party. It is against the system. If we permit something to go on in its own way, it is not correct. Some people even challenge the electoral politics. They say, "Why do you go to the booth and stand like cattle?" I do not know what system they are seeking. But this system we have earned after very big sacrifices. For the last 64 years we have established ourselves that we are the largest democracy in the world. In the past the parliamentary system of democracy has brought out so many appreciable achievements. So, also in this situation, we are very, very sane in keeping under control of the things we are discussing now. This Bill when it goes to the Standing Committee along by informal recommendations of the Speaker, the Jan Lokpal Bill or the NCRPI Bill or anything else, every thing will be discussed and they will come here.

At this moment, I would like to suggest one thing. I would like to tell here without fail. ...(Interruptions)... Just one moment. On 9th

September, 2011, three youths are going to be hanged in Tamil Nadu prison. They are Perari Valan, Sanathan and Murugan. Our DMK Party has been suggesting abolishing the death penalty. Even now our leader has voiced it. Many other people, many human activists have voiced that death penalty should be abolished and those three have to be saved. We have urged the State Government and the Central Government to save the lives of those three persons. ...(Interruptions)...

THE MINISTER OF OVERSEAS INDIAN AFFAIRS AND THE MINISTER OF CIVIL AVIATION (SHRI VAYALAR RAVI): What is the crime?  $\dots$  (Interruptions)... What is the crime?

SHRI TIRUCHI SIVA: Just a moment. ...(Interruptions)... Just a moment. I am talking about the death penalty in general. ...(Interruptions)... I have got my right to express my views.

MR. DEPUTY CHAIRMAN: Mr. Siva, what has that got to do with this?

SHRI TIRUCHI SIVA: I am coming to the point. When we are against the abolition of death penalty totally which is in existence, how can we allow a person to suffer because of starvation? So, we appeal to Anna Hazare to kindly reconsider his fast. We appreciate his ideology. We want to have his precious life. This septuagenarian has crossed more than 70 years. He has to live long.

SHRI V. HANUMANTHA RAO (Andhra Pradesh): Sir, this subject is different. That subject is different.

MR. DEPUTY CHAIRMAN: All right. ...(Interruptions)... आप बैठ जाइए। ...(वयवधान )...

SHRI TIRUCHI SIVA: I am appealing to Anna Hazare.
...(Interruptions)... Sir, I am appealing to Anna Hazare to kindly.
...(Interruptions)... I have right to express my views, Sir.

MR. DEPUTY CHAIRMAN: You have to say that. ...(Interruptions)...

SHRI TIRUCHI SIVA: I have to express my views. I appeal to Anna Hazare, Sir, to break his fast in the interest of his health, in the interest that he should live long and strive for the people of the country. So, everything lies in giving and taking in such a manner that when the Government has come down, when it has got so many options, kindly consider some of them. We shall sit down; we shall discuss; we shall come to a conclusion. The battle against corruption should be united. We want to put down corruption with all our might. All of us should be united. So, they should also consider this; let them wait till the Standing Committee recommendations come. The Parliament will discuss and the Lokpal law which is going to be enacted here will be the strongest; we assure on behalf of the UPA, Sir. With these words, I thank you, Sir, for giving me this

opportunity to express my views.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Siva. Now, Shri Tariq Anwar.

श्री तारिक अनवर (महाराष्ट्र ): उपसभापति महोदय , आजहम लोग एक ऐतिहासिक चर्चा के लिए यहां जमा हुए हैंं⊅ यह बहुत हीः गंभीर विषय है और सबसे महत्वपूर्ण बाल यह है कि आज अन्ना हजारे जी के अनशन से देश में जो परिस्थिति उत्पन्न उसे कैसे शांक्ष किया जाए , नार्मलाइज़ किया जाए। जो लोकपाल बल्नि है , उसको सही ढंग से , प्रभावशाली ढंग से , मजबूती कैसे सदन में रखा जाए , इस पर हम लोग आजचर्चा करने के लिए जहां तक भरष्टाचार का सवाल है , मैंसे हैं† इसके जमा हुए जहां बारे में पहले भी कहा है कि यह

4.00 P.M.

मुद्दा हमारे देश में पहले भीः चुनावी मुद्दा बना है , लेकिन चुनाव के बाद्य सरकारें बनने के बाद सही ढंग से , गंभीरता से इस मुद्दे पर कोई कदम नहीं प्रभावशाली उठाया जिसकी वजह से आजभ्रष्टाचार हमारे में देश बहुत कि भ्रष्टाचार है≬ हम सब लोग चाहते मुद्दा हैंः समाप्त बडा होः और उसके जो भी उपाय हो सकते लिए हैं , वे उपाय हम लोग ढंढने की कोशिश करें।

अभी हमारे फाइनेंस मिनिस्टर साहब ने जो सटेटमेंट दिया है कि अन्ना है , उसमें उन्होंने यह बताया हजारे जी का इससे 5 अप्रैल , 2011 को अनशन हुआ था। पहले उसके उनकी टीम बाद सुझाव थाः कि हम लोग मिल्लेकर एक जुवाइंट ड्शफ्ट कमेटी बनाएं। इसमें के नुमाइंदे होंः और जोः सिबल सोसायटी सरकार है , उसके नुझाइंदे सरकार ने उनके इस प्रस्ताव कोः मामा , हास्रांकि इसका भीः हुआ , अखबारों में इसके बारे में टस्प्रिणी आई कि ऐसी कभी कोई परम्परा नहीं रही है कि सरकारी लाने के लिए बाहर से जो सिबल सोसायटी के सदस्य हैं , उनको उसमें नुसाइंदगी परितिनिधित्व दिया दीः लेकिन जाए , उनको जाए , सरकार निकालने की कोशिश कीः और उनको ने एक रास्ता उसमें शामिल किया तथा उनके साथ बासचीत काः एक सम्निसिला श्रु हुआ। ड्शफ्ट कमेटी कीः 9 बार मीटिंग्स हुई और इसके जुवाइंट सारी चीओं पर सहमति भीः हुई कुछ अहम मुद्दों बहूत तथा पर महोदय , जिं पर सहमति सहमति नहीं बन पाई। उपसभापति हो पाई , उनको मैंः आपके प्राइम सामने रखना चाहता ह्ंाः एक तोः मिनिस्टर ऑफिस को लेकर यह थाः कि पीः .एम. काः काः पक्ष सरकार complete exemption हो।

का कहना है कि इसमें PM को include किया जाए , MPs टीम अन्ना in Parliament के बारे में सरकार काः यह पक्ष **था**ं कि "include MPs but exclude their conduct in Parliament, their powers to speak and का यह कहना था कि "MPs conduct in Parliament vote". ਟੀਸ अन्ना पर सरकार का यह पक्ष should be included". जुडिशरी थाः कि जुडिशरी कोः एग्जेम्पट किया जाए , to include it in Judicial Accountability Bill". टीम काः कहना था कि "to include higher judiciary अन्ना within the Lokpal".

## [THE VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair]

और लोअर ब्यूरोक्रेसी के मामले में सरकार काः पक्ष থা , "include only Group-A officials, officials of the rank of Deputy Secretary and above". टीम अन्ना काः कहना थाः कि "all Government employees should be included." इसी तरह से CBI और CVC के बारे गवर्नमेंट काः पक्ष था कि keep them separate, only 11 member का मामना था कि "CBI and CVC be merged with the agency. टीम अन्ना थे , जिस पर सरकार Lokpal" इसी तरह से कुछ ऐसे मुद्दे और अन्ना जीः कीः टीम के बीच में कुछ मतभेद हुए। मैं इस बाहा को मामता हुं कि सरकार की तरफ से लगातार यह प्रयास हुआ कि बाह्मचीत जरिए कोई रास्ता निकले और एस्टेब्लिश्ड पुरोसिज़र कोः मानते हुए , एक तरीका निकाला जाए। जैसा यहां पर सभी लोगों ने कहा है कि हमारे देश में संविधान है , कामून हैक हमारे संविधान नर्सिताओं ने बहुत परिश्रम करके हमारी Constituent Assembly ने एक-एक मुद्दे पर बहस की: और उसके वे किसी नतीजे बाद पहुंचे तथा इसके बाद्य ही हमारे देश काः संबिधान बना। अगर कोई अपनी बाह्न रखना चाहता है , तो जरूर रखे। सरकार ने इस बात कहा है कि अगर कोई समूह अपनी बाह्न रखना चाहे , तोः रख सकता है। इसके साथ ही सरकार ने यह भी कहा है कि जो पार्लियामेंट्री पुरोसिजर है , हम उसको नजर अंदाज नहीं कर सकते तथा जल्दबाजी में कोई

नर्णिय नहीं लिया जाः सकता हैंक अभी यहां यह बताया गया कि पहली बार 1968 में यह बस्रि पेश पछिले 43 सालों में यह वधियक सदन में हुआ था। 9 **बार** रखा गया , लेकिन बदिकस्मती से यह पास नहीं होः सका।

मेरे काः अर्थ यह है कि जब 43 सालों कोई महोदय कहने में नहीं बन पाया , तोः यदि हम चाहें कि इसको 9 दिसीं में लें , तोः यह संभव नहीं क्री इसलिए मेरा यह कहना है कि जो हैं , उसके पीछे एक मकसद हो ताः है , एक हम बनाते हमारा इन चीओं दुरगामी लक्ष्य होता है¢ हमें पर ध्यान देखा चाहिए कि आने वासे समय में हमारे संबिधान पर, हमारे कार्य -कलाप पर, हमारे तमाम कामों पर क्या असर पड़ेगा। इन तमाम चीओं को देखने और समझने की आवश्यकता क्री सभी लोगों ने यह बास कही है**ं क**ि अगर democracy में रहना है , लोक़तंत्र को मजबूत रखना है , तोः संविधान के अंतर्गत supremacy of the Constitution जरूरी क्री जो है , हमें हमारा तरीका यह अपनाना होगा , तभी हम सही रास्ते पर चल पाएंगे।

महोदय , मैंा Prime Minister की भी तारीफ कि करना चाहूंगा 23 **अगस्त** कोः एक पत्र लिखकर , अन्ना हजारे की अपील की थी , लेकिन तोङ्गने शायद अभी तक उसका कोई असर दखािई नहीं कीः तरफ से हर तरह काः प्रयास और कोशिश दे रहा हैंक सरकार कीः गई कि बासचीत के जरिए काः कोई समाधान इस समस्या निकिले। है कि यदि हमें लोक्रपाल बस्रि सबका यह मानना बनाना है , तो उसे कमेटी सटैंडिंग कोः भेजना पड़ेगा। चाहे वह अन्ना हजारे सिविल दुवारा बनाया गया जन लोक्रपाल हो , या और जो दुसरी सोसायटी के लोग हैं , या जिस अन्य लोगों ने भी जो मसौदा कमेटी में किया है , उन तमाम चीओं कोः स्टैंडिंग भेजना चाहिए ताकि सटैंडिंग कमेटी में वे तमाम रास्ते सटैंडिंग खुर्ले। कमेटी में एक पुरोसिजर उसमें हमारा है≬ हम यही करते हैंः जोः भीः बिल होसा है , उसको स्टैंडिंग कमेटी में इसीलिए है ताकि उस पर सभी लोगों कीः राय ली जा सके , उस पर सभी से जाता मशविरा कमेटी किया जाः सके। उसके बाद स्टैण्डिंग उसको लोक और राज्ञ्य सभा के सभा पटल पर रखती हैक वह तमाम चीओं की जानकारी के बाद प्राप्त करने अपने सुझाव रखती है , इसलिए

कोः हम किसी भीः तरह सेः इग्नोर सटैंडिंग कमेटी नहीं कर सकते वह हमारी हैं⊅ व्यवस्था काः , हमारी जोः संसदीय प्रणाली है , संसदीय है , उसका एक महत्वपूर्ण हस्सा इसलिए वयवस्था क्री ने जो कहा है कि हम यह चाहते कि हमारे सरकार हैं पास अभी तक जोः भीः तमाम सुझाव आए हैं , हम उनको वहां भेजने का काम करेंगे सटैण्डिंग कमेटी को देवे काः काम करेंगे , जिसको भीः अपनी देवी है , मशविरा देखा है , वह स्टैंडिंग कमेटी राय को दे ग्ः रीबांसेस रीड्रेसल बल्लि कें बारे में यहां गया कहा है≬ ने अपनी राय दीः है कि बहुत लोगों मैं आपको बताना चाह्रंगा पहले , हमारी गरीवांसेस की जो सटैंडिंग पब्लिक और जस्टिस 2009 में ही अपनी एक रिपोर्ट कमेटी है , उसने में यह कहा था कि गरीवांसेस सिश् फ आर.टीः .आई. केः जरिए पब्लिक काः समाधान नहीं हो सकता है , अगर हम उसका समाधान चाहते हैं , तो हमको उसके लिए अलग से उपाय करना पड़ेगा और उसके लिए ठोस कदम उठाना पड़ेगा। यहां सदन में स्टैंडिंग कमेटी कीः रिमोर्ट रखी गई थीः, लेकिन शायद उस पर कोई कदम नहीं उठाया गया। अगर उस पर कदम उठाया है , यह सवाल , तोः शायद आजयह जोः बात्त उठ रही नहीं अंत में मैं अपनी ओर से अन्ना हजारे जीः सेः यह अपील सकता करूंगा कि वे सदन की जो भावना है , उसका आदर करते हुए समाधान निकार्ते। लोक सभा में प्रधान पछिले दिनों मंत्री ने और वहां कीः संघीकर महोदया ने भी अपी ल की थी और आजहम लोग यहां पर यह जो चर्चा कर रहे हैं , वह

कि अन्ना चर्चा इसीलिए कर रहे हैं हजारे जीः अपना अनशनसमाप्त करें को मौका दें। आजसभी पार्टियां और सरकार इस बाह्य पर लगभग सहमत हैं कि एक प्रभावशाली लोक्रपाल बस्रि बने और उसके जरिए हम भरष्टाचार पर अंकुश लगा सकें। यह जोः एक राजनीतिक है , मैं समझता ह्ंः कि हमारे अन्ना हजारे जीः कोः और उनकी मिविल सोसायटी को उसका सम्मान करना चाहिए और मौका देखा चाहिए ताकि हम सांबिधानिक ढंग से लोकपाल बल्लि को बना और को इसका लाभ मिल्ले सके , आम आदमी को , गरीब आदमी को इसका लाभ मिल्ल सके। हम लोगों कोः इस बाह्य कीः कोशिश करनी चाहिए पर भ्रष्टाचार कोः रोक सकें। उपसभाध्यक्ष जीः , इन्हीं हर सुतर शब्दों के साथ मैं आपको धन्यवाद देला हंः और उम्मीद करता हंः कि आजहम लोग जो चर्चा कर रहे हैंं , उसका सारे देश में यह संदेश जाएगा कि हम सदन के लोग इस मामले में गंभीर और जरूर हैंः बस्रि बने। चाहते हैंा कि एक effective लोकपाल धन्यवाद।

SHRI BAISHNAB PARIDA (Orissa): Mr. Vice-Chairman, Sir, thank you for giving me this opportunity to express the view of my BJD Party. This is a historic occasion in the history of our Parliamentary democracy when not only the people of this country but the entire world are watching and listening through the electronic media how we are going to curb the menace of corruption and black money in the largest democracy of the world. After a prolonged campaign against corruption, a nationwide movement has developed throughout India by Shri Anna Hazare in a Gandhian non-violent way. The people of this country are aroused to fight corruption and black money in order to save hard-earned Independence, democracy; and to eradicate poverty and unevenness in the society. Sir, today, the leader of Biju Janata Dal in this House, Shri Pyarimohan Mohapatra, is not present here due to an important engagement at Bhubaneswar. So, I am conveying the view of our party and its President, Shri Naveen Patnaik, hon. Chief Minister of Orissa, through my speech.

Sir, our party supports the objectives and concerns of Shri Anna Hazare to curb the alarming growth of corruption and black money pervading all spheres of life. In our party meeting, we cleared our position on the pertinent issues which Shri Anna Hazare has raised. As

per our party's view, the Prime Minister of India must be included under the purview of Lokpal, with exception to his functions related to internal security and public order.

On judiciary, our party's view is that it should not be brought under the ambit of Lokpal. If we bring in judiciary, it will upset the basic structure of the Constitution and will go against the balance of power. Keeping in view judicial independence and judicial accountability, an effective mechanism like the National Judicial Commission can be formed. We are happy that Shri Anna Hazare has accepted this position regarding judiciary.

As regards Members of Parliament, our party thinks that the conduct of Members inside Parliament should not be questioned by any external authority. This will go against the

sovereignty of the Legislature. At present an internal mechanism is available in our Parliamentary system to deal with misconduct of any of its Members. Parliament had recently punished about eleven Members for their misconduct, like, in case of Cash for Question scam.

Sir, now, I will deal with the most pertinent issues raised by Shri Anna Hazare. The first one is about Grievances and Citizen's Charter. The second issue is regarding Lokayukta for States. The third one is regarding lower bureaucracy. My party welcomes the demand for framing Citizen's Charter and passing the Right to Services legislation to root out corruption at the grassroot level. Such legislations have already been passed in some of the States of India. In my State, Orissa, both the Citizen's Charter and Right to Services legislation is in an advanced stage of formation...(Interruptions)...

शरी राजनीति परसाद : सर, अभी एक बहुत ही महत्वपूर्ण सवाल टीबी पर यह दिखाया गया है कि उन्होंने उठा है≎ हमारी सारी discussion को , हमारे सारे वाद्य -विवाद कोः reject कर दिया हैक कि फास्नतू लोग बहस कर रहे हैं क इसलिए उन्होंने कहा बहस की क्या हैक हम क्ंयोंः बहस कर रहे हैं , हम अपने घर ग्ंजाइश चलें।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay, you have said it. That is all. Now, please proceed. ...(Interruptions)... That is on record.

SHRI BAISHNAB PARIDA: In our democracy, this is allowed, and we should not worry. Our responsibility is much more important than those who are talking there, outside Parliament. This should be kept in our mind and we should act according to our conviction.

As regards covering all the employees of the Central Government under the Lokpal, my party's view is that the Lokpal should have jurisdiction over all the Central Government employees and the State Lokayuktas should have jurisdiction over all State Government employees. In fact, in my State, all the State Government employees are covered under the jurisdiction of the State Lokayukta, as per the existing laws of our State.

Sir, I now come to the Lokpal Bill. I wish to talk about the third

most important point which concerns all the States in our country. We have a federal structure and the spirit of federalism should not be tampered with in any manner. It is essential that the State Lokayuktas are independent of the Centre. To maintain that independence, State Lokayuktas must be created and governed by State laws. Of course, we have no objection to having an enabling provision in the proposed Lokpal Bill so that States can follow the Central model. But, under no circumstances must the independence of the States to have their own legislation be curtailed. This should be done keeping in view the principles of good governance in order to redress the people's grievances.

On behalf of my Party, the Biju Janata Dal, and its leader, Shri Navin Patnaik, the hon. Chief Minister of Orissa, I humbly appeal to Shri Anna Hazare to end his fast. His precious life and noble services are essential for this country. The objectives of his fast, which are to create awareness and concern against the spread of corruption and black money, must be achieved and we shall do the best in our State and in our State Legislature to fulfill the same. We want a strong and effective Lokpal and Lokayuktas to be formed in order to deal with the serious problems confronting our nation.

Sir, I wish to express my personal views on certain other issues. Comrade Sitaram Yechury was quoting Hegel and Marx. Marx had said that ideas were abstract but when they caught people's imagination, they became a material force Sir, while we failed to catch the imagination of the youth of this country, Anna Hazare, through his Gandhian ways has done it. This is a very important point. Then, talking of members of the civil society, we must not ignore them. Marx had said it in the 19th century. But this is the 21st century. The middle class has a very important role in this country, particularly in these days of science and technology. Sir, an old man with Gandhian dress, with a Gandhi topi, with Gandhian ideology is mobilizing thousands of young boys and girls and bringing them out on the streets with a patriotic fervour, giving slogans like vande mataram and Bharat Mata ki jai, and talking about the problems of this country. Sir, many of our political leaders, including myself, could never bring so many people out on the streets to fight and eradicate corruption, to bring social justice. India is once again following the ideals of Gandhian philosophy. Gandhi may not be alive today but he still lives in the minds of the people. People throughout the world are now practicing Gandhian ways of life. In the meanwhile, we are saying so many things about this satyagraha. I can remind you, Sir, during Pandit Nehru's time, there was a debate in the Lok Sabha when Dr. Ram Manohar Lohia talked about satyagraha; at that moment Nehruji said, "I think Dr. Lohia is still living in the days of British Raj". But Dr. Lohia retorted, "Panditji, you are forgetting that you are a product of that satyagraha, that

ahimsa". And this Parliament, this democracy is a product of that great struggle led by Mahatma Gandhi who did satyagraha and whom we should not ignore. Satyagraha is eternal, it is not confined to a particular country and particular period of history. It can be applied any time, anywhere, throughout the world. Martin Luther King applied it in America to get his civil rights, against the USA Government. Why could this not be applied here? We must learn, should study and apply those views and methods.

With these words, I express my views, my party's views. We are in favour of a strong and effective Lokpal in our country in order to eradicate corruption.

पाणि : सर, मैं श् रीः रुद्रनारायण इसमें एक बाह्य और जोडना . . . (व्यवधान चाह्रता हँ⊅ ) . . . उड़ीसा में लोक्रपाल ने वहाँ केः म्ख्य के खिलाफ stricture दिया है ... (व्यवधान मंत्री

**उपसभाध्यक्ष (प्रो . पी .जे . कुरियन** ): आप बैठिए। ...(**व्यवधान** )... बैठिए। श्री सुखेन्दु शेखर राय।

SHRI SUKHENDU SEKHAR ROY (West Bengal): Mr. Vice-Chairman, Sir, I am thankful to you that you have given me time to speak on this occasion. This is my maiden speech in this august House and I seek your indulgence. I represent all-India Trinamool Congress. Since its inception, my party has waged a war against corruption under the unique leadership of a personality, who is committed to the cause of the people and runs a Government with a human face. Naturally, we are seriously concerned on the issue of corruption as other hon. Members have expressed their concern today.

मेरे कई मिन्नि आज सुबह यहाँ आदरणीय वह्ति मंत्री जीः केः version माँग जायज थीः। बयान का हिस्दी रहे थेा यह माँग्र उनकी demand ठीक़ थीं , कयों कि हिन्दिी हमारी राष्ट्रभाषा हैंक हम सभी को थोड़ी -बहुत हिन्दी बोह्मनी चाहिए। हाल्लाँकि हिन्दी मेरी है , फि में मानुभाषा नहीं भीः मैंः -फूटी हिन्दिी बोल ट्टी और आगे भी हब्दिी में की कोशिश करूँगा। हुँ बोसने

महोदय , जिस्र कोः लेकर आज चर्चा हो रही है , इस बारे म्द्धे में हंगामा करना मेश याः किंसी काः मकसद नहीं क्षे मेरी कोशिश है कि-

ेहर स्र्रत बदलनी चाहिए। मेरे सीमे में नहीं तो तेरे सीमे में सही , हो कहीं भी , लेकिन आगजलनी चाहिए '...

तोः आगजल चुकी है और उस आगका ताष हमें भीः लग रहा है , क्योंकि वर्षी से हम खामोश थेः थे और सुब रहे हम वर्षीं से देख रहे थेः , लेकिन कोई ठोस कदम हमने नहीं उठाया। यह हमारी weakness थी और इसी weakness की वजह से आजइतना हल्ला मच गया है।

Now, I would like to speak a few words in English also because मेरी हिस्ती उतनी अच्छी नहीं है $\updownarrow$ : While we are all concerned about corruption, and there cannot be two opinions that stringent

measures are to be adopted to eradicate corruption at all levels, we should also consider that when we demand an institution with unbridled powers to fight corruption, are we not unwittingly walking into a regime which may ultimately culminate into an authoritarian system? This is a question that I am putting to myself. Immediately, the reply that comes to me is that we should not indulge in such a legislation which will lead to an authoritarian system. We definitely need an ombudsman who will address the grievances of the citizens and force the Government to act within a definite time-frame but not an ombudsman who acts as a super Government or a super Parliament or a super Judiciary. The proposed Lokpal should be within the framework of the Constitution—nothing more and nothing less. Any changes that are considered to be necessary

to keep a balance between our Constitutional framework and the popular demand may be effected, but not under duress. The opinion of the people, at large, are to be invited. And the proposed enactment may take a concrete shape within two-three months. But, this time, it should not be held up for indefinite period. A peculiar demand has been raised that the people who are having track with political parties cannot man the Lokpal institution, as if we are the sacrificing goats and others are holy cows. It should not be. In a democracy like ours, there cannot be distinctions like this.

My next point is, Sir, whether the institution of Prime Minister should be included within the ambit of Lokpal or not. Many hon. Members have suggested many things. I do agree with them. We do not believe in the maxim that 'king can do no wrong'. In a popular democracy like ours, the 'king can do no wrong' maxim cannot have any place. But Prime Minister is considered to be the key-stone of the Cabinet, as was rightly pointed out by one of the hon. Members in the morning. He is having a pivotal position in our system. He is also the leader of the nation. Be it Dr. Manmohan Singh or anyone else who will be the Prime Minister in future, I am talking about the institution of Prime Minister. Our Prime Minister, Dr. Manmohan Singh, the present Prime Minister is internationally acclaimed for his integrity, for his honesty and for his noble character. But, according to me, since he is the leader of the nation, the office of the Prime Minister should not come under the purview of Lokpal, while he is in office. While he is in office, the Prime Minister should not come under the purview of Lokpal. Hon. Leader of the Opposition, who was referring - he is not present now - to the first Lokpal Bill, prepared as back as in 1966, on the recommendations of the Administrative Reforms Commission, probably, headed by late Morarji Desai. But in that draft, the Prime Minister's office was not included.

So, the original idea was not to include the office of the Prime Minister. After 40 years or so, we are trying to evolve a framework to bring the Prime Minister also. Tomorrow, there will be a demand to bring the President also, and there will be no end of it. Some people

are drafting Lokpal Bill on a dharna manch. Tomorrow, some other people will draft a new constitution at India Gate, and will urge the Members of Parliament that you accept this constitution and send it to the President for his assent. This way, democracy cannot run. Democracy means the will of the people. I cannot claim that I am the messiah of the people; I am the only messiah of the people. The representatives of the people who have been voted to power, their role cannot be negated. Then, there will be negation of the Constitution. Yes; some people are saying throw away the Constitution. Then, what will be the consequence? Is it Libya or Syria? It is India. Our forefathers have fought for the freedom for long 200 years. And, after their sacrifice only, this right to freedom of speech, and other fundamental rights have come into surface. We are taking

advantage of that situation. No, we should not do it. We should be tolerant. We should come for discussion. Yes, democracy demands discussion.

Democracy demands debates. Dissension will be there. Dissension will lead to demonstration. That is also acceptable. 'But until and unless my demands are met, I would not allow the Parliament to run, I would not allow the system to run', this is something which just cannot be accepted.

My next point is that no one should claim himself or herself as holier than thou. हम ईश वर की सन्तान हैं , ऐसा मान particular individual को नहीं होमा चाहिए। अगर कोई र्डश्वर की अगर किसी में कमी है , तो कमी है। सन्तान है , तो सभी हैं । कछ कमियाँ तोः हमारे अन्दर हैं क इसमें कोई शक नहीं है कि हमारे कमी है और उसको अन्दर स्धारने के लिए हमको राः सञ्जा चाहिए। बनाइये लोक्रपाल इसको लोक्रपाल , मजबूत बनाइये , लेकिन सुप्रर पार्लियामेंट सुप्रर गवर्नमैंट और सुप्तर जुडिशरी मत बनाडये। सरकार से मेरी यही अर्ज़ी है≬

लोक्रपाल अभी कीः यहाँ -वहाँ जोः चर्चा होः रही हैं , this Lokpal is designed as a body in which police and courts are rolled into one. लोक्रपाल पलिस भीः होगा और लोक्रपाल कोर्ट भीः होगा। यह नहीं contradictory है। सकता। Independence of judiciary independence of judicial review cannot be curtailed, cannot be curbed. This is a Constitutional mandate of the separation of power. How to deal with that? I am submitting this point to those who are going to shape the Bill, I mean, the Members of the Standing Committee. I am asking them how they are going to deal with this Bill. Now, Lokpal is required, there is no doubt about it. ... (Interruptions)... Only one or two minutes more. ...(Interruptions)... सर, यह हमारी है , दो -चार मिबट और दीजिए।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I did not say anything. ...(Interruptions)...

SHRI SUKHENDU SEKHAR ROY: You are looking at me...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, I am not looking at you

for this. ...(Interruptions)... I did not stop you. ...(Interruptions)... I did not stop him. ...(Interruptions)... Everybody is supporting you. ...(Interruptions)...

SHRI SUKHENDU SEKHAR ROY: Sir, I am grateful to you. ...(Interruptions)... Lokpal is required. Lokpal is undoubtedly required. But again I am telling that it should be within the scope of our Constitution. Who will police the police? अगर पुलिस पुलिसिंग कौन करेगा हैं , तो उसकी ? यह सवाल पैक्षा होसा इसके बारे में क्छ प्रावधान चाहिए। रहना कि अगर बनने है , उसमें क्छ प्रावधान होमा चाहिए रहा लोक्रपाल है , तब क्या जाएगा ? उसको कौन करप्ट हो जाता किया सुधारेगा ? . . . (व्यवधा न) . . .

Finally, unless we come out of our greed, — Lokpal is a legal office, a legal measure, an administrative measure — temptation, lust and put ourselves as a nation on moral grounds and

continuously pursue with the tenets of ethics in our daily life, no Lokpal can change the scenario. That is more important. Lokpal or no Lokpal, we require moral and ethical upsurge right now. Time has come when we require more on an ethical upsurge. We are the largest democracy and we must remember the great maxim "republics fall when profligates thrive and wise are banished from the council". I would like to touch very briefly the three questions that have been put in the statement of hon. Minister and give the viewpoint of my party.

The question is: whether the jurisdiction of the Lokpal should cover all the employees of the Central Government. As per the present Constitutional arrangement, without amending the Constitution, I do not know whether that type of amendment can be affected because there is a judgment of Supreme Court. There are several judgments right from Kesavananda Bharti case to Minerva Mills case. So, many judgments are there. Whatever amendment Parliament wants to do, that should be done within the framework of the Constitution. That point should be taken into consideration. Next is, whether it would be applicable through the institution of Lokayukta in all States. Of course, Lokayukta is a State institution. It should be enacted by the State legislatures only to maintain our federal structure. State legislatures should enact the Lokayukta Act where there is no such Lokayukta Act and naturally, this will be applicable through the institution of the Lokayukta in the State and lastly, we have to see whether the Lokpal should have the power to punish all those who violate the Grievance Redressel Mechanism to be put in place. Although it is a leading question, I am in agreement that yes, all those who violate the Grievance Redressel Mechanism should be punished, that too within a definite time frame. There should be a definite time frame. Before I conclude, I would like to quote only two lines from a great song of Gurudev Tagore which is in Bengali, in my sweet mother tongue.

> Sankochero Bihabalatai Nijere Apaman Sankatero Kalpanate Hoyo maria man

इस काः मतलब यह हैः कि, "संकोच केः फेरेः में अपने आप कोः अपमानित मत

करो और संकट की कल्पना में डूबे हुए बेबस मत हो। " मैं से गुरुदेव टैगोर के सौ साल पुराने गील की ये दो लाइनें सुमायीं। आप ने मुझे बोलने का मौका दिया , इस के लिए आप को बहुत -बहुत धन्यवाद।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Thank you, Mr. Sukhendu Sekhar Roy, it was your maiden speech but you spoke like an experienced Member. It was a good speech.

. राम गोषाल यादव (उत्तर प्रदेश )ः श्रीमन् , हमारे संबिधान निर्माताओं संबिधान को ने बहुत सोध -समझकर बना याः हैः और मैंः यह समझता हूं कि भारत काः संबिधान दुनिया काः सर्वश्रेष्ठ संबिधान है। इस में कोई ऐसी चीज नहीं है जिस का निशकरण करने की व्यवस्था न हो। इस के अलावा अन्य कामून हैं , चाहे

वह आई.पी .सी .हो , सी .आर.पी .सी .हो और चाहे Anti Corruption Act हो हैं जोः भरष्टाचार पर रोक़ लगाने सक्षम यह है कि इन सारे कामूनों के बाबजूद भरष्टाचार नरितर बढ़ा और क्या लोक्रपाल आने के बाद्य भरष्टाचार कर्यो र्क जाएगा ?

महोदय , मैंबे जन लोक्रपाल बिल्ल को पूरा पढ़ा है और मुझे जोः भुरष्टाचार है कि इस में कुछ धाराएं ऐसी हैं कोः कम करने का काम करेंगी। For example कहीं के बजाय भरष्टाचार कोः बढाने आंद्योलन के दौरान आंद्योलनकारियों काः पुलिस से झगड़ा होः गया। ने रिपोर्ट पुलिस में 4 आदमियों के नाम लिखे और सौ अज्ञात में जोः मिल्ल जाहा उस को लोग लखि दयि। अब अज्ञात है , पुलिस हैं। वह कहती है कि चलिए , आपका नाम उस ने अपने बयान में पड़ेगा। हैक आपकोः जेख्न जामा वह कहता है कि हजार , पांच , इस जन लोक्रपाल ले लो और छोड़ दो। श्रीमन् में इस तरह की धाराएं हैं , जिस में property seizure, preventive detention, suspension, अब कोई भी आदमी बिना removal काः प्रावधान हैं⊅ नाम के ambiguous लिख देगा। और इंस्पेक्टर जांच करने पहुंच , जिससे जन लोक्रपाल में बहुत सारी ऐसी धाराएं हैं हमारी पार्टी सहमत नहीं हैक महोदय , जिस बिस्दिओं में मुझे आज बास में है कि आप मुझे करनी है , उन पर मैं आऊंगा। मेरा अन्रोध बाद्य आज कुछ टाइम में दे दीजिएगा क्योंकि अगर आप घंटी देते तोः मैंः अपना भाष्रण बंद कर देल्ला हं़≎ महोदय , सथिति कि इस जन लोकपाल में लोक्रपाल के गठन की बात की गयी है , जहां उसके लिए सर्च कमेटी की बात की गयी है। उस सर्च कमेटी में दस सदस्य होंग्रे जिसमें से पांच कामूनवेत्ता होंग्रे सदस्य वगैरह जजेज होंग्रे। आश्चर्यजनक यह है कि वे पांच लोग बास consensus से पांच अन्य सदस्यों कोः सिविल सोसायटी से के लिए नामों चूर्झेगे। इस परकार से जो दस लोग लोकपाल काः चयन करेंगे सिविल सोसायटी में से पांच लोग चुन , उनमें जाएंगे और पांच जज वगैरह होंग्री। प्रश्न यह है कि सिबिल सोसायटी कस्रिको रीप्रेजेंट है , इसमें कत्तिने करती लोग कथा गवर्नमेंट के की जानकारी है कि इसका पास इस बाह्य परभाव क्षेत्र कत्तिना बड़ा है , इसके कतिने सदस्य हैंं और उन्हीं में जोः पांच जाएंगे , वे लोग च्बे सब बहुत ईमानदार होंग्रे impecable honesty के होंग्रे ...(व्यवधान ) . . .

## श्री तारिक अनवर: उसमें विषक्षि के नेहा को भी देखेंगे।

**यादव :** नहीं , उसमें हैं – सर्च पुरो . राम गोष्राल नहीं हैं , सेब्रेक्शन कमेटी कमेटी में नहीं में भीः नहीं हैं⊅ यह जो प्रोविजन है , उससे समाजवा दी पार्टी सहमत नहीं होः सकती। इसके मेंबर ऑफ पार्लियामेंट के बारे में अलावा उसमें उल्लेख ्रहे , भाष्रण करेंगे कि आप अंदर जोः बाह्य करेंगे याः वोद्यः करेंगे , वह भीः लोक्रपाल केः परव्यू में होगा। कल को कोई बिल आता है , उस पर कोई मेंबर कोई व्यक्ति – पॉलिटिकल लो गों बोस्रता है और बाहर वशिधी हर जगह होले हैं , political opponents होते हैं , वे एक ऐप्लीकेशन कि संसद डलवा देंग्रे में vested interest के तहत यह भाष्रण दिया गया है और इंस्पेक्टर आपके घर आकर जांच करना कीः धारा 105(2) काः स्पाष्ट कर देगा। यह भारतीय संबिधान होगा। नहीं किया इससे क्भीः समझौता जाः सकता। महोदय , इसका उल्लेख हमारे नेता वरिरोधी दल और अन्य लोग कर चुके हैं क जब मैं उस सदन में थाः , तब मैंः उन सारी कमेटियों काः मैंबर थाः जोः मैंबर्स वह ऑपरेशन के misconduct से संबंधित थीः – चाहे वह ऑपरेशन दुर्योधन होः , चाहे होः , चाहे क्बूत्तरबाजी से संबंधित मामला हो या चाहे cash for vote **বামা** मामला मैं इन सारी कमेटियों काः मैंबर था। किस तरीके से , कल्लिनी जल्दी संसद सदस्यों कीः उस कमेटी ने और संसद के दोमों सदनों ने 13 सदस्यों कोः बर्खास्त किया – क्या कहीं इस तरह काः उदाहरण मिल्रि सकता है ?

कौम साः नुद्यायालय इतना बड़ा जजमेंट दे सकता थाः? कौम लोक्रपाल दे सकता है ? उस संसद की खिल्ली उड़ाई इतना बड़ा जजमेंट जाए , उस हैक जाए , यह ठीक़ नहीं महोदय , मुझसे पहले काः मज़ाक उड़ाया कल से रामलीला हमारे कई विद्वान साथी बोल चुके हैं⊅ यह अनाउंस किया जाः रहा है कि कल टी वी देखना और देखना कि कौन है¢ उन्हें अहसास हो गया होगा साः एमपी क्या बोह्न रहा कि भारत और कलिने में कत्तिने , कहिने की संसद वद्धिवान जानकार अच्छे वक्ता दोनों सदनों में हैंं – इस बाह्य काः अहसास उन्हें हो चाहिए। जिस तरह की तथ्यात्मक बार्से जामा यहां कीः गयीं , इन सब बाह्मों उनको चाहिए। महोदय , स्थिति काः संज्ञान लेखा आजयह हो गयी है कि जिस देश में जाति और धर्म के नाम पर पोस्टिंग और लगें होजे लिखे , चार्ज्ञशीट ट्शंसफर लगे , मुकदमे जामे लगने लगे , स्कूलों ऐडमिशंस लगे , acquittal and conviction होने में – जिसका तिवारी जीः नेः किया होने लगें उल्लेख थाः – उसमें होः गया है कि जो लोक्रपाल बल्लि की संस्था बने आवश्यक , जिसमें होंग्रो उसमें माइनॉरिटी , शेङ्ग्यूल्ड कास्ट और 11 सदस्य तथा ओबीसी के लोगों शेङ्गयूल्ड टराइब का प्रतिनिधित्व होमा इस वर्ग चाहिए। के लोगों के उत्पीड़न कोः कोई नहीं वरना रोक सकता और लो गोंं को एक हंटर मिल्र जाएगा इनको दंडित करने काः , इनको पीड़ित काः और इनको परेशान करने जब भीः लोक्रपाल करने का। बने , उसका फाइनल ड्शफ्ट बने , सरकार में बैठे लोग हुए जब इसको ड्शफ्ट करें , मेश आपके माध्यम से उनसे अन्रोध कि उसमें मेरी रिक्वेस्ट का ख्याल जाए , मेरे रखा सजेशन काः श्रीमन् देश कीः सामूहिक खयाल रखा जाए। , संसद इच्छा काः के दुवारा परितिनिधित्व करती है , कलेक्टिव वित्रि संस्रद हीः रम्निजेंट होही है¢ जैसा अभी श्री सुखेन्द्र शेखर ने राय अपनी सपीच के अंत में टैग्गोर कोः कोष्ट करते साहब हुए कहा থা कि दबाव में आकर, आप संकोच में आकर, अपने अधिकारों काः परित्याग कोः अपना अधिकार दे दें , तो यह किसी करके दुसरों तरीके से जायज नहीं ठहराया जाः सकता। लेकिन ऐसा लग रहा है≬ मैं कि बहुत सत्ताधारी दल के लोगों से जरूर कहना चाह्रंगा ज्यादा घबराने कीः जरूरत नहीं क्री याः तोः आप इस मसले कोः पहले से ठीक तरह से डीख़ कर लेसे , लेकिन अब आप हड़बड़ी में हैं क कोई यह

कहे कि चास्रीस सास्र से लोकपाल बिल नहीं बना है , तो नहीं बना वह एक गलती थीः , लेकिन एक गलती कोः सुधारने के लिए दूसरी गलती हड़बड़ी में और जल्दबाजी में आप करें तो उसका कोई औचित्य नहीं इसलिए जल्दबाजी में कुछ कदम मत उठाइए। अगर आजकिसी में आकर फैसला लिया जा सकता है , एक लाख़ लोगों के दबाव में आकर में आ लिया जा सकता है तो कल को एक करोड़ लोग भी दिल्ली सकते हैं , जो यह कह सकते हैं कि ऐसा करिए , वरना हम यहां से हटेंगे। नहीं तब आप क्या करेंगे ? पुलिस के सिपाही जाः हैं , एम.पीज़ . को घेरा जा रहा है , वहां से नर्दिश दिया जाः रहा है कि एम.पीज . के घरों पर जाइए। यह तब किया जाः रहा है जब हब्द्रिस्तान कीः संसद ने , खास तौर से लोक सभा में ने , प्रधान मंत्री ने , नेसा सदन ने , नेहा प्रतिपक्ष ने और पूरे सदन ने एक मत से यह अभीक्ष की कि जन लोकपाल बस्रि पर गंभीरतापूर्वक विचार कथाि जाएगा , उसको वेरेज अन्ना साहब , आप अपना अनशन तोड़ दोः ! पूरे देश के लोगों कीः इच्छा काः सम्मान न होः , देश केः पुरधान मंत्री , सुप्रीकर , नेता कीः प्रार्थना पर कोई गौर न किया जाए और सिर्फ यह परातिपक्ष ही किया जाए कि इतने दिनों में यह होमा चाहिए , यह जिद्द जो है , बाक्ष हठ तोः मैंसे स्बी थीः , लेकिन यह वृद्ध हठ इस तरह का होगा , इसकी मैंबे कभी कल्पना नहीं की थी। यह नहीं होमा चाहिए। मुझे एक संदेह है कि अन्ना हजारे साहब , शायद इस बात को माम भीः लें लेकिन साथ आसपास जो चौ कड़ी है , उससे उनके हमें लगता है कि वह अन्ना की हजारे

जाम लेसे के लिए तुली हुई हैं। जब सदन व सरकार आपकी सारी जायज मांग्रें मामने के लिए तैयार है , फिए इस बाहा की जिंदि करना कि अनशननहीं टूटेगा। ...(व्यवधान )...

कुपाल यादव : अन्ना हजारे के आसपास की जो टीम से दो माननीय सदस्यों ने कहा है कि अब अन्ना जी को लोकतंत्र अनशन तोङ्ग देखा चाहिए , अगर उन्हें में वश्वास क्री इस में पीः एम., नेहा प्रतिपक्ष तथा पूरे सदन ने भी अपील हैक निश्चित तौर पर लोक़तांत्रिक व्यवस्था में उनके दुवारा वयवधान पैक्ष करने की कोशि श की जा रही हैंक आपने स्वा कि जो एक नुयायालय के जज रहे हैं , उन्होंने इससे खफा होक़र है कि अब मैं इस टीम का सदस्य नहीं ह्ं⊅ उनका यह बयान में समाचार पत्रों छपा है¢ उनके अंदर भीः इस जिंदि से प्रभाव है और अन्य लोगों पर भीः असर पड़ रहा है तथा उनको यह लग रहा है कि लोकतांत्रिक -भक्ति वयवस्था कोः छब्छिन करने की कोशिश की जा रही

पुरो . राम गोष्राल **यादव :** उपसभाध्यक्ष महोदय , मैंः जो बाह्य कह कि केवल लोकपाल आगे कुछ और कहना चाहूंगा बल्लि थाः , उससे याः जन लोक्रपालः बस्नि में सारी ऐसी बाहों बहूत हैं , जो छूट हैं क इसमें कुः अनावश्यक हैं और क्छ जोः होमी चाहिए थीः , वेः नहीं। इसमें जैसे सारे लोकसेवकों जांच है , लेकिन जोः एनजीओज़ हैंः , उनको शामिल किया इसमें , चाहे वे सरकार से मदद पाले होंः याः न पाले यह है कि दवा लेबे के लिए जाइए , तो नकली दवा सथिति मस्रिता लेबे को जाइए , तो नकली दूध है , किसान के लिए जाता है , तो नकली खाद मिल्रिती है , सब क्छ ये सारी जितनी चीजें हैं , ये उसके अंदर आनी चाहिए। अगर कोई एम.एस. में दाखिला लेबे के ਕਿਇ जाए , क्लासेज़ में , रेडियोलॉजी में पोस्ट ग्रेजुएट तोः एक करोड हैं , अगर आप pediatrics में एम.डीः . कराने रुषया मांग्रते के लिए किंसी काः दाखिला कराना चाहते हैं , तो एक करोड़ बच्चे रुषया मांग्रते हैं क मेडिकल कॉल्लेज , इंजीनियरिंग कॉक्षेज , मैबेजमेंट कॉस्रेज के प्रबंधतंत्र को भी इसमें चाहिए , इनमें इतना क्री लामा बड़ा भ्रष्टाचार की छोटी -मोटी ब्योरोक्रेसी और सब लोग मिल्लिकर पूरे एक जिल्ले रश्वित नहीं लेते , उससे कहीं ज्यादा एक आदमी से रश्वित

जाः रही हैं अगर भुरष्टाचार को मिछाना है , तो इन सारी चीजों इलेक्ट्रॉनिक कोः लोक्रपाल में लामा पड़ेगा। के दायरे और परिंट है , इमेज़ बनाने मीडिया चुझाव के वक्त बेद्या जाहा करोड़ रुप्तये लिए हजारों काः पैकेज लिया जाता है। यह चर्चा में है। अगर किसी आ जाए , तोः वह भीः टेल्लीविजन कोः छींक जाएगी और आप चाहे कहते रहिए कभी नहीं आएगा , आप कुछ दे ही कुछ सकते , यह स्थिति क्री इसलिए इलेक्ट्रॉनिक और प्रिंट मीः डिया कोः इसमें आना चाहिए। सारे कॉऱपोरेट हाउस इसमें आने चाहिए।

हैं , उन पर हमारी पार्टी जो तीम बाहें कीः स्घष्ट जोः है , वह राज्य लोकायुक्त काः मामला है¢ इस बाह्य कीः इजाजत नहीं देला कि हम संघीय व्यवस्था हांःः , हम राज्ञ्यों प्रतिकूल जाकर काम करें। से एक मॉडल बनाकर कह सकते हैं , राज्ञ्यों से अनुरोध लोकायुक्त करना चाहते बने , लोकपाल की तर्ज हैं कि इस तरह का लोकायुक्त पर। राज्ञ्य अपने मन से लोक्रपाल बनायें। सिंटीजन चार्टर पर हमें कोई ऐतराज़ नहीं है

जोः लोअर ब्यूरोक्रेसी वाली है सद्धिांत बाह्य रूप में वशिध इसमें कोई नहीं है , लेकिन यह है , जैसा व्यवहारिक स्थिति कि अभी येचुरी साहब ने इशारा किया थाः कि करोड़ों मुकदमे अभी लम्बित हैं और अगर नये केस्रेज आ पूरी , तोः एक समानांतर जायेंगे व्**य**वस्था बनानी पड़ेगी। पूरी व्यवस्था पैरलल

5.00 P.M.

काः प्राविजन बनानी पडेगी और जोः समानातंर सरकार यह जन लोक्रपाल बिल्ल कर रहा है , इससे कैसे बचा जाः सकता हैः , इस पर विधार करना चाहिए। उनकी जायज मांग्रों को मानिए और नया लोक्रपाल बस्रि, सटांग लोक्रपाल बल्नि बनाइए। अगर इसकी सारी चीजें मान लीः , तोः यह भस्मासूरी लोक्रपाल बन जाएगा। यह तोः सारे सस्टिम कर दे ने वाला क्री सर, मैं आखिरी बास कहता हं़≎ हम सब , आप भीः एम.पीः . हैंः एम.पीज यहां पर बैठे हैंं , माञ्यवर , एम.पी . के उठाना पास अधिकार है ? जन समस्याओं कोः सदन में , राज्य हितीं कीः बात को राज्य सभा में उठाना , वधियक में बनाने कीः परिक्रया में हस्सा देखा , यही हमारे काम हैंक न टशंसफर कर सकते हैं , न पोस्टिंग कर सकते हैंः अप्वाइंटमेंट हैं , न किसी कोः लाइसेंस कर सकते दे सकते हैंा कोः कोद्या -परमिट दे सकते हैं। जब हम कुछ नहीं कर सकते हैं , तोः हम कैसे लोक सेक्क हैं ? हमारे पास कौन सी executive power है ? executive power नहीं है , तो MP को इस तरह के किसी दायरे कुयों रखा जाए ? हम इसका वरिरेध करते हैंा और इसमें सधार चाहिए। करना

SHRI D. RAJA (Tamil Nadu): Mr. Vice-Chairman, Sir, our country has been passing through a very turbulent period in its political life. Irrespective of political parties, whether we belong to Left or Right or Center, we all, collectively, will have to address certain basic issues. Dr. Ambedkar is being quoted frequently in this House. Dr. Ambedkar, in his last historic speech in the Constituent Assembly, in the month of November, 1949 made certain observations. "Till 1947, we were blaming British for everything that went wrong in the country. But after 1947, we cannot go on blaming British. If something goes wrong, we will have to blame ourselves." That is what Dr. Ambedkar said. Then, Dr. Ambedkar went on to say, "On 26th January, 1950, our country will enter into a new life but that new life will be a life of contradictions. In politics, we will have equality - one man, one vote. But in social, cultural and economic life, we will have inequalities. How far we resolve these contradictions or how sooner we resolve these contradictions, it is good for our democracy. If we failed to resolve these contradictions, then, our democracy will be in peril. If at all our political democracy has to last, there should be social democracy and economic democracy at its feet." This was what Dr. Ambedkar said.

Now let us introspect what went wrong after we became the Republic. India, which started as a welfare State, has, gradually, been emerging as a neo-liberal State. There is always a demand that State must withdraw from all economic activities. State must withdraw from running industries, from building physical infrastructure and social infrastructure, like, health and education. So, States should not have any role in economic activities, as far as distribution of wealth is concerned. Why is it happening? Now, we find enormous growth of corporate houses. These corporate houses dictate the formation of the Government. They dictate the policies of the Government. These corporate houses are also influencing the policies of the Government, manipulating the policies of the Government and resorting to all corrupt practices. That is what

we witness today. Small crimes or small bribes which used to be in the past was a different thing. Now, what we see today are scams involving mind-boggling and alarming figures. This is because the corporate sector, the corporate houses are directly trying to control the Government. Now, again, we are discussing corruption today. It is not one man's cause or one party's cause. It is the entire nation's cause to fight corruption. But how to fight corruption? How to fight corruption? From 1968 onwards, efforts were made to bring a Lokpal. The first Lokpal was Lokpal and Lokayuktas Bill, 1968; the second Bill was also Lokpal and Lokayuktas Bill, 1974. Afterwards, it was Lokpal Bill, 1977; Lokpal Bill, 1989; Lokpal Bill, 1996; Lokpal Bill, 1998; Lokpal Bill, 2001; and now, in 2011 also, we are discussing about a Lokpal.

Sir, an all-party meeting was held on 24th August, 2011. My Party was also present there. This all-party meeting unanimously made an appeal to Mr. Anna Hazare to end his fast. In that all-party meeting, my Party made some suggestions and we said, 'the present Bill is very weak and inadequate; we need a strong Lokpal and the Government will have to work on a strong Lokpal.' While working on a new Bill, the Government can take inputs from various quarters. Government can take inputs from Aruna Roy and her colleagues; Government can take inputs from various other sections which have worked on this Lokpal.

SHRI MOHAN SINGH (Uttar Pradesh): From Mr. Seshan.

SHRI D. RAJA: From anybody, and political parties do have  $\dots$ 

SHRI RUDRA NARAYAN PANY: Also from Jaiprakash Loksatta.

SHRI D. RAJA: Yes, from Jaiprakash Loksatta as well. But it doesn't mean that only they have their views on Lokpal. As political parties, we have our own points and the Government must take all these points and it should work on a new Bill. This is what we suggested. Now, Sir, as a Party, we have our views. While demanding a strong Lokpal, we think, the Prime Minister, can also be brought within the ambit of Lokpal. We don't see anything wrong in including the Prime Minister

within the ambit of Lokpal. What is wrong in it? Why should we shy away from including Prime Minister within the ambit of Lokpal? And, we are for that.

Then, Sir, with regard to Judiciary, we did express our views when we discussed the Impeachment Motion. It is true that the Judicial Standards and Accountability Bill, 2010 is pending; but it is also a weak Bill. It needs to be strengthened. Along with it, the Government should agree to constitute a National Judicial Commission. Now, 'Judges appointing Judges' leads to corruption, nepotism and there are cases of one Judge appointing his own relatives as

Judges in several High Courts. We could see it. Judicial Accountability is a must today and we need a corruption-free independent Judiciary. We have respect for our Judiciary but that Judiciary should be free from corruption. That Judiciary should also be made accountable. This is our position.

Then, Sir, with regard to MPs, many leaders have made their position clear. I agree with them. The conduct of MPs, the elected Members, within the House are governed by certain rules, and for whatever they do outside Parliament — they are public servants, they are citizens — all your Criminal Procedure Code, Indian Penal Code can be applied to them also and they are applied. Even now, they are applied. That is our position.

Now, Sir, with regard to Lokayuktas, even though our Constitution says, we are unitary, but, in practice, we are a federal country. We function on the basis of federal principles and one should not think of imposing certain things on States. We can think of a model Bill or some kind of an enabling law which can give some kind of clarity to the States to act on their own. This is our position.

Now, I come to the composition of Lokpal, Sir. This composition will have to be defined. It cannot be a mechanical one which is out of touch with the social reality of our country. After all, the Indian society is a complex society. We have, whether we like it or not, a caste hierarchy. We may talk about inclusive growth. When we talk about our economy, we say India is an emerging and a fast growing economy, India is emerging as an inclusive economy. But it is not so in reality. That is why when we talk about the composition of the Lokpal, I think it has to reflect the social inclusiveness there; it has to have representation from SCs/STs, backward classes, women and minorities. We passed the Bill for 33 per cent reservation for women in this House. In panchayati raj, you have a reservation to the extent of 50 per cent. The atrocities committed against women are immense, attrocities not only like sexual assaults, even in terms of other aspects of social life. I think women and minorities must also be represented. Only then, people will have some confidence in the institution of Lokpal. People will look at it as an institution which can deliver fair justice to every section of the society. Otherwise, what is happening today? People do not have confidence even in, I am sorry to say this, the judiciary because they think that the judiciary can be biased in a given situation. That is where we talk about judicial accountability. This is one aspect the Government will have to keep in mind.

Then, I come to the definition of 'corruption'. How do you define 'corruption'? When it comes to Government's functions, how do you define diversion of funds meant for SC component Plan, diversion of funds meant for Tribal Sub-Plan. If you ask me that is also corruption. There are organizations who strongly believe that diversion of funds earmarked or

meant for SC Component Plan to some other activities to benefit some groups and families, is corruption. So, how do you define corruption? There, the Government will have to apply its mind. This is one thing we will have to keep in mind.

With regard to these three questions, these three questions were raised by Shri Anna Hazare and his team. I do not know how Government negotiates with Shri Hazare and his team. Government can negotiate directly with Shri Anna Hazare. Why do you have these interlocutors? I do not know it has become a fashion with the present Government that for everything you go in for interlocutors or mediators. Why can't you negotiate directly? On these three issues, they demanded in writing and you are asking Members of Parliament to give their opinion and Mr. Pranab Mukherjee says that we will be a part of consensus-making, not consensus-breaking. What is your position? Why should the Government handle this issue in this manner? This is something the Government should take into consideration.

Then, Sir, there are some other issues. One is the Standing Committee. Now, the time has come when we will have to really look at the functioning of Standing Committees. The Standing Committees submit their reports and their observations and views are given by them. They are all recommendations. And the recommendations are not mandatory. But we claim that Standing Committees are mini-Parliaments. But the Standing Committees' opinions are recommendatory, just recommendatory! It is not only with Standing Committees, it is also happening in case of the National Commission on Scheduled Castes, National Commission on Backward Classes, National Tribal Commission and in all Commissions. We interacted with them. What they say and whatever we say, they are all just recommendations. Government does not simply agree and our recommendations are thrown to the dustbin. So, I think, when we discuss Lokpal, we need to discuss the question of functioning of Standing Committees also.

Now I come to the functioning of law. How is the law functioning in our country? We should look at the functioning of law. My hon. friend, Shri Tiruchi Siva, raised one concrete issue. People who have been given death sentence spent their 20 years in prison and now the

sentence is going to be executed. How it is justified? Even a life imprisonment is carried out with a particular time limit of 14 years. But in a death sentence, the convict passed 21 years in prison but the sentence is not commuted. How is our law functioning? He mentioned concretely three names — Perarivalan and two others. Even Mr. Vayalar Ravi had got into an issue. But I am not entering into the case. I am questioning the functioning of law in our country. How does our law function in our country? We will have to keep this in mind. Otherwise how is your Lokpal, that you are creating, is going to function? I did meet some of the representatives. I asked them what will be the establishment of Lokpal. They said, they will draw some personnel from anti-corruption wing of CBI, some personnel from vigilance wing of different Departments. Then

Lokpal will have its own establishment. I am telling you. Then I asked, how are you going to recruit people for Lokpal. Finally, Lokpal is going to be an institution. Here again, I bring the warning given by Dr. Ambedkar. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please conclude. ...(Interruptions)...

SHRI D. RAJA: Dr. Ambedkar gave the warning while discussing in the Constituent Assembly as to what should be the democratic system that India should adopt - whether multi-party parliamentary democratic system, or, a presidential form of Government. Dr. Ambedkar rejected the presidential form of Government; he also rejected two-party system. Dr. Ambedkar opted for multi-party democratic system. There Dr. Ambedkar gave justification. He said, in bhakti or in religion you can lay all your liberties at the feet of one individual; you can think that you will have salvation and you will go to the heaven. But, in politics, if you put your liberties at the feet of one man, then it will lead to dictatorship and autocracy. Now what is happening in India? It is a kind of anarchy that is emerging. Such a situation is very bad and political parties will have to apply their heads and minds together in order to overcome because this is a crisis in which many European countries plunged in. We have seen many countries plunging into crisis because of corruption. We saw Japan plunging into crisis because of corruption. India is also plunging into crisis because of corruption. This has to be fought provided the Parliament has the political will. We should carry on this fight against corruption.

With these words, I conclude.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Hon. Members, I have to share the Chair's problem with you. There are twenty-two more speakers.

DR. V. MAITREYAN: Sir, this problem arises only with smaller parties!

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): First let me say. You have to listen to me first. There are twenty-two more speakers. So far, we are following a procedure that every speaker is allowed to the extent he wants to speak. I have no problem. But, we will have to sit late, maybe up to 12.00 at night or even beyond that. I have no problem, but if there is consensus, I can say that each Member may go a little beyond the time allotted to his party, say five minutes more than the allotted time.

**श्री रामविलास पासवान :** सर, यह बहुत ही historic debate हैं । बाहर जो कुछ हो रहा है , हम लोग सुब रहे हैं आप सभी मैम्बर्स को अपना view रखने दीजिए , वह कम-से -कम रिकॉर्ड पर तो जाएगा। इसे कितने

लोग सुबेंगे , नहीं सुबेंगे , यह अलग बात हैं। लेकिन , रिकॉर्ड पर सबका view जाएगा , इसलिए आप टाइम की कोई पाबंदी मत लगाइए , चाहे इसमें रात के बारह बजें या 2 बज जाएँ।

(पुरो . पी**.जे**ः क्रियन उपसभाध्यक्ष ): मैं आपसे सहमत ...(व्यवधान )... मैं आपसे सहमत हुँ I have no problem. I only shared my concern. However, I am requesting hon. Members to exercise self-restraint, like you can go five minutes beyond your allotted time or even double the time, but not more than that. Now, hon. Members are taking so much time. So, please co-operate. Now, Shri Paul Manoj Pandian.

SHRI PAUL MANOJ PANDIAN (Tamil Nadu): Sir, due to paucity of time, as you expressed just now, I would also impose self-restraint with regard to the views that I am going to express and I will also be very brief with regard to whatever I am saying. In the backdrop of 2G scam and the various scams which were detected very recently, it has now become the need of the hour to discuss about a Bill like the Lokpal Bill. It was the endeavour of my leader, the Chief Minister of Tamil Nadu, Jayalalithaaji, who had exposed this scientific corruption to the entire world in the 2G scam.

Now, with regard to the Bill, I would like to submit my views which can be taken note of by the Standing Committee about how and what are the changes, what are the amendments and what are the views that have to be imbibed in order to give an effective and comprehensive Bill to curb the menace of corruption in our society. At the outset, I would like to highlight the point regarding the establishment of an organisation like the Lokpal. If it has to be established, we have to see how it has to be in consonance with the legal provisions of various Acts, and mostly, with the provisions of the Constitution. Sir, though it is a Constitutional right of an individual, civil society or anybody, for that matter, to express their views, but, ultimately any person, who has to redress his grievances, who has to raise a voice, the expression of his views has to come to this august House and this august House will have the authority, after

deliberating all the issues, to establish the supremacy of this House. It is only after going through this process that any law is enacted by this House. Sir, with regard to the Lokpal Bill, I wish to draw the attention of the Members, as well as the Standing Committee, regarding the matters that are pending in the Courts. For instance, if a complaint is given to a vigilance authority or an investigating officer and thereafter, a police charge-sheet is filed and it is sent to a Special Court, as it comes under the Prevention of Corruption Act, Sir, the provision, as I was able to have a glance with regard to the Government's proposed Bill, it says that matters pending before any Court, Committee or authority for inquiry before Lokpal are not to be affected. And, the explanation is also given. For the removal of doubts, it is declared that continuance of such matter or proceeding in any Court

shall not affect the power of the Lokpal to enquire into any matter under this Act. Sir, can a person who is charged of an offence before a court of law, be subject to another proceeding before the Lokpal? It has to be taken note of by the Standing Committee. Can there be two simultaneous prosecutions, one before the special court under the Prevention of Corruption Act, and, the other before the Lokpal? Ultimately, a person is being tried twice, which is the violation of Constitutional provision enshrined under article 20. This has to be taken note of, Sir.

Sir, with regard to three questions that have been posed, I wish to submit the view of my party. Sir, our leader, Dr. Jayalalitha ji has already expressed her view with regard to the inclusion of the Prime Minister within the ambit of Lokpal. Sir, the AIADMK party is of the firm view that the Prime Minister should be out of the purview of the Lokpal. The reason is that if frivolous complaints are filed against the Prime Minister, it will undermine the authority of the Prime Minister. Once a complaint is filed, it will be telecast on the news channels, and, thereafter, no Prime Minister would be able to function. It will definitely affect the authority and administration of the Government. Not only that, the Prime Minister is already under the purview of the Prevention of Corruption Act. If the Prime Minister is going to commit any wrong or indulges in corruption, he will be prosecuted under the Prevention of Corruption Act. It is not as if he is having a Constitutional protection like the one which is given to the hon. President or Governor of a State under article 361. There is no protection for the Prime Minister; there is no protection for the Chief Minister of a State. That is why, Sir, my view is that the Prime Minister, who is under the purview of the Prevention of Corruption Act, need not be brought under the purview of the Lokpal.

Sir, with regard to establishment of *Lokayukta*, since the establishment and appointment of *Lokayukta* is a State subject, it must be left to the State and the respective State Government. The State Government could set up Lokayukta on the basis of whatever is being expressed here and also taking note of the relevant factors and all legal provisions.

Sir, with regard to inclusion of lower bureaucracy within the purview of Lokpal, an attempt has been made to include lower bureaucracy within the ambit of Lokpal but it would only be counter productive. The main focus of the Lokpal Bill is to punish the corrupt persons at the top level. If there is going to be a number of cases filed before the Lokpal, there is going to be no end, there is going to be no decision, there is going to be no prosecution, and, ultimately, the whole exercise will prove futile.

Sir, with regard to the powers of the Lokpal, I wish to submit certain views. Even according to the Government Bill, the Lokpal has the police powers with regard to seizure, arrest and investigation. If the Lokpal has the power with regard to arrest, then, where is the person going

to be remanded? Is he going to be remanded before a Magistrate? He cannot be remanded before a Magistrate. Does the Bill give the powers to remand before the Lokpal? It is not provided. This lacuna with regard to the arrest has to be addressed.

Not only that, Sir, in the proposed Bill, there is a mention of the preliminary investigation and final investigation. Sir, there is no expression of preliminary investigation in any provision. It has been done away with. The use of word 'preliminary investigation' has been done away after the pernicious practice of conducting preliminary investigation by filing incomplete chargesheets within 15 days under the old CrPC. It is not there now. It is not there under the present criminal jurisprudence. Therefore, I want to submit that there are a number of lacunas in the proposed Bill and also in the other Bills which have been brought forward by the civil society. All these have to be taken into consideration, all views have to be expressed, all views have to be taken note of, and, then, we can pass a comprehensive Bill.

Sir, coming to the last point with regard to filing of complaints, I would like to submit that there are so many technical issues. If a complaint is given by the Lokpal, as I have seen from the proposed Government Bill, it has to be through the Director of Prosecution. That is, by way of a complaint, it will go directly to the special court. Sir, if there is a police case already pending in that particular court, after the complaint is presented by the Lokpal, the complaint given by the Lokpal will be automatically stayed because of the provisions of section 210 of the CrPC. We must take note of this fact. If a complaint is going to be given by the Lokpal, and another complaint is already pending with regard to a police charge sheet, then, once the complaint is filed before the Special Court, the complaint of the Lokpal will be automatically stayed. This is the provision of section 210 of CrPC. There are so many technical flaws. I know there is time constraint, Sir. However, there are a number of flaws which have to be corrected. A lot of deliberation is necessary; a comprehensive Bill is necessary. Therefore, I appeal to this august

House to take note of all legal implications, to take note of all constitutional implications, to take note of all legal provisions, all the Acts, be it the Criminal Procedure Code or the Prevention of Corruption Act. Then, there is no mention about the Central Vigilance Commission in the proposed Lokpal Bill. The Central Vigilance Commission was enacted by a judgement of the Supreme Court. There is no reference about the Central Vigilance Commission.

Sir, with regard to the Judges to be brought within the purview of this Act, the Standing Committee must take note of the fact that for initiating any criminal action against a Judge, permission of the Chief Justice is necessary. It is by virtue of a judgement of the Supreme Court. So, these things have to be taken note of. We cannot pass a Bill, enact it, and then if it is struck

down as unconstitutional, we will be doing injustice to the people. (Time-bell rings) Therefore, I appeal to this august House to take note of all legal issues while framing this comprehensive Bill with regard to the Lokpal. Thank you, Sir.

SHRIMATI SHOBHANA BHARTIA (Nominated): Thank you, Sir. Over the past few weeks and days, we have seen a very natural public outpouring against a long pending issue of corruption.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJEEV SHUKLA): Sir, there is a Resolution which will be brought after the debate is over and 22 more Speakers are still left. So, I think, there should be some time limit fixed. The issue could also be resolved outside. I think, there should be some time limit fixed.

**श्री राजनीति प्रसाद :** जब यह पहले तय होः गया। ...(व्**य**वधान )...

श्री राजीव श्कल : देखिए , आप यह समझिए कि अभी 22 speakers ...(वयवधान ) . . . अभी Resolution भी आना है। एक आदमी , जोः भूखा बैठा और यहाँ 11 बज , इसलिए आप थोडा इसको समझिए और इसके लिए कोई समय-सीः माः दल से भी आग्रह होः जामे दीजिए। मेश म्ख्य विमिक्षी है कि वे भीः इस बाहा कोः कहें।

शरीमती माया सहि (मध्य प्रदेश ): सर, speakers जयादा हैंः , क्योंकि 'Others' में आपके पास already 12 speakers पॉलिटिकल के speakers भी हैं⊅ अन्य पार्टीज अभी है कि यह डिबेट मुझे लगता जब तक खत्म होगी , तब तक ९ याः 10 बज जाएँगे। यहाँ कथा इतनी देश तक सब लोग बैठेंगे ? . . . (व्यवधान ) . . .

कुछ मामनीय सदस्य : हाँ , हाँ , बैठेंगे। ...(व्यवधान )...

शरीमती सहि में माया : इस बारे सदन की भावना है ? क्या मैंः चेयर से यह आग्रह हुँ कि आप टाइम -लिमिट इसलिए करती कर दीजिए उससे सारे speakers को अपनी बास मौका मिल्लि जाएगा और हमारी यह डिबेट भीः पूरी हो जाएगी। इसके बाद मिनिस्टर की reply हैं। ...(व्यवधान ) . . .

**श्री राजनीति प्रसाद :** सर, हम लोग 9 बजे तक भीः

## बैठेंगे। ...(व्यवधान )...

DR. V. MAITREYAN (Tamil Nadu): Let the Congress Party and the BJP withdraw all their speakers.  $\dots$  (Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Don't worry.
...(Interruptions)... You will get time. You allow me to speak.
...(Interruptions)... If all of you speak together, what can I do?
...(Interruptions)... Please speak one by one. ...(Interruptions)...

SHRI BIRENDRA PRASAD BAISHYA: I have a point, Sir. Today, in the presence of the hon. Chairman, this matter was discussed and everyone categorically requested to speak.

...(Interruptions)... There should be a free and frank discussion. Secondly, Sir, all the time, small parties cannot be deprived of the opportunity to speak. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please sit down Mr. Baishya. ...(Interruptions)... I heard you. ...(Interruptions)... I heard the point made by you.

शरी राजीव शुक्ल : लोक सभा में डिबेट खत्म और वहाँ Resolution भी पारित हो गया , फिर से यहाँ चलते रहने फायदा है ? इसलिए हमें समय-सीमा रहना चाहिए। ...(व्यवधान )...

**श्री प्रकाश जाबडेकर** (महाराष्ट्र ): लोक सभा में क्या समय-सीमा तय हुई है ?...(व्यवधान )...

श्री राजीव शुक्ल : लोक सभा में साढ़े छ: बजे का समय तय हुआ हैं। ...(व्यवधान )...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I understand and appreciate the feelings of the Members, especially of the Members from small parties and those who are in the category of Others. You have a point. You want to make your point. But what the hon. Minister has said must also be considered. When discussion in the Lok Sabha will be over, they will have the Resolution and that will go to the media and we will become redundant. That is also there. ...(Interruptions)... Let me say this. ...(Interruptions)... Please. We should have a compromise on both. The category of Others has 12 speakers. According to the time allotted by the Chairman, which is 43 minutes, each Member will get four minutes. ...(Interruptions)... Instead of four minutes, you take five-seven minutes. But not more than seven minutes. I think it is justified. ...(Interruptions)...

**श्री रामविलास पासवान :** अगर यह कहना है तो हम लोग हाउस छोड़कर चल दें**शे ...(वयवधान** )...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I will decide. ...(Interruptions)... Please sit down. I think the major parties can reduce their share of time. Isn't it? ...(Interruptions)...

श्रीमती माया सहि : सर, हमारे दो सुधीकर्स हैं और जो

## हमारा टाइम है , वे उस टाइ म को लेंग्रे। ...(व्यवधान )...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We can do that within that time. ...(Interruptions)... बैश्य जीः, आप बैठिए। ...(Interruptions)... Listen to me. Among the major parties, I think the Congress Party has got nearly one hour and four speakers. I will request their Members to take ten minutes each. Nobody will take more than ten minutes whether major parties or small parties. ...(Interruptions)...

DR. BHARATKUMAR RAUT (Maharashtra): It does not happen like that.  $\dots (Interruptions)\dots$ 

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I will manage like that. ...(Interruptions)...

DR. BHARATKUMAR RAUT: First it should be small parties. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): That cannot be done. ...(Interruptions)... Т cannot violate the Rules. ...(Interruptions)... Please sit down. ...(Interruptions)... From the category of Others, each speaker will get only four minutes. But I said I would give you up to ten minutes. I am reducing the time allotted to major parties. Their Member will speak up to ten minutes. ...(Interruptions)... Nobody will speak for more than ten minutes whether it is a major party or a small party. ...(Interruptions)... I have given the Ruling. ...(Interruptions)... Consensus लिया , र्लिंग दिया that nobody will speak for more than ten minutes. It means you speak for ten minutes. ... (Interruptions)...

DR. (SHRIMATI) KAPILA VATSYAYAN (Nominated): Sir, can the mute wisdom bench get five minutes?

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I said a Member can speak up to ten minutes. If you conclude within five minutes, I will be very happy.

SHRIMATI SHOBHANA BHARTIA: Sir, I will try to make you happy.

Sir, over the past few weeks, we have seen a genuine popular agitation against the long-standing scourge of corruption. The Prime Minister, Dr. Manmohan Singh, had termed it as a cancer that was gnawing at and eating into the vitals and values of our nation. I think that there is a national consensus on it. The need of the hour is that Parliament brings in a strong Bill to try and tackle this menace.

Sir, the current events pertaining to the various scams and scandals that have been tumbling out also point to the fact that we need a very strong anti-corruption law and, more importantly, we need to have the political will to implement that in a firm manner.

Sir, to tackle this statutory corruption, an independent body is

necessary and the model of the Ombudsman or the Lokpal that we have devised has been overwhelmingly agreed upon as a practical and effective force to uphold a law that not only provides a de jure deterrence for corruption but also a de facto deterrence. We need an effective Lokpal. But we also need an effective Lokpal fitted with strong safeguards against its possible misuse. When we centralise so much of power and we have a body without much decentralisation, it is very important to have in place checks and balances to ensure that it cannot be misused. It is also important for us to understand that even the most stringent and even the most effective Lokpal will not be and cannot be a panacea for all corruption. Sir, the Lokpal ambit is to lie only over the statutory bodies, whether it is Members of Parliament or judiciary or bureaucracy. This excludes vast

areas of public life where corruption is rife and where the common man specially falls prey on a daily basis, whether it is corruption to try to go in for procurement of commodities, whether it is school admission or whether it is corruption at the corporate level or, as my friends spoke about, whether it is corruption at the media level. Sir, I belong to media, but, I have no hesitation in saying that we need to weed out corruption at each and every level in all the spheres of activity. Sir, for all these areas where graft has thrived, far more changes and implementation of stricter laws are required. Then, Sir, last but not the least, a change in the social behaviour in society has to take place. Constitution of a strong Lokpal with proper safeguards, I am sure, will be a beginning in the right direction.

Sir, now, I come to some of the substantive issues which have been covered and discussed today. Sir, I respectfully like to state that I think the office of the Prime Minister needs to be brought under the ambit of Lokpal. Sir, incumbent Prime Ministers should be under its purview if we have to send a signal that this is a strong anticorruption Bill that has been proposed. Keeping the Prime Minister out may send a wrong signal. But, I do believe that it should be a qualified inclusion and, therefore, there should not be day-to-day irritants that actually hamper the functioning of the office of the Prime Minister. Also, Sir, I think, the areas of national security, foreign policy and defence need to be kept firmly out of the purview of any investigation by the Lokpal. Even the current laws of the country do not provide any immunity to the Prime Minister. He is first amongst equals. So, the Prevention of Corruption Act applies equally to the Prime Minister. So, there is little meaning in trying to keep him out of this.

Sir, as far as judiciary is concerned, they should not be under the Lokpal but the Government must acknowledge the fact that there is corruption in judiciary, and therefore, a strong Judicial Standards and Accountability Bill should be passed at the earliest. I know this Bill has been pending, but, Sir, this Bill does not cover all aspects.

A Judge today can only be impeached under Article 124(4) and Article 217 and no other mechanism is available other than an extraordinary constitutional method under practice of Judges inquiring into the Judges' conduct. How can this ever be impartial, how can this ever be transparent and how can this ever be termed fair? So, I think, we should move towards a National Judicial Commission which can be enacted by amending the Constitution.

## (MR. DEPUTY CHAIRMAN in the Chair)

Sir, as far as lower bureaucracy is concerned, I think, the idea of trying to cover the entire civil servants is a worthy idea. But, we have to look at the practicality of actually rolling out

something as momentous as this. We have over three crore people that are to be covered. I think, the efficacy of the Lokpal itself will be under slight tension and strain if it has to oversee the functioning of so many people. Therefore, Sir, I think, while the higher bureaucracy should be kept under the ambit of the Lokpal, the lower bureaucracy should be overseen by the CVC.

Sir, as far as citizens' charter is concerned, inefficient delivery of services can be because of corruption but may not necessarily be only because of corruption. It could be because of the slackness of the system; it could be because of a host of other reasons. Sir, to give you an example, if a Block Officer does not send details of his annual expenditure to the District Officer, he cannot have the money to spend even if the District Officer has been sanctioned the money that is actually to be sent to the Block Officer. So, we have many methods and processes that we follow. There is a general slackness in the system and very often, the work does not get done because there isn't money to disburse not necessarily because of corruption but also because the system is very lethargic. Therefore, Sir, I believe that there should be a separate legislation which should take care of inefficient delivery of services and this should not form part of the current proposed draft Lokpal Bill.

Sir, as far as CBI is concerned, I most certainly believe that the CBI, which has often been accused of political interference not by one particular party but by all parties at some point or the other, should be made independent. At least the Anti-Corruption and the Investigative Wing of CBI should be protected and have a buffer between the Executive and the CBI. Sir, even the Crown Prosecution Services in the United Kingdom, for instance, worked outside the domain of the Executive. If you want to have credibility in the actions that you are taking, we need to ensure that the agency which is investigating has to be insulated from the Executive. Therefore, it is high time that such investigative agencies must be independent. This is like keeping with other democracies in the world.

Then, we come to the issue of can there be a single Bill for setting up the Lok Pal at the Centre and the Lok Ayuktas in the

States. It is a matter where the federal polity does not allow us today to legislate for the State. But what can be done because we believe in the principle that there should be a strong Lok Pal at the Centre and Lok Ayukta at the State. The Centre should try and form a model Lok Ayukta Bill. They should try and advocate the features and get a few States to follow that. From then on it can become the model Bill to be followed and the Centre can help with strong advocacy to try and seek that the States do adhere to it. Having said that, it is not something that can be covered under the purview of the existing Bill, because it will damage the federal polity.

Sir, these are all important issues and I think there are parts in every Bill whether it is part of the Jan Lok Pal Bill, whether it is part of the Government's Lok Pal Bill or it is part of the civil society Bill that are doing rounds. I think the need of the hour is for the Parliament to discuss and debate the various clauses. We have waited since 1968, we can wait a little longer. I do not think the pressures of Ram Lila maidan should actually be hanging over our head in terms of decision making and discharging our responsibilities to the best of our ability. I think we have taken so many years, we should discuss and debate every clause and make sure that the new Lok Pal Bill that will come eventually out of the Standing Committee is a Bill that will serve us for centuries to come. Thank you.

MR DEPUTY CHAIRMAN: Shri Rajeev Chandrasekhar. Not here. Next, Shri Birendra Prasad Baishya.

SHRI BIRENDRA PRASAD BAISHYA: Mr. Deputy Chairman, Sir, I thank you for giving me an opportunity to speak on issues relating to setting up of a Lok Pal. I am very glad to participate in this historic discussion. Before I give my opinion and my party's opinion on today's discussion, we must salute Annaji for his nonviolence movement which united the entire nation from Assam to Kerala and from Kashmir to Kanyakumari. For the last 45 years we have been discussing about the Lok Pal in our country. After the recommendation of the Electoral Reforms Commission, in the year 1996, the matter of Lok Pal was discussed in Parliament. In 1968, for the first time, the Indian Parliament had passed the Bill. Again after that on many occasions discussion on the Lok Pal came up before Parliament. But still we do not have an effective and strong Lok Pal in our country. The Common Minimum Programme of the United Front Government was drafted in the year 1996... One of the major agenda items under the Common Minimum Programme of the United Front was that Prime Minister should be brought under the purview of Lokpal. Sir, in democracy, public opinion played strongtest Role. The non-violence movement has also brought very, very significant rules in our country. Today, again, in our country, this is going to be established after a call being given by Annaji against corruption; the country is united and a strong public opinion has emerged in the country. On the basis of that, we are discussing it today. Saturday is generally a holiday for us, but we are discussing this issue as a matter of urgency. This is the need of the hour. So, we are discussing about the Lokpal.

Sir, my party, Asom Gana Parishad, from the very beginning, is supporting the movement led by Annaji. Not only that; in the two all-party meeting, which was convened by the hon. Prime Minister, AGP also participated and by supporting the Jan Lokpal, we have given our favourable opinion. We have supported the movement, Sir.

Now, I am coming to the main point of today's discussion; that relates to the Prime Minister. Sir, Prime Minister should be brought under the purview of Lokpal; there is no doubt about that. It was supported by most of the political parties. Secondly, Asom Gana Parishad is also in favour of having a strong Lokpal in the Centre, and, simultaneously, a strong Lokayukta in the State Legislature.

Regarding Judiciary, our opinion is quite clear, Sir. There should be, there must be accountability, towards the Judiciary also. My party is in favour, and I am personally in favour, of having a Judicial Commission. So, we are totally supporting it. Instead of bringing any law, my party is supporting the formation of a Judicial Commission.

I am now going to tell you, Sir, what is our opinion about the Members of Parliament. We are public representatives. Our opinion is quite clear that all corruption related issues of Members of Parliament should be brought under the purview of Lokpal. This we are also supporting, Sir. All corruption-related issues of Members of Parliament should be brought under the purview of the Lokpal.

Now, I am coming to the three demands. I am going to discuss about the three demands which are given by Annaji and his team, Sir. Number one; public grievances....

MR. DEPUTY CHAIRMAN: Only three minutes are left.

SHRI BIRENDRA PRASAD BAISHYA: No, Sir. At least, today, you can relax the time limit, Sir.

MR. DEPUTY CHAIRMAN: No, no, no. The House has to finish. ...(Interruptions)... Please listen. The House has to come to the conclusion that everybody be given ten minutes.

SHRI BIRENDRA PRASAD BAISHYA: Sir, I have still time. Allow me to speak.

MR. DEPUTY CHAIRMAN: I have just reminded you.

SHRI BIRENDRA PRASAD BAISHYA: Sir, allow me to speak.

As regards Public Grievances and Citizen's Charter, this is one of the very important demands raised by the Civil Society. We are in favour of it. The responsibility of the officials should be fixed. Without fixing the responsibility of the officials, it is very difficult to get the work done by any officer in our country. So, we are supporting this demand of Annaji.

Sir, I have already mentioned that we are in favour of a strong Lokpal at the Centre and, at the same time, we are supporting a strong Lokayukta in the State.

Sir, the third demand is about bringing the lower bureaucracy under the Lokpal. This is a very important point. The common people and the poor people of our country always get harassed at the lower level. To get a ration card or a passport the common people face harassment like anything. It is very unfortunate that in our country to get a death certificate or a municipal certificate or some registration done, people have to pay money, people have to bribe the officials. It is necessary that there should be control on the lower bureaucracy also. So, we support this demand that the lower bureaucracy should also be brought under the purview of the Lokpal.

Sir, today, the entire nation is looking at us. (Time-bell rings) Give me one minute, Sir.

MR. DEPUTY CHAIRMAN: Shri Shanta Kumar. ...(Interruptions)... Your time is over, Mr. Baishya.

SHRI BIRENDRA PRASAD BAISHYA: Sir, just one minute. Today, the country is moving towards a historic moment. The entire nation is looking at us. So, I request all Members of this House to pass a resolution today supporting Annaji's demand. Thank you.

MR. DEPUTY CHAIRMAN: Shri Shanta Kumar.

DR. BHARATKUMAR RAUT: Sir, I have a suggestion to make. I have to make only one suggestion and nothing else. When Mr. Kurien was in the Chair, we had suggested that because of paucity of time one round of all political parties should be completed first. Since there is paucity of time, give a chance to all other party Members to speak and then start the second round.

MR. DEPUTY CHAIRMAN: Has that been agreed to by the House? SOME HON. MEMBERS: No.

DR. BHARATKUMAR RAUT: Otherwise, what happens is...(Interruptions)...

MR. DEPUTY CHAIRMAN: No. There are other parties. ...(Interruptions)...

I have called Shri Shanta Kumar. ...(Interruptions)... They know about their time. ...(Interruptions)...

DR. BHARATKUMAR RAUT: The bigger parties have already exhausted their time.

MR. DEPUTY CHAIRMAN: We can discuss it later. But now I have called him. ...(Interruptions)...

श्री कुमार (हिमाचल प्रदेश ): उपसभापति महोदय , आज शास्ता देश इतिहास के एक विकट मोड़ पर खड़ा है और हमारी तरफ सबकी नज़रें लगी हुई हैं। हमारा आजका और आने वासे कुछ दिसों का नर्षिय इस देश के भविष्य को एक नई दिशा देशा। आज इस देश के अंदर भरष्टाचार चरम सीमा पर है , क्योंकि के विरुद्ध ग्रसा रिकॉर्ड टूट गए हैं¢ आजपूरा देश सड़कों भुरष्टाचार के सारे पर आगया है और देश की जवानी भीः सड़कों पर आगई है। इसका क्या ন্তুজ বর্ষী कारण है ? इसका मुख्य कारण पछिले इतिहास , पछिले कुछ

वर्षी कीः परिस्थितियां र्हं क इनके कारण प्रत्येक वः यक्ति त्रस्त है , परेशान है और दुखी है। वह इसका कोई समाधान चाहता आजाद हो गया , जी .डी .पी .बढ़ रहा है , लेकिन गरीबी भीः बढ़ हैक वर्षीं और अमीर के रही आजस्वतंत्रता के इतने बाद्य , गरीब बीःच आर्थिक विष्क्रमता पैक्ष में बढ़ती हुई खाई कर रही क्री है कि दुमिया संघ की रिपोर्ट राष्ट्र कहती में सबसे ज़्यादा भूखे हिन्द्स्तान में रहते हैं⊅ गरीबी बढ़ रही है , अमीरी भीः बढ़ रही यह जोः आर्थिक विश्वमता है¢ देश के अंदर बढ रही ्रहे गरीबी बढ़ रही है , परेशानी बढ़ रही है , अन्याय उससे बढ़ रहा है , जिसके कारण आमआदमी दिन -प्रतिदिन परेशान होह्या चला गया। इससे एक और बाह्र पता लग गई कि गरीबी , विष्क्रमता , परेशानी , महंगाई काः एक बहूत बड़ा कारण भ्रष्टाचार क्री एक और मैस्रेज चला गया कि आजकी को खत्म में ईमानदार नहीं वयवस्था भुरष्टाचार करने है , इसलिए देश में एक भयंकर असंतोष हैक र्मे यह निवदन आज पूरे हूं कि आजसदन को , संसद को यह एक बहुत बढ़िया मौका करना चाहता मिल्रा है कि यह जो एक वश्वास काः संकट पूरे में देश हो करने गया लोक्रपाल बल्लि पास करें , भ्रष्टाचार खत्म में पहल है , लेकिन यह है , यह बहुत आवश्यक सबसे आवश्यक राजनीतिक वयवस्था पर जोः अविश्वास पैदा होः गया हैः , नेसाओं पार्टियों के प्रति के प्रात लोगों के क्या विचार आए हैं यह समझता हुं कि हमको इस मौक्रे र्मे उस पर सबसे जरूरी काः लाभ उठाना चाहिए। यह जो एक crisis of confidence, Political System के है , इस कस्मि बारे होः गया में पैक्ष काः आंद्योलन 75 **में** भीः सन् हुआ थाः , तब उसका नेव्नत्व राजनीति कर रही थी। यह आजभीः होः है , लेकिन राजनीति कहीं नजर नहीं आ रही क्री इस फर्क को रहा देखना चाहिए। राजनीति पर से लोगों काः वश्वास उठ रहा हैक राजनीति चली जाः रही क्री इसमें आज सबसे irrelevant होती बडा यह है कि राजनीति पर, राज्ञनैतिक व्यव स्था पर जोः अविश्वास सवाल जाए और मैं बढ़ रहा है , उसे बहाल किया समझता हूं कि राजनीतिक पर अविश्वास वयवस्था कोः बहाल करने काः एक सुन्नहरी मौका है , हमको जि्सका फायदा उठाना चाहिए। क्योंकि केवल , भ्रष्टाचार भ्रष्टाचार नहीं है , भ्रष्टाचार लोगों अमीर कुछ कोः बहुत बना देला है , क्छ लोगों कोः लूटने काः लाइसेंस दे देसा क्री लोगों देसा भ्रष्टाचार क्छ को बहुत गरीब बना है , जिसके

आर्थिक है , आर्थिक कारण विष्मिता बढ़ती विषिमता बढती है तो अपराध बढ़ता है और उसके साथ -साथ नक्सलवाद बढ़ने काः भीः एक बहुत बड़ा कारण यही हैंक योजना आयोग ने जो Expert Group बिठा या था, report **ਸੇਂ**ਂ साफ़ कहा गया है कि यह नक्सल गलियारा गरीब उसकी है , गरीबी के कारण , आर्थिक विष्क्रमता के कारण। आजकाः यह संकट , जो भरष्टाचार पैदा के कारण हुआ है , इससे एक और वश्वास लोगों के दिल्ली में चला गया कि आज की वयवस्था भर¤टाचार में ईमा नदार नहीं है , इसलिए लोग सड़क पर खत्म करने आ गए। कोई पार्टी इसके पीछे नहीं हैंक हम कुछ भीः कहें , यह आम आदमी , जिसे आम आदमी के नाम पर यह सरकार बनी थीः , वह आम आदमी है , परेशान दुखी है , त्रस्त है , उसका वर्तमान व्यवस्था वश्वास समाप्त होः गया हैः , वह सड़क पर आ गया है। अगर वर्त माम वयवस्था पर वश्वास समाप्त होगा तोः यह लोकतंत्र के लिए बहुत बड़ा होगा , इसलिए उस वश्वास को बहाल खतरा करना बहूत जरूरी है¢ हमने देखा कि किस ढंग से वश्वास खत्म हुआ। यहां दक्षिली , हमारी नाक के नीचे , सरकार की नाक के नीचे , 2 जी स्प्रेक्ट्रम हो , चाहे गेस घोटा ला हो , जो कुछ भीः होता रहा , उसमें हमने कसि ढंग से वश्वास खोया है≬ उपसभापति जीः, ऐसा शोर मच रहा है कि विदेशी र्वेकों में बहुत पैस्रा हैंक पुर्ख काः एक व्यक्ति पकड़ा जाशा है , उसके 1,34,000 करोड़ के खाहो वद्धिशी र्वेकों में हैं , यह इन्कम टेक्स कीः जांच के बाद पता लगता है और साह

खि्लाफ कोई कार्रवाई नहीं साल तक उसके होही हैक वश्विास कैसे बनेगा ? कौम इस देश की व्यवस्था पर भरोसा करेगा ? अगर कोर्ट देती सुप्रीम समय पर दखल नहीं तोः जो थोड़ी -बहूत है , वह भी नहीं होही। कार्यवाही हुई वह 1,34,000 करोड़ र्प्षए कैसे वदिशों में ले गयाः , सरकारः ने उससे नहीं पुछा। उस पर कर चोरी बनाया , उसको काः मामला गया। मैं एक उदाहरण दे रहा बचाया बल्लिक्ल ह्रॅंा वश्वास टूट गया है¢ वदिशी र्विकों में हैं , 300 लाख करोड़ हैं , कई चर्चाएँ लाख करोड़ रुप्तर र्घए अपने में रही बहुत से लोग इसके बारे authoritative ऑकड़े दे हैं⊅ युद्धाइटेड नेशंस ने पूरी दुनिया के ऊपर दबाव , tax haven **कही जा**मी वासी countries पैसा वाष्ट्रस लौद्या रही मुझे याद है कि हम एक delegation के साथ न्यूयॉर्क और जिस दिन सभा में United Nations Convention Against Corruption  $\Psi$ भीः वहाँ बहस थीः , मैंः मौजूद था। यह कक्षिनी हैरानी कीः बात है , इस देश की सरकार ने वश्वास कोः किस ढंग से तोड़ा हैक युद्धाइटेड ने 192 **देशों** के साथ मिल्ल कर एक कामून बनाया , संधि बनाई और उसका fundamental यह है कि अगर किसी के लोगों देश बेईमानी दूसरे में है , तो वह वाष्रस से कमाया हुआ पैसा देश लाया जाए। वह संधि होः गई। एक बहुत बड़ी International Treaty है दुनिया के देशों ने पैस्रा वाष्ट्रस लेखा शुरू कर दिया , मगर भारत में 6 सास लगाए। मैंः सरकार ने उसको ratify करने वहाँ पर मौजूद सुबिटजरलैंड के प्रतिनिधि ने अपने भाष्रण में कहा कि हम वाष्ट्रस देखा चाहते हैं⊅ उसने कहा कि आपके देशों की stolen पास है , हम इसे लौद्याना property हमारे चाहते हैं⊅ सबिटजरलैंड के परितिनिधि ने कहा , मेरे पास उसके भाष्रण की परति वहाँ दिया थाः , मैंः उसे पढ़ कर समय नहीं लेखा चाह्रता . लेकिन इस भाष्रण में स् वटिजरलैंड काः प्रतिनिधि यह कहता है कि हमने नेशंस कीः इस treaty पर हस्ताक्षर किए , हमने इसे , उसने कि हमने ratify कथि। इतना हीः नहीं कहा अपने के पार्लियामेंट काः वशिष कामून बनाया है , ताःकि द्भिया के वाष्ट्रस देशों के लोग हमारे र्वेकों से पैक्षा ले सकें। वहाँ थाः , तोः हमने ratify भी नहीं किया मैंबे आकर था। वाष्ट्रस प्रधान मंत्री जी को भाष्रण की यह प्रति भेजी। मेंबे कहा कि जिस देश में हमारे देश के 70 लाख करोड़ रुप्रए जमा हैं , (समय की सामने कहा कि हम यह पैसा के प्रतिनिधि ने मेरे ) उस देश

करना चाहते हैं , लेकिन भारत सरकार ने आज तक वह पैसा वाष्रस लेबे की कोशिश नहीं अमेरिका पैस्रा वाष्रस वाष्रस की। ले रहा दुमिया के 10 देश पैस्रा ले रहे हैं , लेकिन पैस्रा वाष्ट्रस भारत वाष्ट्रस ले रहा है। मैं यह कह रहा हूँ कि वश्वास ट्रटा लोगों के मन में यह वश्वास है कि हमारी गरीबी , हमारी , हमारी भुखमरी परेशानी काः कारण भ्रष्टाचार है और उसे , यह सरकार भ्रष्टाचार को खत्म करने के लिए यह व्यवस्था बल्क्षित तैयार नहीं हैंक इसलिए बड़ी बेह्माबी के साध , बड़ी परेशानी के साथ , देश की सारी कीः सारी जवानी आजसड़क पर है। यह निवेदन ह्ँ कि उस वश्विास को बहाल करने काः एक करना चाहता जीः नेः ऐतिहासिक मौका आया है अन्ना हजारे काम कथाि है¢ (समय की घंटी )

## श्री उपसभापति : श्री सत्यव्रत चतुर्वेदी।

श्री क्सार : उन्होंने इसका नेसृत्व किया है¢ र्मे शान्ता हजारे जीः सेः भीः पुरार्थना करना चाहता हूँ कि अब जबकि लगभग हम सब लोगों दक्षिाया ने उनको वश्वास है और हमारी ने इस कामून की जो वयवस्था है , मैं उसकी चर्चा नहीं करना है , लेकिन मैं चाहता , हमने उसको support कथा सभी पक्षों से कहना चाहता ह्ँ कि इसे कोई प्रतिष्ठा काः प्रश्न न बनाएँ इसे कोई ego काः प्रश्न न बनाएँ , बल्कि पूरी सहम्ति जल्द -से -बनाएँ। जल्द

मैं एक निवदन और करना चाहता हूँ कि यह असाधारण परिस्थिति
हैं यह कहा जा रहा है कि कामून बनाने का अधिकार
पार्लियामेंट को हैं , अधिकार निश्चित हैं , लेकिन 43 साम तक
हमने अपने अधिकार का उपयोग नहीं किया , इसका भी कोई जवाब
नहीं हैं। इसलिए औपचारि क तौर पर यह कहना चाहिए।

अन्त में मैं एक निवदन और करना चाहता हूँ कि कल यह कहा गया कि केवल इससे भ्रष्टाचार समाप्त नहीं होगा , तो और जो करना है , करिए न, रोक़ा किसने है आपको ? और भी करिए। (समय की घंटी )

मैं एक बाहा कह कर अपनी बाहा खत्म कर रहा हूँ।

श्री उपसभापति : आपकृषया समाप्त कीजिए।

शरी शान्ता कुसार : हांग्रकांग 30 साल पहले दुमिया में महाभ्रष्ट देशों খা:| उसने Independent Commission Against Corruption बनाया। उस independent कानून के कारण आजहांश्रकांग देशों में आगया है। नाम दुनिया के ईमानदार

इसलिए इस पर सहम्ति बने , मेरा यह निवेदन हैं उनका अनशन दूटे , यह मेरा निवेदन हैं हम सब इस बुनियादी सवाल पर कि पूरे के पूरे समाज के अन्दर हमारी जो credibility erode हो रही हैं , लोकपाल बिल बना कर उसको बहाल करें। आपका बहुत –बहुत धन्यवाद।

चतुर्वेदी (उत्तराखंड )ः माननी य उपसभापति श्री सत्यव्रत मुद्दे जीः , हम एक बड़े संवेदनशील पर आजयहां चर्चा कर रहे अपने साध्यियों से सहमत हूं , जब उन्होंने यह कहा कि आज और मैं हिन्द्रिस्तान हमें पूरा देख रहा हैंक लोग संसद उम्मीद से नज़र उठाकर देख रहे हैं कि संसद से आजएक ऐतिहासिक फैसला होः रहा है।

श्रीमन् , मैं सभी विभिन्न दलों के सांसदगणों के भाष्रण सुब रहा थाः और जिल्लेना मैं समझपाया , दो बाहों पर मुझे नहीं लगता है कि बहस की कोई गुंजाइश बची है पहली बाल यह है कि इस मुद्दे पर कम से कम कोई विवाद है कि इस देश को इस समय एक मज़बूत नहीं है। एक ऐसे मैक्नेनिज्म की जरूरत है , जो इस देश काभून कीः जरूरत तरीके से , असरदार तरीके भ्रष्टाचार पर प्रभावी से अंक्श लगा सके। मेरे ख़याल से इस पर किसी भी दल के अन्दर कहीं कोई दो दूसरी बाल यह है कि लगभगसभी राय मुझे देखने में नहीं मिल्लीं।

के बीच में इस बात पर भी सहमति देखने को मिल्ली है कि इस देश सर्वोपरि है और इस देश की संसद को कामून सर्वोच्चाधिकार प्राप्त है। अगर कोई भी कामून या कोई भीः परिवर्तित करनी है या नया कानून व्यवस्था बनाना है , तोः कोः सर्वोच्च उसमें संबिधान को एवं देश की संसद कीः गरिमा बना कर रखा जामा चाहिए । मैंं समझता कि इस मुद्दे पर भीः ह्ं में कोई दो राय दल के बीच नहीं दखीि हैं⊅ ये दो विवादहीन मुद्दे हैंक

समाज हो , भ्रष्टाचार श्रीमन् , अपराध विह्यैन विह्यीन समाज विहीन होः , अन्याय विह्नीन हो , असमता समाज समाज होः, साम्प्रदायिकता विहीन समाज हो , जाति वहिंगेन समाज हो , हमारे पूर्वजों और नेहाओं ने अपना संबिधान बनाते समय इन तमाम ऊँची परिकल्पनाओं कोः दक्षिाग में रखा था। ये हमारे सर्वोच्च आदर्श लेकिन है कि लक्ष्य हैंक यह भीः उतनी हीः बड़ी सच्चाई है , जो हमारे पास नहीं होहा हैं। जो हमारे पास हासिल है , उसे कभी हम अपना आदुश नहीं बनाते। आदर्श हम उन्हीं चीओं को बनाते हैं , जो हमें हासिल

नहीं और जोः हमें हासिल करनी हैं⊅ सच्चाई यह है कि ये हमारे आदर्श हैं , लक्ष्य हैं , लेकिन सच्चाई यह भीः हैः कि न में , मुझे कभी अतीत में और न वर्तमान कहीं दखािई नहीं देला ब्राईयां कि कभी वह दिन भीः आएगा जब समाज कीः सारी क्रीतियां , जिसकी हमने अभी चर्चा की है , सदा के लिए समाप्त जाएंगी। ऐसे में तोः होहो लेकिन समाज हैंा कल्पना वास्तविकता में नहीं।

आजबहस इस बाहा की छिड़ी है कि सरकार काः लोक्रपाल सही है , बस्रि और **उनकी** अन्ना हजारे टीम दुवारा बनाया गया पुरस्तावित लोक्रपाल बस्रि सही है अथवा हैं , उनके दुवारा सिविल सोसाइटी के संगठन भेजा जोः अन्य गया लोक्रपाल बस्रि सही है¢ा इस बाह्म पर विवाद है≬ कुछ मुद्दों पर तोः है , लेकिन जैस्रा कि पुरणब जीः नेः अपने भाष्रण के आरम्भ सहमति में सम्बष्ट किया कि जब चर्चा कीः गई थीः , तब 40 बुनि शुरू याद्वी सद्धिंतों जी की टीम ने सरकार के सामने कोः अन्ना हजारे 40 में से 34 सिद्धांतों पर लगभग सहमति होः गई, कद्योंकि रखा था। उनमें अधिक विवाद का कोई विषय नहीं लेकिन बहुत था। रह गए थे , जिस पर असहमति या मतभेद मुद्दे बाक़ी थाः अथवा विद्यारों काः अंतर थाः और उसी अंतर ने इस विवाद दिया। कोः जन्म जीः अनशन करने के लिए रामलीला मैद्यान पर बैठ अंस्रत : अन्ना हजारे गए। वहां से आजतक की जो यात्रा हुई है , इस पूरे घटनाक्रम में एक बास तौर पर सामने आई है और वह यह है कि अन्ना बहुत साफ़ हजारे जीः बार -बार इस बात का आग्रह कर रहे हैंं कि जो प्रावधान पुरस्तावित बन्नि में हैं , वही उनके दुवारा प्रावधान ज़्यों के तयां माभ्य किए जाएं।

श्रीमन् , मैं हजारे जीः केः राजनैतिक अधिकार और अन्ना अभिव्यक्ति के अधिकार के किसी ी काः सम्मान करता ह्ं⊅ देश नागरिक की तरह उन्हें भीः पूरा अधिकार है कि वे अपनी बास कहें। ले किं , हमारा संविधान इस देश के किसी भीः व्यक्ति को यह अधिकार नहीं देसा कि वह जिंदि करवाकर संसद और संविधान की के विस्द स्थापित मान्यताओं अपनी बास कोः मनवा सके। यह किसी अधिकार हमारा संविधान भीः नागरिक को नहीं देला। अगर उन्हें अपने विचारों कोः अभिव्यक्त करने काः अधि कार है , जिसका हैं , तो हम भी यह अपेक्षा कि हम सम्मान करते करते

हज़ारे जी भी इस देश के अन्य लोगों के विधारों का और अन्ना पूर्णत ः उनके परस्तावीं काः सम्मान करें। हमारी हीः बास है और इसके अलावा सब की बात असत्य है , ऐसा मान लेबा सत्य र्मे कि अन्ना हज़ा रे जैसे एक वरिष्ठ और बुजुर्ग आदमी के लिए सम्मानजनक बास नहीं है , औचित्यपूर्ण बास नहीं है≬ इसलिए , मैं उनसे सदन के माध्यम से आग्रह हुँ कि करना चाहता जिस तरह सरकार ने बीच में बार –बार अनेक अवसरों पर चर्चा के किया दौरान अख्तियार है , उनके विचारों लचीला रुख से अफी है , उसी सहमति बैठाने काः प्रयास किया तरह मैं उनसे अपेक्षा कि वे और उनकी टीम करता हुँ भीः सरकार और अन्य विचारों के लोगों के साथ अपनी सहमति और अपना सामन्जस्य बैठाने और कोई ऐसा रास्ता कीः कोशिश काः प्रयास करें निकालने होः , जिससे साँघ भीः मर जाए और लाठी भीः न दूःटे≬ यामी , जो ब्मियादी है कि एक प्रभावकारी लक्ष्य कामून बने , वह बन जाए , लेकिन इस देश के अंदर ऐसी स्थिति निर्मित न होने पाए , जिससे हम विघटन कीः तरफ बढ़ें। र्मे उनसे यही सम्मानपूर्वक आग्रह करना चाहुँगा।

, वे छ: बब्दि , जिस पर चर्चा कीः जामी चाहिए जिं पर आजतक विवाद बना हुआ थाः, उन बिन्दुओं पर मैं एक-एक कर के अपनी राय वयक्त करना चाहता ह्ँा प्रधान मंत्री लोक्रपाल की परिधि के भीतर चाहिए नहीं होमा याः यह एक contentious issue थाः , एक विवादास्पद बिन्दि থা प्रधान मंबी

डाः . मनमोहन सिह जीः, नेः सुक्यं अपनी तरफ सेः अपनी कैबिनेट में यह आग्रह किया था कि प्रधान मंत्री कोः अगर उसमें रखा जाए तो मुझे कोई आपत्ति नहीं होगी , खुशी होगी। यह पहल उन्होंने ख्द अन्य considerations के कारण इसके बाबजूद बहुत -सारे ने यह उचित समझा कि यह प्रश् न केक्ल डाः . मनमोहन केबिनेट जीः काः नहीं हैक प्रधान मंत्री के पद पर आजडाः . मनमोहन सिह कोई और होगा , हैं , कल परसों कोई और होगा। इस देश में आने वास्रे अनेक वर्षीं और दशकों तक इस काभून को लाग् रहना है और इन सब कानूनों कें लागू होने का परिणाम क्या हो सकता है ? अभी में रें कुछेक साथी , वशिष कर पुरो गोष्ट्राल . राम याद्वव जीः ने एक बहुत अच्छी बाल कही थीं कि सरकार कामून तोः बनाए , प्रभावी कामून बनाए , लेकिन अगर आज जल्दबाजी में याः दबाव में आकर ऐसा कोई कामून बना देशी तोः जोः लोग आजमाँग हैंा कि ऐसा सरकार कर रहे कामून जाए , कल वही लोग यह आरोप लगाएँगे कि सरकार बनाया ने दबाव में में , जिसके आकर जल्दबाजी ऐसा कामून बना दिया दुष्ट्रपरिणाम देश को देखने पड़ रहे हैं क इसलिए , मेरा आग्रह है कि...

श्री उपसभापति : अभी आपके पास दो मिबिट हैं , उनमें आप अपनी बास समाप्त कीजिए। ...(व्यवधान )... अभी आपके दो मिबिट हैं , उनमें आप समाप्त कीजिए। ...(व्यवधान )...

**१री सत्यव्रत चतुर्वेदी :** आप कहें तोः मैं अभी बैठ जाक्षा हुँ

श्री उपसभापति : नहीं , नहीं। ...(व्यवधान )...

श्री सत्यव्रत चतुर्वेदी : सर, अभी तोः मैंसे शुरू हीः किया हैं। ...(व्यवधान )...

श्री उपसभापति : नहीं , नहीं। ऐसा है कि हाउस का consensus बना है कि...(व्यवधान )...

श्री सत्यव्रत चतुर्वेदी : श्रीमान् , consensus बना है , लेकिन मुझे भी समयदिया जाए। ...(व्यवधान )...

श्री उपसभापति : हर पार्टी को दस-दस मिनट ...(व्यवधान )...

श्री सत्यव्रत चतुर्वेदी : श्रीमान् , मेरा निवदन यह थाः , मैं यह कह रहा थाः , कि इसमें प्रधान मंत्री कोः शामिल करने केः मामले पर हम कोई जिंदि कीः बाहा न करें , बल्कि उस पर हम गम्भीरता से विचार है , कल आपका होगा और कभी किसी दूसरे करें। आजहमारा प्रधान काः होगा। मंत्री का पद इस देश के Chief Executive का पद हैंक यह दुनिया केः सबसे बड़े लोकतंत्र काः Chief Executive काः पद के सामने रोज एक फाइल लिए खड़ा अगर यह कल कोः केवल लोक्रपाल मिल्लेगा कि इस देश के शासन और प्रशासन तोः मुझे बताइए कीः दशा क्या होगी ? इस बाल पर हमें गम्भीरता और दिशा से विचार करना होगा। राजनैतिक पूर्वाग्रहों से हट कर हमें इस पर विधार करना होगा। इस बाहा के बिल्कुल विरुद्ध नहीं ह्ँ कि प्रधान मंत्री कतई उसके दायरे में न होंः या प्रधान मंबी के ऊपर मंत्री कोई न हो। प्रधान पर अंक्र्श से ही हमारे अंक्श पहले काः है , इस सदन काः है , संसद काः है और इसके अलावा हमारे है , उसके देश काः जोः Anti Corruption कामून अंतर्गत भीः प्रधान मंत्री हैंक इसलिए , मैं नहीं समझता हुँ कि यह कहा जा सके कि तरह कीः जिस्मिदारी प्रधान मंत्री पर किंसी नहीं है या उसके ऊपर कामून काः कोई अंक्श नहीं क्री यह नहीं कहा जाः सकता। प्रधान मंबी कोः जिस कस्मि कीः गंभीर परिस्थितियों में नर्णिय लेबा है , उसमें प्रधान मंबी कीः स्वतंत्रता पड़ता के हित्त में होगा। सामने को बनाए रखना इस राष्ट्र हमारे चुनौतियां की तरफ भी हैं। हेंंं हमारे और हमारे उत्तर पश्चिम की तरफ भी हैं। (**समय की**ः **घंटी** ) दोनों तरफ से आने वासी केः समय कहीं किसीः वक्त ऐसा न हो कि हमारे चुद्यौतियों यह कीः घड़ी बन जाए और उस वक्त हम यह देखें कि इस कामून कीः वजह से हमने अपने राष्ट्र काः

अहित कर लिया हैं अगर ऐसा हुआ , तो आने वाली पीढ़ी इस देश को और हमको कभी कृषमा नहीं करेगी। इस बात का ध्यान रखना होगा।

को इस कामून के श्रीमान् , दू सरा मुद्धा न्यायपालिका अंसर्गत लामे काः थाः। मेश यह मामना है कि न्यायपालिका के में लगभग सभी कीः शायद हो भी गई है कि मामले यही राय न्यायपालिका के लिए और तथा उस पर अंकुश उसको जिस्मेदार बनाने लगाने के लिए अलग से एक कामून बनाया जाए। सरकार उस कामू न को यहां बल्लिके रूप कर रखे। अगर संसद के बाहर किसी भी गतिविधि में संसद सदस्यों पर कोई भीः भरष्टाचार काः आरोप होः , तोः उसमें संसद सदस्य लोक्रपाल के अंसर्गत आएं , इसमें हमें कोई आपत्ति नहीं क्री (**समय कीः घंटी** ) लेकिन , संसद के अंदर संसद सदस्यों की कार्यविधियों की कोई भी बास लोकतंत्र और उनके बोल्लने पर अंक्श लगाने की मूल के विषिरीत और यह व्यावहारिक भावना होगी नहीं होगा। प्रो दिए थे , मैं राम गोष्राल याद्वव जीः नेः जोः उदाहरण उनके सहमति व्यक्त करता ह्ँ≎

## श्री उपसभापति : अब आप समाप्त कीजिए।

**दी:** महोदय , लोकायुक्त से चतुर्वे को यहां मेरी बनाया जाए , इस मामले में राय बहुत सम्बद्ध है≬ जिस तरह हमने पंचायती राज काः एक केस्द्रीय मॉडल कामून बना कर राज्यों को दिया थाः, उसी तरह इसके लिए भी एक मॉडल कामून के विदेक बनाया जाः सकता हैक इसको राज्ञ्यों पर छोड़ दिया कोई कामून बनाएंगे। (समय की) घंटी क्यों कि अगर हम ऐसा राज्ञ्यों के अधिकारों पर यहां से कोई अपवंचन होगा , तोः इस बाह्म काः वशिध किया जाएगा , जैसा कि मुख्य मंत्रियों ने इससे भीः है पहले किया

, नचिले पर प्रशासनिक श्रीमान् स्तर तंत्र कोः इस परिधि के संबंध में मेश यह है कि संविधान में लामे माभना 311 काः उल्लंघन हम नहीं कर सकते हैं और अगर संविधान अन्च्छेद के अनुच्छेद 311 काः उल्लंघन करना है , तो इसका एक ही उपाय कि संविधान संशोधन किया जाए। र्मे समझता हुँ कि संविधान संशोधन के लिए आजवासावरण ऐसा नहीं है , राजनीतिक अंकगणित भीः ऐसी नहीं हैंक दूसरी बाह्र , एक तरफ तोः अन्ना जीः कह रहे हैंः कि कीजिए। तत्काल यह बिल्ल पास वह डेङ लाइन देते हैंं , कभी 30 हैं , तो कभी 20 तारीख तारीख बताते हैंक दूसरी अगर तरफ. कीः वधान के संविधान संशोधन पड़ा , तोः राज्ञ्यों सभाओं करना

पास इसको rectification के लिए भेजना पड़ेगा।

श्री उपसभापति : कृषया आप conclude कीजिए।

: ये सारी परक्रिया , फिर कम से शरी चतुर्वेदी सत्यव्रत कम साख़ , डेढ़ साख़ लगा लेगी और अगर इसमें दोः साम लग जाए , तोः कोई बड़ी इसलिए , यह वृद्यावहारिक नहीं होगा नहीं। कि हम संबिधान संशोधन काः बन्नि आजलाएं और संः सद में जल्दी से जल्दी (समय की) घंटी )। दोंझों भीः पारित कर दें कामून बाहों आपसे अंसर्विरोधी हैं , इसलिए , श्रीमान , मेरा यह है निवदन कि ये जो 5-6 बिन्दु हैं , जिस बिन्दुओं पर बहस होः रही है , इन बिद्धिओं के ऊपर मैंबे अपनी पार्टी राय और हमारी कि सभी इस बाह्य पर विधार वयक्त कीः है । मैं यह चाहुंगा करें। से दूर होकर , राजनीतिक हम थोड़े पूर्वाग्रहों पूर्वाग्रहों से भी दूर होकर विचार करें कि एक और इस बाह्य कीः कोशिश करें सामंजस्य बन सके और हमारा म्ख्य लक्ष्य प्राप्त होः , जिससे एक परभावी कामून बने। (समय की घंटी )।

माम , मैं एक अंतिम बात कहे बिंचा शरी नहीं मान्गा। अन्ना नविदन यह है कि अन्ना जीः सेः मेरा जीः , हम आपका सम्मान करें , यह बास तोः ठीक हैंक लेक़िन , आपके मंद्य से इस देश के संसद सदस्यों के लिए जिस भाषा

जाः रहा है , क्या वह सम्मानजनक है ? **(समय की**ः काः पुरयोग किया घंटी )। क्या वह गरिमापूर्ण है ? क्या आप इस देश के सारे सांसदों पर बिह्ना भेदभाव किए एक तरफ से लुटेरे होने काः आरोप लगा देंग्रे कह कर प्कारेंगे ? क्या , चोर –चोर आप उनको उनके से अपवंचित अधिकारों करना चाहेंगे

MR. DEPUTY CHAIRMAN: Please conclude.

चतुर्वेदी : अगर इस तरह काः कोई परयास सम्मान दिया है , **(समय की घंटी** ) हम तोः शरीमान , जिस तरह हमने चाहते हैं कि अगर उसी बहुत सम्रष्ट कहना तरह उनका सम्मानपूर्ण रवैया के पुरति रहे , संबिधान संसद के परति , वरना रहे , तो हम उनका सम्मान करेंगे जुङ्गान हमारे म्ह में भीः हैः और जवा ब देखा हमको भीः आता हैः धन्यवाद।

MR. DEPUTY CHAIRMAN: There is a request from Mr. Adeeb as he is fasting...(Interruptions)...

SHRI M.V. MYSURA REDDY (Andhra Pradesh): Sir, we have also been waiting.  $\dots$  (Interruptions)...

MR. DEPUTY CHAIRMAN: He has made a request. ...(Interruptions)...

Your request is there. ...(Interruptions)... Immediately after him you can speak. ...(Interruptions)... It is only a request. ...(Interruptions)... You will be called. I am not saying that you will not be called. ...(Interruptions)...

मोहम्मद अदीब (उत्तर श्री प्रदेश ): जनाब , आपका बहुत -बहुत पर आजयह तीसरी बहस हो रही है। शुक्रिया। इस मुद्दे इससे में यह बाल तय की जा रही थी कि लोकपाल बस्रि कौम दोः बहर्सा बनेगा। बनाएगा , कैसे बनेगा और कहाँ इस पर लीडर ऑफदि अपोजिशन नेः एक नायाब तक़रीर दोः दिन पहले कीः थीः। लेकिन , आजजोः यह तीसरी बहस होः रही हैः , मैंः समझनहीं पाया कि यह बहस किसलिए हो रही है। चाहिए कि यह किसी की हठधर्मी यह बास साबित होमी है या मीडिया काः बुलैकमेल है कि आज Saturday को सपेशल सेशन बुल्लाया यह कहा गया कि इस पर फिर से बहस होगी। मैं यह समझ नहीं पाः रहा कि जब एक पार्लियामेंट ने पूरे तरीके हँ से एक आवाज होक़र कहा कि अन्ना जीः , आप अपना अनशनबंद कर दीजिए , पराइम मिनिस्टर

ने कहा , लीडर ऑफदि अपोजिशन ने कहा , लेकिन हठधर्मी कायम है और वह कायम ही नहीं है , उस मंच से जिस तरह की आवाजें उठायी रही हैं , मुझे तकलीफ होसी हैं कि जहाँ वे बैठे हैं , वहाँ मेरे गांधी की फोटो लगी हुई है। वहाँ उस मंच पर क्या हो रहा है ? कोई फल्मि एक्टर आरहा है , कोई हमको "चोर " कह रहा है , कोई "चकारा " कह रहा है , कोई "डकैत " कह रहा है और यहाँ पार्कियामेंट बैठे हुए लोग , इनको एहसास भी नहीं होता कि इस अज़ीम पार्लियामेंट की अज़मतका क्या मजाक उड़ाया जा रहा है। इस पर बहस होमी चाहिए थी या नहीं होनी चाहिए थीः? इस मसले पर हम दोः हैं। यह कहा गया कि पार्लियामेंट बार बात कर चुके मैस्बरों कोः इसमें लिया जाए। मुझे बताइये , कोई शख्स यह नहीं कह सकता कि पार्लियामेंट रश्वित काः मैस्बर देसा है , लेकिन लोकपाल के आने के बाद हमारे ऊपर यह इल्जाम आएगा और हमको यकीनी तौर लोकायुक्त को रश्वित देबी पड़ेगी कि साहब , हमको बरी कर दीजिए , हमारा कोई दोष्र नहीं

हैं। ...(व्यवधान )... यानी , हमको रशि वत दिल्लाने की कोशिश की जाएगी। यह एक नया मंस्रुबा बना है। कम से कम पार्लियामेंट के मैझ्बर के ऊपर यह इल्जाम कभी नहीं लगा कि वह रश्वित देला है , लेकिन हमारे ऊपर जोः मुसल्लत किया जाएगा , उसको हम रश्वित देंग्रे।

कहा यह जा रहा है कि प्राइम मिनिस्टर कोः इसमें लाया जाए। एक इलेक्टेड पुराइम मिनिस्टर , nominated executive के अंदर आएगा। यह किस किस्मि काः समाज आप बनाना हैं ? मैं चाहते अगर कहीं मिनिस्टर के ऊपर इल्जाम लगा दूँ , तो वे जाकर खड़े होंग्रो किस तरह चलाएँगे ? एक नये , वे हुकुमत लाया गया है। ये कौम लोग ला रहे हैं ? अफसोस इस बाह्र काः हैः कि वे गांधीवादी काः नाम लेहे हैं और गांधी जीः काः नाम हैं 🕩 हमने तोः कभी कुछ नहीं कहा। हमारे पार्लियामेंट में कहा गया कि सब "जाहिल " बैठे हुए हैं¢ हमको बताया गया कि अन्ना जीः बहुत शरीफ आदमी हैं , पढ़े –लखि हैं , भीः नहीं फिर भी हम उनसे कह रहे हैं कि हम आपकी राय मानेंगे , लेकिन जो लोग पार्लियामेंट में पढ़े –लखि नहीं हैं , उनके ऊपर इल्जाम लग कहा जा रहा है कि डिग्रियाँ रहा है¢ उनसे दखाओ। जहाँ ऐसा लायक लीडर ऑफद**ि अपोजिश**न बैठा होः , जहाँ सरकार में इतने लायक वकील बैठे होंः , वहाँ एक बहस हो रही है , वहाँ एक मुद्दा तय हो रहा है

उस दिन भी आपसे कहा था कि यह मौजूं भ्रष्टाचार काः नहीं है , इसके पीछे कुछ और साजिश है। ये सब बाहें साफ़ होही जाः रही हैं⊅ मैं यह समझता हूँ कि आज जो बहस हुई। यहाँ इससे पहले और तीम बहसें हुईं। मैं यह अल्फाज़ इसलिए व्ह रहा हुँ अभी पुरोफेसर साहब ने यह बताया और मैंसे खुद टीबी पर सुझा कोः यह हुक्म दिया गया है कि आजकोई काम मत करना , टीब्री लोगों कि ये "जाहिल –चोर " क्या पर यह देखना बाहों कर रहे हैं⊅ उनकी कि यह मुख्क , येः चन्द से नहीं समझमें आगया होगा लोगों चलता कहा गया कि ये सोशल लोग हैं , जो यह कर रहे हैं⊅ किसी बाद्य ये बहुत बड़े आदमी बन गये , कयों कि एक कि्ताब लिख दीः , उसके अमरीका में उनकी किताब छप गयी है और अब वे मुख्क कोई किसी नाले याः डैस में खड़ा हो गया और उसने कहा कि अब हम देंग्रे , बिजली में काम नहीं करने नहीं बनेगी तोः वह social activist बन गया और अब वह मुख्क चलाएगा। जब येः लोग

बनाएँगे , इनके पीछे कितने लोग हैं ? इनके पीछे कौम लोग हैं ? यहाँ जो लोग भी बैठे हुए हैं या उस हाउस में जोः बैठे हुए हैं , वे 15-15, 20-20 लाख लोगों को represent करते हें⊅ वे यहाँ पर represent करके आते हैं , लेकिन उनका मजाक उड़ाया चुफ रहे ? मैं यह कहना चाहता हूं कि तीमों मुद्दों आप लोगों ने जजों के बारे में राय दी। मैं भी कहता हूं कि जरूर क्छ होमा चाहिए। इसे आप लोग तय करे , यह हाउस हम लोग इस कीः ताईद करेंगे , उस पर बहस करेंगे पूछेंगे। यह कहा गया कि सारे -के -सारे लोक्रपाल के under में साहब ने बताया था कि लाखों -जाएंगे। अभी एक बहस में येद्युरी में पड़े हुए हैं¢ करोडों केस्रेज अदालतों जनाब -ए-आली , हम अभी तक उन के लिए तो infrastructure develop नहीं कर पाए हैं , लोक के लिए कहां से infrastructure develop होगा ? यह एक आयुक्त parallel body बनायी जाएगी तो उस के लिए पैसा कहां से आएगा ? ये कीः हैं। येः सड़क पर बैठकर तय नहीं सब चीजें सोचने होहीं।

## [ उपसभाध्यक्ष (प्रो . पी . जे . कुरियन ) पीठासीन हुए ]

तीम -चार बाहों और रखना चाः हूंगा। जीः कोः चाहिए आजअन्ना हठधर्मिता वे यह समझें कि वह अपनी कोः खत्म करें। पार्लियामेंट कीः अज़्मत क्या है , इस की जरूरत क्या है , लेकिन जिस लोगों के हाथों में वे हैं , मैं

इस हाउस से गुजारिश करूंगा , एक फल्मि आयी थीः "Peepli live" अगर किसी ने वह फिल्मि नहीं देखी है तो लोग उसे देखें और सोचें कया हो गए हैं ? किंव लोगों ने घेर रखा है ? उन की हैसियत हो गयी है ? इस मुख्क का प्राइम क्या मिनिस्टर कह रहा है , पार्लियामेंट से कह रहा है , लेकिन वे कहते हैं के फ्लोर कि हम नहीं मार्मेगे। मैं इस हाउस से पूछना चाहता ह्ं ने आजबहस की, आप आजएक resolution पास करेंगे और उस के बाद्य भी वह नहीं होगा ? अगर वे कहते हैं कि हम नहीं मानें तोः क्या मामते हैं तोः क्या करेंगे आप? मैं इस हाउस से गुजारिश करूंगा ने इस पार्लियामेंट को बदनाम किया है – टेल्लीविजन ने याः उन लोगों ने , उन्हें इस हाउस में बुलाया उन से यह कहा जाए कि तुम को यह हक नहीं मिल्ल जाला। हम संजीदा ऑफ द अपोजीशन संजीदा मैंबे ऑफ हैं , लीडर र्हें⊅ आज लीडर दीः है। मैंसे कहा है कि आप ने दोनों अपोजीशन को मुबारकवाद तीमों बहर्सो में पार्टी –लाइन से ऊपर उठकर बाः त कीः हैः और हमारी ओर से भी यही बास हुई हैं। एक-एक शख्स का यही कहना है कि यहां से भुरष्टाचार दूर हो , लेकिन जब आप एक parallel body बनाएंगे हम लोग भीः जोः भुरष्ट नहीं है , वे लोग भी भ्रष्ट बनेंगे। होगा कि एक नयी फौज खड़ी हो जाएगी।

यह कहता हूं कि हम को समाज बनाने सर, मैं बराबर है। हर डिमार्टमेंट में एक विजिलेंस डि़ार्टमेंट है≬ को यह चाहिए कि वह उन विजिलेंस डम्रिटमेंट्स गवर्नमेंट को पर ईमानदार ऑफिसर्स कोः भेजे और सीः .बीः .आई. बनाए। वहां ऑफिसर्स और जि्लनी विजिलेंस एजेंसीज हैं , उन के ऊपर ब् नियादी तौर पर सख्ती करनी चाहिए।

तक ब्ह्रेक मनी और दूसरी बाहों हैं , कहीं सर, जहां दूर है , मैं तोः सर्फि कीः जरूरत नहीं यह कहता हूं कि दिल्ली के आसपास – गृङ्गांव , नोएडा में हजारों रजिस्ट्री रोज होही हैं , जिस मकान की रिजस्ट्री 10 लाख की होती है , वह दो करोड़ है और रोज करोड़ों में बिकता –खरबों रुपयों की black money यह सब कोः मासूम नहीं generate होती है¢ क्या है ? क्या लोक्रपाल से यह रुकेगा ? गवर्नमेंट को चाहिए कि वह इन सब चीजों

करे कि कहां रोज black money develop होती हैं। सर, इन 10 साओं में जो जमीनों कीः कीमतें बढ़ी हैं , इस से black money पैदा हुई है और इसी से ये मुसीबतें खड़ी हुई हैं। अब हुआ यह है कि पहले स्टेट में पैस्रा कम था। हम कोः पैसे के लिए ज्याइ हमारे पास कीः रवाखानी ने तरक्की कीः , पैसे करना पड़ता था। आजइस मुख्क लगा और लोगों कीः नीयत खराब होः गयी। गयी , पैक्षा बढ़ने इसलिए हम सब इस के जिस्मेदार हैं , लेकिन मैं अन्ना जीः सेः यह गुजारिश हूं कि वह इस मुख्क को चलने दें और मैं करना चाहता हुकूमते से यह गुजारिश करना चाहता कि जो लोग सड़कों ह्ं हैं , गाड़ियों traffic violation **कर रहे** पर चल रहे हैंं और पुलिस की बाः तें नहीं मान रहे हैं , उन के खिल्लाफ सख्त -से -सख्त action लें और जोः लोगे यह तहरीक चला रहे हैं , उन से हमारी गुजारिश कि खुदा के वास्ते गांधी जीः काः नाम न लें≎ गांधी जीः हमारे पास से चले गए, लेकिन जहां पर भी हैं , उन के दिल्ल को यह तकलीफ पहुंचती होग्री कि लोगों ने कैं से -कैसे ऐलान कर रखे हैं।

बहुत -बहुत शुक्रिया , आप ने मुझे मौका दिया। मुझे जामा थाः इसलिए मैंसे आप से गुजारिश कीः थीः।

**جناب محمد ادیب (اتر پردیش) : اجناب آب کا بہت بہت شکریہ، اس مدعثر پر آج یہ** تیسری بحث ہو رہی ہے۔ اس سے پہلے دو بحثوں میں یہ بات طے کی جا رہی تھی کہ لوک پال بل کون بنائے گا، کیسے بنے گا اور کہاں بنے گا۔ اس پر لیڈر آف ابوزیشن نے ایک نایاب تقریر دو دن پہلے دی تھی۔ لیکن، آج جو یہ تیسری بحث ہو۔ رہی ہے، میں سمجھہ نہیں پایا کہ بحث کس لئے ہو رہی ہے۔ یہ بات ثابت ہوتی چاہئے کہ یہ کسی کی ہٹ دھر می ہے یہ میڈیا کا بلیک میل ہے کہ آج Saturday کو اسپیٹل سیٹن بلایا گیا اور یہ کہا گیا کہ اس پر پھر سے بحث ہوگی۔ میں یہ سمجھہ نہیں یا رہا ہوں کہ جب ایک یارلیمینٹ نے یورے طریقے سے ایک اواز ہو كر كها كہ أنّا جي، أب ابنا أن شن بند كر ديجئے، يرائم منسٹر نے كيا، ليٹر أف ابوزیشن نے کہا، لیکن بٹ دھرمی قائم ہے اور یہ قائم ہی نہیں ہے، اس منچ سے جس طرح کی آوازیں اٹھائی جا رہی ہیں، مجھسر تکلیف ہوتی ہسر کہ جہاں بیٹھسر ہیں، وہاں میرے گاندھی کی فوٹو لگی ہوئی ہے۔ وہاں اس منچ پر کیا ہو رہا ہے؟ کوئی فلم ایکٹر آ رہا ہے، کوئی ہم کو "چور" کہہ رہا ہے، کوئی "چکارا" کہہ رہا ہے، کوئی "آگیت" کہہ رہا ہے اور یہاں پارلیمینٹ میں بیٹھے ہوئی لُوگ، ان کو احساس بھی نہیں ہوتا کہ اس عظیم بار لیمینٹ کی عظمت کا کیا مذاق اڑایا جا رہا ہے۔ اس پر بحث ہونی چاہئے تھی یا نہیں ہونی چاہئے تھی؟ اس مسئٹے پر ہم دو بار بات کر چکے ہیں۔ یہ کہا گیا کہ پارٹیمینٹ کے ممبروں کو اس میں لیا جائے۔ مجهے بنائیے، کوئی شخص یہ نہیں کہہ سکتا کہ بارالیمینٹ کا ممبر رشوت دیتا ہے، لیکن لوک بال کسر آنسر کسر بعد ہمارے اوپر یہ الزام آنسر گا اور ہم کو یقینی طور پر لوک آیکٹ کو رشوت دینی بڑے گی کہ صاحب، ہم کو بری کر دیجئے، ہمارا کوئی دوش نہیں ہے ۔۔(مداخلت)۔۔ یعنی، ہم کو رشوت دلانے کی کوشش کی جانے گی۔ یہ ایک نیا منصوبہ بنا ہے۔ کم سے کم پارلیمینٹ کے ممبر کے اوپر یہ الزام کبھی۔

<sup>†</sup>Transliteration in Urdu Script.

نہیں لگا کہ یہ رشوت دیدا ہے، لیکن ہمارے اوپر جو مسلط کیا جانے گا، اس کو ہم رشوت دیں گے۔

کہا یہ جا رہا ہے کہ پرانم منسٹر کو اس میں لایا جائے۔ ایک الیکٹ پرانم منسٹر، nominated executive کے اندر جائے گا۔ یہ کس قسم کا سماج آپ بنانا چاہتے ہیں؟ میں اگر کہیں پرانم منسٹر کے اوپر الزام لگا دوں تو وہ جاکر وہاں کھڑے ہوں گے، وہ حکومت کس طرح چلائیں گے؟ ایک نئے نظام کا تصور لایا گیا ہے۔ یہ کون لوگ لا رہے ہیں؟ افسوس اس بات کا ہے کہ گاتدھی وادی کا نام لیتے ہیں اور گاندھی جی کا نام لیتے ہیں۔ ہم نے تو کچھہ بھی نہیں کہا۔ ہمارے پارلیمینٹ کے بارے میں کہا گیا کہ سب "جاہل" بیٹھے ہوئے ہیں۔ ہم کو بتایا گیا کہ رہے ہیں نہیں ہیں، پھر بھی ہم ان سے کہہ انا جی بہت شریف آدمی ہیں، پڑھے لکھے بھی نہیں ہیں، پھر بھی ہم ان سے کہہ رہے ہیں کہ ہم آپ کی رائے مانیں گے، لیکن جو لوگ پارلیمینٹ میں پڑھے لکھے نہیں، ان کے اوپر الزام لگ رہا ہے۔ ان سے کہا جا رہا ہے کہ ٹگریاں دکھاؤ۔ جہاں ایسا لائق لیڈر آف دی اپوزیشن بیٹھا ہو، جہاں سرکار میں اتنے لائق وکیل بیٹھے ہوں، وہاں ایک مدعا طے بو رہا ہے۔

میں نے اس دن بھی آپ سے کہا تھا کہ یہ موضوع بھرشٹاچار کا نہیں ہے،
اس کے پیچھے کچھہ اور سازش ہے۔ یہ سب باتیں صاف ہوتی جا رہی ہیں۔ میں یہ
سمجھتا ہوں کہ آج جو بحث ہوئی۔ یہاں اس سے پہلے اور ئین بحثیں ہوئی۔ میں یہ
الفاظ اس لئے کہہ رہا ہوں کہ ابھی پروفیسر صاحب نے یہ بتایا اور میں نے خود
ثی۔وی۔ پر سنا کہ لوگوں کو یہ حکم دیا گیا ہے کہ آج کوئی کام مت کرنا، ٹی۔وی۔ پر
یہ دیکھنا کہ یہ "جاہل۔چوز" کیا باتیں کر رہے ہیں۔ ان کی سمجھہ میں آگیا ہوگا کہ
یہ ملک، یہ چند لوگوں سے نہیں چلتا ہے۔ کہا گیا ہے کہ یہ سوشل لوگ ہیں، جو یہ
کر رہے ہیں۔ کسی نے ایک کتاب لکھہ دی، اس کے بعد یہ بہت بڑے آدمی بن
کر رہے ہیں۔ کسی نے ایک کتاب لکھہ دی، اس کے بعد یہ بہت بڑے آدمی بن

کونی کسی نالے یا ڈیم پر کھڑا ہوگیا اور اس نے کہا کہ اب ہم ہندوستان میں کام نہیں کرنے دیں گے، بجلی نہیں بنے گی، تو وہ social activist بن اور اب وہ ملک چلانے گا. جب یہ لوگ بنائیں گے، ان کے پیچھے کتنے لوگ ہیں؟ ان کے پیچھے کون لوگ ہیں؟ ان کے پیچھے کون لوگ ہیں؟ یہاں جو لوگ بھی بیٹھے ہونے ہیں یا اس ہاؤس میں جو بیٹھے بوئے ہیں، وہ 15-15، 20-20 لاکھہ لوگوں کو represent کرتے ہیں۔ وہ یہاں پر represent کرکے آتے ہیں، لیکن ان کا مذاق اڑایا جائے اور یہ سنسد چپ رہے؟

میں یہ کہنا چاہتا ہوں کہ تینوں مدعوں پر بحث ہوئی۔ آپ لوگوں نے ججوں کے بارے میں رائے دی۔ میں بھی کہنا ہوں کہ ضرور کچھہ ہونا چاہئے۔ اسے آپ لوگ طے کریں، یہ باؤس طے کرے۔ ہم لوگ اس کی تائید کریں گے، اس ہر بحث کریں گے، آپ سے پوچھیں گے۔ یہ کہا گیا کہ سارے کے سارے لوک پال کے انڈر میں آجائیں گے۔ ابھی ایک بحث میں یچوری صاحب نے بتایا تھا کہ لاکھوں کروڑوں کیسیز عدالتوں میں پڑے ہوئے ہیں۔ جناب عالی، ہم ابھی تک ان کے لئے کول نو اس نو میں ہوئے ہیں۔ جناب عالی، ہم ابھی تک ان کے لئے کہاں کو لئے کہاں کے لئے کہاں کو لئے ہیں۔ جناب عالی، ہم ابھی تک ان کے لئے کہاں کے لئے کہاں کو لئے ہیں۔ جناب علی ایک اوک ایک کے لئے کہاں کو لئے ہیں۔ جناب علی ہوئی ہوئیں جانے گی تو اس کے لئے پیسہ کہاں سے آئے گا؟ یہ سب چیزیں سوچنے کی ہیں۔ یہ سڑک پر بیٹھہ کے لئے پیسہ کہاں سے آئے گا؟ یہ سب چیزیں سوچنے کی ہیں۔ یہ سڑک پر بیٹھہ کے لئے پیسہ کہاں سے آئے گا؟ یہ سب چیزیں سوچنے کی ہیں۔ یہ سڑک پر بیٹھہ کے لئے پیسہ کہاں سے آئے گا؟ یہ سب چیزیں سوچنے کی ہیں۔ یہ سڑک پر بیٹھہ

## (آپ سبھا ادھیکش (پروفیسر بیجے۔ کورئین) بیٹھاسین بونے)

میں تین چار باتیں اور رکھنا چاہوں گا۔ اج آنا جی کو چاہئے کہ وہ اپنی بٹ دھرمتا کو ختم کریں۔ وہ یہ سمجھیں کہ پارلیمینٹ کی عظمت کیا ہے، اس کی ضرورت کیا ہے، لیکن جن ٹوگوں کے ہاتھوں میں وہ ہیں، میں اس ہازس سے گزارش کروں گا، ایک فلم آئی تھی "پیپلی لائیو" اگر کسی نے یہ فلم نہیں دیکھی

ہے تو لوگ اسے دیکھیں اور سوچیں کہ وہ وہ ہے چارے کیا ہو گئے ہیں؟ کن لوگوں نے گھیں رکھا ہے؟ ان کی کیا حیثیث ہو گئی ہے؟ اس ملک کا پرائم منسٹن کہہ رہا ہے، بارلیمینٹ کے فلور سے کہہ رہا ہے، لیکن وہ کہتے ہیں کہ ہم نہیں مانیں گے۔ میں اس باؤس سے پوچھنا چاہتا ہوں کہ آپ نے آج بحث کی، آپ آج ایک ریزولیوشن باس کریں گے اور اس کے بعد بھی وہ نہیں مانیں تو کیا ہوگا؟ اگر وہ کہتے ہیں کہ ہم نہیں مانتے ہیں تو کیا کریں گے آپ؟ میں اس باؤس سے گزارش کروں گا کہ جن لوگوں نے اس بار لیمینٹ کو بدناہ کیا ہے ۔ ٹیلی ویژن چینلز نے یا ان لوگوں نے، انہیں اس باؤس میں بلایا جانے اور ان سے یہ کہا جانے کہ تم کو یہ حق نہیں مل جاتا۔ بم سنجیدہ ہیں، لیڈر آف دی ایوزیشن سنجیدہ ہیں۔ میں نے آج لیڈر آف اپوزیشن کو مبارکباد دی ہے۔ میں نے کہا ہے کہ آپ نے دونوں تینوں بحثوں میں پارٹی لائن سے اوپر اٹھہ کر بات کی ہے اور ہماری اور سے بھی یہی بات ہوئی ہے۔ ایک ایک شخص کا یہی کہنا ہے کہ یہاں سے بھرشتاچار دور ہو، لیکن جب آپ ایک parallel body بنائیں گے تو ہم لوگ بھی جو بھرشٹ نہیں ہیں، وہ لوگ بھی بھرشٹ بنیں گے۔ پھر یہ انجام ہوگا کہ ایک نئی فوج کھڑی ہو جانے گی۔ سر، میں برابر یہ کہتا ہوں کہ ہم کو سماج بنانے کی ضرورت ہے۔ ہر ڈیپارٹمینٹ میں ایک وجیلینس ڈیپارٹمینٹس کو اور سخت بنانے۔ وہاں پر ایماندار آفیمرز کو بھیجے اور سی ہی۔آئی۔ آفیسرز اور جتنی وجیلینس ایجنسیز ہیں، ان کے

سر، جہاں تک بلیک منی اور دوسری باتیں ہیں، کہیں دور جانے کی ضرورت نہیں ہے، میں تو صرف یہ کہنا ہوں کہ دہلی کے آس پاس۔ گڑ گاؤں، نونیڈا میں ہزاروں رجسٹری روز ہوتی ہیں، وہاں جس مکان کی رجسٹری 10 لاکھہ کی ہوتی ہے، وہ دو کروڑ میں بکتا ہے اور روز کروڑوں کھربوں روپوں کی بلیک منی جنریت ہوتی ہے۔ کیا یہ سب کو معلوم ہے؟ کیا لوک پال سے یہ رکے

اوپر بنیادی طور پو سختی کرنی چاہئے۔

گا؟ گوورنمنٹ کو چاہئے کہ وہ ان سب چیزوں پر غور کرے کہ کہاں روز بلیک منی ڈیولپ ہوتی ہے۔ سر، ان 10 سالوں میں جو زمینوں کی قیمتیں بڑھی ہیں، اس سے بلیک منی پیدا ہوتی ہے اور اسی سے یہ مصیبتیں کھڑی ہوئی ہیں۔ اب ہوا یہ ہے کہ پہلے ہمارے اسٹیٹ میں پیسہ کم تھا۔ ہم کو پیسے کے لئے جگاڑ کرنا پڑڈا تھا۔ آج اس ملک نے ترقی کی، پیسے کی روانی ہو گئی، پیسہ بڑھنے لگا اور لوگوں کی نیٹ خراب ہو گئی۔ اس لئے بم سب اس کے ذمہ دار ہیں، لیکن میں انا جی سے یہ گزارش کرنا چاہتا ہوں کہ وہ اس ملک کو چلنے دیں اور حکومت بند سے یہ گزارش کرنا چاہتا ہوں کہ جو لوگ سڑکوں پر traffic violation کر رہے ہیں، گاڑیوں پر چل رہے ہیں اور پولیس کی ہائیں نہیں مان رہے ہیں، ان کے خلاف سخت سے سخت ایکٹن لے۔ اور جو لوگ یہ تحریک چلا رہے ہیں، ان سے ہماری گزارش ہے کہ خدا کے واسطے گاندھی جی کا نام نہ لیں۔ گاندھی جی ہمارے پاس سے چلے گئے، لیکن جہاں پر بھی ہیں، ان کے دل کو یہ تکلیف پہنچئی ہوگی کہ لوگوں نے کیسے کیسے اعلان کر رکھے ہیں۔

بہت بہت شکریہ، آپ نے مجھے موقع دیا۔ مجھے جانا تھا اس لئے میں نے آپ سے گزارش کی تھی۔ ؔ

उपसभाध्यक्ष (प्रो . पी . जे . कुरियन ): बहुत -बहुत धन्यवाद अदीब जी: श्री मैस्रा रेङ्डी।

SHRI M.V. MYSURA REDDY: Thank you very much, Sir.

Sir, I think, today is the 12th day of Shri Anna Hazare's Aanshun. When I was a Member of the Andhra Pradesh Legislative Assembly, I also undertook fast for 13 days with a glass of water, lime juice and salt for the development of the backward region of Rayalaseema. The fast was up to the sine die of the Assembly Session.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): It means, you have

experience in fasting.

SHRI M.V. MYSURA REDDY: I have the personal experience.

I undertook it for 13 days. Of course, when the House was adjourned Sine Die, we broke our fast.

So, I appeal to Anna Hazare also not to cross that '13 days' limit. With the acquaintance of Anna Hazare group, I had also introduced the Jan Lokpal Bill in this very House. Anyway, Sir, in democracy, give-and-take policy should be there. In view of the constitutional limitations and also in view of the federal structure where States are also involved in this matter, I appeal Shri Anna Hazare, through my good friends, to end his fast, because, I am sure, they have sufficiently brought the issue to the notice of both the Houses of Parliament.

Coming to the Bill — the Government requested our party's point of view — I would like to submit that the Prime Minister should also be brought within the purview of the Lokpal with limited safeguards. We can leave this to the Standing Committee. The Standing Committee can decide what sort of safeguards should be provided to the Prime Minister.

With regard to selection process, I would like to submit, we strongly feel that majority of the Government should not be there, because our party feels that it is like accused appointing his own Judge. It will be like that. That is the reason why our party feels that there should not be any majority for the Government in the selection process of Lokpal.

Coming to the issue of Judiciary, our party is inconformity with the Judicial Commission and also the Judicial Accountability Bill.

Coming to the issue of conduct of Members of Parliament inside the House, we are inconformity with the House procedures. So, there is no need that the conduct of Members within the House is brought under the purview of the Lokpal. This is our party's view.

Regarding the issue of Lokayukta, I would submit that it is a State Subject. In any way, the Lokpal Bill, with an enabling provision, can become a model Bill which States can adopt. Already, Sir, Andhra Pradesh is having the Lokayukta. I have gone through the provisions of

Lokpal, the Jan Lokpal and Lokayukta of Andhra Pradesh. With a little bit of amendments, we can bring Lokayukta to the level of Lokpal.

Coming to the issue of public servants, I would like to submit, if a public servant is guilty of an allegation, the Lokpal for the Central Government employees and Lokayukta for the State Government employees can report to the appropriate Government. And the Government concerned can impose such punishments as prescribed by law and the Action Taken Report can be sent to the Lokpal/Lokayukta as the case may be. We are accepting this provision. That is not a problem with regard to the provision relating to public servant. The Lokayukta of Andhra

Pradesh and Karnataka are adopting this model. Without probing or investigation, the Lokyukta sending their recommendations to the appropriate Government and the Government, after taking action, can send the ATR to Lokyukta. That is sufficient for circumventing the constitutional obligation.

Regarding the public grievance and seizure and search, I would say that it is the most contentious issue and is the main reason behind people's knee-jerk reaction to Anna Hazare's fast. Why the people wanted a stringent Lokpal is also because of this. Previously, when we were in Government, the Citizens Charter was implemented in majority of departments with imposition of fine, wherever applicable. If the Government wants to bring Redressal Bill, there should be an enabling provision for the States to adopt such type of Citizen Charters and redressal mechanism, so that the federal structure is maintained. Our party is of the opinion that Lokpal alone cannot root out corruption. The other legislations can also be brought in simultaneously. Electoral reforms are very important to prevent money power in politics. Because of the liberalization policy many corporate entities are sending money from India to other tax haven countries so that the same can be brought back in the form of legal money. So, the laws may be amended accordingly. Then, the corporate sector can also be brought within the ambit of Lokpal. Along with the Lokpal Bill, all these things can be considered. On three items also we have given our party's opinion.

Thank you very much, Sir, for having given me this opportunity.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Next is Shri Ravi Shankar Prasad. Ravi Shankarji, if you agree, can I call Dr. Bharatkumar Raut because he has to board a flight?

SHRI RAVI SHANKAR PRASAD (Bihar): No problem, Sir.

DR. BHARATKUMAR RAUT (Maharashtra): Thank you, Mr. Vice-Chairman, Sir. Thank you, Ravi Shankar Prasadji, for having given me this opportunity out of turn.

At the outset, on behalf of my party, Shiv Sena, and on my own

behalf, I appeal hon. Anna Hazare to withdraw his fast immediately and let the parliamentary proceedings take place so that an effective Lokpal Bill can be passed.

We support a strong Lokpal Bill, which will remain within the framework of the Constitution. More importantly, it would not be superior to Parliament. We also support Anna's demand to bring the lower bureaucracy under the purview of Lokpal because for aam aadmi, common man, the Prime Minister is not an issue, whether he should come under the purview of the Lokpal or not; for him, the local babu, the local tehsildar, the patwari, etc. are the people who bother his

life. So, the men in the lower rung of the ladder of bureaucracy should come under the purview of the Lokpal. We also support uniform Lokayukta laws at the State level because Lokpal will not be able to give justice to everybody, to every small hamlet. Leaving a few Central Government employees, like, a man sitting on the railway booking window, or, a postman who comes to his house, rest of the babus, rest of the employees who are indulging in corruption, with whom aam aadmi has to deal with everyday, are all either State Government employees, or the zila parishad employees, or, the gram panchayat employees. Therefore, Lokayukta should be effective. All babus should come under that.

Having said this, I would like to come to point the that there should be a tool to remove Lokpal if found guilty and corrupt. Recently, the Rajya Sabha saw a High Court Judge being impeached. I would suggest that there should be a provision in the Bill, in the law by which the Parliament should be able to impeach a guilty Lokpal. There should be a control, otherwise, a Lokpal may become a monster; may become monarch of the country. Therefore, there should be a provision for impeachment in the law itself by which we will have a control over Lokpal. At the same time, all the people are not able to come to Parliament and impeach Lokpal. For that, there should be a special desk under the Chief Justice of India where common man's complaint against Lokpal or Lokayukta can be lodged. That should be another provision in the Bill.

Then, there should be a timeframe for investigating into a complaint filed by a citizen. Legal assistance should also be provided by the Government to a poor complainant because a poor man will not be able to fight a case till the Supreme Court. So, the Government should make a provision in the Budget by which a poor man may be provided financial assistance for legal battle. Lawyers should be provided to them. Sir, I will make two more points and I will conclude. Everybody has said that MLAs should be kept out of it. The CBI and the Judiciary should also be kept out of the purview of the Lokpal. But there should be a separate mechanism on the lines of CVC to control the CBI and the

Judiciary. The National Judicial Commission or something like that should be there so that these institutions don't remain in the hands of the Government and they don't become the subject of Government's will and wish.

The last point that I would like to say is that this Bill should not be passed in a hurry. It should not be passed under any pressure. We should have a positive discussion. Let people from all walks of life come together, put their minds together and form a very able and strong Lokpal Bill. If necessary, we can have a separate special Session, say, for a week, after the Monsoon Session or before the Winter Session to pass only the Lokpal Bill. But let there not be any hurry because this is a milestone decision that this House would be taking.

Sir, my last appeal to this House is that today we must pass a resolution. We should pass a resolution by which our commitment to the cause is conveyed. Mere discussion will only be a seminar. This Government, if it is reported correctly, had assured Shri Anna Hazare and his team that a resolution, by voting, will be passed. If we don't do that, then, that is a betrayal. No good cause can be started on the foundation of betrayal. So, it is the responsibility of the Government to pass a resolution so that we can honestly appeal to Shri Anna Hazare to withdraw his hunger strike and parliamentary procedure can proceed. Sir, I thank you very much for giving me time.

श्री रवि पुरसाद जीः, सुबह शंकर : उपसभाध्यक्ष शास्त्रीनता है और एक संवाद रही इस बहस में है , एक सहजता भीः ने संसद हैक हमारा संविधान बनाने वालों को लोकतंत्र काः प्रहरी बताया থা काःनूस यहीं बनेगा और हमसे कुछ मर्यादाओं की अपेक्षा कीः थीः। आजहमारे जोः मि यह समझते हैंा कि संसद में है , मैं उनसे विसमता शोरगुल होहा बहुत कि वे सोधें विनिती और अपील भीः करूंगा , यह देश है और जब भी अवसर आता है , तब संसद पंचायत अपनी पर खरी है , जिस्नका हमने आजपरिचय दिया हमेशा हैक कीः आजादी अपनी बास कहने है , अपनी बास कहें ख्ल्नकर कहें वशिध भीः करें , संसद की आवाज सर्फि एक बार बंद की कोशिश कीः गई थीः 1975-76 में , जब पूरे देश के लोग जेल्लों में थेः थेः उसका क्या हश्र हुआ यह हम जामते याः बाहर हैं क

उपसभाध्यक्ष जीः , मुझे इस बात काः बहुत गौरव कि मुझे में नारायण के बह्गिर लोक नायक जय प्रकाश जी के साथ बह्यिर आंदोलन में करने काम काः अवसर मिला हैक यहां पर शिवानन्द जीः बैठे हैंः , मित्रि जाबिर साहब बैठे हैंं , हम सभी सक्रिय थेक , 1974 को जे .पी . के ऊपर लाठी चली थीः , नामाजी देशम्ख ने उनको थाः , अगले दक्षि पटना के गांधी मैद्यान में आए थेः हुई थीः और एक दिस के नोटिस पर 4 लाख लोग सक्गीय धर्मवीर भारती कीः एक कविता मुझादी पढ़ी गई थीः , मुसादी काः मतलब मैंः तीम -चार ला इन पढ़ना चाहूंगा होसा है इग्रड्गी। उसकी

> ख़लकखुदा का , मुख्क बाश्शा का हुकुम शहर कोसवाल का हर ख़ासो –आमको आगहकिया जासा है कि ख़बरदार रहें

और अपने -अपने किवाड़ों को अंदर से कुंड़ी चढ़ा कर बंद कर लें गिरी लें खिड़िकियों के परदे और बच्चों को बाहर सड़क पर न भेजें क्योंकि , एक चौहत्तर बरस का बूढ़ा आदमी अपनी कांग्रती कमज़ोर आवाज में सड़कों पर सच बोह्नता हुआ निकल पड़ा हैं!

यह सवाल था जय प्रकाश जी के बारे में आज यह 2011 का हिन्दुस्तान हैं। यहां पर खड़िकियों के पर्दे गरिने की हिस्मित अब कोई नहीं करेगा , लेकिन हमें यह बाह्म बहुत ईमानदारी से सुवीकार करनी पड़ेगी कि रामलीला

मैद्यान में जो 74 साख़ के अन्ना हजारे बैठे हैं , वे भी सच बोल हैं , इसे हमें सुवीकार रहे हैं , ईमानदारी से बोल रहे करना पडेगा। उन्होंने हमें आइना दखिने काः काम किया है≬ यह बास में दिल्ल से बोक्न रहा हं़≎ गलतियां उधर से भी हुई हैं , कुछ हम लोगों से भीः हुई हैं क हमने आंद्योलन करने की कोशिश कीः. ईमानदारी कि शायद क्छ कमियां होंक से कहना पडेगा अगर नया सटेडियम है और एक सटेडियम डेट सौ करोड में बन जाहा के रिषेयर 980 **करोड़** रुप्तए काः खर्चा होता है , तो हमसे क्छ गलतियां सवाल पूछ ताः है। अगर देश हुई देश हमसे लाखों , करोडों रुप्तए जमा हैं , हम कुछ कर नहीं पाः रहे हैंा ं, तोः है कि मेरी चाय से चीमी देश हमसे पूछता गायब है , मेरी सवाल रोटी कीः सब्जी गायब है , तो यह क्या हो रहा है ? देश के सामने ये बडे इसीलिए हमें इन आलोचनाओं कोः इस तरीके सवाल हैं ा ताकि हम अपने देखना पडेगा स्तर को सुधारें। आज लाखों नौजवान घुस रहे हैं , मुझ्बई की सड़कों पर डेढ़ लाख लोग आ गए कि रैलियां में कत्तिनी कठिनाई हेंंक हम जामते हैंः करने होही दिल्ला के दर्द अगर लोग इसके लिए निकल पड़े हैं , तो उनके को मैंं कि अगर वह दर्द समझना चाहिए। यह कहना चाहता ह्ं संसद से जवाब मांग्रता है , तो संसद कोः जवाब देखा चाहिए कि हम एक परभावी लोक्रपाल बन्नि बनाकर दखाएंगे। अगर हमसे गलतियां हुई हमें अपनी गलतियों को हैं , तो देश हमसे बास कर रहा है≬ सवीकार चाहिए। देश करना 42 सास बीहो बहुत होः गई है। अंदर प्रधान मंत्री को क्यों नहीं आना चाहिए , इस पर क्यों हैं कि प्रधान मंत्री बहस होमी चाहिए ? लोग कह रहे कोः फंसाया जाएगा। माननीय उपसभाध्यक्ष जीः , हिन्द्स्तान को आजाद हुए साख हो गए हैं , मैं एक सवाल कि हमारे पूछता हं यहां IPC है और Prevention of Corruption Act है , क्या किसी प्रधान मंत्री पर का कोई केस हुआ ? मैं इस बारे में false implication करने जामना चाहता )... मुझे दीजिए। हं⊅ . . . (व्यवधान बोह्मने ...(व्यवधान )...

उपसभाध्यक्ष जीः , मेरे पास तर्क भीः हैं और तथ्य भीः हैं , लेकिन मैं आजबहस का एक स्वर रखना चाहता हूं , इसलिए बोफ़ोर्स की चर्चा छोड़ दीजिए। ...(व्यवधान )...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please let him speak.

शरी रवि शंकर परसाद : मैं यह कहना चाहता हूं कि एक को भी

falsely implicate नहीं किया गया। यह देश प्रधान मंत्री के पद काः सम्मान है¢ हांः , वद्धिश नीति में , राष्ट्रीय करता स्रक्षा में और लॉं एंड आर्डर में आप जरूर अपवाद रखिए। जब एक गरीब –पेंश्नन के लिए जाता है , पट्टा लेबे के लिए आदमी वृद्ध सर्टिफिकेट लेबे के लिए जाहा जाता है , आवासीय परमाण -पत्र के लिए जाता है , इंदिरा विकास योजना में जाता है , तो उसको सबसे अधिक परेशानी होली हैक फिर सभी कर्मचारी आएंगे ? पास -पोर्ट इसके अंदर क्यों नहीं आफिस से पास -पोर्ट कत्तिनी परेशानी होही है ? फिर उन लोगों कोः इसके बनवाने में अंदर क्यों नहीं आना चाहिए ? इसका सस्टिम क्या होगा , आप इस बास पर चर्चा करिए , जोः अरुण जेटली साहब ने कही हैं।

महोदय , इस देश के दो मुख्य मंश्री Public Service Act **লা**ছ हैंं एक मध्य प्रदेश के योग्रय मुख्य मंत्री शक्रिाज सहि चौहान और दूसरे बह्गिर के मुख्य मंत्री , नीहीश क्झार जीः लाए यह एक अच्छी बास है , मैं उनकी कद्र करता हं़≎ एक उदाहरण देखा चाहता हूं कि बिहार में 15 अगस् त से Public हुआ और 16 अगस्त से 20 अगस्त के बीच में Service Act लागू 2,80000 **आवेदन** फाइल हो गए। जिसमें 1,21000 आवासीय प्रभाण के लिए थे , 47000 इन्कम के लिए थे , 70000 कास्ट सर्टिफिकेट के लिए थे। सर्टिफिकेट हमारा देश यह चाहता है कि हमें इनके लिए दिक्कित नहीं होमी चाहिए। इसलिए , जोः सिट्टैज़न चार्टर की बास है , वह

अच्छी बाह्य हैक हमें उसका सम्मान करना चाहिए। अन्ना कीः तरफ रखी गई हैं , मैं से जो तीम मांह्रों उनका पूरा समर्थन करता हुं और उन पर बहस नहीं होमी चाहिए।

महोदय , मैंा अधिक लूंगा। आज देश है¢ हमें समय नहीं जागा करना चाहिए। दे श की इस जागृति काः सम्मान आजजोः हमारे नौजवान हैं , इनके लिए हम तो बहुत क्छ कह सकते हैं , हमारी मैं दुसरे साथियों ने बहुत क्छ कहा है। इस पर कोई बहस नहीं करूंगा , लेकिन यदि हम लोक़तंत्र के पुरहरी हैं , जनता के , पटना , उत्तराखंड हैं , तो आजजो मुम्बई , दिल्ली में , असम और लेह इतने लोग अन्ना कीः टोष्री पहनकर बैठे हैं , तो हमें यह है कि एक उस दर्द कोः समझना चाहिए। वह दर्द परभावी लोक्रपाल आना चाहिए। मुझे दोः बाह्रे और कहनी हैं , इसके अपनी बाह्य खत्म कर रहा हूं। हम मीडिया काः बहुत सम्मान मीडिया हैं क इस देश में ने बहुत बड़ा काम किया कोः उजागर में विमिक्ष ने या जनता भर¤टाचार करने जहां ने काम किया , वहीं मीडिया ने भी किया है , इसलिए र्मैं मीडिया काः मैं मीडिया से भी कहना भीः सम्मान करना चाहता ह्रंा चाहता कि वह अपने कर देखे कि वह पे ड न्यूज़ ह्ं अंदर झांक्र क्यों चलता है ? पेड़ और लोकतंत्र के परहरी न्यूज़ भीः चले के रूप में मीडिया कीः बास , तोः मीडिया करेंगे के लोग मुझे कुषमा करें अगर सम्रॉन्सर्ड सम्पादकीय चलेगा और पेङ तोः न्यूज़ चलेगा नहीं समझनी बहुत परेस की आजादी कभी मजबूत रहेगी। यह बाह्य जीः, मैंः एक जरूरी उनकोः भीः समझना पड़ेगा। चतुर्वेदी क्षे इसलिए प्रदेश काः चुनाव प्रभारी था। एक दिल एक हीः अखबार में , एक ही वधािन पेज पर, एक ही सभा क्षेत्र से , आपकी पार्टी काः **उम्मीदवार** भीः जीवता है और मेरी पार्टी काः उम्मीदवार भीः जीसता कि यह कैसे होः सकता हैः , भाई ? आप समझते हैक हमने कहा करनी हैं , इसका मतलब क्या है ? मुझे NGOs के बारे में भीः बास NGOs **का**ः सम्मान करता ह्ंाः NGOs ने बड़ा काम है , They are doing very good work. बहुतों को वदिश से भीः पैस्रे मस्रिते हैं , बहुतों को हिन्द्स्तान की सरकार से भीः पैसे मस्रिते हैं क उनकी क्या accountability है ? क्या वहां करप्शन नहीं इस पर भीः विचार करना चाहिए। कॉर्प्रोरेट सेक्टर है , हमें र्मे यह नहीं कह रहा हुं कि इसका बक्ष्क्लिल unwieldy ही

कीजिए , लेकिन आजकॉर्प्रोरेट सैक्टर के जो बहुत से लोग जेलीं में बंद हैं , 2 जी में , 3 जी में , पी जी , जिसमें छोड़ दीजिए , ये वे लोग थे जो corporate governance पर बड़े -बड़े भाष्रण दिया थे\ उनकी कम्पनी में कहा गया होगा कि, "We strongly believe in the elements of corporate governance." और आज उनके लोग हैं , यह हम भी देख रहे हैं। अगर यह देश जागा है तो हमें जवाबदेही देसी पड़े गी:। अध्यक्ष जीः , आज पोलिटिशियन्स कीः साख गरिौ है , हम चाहते हैं कि उस साख को बनाएं , हम सब लोग उसमें काम करें। मैं अन्ना जी से बहुत विद्यमता से अपील करूंगा कि आपने देश को दिशा दी है कि आप जागिए , मैं उनके समर्थकों से और देश के लोगों से आग्रह करूंगा कि कित्रनी भी कमजोरी हो , यह देश लोकतंत्र से चलेगा , चुन्नाव से चलेगा , संसद से चलेगा , से चलेगा , बहुत -बहुत धन्यवाद। संविधान

**डाः प्रभा ठाकुर** (राजस्थान )ः उपसभाध्यक्ष जीः, मामनीय बाबू ने , जो कि सरकार के विह्त मंत्री वरिष्ठ नेसा प्रग्णब हैं , आजयहां पर जो श्रूअात की और सदन में लोक्रपा ल वधियक पर जो होः रही हैः , उस पर मैंः अपने विद्यार रखने के लिए यहां महोदय , माननीय श्री अन्ना हजारे प्रस्तुत हुई हुं। साहब नीयत में यहां किसी को कोई शुब्हा हैं कि नहीं है , हम जानते वे देश भक्त हैं , उन्होंने ऐसे आंद्रोलन भीः चलाए हैं और पहले समाज में एक समा ज सेवी के रूप में अपनी पहचान बनाई है , लेकिन उनके साथ जो उनकी टीम काम कर रही

है , जो खुद कीः पहचान टीम अन्ना के**ं नाम से**ं बना रही है , हमें उन पर संदेह है¢ महोदय , एक बाऱ अन्ना हजारे जी मुझे पार्लियामेंट अनेक्सी में मिल्ले थे , बिल की मीटिंग से आरहे थें , मैंसे साहब , आप इतने उनसे एक सवाल पूछा कि, अन्ना नेह्ना है , मैं एक बाल जानना चाहती हूं कि इस देश में वर्ग हैं , SC/ST/OBC, Minority, किसीन , इतने समाज रहते वर्ग , महिलाएं आदि तब क्या कारण है , ऐसी क्या विवशता रही कि एक हीः परिवार के पिता और पृक् आपकी सिंबि ल सोसायटी में , पांच जगह पाने में कामयाब हुए ? क्या सदस्यों में इतने बड़े में आपको अलग अलग जगहों से , अन्य वर्गी से ऐसे पांच लोग नहीं मिल्रे ?...(व्यवधान )... क्योंकि मैंः यह कहना चाहती और सीधे वयक्ति हुं ...(व्यवधान )... अन्ना साहब एक भले बताइए , आपसे हैं ...(वयवधा न)... एक महिला काः बोस्नना बर्दाश्त नहीं होला हैं ...(व्यवधान )... सर, इन्होंने बीच में जोः इतना समय लिया है , वह मेरे दस मिनट में से अलग काट गलत बास कह रही हुं तो आप बोस्न दीजिए। अगर मैं जग्ह बनाई टीम मे जगह पाः गए हैं याः जिल्होंने है , भले , सीधे , सरल स्वभाव के अन्ना साहब को भी जरूर उन्होंने कहीं मसिलीड किया होगा , गुसराह किया होगा , इसीलिए वे उनके भम में आ सकते हैं⊅ आज वे लोग पूरे देश कर रहे हैं , मैं आपको वे मुद्दे मुद्दों पर गुझराह बताना कि वे किस -किन बाह्मों पर गुझराह हैं⊅ कर रहे ये लोग कह रहे हैं कि हम तो एक सिबिल सोसायटी के सदस्य है , तो चाहते हैं कि वे कौन –सी सिबिल सोसायटी हैं , क्या यह भ्रामक बास नहीं है ? आज इस संसद में हुए हैं , जो मामनीय संसद सदस्य हैं , क्या वेः सिंबेल नहीं सोसायटी के चुने हुए जन प्रशतिनिधि हैं ? क्या वे आर्मी कीः तरफ सेः चुन्ने हुए जन प्रश्तिनिधि हैं ? वे कौम हैं ? वे कहते हैं , वे पूरा कि जिसकी संख्या 800 **भी**ः नहीं देश हैं चला रहे वे यह भरम कयों फेल्रा रहे हैं ? इस देश की जो 120 करोड़ जनता है , उसके चुने हुए जन प्रतिनिधि , 120 करोड़ लोगों आठ सौ ) लोग समर्थन से यहां बैठे हैंं , यहां कोई 800, पौने हुए इस तरह की बास नहीं बैठे हुए हैंक वे संसद के बारे में संसद का भी कहीं वे साथ ही उस जनता का भी अपमान करते हैं¢

ओर से इन जन प्रतिनिधियों अपमान करते हैं , जिसने अपनी कोः च्बकर इस संसद में भेजा क्ष महोदय , मैं कहना चाहती कि वे एक बाहा हैंं कि सरकारी बस्रि नहीं चलेगा , तो कौम सा बिल कहते चलेगा ? बाब्रा साहब डाः . भीमराव अम्बेडकर जीः नेः जोः संविधान की बनाई , जोः इतने वर्षीं से चली आरही है , जिसके वयवस्था तहत हैं , उसी के तहत तो बनेंगे वधियक बने इतने और कामून कामून। अब वें किस नई वयवस्था कीः बात कर रहे हैं ? अगर सरकारी नहीं भीः दाद्वागिरी चलेगी , तोः क्या किसी कीः वयवस्था चलेगी

हैं , लेकिन अन्ना तोः एक भले व्यक्ति टीम अन्ना में कौन –कौन लोग हैं ? केजरीवाल पता नहीं साहब रोज रहे इतना बोह्न हैं क केजरीवाल साहब और तीम -तीम करोड़पति हैं , गरज रहे में बैठे हुए हैं¢ कहाँ से इतना पैस्रा अन्ना आ रहा है ? इतना है , हजारों लोग खामा हैं , वहाँ चल रहा खाः रहे इतने बडे टेंट लगे हुए हैं⊅ ज़रा टीम अन्ना बताए कि यह सब खर्च कहाँ हो रहा है ? महोदय , र्में यह पूछना चाह से देश हुँ . . . (व्यवधान )... ਸਿੰ इस सदन के माध्यम की जनता को असलियत रही हुँ क**ि...(व्यवधान** बताना चाह )... आप क्यों नाराज होले हैं ...(व्यवधान )... स्मिए , महिला काः सवाल महिला कोः घर सँभालना भीः आता हैः और यहाँ हैक संसद सँभालना भीः आता है। आपइससे परेशान मत होइए , लेकिन आपतोः ऐसे परेशान हैं , आपका योगदान जैसे इस अभियान में कहीं हैं ...(व्यवधान बास है ? आप इतने क्या

7.00 P.M.

होः रहे हैं ?...(व्यवधान )... इतनी परेशान कर्यो परेशानी कि आज तोः अन्ना कीः हैः ? आप बताइए साहब हैं , कल कोई और आ गया , परसों कोई और आ गया , सिंबल सोसायटी के नाम पर कोई कई सामाजिक मुँह उठाए चला आएगा। कार्यकर्ता हैं , कई ऐसे महान लोग हैं , जिल्हें कोई अपना उल्लू सीधा करने के लिए गलत ले आएगा। दक्षिली बयानबाजी करके यहाँ के लोग परेशान हैं , के धरने हैं , बच्चों –कॉल्लेज रोज हजारों लोगों काः स्कूल जामा होः रहा हैक महोदय , यह क्या व्यवस्था होः रही है ? कभी हैंः कि सरकारी बस्रि नहीं चलेगा , कभी वे कहते सांसद ेचोर ' हैं , सांसद ' लुटेरे ं हैं⊅ यह कहना क्या उनको से मैं शोभा है ? केजरीवाल कहती साहब हुँ कि बुजुर्ग कब से अनशन पर बैठे हैं , कृषा करके अन्ना साहब हुए देते हुए , आपमें बहुत ताक्रत है , आप गरज रहे हैं , उनको योगदान उनके साथ आप कुछ दिसे के लिए अनशन पर तो बैठ जाइए और उनका साथ दीजिए। आप ज़रा अनशन में भी उनका साथ दीजिए। ...(व्यवधान

हैं – जन लोक्रपाल बल्लि। लोक्रपाल और जन महोदय , वे कह रहे बस्रि बिल्ल में फर्क है ? जन का अर्थ भीः लोक हैः और लोक लोकपाल क्या याः टीम काः अर्थः भीः जन है अर्थ कस्रिने निकाला ? केजरीवाल साहब अन्ना के दूसरे सदस्यों को शायद हस्दि कीः जामकारी नहीं। लोक्रपाल और लोकपाल काः एक हीः अर्थ क्ष उधर जन जनपाल बिल हो गया। ...(व्यवधान सुनिए भरष्टाचार )... भारत र्मैं छोड़ो ...(व्यवधान )... हम सब कह रहे हैं क आप पर थोड़े हीः comment कर रही ह्ँ्ा मैं तोः देश की जनता को बता रही हूँ ... (व्यवधान ) . . .

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please, do not create problem. ...(Interruptions)...

ठाकुर : ये ऐसे डाः. प्रभा हीः चढ़िते हैं⊅ आजमुझे अफसोस जी ने बड़े हुआ , जब मैंसे यह सुना। कल राहुल सधे हुए से की आवाज से बोला , जो हर सांझद काः अधिकार है और की permission से बोला। आजइतनी सीनियर वरिष्ठ नेह्ना वहाँ हैंं सवाल रही चेद्यर चुद्यौती पर कर को दे जीः कौम हैं , उनको समय क्यों रही हैं कि राह्नल दिया इतना गया ?...(**व्यवधान** )... मुझे बोल्लने दीजिए। ...(व्यवधान

SHRI RAVI SHANKAR PRASAD: Sir, she is commenting upon...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please, let me listen to him.  $\dots(Interruptions)\dots$ 

SHRI RAVI SHANKAR PRASAD: Sir, she is commenting upon the speech made by a Member in the Lok Sabha. ...(Interruptions)... We have maintained decorum during this debate; let that decorum be maintained. All other Members have maintained that decorum. I would request the hon. Member to maintain that decorum too. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please, sit down. ...(Interruptions)... Dr. Prabha Thakur, you cannot refer to the speeches made in the other House and criticize a Member. ...(Interruptions)... A standard has been maintained today in the discussion; please, maintain that standard.

डा . प्रभा ठाकुर : ठीक है , सर, जैसा स्टैंडर्ड उन्होंने बना कर रखा है , वह स्टैंडर्ड मैं भी पूरी तरह बना कर रखूंगी।

है कि अकेले के बनने आपसे निवेदन लोक्रपाल सर, मेश भरष्टाचार दूर नहीं होः जाएगा। भुरष्टाचार आसमान से भेजा हुआ कोई लोक्रपाल आएगा फरिश्ता आएगा ? अगर ऊपर से कोई फरिश्ता आ रहा होः , तब तोः हम भीः वश्वास कर सकते हैंं (**समय की**ः **घंटी** )। लोक्रपाल कौम होगा ? जैसे से कोई लोग हैं , वैसा हममे हीः होगा। जब आपको नयायपालिका मंबी में वश्वास है , प्रधान नहीं में वश्विास नहीं है , में नहीं है तो लोक्रपाल वश्विास संसद वश्विास में कैसे किस आधार पर कर सकते हैं ? उनको कौन -सी जनता चुन भेजेगी मंत्री जीः काः भीः हिसाब -किताब , जो प्रधान करेगी सांसदों के आचरणका भी हिसाब -किताब करेगी।

महोदय , परधान मंबी जीः पर कोई उंद्यली नहीं उठ सकता। उनके किसी ऊपर कोई तरह की तोहमत नहीं लगाई जाः सकती। लोग चाहे कर लें , लेकिन को आंच नहीं और झुठ भीः कोशिश सांच के पांड नहीं होहो।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now please conclude. ...(Interruptions)... आपका टाइम हो गया ...(व्यवधान )...

डाः. प्रभा ठाकुर : महोदय , मेरे पांच मिलट तोः उन लोगों ने ले लिए ...(व्यवधान )...

उपसभाध्यक्ष (प्रो . पी .जे . कुरियन ): नहीं , नहीं। आपका टाइम हो गया है , समाप्त कीजिए।

ठाकुर : सर, एक बाहा मैं अपने मीडिया के साथियों डाः. परभा से कहंगी। उनका अपना कोई दोष्ट्र नहीं हैक उनका दोष्र इसलिए , वे तो उनके है कि वे कया करें टीबी के मालिकों टीआरपी के कायदों से बंधे हुए हैं⊅ मैं यह कह रही ह्ंः कि अगर लोक्रपाल के दायरे में लोकतंत्र के चार मज़बूत सत्तमभ . . . (व्यवधान )...

उपसभाध्यक्ष (प्रो . पी .जे . कुरियन ): बैठिए , बैठिए। Please

conclude. ...(Interruptions)...

**डा . प्रभा ठाक्र् :** लोकतंत्र से चार मज़बूत स्**स**म्भ कहे जाहे हैं – संसद , न्यायपालिका , ब्यूरोक्रेसी और मीडिया। जब इनमें से तीम का नाम उन्होंने लिया , तोः मीडिया कोः क्यों छोड़ दिया ? इसके अंतर्गत चारों काः नाम लिया जामा चाहिए कर...(व्यवधान )...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Take your seat. ...(Interruptions)... बैठिए ...(व्यवधान )...

**डा**ः **प्रभा ठाक्र्र :** नहीं , मीडिया की आजादी पर हमला नहीं चाहिए। मीडिया की टीआरपी होमा पर जरूर हमला हो सकता है , आजादी पर हमको हमला नहीं कोई चाहिए , ताकि एक ईमानदार ...(व्यवधान )...

उपसभाध्यक्ष (प्रो . पी .जे . कुरियन ): अब बैठिए , हो गया , बस अब समाप्त कीजिए ...(व्यवधान )...

**डा . प्रभा ठाकुर :** सर, अंस में मैं कहूंगी कि अनुबा जी कोः शपथ दक्षिाएं। भरष्टाचार समाज समाज में की यह होः गई हैः कि आजहमारी महिलाएं बैठ कर कहती हैं काः होमे वास्रा जो पति है , उसे 10,000 सैस्नरी है , लेकिन अपर की आमदनी 30,000 की है। इसे गर्व से कहा यह बाहा समाज में आ गई है , तो कैसे होगा , आप ही बदलाव बताइए ? दहेज के लिए गर्व किया जासा है कि हमें एक करोड दहेज ...(व्यवधान )...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Take your seat. ...(Interruptions)... बस, बैठिए ...(व्यवधान )...

डा . प्रश्ना ठाकुर : अन्ना साहब पूरे समाज को शपथ दिलाएं , नौजवानों को शपथ दिलाएं और यह शपथ दिलाएं कि वे अपने -अपने घरों में पूछें कि कहीं कोई रिश्वित की कमाई तो नहीं आ रही है . . . . (व्यवधान ) . . . अंस में मैं बस चार पंक्तियां कहना चाहती हुं।

**उपसभाध्यक्ष (प्रो . पी .जे . कुरियन ):** नहीं , नहीं , बस हो गया , और कितना अंत्र में ...(व्यवधान )... आप बैछिए। आपका टाइम ओवर हो गया है ...(व्यवधान )...

डाः . प्रभा ठाकुर : सर, एक शेरः तोः सुब लीक्जिए , मैंबे अभी -अभी खुद लिखा हैः . . . (व्यवधान ) . . . केक्ल चार पंक्रितयां हैंः , अभी लिखा हैः , आपभीः सुनिए , सर:

देश भक्त हैं अन्ना साःहेब , टीम दे रही धरना साहेब।
किन्तु कभी पूछिए अपनी टीम से , क्या है छुपी तमन्ना साहेब।।

शिवानन्द तिवारी : महोदय , हम कांग्रेस पार्टी कि आखिर यह जो उपवास है और जो से जानना चाहते हैं सरकार है , इनके बारे में सरकार की नीति क्या है ? एक तरफ तो भाष्रण होः रहा हैः कि लोक्रपाल बनना चाहिए और हमने स्वा है कि भीः आ रहा हैः , रैज़ोल्यूशन आ रहा है और अपील की कोई पुरस्ताव जाः रही हैः , लेकिन दूसरी तरफ ऐसा भाष्रण करवाया जा रहा है। इसका मतलब क्या है , हम यह जानना चाहेंगे

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): What she has said is her opinion only. Don't worry about that. ...(Interruptions)... In

Parliament, everybody is free to speak. Party's stand will be known later.

शरी रामविलास **पासवान :** उपसभाध्यक्ष जीः , अन्ना जीः काः यह जोः अनशन याः आन्दोलन चल रहा हैः , उसका मेब मकसद क्या है , यह अभी समझमें नहीं आया है। कहा जा रहा है कि यह भ्रष्टाचार के खिलाफ आन्दोलन हैंक जोः गरीब भूख से मरते हैं , क्या है ? दलितों , अकलियतों और पछिड़ों भरष्टाचार नहीं के ऊपर जो हैं , क्या होले वे भुरष्टाचार ज़्ल्म और अत्याचार के अन्दर नहीं आते हैं ? भ्रष्टाचा र के अन्दर यदि घूस्रखोरी है तो ये भीः भ्रष्टाचार के अन्दर हीः आती हैं। आजसबसे बड़ी सीरी चीज़ें हैं – पहली यह है कि हमारे यहाँ तीम चीझें वधाियिका बास कार्यपालिका दूसरी और तीसरी न्यायपालिका। वधाियिका ऐसी ताक़त है , जिसमें बाब्रा अम्बेडकर , गांधी साहेब जीः आदि सब लोगों काः योगदान थाः और जिल्होंने **ेएक व्**यक्ति एक वोद्य ' काः हो या रंक हो , उसे अधिकार दिया। कोई चाहे राजा एक हीः वोद्य देखे काः अधिकार है , equal rights and equal value. सबको equal value दिया गया है। उस समय भीः बहुत डबिट चल रही थीः , जैसे

है , कि इस देश में जोः मूर्ख हैं आजनारा लगाया जाह्या लोग ं, जो -लखि लोग नहीं है , सर्फ़ि पढ़े -लखि को ही वोद्य देवे लोगों अधिकार अम्बेडकर नहीं दिया जाए , जिसको साहेब ने बाबा माभा और वोद्य देवे काः अधिकार सब कोः दिया गया। नतीजा है कि आजन्यायपालिका में दलित वर्ग के लोगों कीः संख्या ज़ीरो है , कहीं -कहीं हाईकोर्ट वगैरह में एकाध होंग्रे , लेकिन पछिडी जातियों के लोगों की संख्या ज़ीरो हैक इसमें अल्पसंख्यक सम्दाय के लोग कभी आ जाले हैंं जैसे दलित वर्ग के से इसमें ट्शइबल बाह्माकृष्णन जीः आगए। उसी तरीके लोगों कीः भीः जीरो हैक जोः कार्यपालिका है , उसमें वन और संख्या भीः कुल्लास द्र सर्विसेज़ में पछिडी के लोगों कीः संख्या क्ल्लास जाति चार परसेंट हैक रजिर्वेशन के कारण शैङ्ग्यूल्ड कास्ट के इसमें इनकी जोः लोगों की संख्या थोडी ज्यादा हैक संख्या है , वह और कुलास फोर सर्विसेज़ में है≬ और कुलास थरी क्लास थरी सर् वसिज क्लास फोर में ही दलित , ओबीः .सीः . और अल्पसंख्यक के लोगों कीः संख्या ज्यादा हैंक अब उसमें सम्दाय यह साजिश कि उनको की हो रही है भीः लोकपाल के षडयंत्र करने ले आओ, जिससे वे भी एक तरह से साफ हो जाएँ। अन्दर इसलिए , मैंबे कि जो कार्यपालिका है , उसमें भीः इनकी संख्या मिल्लाकर हैक एक जगह वधायिका ही है , जिसमें दलित , पछिड़े आदिवासी और अल्पसंख्यक समुदाय के लोग भारी संख्या में आ रहे मेंबे भीः कहा कि हम लोग हैंक पहले इसके लिए कोई कास्ट सस्टिम अभी शक्षिनन्द तिवारी जीः बोल रहे थेा हम लोगों के नेता मध् लिसये थे , जोः कि बुराह मण थे इसी मामा तरह बाह्मेश्वर एस.एम. जोशी , मध् दंझवते मृष्णाल गोरे और दयाल , प्रमिला दंङवते सभी बराहमण थे , लेकिन सभी संयुक्त येः सोशलिस्ट पार्टी में थे और ये नारा लगाते थे कि भंसोपा ने बाँधी गाँक पावे सौ में , पछिड़ा साळ '... उस समय यह नारा लगाया जाशा था। हकीकत यह है कि जो विधायिका है , वहीं इनकी संख्या अधिक है , चूँ कि सब कोः वोद्य काः डर है अब यह साजिश है कि चल रही वधाियका में जोः इनका हस्तक्षेप है , जोिक कामून बनाने काः सभा और वधान एकमात्र रास्ता है , लोक सभा , राज्य सभा , वधान से इनको , उनमें किसी तरीके किथाः जाए। परिषद खत्म उसके लिए यह बाई पास रास्ता निकाला जाः रहा है¢

मेरे में ऑफइंडिया पेष्कर क्षे सर, हाश टाइम्स अभी हमारे एक में साथ ने अन्ना जीः केः सम्बन्ध कहा। जीः हज़ारे अन्ना हज़ारे

अग्निवेश मैं सवामी की टीम में सवामी जीः हैं¢ अग्निवेश जीः कोः जामता ਛੱ≬ वे एक सोशल वर्कर हैं⊅ उनमें एक आदमी हैं , जिस पर यह आरोप लगाया है कि वे माओवादियों के भी जाहा के भी समर्थक समर्थक और गरीबों हैं , बाक़ी लोगों के में एक जस्टिस सम्बन्ध हमें नहीं मासूम है¢ हेगड़े भीः हैं। सवामी अग्निवेश जीः नेः क्या कहा है ? यह मैं नहीं कह रहा से कोष्ट करता ह्ँ≎ "Agnivesh said, "A 'coterie' was dictating to Hazare, and hatred and contempt for the political class had crept in which was unbecoming." "Anna's credibility is being dented. There is a hardening of attitude by a small coterie," he said.

"When we began talks, it was understood that we would lobby only for introduction of the Lokpal bill but that has changed now. I have chosen to disassociate myself from the group because of this," Agnivesh said. He added that the campaign was increasingly becoming anti-minority and anti-backward classes." यह मैं नहीं कह रहा हूँ , यह स्वामी अग्निवेश जी कह रहे हैं। "I have spoken to a number of MPs and dalit, OBC and Muslim leaders who feel that there is a shrinking of space for them. They feel that this campaign is dictating to Parliament, taking away whatever little space that they have," Agnivesh said. इसमें बहुत लिखा हैं

महोदय , मैं कहना चाहता हुँ कि वहां ऐसे लोग भी बैठे खिल्लाफ जो reservation के नारा रहे हैं⊅ मनुस्मृति के जरिए , वर्ण वयवस्था के जरिए देखे काः काम कर रहे हम लोगों कें बारे में हेंंक तोः कहा ही जाहा है कि पार्लियामेंट में लोग बैठे हैं , वे जिसने हुए सब uncivilized हैं , जैसे सर्फि वे ही लोग civilized हैं।

महोदय , मेरे पास जन लोक्रपाल बस्नि की कॉष्री इसमें का जो procedure रखा गया है , उसके अंतर्गत सेल्लेक्शन कमेटी में पांच सदस्य होंग्रो और पांच सदस्यों के अलावा judges होंग्रे होंग्री। उसमें Judges के अलावा जोः पांच सदस्य इन्होंने CAG को रखा है , Chief Election Commissioner वगैरह कोई एम.पीः नहीं रहेगा। एम.पीः . केः संबंध उसमें कहा गया है कि यदि एम.पी . योग्य भीः होगा , तोः भीः उसको Chairman हम लोग कहां जाः रहे हैं ? उसमें जाएगा। scheduled caste का सदस्य नहीं रहेगा , एक भी scheduled tribe का रहेगा , एक भीः backward class काः सदस्य सदस्य नहीं नहीं रहेगा एक भी minority का सदस्य नहीं रहेगा। ये सब लोग मिस्रि अपना coterie बना कर जिसको चाहेंगे , उसको सदस्य बनाने काः काम पार्लियामेंट करेंगे। ये लोग कोः by-pass करने जाः रहे आपसे आग्रह करना चाहता हूँ कि यह भ्रष्टाचार नहीं हैक हम सब लोग भ्रष्टाचार के खिल्लाफ की आड में जिस तरीके से काम किया भरष्टाचार जाः रहा है और जिस तरीके से weaker sections के लोगों के हिंहीं के ऊपर हमला किया जा रहा है , हम लोग इसको बर्दाश्त हें⊅ करने वास्रे नहीं साहब भीमराव अम्बेडकर हम लोग बाबा साहब दवारा बनाए गए संविधान कीः कसम खाए हैं। और अगर कोई संविधान काः उल्लंघन करने , तोः हम उसको ऐसा नहीं करने देंगे।

महोदय , अभी हमारे साथियों ने कहा कि 43 साम में 8 बार इसी पार्लियामेंट में लोकपाल के संबंध में बिल्ल आया। यह 1968 में **आया , 1977 में** आया , 1969 में **आया , 1971 में आ**या , 1985 **में आ**या , 1990 में **आ**या , 1996 में आया , 12वींः लोक आया और 13वीं लोक सभा में भीः आया। उनमें से तीम बाद यामी 1989, 1996 और एनडीए के समय में , यह कहा गया कि प्रधान मंत्री कोः इसके अंसर्गत रखा जाए। मैं आजभीः आपसे चाहता कहना कि मेरी यह राय है कि इसके अंतर्गत प्रधान मंबी कोः नहीं

चाहिए। हो सकता है कि 10 साख़ या 20 साख़ के बाद लोगों रखना बारे में चले। अगर हमेशा इसके पता brain haemorrhage होता रहेगा , तोः शरीर कैसे काम करेगा मंत्री देश ? प्रधान होह्या आजइस पक्ष काः प्रधान मंत्री है , तो कल उस पक्ष , तोः वह प्रधान प्रधान मंबी होगा। कोई भी चाहेगा के खिल्लाफ आरोप लगा देवा। आरोप सही हो या गलत, लेकिन उसका moral standard रहेगा ? यह पार्लियामेंट है , यहां अविश्वास काः है ? पार्लियामेंटरी प्रस्ताव आता है याः नहीं आता डेम्रोक्रेसी है ? हम पार्टी में क्या होसा कोः चुन आती है , वह पार्टी जोः पार्टी बहुमत में अपने नेत्रा कोः चुसती है और वही नेता काः प्रधान मंत्री देश बनता है या राज्य संबंधित राज्ञ्य काः मुख्य मंबी हैंक वह अपनी कैबिनेट को बनता अगर बदला व करना चुसता है और वह कैबिनेट सरकार कहलाती ्र है है , तोः पांच साल के बाद फिर चुनाव होगा और फि सरकार आएगी। मायावती जीः नेः ठीक कहा कि 2014 का इंसजार कीजिए। 2014 में लेकिन , ये चुनाव चुझाव लड़ने काः काम कीजिए। नहीं लड़ेंगे। (समय की) घंटी )। सर, मैंः कर रहा समाप्त

उपसभाध्यक्ष (**प्रो . पी . जे . कुरियन ):** आपके 10 मिब्बेट हो गये , इसलिए कृष्म्या अब आप समाप्त कीजिए। श्री रामविलास पासवान : जब हम शुरू करते हैं और हमारा tempo आता है तब आपहमारा tempo खत्म कर देसे हैं ...(व्यवधान )...

**उपसभाध्यक्ष (प्रो . पी .जे . कुरियन ):** आपका tempo 10 मिलिट के बाद आता है ? Tempo पहले आना चाहि ए।...(व्**यवधान** )...

रामविलास **पासवान :** सर, यह जोः इनका चार्टर बना है , इस चार्टर को आप पढ़िए। इसमें यूएनओ का सब कुछ दिया है। अगर आपने में यूएनओ का सब कुछ दिया है , तो उस चार्टर चार्टर से आपने एनजीओज़ को बाहर क्यों रखा है ? क्या एनजीओज़ भगवान के धोये हैं ? हमने तो उस दिन भी कहा था। अभी हमारे में कहा , ये जितने के paid news के संबंध big business में कहा और NGOs के संखंध houses **हैं** , **उनके** संबंध निकल गया है , अब आप पूँछ के लिए लड़ रहे हैं ? (समय की घंटी )

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay, please conclude it now.

श्री रामविलास पासवान : प्रधान मंकी के नाम पर सहमित हो गयी , judiciary के नाम पर सहमित हो गयी , अब जो तीम चीज़ें हैं , मैंबे तीम चीज़ों के संबंध में सुबा हैं।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay, please.

श्री रामविला स पासवान : सर, मैं बस दो मिंबेट में खत्म कर रहा कर्मचारी हुँ≎ जोः छोट्टे हैं , में नहीं समझता हुँ कि उनके छोट्टे कर्मचारी कोः लोक्रपाल संबंध में कोई एकमत है क्या ? नीःघे देखेगा ? अगर खटमल काहेगा , तोः क्या आप शेर को मारिएगा लोकायुक्त है , क्या वह काम नहीं करेगा ? क्या सरकार के पास कोई और मशीनरी नहीं है कि आप इसे एक मूँछ का प्रश्न बनाये हुए हैं ? (समय की घंटी )

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Yes, please.

रामविलास पासवान : सर, मैं अब खत्म कर रहा शरी हूँक हैं , जो छोटे कर्मचारियों काः मामला है , जो यह कहते कि क़ामून बने , राज्ञ्य सरकार कामून बना रही क्री कीः जोः बाह्य है , हमने किसी को यह कहते सुद्धा है कि लोकायुक्त कोः लोक्रपाल के अन्दर जाए या उसकी लाया लोक्रपाल करे। इस चीज में अब कोई तर्क नहीं इनको पुरार्थना की जा रही क्री प्रधान मंत्री कहते हैंः

अन्ना जीः, मैंः सैक्ष्यूट करता हुँ। पार्लियामेंट कहती हैः किः हम सैल्यूट करते हैं। राज्य सभा में कहते हैं कि सैल्यूट इस तरह की unanimity कभी -कभी आयी है जहाँ लीङर करते ऑफद हाउस से लेकर लीडर ऑफदि अपोजिशन तक सब आपको कह रहे (समय **कीः घंटी** ) एक तरफ हम लोग प्रार्थना तरफ आप करते हैं और दूसरी काः काम करते हैं ! इसलिए सर, यह पूरा काः पूरा है , यह anti scheduled castes हैं। यह पूरा आन्दोलन anti backward classes हैं। यह पूरा का पूरा आंद्योलन antitribal हैं , यह anti minorities हैं ...(व्यवधान )...

## उपसभाध्यक्ष (प्रो . पी .जे . क्रियन ): ओके।

**रामविलास पासवान :** सर, अन्त में एक बाह्य सुमिए। यदि यह श्री जाः रहा है , तोः सरकार अभी सूच ले कि सिन्नेक्शन लोक्रपाल बनने कमेटी से लेकर लोकपाल तक उसमें जिलने लोग बहाल होंग्रो वे भगवान के यहाँ से आएँगे के यहाँ से आएँगे या खुदा कर्मचारियों इन्हीं में से आप लेंग्रे , वह कर्मचारी करप्ट नहीं होगा ,

डसकी गारंटी कौन ले सकता है ? उन सबको अन्ना हजारे जीः कहाँ ? (**समय की**ः **घंटी** ) इसलिए हम आपसे कहना चाहेंगे कि जब से लाएँगे हमारे यहाँ scheduled castes, scheduled tribes and backward classes है , तो मैं काः 50 परसेंट आरक्षण माँग्र हुँ कि उसमे करता महिला और अल्पसंख्यक समुदाय के लोगों को लीजिए। जब ये संशोधन और सारी चीजें माम ली जाएँगी होगा , नहीं तोः , तब यह पास देंग हमें हम लोग उसको पाःस नहीं होने , चाहे इसके लिए क्छ भीः करना पड़े।

उपसभाध्यक्ष (प्रो . पी .जे . कुरियन ): रामविलास जी , आपका समय समाप्त हो गया। अब आप बैछिए। ...(वयवधान )...

श्री रामविलास पासवान : अगर वे दस लाख लोगों को ला सकते हैं , तो हम लोगों की भी यह capacity है कि हम भी पचास लाख लोगों को बुला सकते हैं। ...(व्यवधान )...

उपसभाध्य कृष (प्रो . पी .जे . कुरियन ): रामविलास जी , अब बैठिए। ...(वयवधान )...

श्री रामविलास पासवान : सर, लोगों कोः ज्ञा कर कल कोई यह कह दे कि दलित काः रजिर्वेशन करो , पछिडों काः रजिर्वेशन खत्म करो , अक्लियत से देश कीः नागरिकता छीम लोः , तोः क्या हम ऐसा होने देंगे ? (समय की) घंटी ) हम यह कभी नहीं होंबे देंगे।

जीः कोः अपना सदन एक साध हैक अन्ना अनशन वाष्ट्रस लेखा चाहिए। उनके लोग , जोः वहाँ बैठे हुए हैंः , वे उनको मारना न आएँ और जल्दी चाह्रते हैं ा उनके बहकावे में से जल्दी कर दें ताकि उनकी टेंशन भीः खत्म होः और हम अपने अनशन को समाप्त लोगों कीः टेंशन भीः खत्म हो।

SHRI JESUDASU SEELAM (Andhra Pradesh): Sir, I thank you for giving me this opportunity to speak on this particular issue. We have been discussing the importance of a strong and a very well thought-over institution to weed out corruption from this country. I was just listening to our learned friends from both the sides. Much has been said in the morning as to why there is a need for such a serious effort. It is not that there are no systems in place to curb the scourge of corruption. Because of its ineffectiveness, I think, we have to seriously determine to bring a strong Lokpal.

Sir, we have heard a number of speakers. I would like to basically

throw some light on very important aspects.

I am thankful to Mr. Yechuryji, Mr. Raja, and Mr. Ram Vilas Paswanji for throwing light on specific social justice angle and bringing it into the whole gamut of discussion, and also for highlighting the importance of social justice. We discussed this issue among our friends, among the Members of Parliament belonging to the Scheduled Castes, Scheduled Tribes and Other Backwards Classes. We have given it the shape of a Bill. It is called Samajik Nyay Lokpal Bill. This morning we brought it to the notice of the House through the Secretary-General and the Chairman. We will give a copy of this Bill to the Standing Committee of Parliament for its consideration. We will also elaborate on various issues. We, Mr. Ram Vilas Paswanji, Mr. Raja,

Mr. Yechury, and other Members of Parliament, would request that this Bill should also be considered alongwith the Government's Bill, Annaji's Bill, Arunaji's Bill, and other Bills which are given by individuals and groups of individuals.

Sir, it is basically touching three-four issues. One is definition. Mr. Yechuryji mentioned that the existing definition should be widened. What is the definition? The Government's Bill is silent on definition. But the Jan Lokpal Bill does mention some sort of a definition. It defines maladministration as unreasonable, unjust, oppressive, or an improper, discriminatory action. Sir, we would like to further expand the definition to include denial of justice, denial of economic justice, denial of social justice, and denial of other forms of privileges which are enshrined in the Constitution. I would like to emphasise that discrimination is also a form of corruption. You are causing immense psychological reductionism by exposing an individual to undue delay in your decisions. Incriminating words and deliberately trying to deny the fruits of development should also form the gamut of description or the definition of corruption. Sir, in the morning it was mentioned that if you deny or divert the funds meant for the development of the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and minorities, it should also be construed a definition of corruption. We also would like to urge the Standing Committee through you that the definition scope should also be enhanced to cover the corporate malpractices and malpractices of media. That is the focus. It cannot be a simple definition where we can ignore issues.

There is also concern for protection of whistleblowers. We are also concerned with the qualification part. In the appointment of Lokayukta, it is mentioned that it should be of impeccable integrity. Apart from impeccable integrity, we want a criterion that he should be free from unconstitutional caste bias. We have been experiencing it though we deny it in obvious terms. We do experience unwritten, unspoken discrimination based on extraneous consideration. For instance, in case of whistleblowers there is witch-hunting. There are people who complain against an officer belonging to low socioeconomic background. It is used against them. I can give you some statistics. In the Government of India, there are, as you said, 40 lakh employees.

For example, take the Class-I Officers. There are inquiries conducted by the CVC or the CBI. Recommendations for imposing major penalty have been sent to UPSC. If you look at the number of cases which go to UPSC for concurrence or opinion, you will find that 40 per cent of them are cases belonging to the Scheduled Castes and the Scheduled Tribes officials whereas their population in the Government service is 10 per cent. Do you mean to say that they are four times more corrupt than general category officers? This is why, we would like these issues also to be addressed and addressed comprehensively not for the sake of the Act but it should be addressed substantially.

Sir, finally, we would like to say that the need of Lokpal is not only to enact it. Yesterday, my leader, Shri Rahulji, mentioned in the other House, and we do agree, that we should give a constitutional status to this institution. Right now, we will have a statutory status after enacting a strong Lokpal. But, in a span of one year, we can give it a constitutional status. The hon. Law Minister is here. I would urge upon him to take appropriate action to make it a constitutional body. He may recall that the former Prime Minister, Shri Rajiv Gandhi, made the 73rd and 74th amendments in the same way. It was a statute for Panchayati Raj. But, we thought that it should be a constitutional body. So, that is why, the amendments were brought in. Now, we cannot give it a constitutional status at this stage. So, we will enact and provide it a statutory status. And, in the span of one year, it should be given a status of constitutional body and necessary amendment should be made.

Having said that, Sir, I would like to elaborate a little more on its nature. We have some concerns. Apart from the qualifications of judicial members, disqualification or appointment of Chairpersons and other members, age limit was nowhere mentioned in the three versions of the Bill. We must mention that a person should be mature enough to take such onerous responsibility. I suggest that it should be around 60 because they said that 25 years of legal or judicial experience is necessary. So, we should fix up the age. I agree with Mr. Paswan that in the composition of the Selection Committee, the Search Committee and the Lokpal including the staff which is going to be on deputation, there should be proportional representation to the Scheduled Castes, the Scheduled Tribes, OBCs and the minorities because we do feel that the brunt of it is felt at the State level.

Sir, I would like to bring to the notice of this august House the types of corruption. Most of the money is spent at the State level and the District level. So, we should have a strong redressal of citizens' grievances mechanism at the District level. Each Department should notify the redressal officer. He should take up complaints for redressal. Sir, our friend, Shri Ravi Shankarji, mentioned that these

many applications have come up. Sir, after enacting a strong Lokpal, we must inculcate such moral values in ourselves that the Lokpal does not have any work. That is possible if we can make some effort to discipline ourselves, to bring in simplicity. That is what is always enunciated by my leader, Shrimati Sonia Gandhiji. We must be simple. We cannot have filthy exhibition of wealth. Sir, today, the youth is feeling that because of (Time-bell rings) liberalisation and privatisation, new vistas and new areas have come up in the ambit of corrupt practices. As Mr. Arun Jaitley has pointed out, now, there is underground mining, there is land development and also the waves are being sold. So, we should have reforms not only in the distribution of natural resources but we should also bring about reforms in the other sectors.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please conclude.

SHRI JESUDASU SEELAM: Sir, I would like to take a minute. Sir, just like we are saying whenever there is a complaint against a senior officer in the Lokpal.. we must refer it to the statutory body of the Scheduled Castes and Scheduled Tribes Commission or the Backward Classes Commission for the purpose of the double checking the veracity of the complaint.

I hope you are not going to bring the Office of the Prime Minister under the ambit of the Lok Pal. In case for some reasons, you want to bring with some safeguards, that safeguard should include a second look by a committee of judges of the Supreme Court because anybody can give a petition. It should be verified.

Secondly, the safeguard also should include any legitimate action of the Prime Minister to safeguard the interest of the weaker sections, Scheduled Castes and Scheduled Tribes and Other Backward Classes and minorities. These are few things I would like to enumerate.

We want a strong system of electoral reforms, that is, funding of the political parties in elections. It has to be brought in through the electoral reforms; and also a national Act for corporate malpractices, corporate offences and media offences. All these things should be brought under a statute so that we are able to regulate various issues only then, Sir,..

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You have made all your points. Please take your seat.

SHRI JESUDAS SEELAM: You are only trying to shoot (Time-bell rings) We must address the roots of corruption only then can the Lok Pal can function effectively and fairly; otherwise the same thing will be repeated. This is my submission. Thank you.

SHRI NARESH GUJRAL (Punjab): Mr. Vice-Chairman, Sir, Shri Anna Hazare must be thanked and complimented for awakening our people to buttress against rampant corruption and ushering back hope and optimism back in our lives in place of despair, disgust, despondency and cynicism. As responsible parliamentarians, it is our duty to live

up to our people's expectations and to enact effective laws within the Constitutional framework that empowers the common man and makes him an agent for a change in our society. Sir, however the hopes from this Bill are so high that people are expecting instant *nirvana* with the passage of this Bill. Let us ensure that they are not disappointed.

Sir, my party Shiromani Akali Dal believes that this Bill will improve the governance and accountability which unfortunately has taken a back seat in recent years. Thanks to the major scandals which have been unearthed. Initially my party had reservations about the inclusion of the Office of the Prime Minister. Our concern was mainly due to the sensitive nature of the Prime

Minister's Office and also what the country has witnessed during the regime of Shri V.P. Singh, when his son was involved in a false case at St. Kitt's foisted by some unscrupulous people at the behest of a political party.

Sir, we will now go with the sense of the House, provided the Prime Minister is included for acts other than relating to the national security and public order. We feel that the judiciary should be kept outside the purview of the Lok Pal by creating a National Judicial Commission or a body of that nature for the appointment and accountability of the Judges.

Members of Parliament are given parliamentary privileges within the House in terms of the speech as well as their vote. Their probity for the in House conduct must be dealt with only by the Ethics Committee of the House. Misconduct or misdemeanor outside the House could come under the purview of the Lok Pal.

Sir, the process and criteria of selection of the Lok Pal is critical. After all any institution is as good or as bad as people manning it. Therefore, we cannot stress enough on the requirement for transparency in the manner of their appointment. There is no point in having a Government Lok Pal akin to the current CBI which symbolizes the State's failure to deal with corruption.

Inclusion of the lower bureaucracy within the Lokpal's ambit is not a matter of objection. However, we must realise that it could potentially be too immense an administrative burden for one institution to carry. There could be millions of cases referred to it, every year, while the machinery to deal with these would not be adequate. Already, there exists about 30 million cases pending with our Judiciary. Over 10,000 CBI cases lie unresolved; one-fourth of these have been pending for over ten years. This has led us today to have a total and utter contempt for the law. We must not have another vigilance body non-performing and we must ensure that the Lokpal is strengthened and given total budgetary support irrespective of the monetary cost.

Sir, the Constitution has given us a federal structure which must

be respected in, both, letter and spirit. We have to tread the path of the appointment of the Lokayuktas carefully. Regional parties are apprehensive that the office of the Lokayuktas may be misused to destabilize Opposition Governments in the States just as the appointment of certain Governors with political inclinations by creating confrontation or controversy in recent times. We fully support the citizens' charter as demanded by Shri Anna Hazare as we believe that in the final analysis, prevention is better than cure.

In our State of Punjab, we have recently enacted the Punjab Right to

Service
Act, 2011. Herein, we shortlisted 67 basic services relating to all the Departments of Police,

Revenue, Transport, Housing, Local Government, Health, Welfare of SCs/BCs, Social Security etcetera. Having identified these areas where there was a direct interface with the people, which would be breeding grounds of corruption, we ensure that every citizen has the right to these 67 basic facilities to be provided within a certain timeframe, barring which penalties are imposed on the concerned officers. Sir, 2,700 officers have been designated for these facilities. The Right to Identity Act and computerization of issuance of various licenses, permits like RTOs, DTOs, registration certificates of vehicles, land records etcetera, are now all available on line. It is effectively reducing the bureaucratic corruption that was prevalent in our system.

Sir, in the end, I would like to highlight that what we need today is a total systemic revamp. We can only succeed in this endeavour if (a) we reduce the discretionary powers, at all levels, by clearly defining our laws and rules; (b) improve governance and mitigate public harassment through a strong citizens' charter, and eliminate areas that breed corruption; (c) urgently address the failure of the State to improve the justice delivery system, and (d) while we all cherish and revere our democracy, however collectively we have created a situation where the elections have become prohibitively expensive, politicians are looked at with contempt. We must seriously introspect and bring simplicity back in our lives, both political and personal. Political funding through dubious sources is leading to a massive corruption. We must find ways and means for State-funding of elections and incentivise corporate donations to political parties via cheques.

In the end, Sir, I would say that there is a famous saying that among a people generally corrupt, liberty cannot long exist. We must realise that the need of this legislation comes from the need to fight for the liberty of our people. Our young people have resolved to usher in a clean and honest India. We cannot expect to be a global power with Albatross of corruption hanging around our neck. Thank you, Sir.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Thank you, Mr. Gujral. Now, Shri Ram Kripal Yadav.

**शरी राम कुमाल यादव :** उपसभाध्यक्ष महोदय , आज सदन में एक

अत्यंत ही महत्वपूर्ण विषय पर चर्चा चल रही है जिसमें काफ़ी मामनीय सदस्यों ने पार्टिसिपेट किया है आज पूरे देश में अन्ना जी के आंदोलन की चर्चा है और अन्ना जी कई मुद्दों को लेकर आंदोलन कर रहे हैं भ्रष्टियार एक बड़ी समस्या है और इसको मैं मामता हूं अन्ना जी की सोच अच्छी रही होगी, यह भी में मामता हूं , मगर अन्ना जी की टीम जिन मुद्दों को लेकर , जिस तरह से एक्ट करना चाहती है , मुझे लगता है कि इससे कहीं न कहीं देश की लोकतांत्रिक व्यवस्था पर चोष्ट करने का काम किया जा रहा है

महोदय , आज आजादी को 64 साल हो गए हैंं हमारा बहुत ही पवित्र संबिधान है और हमारे यहां महत्वपूर्ण व्यवस्था है , इस व्यवस्था पर चोट करने की कोशिश की जा रही हैं मैं तो मामता हुं कि अन्ना जी एक टीम के साथ नहीं , एक गरीह के साथ बंधे गशिह अपनी हुए हैं। हासिल के लिए अन्ना करने जीः कोः मिसगाइड कर रहा है। मैं समझता हुं कि निश्चित तौर पर कहीं न कहीं यह लोकतांत्रिक वयवस्था कोः अस्त -व्यस्त करने कीः एक सोधी समझी साजिश है।

महोदय , डाः . भीम राख अम्बेडकर ने भारत काः संविधान बनाया संबिधान और बहुत ही छानबीन करने के बाद के नर्सिताओं ने इसको लागू करने काः काम किया , जिसे संविधान के तहत यह पार्लियामेंट और हम सब यहां हैं , है पर च्बकर आते आज पार्लियामेंट के ऊपर अविश्वास करने की कोशिश की जा रही महोदय , यहां पर कई माननीय सदस्यों ने अपनी राय रखी शक्विनन्द तिवारी और रामविलास पासवान जी के विचार से सहमत हुं कि जब पार्लियामेंट तबके के लोग काः स्वरूप बदल रहा है , गरीब हैं , जिसका परतिनिधित्व नहीं थाः , लोगों आ रहे होला में आई है , वे सत्ता के शीर्ष की कोशिश कर एवेयरनेस पर पहुंचने हैं , तो निश्चित तौर पर जिं मुङ्गीभर लोगों ने हजारों , सभ्यता , संस्कृति और शक्षाि कोः अपने तक सत्ता है , उन लोगों रखने काः काम किया में एक डर साः पैदा गया है इसलिए इस लोकतांत्रिक वयवस्था कोः खत्म करने कीः एक जैसे नई साजिश कीः जाः रही जन लोक्रपाल वधियक को लाकर हैक ताक़त के आधार पर देश में शासन करने कीः कोशिश सुप्रीम की जा के लिए निश्चित लोकतांत्रिक वयवस्था तौर पर यह शुक्ष संकेत नहीं है\ इसलिए में आप से और मामनीय सदन के सदस्यों कि साजिश को समझने का काम करें। निवेदन करूंगा कोई यह कहे कि हम पार्लियामेंट कोः नहीं मानते हैं , स्टेंडिंग कमेटी हैं , किसी लोकतांत्रिक व्यवस्था कोः नहीं मामते मानते कीः लोकतांत्रिक हैं , तो इस देश व्यवस्था कहां जाएगी ? इस देश के लोकतंत्र काः क्या होगा ? मैं समझता हूं कि निश्चित एक साजिश की जा रही है , कोई षडयंत्र रचा जाः रहा है और हम इस षडयंत्र के पात्र बन जाएं , तोः हमें इससे अलर्ट होने जरूरत हैक मैं माभता हंः कि लोक्रपाल वधियक चाहिए और बनना मज़बूत लोक्रपाल बने। यह संबिधान के अंसर्गत बनेगा कुयों कि सदन कामून है और वर्षी से बनाता आया है सब लोगों कोः इसकी चित्रा हैः कि हम एक मज़बूत लोक्रपाल बस्रि बनाएं जिससे हमारा नियंत्रित होः सके। हम अन्ना जी की भरष्टाचार सदस्यों से पुरश्न पूछना चाहते हैंक केवल दोः -एक मिनट और

लेंग्रे।

महोदय , हमारे कई सदस्यों ने चर्चा की है कि सुक्यं सेवी लोक्रपाल वधियक के अंतर्गत नहीं आनी चाहिए। मैं संस्था नहीं आनी चाहिए ? आजसक्यं पूछता ह्ं कि क्यों सेवी भारत सरकार या राज्य सरकार की कई चीज़ें देखने का काम कर रही , शक्षाि व सोशल वेल्लफेयर हैंक आजस्वास्थ्य के जो काम हो रहे हैं , सभी NGOs के माध्यम से हो रहे हैं। उनके लिए वदिशों इस पर कोई नियंत्रण नहीं किया आ रहा है¢ क्या जाएगा ? उनको छूट दे दी जाएगी। यह बाल हम और आप सभी जानते पर NGO के नाम पर देश कीः लूट पैस्राने के खजाने है\ उसको नियंत्रण से क्यों बाहर रखेंगे ? क्या वजह है ? महोदय , मैं वही जामना चाहता हूं कि कॉर्जोरेट सेक्टर नियेत्रण क्यों नहीं होमा चाहिए ? आजइस देश में पैस्राने बड़े पर भ्रष्टाचार कीः चर्चा होः रही है , चाहे 2जीः सुप्रेक्ट्रम याः भुरष्टाचार काः दूसरा कोई अन्य मामला रहा होः, उनके अधि कारी आजकहीं न कहीं जेख्न में पड़े हुए हैंं , आजउनका उनको क्यों कहीं इनवॉल्वमेंट हैक बाहर रखा जाए ? मैं हुं कि क्या करप्शन के साथ उनका जुझव नहीं है ? उनको इससे कीजिएगा बाहर रखने काः काम क्यों ? महोदय , मैं एक बात कहना हूं , जैसी कि कई मामनीय सदस् योंः ने चर्चा भी की है कि चाहता आजएक साजिश के तहत, कुछ लोगों कोः इकट्ठा करके बंद्र्क कीः नोक पर येः पार्लियामेंट कोः , सरकार को

झुकाना चाहते हैं , यह अच्छी बास नहीं हैंक आजकोई आदमी आकर एक लाख लोगों कोः ज्ञाता है और अपनी बाल रखता है। आपको कक्षिना है , यह जनता तय करेगी परसेंट सपोर्ट , आने वास्रा समय तय करेगा। पार्लियामेंट में आ रहे हैं , आप चाहते बहुत जल्द चुनाव कि हमारे , तोः आप आइए, लोक अनुरूप कामून बने सभा च्झाव में सक्यं को खड़ा कीजिए और अपने अनुरूप पार्लियामेंट में कामून हमारे हैं , उनके ऊपर बनाने काः काम कीजिए। जोः चुने हुए सांसद की आबादी है¢ आप एक लाख , दोः लाख लोग 120 करोड डकट्टा करके चाह्रते कि हम ताक़त के बल पर, जबर्दस्ती , पार्लियामेंट कोः, सथायी समिति कोः, लोक्रतांत्रिक वयवस्था कोः, लोकतांत्रिक संस्थाओं को ताक पर रखकर, उनको इग्नोर करके कामून बना लें , तोः मैंः कि यह ठीक्र कि आज समझता हूं नहीं होगा। ये कहते देश हमारे समर्थन में हुआ है। आज गानियां पूरा खड़ा दीः जाः , लोगों रही हैंा कोः उकसाने के लिए न जाने क्या -क्या काम किया जाः रहा हैक आप क्या चाहते हैं ? आप इस चुसी हुईः संस्था परति लोगों कोः भड़का कर अपना कामून बनाकर , अपनी डिक्टेशन , मैं देकर , इस व्यवस्था कोः खत्म करना चाहते हैं⊅ महोदय निवेदन ...(व्यवधान करूं )...

**उपसभाध्यक्ष (प्रो . पी .जे . कुरियन ):** पृक्षीज कन्क्लूड कीजिए।

श्री राम कृपाल यादव : मैं आपसे निवदन करूं कि निश्चित तौर पर हम सब...(व्यवधान )...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please conclude; otherwise, Shri Rajniti Prasad would not get time to speak.

SHRI RAM KRIPAL YADAV: I am concluding, Sir.

यादव : महोदय , मैंा शरी कपाल बोल रहा हं⊅ मैं आपसे , आप निश्चित नविदन करूं तौर पर सभी कानूनों को बनाइए , पर मर्यादाओं बनाइए , संस्थाओं कोः इग्नोर के अनुरूप करके नहीं हुआ है , उसके बनाइए। जोः संवैधानिक अधिकार मिल्ला तहत कामून किसी कोः आपत्ति नहीं होगी। क्योंकि आजउसी के बनाइए इसमें तहत, संविधान से शासन चलता रहा है , तो मैं समझता ह्ं कि इन सब पड़ेगा। चीओं का ख़याल रखना आज पूरे देश में जोः सथिति उत्पन्न करने की कोशिश की जा रही है , वह निश्चित तौर पर हम सब है , घंटी लोगों के लिए श्भ संकेत नहीं खतरे की

## है ... (व्यवधान )...

उपसभाध्यक्ष (प्रो . पी . जे . कुरियन ): समाप्त कीजिए। श्री सैफ़ुद्दीन सोज़।

यादव : अगर इस लोक़तांत्रिक राम कृपाल वयवस्था को जाएगा , तोः निश्चित किया तौर पर हमें और आप सभी लोगों को करेगी। आने वासी जनरेशन माफ़ नहीं इसलिए , मैंा कि आज निश्चित तौर नर्ष्णिय होगा , जो संबिधान के अनुरूप पर कोई होगा। धन्यवाद। बहुत -बहुत

PROF. SAIF-UD-DIN SOZ (Jammu and Kashmir): Mr. Vice-Chairman, Sir, when the hon. Prime Minister spoke in the other extemporaneously, transparently and committed himself - he almost spoke from his heart - not only to Shri Anna Hazare but also to the nation that there will be a strong Lokpal and simultaneously made an appeal to Annaji, I had, at that moment, convinced myself and with relief in my mind, I went home, that Annaji would break his fast that day. But that did not happen because some of his advisors - it was said in the Press - did not allow him to do so. The other day, Shri Rahul Gandhi, made a statement saying that

there will be a strong Lokpal and he also said that this country needed a comprehensive bill by way of response to the menace of corruption in this country. But there was no response from Annaji's advisors and the people around.

But, today, I had a great satisfaction when I listened to hon. Pranab Mukherjee. As usual, he was at his best and he did not mince words when he spoke in the House. There was a situation in his mind that, cutting across party lines, there would be a response. And, I am so happy that the Leader of the Opposition, in his eloquent speech, responded very positively. In fact, the two speeches made other speakers to veer around the secret of those two speeches. I will come later to that; in fact, I wanted, at least, 20 minutes. But I will abide by the ruling from the Chair. Sir, I saw a situation, after a long time, in this august House, that hon. Pranab Mukherjee was lustily cheered, and hon. Arun Jaitley was also lustily cheered by the whole House. It was a heartening situation, and I hope, after some time, we shall reach a consensus. We showed that when it is needed, we are together. And this togetherness is epoch-making; it is historic. Hon. Jaitleyji warned us, cautioned us, that we should have a sense of proportion, a sense of rationality. Now, we should not react, - what is being said in Ramlila Maidan, I think, it is a good advice and it is a workable advice; we shall do that - but, cursorily, I will tell you two or three things about what happened in Annaji's Andolan. One of his supporters reminded us that we should look to Tripoli to see the strength of the people's power. It was, wholly, unacceptable to me. India has not wasted 64 years of independence; our achievements are reflection of that. Yesterday, one of his supporters, who wore a scarf - I do not want to name that person - said, "It was a mukhota" and characterized it by saying, "The MPs are behind the mukhota shirking their responsibility". These are responsible people, educated people! Now, for the grievances which they have suffered because of, maybe, perceived injustice, now they are waging a revenge on the nation and denigrating the Powers. Now, the Civil Society, in future, will have calm movements and correct the course, as it is. And, one of the supporters of Annaji - I read it in one of the newspapers - has said, "Five hundred and forty two VIPs are making fool of 120 crore

people." Now, you can say to what extent they can go denigrating Parliament, refusing to accept the fact that this House and that House were chosen as representatives of the crores of people of this country. There was a feeling, in my mind, when I read these things - I would not say, 'frustrated' but there was a concern - that things were going wrong in this Andolan. And I felt, at that time, that there should be some institution for Parliamentarians, for democratic polity, to seek justice. I remembered Faiz Ahmad at that moment. This is not for Annaji, - he is a sincere man, and he has created the awareness among people - but for many others in that camp, this is correctly referred to them – बने हैं अहले अहव, मुद्दई भीः , मंसिफ

+ رہنے ہیں اہل ہوس،

## مدعی بهی، منصف بهی

There is a complaint, and they act as judges. इसलिए फैंज ने पाकिस्तान में कहा था—

बने हैं अहले हवस, मुद्दई भी मुंसिफ भी किस वकील करें , किससे मुसिफी चाहें।

We want to explain our case but where is the institution? So, such people have, through their speeches and so many statements, denigrated Parliament. They have refused to believe that we are a vibrant democracy, we have a strong secular base and we are a model of pluralism to the world. We are also a model of democracy to the world. उद्दे में कहते हैं कि जोश में होश भी होमा चाहिए।

They completely shut their eyes to the achievements of UPA-I and UPA-II. This is no time for me to count the number of laws that have been brought forward; there is a plethora of laws and our achievements have been spectacular. Many things have been done, and we do agree that

many things are yet to be done. But the way the supporters of Annaji have conducted themselves is unbecoming.

Sir, the hon. Leader of the Opposition, Shri Arun Jaitley, quoted articles from the Constitution of India. Now, I am not a legal luminary. He quoted articles 105, 311, 320 of the Constitution of India, and was giving certain ideas of his to this House. And, we agree with him. That is what Pranabda had also said, that there would be a strong Lokpal. But we shall not create a situation where we have to thwart the laws that are already in existence. Therefore, these articles will ensure that we shall have a strong Lokpal without creating any difficulty for the legal system of the country. Since I have to conclude, I shall quickly make a couple of suggestions. Now, we must have a strong Lokpal.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You have only two minutes more.

PROF. SAIF-UD-DIN SOZ: I will finish by that time, and I have another couplet to offer.

†Transliteration in Urdu Script.

We must have a strong Lokpal, but we must keep the federal structure of the Constitution in mind. And, as far as the Lokayukta is concerned, it must be left to the State Legislature. You may, at best, have a model for them; they may accept it or may not accept it. We must leave it to them. That is our democraticy. We have a strong federal base in the Constitution. We have a strong unitary base in the Constitution, but we are a federation of States. So, we must show respect to our States and State Legislatures.

Thirdly, we must have an institution for redressal of grievances. We should have a mechanism for that; we are already late in doing that. Then, we must have a Judicial Commission. On the Judicial Commission, Mr. Chairman — I have a grievance with Mr. Arun Jaitley; unfortunately for me, he is not here; and I crave the indulgence of this House — it was in 2003, when, luckily for me, I had moved a Private Member's Resolution on accountability of the Judiciary and I had proposed that there should be a Judicial Commission. (Time-bell rings) Hon. Arun Jaitley had delivered a very good speech.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Yes. Please conclude.

PROF. SAIF-UD-DIN SOZ: So many lawyers spoke that day. Then he came to my seat and said, "Cutting across Party lines, all Members have agreed with you. Now, if you put it to vote, it will be negatived; that is not the sense of the House". So, he convinced me to withdraw the Resolution on that day.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please, conclude.

PROF. SAIF-UD-DIN SOZ: Please, give me two more minutes to speak.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, no.

PROF. SAIF-UD-DIN SOZ: Why don't we have a Judicial Commission? Three Justices...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, no. Please, conclude.

PROF. SAIF-UD-DIN SOZ: Justice Khare and Justice Verma lamented the fact that...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, no. No time now. Please conclude.

PROF. SAIF-UD-DIN SOZ: They had no mechanism to punish erring Judges. This is needed.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please, conclude.

8.00 р.м.

PROF. SAIF-UD-DIN SOZ: Let me offer a couplet here. But I want to tell you that we are late for a Judicial Commission. Justice Khare and Justice Verma lamented the fact - and it appeared in the Press - that they didn't have any mechanism in the Judiciary to punish erring Judges. Impeachment is a long-drawn affair. Therefore, we are late for a Judicial Commission.

Now, I was telling the House that it had assured me in 2003 that within a month or two there would be a Judicial Commission in place.

## [MR. DEPUTY CHAIRMAN in the Chair]

In this direction, we have to take steps; and today, this consensus has been built on a very brilliant speech delivered by hon. Shri Pranab Mukherjee and the powerful and positive response from Shri Arun Jaitley. बास कैसे बनती हैं , उस पर में एक शेर अर्ज करता हूँ ,

because there is a situation of relief in my mind that this House is together. And, this togetherness is exemplary. This is a historic movement. Through this couplet, Annaji and his colleagues would also receive a hint. How did we come to this consensus? Because, we gave a thinking to this question.

MR. DEPUTY CHAIRMAN: Please conclude.

प्रो . सेषुद्दीन सोज़ : आप उर्दू से इत्तिफाक रखते हैं ?
चमन में इत्तिफाके रंद्यों बू से बाहा बनती है ,
तुम्र ही तुम्र हो , तो तुम्र क्या हो , हम ही हम हैं , तो हम क्या
हैं

Sir, Annaji has created an awareness. Now, we should not arrogate all powers to him. He should now leave it to Parliament. I am fully confident that Parliament will do its duty to the nation. Thank you.

SHRI PRANAB MUKHERJEE: Sir, I would like to express my deep

appreciation for all the 26 hon. Members who have made their contribution in this important discussion. While initiating the discussion on my statement, the hon. Leader of the Opposition raised the level of the debate by saying that this is not an ordinary debate because on the one side of the spectrum is an agitation

 $\dagger {\tt Translite}{\tt ration}$  in Urdu Script.

of the people led by a very popular leader, through Gandhian way, on a very legitimate concern, of eradicating corruption from every stratum of society with which all of us share, and, on the other hand, to maintain and uphold the Constitutional scheme, principles and norms, and to find out a mechanism through which we can achieve this objective.

Mr. Deputy Chairman, Sir, in my introductory observations, I did not discuss the merits and demerits of the Lokpal Bill. I concentrated on narrating the chronological events how the Government responded to a particular situation, to a particular agitation. I am recalling, rather repeating what I have said in the morning. When he decided to sit on fast for an indefinite period on the issue of corruption on 5th April, recognising the gravity of the issues, the Prime Minister immediately instructed some of our colleagues to establish contact with Annaji and to find out what could be done to ensure that he gives up his fast. As a result of this interaction, the joint mechanism came. Five members nominated by him, including himself; and five members nominated by the Prime Minister. The Committee functioned under my Chairmanship and under co-Chairmanship of Shri Shanti Bhushanji. We were criticized, and rightly so. We were criticized that why we were making a deviation from the normal legislation making process. But, at the same time, most respectfully, I would like to submit this for the consideration of the House, and this is the reason what prompted us to do it. I shared my own perception on this issue when I was in Hanoi, and had a television interview either with the Reuter or BBC, I do not remember exactly, I was confronted with the question: Why have you done it? My response to that was, "Ours is the largest functional democracy. Democracy of 120 crores plus people. It is not static. It is dynamic. It is bringing many changes. Changes are coming through nonconventional way. It does not infringe the rights, does not violate the norms, but it adds a new dimension in the process of consultation." What was the system? The Standing Committees came into existence only in 1993. But this House is functioning from 1952 under the new Constitution. So many legislations have been passed. What was the practice? The Departmental Minister, in consultation with his Ministerial colleagues, used to tell the Departmental Secretary to draft the legislation, giving him the ideas which the Minister had. And after inter-Ministerial consultation, with the approval of the Cabinet, it was placed in the House. But, even in those days, even from the days of Central Assembly, even from the procedures established under the Montague Chelmsford Reforms of 1919, subsequently under the Government of India Act of 1935, the Parliamentary procedure was, when the Bill was introduced by the Minister, any Member could rise and make a motion that let the Bill be circulated amidst the public for seeking their opinion. But all these used to take place after the Bill has been introduced in the House by the Government, with the Cabinet's approval. This time, we made an exception because the situation was grave. For 40 years, the debate is going on. As the Leader of the Opposition very

correctly pointed out, the first Bill was listed in 1968. The debate took place in 1962-63, where the word "Lokpal" was coined by the illustrious Member of Parliament, Dr. L.M. Singhvi, an eminent Jurist who was our High Commissioner also in U.K." But, somehow or other, in the 70s, in the 80s, in the 90s and in the first decade of this century, we could not get the legislation done. I am not passing any blame to anybody. We were in the Government. I myself was in the Government in 70s, in 80s, in 90s; and again, I am there. We could not do it. The NDA could not do it; the United Front could not do it. It was not done it is a fact. Therefore, when an agitation is taking place by a Gandhian, by an idealist and receiving massive support from the people, if we go out of convention, out of normal straightjacket approach, is it wrong because we have not diluted the Constitutional norms, practice in any way? I made it quite clear that it is with the prior consultation with the Civil Society, after this we will go through the normal legislation making process and exactly we did so. Unfortunately, despite our efforts, nine meetings, series of interactions, we could not have 100 per cent agreement. But as I mentioned, out of 40 basic principles, as many as on 34 we had agreement and all those have been incorporated in the Lokpal Bill which is under consideration of the Standing Committee. A Bill when it is considered in the Standing Committee that is not the final word. Criticism has been made that it is weak, it is vulnerable, it does not reflect the desire of the political parties or their intentions. Maybe, but the final word has not been occurred. The Members of the political parties represented in the Parliamentary Standing Committee can move amendments to strengthen the Bill. When the Bill is being brought after the Cabinet's approval on the recommendations of the Standing Committee, they can move the amendments. It is for the House to decide. But what is the argument when the Bill is burnt is burnt publicly? What is the reason that the Bill be withdrawn? What is the justification of this demand? We are told in the all-party meeting on 3rd July that Government do the legislation, draft the Bill, introduce the Bill. You may like it or you may not like it. You have every right to criticize it. But what is argument of telling that 'you withdraw the Bill'? What is the logic of burning the copies of the Bill in pubic? In democracy, there will be dissensions of views, there will be disagreement. In nine meetings we could not arrive at a consensus on 100 per cent basis. Substantially we did. If you have gone through the clauses- these are all on the website of the Department of Personnel, these are in the domain of the public knowledge — you can verify it how many ideas of Jan Lokpal Bill we have incorporated in the Lokpal Bill which is under the consideration of the Standing Committee. Therefore, I am not going into the merits of the Bill because we will have the opportunity of discussing it largely and in one way, I am little bit included in this area. My colleague, Mr. Narayansamy is the appropriate

Minister. But as the Prime Minister instructed me to deal with the Civil Society's representatives, I had to do this job and that is why I have been asked to deal with this issue. The Ministerial responsibility, of course, is with the Minister in charge, Shri Narayanasamy who will do full justice to this. But the third point which I am trying to drive at is, do we seriously believe - any one of us sitting either this side, that side, centre, right — that with the passage of this Bill, all corruptions will be eradicated? One piece of legislation, however complete and fool-proof it maybe, one very powerful independent institution can eradicate corruption from every section of the society or many more efforts are to be made. My respectful submission is, many more efforts have to be made. Many of you have made suggestions, good suggestions. Question of independence of Lokpal has arisen. You pointed out. Yes, we have provided. They will have full independence. They will have the right to select their own people, I mean employees. Their expenditure will not be voted by Parliament, it will be charged. But if we have differences in the area, when they suggest that whatever Search committee will recommend in that order 1,2,3, Selection Committee headed by the Prime Minister of the country will have to pick up from them and if we disagree with it, have dissention, is it an unpardonable offence? Therefore, we are attempting to change the system. The Leader of the Opposition was in Government for quite sometime. He knows. Mr. Shanta Kumarji is also there. They were all in the Government and, particularly, in my Department, the Minister of Finance's constant complaint from the tax payers is about the refund and we have introduced, taking the advantage of modern technology, e-filing, Central processing of Bengaluru. They are using a new term. I did not learn in my school days, that English term, 'Electronisation' of the returns of the system. As a result, in this year, in the first three months, Income Tax Department has given refund of more than 37 per cent. Complaint is not there and not in a single case the tax payer and tax collector had to face each other. Everything was transacted electronically. We are

going to have various social sector programmes. All you are complaining about the leakage. Yes, you do have Ombudsman, you have Lokpal, you have strong vigilance but at the same time, unless we address the system, Rs. 1,85,000 crores through various social sector programmes in this year's Budget which have been allocated will go. If we can, taking the advantage of the new technology, create the appropriate IT platform, use it effectively — whether it is Mahatma Gandhi's NREGA, whether it is old age pension, whether it is widow pension — the leakage could be substantially reduced. Prime Minister has set up a Unique Identity Authority under Nandan Nilekani and we are hoping to provide, give a Unique Identity Number to 20 crores of people by the month of October. In the couple of years, we are going to provide Identity Number to each and every resident of the

country; I am not merely talking of the citizen of the country. These are the major changes taking place. The problem is Herculean. But, we are addressing these problems in the form of systematic changes changes in the regulatory framework, changes in the laws, establishing the institutions, etc. If you look at between our Government and their Government from 1991 onwards, you will find how much they have reduced the discretionary powers of the Ministers. In 80s, when I was Finance Minister, the entire empire was with me. Except the RBI Governor, there was no other regulator. I was the monarch of all I survey. Banks, insurance and everything was controlled by Minister. Today there are regulators. They are empowered with statutory powers, since Doctor Sahab has introduced the liberalized economy. And, I must appreciate that NDA Government had followed it. The United Front Government also followed that. They had strengthened. But, further strengthening of these is required. Therefore, keeping those objectives in view, we are trying to address the problem.

But, there are certain issues where we have to say, 'Sorry. We cannot go beyond a point.' Legislation is the domain of Legislature and Parliament. So far as the Union List I to the Seventh Schedule is concerned, nobody else, other than Parliament, can make laws. Others can give suggestions, can make recommendations, but law is to be made, as per the Union List I, by Parliament and Parliament alone. The Executive's power of making law is extremely limited through the Ordinance route which is only for a few months. But, they are required to be approved by Parliament as soon as it meets after promulgation of Ordinance. Therefore, I have to convince them on these issues. I admit; I have failed. We could not carry conviction. But, today, when I am speaking, I would not like to expand my observations, because neither I have any intention to score a debating point nor to contradict anybody. The sense of co-operation, which has been built up, during the course of discussion, for which we have tried our best to arrive at national consensus as how to tackle this problem, how to avoid the so-called apparent conflict between civil society and political establishment and political spectra, is quite appreciable.

Keeping that in mind, I understood - if I have not listened to all of you sitting here - and have the privilege of listening to you in my room on television. I obtained copious note from colleagues about the observations which you have made.

Once again, I would congratulate you for raising the level of the debate, and not allowing acrimonious acquisitions and allegations against each other. That is a healthy sign. If we want to get back the confidence of the people, perhaps, we shall have to ensure that these premier institutions function, function as per the norms, rules set up by us. We are in the unique position that we regulate our own functioning. If we do that, I think, many of the issues will be corrected automatically. Taking the sense of the observations of various Members, I would like to place,

Mr. Deputy Chairman, Sir, for the consideration of the House that if we put it in this form, the House discussed various issues relating to setting up of a strong and effective Lokpal Bill, this House agrees, in principal, on the following issues: Citizens Charter; lower bureaucracy also to be under the Lokpal, through an appropriate mechanism; and establishment of Lokayukta in the States, and further resolves to transmit the proceedings of this House of today to the Department-related Parliamentary Standing Committee for its perusal while formulating its recommendations on the Lokpal Bill, which is under their consideration. If it is agreed upon, I feel, on the basis of that we can request Shri Anna Hazare to end his fast and let there be no so-called conflict between the civil society and parliament or political establishments. Thank You, Sir.

MR. DEPUTY CHAIRMAN: The House stands adjourned to meet on Monday, the  $29 \, \text{th}$  August, at  $11.00 \, \text{a.m.}$ 

The House then adjourned at twenty-six minutes past eight of the clock till eleven of the clock on Monday, the 29th August, 2011.