PARLIAMENTARY DEBATES

RAJYA SABHA

OFFICIAL REPORT

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RAJYA SABHA

Thursday, the 29th December, 2011/8th Pausa, 1933 (Saka)

The House met at eleven of the clock, $\label{eq:mr.} {\tt MR.} \ {\tt CHAIRMAN} \ {\tt in} \ {\tt the} \ {\tt Chair}.$

STATEMENT BY MINISTER CORRECTING ANSWER TO QUESTION

MR. CHAIRMAN: There is a statement by Minister correcting the reply given to a question. Shri Namo Narain Meena.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): Sir, I lay on the Table, a copy (in English and Hindi) of the Statement correcting the reply to Unstarred Question 2197 given in the Rajya Sabha on the 13th December, 2011, regarding 'Rise in NPAs of SBI.'

SHRI S.S. AHLUWALIA (Jharkhand): Sir, I have just a small submission to make. Why the corrections to replies given by the Ministers are coming so late? The point is, whenever questions are asked by the hon. Members, replies are prepared by the entire Government machinery. And, after sometime, the Ministers come before the House and say there is a correction in reply. Why?

MR. CHAIRMAN: Error is human.

SHRI S.S. AHLUWALIA: Sir, error is not human. When the Government is saying that it is working on e-governance, how the human error comes in? And, how long will it go on, Sir?

MR. CHAIRMAN: Mr. Ahluwalia, you have made your point.

PAPERS LAID ON THE TABLE

- I. Notifications of the Ministry of Health and Family Welfare

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE

(SHRI S. GANDHISELVAN): Sir, I lay on the Table-

I. (i) A copy each (in English and Hindi) of the following Notifications of the Ministry of Health and Family Welfare, under Section 31 of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008, along with delay statement:-

[Placed in Library. See No. L.T. 6155/15/11]

(1) No. 296, dated the 6th November, 2010, publishing the Jawaharlal Institute of Post-Graduate Medical Education and Research (Amendment) Regulations, 2010.

[Placed in Library. See No. L.T. 6094/15/11]

(2) S.O. 493 (E), dated the 8th March, 2011, notifying the appointment to the post of Director, Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry.

[Placed in Library. See No. L.T. 6095/15/11]

(3) F. No. JIP/DDA/2011, dated the 3rd March, 2011, publishing the Jawaharlal Institute of Post-Graduate Medical Education and Research (Amendment) Regulation, 2011.

[Placed in Library. See No. L.T. 6094/15/11]

- - (a) Annual Report and Accounts of the HLL Lifecare Limited, Thiruvananthapuram, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and the Auditor General of India thereon.
 - (b) Review by Government on the working of the above Company.

[Placed in Library. See No. L.T. 6106/15/11]

- (ii) A copy each (in English and Hindi) of the following papers:-
 - (a) Annual Report and Accounts of the National Board of Examinations, New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above

Board.

[Placed in Library. See No. L.T. 6093/15/11]

- (iii) (a) Forty-first Annual Report and Accounts of the Mahatma Gandhi Institute of Medical Sciences, Sevagram, Wardha, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Institute.

[Placed in Library. See No. L.T. 6092/15/11]

Report and Accounts (2010-11) of ESIC, New Delhi and related papers

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:-

- (a) Annual Report of the Employees' State Insurance Corporation (ESIC), New Delhi, for the year 2010-11.
- (b) Annual Accounts of the Employees' State Insurance Corporation (ESIC), New Delhi, for the year 2010-11, and the Audit Report thereon.

[Placed in Library. See No. L.T. 6096/11/15]

Report and Accounts (2010-11) of the NHAI, New Delhi and related papers

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS (SHRI C.P. JOSHI): Sir, I lay on the Table, under Section 24 of the National Highways Authority of India Act, 1988, a copy (in English and Hindi) of the Annual Report and Accounts of the National Highways Authority of India (NHAI), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.

[Placed in Library. See No. L.T. 6057/15/11]

Report and Accounts (2010-11) of the CWC, New Delhi and related papers

THE MINISTER OF STATE OF THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (PROF. K.V. THOMAS): Sir, I lay on the Table, under sub-section (11) of Section 31 of the Warehousing Corporation Act, 1962, a copy each (in English and Hindi) of the following papers:—

- (a) Fifty-fourth Annual Report and Accounts of the Central Warehousing Corporation (CWC), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Corporation.

[Placed in Library. See No. L.T. 6097/15/11]

Report and Accounts (2010-11) of various Institute and

Universities and related papers

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCES DEVELOPMENT (SHRIMATI D. PURANDESWARI): Sir, I lay on the Table-

I. A copy each (in English and Hindi) of the following papers, under sub-section (4) of Section 23 of the Institutes of Technology Act, 1961:-

- (a) Annual Accounts of the Indian Institute of Technology, Guwahati, for the year 2010-11, and the Audit Report thereon.
- (b) Statement by Government accepting the above Report.

[Placed in Library. See No. L.T. 6079/15/11]

- II. (i) A copy each (in English and Hindi) of the following papers, under subsection (3) of Section 34 of the Indira Gandhi National Tribal University Act, 2007:—
 - (a) Annual Report of the Indira Gandhi National Tribal University, Amarkantak, Madhya Pradesh, for the year 2010-11.
 - (b) Review by Government on the working of the above University.

[Placed in Library. See No. L.T. 6100/15/11]

- - (a) Annual Accounts of the Manipur University, Imphal, for the year 2009-10 and the Audit Report thereon, under subsection (4) of Section 34 of the Manipur University Act, 2005.
 - (b) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

[Placed in Library. See No. L.T. 6077/15/11]

Report and Accounts (2010-11) of various Corporations and Institute and related papers

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI SAUGATA RAY): Sir, I lay on the Table:—

- I. A copy each (in English and Hindi) of the following papers, under sub-section (1) of Section 619A of the Companies Act, 1956:-
 - (i) (a) Third Annual Report and Accounts of the Kolkata Metro Rail Corporation Limited (KMRCL), Kolkata, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

[Placed in Library. See No. L.T. 6102/15/11]

(ii) (a) Sixteenth Annual Report and Accounts of the Delhi
Metro Rail Corporation Limited (DMRC), New Delhi,
for the year 2010-11, together with the Auditor's
Report on the Accounts and the comments of the
Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the above Corporation.

[Placed in Library. See No. L.T. 6103/15/11]

- II. A copy each (in English and Hindi) of the following papers:-
 - (a) Annual Report and Accounts of the National Institute of Urban Affairs (NIUA), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Statement by Government accepting the above Report.

[Placed in Library. See No. L.T. 6101/15/11]

Report and Accounts (2010-11) of CPRI, Bangalore and related papers

THE MINISTER OF STATE IN THE MINISTRY OF POWER (SHRI K.C. VENUGOPAL): Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:—

- (a) Annual Report and Accounts of the Central Power Research Institute
 - (CPRI), Bangalore, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.

[Placed in Library. See No. L.T. 6104/15/11]

REPORTS OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON ENERGY

SHRI V.P. SINGH BADNORE (Rajasthan): Sir, I lay on the Table, a copy each (in English and Hindi) of the following Reports of the Department-related Parliamentary Standing Committee on Energy (2011-12):-

(i) Twenty-fourth Report of the Department-related Parliamentary $\mbox{\sc Standing}$

Committee on Energy on Action Taken by the Government on the Recommendations of the Committee contained in the Eighteenth Report (Fifteenth Lok Sabha) on Demands for Grants of the Ministry of New and Renewable Energy, for the year 2011-12; and

(ii) Twenty-fifth Report of the Department-related Parliamentary Standing Committee on Energy on Action Taken by the Government on the Recommendations of the Committee contained in the Nineteenth Report (Fifteenth Lok Sabha) on Demands for Grants of the Ministry of Power, for the year 2011-12.

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STATEMENT OF DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT

SHRI AVTAR SINGH KARIMPURI (Uttar Pradesh): Sir, I lay on the Table, a copy (in English and Hindi) of the Statement of the Department-related Parliamentary Standing Committee on Social Justice and Empowerment on 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 Ninth Report of the Department-related Parliamentary Standing Committee on Social Justice and Empowerment (2009-10) (Fifteenth Lok Sabha) on Action Taken by Government on the recommendations contained in First Report (Fifteenth Lok Sabha) of the Department-related Parliamentary Standing Committee on Social Justice and Empowerment (2009-10) on Demands for Grants, 2009-10 of the Ministry of Social Justice and Empowerment.

STATEMENT BY THE MINISTER

Report of the Department-related Parliamentary Standing Committee on Chemicals and Fertilizers

संसदीय कार्य मंश्वालय र्मे राः ज्य मंत्री (हरीश रावत): में महोदय , मैंा आप की आज्ञा से रसायन एवं उर्वरक मंबालय राज्ञ्य मंत्री अपने श्री श्रीकांत जेबा की ओर से शीरा सहयोगी के उत्पादन नधिरिण और वितरण के संबंध में विभाग , मूख्य संबंधित रसायन और उर्वरक संबंधी संसदीय स्थायी समिति (2010 -2011) के तेरहवें परतिवेदन में अंतर्विष्ट सिफारिशों के कीः सथिति कार्यन्वयन के संबंध में एक वक्तव्य पटल पर सभा रखता हुं¢

FAREWELL TO THE RETIRING MEMBERS

MR. CHAIRMAN: Hon. Members, today we bid farewell to seven of our colleagues, who will be retiring in the months of January and February, 2012, on completion of their term of office. On the last day

of this Session, I take this opportunity to bid them farewell.

Out of the seven Members, three Members, namely, Dr. Karan Singh, Shri Janardhan Dwivedi and Shri Parvez Hashmi, representing the National Capital Territory of Delhi, will be retiring on the 27th of January, 2012. Three nominated Members, namely, Shrimati Shobhana Bhartia, Shri Shyam Benegal and Dr. (Shrimati) Kapila Vatsyayan will be retiring on 15th February, 2012. One Member, namely, Shri O.T. Lepcha, representing the State of Sikkim, will be retiring on 23rd February, 2012. Some of them, I am sure, will be reelected or renominated.

The House will certainly miss those who would not be coming back. The retiring Members have contributed significantly in the deliberations of this House and in enhancing the dignity and prestige of this august House. I place on record my heartfelt appreciations for the valuable contributions and service rendered by them to the parliamentary democracy and to the society at large. I do hope the retiring Members would cherish the happy memories of their association with this august House. I am sure that they would continue to serve the nation with the same vigour and earnestness, wherever they may be. I wish them good health, happiness, success and long fruitful years of service to the nation.

GOVERNMENT BILL

The Lokpal and Lokayuktas Bill, 2011

MR. CHAIRMAN: Now, we shall take up The Lokpal and Lokayuktas Bill, 2011. Shri V. Narayanasamy.

THE MINSITER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY): Mr. Chairman, Sir, with your kind permission, I beg to move:

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

Mr. Chairman, Sir, it is a very...(Interruptions)...

SHRI MOHAMMAD SHAFI (Jammu and Kashmir): Sir, before the hon.

Minister proceeds further, I have a point of order.

...(Interruptions)...

MR. CHAIRMAN: Would you please allow the hon. Minister to complete first? ...(Interruptions)... What is the point that you are raising? ...(Interruptions)... What is your point of order? ...(Interruptions)... Under which rule? ...(Interruptions)...

SHRI MOHAMMAD SHAFI: Sir, a Bill is being introduced...(Interruptions)...

MR. CHAIRMAN: No; no, you cannot interrupt like this. Please allow

the Minister to continue. Please sit down.

SHRI V. NARAYANASAMY: Mr. Chairman, Sir, for about 40 years, a debate has been going on in this country whether the Lokpal will come into effect. In the year 1966, the Administrative Reforms Commission gave some recommendations on the problems faced by the citizens of this country about their grievances. And, it recommended that an institution of Lokpal be brought in this country. Therefore, Sir, several Governments took various steps and about

eight Bills were introduced in the Lok Sabha, out of which seven Bills lapsed because the respective Lok Sabhas were dissolved, and one Bill was withdrawn by the Government in 1985.

Sir, our Government, the UPA Government, right from 2004 to 2010, tried to bring a Bill. And, ultimately, in consultation with the Law Ministry, a Bill, the Lokpal Bill, 2010, was prepared. I would like to bring it to the notice of this august House that in 2010 session of the AICC the hon. President of the Congress Party and UPA Chairperson, Madam Sonia Gandhi, made it very clear that the anti-corruption mechanism would be tightened by the UPA Government. Apart from that, she also said that the discretionary powers, enjoyed by the Central Ministers, would be abolished. In line with that, the hon. Prime Minister, in January 2011, constituted a Group of Ministers on Corruption which was given a mandate to go into the issues of corruption that are pervading in this country, where the Bills have to be brought, the reforms have to be implemented by the Government and to suggest measures for the same. The hon. Finance Minister, Shri Pranab Mukherjee was appointed the Chairman of this Group of Ministers. The mandate that had been given was very clear, that is, preparation of the Lokpal Bill, electoral reforms, administrative reforms, establishment of special courts on corruption issues and apart from that, open public procurement policy, open mining policy and how to strengthen the the anti-corruption machineries which are working in this country. So, these were the mandates given by the hon. Prime Minister to the GoM. The GoM has also submitted its interim report. Sir, I would like to submit that in April 2011, some of the Civil Society organisations said that the Lokpal Bill has to come as early as possible in this country. Therefore, a new experiment was tried by our Government. Normally, a legislation is drafted by the Government and brought before both the Houses. This time, we tried a new experiment. We wanted to get the views of the Civil Society. Therefore, Sir, Anna Hazare and others and the hon. Finance Minister, our team, the Government team sat with them and they brought forward the Jan Lokpal Bill. The Lokpal Bill was already there in the domain of the Government. Both of them deliberated on it. The issues raised by them were discussed. Sir, whether fortunately or unfortunately, they attended more than six meetings. They boycotted one meeting in between. In the meetings, several issues which are not Constitutionally possible for the Lokpal to take care were raised. One was Judiciary and another was functioning of the hon. Members of Parliament and voting in the House. Sir, in our country, the Judiciary, the Legislative and the Executive wings of the Government have been well defined in our Constitution. Sir, there were differences of opinion. Therefore, the Government, finally, drafted a Bill and it was presented before the Lok Sabha, the Lokpal Bill, 2011. Thereafter, it was sent to the Standing Committee. When the Bill was sent to the Standing Committee, Anna Hazare started another agitation. He wanted certain provisions to be considered. Therefore, the Lok Sabha and the Rajya Sabha deliberated the issue of Lokpal

again on three major issues. They are: Citizens' Charter, lower bureaucray within the ambit of Lokpal, and Lokayukta in line with the Lokpal. These were the three major issues which were considered by the House. I would like to quote what the hon. Finance Minister, who piloted the discussion, said in both the Houses. The Resolution adopted by the sense of the House was like this, "This House agrees in principle on the Citizens' Charter, lower bureaucracy to be brought under the Lokpal through appropriate mechanism and establishment of Lokayuktas in the State." He also made an appeal to both the Houses : "I request you to transmit the proceedings of the Department-related Parliamentary Standing Committee for its perusal while formulating its recommendation for a Lokpal." Dr. Abhishek Manu Singhvi, a senior Member of this House, has been heading the Standing Committee. The relevant proceedings were sent to him. The Standing Committee considered the Report and the Standing Committee, in its wisdom, submitted its Report before the Lok Sabha and also the Rajya Sabha.

Sir, I would like to briefly mention the highlights of the Bill. Thereafter, the Government, after considering the recommendations of the Standing Committee, formulated a new Bill because a lot of amendments were there to be carried out. Therefore, Sir, the Government thought that they can bring a new Bill, withdrawing the old Bill that had been submitted before the House. Therefore, the Lokpal and Lokayukta Bill, 2011 is in the domain of Parliament, which is to be discussed today in the House. It was passed by Lok Sabha day before yesterday. Sir, the salient features of the Lokpal and the Lokayukta Bill, 2011 are like this. The Lokpal will consist of a Chairperson and eight other members, of which 50 per cent are judicial members. The remaining 50 per cent will be eminent persons from various fields, especially, from law and order, from administration and from all such kinds of fields. Sir, there were lot of representations in this regard because this Bill has not been brought all of a sudden. Several deliberations were held. The deliberations were held with the civil society organization, with public and also with political parties. Two meetings were held with political parties. Before bringing the earlier Bill before the House, *i.e.*, Lokpal Bill, 2011, and, thereafter, Sir, before bringing the Lokpal and Lokayukta Bill, 2011, the political parties were taken into confidence. Their views were sought by the Government and thereafter the Government in its considered view brought this Bill. Sir, there were lot of demands from various political circles that there should be reservation for Scheduled Castes, Scheduled Tribes, OBCs, minorities and women. The Government thought it very important. As the political parties wanted that the reservation should be there, it has been incorporated in the Bill.

Then, Sir, about the Selection Committee. Lot of suggestions came for the Selection Committee, and, after lot of discussions, it was decided that the Selection Committee will comprise of the hon. Prime Minister, hon. Speaker of the Lok Sabha, hon. Leader of the Opposition of Lok Sabha, hon. Chief Justice of India or a Judge of the Supreme Court nominated by him and an eminent jurist. It is a five-member Committee which will select the Lokpal, Chairman and the other Members. Sir, the Selection Committee will be guided by the Search Committee. In the Search Committee also, a provision has been made for having 50 per cent reservation for SC/ST, OBC, minorities and the women. This is about the selection process.

Then comes the question of inclusion of Prime Minister. Sir, the hon. Prime Minister is holding a sacrosanct position in this country. Not only that, he is representing 120 crore population of this country. The Prime Minister is the face of this country. When the Prime Minister goes abroad, he carries the image of this country. Therefore, initially, we thought that the Prime Minister should not be brought within the ambit of the Bill. But, unfortunately, a demand for this was made from various circles and even the hon. Prime Minister also very clearly said that the 'Prime Minister should be included in the ambit of the Bill.' Therefore, Sir, with certain clauses, giving some exemptions, the Prime Minister was brought under the purview of the Bill. These exemptions are: international relations, external and internal security, public order, atomic energy and space. These are the five areas where the exclusion has been given. Sir, as far as the issue of complaints concerning the Prime Minister is concerned, we thought that a careful mechanism has to be worked out for that because anybody can make an allegation without any basis and thereafter that person will get away with that. Therefore, Sir, it should be scrutinized by a majority of three-fourth members. That was the initial thinking from our side, but a demand was made from various quarters that it should be two-thirds of the members of Lokpal who have to agree for ordering an inquiry. That was also accepted by the Government in the Lok Sabha and has been brought before this House for consideration.

Sir, as far as the Government employees are concerned, Group A, Group B, Group C and Group D employees — all of them — have been brought within the ambit of Lokpal. As far as Group A and Group B Government employees are concerned, after getting the complaint, the Lokpal will forward it to CVC, and the CVC, after inquiring into the matter, will send it back to the Lokpal for the purpose of further consideration. If it is a departmental enquiry, they will send it for departmental enquiry. But if the Lokpal feels that criminal proceeding has to be launched, they will send it to the CBI for the purpose of investigation, and, thereafter, the Lokpal will submit a report before the court. This is the mechanism that has been worked out. As far as the Class C and Class D are concerned, Sir, there are more than fifty-seven lakh Group C&D employees.

The CVC has got the mechanism, and the States do cooperate. Public sector corporations are there and they have their Vigilance Officers. Therefore, the CVC would look into the allegations referred to them by the Lokpal. The CVC would inquire into the complaints, hold departmental inquiry and criminal proceedings. Sir, I would like to submit that all corporations, boards or other organisations receiving more than Rs.10 lakhs as donation have been brought under the purview of the Lokpal.

Sir, the provision for sanction of prosecution in respect of Government servants has been removed, so far as inquiry by the Lokpal is concerned. The selection of the CBI Director is being done through a selection panel headed by the CVC. Now, under this Bill, it has been proposed that this selection should be done by a committee headed by the hon. Prime Minister. The hon. Prime Minister, hon. Leader of the Opposition in the Lok Sabha and the Chief Justice or his nominee, these three, would select the CBI Director. Then, we agreed that the Citizens' Charter would form part of the Lokpal. It has been decided that the final court of appeal under section 49 would be the Lokpal. Whenever there is any corruption issue involved, the final appeal would be to the Lokpal. That has been given to the Lokpal because a time-line has been mentioned for the purpose of inquiry, investigation and also prosecution. As far as the inquiry is concerned, initially, it would be three months which is extendable by three months. As far as investigation is concerned, it would be initially for six months and is extendable by another six months because CBI has been saying and also there was a demand from the Lok Sabha when Members spoke on the subject that Letter Rogatories have to be sent to other countries to get the information. Therefore, Lokpal can extend the time further for such kind of investigations. As far as prosecution is concerned, the minimum time-line is one year, extendable by another year. To make the Lokpal strong and effective, it has been proposed to increase the maximum punishment of seven years to ten years. These are the salient features.

Sir, I want to submit that the legislative competence of the Parliament has been questioned. This issue has been debated and deliberated upon and some amendments have also been proposed. I would like to submit to this august House that as far as the legislative

competence of Lok Sabha and Rajya Sabha in respect of enacting this Lokpal and the Lokayuktas law is concerned, the sense of the House has been that the Lokayuktas should be formed on the lines of the Lokpal. Therefore, the Lokayuktas also form a part of the Lokpal. Secondly, Sir, as regards the legislative competence, in the Concurrent List of the Constitution, List-III, Entries 1, 2 and 11A clearly mention that as far as criminal jurisprudence is concerned, the Central Government has got the power to bring the legislation for the Centre and the States. ...(Interruptions)...

MR. CHAIRMAN: Just be patient. He is concluding. ...(Interruptions)... Please, go ahead, Mr. Minister.

SHRI V. NARAYANASAMY: Therefore, as far as legislative competence is concerned, deliberations have been going on whether article 252 would apply or article 253 would apply. According to me, article 253 has ample provision for the purpose of passing a legislation under the Concurrent List and also under the Constitution. India became signatory to...(Interruptions)...

MR. CHAIRMAN: Please. Allow the hon. Minister to speak. ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, under article 253 of the Constitution ...(Interruptions)...

MR. CHAIRMAN: Just a minute, please. ...(Interruptions)... Silence, please. ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, it says, "Parliament has the power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body". Sir, India became a signatory to the United Nations Convention Against Corruption...(Interruptions)...

MR. CHAIRMAN: Please, just one minute. ...(Interruptions)... Hon. Minister, would you please conclude? ...(Interruptions)... Please conclude. ...(Interruptions)...

SHRI V. NARAYANASAMY: Under Article 3 of the United Nations Convention Against Corruption, "The Convention shall apply to the prevention, investigations and prosecution of offences in accordance with the Convention." Having ratified the United Nations Convention Against Corruption in May, 2011, the Government of India is obligated to comply with the requirements of the above Article of Convention, that is, Article 3. Provisions of Lokpal and Lokayuktas Bill, 2011 are aimed at strengthening the instrumentalities of fulfilling these obligations. ...(Interruptions)...

DR. V. MAITREYAN (Tamil Nadu): But that cannot cut into the root of federalism. ...(Interruptions)... But that cannot cut into the root of federalism. ...(Interruptions)...

MR. CHAIRMAN: We are not discussing the subject.

 \dots (Interruptions)... Please, this is not a discussion. \dots (Interruptions)... Just one minute please. \dots (Interruptions)...

Dr. Maitreyan, you will get your turn. ...(Interruptions)... You will get your turn to speak. ...(Interruptions)...

SHRI V. NARAYANASAMY: The hon. former Chief Justice of India, Justice J.S. Verma, when he gave evidence before the Standing Committee, gave the formulation and gave the document. I would like to read a few lines from that. Article 253 of the Constitution ...(Interruptions)...

MR. CHAIRMAN: Look, this is not a discussion. ...(Interruptions)...

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJEEV SHUKLA): Let him complete. ...(Interruptions)... Don't create impediments, let him complete. ...(Interruptions)...

MR. CHAIRMAN: Please conclude. ...(Interruptions)...

SHRI V. NARAYANASAMY: Article 253 of the Constitution confers the legislative competence needed to implement the UN Convention which has been signed and ratified by India. It is relevant to highlight that Article 6 of the Convention enshrines specific obligation for Member-States to establish bodies that prevent corruption. That has been the observation given by the former Chief Justice of India. Sir, the sense of the House has been fulfilled by bringing Lokpal and Lokayuktas and the legislative competence of this Government to bring the Lokpal and Lokayuktas in the same Bill has been complied with. Sir, I would like to make a passing remark. There are some States where there are Lokayuktas. In some States even though Lokayukta Act is there but Lokayukta has not been constituted for 8 or 9 years. Therefore, I would like to say, Sir, ...(Interruptions)...

SHRI SITARAM YECHURY (West Bengal): Sir, I have a point of order. ...(Interruptions)... I have a point of order. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU (Karnataka): He has to make a brief speech. ...(Interruptions)... It is not a debate. ...(Interruptions)...

MR. CHAIRMAN: Please conclude, hon. Minister. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: It has never happened $\dots(Interruptions)\dots$

MR. CHAIRMAN: Hon. Minister, please conclude. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, he is making an allegation. ...(Interruptions)...

श्री वक्रिम वर्मा : सर...(व्यवधान)...

MR. CHAIRMAN: Please conclude. ...(Interruptions)...

श्री रुद्रनारायण पाणि (उड़ीसा)ः सर...(व्यवधान)...

SHRI RAVI SHANKAR PRASAD (Bihar): Sir, it is a serious issue. The whole country is watching. ...(Interruptions)... Don't play politics.

...(Interruptions)...

SHRI V. NARAYANASAMY: After the deliberations, the reply will be given. We will cover all the points. ...(Interruptions)... Therefore, I would like to say that I commend the Bill for consideration of the august House. Thank you.

The question was proposed.

- MR. CHAIRMAN: Thank you very much. Motion moved.
- ...(Interruptions)... Please. ...(Interruptions)... आप बैठ जाइए। इस वक्त कोई पक्षाइंट ऑफआर्डर नहीं हैं। ...(वयवधान)...
- DR. V. MAITREYAN: Sir, no Prime Minister, no Finance Minister. Where are they? \dots (Interruptions)...
 - MR. CHAIRMAN: Just one minute. ... (Interruptions)...
- SHRI M. VENKAIAH NAIDU: Where is the Leader of the House, Sir? \dots (Interruptions)...
- SHRI S.S. AHLUWALIA (Jharkhand): Sir, where is the Leader of the House? ...(Interruptions)...
- SHRI M. VENKAIAH NAIDU: Such an important Bill is being taken up. The Leader of the House has to be there. ...(Interruptions)... Where is the Leader of the House? Please call the Leader of the House. ...(Interruptions)...
- SHRI S.S. AHLUWALIA: Call the Leader of the House. ...(Interruptions)...
- MR. CHAIRMAN: You made your point. ...(Interruptions)... Thank you. Let us get on with it. ...(Interruptions)... The Motion is moved. ...(Interruptions)... Does any Member wish to speak on this? ...(Interruptions)...
- SHRI M. VENKAIAH NAIDU: Sir, the Leader of the House has to be there. ...(Interruptions)...
- SHRI S.S. AHLUWALIA: Sir, it is being said that this is a forward-looking amendment to the Constitution, or, to the new Bill. But what is this? The Leader of the House is not present here. ...(Interruptions)...
- श्री सभापति : पृष्ठीज़ , एक वक्त में एक आदमी ही बोले। ...(व्यवधान)...
- SHRI V. NARAYANASAMY: Sir, the hon. Prime Minister is coming. ...(Interruptions)... He will be coming very shortly. ...(Interruptions)...
- MR. CHAIRMAN: Okay. All right. \dots (Interruptions)... Thank you very much.

श्री रुद्रनारायण पाणि : सर, नेहा सदन को क्या हुआ ?...(व्यवधान)...

MR. CHAIRMAN: Hon. Members, please. ...(Interruptions)... One minute.

श्री मोहन सिंह (उत्तर प्रदेश)ः सर, यह राज्ञ्य सभा है। इसकी बुनियाद इसलिए पड़ी कि यह राज्ञ्यों की हिफाज़ त करती रहेगी ...(व्यवधान)... संबिधान के तहत।...(व्यवधान)...

श्री सभापति : आप यह बाह्य अपने भाष्रण में किहए। ...(व्यवधान)...

सहि : श्रीमन् श्री मोहन इस सदन में ऐसा भीः कोई , क्या है या पेश किया जाः कामून बनाया जाः सकता सकता है , . . . (व्यवधान)...

- श्री सभापति : मोहन सि ह जी , आप यह अपने भाष्रण में किहए। ...(व्यवधान)...
- श्री मोहन सिंह : जो राज्यों के हितीं पर कुठाराघात करता हो ?...(व्यवधान)... मैं केवल एक वाक्र्य का क्लेरिफिकेशन चाहता हूं।
- MR. CHAIRMAN: Thank you very much. Please. ...(Interruptions)... We are not on a discussion. ...(Interruptions)...
- SHRI V. NARAYANASAMY: Only with the consent of the States, Lokayaukta will come. ...(Interruptions)... It is in clause 1. ...(Interruptions)...
- MR. CHAIRMAN: Please. ...(Interruptions)... I want to call the Leader of the Opposition to initiate the debate. ...(Interruptions)... The Prime Minister is coming. ...(Interruptions)...
- SHRI S.S. AHLUWALIA: Sir, what is this? ...(Interruptions)... The Government is not interested. ...(Interruptions)...
- SHRI M. VENKAIAH NAIDU: Sir, the Government is not interested in this. ...(Interruptions)...
- MR. CHAIRMAN: We have been informed that the Prime Minister is coming. ...(Interruptions)... बैठ जाइए। ...(व्यवधान)...
- SHRI S.S. AHLUWALIA: The Leader of the House should be present here. ...(Interruptions)... Where is the Leader of the House? ...(Interruptions)... Does it mean that the Prime Minister is not interested in a strong Lokpal? ...(Interruptions)...
- MR. CHAIRMAN: Please allow the hon. Leader of Opposition to speak. ...(Interruptions)... All right, you have made your point. ...(Interruptions)... Please.
- SHRI M. VENKAIAH NAIDU: Sir, the Chair can direct the Prime Minister to come to House. ...(Interruptions)...
- MR. CHAIRMAN: The Prime Minister is coming. ...(Interruptions)...

 The Prime Minister is coming. ...(Interruptions)... Please.
 - SHRI S.S. AHLUWALIA: Let him come first. ...(Interruptions)...
 - श्री सभापति : आपका क्या प्वाइंट ऑफ आईर है ? Under what

Rule? Just one minute, Ahluwalia ji. Let me hear the hon. member. ...(Interruptions)... क्या चीज़ ?

SHRI S.S. AHLUWALIA: Sir, let him come. Let the Leader of the House come. And, then, we will start the discussion. $\dots(Interruptions)\dots$

MR. CHAIRMAN: Somebody wants to make a Point of Order. ...(Interruptions)... Yes, please go ahead. ...(Interruptions)...

शफ़ी : जनाबे आली, दफा 370 के तहत कई दफात शरी मोहम्मद हब्दि कीः जम्मू कश्मीर पर लागू नहीं होहीं और कई कवानीन जो मरकज़ी , वेः रियासत जम्मू कश्मीर पर लागू नहीं हें⊅ होता है , . . . (व्यवधान न IPC लागू)...

﴿ آجِنَابِ محمد شَفْیع: جداب عالی، دفعہ 370 کے تحت کئی دفعات آئین ہند کی جموں و کشمیر پر لاگو نہیں ہوتی ہے اور کئی قوانین جو مرکزی ہیں، وہ ریاست جموں و کشمیر پر لاگو نہیں ہوتے ہیں. نہ آپیہیسی، لاگو ہوتا ہے ۔۔(مداخلت)۔۔]

MR. CHAIRMAN: You can raise this matter during the discussion.

श्री मोहम्मद शफ़ी : न इंडियन पीनल कोड लागू होहा हैं आप इस वक्त जो लोक्रपाल बिल्ल लाए हैं , . . . (व्**यवधान**) . . .

﴿ جِنَابِ محمد شَفِيع: نَمُ انْدَيْنَ بِينَلَ كُودُ لَاكُو بُونَا ہے۔ آپ اس وقت جو نُوک پال بل لائے ہیں ۔ ۔(مداخلت)۔۔

MR. CHAIRMAN: You will get an opportunity to speak. ...(Interruptions)... आपबैठ जाइए। ...(व्यवधान)...

श्री मुख्तार अब्बास नक़वी (उत्तर प्रदेश): दफा 370 को: हटाइए। ...(व्यवधान)...

 श्री सभापति : नकवी
 साहब , आप बैठ जाइए।
 ...(व्यवधान)... नकवी

 साहब , आप
 बैठ जाइए।

 ...(व्यवधान)... Why are we wasting the precious time?

 ...(Interruptions)... आप बैठ जाइए।
 ...(व्यवधान)... That is enough.

 ...(Interruptions)...

श्री मोहम्मद शफ़ी : जनाब , आपने जो वृहिसल ब्लोअर बिल्ने लाया है , उसमें तो आपने exception किया है कि यह वृहिसल ब्लोअर एक्ट जम्मू -कश्मीर पर लागू नहीं होगा। ...(व्यवधान)...

﴾ [جناب محمد شقیع: جناب، آپ جو وہسل بلونر بل لائے ہیں، اس میں تو آپ نے exception کیا

ہے کہ یہ وہمل بلوئر ایکٹ جموں وکشمیر پر لاگو نہیں ہوگا ۔(مداخلت)]

SHRI M. VENKAIAH NAIDU: Sir, it is a very important Bill. \dots (Interruptions)...

MR. CHAIRMAN: The House has been informed that the Leader of the House is on his way. ...(Interruptions)...

DR. V. MAITREYAN: How long will it take, Sir? ...(Interruptions)...

SHRI S.S. AHLUWALIA: Sir, the Leader of the House should be present.(Interruptions).....

^{†[]}Transliteration in Urdu Script.

शफ़ी: लोक्रपाल में भीः यह exception लामा मोहम्मद बस्रि जरूरी आपने जम्मू यह exception नहीं . . . (व्यवधान हैक एक कस्मि काः तज़ाद ...(व्यवधान)... एक बिल्ल में तोः आप exception करते हैंः , लेकिन कश्मीर पर वृहिसल बुल्लोअर एक् ट लागू नहीं होगा

श्री सभापति : शफ़ी साहब , आप बैठ जाइए। आप किस बिन्न की बास कर रहे हैं ?

श्री मोहम्मद शफ़ी : आप लोकपाल बिल में यह कहते हैं कि यह लागू होगा। मैं यह कहना चाहता हूँ ...

+ حداب محمد شفیع: آپ لوک پال بل میں یہ کہتے ہیں کہ یہ لاگو ہوگا۔ میں یہ کہنا چاہتا ہوں۔]

श्री सभापति : आप कुछ नहीं कहेंगे। Nothing is going on record.

शरी मोहम्मद शफ़ी: *

MR. CHAIRMAN: You have not been permitted to speak. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, the Leader of the House is not there. ...(Interruptions)...

MR. CHAIRMAN: Venkaiahji, the Leader of the House is on his way. ...(Interruptions)...

SHRI S.S. AHLUWALIA: Sir, the Leader of the House should be present. ...(Interruptions)...

MR. CHAIRMAN: Your point has been...(Interruptions)...

DR. V. MAITREYAN: Sir, you can adjourn the House for ten minutes. ...(Interruptions)...

MR. CHAIRMAN: Dr. V. Maitreyan, would you please allow the House to function. $\dots(Interruptions)\dots$

DR. V. MAITREYAN: Let the Leader of the House come. \dots (Interruptions)...

MR. CHAIRMAN: The Leader of the House is on his way. ...(Interruptions)...

^{†[]}Transliteration in Urdu Script.

^{*}Not recorded.

DR. V. MAITREYAN: How long will it take? ... (Interruptions)...

SHRI S.S. AHLUWALIA: How can he do it? ...(Interruptions)... The Leader of the House should be present here. ...(Interruptions)...

SHRI PRASANTA CHATTERJEE (West Bengal): Sir, you can adjourn the House for ten minutes. ...(Interruptions)...

MR. CHAIRMAN: The House is adjourned for ten minutes. ...(Interruptions)...

The House then adjourned at thirty seven minutes past eleven of the clock.

The House reassembled at forty seven minutes past eleven of the clock, $$\operatorname{MR}.$$ CHAIRMAN in the Chair.

MR. CHAIRMAN: Leader of the Opposition.

नेसा वशिधी दल (श्री अरुण जेटली): माननीय सभापति जीः , मैंः आपका आभारी हुं कि आपने इस महत्वपूर्ण वधियक पर बोल्लने मुझे अवसर दिया है। मैं अपनी पार्टी कीः ओर सेः और अपने विभिन्न साथियों की ओर से इस देश में एक मज़बूत , निष्ट्रिक्ष और द्रह कामून बने , इसका समर्थन करने के लिए खड़ा लोक्रपाल हुआ हुं , लेकिन एक कमजोर और खोखला लोक्रपाल बने , उसका पूरी शक्ति से वशिध करने के लिए भी खड़ा हुआ हूं।

जीः , आजहम इस उम्मीद से सदन में आए हैं कि सरकार सभापति जो लाई है , यह सदन उसे स्वीकार एक कमजोर कामून न करे , लेकिन सदन आजबिह्या लोक्रपाल कामून बनाए हुए वापिस भीः न जाए। के कुछ साथियों ने जो संशोधन दिए हैं , उन संशोधनों है और एक मज़बूत लोः कपाल बल्लि बनता है , तो अगर यह कामून सुधरता संशोधनों के साथ ही उसको पारित यह राज्ञ्य करके सभा आजसाबित कि इस देश के चुने पुरतिनिधि इस देश हुए वचनबद्ध कि भ्रष्टाचार कोः मिटाने के लिए , एक मजबूत हैं बनाएंगे। उठाने के लिए वे अवश्य एक अच्छा कामून

में बहुत ताक्रत है , राजनीति में बहुत ताकत है। की नीति , देश का कानून , इसकी दिशा हम तय करते हैंः और इसलिए आज यह भीः तय करना पड़ेगा कि जब इस कामून कोः हम बनाते और हैं , तोः हम इतिहास से टकराते पारित करते हैंा याः एक नया

इतिहास लखिते हैं।

बार -बार मंबी जी ने 'sense of the House' का जिक्क किया कि इस सदन की भावना क्या है ? विह्त मंबी जी ने जो 27 अगस्त को पुरकट की थी , वह इस सदन की भावना थी।

लेकिन इस देश की भी एक भावना हैं। There is a sense of this nation also. वह भावना जो इस देश की है , वह यह है कि किसी प्रकार हु ई सरकार , हमारे चुबी सांख़द , हमारे दोमों सदन एक मजबूत लोक्रपाल काः नर्स्सिण कामून करें। इतिहास शायद आजहमारी परीक्षा भीः लेः रहा हैः किः इस काम मेंः हम खरे उतरते अगर हम इस अवसर को खो डालते नहीं उतरते हैं क और एक कमजोर हैं बनाते हैं , तो शायद आने वासी पीढ़ियों के लिए भी अपने कामून आप में एक चुबौती बढ़ जाएगी।

महोदय , आज की जो परिस्थिति है , वह बश्चिन्ल सम्बष्ट हैक शासन में और शासन करने वास्रों एवं राजनीति में रहने के ऊपर जनता का एक आक्षेप लगता है कि आप ईमानदारी लोगों साथ एक मजबूत व्यवस्था नहीं बनाना चाहते हैं , जो भ्र ष्टाचार को मद्या सके।

मंत्री जी ने कहा कि 1966 में पहली बार यह महोदय , माननीय संसद में लाया गया था और आठबार लाया गया। Administrative Reforms Commission की जो रिपोर्ट आई थीः , उसके आधार पर यह कानून गया थाः , वह शायद सन् 1962-63 कीः थीः और पिछले 44-45 वर्षों आया। एक बार यह लोक सभा में में आठबार यह कामून पारित यह लगा कि शायद इस कामून कोः पास करने में इच्छ्क हैं और उसको बार –बार लेप्स करते गए, इसलिए हमारी अपनी वश्विसनीयता के ऊपर एक प्रश्निचिहन लगा। आजजब हम यहां स्थिति हैं , तो देश की वास्तविक हम समझ लें , जो डकट्टा sense of the nation है। हम राजनीति हैं , तो राजनीति करते जो political funding है , वश्वि के सबसे बडे लोकतंत्र में वह किस प्रकार से होही है , उसको लेकर बहुत बडी शंकाएं हें⊅

माननीय जी ने अपनी पार्टी के सम्मेलन मंत्री काः जिक्र किया कि मंत्रियों ठीक़ जक्रि के पास जो discretion हुए के अधिकार हैं , शासकों के पास जो अधिकार हैं , अफसरशाही जोः जवाबदेही कम हुई है और देश के कई सधानों पर जाकर हम देख होंःः , माइनिंग लें , जमीन से जुड़े हुए मुद्दे से जुड़े हो , alcohol या liquor से जुड़े मुद्दे हुए मुझे होः , सरकार राज्ञस्व के जो विभाग हैं , municipalities हैं , वहां आम आदमी के कितनी harassment है और वहां कितना भ्रष्टाचार सामने है , इसको लेकर एक चिता हैक यह भीः स्वाभाविक है**ः क**ि भ्रष्टाचार एक पूरा तंत्र खिल्लाफ लड़ाई करने का जो हमने बना याः हैः , जिसको legal architecture अपने हैं , वह अपने आप में कहते आप में है , लेकिन मजबूत नहीं हैक कामून हमारे पास मुकदमे वर्षों हैं , 30-30, 40-40 वर्ष वर्ष चलते तक उनके नर्ष्णिय नहीं अगर हम अपील और सुद्रीम कोर्ट तक जाने कीः पुरी लें , जो investigative machineries हैं , जांध करने हैं , उनके संस्थाएं के नियंत्रण ऊपर सरकार रहते हैं राज्ञ्यों में भीः रहते हैं , केस्द्र में भीः रहते हैं⊅ इस परिस्थिति हैं , वे क्या में स्धार क्या लामे आधे -अधूरे

से आ जाएंगे ? Can those be brought by half-hearted कामन legislations? And I regret to say that this is a half-hearted legislation. हमें यह भीः समझलेबा चाहिए कि अंत में यह जो हमारी परीक्षा है , आज शाम तक जनता उसके ऊपर फैसला करेगी चाहता है और कौन संशोधनों कमजोर के साथ उसको मजबूत और इसकी निर्णायक करना चाहता क्री यह फैसला होगा इस देश जनता होगी। हैं , इस देश जोः कमजोर कामून चाहते की जनता उनको यह भीः कह हूंः माफ़ नहीं करने वाली हैक मैंः कि केवल आपकी और हमारी , सरकार कीः और विश्विक्ष कीः हीः यह परीक्षा नहीं होग्री , कि क्या बल्कि हर विमिक्षी दल कीः भीः यह परीक्षा होग्री आप तरीके से कमजोर कामून परत्यक्ष याः अप्रत्यक्ष बनने में मदद कर रहे हैंं याः संशोधन लाकर उसको सुधार कर उसको मजबूत हैं ? और आप के जो सहयोगी में मदद कर रहे हैं , उन की भी परीक्षा होग्री कि क्या वे केवल प्रवचन जामते हैं याः परहार करना करना भीः जामते $\stackrel{*}{\epsilon}$? Are they only willing to proclaim or are they willing to strike?

DR. T. SUBBARAMI REDDY: How did the BJP ...(Interruptions)... It is a fact that the Parliamentary Standing Committee...(Interruptions)...

MR. CHAIRMAN: Please allow him to speak. ...(Interruptions).....

SHRI ARUN JAITLEY: I thought that the hon. Member was raising a point of order. But, I think, he was just creating a disorder. सभापति जीः, सरकार कीः रणनीति क्या थीः? सरकार कीः रणनीति बल्किल सम्बद्ध थीः कि इस पूरी बहस के सामने एक ध्रंधलापन कर दीजिए। We create a smoke screen. और वह smoke screen यह थी। कि हम सिविल सोसायटी के परितिनिधियों से बाह्य कर रहे हैंः और एकाएक इन्होंने कि हम तो एक ऐसी संस्था हैंः कह दिया चाहते जो लोक्रपाल कीः संस्था कोः संवैधानिक दे दे अब किसी को दर्जा **संवैधानिक** दर्जा मिल्र जाए तो वह अपने आप में बहुत अच्छा लगता है , लेकिन संवैधानिक दर्जा तोः केवल इतना थाः कि संविधान में एक वाक्रय आ जाला कि, "There shall be a Lokpal constituted by a law the Parliament. Its rights, powers, enacted by authority jurisdiction will be decided by that law" आप की रणनीति यह थीः कि दर्जा संविधान का दे दो और जो कामून बनाओ , वह खोखला You want to create phoney Lokpal and create a smoke screen that we are giving it a Constitutional status. अब एक कामून हो सकता है , उतना हीः जनता के परति हीः लाग बाध्य है , नद्यायपालिका के पास उस का उतना हीः अधिकार है जिल्ला संविधान है कि दोमों संशोधन कोः, केवल इतना अंतर कोः बदलने परक्रिया अलम अलग है आप दर् जाः संबिधान में दे दें और कामून खोखला कर दें और जब पूरा देश आप से कहे कि इसे मजबूत करने परयास करो , इस के साध जांच की जो एजेंसीज लगायी हैं , उन को करो , तो आप कहो कि उन जांच मजबूत करने का प्रयास एजेंसियों के ऊपर तो सरकार काः नियंत्रण होगा , लोक्रपाल एक संवैधानि संस्था संस्था होगी , लेकिन उस संवैधानिक के पास कीः एजेंसी काः नियंत्रण तोः वह अपने जब सरकार करेगी आप में You want to make it a toy and then say that it is a कोः ऐसे लोक्रपाल की आवश्यकता Constitutional authority. इस देश थीः नहीं और आप को लगता था आप के नेहाओं ने कहा कि इस प्रकार के खिल्लीना टाइप काः लोकपाल बना देंग्रे कि जांध एजेंसी ऐसी जिस को सरकार नियंत्रित करे , लेकिन दर्जा संविधान का होगा कोः बदल देगा। This will be the game changer. The games wouldn't change with such phoney institutions. The games will change if you do create an effective institution. और हम लोगों ने जो वशिध किया , वह विशेध किया , राजनीतिक तौर पर वशिध यह नहीं थाः कि हम **संवैधा**निक संस्था नहीं चाह्रते थे , हम आप को आजभी निर्मित्रण देते हैं , आप उसे संवैधानिक संस्था बना दीजिए , लेः किंदी

क**ि संवैधानिक** सप्रष्ट कर दीजिए संस्था बनाते वक्त आप राज्यों के ऊपर प्रहार करेंगे। जोः विषक्ष के अधिकार नहीं काः संशोधन सदन में भीः थाः। वह केक्ल यह नहीं थाः कि हम आप के पूरे दूसरे संबिधान संशोधन कोः मान्य करते , वह केवल इतना थाः कि आप नहीं यह कह दीजिए कि केस दुर जोः कामून बनाएगा , वह कामून संबिधान की धारा 252 के तहत होगा। It will be a law under article 252 of the Constitution. और उस कोः संवैधानिक दर्जा दे दीजिए। आप ने कहा और खेट है कि माननीय प्रधान मंत्री जी ने भी कहा कि के खिलाफ भरष्टाचार लड़ाई है तो हमें संं घीय ढांचे की भीः चिता होगी कि उस का क्या होगा ? भरष्टाचार के खिलाफ लड़ाई और संघीय ढांचे के बीच में कोई अंसर्विरोध नहीं हैंक There is no contradiction in the fight against corruption and the federal structure of this country. Both can and both will coexist. Therefore, at the cost of fighting corruption, one does not have to demolish federalism, which is an important aspect of our Constitution, a basic structure of this Constitution itself.

सभापति महोदय , इस वधियक के संबंध में विष्य -क्या हैं ? जो सरकारी है , मैं का*े* नूब जोः उसका वशिध करता हुँ , उसके तीम बुमियादी आधार हैं। हमारे सहयोगियों ने और मैंबे भीः जोः संशोधन दिए हैंं , इन

गल्तियों को सही करने का पुरयास उसमें बुमियादी हमने किया वे कौन से ऐतराज हैं ? पहला यह है कि इस कामून में आपने लिखा क्या है ? यह कैसे आगे चलेगा ? इससे आपकी नीयत सम्रष्ट हैं , जो अनवर्केबल होही हैक इस कामून में वे पहलू they bother on being observed. वे निस प्रकार के हैं ? इस कामून है कि लोक्रपाल को , इस संस्था कोः कौन बनाएगा ? पांच , जिसमें आपने कह दिया कि तीम सदस्य सदस्य होंग्रो के सरकार से जुड़ेंगे। साथ परत्यक्ष , अप्रत्यक्ष रूप लोक्रपाल की में सुषीकर , लोक सभा की बहुत नियुक्ति आवश्यकता नहीं है≬ आपने उसमें एक कैटेगरी डास दी , A jurist nominated by the काः अर्थ हैः कि सरकार करेगी। President. राष्ट्रपति एक प्रधान वकील होंग्रो जीः होंग्रे , एक सरकारी और सुधीकर मंत्री , लोक सभा , संवैधानिक पद है , हम आदर करते हैं , लेकिन सरकार के पक्ष हैं। The very institution is created in that manner. तो लोकपाल कौम बनाएगा ? यह स्पष्ट है कि चीफ़ जस्टिस ऑफइंडिया याः उनके नॉमिनी प्रतिपक्ष होंग्रे , लेकिन होंग्रो याः नेह्ना इसमें बहुमत कीः नियुक्तियां जिस प्रकार आपने सरकार होगा। में की हैं , केक्ल आजनहीं कींःः , एक लंबा संस्थाओं इतिहास है और इस इतिहास की कीमत इस देश को अदा करनी पड़ी है। **जब** 1973 में -पूर्ज़ आपने न्यायपालिका कोः एक पक्षपात न्यायपालिका बनाने किया थाः और आपका नारा यह थाः कि एक सोशल फिब्रोसफी काः प्रयास ऑफ जजेज होमी चाहिए। इस देश ने उसका परिणाम भुगता थाः , जब सत्तर के दशक में यहां तामाशाही आ गई थीः और नृद्यायपालिका ऐसे नर्ष्शिय दे रही थीः , जोः इस देश के लोकतंत्र कोः समाप्त कर दे\ इससे बड़ा द्रभाग्य नहीं थाः कि जोः नृयायाधीश उस माहौल के डर के मारे वे नर्षिय दे रहे थे , बाद्य में सार्वजनिक रूप से माफियां थे कि हमने ऐसे नर्षिय रहे लिए। This is, Sir, the effect of destroying institutions. चुनाव आयोग में कोई कॉलिजियन होला , इसलिए सरकार जिसको चाहे नियुक्ति कर सकती है। सीधी बनी रहे , उसके लिए एक संस्था इस देश में ईमानदारी है - It is an institution of integrity in this country. उसमें जिस प्रकार कीः , उसमें आपने नियुक्ति सुप्रीम कोर्ट कोः हस्तक्षेप करना यह इस परकार कीः संस्थाएं कीः परिस्थिति बनाने है≬ आप एक काः नर्स्सिण कर रहे हैं और उसमें पहला काम यह करते में से तीम तो सरकार के होंग्रे। होः कि पांच जब पांच में से

के होंग्रे , तो उनको कौम हटाएगा तीम सरकार ? माम लीजिए , उसके खिल्लाफ किसी को शिकायत है , तो लोकपाल कोः सुप्रीम कोर्ट हटा सकता है , लेकिन र्में शक्तियत लेकर सुप्रीम कोर्ट जामा चाह्रं तोः आपके कामून अधिकार नहीं ने मुझे दिया। आपका कामून है कि मैं सरकार के पास जाऊंगा और अगर सरकार ठीक तोः सुप्रीम कोई जाएगी। केवल सुप्रीम कोर्ट के पास सरकार जाएगी आरोप यह है कि यह लोक्रपाल में और अगर मेश सरकार के पक्ष हैं , He is biased in favour of the Government. The पक्षपात करता beneficiary of the bias will first decide whether I have a right to make that allegation or not. You will appoint the Lokpal; you will में control the removal procedure. उसके बाद जब सुप्रीम कोर्ट जाएगा , तो सुप्रीम कोर्ट के पास उसको सस्पेंड करने काः अधिकार नहीं है , वह सरकार के पास अधिकार हैक यह मैंसे पहली हैक मान लीजिए ने दो मंत्रियों बार स्वा आपकी सरकार के खिलाफ में लोक्रपाल मामला चलता हैं , and the noose is tightening, तोः आपके पास लोकपाल काः अधिकार को suspend करने हैक आपऐसा लोः कपाल बना हैं , जिसके सिर पर तलवार हैंः रहे लटका रहे कि अगर तुम के खिल्लाफ जाओंगे , तोः तुझ्हें सरकार हटाने काः अधिकार suspend करने सरकार के पास क्री अब वह suspension सही है या गलत है , सुप्रीम कोर्ट में इसका फैसला होने में तीम साख़ लगेंगे , तब तक आपके मंत्री बच जाः एंग्री। You are creating an institution where you control the appointment mechanism and where you control the removal

mechanism. Change this procedure immediately, and, we will support the provision. We will support the appointment procedure of the Lokpal, but we cannot be disloyal to our commitment to creating an integrity institution, by creating an institution where the Government controls appointment and the Government controls removal. आगे जाइए , इस कामून के तहत जांच कैसे होगी ? इसमें नहीं , इससे काः परश्न विचारधारा नहीं है , क्योंकि this is not an विधित्र ideological subject. मैंसे इतना बडा कामून नहीं देखा में याः दुनिया में कोई काभूनविद कि आपसे नहीं कहेगा ऐसी वयवस्था कहीं बनी क्री मामनीय परधान मंत्री जीः यहां उनसे गाः कि जोः वयवस्था मौजूद ं, मैंं कहं आपने इस कामून में तहत कभी जांच बनाई है , उसके संभव हो हीः नहीं पाएगी। दुमिया में कभी ऐसा नहीं हुआ। आप इसकी पूरी वयवस्था समझिए। इसमें जांच की जो वयवस्था आपने कीः हैः , उसके तहत लोक्रपाल आएगी और लोक्रपाल पास शक्काियत एक prima facie view लेगा कि उस शिकायत में कोई वजन है या नहीं और वह उसे अपने inquiry wing को दे देशा। preliminary inquiry होगी। अगर preliminary inquiry निकला , तोः वह शिकायत CVC के पास चली जाएगी। preliminary inquiry करेगा और Group A, Group B के मुल्लाज़िमों कीः जांध करके लोक्रपाल को दे देशा और Group C and Group D के मुल्लाजिमों की जांच करके अपने पास रख लेगा। र्मे इस विश्वय में जब CVC, लोक्रपाल से कहेगा कि इसमें बाट आऊंगा। क्छ है , तब लोक्रपाल तय करेगा कि यह मामला किंसी जांच एजेंसी कोः दिया याः नहीं। चूंकि भरष्ट अधिकारी के पास पैस्रा पडा होगा , साधन होंग्रे , इसलिए उसको उसे छिषाने काः मौका मस्रिता रहेगा और आपकी परक्रिया घूसती रहेगी। के पास जांच अब जब मामला लोक्रपाल कि CBI को या किसी आएगा , तोः लोक्रपाल तय करेगा जांच को दिया नहीं। जाए याः अब यह inquiry से investigation हो गई। कर्मचारी Investigation में जाने से पहले सरकारी को नोटिस जाएगा , सुद्धवाई होगी कि कयों न तुझ्हें investigation के लिए जाए ? Criminal jurisprudence में जो भ्राष्ट भेजा अधिकारी होता है , उसकी अदालत है , जोः accused होहा में सुसवाई होही है , लेकिन जांच के दौरान interrogation होती है , उस पर छाष्रा उसकी उसको बुल्लाकर यह नहीं पडता है , उसके यहां raid होही हैक कहा कि तेरे जासा खिल्लाफ हमारे पास यह material हैं। He is never told,

"This is the substance against you. This is the material collected in the inquiry. Please go and wipe out the footsteps that you have created in this crime." अब मामला CBI **के** पास जाएगा। CBI जांध के बाद यह तय करती करने है कि इस पर charge sheet file होगी। मैंबे दुनिया में में नहीं , बल्कि पूरी पहली देखा है जहां जांध एजेंसी कोर्ट में कामन जाकर charge sheet file नहीं कर सकती। शरी जेठमलानी और कपिल सब्बिल राम यहां हैं , they are lawyers who know this branch more than what most people in this country know. The principle, which I have learnt so far, is that in the investigation of the investigating agencies, nobody can interfere, neither the Lokpal nor the Government. In fact, the principle which our Courts have accepted, from English jurisprudence, on a sound principle, is that neither the Government in England, they say, neither the Crown, nor the Minister of the Crown - nor a Minister of the Government, nor the Commissioner of Police can tell the investigating agency as to whom to investigate, whom to charge sheet and whom not to. किस पर मुकदमा चले , किस पर न चले , यह उस जांच अधिकारी काः अधिकार होता हैक वह investigate करने बाद्य इस चार्जशीट को वाष्रस लोक्रपाल को सौघ

देगा। तो यह investigation की फाइल कदम घुझ लीः? अब लोकपाल कक्षिने कि यह investigation ठीक है या गलत और तय करने तय करेगा के बाद्ध . उसमें बदला -बदली करने के बार लोकपाल मुकदमा चलाएगा। अगर रेख्नवे के एक गैंशमैन के खिलाफ मुक्कदमा चलेगा , तोः सीः .बीः .आई. दुवारा न चलाकर , उसकी prosecuting agency लोकपाल होग्री जिसमें सुप्रीम कोई के जज होंग्रे से एक चीफ़ जस्टिस चार , जिसमें ऑफ मेंने टेल्लीविजन इंडिया होगा। पर किसी कोः कहते कि हुए स्वा ये करिमिनल लाँ का कामून बना रहे थेः याः जलेबी बना रहे थें , से और कि investigation एक स्थान दुसरे सथान तक घुसता जाए घसते -घसते सासवें और आठवें कदम के बाद , दो -तीम चक्कर लगाकर में Criminal investigations are वह फिर नयायपालिका पहुंचे। never done by such a round-Robin. That is the mechanism you have created. I have not the least doubt, Sir, that whoever created or conceived this mechanism is completely alien to the concept of how criminal law investigations are done and to criminal jurisprudence. अब इसमें कोई विचारधारा काः टकराव नहीं हैक यह कोई परातिष्ठा काः नहीं सवाल है≬ Why are you creating an impossible mechanism? Everybody except those wise men in the Government are saying that it is an unworkable mechanism. I read in the newspapers that the CBI says that it is an unworkable mechanism, Shri Anna Hazare's colleagues say that it is an unworkable mechanism, all of us are saying that it is an unworkable mechanism, but there is some sense of prestige that you have that 'we want to create an unworkable mechanism because we have said so'. I think, Sir, this requires a serious change. इसमें कोई परतिष्ठा काः परश्रन नहीं हैक सरकार की राजनीतिक जीत काः परश्न हैंक यह जोः आपने नहीं वयवस्था बनाई है , इस जांच वयवस्था कभी नहीं होः सकती , ऐसा कामून आप लामा ? अब सी .बी .आई. इस देश कीः प्रभ्ख हैक चाहते जांच एजेंसी बीसियों से आरोप सालों लग रहे हैं कि जो सरकार में ताकत होती है , अधिकार में होही है , सत्ता में होही है , वह सीः .बीः .आई. पर सुक्यं नियंत्रण कर लेही क्री It starts manipulating इसमें भी हैं the investigations. यह आरोप लगता रहा है¢ा तथ्य इसमें से सुबूत सामने आते हैं¢ इसलिए सी .बी .आई को निष्पिक्ष चाहिए। अगर विषक्ष का यह संशोधन ्रे कि इस जांच करना परक्रिया को कुछ rationalize कीजिए , इसको सही कीजिए और

सी .बी .आई. को एक निष्पक्ष संस्था के रूप में बनाइए , तो उसमें हमारा क्या संशोधन है ? जो Director, Prosecution की नियुक्ति है , यह आपने मान लिया , प्रधान मंत्री , नेह्ना प्रशतिपक्ष है कि उसमें करेंगे इतना हीः सुझाव , तोः हमारा तीसरा कोई नियुक्तियां हैं , चेयरमैन , लोक्रपाल हो। भीः जिसमें लोक्रपाल कीः नियुक्ति में चीफ़ जस्टिस और उनके नॉमिनी पुलिस अधिकारी है लेकिन के चयन में तो चीफ़ जस्टिस आवश्यकता की आवश्यक ता नहीं हैं। अगर निध्विक्त गलत होसी है , तो वे तो सुनेंगे। उसके खिलाफ याचिकाएं तोः उनको इसमें कयों , लोक्रपाल करते हैं ? तीःसरा सदस्य कायदे से चेयरमैन होमा चाहिए। अगर हम institution-building चाहते हैं , अच्छी संस्था हैं , तो उसको वह आदर भी मिल्ली , उसको वह अधिकार भीः मस्त्रि। जब लोक्रपाल किसी मामले को सी .बी .आई. को दे दे , तो मुझे है , न लोक्रपाल को , न केन्द्रीय कोई संकोच नहीं उसमें काः अधिकार हैं। The investigative functions दखलंदाज़ी करने will have to be performed independently. सी .बी .आई. के भीतर जो उसका Directorate of Prosecution है , जो सुप्रीम कोर्ट ने भी कहा , एक arm's length distance हो , प्रोफेशनल हो , उसकी नियुक्ति वह करे। से हो , prosecutors की नियुक्ति सभापति जीः, हैं , मैं भीः उस मंबालय हम जामते में रहा हुं , कि आज

सरका रीः वकीलों कोः बनाने कीः क्या प्रक्रिया है ? जो सरकार आई, कोः वकील बना दिया। कम से कम सी .बी .आई. के अपने आदमियों में तो एक professional Directorate of Prosecution बनाकर ले ले और केवल इतना कि वह किसके अधीन रहेगा पर कक्षिका नियांत्रण होगा ? जो केस लोकपाल उनको नियंत्रण के है , उसका administrative और financial control लोकपाल लिए भेज रहा के पास रहे। जैसे सरकार ने अपने पास लोक्रपाल कोः ससपेंड काः अधिकार रख लिया , तोः सीब्रीआई काः जोः अधिकारी जांच कर रहा है में डाब्न रहा है , उसको बदलने और आपको कठिनाई काः अधिकार कम से कम आपके न हो:| Transfers, postings, management of their पास financial manuals - ये विषय ऐसे हैं , जो विषय लोक्रपाल के पास जाएं और येः उन मामलों के संबंध में चले जाएं , जो लोक्रपाल ने आपको दिए सवीकार हेंंФ इसको करने में सरकार को है ? अब आप इस कामून में और आगे आइए, इसे आपने है ? इस कामून में एक धारा है , 14(1)(एच)। अभी तक आप यह कि 65 लाख कर्मचारी "डीः" और "डीः" केः हैंः , वेः लोक्रपाल कहते रहे के अधीन कैसे आएंगे ? उससे काम का बोझ बहुत बढ जाएगा। धारा 14(1)(एच**)** क्या कहती है ? यह धारा कहती है कि कोई भीः पदाधिकारी याः अधिकारी अगर किसी पराइवेट सोसायटी के साथ संबंधित है , किसी के साथ ट्रस्ट संबंधित है , वह संस्था रजिस्टर्ड हो या अनरजिस्टर्ड होः , सरकार से एक रुप्रया है , जिसके अधिकारी लेही याः कर्मचारी कोई पब्लिक सर्वेंट में अपना काम करती है , वे सब के सब हैं , वह निजी क्षेत्र के अधीन आ जाएंगे। We, in politics, have to be big hearted. I have not the least doubt that this provision has been introduced to teach the Civil Society a lesson. It is a revenge के खिला फ बोलते ... आप provision कि आप लोग सरकार हैं ...व्यवधान के खिल्लाफ बोलते होः . . . व्यवधान लोग सरकार . . . लेकिन उस में आपने किया ? डॉक्रटर परक्रिया क्या कर्ण सहि बैठे हैं , कहा कि ये रिटायरिंग हैंक आज आपने इनके बहुत से ट्रस्ट कि ये वापिस मैंबर हैंं , हम उम्मीद करते हैं आएंगे , लेकिन अगर रिटा यर होः गए और पब्लिक सर्वेंट न रहे , तो कहीं भीः उन , आपके कीः वजह सेः आप पब्लिक सर्वेंट बन जाएंगे ट्रस्ट्स है , कोई लोक्रपाल आ आएगा। कोई व्यक्ति एनजीओ चलाता चलाता है , कोई मदरसा चलाता है , कोई गुरुद्वारा चलाता है , कोई रोट्टरी है , सरकार तय कर देग्री कि अगर चंदा कलब चलाता

इकट्ठा करके अपनी संस्था चलाता है तो वे सारे के सारे लोकपाल के अधीन आ जाएंगे। अब प्रश्न यह उठता है कि ये सारे के सारे लोग न सरकार ने नियुक्त किए हैं , न सरकार से पैसा हैं , इनमें से तो कोई पब्लिक सर्वेंट नहीं है। महोदय , वासा जो प्रावधान है , वह तो Prevention of Corruption सजा देखे Act और Indian Penal Code हैं उसके तहत तो पब्लिक सर्वेंट हैं Substantive law पब्लिक सर्वेंट के खिल्लाफ जरूरी लोकपाल , जो एक procedural कामून है , उसमें आपने लखि दिया कि एनजीओज और प्राइवेट ऑर्गेनाइजेशंस , जोः डोनेशंस हैं , वे लेही भी अब पब्लिक सर्वेंट मामी जाएंगी। यह procedural law में लखि दिया। ...(व्यवधान)...

 श्री
 सत्यव्रत
 चतुर्वेदी
 (उत्तराखंड): क्यों

 नहीं ?...(व्यवधान)...
 आपके शिशु मंदिर की जांद्य नहीं

 करेंगे ...(व्यवधान)...

श्री अरुण जेटली : महोदय , ऐसे कुछ मिक्कों ने पूछा , "क्यों नहीं "? हम लोकतंत्र हैं , एक स्वतंत्र समाज हैं । What we are trying to do is to create a Government-controlled authority, a Government-appointed authority, make it so intrusive that it will enter every area of even private life, not merely the Government structures. आप इस देश को अगर एक controlled regime बनाना

हैं और इस देश के लोकतंत्र को आधा -अधूरा करना चाहते चाह्रते हैं और इस देश के लोकतंत्र कोः आधा –अधूरा करना चाह्रते तोः आप यह मत सोचिए कि कम से कम इस सदन के अधिक सदस्य उसमें शामिल होकर आपकी मदद करने वाले हैं⊅ यह एक ऐसा परावधान है ... (व्यवधान)...

चतुर्वेदी : महोदय , मैंा शरी सत्यव्रत एक निवेदन करना क्या आपका यह कहना है कि निर्जी क्षेत्रों में चाहता है और जोः करप्शन निजी कुषेत्रों है , क्या उसके ऊपर अंकु श लगाने का प्रावधान संस्थाओं में नहीं होमा चाहिए ?...(**व्यवधान**)...

श्री अरुण जेटली : निजी क्षेत्रों में भी है और कामून भी है और पीमल कोड में कामून भी हैं ...(व्यवधान)...

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

श्री सत्यव्रत चतुर्वेदी : कामून तो 36 हैं , फिर यह लोक्रपाल क् यों ?...(व्**यवधान**)... कामून तो इसके लिए भी हैं(व्**यवधान**)...

श्री सभापति : बैठ जाइए , पृक्षीज़। ...(व्यवधान)...

अरुण जेटली : पुरिवेंशन ऑफकरप्शन ऐक्ट , आपको पब्लिक श्री सर्वेंट याः उसके साथ षडयंत्र करने वासे के खिलाफ अनुमति है , निजी क्षेत्र के संबंध में नहीं देसा। आप उस ऐक्ट कोः बदलिए। यह ऐक्ट फिर कांग्रेस पार्टी पर भीः लागू होगा , जब क्षेत्र पर लागू होगा। और फि वे जिसने ट्रस्ट हैं ...(व्यवधान)...

श्री सत्यव्रत चतुर्वेदी : फिर यह विश्व हिस्दू परिषद पर भी लागू होगा। ...(**व्यवधान**)...

श्री सभापति : पृत्नीज़ , आप लोग बैठ जाइए। ...(**व्यवधान**)...

श्रीमती माया सहि : फिर वह राजीव गांधी फाउंडेशन पर भीः लागू होगा।

अरुण जेटली : इसमें अनावश्यक पुरावधान कुलॉज -55, एक तरफ आप भरष्टाचार के खिलाफ कामून बना रहे और फिं कहते हैं कि जिस किसी वयक्ति के खिल्लाफ लोक्रपाल मुकदमा चलाएगा , उसको लीगल एड देखा लोक्रपाल काः दायित्व होगा। Why must you shed crocodile tears for the corrupt? Your law - Clause 55 of the Bill gives legal aid to corrupt! Sir, if there is some poor person, there

are legal aid programmes. इस कामून में कह दिया कि भ्रष्टाचा र के लिए जो पकड़ा जाएगा उसकी सम्पत्ति आप अटेच कर रहे हैं , उसके साधनों को आप पकड़ रहे हैं , उसने जो रिश्वत ली है उसको रोक़ रहे हैं और उसको लीगल एड दी जाए , इसका प्रावधान आप इस कामून में कर रहे हैं सभापति महोदय ,...(व्यवधान)...

 श्री राशिद अल्वी
 (आन्ध्र प्रदेश): आप भीः लॉं मिमिस्टर
 थेः ,

 छ:
 साख्न मेंः
 आप बना सकते
 थेः ,

 ...(व्यवधान)...

MR. CHAIRMAN: Please continue. ...(Interruptions)...

श्री अरुण जेटली : सभापित महोदय , अभी यह बहुत अच्छा विश्वय रखा गया है कि हम लोग छ: वर्ष सरकार में थे , हमने नहीं किया। मैं आपको विश्वास दिलाता हूं कि हमारी सरकार में अगर किसी मंबी के माध्यम से एक लाख छिहत्तर हजार करोड़ लूट लिया जाहा तो हम छ: दिन में ऐसा कम करते। ...(व्यवधान)...

MR. CHAIRMAN: Please resume to your places. Allow the debate to continue. Just one minute...(Interruptions)...

महोदय , इस कानून को अगर आप देखें शरी **अरुण जेटली :** सभापति What is the substance of this law? The substance of this law is: You want to control appointments, you want to control removal mechanisms, you have created an impossible methodology of investigation, you have kept an investigative agency to be controlled by the Government so that Lokpal, as an institution, becomes a toy itself, because its investigative mechanism can be influenced by the State. And, you want to use that Lokpal, whose credibility will be vulnerable to intrude into every area of civil society from temples to mosques, from gurudwaras to schools to rotary clubs to civil society and you want us to support this Bill. This, according to you, is a strong law. सभापति महोदय , मेश इतना आग्रह है कि इस कानून जो संशोधन विमिक्ष ने दिए हैं , इन सब विश्वयों को वे दुरुस्त और मेश इस कामून पर यह है कि सरकार सही करते हैंक दुसरा ऐतराज जामबुझकर ऐसा कामून लाई है , जिसके ऊपर संवैधानिक दश्टि लगे। प्रश्न चिह्हि The Government has consciously brought a law which is constitutionally vulnerable.

I have been hearing the debate what the Government's spokes persons and the Ministers have been saying. But, before I deal with it, I would like to read an important extract from a debate which took place in this House on the 27th of August this year. That was the time when Shri Anna Hazare was on his fast. The hon. Finance Minister had initiated a discussion with regard to general features which should be there in the Lokpal Bill. This was followed by the sense of the House resolution. In that debate, when I was speaking, the hon. Finance Minister, with full bona fides, asked me to yield as he wanted to put a question. And, this was the question, which Shri Pranab Mukherjee, had put to me, "I would like it to be clarified by Shri Arun Jaitley whether we can make a central law which will have its over-bearing effect on the States or whether we can make a model law which the States may accept or may not accept. But here I entirely agree with you - as he is agreeing with me - that the Lokayukta or the Lokpal will have to be established by laws made by the Legislature, in the case of Centre by Parliament and in the case of States by State Assemblies." So, Pranab Babu's views were very clear. My utmost

respect for him is not unknown. He is the senior most Member of Parliament in both the Houses. Fortunately, for us, he is not a lawyer; so, he cannot argue on both sides. While putting me a question he squarely asked me. But here I entirely agree with you that the Lokayukta or the Lokpal will have to established by laws made by the Legislature, in case of Centre by Parliament and in the case of States by the State Assemblies. Sir, I need not read what I said. I paraphrase it again. And, that's my case. We have a written Constitution. In the written Constitution, which has a federal structure, we have divided the jurisdictions of the Centre and the States. दोमों के अधिकार क्षेत्र अलग अलग हैंं In the Seventh Schedule, you have the Central List, List No. 1; you have the State 2; and, you have the Concurrent In the Concurrent List, the Centre gets the primacy. These Lists, particularly the powers of the

Centre and the States are very strictly demarcated. They are different cabins. If these are not different cabins, with no grey areas, the Centre and the States will keep snatching each other's powers. केस्दीय के जो अधिकार हैं , वे केवल सची केस्द्र के हैं और जोः राज्य सूची के हैं , वेः केक्ल राज्य कें हैं⊅ Concurrent List को छोड़कर , इसमें कोई एरिया है , ऐसा नहीं जिसमें overlapping होगी और केस्द्र व राज्य overlapping 耐 का झगडा चलेगा , overlapping होगी तोः छीमा झपटी होग्री। संबिधान इसकी अनुमति नहीं देसा। I am sure the Prime Minister and the Finance Minister have a lot of constitutional statesmanship. Please do not create a grey area where you are laying, for the first time, a precedent in the Parliament by creating a grey area by assuming that the Centre may have the power and the States may also have the power. That can happen only in the Concurrent List. In the Centre List and the State List that cannot happen. Your Lokayukta part of the Bill has two jurisdictions. And, what Mr. Narayanasamy has stated now and what has been said in the other House is based on an incomplete reading of the Constitution. Clause 81 of your Bill clearly says that Lokayukta has two jurisdictions. One is the criminal law jurisdiction to punish a delinquent public servant. The second is the power to take disciplinary action against him. ये जिल्ले दल हैं और कषेत्रीय हैं , वे इस वजह से कर रहे हैं। से ऐतराज कर रहे है कि राज्य सूची में आपसे कहा जाता In the State List, there is Entry 41.

Entry 41 says, "The power to deal with services of the State belongs to the States. Centre's jurisdiction in that regard is zero." There is no grey area; you can't touch an official of the State. This law of Lokayukta that you have framed, that is, clause 81, clearly says that there will be a power to prosecute; there will be a power to take disciplinary action. The power to prosecute, in the other House, Mr. Sibal was right, is in the Concurrent List. List-III, the Concurrent List, Entries 1, 2 and 11 (A) deal with criminal law powers. That is what I answer, through you, Sir, Mr. Pranab Mukherjee, when he put that question today कि जहाँ तक Criminal Law हैं, उसमें Concurrent List की पहली , दूसरी और 11(ए) धाराएँ आपको अधिकार दे

आप जोः दुसरी सकती हैं , लेकिन कार्रवाई करना चाहते हैं , वह उस पर नर्भिर नहीं करती। Disciplinary action is not an incidental power; it is a substantive power. Now, look at the effect, if the Centre says, "I assume myself the power under some Constitutional entry of proceeding against services of the State." Then, the Trinamool Congress is right. The right to proceed by framing a law or taking executive action against the Chief Secretary of Bengal or other Public Civil Service officers of Bengal will vest in the Centre and not in the Trinamool Congress Government. So too for every State. Why are you creating a Constitutional havoc? You want to create a system by which disciplinary action against officers of the State will take place by a Central law! It can only take place by a State legislation and mind you, executive power is coterminus with legislative power. So, where you have the legislative power, you also have the executive power. So, if you assume to yourself the

legislative power to deal with services of the State, you alone have the executive powers. The State Governments will be helpless. They won't be able to run their Governments. वे अपनी सरकारें ਚਕਾ पाएँगे उनके , कयोंकि साथ deal करने काः अधिकार आपके पास थे कि आप किस प्रावधान होगा। हम आरम्भ से जामना चाहते के तहत और हमें लाः रहे हैं ? मैं इससे सहमत हुँ राज्यों का काम्न है और शायद कहने कोई दक्कित नहीं अधिकतर विमिक्षी दलों नहीं है कि आप धारा कोः कोई समस्या 252 के तहत कामून लाइए। प्रस्ताव उसकी परक्रिया पारित है≬ आप दोः राज्ञ्यों से करवाइए , उन दो राज्ञ्यों पर यह कामून लाग हो जाएगा और बाक़ी , जो पुरस्ताव पारित करते रहेंगे , उन पर यह कामून राज्ञ्य लाग् होः जाएगा। The Constitution gives such a facility. It is a great document. Get a prior Resolution by two States. That Resolution will be applicable to those two States and that law will be applicable. Parliament will make a law. Then, it will apply to every State which makes that law. The option provision and I am going to repeat it please underline this - the option provision is available only under article 252 and no other article. What you are trying to do is this. You have two arguments, the Finance Minister's agrument and the Human Resource Development Minister's argument. The first argument is, "I have the power under List-III, Entries 1, 2 and 11 (A)." No, you only have the criminal law power; you don't have the disciplinary action power. The answer is very clear. That is wrong. Then, Mr. Narayanasamy steps in and says, " It is under article 253 that I have the power." We have the UN Convention against Corruption. I have the power under 253 के तहत केन्द्र that. ਸੈਂ सुवीकार हुँ कि धारा करता कामून सकता के विश्वयों पर भीः बना है और वह बना सकता है , राज्ञ्य सूची इसीलिए कामून पूरे देश में लाग् होगा , शायद यह जम्मू वह कहता हैं , "Notwithstanding anything पर भीः लागू रहा है≬ contained in the Constitution...." So, notwithstanding article 370, it will apply to Jammu and Kashmir. लेकिन यह जोः कामून है , क्या कि यह धारा 253 के तहत है ? Under Article ईमानदारी से कह रहे हैं 253, Sir, the language is clear. You will implement the decisions taken in that Convention, और वह कन्वेन्शन कहता कि भरष्टाचार से लडने के लिए एक मैकेनिज्म बनाडए। आप परिवेन्शन ऑफ करप्शन ऐक्ट काः मैकेनिज्म बना सकते हैं , आप कोई और वृद्यवस्था खडी कर सकते हैं , लेकिन कन्वेन्शन कहीं नहीं कहता कि आपके संविधान में जोः वृद्यवस्था है कि राज्य करेंग्रे और केब्द्र करेगा , कन्वेन्शन के तहत उस क्या क्या वयवस्था को तोड दीजिए।

सभापति जीः, क्या उस कन्वेन्शन में कहीं यह लिखा है कि राज्ञ्यों काः कामून केवल केस्द्र बनाएगा और उस कानून के तहत जो लोक्रायुक्त बनेंगे , उनकी धर्म और जान्ति क्या होगी ? Does the UN Convention against Corruption tell us what will be the caste and religion of the Lokayuktas which are appointed in the States? आप उस से पाबर ले रहे हैं . उस कन्वेन्शन तोः लोक्रपाल काः जक्रि भीः नहीं है और राज्यों और लोकायुक्त के अधिकारों जब आपको यह लगा कि इस विषय कोः आप एकदम कुचलते जाः रहे हें¢ सारे दल इकट्ठे हो गए हैं , तो you have now created a new Constitution. This is for the first time I am seeing that a new Constitution is being created. I had heard of the word 'cocktail' in some other context. But this Government is now trying to make a 'constitutional cocktail' and the 'constitutional cocktail' is, the 'constitutional cocktail' is कि 253 में कामून बना लो

कि मेरे ही यह कहते रहो पास पहली कन्करन्ट लस्टि में भीः हैः , लेकिन ऑप्शन 252 का दे दो। If the law is under 253, there is no provision for an option. और आपने क्या कामून Just look at your law. Article 253 की कल्पना इसलिए कीः गई थीः कि सक्तन्त्रता के बाह्य अपने पडोसी देशों के साथ कई परकार के विश्वय आते थें , विशेष कीः समस्याएं आती थीं , रूप से सीमा boundary disputes used to come. So, when you resolve those boundary disputes, the States should not say anything that 'my land is going away.' So, most of these laws under 253 were because of those international covenants. Then there was the WTO which was questioned on this ground and we felt that 'well, the Government has entered into an international covenant.' That was a rare case. But are you setting a good constitutional precedent by saying, 'first, under 253, we must enact a law which will dismantle the entire authority of the States in dealing with their own services'? The authority to deal with State services can only be with the State Legislature; the Executive power can only be with the State Government. The Central Government is a usurper; the Central Government is an interloper. They cannot interfere in that. और इसीलिए सभी कक्षेत्रीय दल इसका वशिध हैंः कयोंकि राज्ञ्य सरकारों के अधिकार इसमें होंः , उनकी अब आपने इस पर एक मज़बूत भावना रहती हैक यह कॉक्रटेल दिया , बना 253 तोः इसकी अन्मति लेकिन आर्टिकल नहीं देला हैक अगर केस्द्र काः अधिकार है , तब भी यह प्रावधान नहीं है कि केस्द्र काभून , जो राज्य चाहे ले ले, जो न चाहे न ले बनाएगा यह सुविधा है , 253 में केवल आर्टिकल 252 **ਸੇਂ** नहीं क्री तोः आपने कि 252 का ऑप्शन दे दो , चलिए कर सोधा कॉक्टेल हो कामून और अभी तोः हमारे तृषामूल वासे साथी मान हीः जाएंगे। जाएगा Anybody can go to court and say under Article 253 where do you get this provision of 64(5)? Please read 64(5). इसमें आर्टिकल 64(5) दिया , जो कहता है , जब तक यह कामून डाह्म राज्ञ्यों पर लागू नहीं होगा और सुटेट **लैजिस्लेचर** नहीं बनाएंगे , तब तक राज्य अपना कामून चला सकते हैं⊅ It is a transition provision. But if you have the authority under 253, if you have the authority under the Concurrent List, then the States don't have the authority. Does Mr. Sibal realize when he espouses this argument that the Centre has the

original power to appoint the Lokayuktas? That means, the 18 Lokayuktas appointed in 18 States are all ultra vires the Constitution because if you have the power, the States never have the power. That is the logical conclusion of this absurdity. Therefore, Sir, you are making a law which is constitutionally vulnerable. But, we are committed to making a law, and the correct constitutional course is that you must follow the correct route to achieve the correct destination. Get a resolution from the States, frame a proper law, make it optional for those States which want to accept it or have a similar law and then, come up and amend the Constitution again. Also, if you don't want the States to by-pass this provision of not having a law, let it be put in the Constitution that there shall be a Lokayakta at the Centre, there shall be a Lokayukta in the States, created either under article 252 or by the State Legislature. We would agree to that immediately.

SHRI PRAVEEN RASHTRAPAL: What happened in Gujarat? ...(Interruptions)...

MR. CHAIRMAN: Mr. Rashtrapal, please, resume your place. आप लोग बैठ जाइए। ...(व्यवधान)... Please, continue, Mr. Jaitley ...(Interruptions)...

SHRI PRAVEEN RASHTRAPAL (Gujarat): The Gujarat Assembly had passed the...(Interruptions)...

MR. CHAIRMAN: Mr. Rashtrapal, please, resume your place. ...(Interruptions)...

SHRI PRAVEEN RASHTRAPAL: Sir, I want an answer to my question. ... (Interruptions)...

SHRI S.S. AHLUWALIA: You must raise that question in Ahmedabad, not here. \dots (Interruptions)...

MR. CHAIRMAN: Please, don't.....(Interruptions)... He has not conceded. Please, resume your place. ...(Interruptions)...

जेटली : सभापति महोदय , यह अच्छी बास कि यह शरी अरुण परश्न इस परश्न के जवाब में सबको संस्ष्ट गया। करना कि उसकी की प्रक्रिया चाहिए नियुक्ति अपने आप में अच्छी चाहिए परक्रिया होमी कोई एक व्यक्ति याः एक पद उसका नियेत्रण जिस न करे। दिया जब सबकी राज्ञ्य का उदाहरण सिफारिशों के साथ , नेहा प्रतिपक्ष कीः सिकारिश के बाद , Chief Justice की सिफारिश के बाद राज्य भेजती है , तो 4 सरकार नाम तक राज्यपाल उसको notify नहीं करती है≬ इसलिए interruption मत कीजिए , जिसमें देवे पडें। बहुत उत्तर दूसरे नाम भेजे जाहो हैं , तोः पता चलता है कि बिना मुख्य मंत्री की सिकारिश के राज्यपाल ने नियुक्ति कर दी। ...(व्यवधान)...

MR. CHAIRMAN: Let deviate from the subject. นร not. don't ...(Interruptions)... Please, disturb the discussion. ...(Interruptions)... Please, resume your places. आप लोग जाइए। ...(**व्यवधान**)...

SHRI ARUN JAITLEY: Mr. Chairman, the manner in which the Raj Bhavan subverted the appointment for years is itself a good case for why we

must have an institutional mechanism not controlled by the Government. Most of us, conceptually and ideologically, have been supporters of social justice and affirmative action. आरक्षण होः , उसके हम समर्थक और जब मैं यह कहता हूँ कि आप ऐसा कामून ला रहे हैं , जिस पर से आपत्ति द्रष्टि हो सकती है। अब आपने कहा कि काः बनेगा लोक्रपाल 9 लोगों और उसमें आरक्षण not less than fifty कोर्ट per cent होगा। अब सुप्रीम ने पचास परसेंट की cap लगाई है और आप not less than fifty कह दीजिए , उसमें दक्कित हैं। Not less than fifty per cent इसलिए कहा कि पांच होंग्रे , तोः एकाएक उसको चुनौती दे दी जाएगी।

The legal phraseology of that clause 'not less than 50 per cent' is designed to make it, at least, 5 out of 9 so that it becomes constitutionally vulnerable. I am being forced to enact a law but when I enact a law some friendly person will move the Court and have this provision stayed. Who do you go in for extraconstitutional reservations? Go in for reservations which are in

accordance with the Constitution. We have no difficulty. All these are designed to make this law vulnerable to a constitutional challenge. My third ground, Sir, is that we had a 'sense of the House' Resolution. उस sense of the House resolution में हम ने स्पष्ट रुष से कहा , और है , इस सदन की और दूसरे तर्क सदन कीः वश्विसनीयता है कि हम परावधान बनाएंगे जिस में काः परश्न गरूप "सीः" एंड "डीः" कर्मचारियों , जिस में कोः लोकपाल के तहत रखेंगे सिटीजन चार्टर कोः लोकपाल के तहत रखेंगे। The language is very clear. Let me read that language. The language of the Finance Minister's Statement is, "This House agrees, in principle, on Citizens' Charter and lower bureaucracy to be brought under the Lokpal through an appropriate mechanism." अब mechanism की flexibility, mechanism का आप के पास है , लेकिन under the Lokpal काः कोई लचीलापन आप ने संस ऑफद हाउस में सुप्रष्ट रूष से कह दिया है। अब आप "सीः" एंड "डीः" केः संबंध में appropriate mechanism सोध सकते You can say the Lokpal will deal with it under his supervision. He can deal with it or a delegatee can deal with it. But why do you want to say that it will go outside the purview of Lokpal when it goes to other agency? Why should Citizens' Charter clauses not have come as part of this law itself? You have committed to put it under the Lokpal. So, with regard to Lokayukta, when he made a commitment in this, we have to enact it. But it has to be done constitutionally in the correct manner and the correct manner, Sir, is that we create an institution which is constitutionally permissible. We can't encroach into the rights of the States and say we are violating those rights but we are giving power to the States to reject the Central law. If Centre has jurisdiction, no State can conceivably reject that law. If Centre has no jurisdiction, you can't usurp into the authority of the States. Sir, we are creating a new institution. Institution building, Sir, is a very challenging task. This will be the primary integrity institution in this country. Are we going to subvert this institution even before it is formed? The manner in which you have brought this law, you want to subvert this institution even before it was formed. You want to kill the Lokpal while it is still in the womb. We need to create a powerful and an independent Lokpal. You want to create a subservient Lokpal. An effective Lokpal needs an independent investigative agency, that is, the CBI or any other agency. You want a

pliable agency so that the Lokpal becomes a rudderless institution. The Prime Minister indicated that there was some conflict between 'fighting corruption' and 'federalism'. In my respectful view, there is no such conflict and, therefore, if we are in the process of creating history, the challenge before us is 'let's not create bad history'. If we create bad history, we will be leaving a lot of task for our next generations to correct these errors into which this law is falling, and that is why some of us in the Opposition have decided we will be here the whole day to pass a Lokpal Bill, but not your Lokpal Bill. Please accept the amendments that some of our colleagues have moved so that we can have, with those amendments, a powerful and a strong Lokpal.

PROF. SAIF-UD-DIN SOZ (Jammu and Kashmir): Sir, I have a point of order. I want to seek a clarification from Jaitley sahib. I have a point of order under 258. I want to seek a

clarification from Mr. Jaitley. ...(Interruptions)... जेटली साहब के लिए ...(व्यवधान)... मैं आपको मुख्तसर बताऊंगा।

﴾ [جیثلی صاحب کے لئے ۔۔۔(مداخلت)۔۔۔ میں آپ کو مختصر بتاؤں گا۔]

MR. CHAIRMAN: Let us go on to the next speaker. ...(Interruptions)...

PROF. SAIF-UD-DIN SOZ: He has been wrong at two places. ...(Interruptions)... वह सब्र से सुझें और मुझ को बताएं।

وہ صبر سے سنیں

اور مجهہ کو بتائیں

I am not a lawyer; I am a layman. ...(Interruptions)...

MR. CHAIRMAN: This is not the time to seek clarifications. \dots (Interruptions)...

PROF. SAIF-UD-DIN SOZ: Sir, Jaitley saheb should agree to clarify two points. (Interruptions)...

MR. CHAIRMAN: Next speaker, Dr. Abhishek Manu Singhvi. ...(Interruptions)...

परो सैफ्दीन सोज : सर. दरखास्त सुनिए। ...(वयवधान साहब , पहले)... चेयरमैन दरखास्त साहब कल्लेरिफिकेशन समिए। यह चाहिए . . . (व्यवधान)... During the course of the debate, I want to

Leader of the Opposition...(Interruptions)...

श्री सभापति : नहीं। सोज़ साहब , आप बैठ जाइए। Sorry. डाः . सिंघवी , पृक्षीज़।

के कहा कि ि (...(مداخلت)... جیٹلی صاحب کو بڑا دل کرکے جواب دینا چاہئے ...(مداخلت)... میں سمجھتا ہوں کہ انہوں نے یہ پیں اور جنتا کی بھاونائیں الگ ہیں ...(مداخلت)... میں سمجھتا ہوں کہ انہوں نے یہ غلط کہا ...(مداخلت)... أ

पार्लियामेंट की भावनाएं अलग हैं और जनता की भावनाएं अलग हैं ...(व्यवधान)... मैं समझता हूँ कि इन्होंने यह गलत कहा। ...(व्यवधान)...

†[]Transliteration in Urdu Script.

श्री सभापति : डाः . सिचेवी। ...(वृद्यवधान)... आप बैठिए , मिस्टिर सोज़।

لروفیسر سیف الدین سوز: سر، ہندوستان کی کروڑوں عوام کے ہم نمانندے ہیں ...(مداخلت)...

प्रो . सैफुदीन सोज़ : सर, हब्द्रिस्तान की करोड़ों अवाम के हम नुमाइंदे हैंं ...(व्यवधान)...

श्री सभापति : प्लीज , आपबैठ जाइए। I am sorry.

श्री सभापति : नहीं , आप नहीं पूछ सकते हैं।

प्रो . सैफुद्दीन सोज़ : सर, अगर वेः इंकार करते हैंः , तब आप कहिए ...(व्**य**वधान)...

ل پروفیسر سیف الدین سوز: سر، اگر وہ انکار کرتے ہیں، تب آپ کہنیے ...(مداخلت)...

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

PROF. SAIF-UD-DIN SOZ: This is my right. ...(Interruptions)...

MR. CHAIRMAN: No, no. It's not. \dots (Interruptions)... I am afraid, not. \dots (Interruptions)...

PROF. SAIF-UD-DIN SOZ: When I quote a Rule, I have a right to raise a point of order. $\dots(Interruptions)\dots$

MR. CHAIRMAN: No. You can't raise a point of order here. ...(Interruptions)...

رمداخلت) ... (مداخلت) بروفیمبر سیف الدین سوڑ: سر، میری دو باتیں سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سوڑ: سر، میری دو باتیں سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سوڑ: سر، میری دو باتیں سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سوڑ: سر، میری دو باتیں سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سوڑ: سر، میری دو باتیں سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سوڑ: سر، میری دو باتیں سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سوڑ: سر، میری دو باتیں سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سوڑ: سر، میری دو باتیں سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سوڑ: سر، میری دو باتیں سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سوڑ: سر، میری دو باتیں سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سیفر الدین سر، میری دو باتیں سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سن لیجئے ... (مداخلت) بروفیمبر سیف الدین سن الدین س

MR. CHAIRMAN: Dr. Singhvi has not conceded to you. $\dots(Interruptions)\dots$ Please $\dots(Interruptions)\dots$ Please resume your seat.

PROF. SAIF-UD-DIN SOZ: We are the representatives of the people. ...(Interruptions)... अन्ना की तहरीक तोः गैर -जम्ह्री थीः। ...(व्यवधान)... \dagger

تحریک تو غیر جمهوری تهی ...(مداخلت)...

That has created a situation of anarchy in the country. ...(Interruptions)...

^{†[]}Transliteration in Urdu Script.

शरी सभापति : आपबैठ जाइए। Yes, Dr. Singhvi.

DR. ABHISHEK MANU SINGHVI (Rajasthan): Mr. Chairman, Sir, I am very grateful for this opportunity to open on behalf of the Treasury Benches to a very interesting address by the Leader of the Opposition.

I am reminded that yesterday was the 127th birthday of the Ruling Party on this side, and, really, I would have asked him to join us to gift us an effective Lokpal as a birthday present. ... (Interruptions)... I see. I believe it was his birthday also, if not yesterday, then, day before yesterday. But I know that the BJP is parsimonious in distributing presents. I did not use the word 'stingy' but it is certainly parsimonious. So, at least, if you don't do it for our sake, please join us in passing a Lokpal Bill today for the sake of the nation.

My friend, you have to decide a fundamental question today, and, the fundamental question is: do you want to pass a Lokpal Bill, or, do you not want to pass a Lokpal Bill? It's no use, my friends in the BJP should realize, its no use putting a string of conditionalities in your statements. It's no use saying that I want to pass a strong Lokpal Bill, I want to pass a strong, a comprehensive, a real and an effective Bill after three months, after referring it again to the Standing Committee, with further discussion and further amendment. In my sentence just now, there were 15 conditionalities. That is the conditionality, which you are using as a pretext, as an excuse not to pass the Bill. If you don't want to pass the Bill, say so. If you don't want pass the Bill, have the courage of your convictions; don't hide in and pretentions excuses. Do not try to mislead the nation by trying to look always as if you passing t.he Bill. are but. your own colleague in the other House says, refer it back to the Standing Committee orSelect Committee. Your colleague, on record, says, please take three months. ...(Interruptions)...

SHRI RUDRA NARAYAN PANY: Sir, ...(Interruptions)...

अभिषेक संघिवी : पाःणि अभी डाः . मन् जीः , तोः शुरूआत . . . (व्यवधान) . . . अभी और दर्द होगा , अभी तोः श्रूअात है , थोड़ा रखिए। ...(**वयवधान**)... Please be honest ...(Interruptions)... Please be honest in your convictions and take a stand which is straight forward. Now, let us start one by one Mr. Jaitley's various important points. ...(Interruptions)...

श्री रामदास अग्रवाल (राजस्थान): सभापति जीः, मैंः इनसे एक बाहा जामना चाहता हूं ...(व्**यवधान)...**

MR. CHAIRMAN: Can you please resume your place? He has not conceded. ...(Interruptions)...

DR. ABHISHEK MANU SINGHVI: Let's deal with the points one by one. $\dots(Interruptions)\dots$

MR. CHAIRMAN: He has not conceded. ...(Interruptions)... Please resume your place. ...(Interruptions)...

DR. ABHISHEK MANU SINGHVI: Mr. Chairman, Sir, we heard them largely in silence. They should extend the same curtsies to us. ...(Interruptions)...

श्री सभापति : प्लीज़ आप बैठ जाइए ...(व्यवधान)... आप लोग बैठ जाइए ...(व्यवधान)... I am sorry, he has not conceded. आप लोग बैठ जाइए ...(व्यवधान)...

डा . अभिषेक मनु संघिवी : अगर तर्क नहीं है , तो फिर मामनीय सदस्य कम से कम interrupt न करें ...(व्यवधान)...

श्री सभापति : आप लोग इस तरह interfere नहीं कर सकते ...(वयवधान)...

प्रदेश शरी वी . हन्मंत राव (आंध्र): सभापति जीः , हमने तोः इनकी बास बड़े धयान से सुझी है ...(व्यवधान)...

शरी रामदास अग्रवाल (राजस्थान)ः सभापति जीः , मैंः एक बास जामना चाहता हंः कि क्या लोक्रपाल बस्त्रि में जो तरह से अस्वीकार अमेंडमेंटस दिए गए हैं , ये उनको पूरी कर) . . . आप यह नहीं कह सकते कि हम लोक्रपाल हैं ?...(व्यवधान बल्नि बिल्ल का समर्थन के समर्थन में नहीं हैं , हम लोक्रपाल में हैंः के साथ हैं ...(वयवधान हमारे संशोधनों

DR. ABHISHEK MANU SINGHVI: Mr. Agarwal, the debate does not end when the Leader of the Opposition sits down. That stage will come after a lot of others finish.

Now, let us take his points one by one. My friend made a caricature of the whole process of the CBI, of the whole process of investigation. Let's look at it one by one and let's look at it a little seriously, not with the intend to ridicule, as he seems to have done. Let's look at the CBI in the investigation process. It is a seventy-year old organisation. The Bill draftsmen rightly had a dilemma, should the birth of a new institution like the Lokpal mean the automatic destruction of every existing institution? A seventy-year old CBI, a ten-year old CVC, everything should be destroyed because we are creating a new Lokpal. That is not the approach. Let me start by saying that there is a difference of approach of philosophy. The difference of approach of philosophy is that on the one side those outside this House who have a particular philosophy which the main Opposition Party seems to be supporting, although not quite saying so,

that philosophy is one philosophy. Our philosophy is totally different. Let me explain. That is how the details arise. Details and changes arise because of philosophy of approach. The approach of those outside the House which you are supporting, although not accepting, is you must have one Lokpal; you must subsume the CBI under the Lokpal; you must subsume the CVC under the Lokpal; you must put the entire grievance redressal and Citizens' Charter — mind you, the Central Government alone has two hundred departments and each department has a Charter which has to be monitored — under the Lokpal; you must put the suo motu complaint before the Lokpal; you must put the referred complaint by me to the Lokpal in the Lokpal; you must have the preliminary inquiry by the Lokpal; you must have the actual investigation by the Lokpal; you must have the quasi-judicial decision-making at each of the stages by the Lokpal; you must

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then have prosecution by the Lokpal. Thank God, you did not say that you must give judgement by the Lokpal also. Now, one, you are creating a behemoth, a mammoth of unimaginable proportions. The Prime Minister's Office and the Central Government will look like a pigmy in front of this giant. And if Lord Acton's phrase of power corrupts and absolute power corrupts absolutely is even partially correct, you are creating a breeding ground for big ticket corruption. Second, you are, in fact, making a body outside the whole system. You are having a body with inherent conflict of interest in all the seven or eight items I have said, and this body, mind you, will also cover the Prime Minister to the peon. This is not our conception. Our conception is of mutual checks and balances, of mutual inter-locking checks and balances which, among other things, create an equilibrium between the holy trinity or the trinity of the Lokpal, the CVC and the CBI. Each must depend on the other because that is the way our Constitution is framed.

Now, my friend, of course, forgot, although he is far too learned and knowledgeable not to know about it, but he deliberately chose not to point out four or five fundamental changes of great independence, autonomy and advances made for the first time in sixty years of this country in this Bill. He conveniently forgot to mention, one, that for Lokpal-referred investigations, which is corruption, there will now, for the first time, be no Section 6A prior sanction. Incidentally, prior sanction under section 6A for Joint Secretaries and above was required to be abolished by the Vineet Narain judgement. If I recollect rightly, the NDA Government brought it back. But that apart, this Bill, for the first time, abolishes the prior sanction apart from abolishing all other sanctions under section 19 of the Prevention of Corruption Act and under section 197, but section 6A in particular. Incidentally, section 6A was perhaps not specifically abolished even in the Government Bill introduced earlier. But after the Report, it has been accepted and it is abolished.

Two, we have been talking in this country for 60 years that it is better to have some differentiation between investigation and

prosecution. It creates better objectivity. Today, suppose I am an investigator. I come back to the CBI and tell my colleague sitting in the next room that this is my investigation, you please prosecute. Collegiality means that he will normally prosecute on not such a good investigation. But separation of prosecution and investigation has been a progressive ideal of most systems. This Bill, for the first time, creates a separation, a Chinese wall. For Lokpal-referred investigations, the Lokpal shall prosecute. There is objectivity there.

Three, there is clearly, among others, in clause 25, a statement that the merits of the investigation of the CBI shall not be interfered with. But here comes an important point which the

Leader of the Opposition made. The Leader of the Opposition was talking about the common law in England and India. The common law means judgemade law. That means the investigation process of the CBI or any investigating agency cannot and should not be interfered with. But there is no law which says that the statutory law cannot change the common law. Perhaps my friend has forgotten that. That is why we are considering in the Bill a specific provision which overrides and seeks to amend section 173. It, in fact, makes the charge-sheet or the closure report fileable by the Lokpal. The Lokpal is the one which will file the charge-sheet. On the one hand, you keep saying that the Lokpal should be important and it should be strong. On the other hand, when we provide for Lokpal-initiated investigation, that the whole control remains with the Lokpal, you start objecting.

Remember, the CBI deals with cases relating to murder and rape; it deals with those cases which do not fall in the category of prevention of corruption cases; it deals with economic offences; it deals with CBI-referred cases; it deals with High Court-referred cases; and it deals with the Supreme Court referred cases. These are not the cases we are considering. The CBI is separate for all of them. The cases we are considering are the Lokpal-referred investigation under the Prevention of Corruption Act. Well, in that case why should not the matter come back to the Lokpal to file a charge-sheet? We have amended section 173. Does any law say that Parliament, under the new Bill, cannot amend the common law?

Now I come to section 8A. And this is very interesting. One of the arguments is this. I always get mixed up whether the argument is from that person sitting outside or from the BJP. There are nuances of that. And there is a great overlap. One of the arguments of Team Anna and partly of the BJP is that you submerge the whole CBI under the Lokpal or give administrative control of the CBI to the Lokpal.

Let us look at this argument for a minute. Of course, they never thought of transferring any administrative control during the NDA regime. Today, everything in this country must be transferred. Even the Selection Committee of the Prime Minister, the Chief Justice of India, and Leader of the Opposition is not enough. But we will come to that.

Let us look at this process. What is the argument? The argument is that you are actually not making the CBI subject to the control of the Lokpal. But, actually, in a large measure, you are. In this Bill, I have told you, the investigation report comes back and the Lokpal files the charge-sheet. The Lokpal has been transferred section 8A, power of the CVC, which is full supervisory jurisdiction over the CBI. That is also with the Lokpal. The Lokpal does the prosecution. Apart from actually putting the CBI under the Lokpal, we have given great control and power to the Lokpal over the CBI. Unless they want to eliminate the identity of the CBI completely, there should be no objection.

My friend has an objection to the Selection Committee. Can I ask him which body in this country has a selection procedure where the Government nominees or at least those associated with the Government don't have a slight majority? This far has less. One of his colleagues sits on the CVC selection, *i.e.* Prime Minister, Home Minister and Leader of the Opposition. They sit on the selection of the NHRC — Prime Minister, Leader of the Opposition etcetera, etcetera. Is he now suggesting that for the first time in this country you must specifically create a law where the Government must be in a minority in selection?

DR. CHANDAN MITRA (Madhya Pradesh): Will you please yield for a minute?

DR. ABHISHEK MANU SINGHVI: No, no; please let me complete first. ...(Interruptions)...

- MR. CHAIRMAN: He is not yielding, please. ...(Interruptions)...
- DR. CHANDAN MITRA: Please yield.
- DR. ABHISHEK MANU SINGHVI: No, no; it interrupts my flow. You discuss it later on, please. ...(Interruptions)...
- MR. CHAIRMAN: He is not yielding. ...(Interruptions)... Chandan Mitraji, he is not conceding. ...(Interruptions)...
 - DR. ABHISHEK MANU SINGHVI: Let us discuss. ...(Interruptions)...

SHRI V. HANUMANTHA RAO: Chandan Mitraji, when your turn will come, you can speak. ...(Interruptions)...

DR. ABHISHEK MANU SINGHVI: Therefore, you have, at least, five new systems here in this new Bill — prosecution separated, all sanctions abolished, no influence during investigation under Section 25 or Clause 25, charge sheet to be filed by Lokpal, supervisory jurisdiction of 8A with the Lokpal and selection after changing the law, again, for your sake, by a very high-powered body. Now, if you do not trust people like the Chief Justice of India, the Speaker of Lok Sabha, all ex-officio, and if you say that there is a Government, sarkari selection, then, I think, fundamental restructuring of a democracy must come about because democracy answerable through

Parliament must not select; outsiders must select.

Now, look at this administrative freedom. It is very interesting. He says, "Administrative freedom or administrative control must be given to somebody else; to Lokpal in this case." Sir, I hope, nobody in this country considers that CEC, CAG are sarkari bodies. I hope, somebody will concede that much. Although I am not sure, in an appropriate moment, we will also be told, perhaps, by the BJP, or by those sitting outside, that even CAG and CEC are sarkari bodies. They are totally independent in action and in concept in the Constitution. Does the CEC has

administrative control somewhere? Or does the CVC say, 'Today, I want to pay my Deputy CEC the salary of a Cabinet Secretary? Because I am independent, I will pay him Cabinet Secretary's salary!' Who is the controlling cadre authority of the CEC? The Law Ministry. Who is the controlling cadre authority of the CAG? The Ministry of Finance. Who is the controlling authority, administrative authority of the UPSC? The DoPT. Now do you want to create a body? This is common for everybody. That does not mean that every day, they sit on their head and they say, 'you can't discharge your constitutional functions.' Just because of the lust, just because you want to earn a few brownie points outside or just because of some State elections, you want to fundamentally alter the structure of this country! That administrative authority will not lie any where. Now, this is very important. Why does the administrative authority lie with Law Ministry, Finance Ministry or DoPT? It lies because when the Minister gets up in the House and seeks sanction for funds on the Consolidated Fund of India, he seeks sanction for funds on the Consolidated Fund of India for the CAG. The Finance Minister does that. The Law Minister does it for CEC. He is the political executive answerable to Parliament. He replies to questions. Today, for any of these authorities, do the Civil Service Rules apply or not? Is a CAG officer subject to the Civil Service Disciplinary Rules? Obviously, he is. Suppose he wants to travel abroad. Let us take a better example, my friend, the Leader of the Opposition, more familiar with, the Supreme Court. I hope, you remember this, just about six months ago, if I remember, Secretary in the Ministry of External Affairs rejected the travel plans of three Supreme Court Judges. He wrote on the file, "According to me, this Conference is not necessary to be attended by these three Judges of the Supreme Court because the administrative Ministry for travel abroad, for all other people also, is the MEA." If the CAG wants to travel abroad, he has to bring in within his budget and he has to seek two clearances - a political clearance an administrative clearance. A political clearance is necessary. Whether somebody can go and represent somebody abroad, an administrative clearance is necessary.

And he can't decide to do what he likes, with the money! Now do you want a system where administrative control is not vested with the Minister who gets up here and answers questions? Do you want administrative control with a Minister who does not get up and seek the Consolidated Fund of India funding? Are we talking of anarchy just because it suits you? I would implore my friend that we are together on this; in a short-term experienced concept, please don't destroy institutions. There is a method in the madness what we have in India. There is a huge method. That method in the madness does not exist in our neighbouring countries. But we should be proud and not destroy it merely because of the expediency of one particular Bill. These are our systems which have endured the test of time. I can give you several examples. For example, the Chief Election Commissioner of India wants to

have an MoU with the Chief Election Commissioner of Pakistan even for a very salutary and desirable object. He is not a law unto himself. We have several senior ex-bureaucrats in this House today. He has to go and seek permission from somewhere, whether it is the Ministry of External Affairs or some other Ministry, because you can't do things without an anchor. Incidentally, if you had checked, you would have come to know that the CBI, except Joint Director and above, selects almost everybody and transfers them on its own. Only some of the senior ones require consent. I believe, Sir, with great respect, that it is highly exaggerated that in every case Ministries are interfering with our institutions. Yes, we have had a record over the last 20 years that in some cases, certainly as much in your side and as much in our side, the CBI might have been interfered with. But this is a highly exaggerated notion that Mr. Narayanasamy's Ministry or the Minister is sitting in the CBI Office every day and monitoring the investigation. Today is an age with media, 24×7 , entering our bed rooms. Do you think it possible? Do you want to destroy institutions on theoretical tilting and windmills and imaginary apprehensions?

Let us turn, Mr. Chairman, Sir, with your permission, to a very important issue of article 253. With great respect, I would like to submit that I would have thought that this issue would not arise. Perhaps, this issue has been raised only because my friend wants to play Narad Muni. He believes that he must play Narad Muni to the galleries because some of our friends on our side will get provoked by him when he talks of federalism.

Now, I am going to tell you something very interesting. The night before last, I went through the Constituent Assembly debates and I am going to prove in a minute that, perhaps, my friends in the BJP and the Leader of the Opposition are telling us that they are wiser than our Founding Fathers. Our Founding Fathers discussed that the State autonomy was very important. Then they created not one, not two, not three, not four, but six inroads into it, right from article 249 to article 253. They said that for higher national interest, you have to have provisions where affirmatively Parliament is given power to have

an inroad, where Parliament is given power by our Constitution. My friend is telling us that there is an assault on federalism. One of our lawyer colleagues wrote an article two days ago that it was an assault on federalism. When I tell you what happened in the Constituent Assembly debates you will realise that article 253 itself was, as it is, put there. Then — I will give the name — a Joint Memorandum was moved saying, at least, make it clear that "We shall only do it if it is obligatory upon international treaty to do it". Mr. B.N. Rao, the Constitutional Advisor, got up and said, "No. No change in article 253. It will remain as it is. It is important for Indian federation. It is important for national interest". So, article 253 is a Constitutionally decided national interest provision. How can it be an assault on federalism? The two are contradictory. I will just give you the details in two minutes. Yes, List-II

is inviolate. I will come to the arguments about Entry 41. With great respect to my learned friend - I really admire his legal knowledge t.hat. wrong argument. But t.hat. apart, List-II is important. Federalism is important. But just consider the articles which start from 249, forget article 253 for a minute. Number one, article 249 says that Parliament can legislate on the State List, that is, List-II, in the national interest. Number two, article 250 says that the Parliament can legislate on the State List in emergency. There is no absolute federalism. There is no absolute virtue. Number three, article 251 says that the Parliamentary law will prevail if the legislation under articles 249 and 250 is repugnant to the State law. Article 252 is a different provision where consent of two States is required. I am surprised that the BJP continues to insist on this, again and again, even after my friend, Mr. Sibal, clarified it in the other House that article 252 specifically says that it applies where Parliament has no jurisdiction.

Article 252 requires resolution of two States because article 252 says that it is in cases where Parliament has no jurisdiction. May I read it, if you have forgotten it? It says, "If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws...". Mr. Sibal said so. Now just read the opposite in article 253. Article 253 says that we, the Constitution, are saying that Parliament shall have power. Let me read article 253 in case you have forgotten that also and it is very interesting. Article 253 says, "Notwithstanding any other clause in this whole Chapter". Article 253 is supreme. It is above 252 and says, "Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole any part of the territory of India". And you are applying this to say it is antifederal and it has no power. Let me remind through the hon. Chairman, that this article 253 is very interesting; it is also educative and enlightening, if you care to go to the debates. This is meant less for my friends this side, it is meant more

for my friends that side that we are doing no assault on federalism.

Let me also clarify.....(Interruptions)....

SHRI ARUN JAITLEY: Are you justifying the assault?

DR. ABHISHEK MANU SINGHVI: How can there be an assault, Mr. Leader of the Opposition, when the Constitution says Parliament shall have power? You are assaulting the Constitution ...(Interruptions).... Let me point it out to you. This is not a TV channel. It is a serious stuff here. Now, let me come back to the debates. Now in debates, this article 253 was called 230. At that time, the article was 230. By the way, I must preface my remarks by saying that this issue should not arise today because the Government has bent over backwards and has already amended the law. The law before you today stands amended. It says it shall apply only with the consent of the States.

SHRI ARUN JAITLEY: Since we have the benefit of your constitutional knowledge, does article 253 empower the Government to give such an option to the States?

DR. ABHISHEK MANU SINGHVI: Of course, it does.

SHRI ARUN JAITLEY: Where? Please read it. Your saying, of course, does not matter. Please read it where does it give the option.

DR. ABHISHEK MANU SINGHVI: Kindly permit me to answer it, Sir.

SHRI ARUN JAITLEY: It is an ultra vires option.

DR. ABHISHEK MANU SINGHVI: Kindly permit me to answer it. Article 253 says, "Parliament shall have power to make a law in implementation of a treaty". Remember three things which are forgotten about article 253, not yet mentioned. One, it is nonobstant; it overrides all other provisions. It says, "Notwithstanding". Two, it says, "Parliament shall have power". I am not saying it; the Constitution says so. Third, which is very interesting, says, "To implement a treaty, but even to implement a decision taken at an international conference". Look at the national interest, when India goes abroad and commits itself in an international conference, even that is under article 253. Now, if Parliament has power, that means the Parliament can pass law. If Parliament can pass law, it has to be law under List-I or List-III. This much you will accept. If Parliament can pass law, if it has power to pass law, then why can't Parliament put clause 1(4) which we have put that this law shall apply provided there is State's consent. Why not? You require a constitutional provision. ...(Interruptions)....

SHRI ARUN JAITLEY: Are you realizing it? Since you said that it is a serious stuff, the consequence of your argument is Parliament has power to make law, it is nonobstant; it is overriding, and that States may not listen to me and have their own stuff.

DR. ABHISHEK MANU SINGHVI: No, you have forgotten one important point. ...(Interruptions)... Mr. Jaitley, how can you forget that this power is available only when we have an international treaty? It is available only when you have international treaty. When you passed the National Human Rights Commission Act, it was under a treaty to have a

National Human Rights Commission. The same Act said NHRC and SHRC is the same Act. It was under article 253. The National Human Rights Commission Act was under article 253. Otherwise, how...(Interruptions)....

MR. CHAIRMAN: Please, it is not your turn. Please let him continue.

DR. ABHISHEK MANU SINGHVI: Sir, my time is limited. Let me explain. I would like to have an answer.

Now we are being tactical. How is it that in respect of human rights which involves law, order and everything and which is a State Subject, the national Act provides for State Human Rights Acts? It provides because we have a treaty commitment, and that was enacted in the NHRC Act. Now, if you read the NHRC Act, the first part talks about the NHRC, and the second part says that each State shall have a State Human Rights Commission, exactly as this Chapter here says.

Now, let me go on further, Sir. Let us see what happened fifty, sixty years ago amongst people who, I beg to submit, were much wiser than us. Their vision has endured. Please do not try to change that vision. That vision is easy to change. A joint amendment was moved to article 230 - which is article 253 today - by K. Santhanam, Iyengar, Krishnamachari and Dadabhai and they said, 'at least, put a proviso to article 230'. And I quote, the proviso was, "If any law is passed by Parliament purporting to give effect to a treaty, international agreement or convention regarding the State List, it would be valid only to the extent that was essential to give effect to it". This was the proviso moved. I would say, it is an innocuous proviso. It should not have been allowed by Dr. Ambedkar and Mr. B.N. Rao, because it really said what article 253 says. Then, another joint memorandum was given by Mr. V.T. Krishnamachari who said, this is anti-federal. He said - and this would be very interesting for the BJP to know - have it only like article 106 of the Government of India Act, which is exactly the same as article 252. Mr. Krishnamachari said, have it only with the consent of two States. If you want the references, I have got them too with me. Mr. B.N. Rao got up to reply to the debate on article 230 - if you remember, he was the constitutional adviser and second only to Dr. Ambedkar in the role he played - and said, "The proviso is hardly necessary since Parliament would exercise power only insofar as necessary to implement the treaty and, therefore, I reject the amendment." Article 253 remained exactly as it is with one further change, which was to expand it. Earlier it said, "It applies to any State or part thereof". Somebody raised a question that Union Territories and the whole of India should apply. So, they added, which is now as it stands today, that it shall apply to the whole or any part of the territory of India and that is article 230, finally passed as 253. I fail to understand, on what basis people are calling it antifederal. In any case, whatever fears there were of compulsion, or pressure on the States, are taken care of by a sensitive Government, by a Government which believes in carrying people together, by making a further change day-before-yesterday night and saying, it shall be applicable only with the consent of the States. I am asking you: how is it possible to have an inroad into State's rights if the State doesn't give consent? Therefore, may I end in conclusion on this point, that your constitutional cocktail — and I know that my friend and I are both teetotallers — doesn't have the punch that it should have.

MR. CHAIRMAN: Dr. Singhvi, would you like to conclude after the lunch-break?

SHRI ABHISHEK MANU SINGHVI: Sir, if you could give me 15-20 minutes more, I would complete it by 2 o'clock.

Now, Sir, my friend has raised the issue of reservations. It is very interesting that he has not read the Bill on this. This Bill does not have any reservation at all! You are first putting something in our mouth and then, shooting it down as unconstitutional and saying, 'I have got a great victory; I have won'. If you just read the clause, it is a clause that gives a statutory mandate to provide diverse representation consistent with the pluralistic diversity of India. It is very interesting to note that the clause itself says, "Provided that not less than 50 per cent of the members of the Lokpal shall be from amongst persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women". By the way, it does not talk about reservations at all. Reservation means that there shall be, say, five per cent women; there shall be, say, 28 per cent OBCs; there shall be 'X' per cent Muslims, 'Y' per cent Christians and so on. That is the meaning of reservation. And what does quota mean? What this does is that, not including Chairman, out of eight members, not less than four, - it can be five or six or can be all eight - some or all, which is what is crucial, may comprise the OBCs, minorities, women, S.C.s and S.T.s. So, in one year, I go to select eight people, out of which I find, on merit, one OBC, one Muslim and one woman; but I need to cross that figure. Now, I don't have to take a woman every time, and I don't have to take an OBC every time because so long as four out of eight comprise some or all of these categories, - namely, the Scheduled Castes, Scheduled Tribes, and so on...(Interruptions)...

श्री मुख्तार अब्बास नक़वी : सभापति जी , लंच का समय . . . (व्**यवधान**) . . .

श्री वीः. हनुमंत रावः नक्तवी साहब , आप बैछिए ...(**व्यवधान**)...। बैछिए ...(**व्यवधान**)...।

श्री सभापति : ये खत्म कर रहे हैं ...(व्यवधान)...

DR. ABHISHEK MANU SINGHVI: Let me complete. You know, my time is limited...(Interruptions)... I am requesting you...(Interruptions)... I am not yielding.

Sir, the pluralistic diversity of India is sought to be represented, and the whole point is that we have bitten the bullet. We are the ones who have the courage of our convictions; we have walked the extramile. We have done it today, and I can guarantee that, tomorrow, there will be a number of people following us because we are pioneers in social engineering; we are pioneers in reflecting the true pluralistic diversity of India, without any reservation here.

"हम आजअकेले चले हैं जानिबे मंज़िल मगर लोग साथ आते रहेंगे और कारवां बन जाएगा "

We are brave enough to think differently; we are bold enough to act differently because, we

believe, we can change the world to reflect the true pluralistic diversity of India. And you are giving advance certificates of unconstitutionality! You are giving advance, premature certification of unconstitutionality, perhaps, because it does not find harmony with your basic 50-year old philosophy of India, the idea of India, the diversity of India. That I cannot change; that I cannot help.

Mr. Chairman, Sir, on Groups 'A', 'B' and 'C' business, in all these hullaballoo, it is forgotten that there was a three-month debate in the Joint Drafting Committee where the fight was for only Group 'A', and the Standing Committee jumped it to Group 'B'. So, from Group 'A', which covers two-and-a-half lakhs of employees, we went up to eight lakhs in Group 'B'. Now, Group 'B' includes everybody up to Section Officers. Are we wrong in thinking that the idea of this legislation is to catch, at least, the medium-ticket and the bigticket corruption, or, do you want to file reports, like what the CVC files, saying that we have done hundred prosecution cases out of which 99 are peons or drivers? This is point No.1. Secondly, it must be clarified that Tehsildars, talaties and those kinds of people, which is a big problem in the mind of everybody, are all anyway covered under States; they are State-notified personnel. Essentially, who are under Group 'C'? Group 'C' includes drivers, peons and assistants. Yes, there are some classes under Group 'C' who do corruption in a bigger way as well. But you have to draw a line somewhere. Why do we draw the line? Otherwise, the figure would be 65 lakhs! Before this Bill, Group 'C' was not regulated by anybody, except the Departmental Heads. Today, we have gone further. We have included Group 'A' and Group 'B'. Secondly, we have put the whole of Group 'C' under CVC. And, who is CVC? The CVC is a 2003 body where you sit as a selector; it is a body which is a premier body of India, 9 years old, nobody has made allegations about it; the Leader of the Opposition sits as a selector also. The whole of 'C' is now governed by the CVC. We have added two more things. We have said that after the CVC does the whole job, it will file a report; he is obligedto file a report to the Lokpal. We have done one more thing. When the report comes to the Lokpal, the Lokpal will have the power to give an advisory back,

saying 'You should do things like this and not like this'. Is that not fully meeting the sense of the House? It ultimately merges into the Lokpal, but through an appropriate mechanism. I cannot help it if our appropriate mechanism is not your appropriate mechanism, because your appropriate mechanism will never want to agree with any appropriate mechanism by the Government; but, the problem is, as far as the Finance Minister is concerned—an interesting thing which we missed out in months of deliberations, even in the Standing Committee; Mr. Chairman, Sir, no individual Member's, howsoever high, comment in the course of the debate is decisive. Certainly, my friend read out something to me about Mr. Pranab Mukherjee and his own speech. What is relevant is the end. It is the sense of the House conveyed in those four lines. Those four

lines are very interesting which the people forget, and this is the joke about semi-colon! There is a semi-colon between three categories which you have to see.

This is what Mr. Pranab Mukherjee said at the end, which is the sense of the House or what we accept the sense of the House, because there is no Resolution of the House. It says, "This House discussed various issues relating to the setting up of a strong and effective Lokpal Bill. This House agrees, in principle, on the following issues: citizen's charter; lower bureaucracy also to be under Lokpal through an appropriate mechanism; and, establishment of Lokayukta in the States."

So, as far as 'under the Lokpal' is concerned, but through an appropriate mechanism, it only applies to the lower bureaucracy. Only. ...(Interruption)...

SHRI ARUN JAITLEY: So, you will withdraw the sense of the House?

DR. ABHISHEK MANU SINGHVI: No, there is no withdrawal.

SHRI ARUN JAITLEY: Will you destroy the sense of the House by this? ...(Interruption)...

DR. ABHISHEK MANU SINGHVI: To simplify matters, let me put it, there is not a sentence here in these five lines of Mr. Pranab Mukherjee conveying the sense of the House...(Interruption)... There is not a word or a sentence here which suggests that citizen's charter should or must be under the same Lokpal. There is not a word which suggests that the lower bureaucracy has to be directly under the Lokpal. Yes, the mechanism must fuse at the top, which is what this mechanism does.

And, the third thing which we have done, which incidentally is very interesting; the people outside were insisting that the Lokayukta should be under the same Act. When you went to Jantar Mantar, Mr. Jaitley, you never got up and said, "All of you are saying that Lokpal and Lokayukta must be under the same Act, we are objecting." Because, you wanted to get the claps. You wanted only to agree. But, you came out of that and said differently here. They have strongly written. Their written note says, "You must have Lokayukta and Lokpal under the same Act." You go and agree there, and you come to the House and

oppose it!

Let me come to another point, about the Constitutional status.

MR. CHAIRMAN: The hon. Member's time is concluding.

DR. ABHISHEK MANU SINGHVI: Just five minutes more. ...(Interruption)... It is truly sad and tragic that just because a good idea is given by the General Secretary and an MP of the Congress, it must be shot down. Not on the merits of the idea but because the person concerned gives the idea, therefore, you must shoot it down! As you know, I must read to you just in case you have forgotten, this is again a case of selective amnesia. There is a

representation given by the BJP to the Standing Committee, in writing which they call a note of dissent, which specifically says, "We want a Constitutional status to be given". We have no objection to a constitutional status. I know your objection to it. You then go to the All-Party Meeting, and there is not a whisper of an objection to have a constitutional status. You then come to the Lok Sabha, and the argument you give is two-fold. Yes, yes, we want the constitutional status, but only if you take away the Lokayukta part. Second, that if you give a strong Bill. Now, strong Bill I can't give because your definition of strong and mine is different. But the Lokayukta part, how does it have any connection with the constitutional status? How? The Constitutional Bill is a four-clause poor Bill, one-and-a-half is saying, "There shall be a Lokpal, there shall be a Lokayukta..." The appropriate legislation will decide how does the constitutional amendment affect the Lokayukta point. So, you are clutching at straws, you are trying to find excuses to actually oppose a constitutional status. So, (a), you do not want the Lokpal Bill to be passed; (b), you don't want a constitutional status for the Lokpal; and (c), you want to pretend that you are very keen to have a Lokpal Bill. Yes, we are in a dissent, as far as the Constitution (Amendment) Bill is concerned. Thanks to you. But, as you know, as a lawyer, that famous legal quotation, that our dissent in Parliament, which for this legislation is the last court of appeal, is an appeal to the brooding spirit of national interest. I am adapting the famous quote of national interest to the intelligence of a future day when a later decision will correct this error, because a constitutional status for the Lokpal is the best idea. It is clearly an excellent idea. It is innocuous; it does not interfere; it causes no delay, and you are only pretending to oppose it for one reason or the other. There is this famous thing about वाद and विवाद

MR. CHAIRMAN: Hon. Member, the time is up.

DR. ABHISHEK MANU SINGHVI: Sir, I need two minutes more. There is a third word वाद -विवाद and वितंडावाद , वितंडावाद is, when you oppose for the sake of opposing. You oppose for destroying. I have heard no constructive suggestion. I have heard why you

must not do this, and you must not do that. So, you are not doing any constructive $\overline{\text{arg}}$ $31\sqrt{3}$

Sir, as I end in one minute, just in case I have left out the point about removal. The removal is of a Lokpal as a Supreme Court judge. His removal has to be the same as a Supreme Court judge also, you have to make a reference to the President of India, and the President of India then refers it further. You can't have a system where anybody can file. That is all we have done. We have copied the same system as a Supreme Court judge.

Sir, about section 55, I think, you may have a point. If you read our Standing Committee's Report, it says, "Legal assistance actually is intended to mean that a lawyer can appear, not free

legal aid". I think, you will be satisfied with that. That clarification, if the Government wants, they can give. Legal assistance should mean that...(Interruptions)... No, we have said so already. That as framed, it need not mean free legal aid. As far as your trust point is concerned, I am sorry, you are totally wrong. You have forgotten one thing. Private trusts are not covered at all, and I can see that Dr. Karan Singh need not be worried by the 'scare crow nightmare' which you have created for him unnecessarily. This is number one. Number two, it only covers those trusts which satisfy a cumulative condition, which you have forgotten to mention. One condition is, donations from the public. But, cumulatively, the Central Government may notify the specification above which number, i.e., trusts which have donations above one crore or above two crores. So, it is not every trust.

SHRI ARUN JAITLEY: Every single mosque and gurudwara in this country covered under the Lokpal because they take donations from the public. ...(Interruptions)... If they go...(Interruptions)...

DR. ABHISHEK MANU SINGHVI: No, no. It is obviously not intended to. ...(Interruptions)... What you are doing is, you are creating...(Interruptions)...

MR. CHAIRMAN: Please conclude. ...(Interruptions)...

SHRI ARUN JAITLEY: The language says, any private society, trust, unincorporated body which raises money from the public is covered.

DR. ABHISHEK MANU SINGHVI: I am sorry. You are clutching at straws, and you are creating a fear psychosis without any basis. This is not the intention at all.

Lastly, Sir, a very important point he made. I required, at least, ten minutes more, Sir.

MR. CHAIRMAN: No, I am afraid. You can come back after lunch. ...(Interruptions)...

SHRI MANI SHANKAR AIYAR (Nominated): Sir, let us continue. Don't have the lunch break. ...(Interruptions)...

DR. ABHISHEK MANU SINGHVI: Sir, my friend raised a point, which is a valid point at first blush. There are two things. One is corruption to which he concedes that the Leader of the Opposition in the other House was wrong, because the Leader of the Opposition in the other House said that this is legislatively incompetent for corruption also. He rightly concedes that for corruption the competence resides in the Entry 1 and 2 of the List-III. But, then, he says, for departmental action, it goes to Entry 41. With great respect, he forgets two things. The first one is, there are two sections — one Lokpal and the other is Lokayukta. At the Centre, it is Clause 20(3) and 20(4). At the State level, it is 81(3)(b), which he mentioned, and 85. Sir, if you read

together, for the Lokayukta (81 and 85) and if you read together for Lokpal {20(3) and 20(4)}, the first point is, it only provides for a recommendatory power. There is no binding effect. But, Sir, the second one is more important, very important. The second is, the Report, even for departmental action, can be sent only on the basis of corruption findings. If you concede that corruption is covered, under Entry 1 and 2 of the List-III, this is a departmental action arising from corruption findings. Therefore, the two are mixed like a scrambled egg. You are trying to unscramble a scrambled egg by saying that the departmental action is separate and stand alone. No. The departmental action is arising only from the report of the Lokpal which finds the officer guilty, or, prima facie, guilty of corruption. So, (a) it is recommendatory and (b) it is corruption-based. If that is so, competence is in Parliament which you yourself have conceded. Then, where is the question of Lokayukta being without competence.

SHRI ARUN JAITLEY: It is criminal prosecution, not corruption. For corruption, you can be prosecuted criminally and you can be prosecuted departmentally. If you are right, then in every State Government the power to proceed for departmental action against the Chief Secretary will be by a Central law, not by a State law.

DR. ABHISHEK MANU SINGHVI: No, no. Where for an international treaty...

MR. CHAIRMAN: Dr. Singhvi, will you please conclude? Already you have gone past to your allotted time.

SHRI V. NARAYANASAMY: Sir, the State can conduct an enquiry.

DR. ABHISHEK MANU SINGHVI: You see, you are creating a prosecution agency. The prosecution agency at the Centre is Lokpal and at the State it is Lokayukta. So, there are three reasons. The Lokayukta will prosecute; I will not go there to prosecute. The Lokayukta will prosecute in the State. The Lokayukta will do it on the basis of corruption which you say, rightly, can be passed by the Central Government and the Lokayukta will only make a recommendation.

Therefore, at the end, I want to say that we are ready, as far as

our Government is concerned, to stand up and being counted, to defend our actions, but we have nothing to defend against.

MR. CHAIRMAN: Dr. Singhvi.

DR. ABHISHEK MANU SINGHVI: Sir, I am very sorry. I seek your kind indulgence. I will take only one minute.

Largest slew of anti-corruption measures is taken by this Government. I don't want to list them out. You had them listed.

SHRI BALBIR PUNJ (Odisha): This Government has indulged in the largest ever corruption in the country.

DR. ABHISHEK MANU SINGHVI: We are neither scared nor defensive, because we have the courage of our convictions. We have the courage of our conviction ...(Interruptions)...

SHRI BALBIR PUNJ: Sir, maximum corruption has been done by your Government. DR. ABHISHEK MANU SINGHVI: Sir, there are people in this House and a large number outside who do not seem to have the confidence in our institutions. They claim that they are the voice of the people. But, we, the people, ultimately have to reside in Parliament. It is only through Parliament you can have a stake in the institutions as far as decision-making is concerned. It is easy to criticise; it is easy to destroy. स्वन and creation is very difficult. That is why I said विसंडावाद — this is wrong, that is wrong and nothing is right. But what is right, we don't know.

Sir, farsightedness and long-sightedness means the art of seeing invisible things. Extreme models may work on paper. Extreme models you know it better; you have been in governance - do not work in practice. You have rightly recalled history. It will be a great betrayal and great disservice to history if you don't join us in passing this Bill. History will not forgive you if you play politics, as you have done on the Constitutional status, as you have done on the Lokayuktas. History will not forgive you if you are expedient. We are making a new model. And, we are not afraid of criticism. Of course, new models, phase-wise, can be amended. You are in search of an elusive perfect to deny the good. No perfect exists. My Professor used to always say, 'don't let perfect be the enemy of the good.' You are trying to make the perfect; no perfect, no good, nothing, have no Lokpal at all. Therefore, I would urge upon you to leave all your pretensions, to stop finding excuses. It will take you 30 seconds, with some minor technical changes if you want, to pass this Bill. If, for any reason, you don't pass this Bill, the real cat is out of the bag and the cat is a very unseemly cat; it is a cat which shows that you have no intention, you never had any intention, and you want to pretend and play to the galleries. I do pray and hope that you don't

do that. Thank you.

MR. CHAIRMAN: The House will, now, take a lunch break and will reconvene $$\rm at$\ 2.30~pm.$

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

The House re-assembled after lunch at thirty-one minutes $past \ two \ of \ the \ clock,$ $MR. \ DEPUTY \ CHAIRMAN \ in \ the \ Chair.$

श्री सतीश चन्द्र मिश्रा (उत्तर प्रदेश): मामनीय उपसभापति महोदय , उधर से तो लगता है कि सब वाक -आउट कर गए हैं।

श्री तारिक अनवर (महाराष्ट्र): इधर से भी।

श्री उपसभापति : पूरा हिन्दुस्तान देख रहा हैं।

श्री सतीश चन्द्र मिश्रा : ये लोग बिल के पक्ष में नहीं लगते हैं , इसलिए शायद बाहर चले गए हैं ...(व्यवधान)...

, सबसे पहले मैं आपको धन्यवाद देला हुँ कि आपने माञ्चवर वधियक के इस महत्वपूर्ण पर बहुजन समाज पार्टी अपनी बाह्य रखने काः अवसर दिया। यह एक ऐसा बिल है , जिसके ऊपर सर्फ़ि इस सदन के लोगों की ही नहीं , बल्कि पूरे यह लगी हुई है और निवाह है कि बिल्लि कैसा लगी हुई होगा , किस तरह का बिल बन कर आ रहा है ? कया लोक्रपाल में एक बिन्न ऐसा आ रहा है , जो कि करप्शन को दूर करने है या एक ऐसा बिल आरहा है , जो कि सिर्फि बस्ते में डासने लिए है ? आपने इसमें एक ऐसी पुरक्रिया बनाई है , जिसमें कि लोक्रपाल तोः नहीं , मजबूर लोक्रपाल जरूर बन सकता है , अभी तक मजबूत इसमें जितने पुरावधान रखे गए हैं उनसे ऐसा साफ़ लगता है। , जिसमें कि प्रोसिजर इस बल्लि के ज्यादा प्रावधानों है या दूसरी ऐसी बाक़ी चीज़ें हैं , उनमें न जाकर के जो इसकी हैं , जिस पर कि बहुजन समाज पार्टी म्ख्य समझती है कि ने , युषीए कीः सरकार ने जब यह बिल्ल ं, तोः केन्द्र सरकार बनाया इन चीओं कोः सही ढंग से नहीं लिया है , मैं इसमें उनके बारे में कहना चाहूंगा।

माज्यवर , सबसे पहले मैं सीबीआई कीः स्वायतता के , सीब्रीआई , जिसके इंडिपेंडेंस के बारे में बोस्नना चाहूंगा बारे लोग থ্যক से लड़ रहे हैंФ सीब्रीआई के पास दो तरह के मामले आते हैं , एक करप्शन सेः संबंधित होहो हैं , जो कि उनको होले रेफ़र जोः क्रिमिनल और दूसरे अन्य एक्शंस होले हैंा उनके बारे , लेकिन पास आते हैं , उन पर मैं नहीं उनके कहना चाह्रंगा से संबंधित सीब्रीआई जहां तक करप्शन चीओं के दायरे उसके बारे में कहुंगा कि यह जरूरी ैह कि सीब्रीआई **डं**डिपेंडेंट बॉडी होमी चाहिए। उसे इंडिपेंडेंस तब तक नहीं कीः सत्ता मिल्ले सकती है , जब तक केन्द्र में जो भी सरकार रहती उसके ऊपर से न हटे। है उसका कंट्रोल चाहे वह एनडीए की सरकार होः , अभी येः लोग यहां पर हैंः नहीं , चाहे वह यूपीए की सरकार हो , जैसे आजकांग्रेस -शास्तित यूपीए की सरकार है , जिसके कुछ सदस्य इस महत्वपूर्ण बिल पर चर्चा स्वने , इसमें भाग लेबे के लिए आ गए हैं , मैं लॉं मिमिस्टर साःहब कोः धन्यवाद दूंबा , कि वे यहां मौजुद अब आप यह लोकपाल बिल्ल लेकर आए, तोः आपने एक प्रोविजन आपने खास्री यह दक्षिली पुश्लिस एक्ट में कर दिया और उसमें संपेशल कर दिया कि कैसे काः सेल्लेक्शन सैक्शन डायरेक्टर होगा। आपने अमेंडमेंट करके उसके procedure of selection को change करने का प्रावधान कर दिया है , लेकिन उसकी के साथ -साथ इसमें जो मुख्य provision थाः , जिसके तहत आप CBI पर पूरा कंट्रोल हैं , वह Section 4, sub-section (2) है , जिसमें लिखा **हुआ है**ं , 'Same as otherwise provided in sub-section (1), the superintendence of the said Police establishment in all other matters shall vest in the Central Government.' इसमें आपने कोई दखल नहीं दिया। इसी प्रकार दिया , क्योंकि से sub-section (1) में भी कोई दखल नहीं CVC को CBI के ऊपर पाबर दी गई है , जो investigation वह कर रही है , उसके ऊपर superintendence करने की पाबर दी गई है। अब investigation purposes सें CBI कें उपर superintendence करने की पाबर CVC कें पास है और overall control सेंट्रल गवर्नमेंट के पास है। तरीके से चाहे administrative control हो , चाहे जिस

तरह का भी कंट्रोल होः , वह आजकेब्द्र सरकार या जो भी सरकार है , उसके साथ में है। में रहती उसी का नतीजा है क*ि* investigation पर जो control CVC के पास है , वह भी independent method इसलिए CVC का जो selection होता है , इसके ऐक्ट procedure **दिया** गया है , उसके अनुसा र केब्द्र में जो सरकार वह जिसको चाहे उसको CVC बना सकती है , क्योंकि 3 **में**ं से 2 लोगों कोः चुझने कीः पाखर उसके पास है। CVC के 3 में बर्स होंग्रे केझ्द्र और उनका च्झाव कीः सरकार के हाथ में है , क्योंकि से 2 में इर्स selection procedure के हिसाब केट्द सरकार हैं । इस तरीके होः पाई। से CVC भी independent नहीं इस तरह cvc, जो investigation में CBI पर control कर रही है , वह खुद ही independent अभी जब शरी अभिषेक मन् संघिवी जीः बोस रहे वे कह रहे थे कि CVC एक independent body है , इसमें किसी ऐतराज नहीं हो सकता , लेकिन वे भूख गए क**ि हा**ख़ ही में जब CVC का हुआ थाः , तोः उसमें जिस व्यक्ति को सेल्लेक्ट किया थाः , * कोः , उनके appointment को Honourable Supreme Court को quash करना पड़ा और जब Supreme Court ने उसे quash किया तो इससे है कि जब इनके selection की पाखर इनके हाथ में है , तो ये किस तरह के व्यक्ति को वहां बिह्याने काः काम करते हैं क कहते हैंं कि चूंकि CVC, CBI की investigations को control करेगी इसलिए इससे independence बढ़ेगी। जहां तक CBI काः सवाल हैः , इसके बारे में मैं शरी अभिषेक मन् संघिवी साहब को धन यवाद कि कम से कम उन्होंने चाहुंगा यहां पर खुल्लकर ...(व्यवधान

PROF. P.J. KURIEN (Kerala): Will you yield for a minute?

SHRI SATISH CHANDRA MISRA: Yes.

PROF. P.J. KURIEN: Since you mentioned the name of Mr. *, I would like to place on record that * who was an officer of Kerala was most reputed for his integrity in Kerala. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Remove the name.

SHRI SATISH CHANDRA MISRA: I am not going into the names. You may delete the name, if you have any objection on that. ...(Interruptions)...

PROF. P.J. KURIEN: No, No; I only...(Interruptions)...

SHRI SATISH CHANDRA MISRA: But you will not delete the process of selection which you did when you selected him under the process of selection; the power which you had under the Act, you cannot delete

that. ...(Interruptions)...

SHRI P. RAJEEVE (Kerala): How can a Member give the certificate of integrity?...(Interruptions)...

PROF. P.J. KURIEN: Your Chief Minister recommended it. ...(Interruptions)... Your Chief Minister recommended it. ...(Interruptions)...

SHRI SATISH CHANDRA MISRA: We are bound by the judgments of the hon. Supreme Court. \dots (Interruptions)...

^{*}Not recorded.

बरजेश प्रदेश शरी पाठक (उत्तर)ः यह कथा हो रहा है ? . . . (व्यवधान में येः बीःच रहे सर, disturb दीजिए ...(व्यवधान हैं ...(वयवधान) . . . आप इनको बोलने

MR. DEPUTY CHAIRMAN: Mr. Kurien, please. ...(Interruptions)...

Please. Please. ...(Interruptions)... No, no, please.
...(Interruptions)... Please sit down. ...(Interruptions)... Please
speak on the subject. Please don't go into inter-State matters.
...(Interruptions)...

मिश्रा श्री सतीश चन्द्र : माम्यवर , हम inter-State matters पर हैं , हम independence की बास कर रहे जाः रहे हैं , उनकी हैं⊅ की बात कर रहे कस्रिने selection **कथाि** थाः ? आपने selection किया थाः, आप select करके लाए थेः, आप Chairman बनाकर past history है , इसमें हम नहीं जामा लेकिन सुप्रीम कोर्ट में गया , तोः पूरे जब तक मैटर देश मासूम है कि आपने उनसे कहा कि आप इस्तीफा देः दीजिए , आपका गलत च्झाव होः गया है , लेकिन उन्होंने इस्तीफा देखे से मना दिया। कोर्ट को यह मामला तब खुद सुप्रीम देखना और सुप्रीम कोर्ट ने यह कहा कि आपने जो selection किया थाः, वह गलत थाः और उन्होंने उसको quash कथा। तब जाक़र आपने उनके removal का काम कथा और अपने हाश्रों से उनको remove कथा। इसलिए जहां independence की बात है , किस तरह से आप selection करते हैं। , यह चीज हमारे सामने क्री आप CBI काः किस तरह से दुरूपयोग हैंः करते भीः हमारे है¢ मुझे कोई और evidence लाने नहीं सामने कीः जरूरत है , क्योंकि अभी मुझसे पहले जब श्री अभिषेक मन् संघिवी जी , तोः उन्होंने इस बाह्य कोः कहा और यह रिकॉर्ड में उन्होंने कही कि I do not dispute that there have been instances where CBI has been misused. This, probably, he was saying because your Leader also says so, a leader whom you cannot defy. The Member of Parliament from the other House, जिल्लेका 2009 में छपा थाः, * had said न्यूज़पेपर में

MR. DEPUTY CHAIRMAN: He is not a Member of this House. He belongs to the other House.

SHRI SATISH CHANDRA MISRA: I will not take the name, but he did admit, as your Member had admitted in this House...(Interruptions)...

पाठक : लेकिन मंत्री गांधी जीः बरजेश लोग तोः सोनिया हैंः , राह्नल गांधी जीः काः नाम लेत वह तोः कभी आपने लिया delete नहीं कराया। उनका नाम गया हज़ार बार

हैं। ...(व्यवधान)...

सतीश चन्द्र मिश्रा : मैं उनकी कोई ब्राई नहीं कर श्री आप परेशान मत होइए। ...(व्यवधान)... मैं कह रहा हूं रहा हूं् इस बाह्र को admit किया , उनका बयान छपा कि उन्होंने उन्होंने कहा कि हां , सी .बी .आई. का दुरूपयोग होला रहा है और होला रहेगा। उन्होंने इस तरह की बाल कही है कि कुछ मामलों में यह होहा रहता है। जब क्वात्रोची के मामले में बाहा चल रही थीः , तोः उन्होंने कहा कि वह dead issue हैः और उसको नहीं उठाना चाहिए। सी .बी .आई. का मसियूज़ तो इस तरीके से होता ही रहता है , जिस तरीके से उन्होंने कहा कि वे करते रहते लेकिन हैंं और जब उन्होंने यह कहा ...(व्यवधान)...

डा . **प्रभा ठाकुर** (राज्ञस्थान): सर, उन्होंने ऐसा नहीं कहा। ...(**व्यवधान**)...

श्री सतीश चन्द्र मिश्री : माम्यवर , ये हर बाह्न में परेशान होंग्रे , तो ऐसे नहीं चलेगा। ...(व् यवधान)... थोड़ा सा सब्र रखिए। ...(व्यवधान)...

^{*}Not recorded.

श्री वीर सहि (उत्तर प्रदेश): इन्होंने बोला था कि इन्होंने किया। ...(**व्यवधान**)...

श्री सतीश चन्द्र मिश्रा : जो काम आप कर रहे हैं ...(व्यवधान)... जो काम आप करते हैं , उसको सुबने के लिए भी तैयार रहिए। ...(व्यवधान)... आप अपने मैस्बर को क्यों नहीं बैठिए ?...(व्यवधान)...

श्री उपसभापति : वीर सिंह जी , बैठिए। ...(**व्यवधान)...** देखिए , डिस्टिर्व मत कीजिए।

श्री सतीश चन्द्र मिश्री : मान्यवर , सत्ता पक्ष के लोग नाराज़गी जाहिर कर रहे हैं , लेकिन अभी जब अभिषेक मनु सिंघवी जी बोल रहे थे , तो उन्होंने कहा कि...(व्यवधान)...

डा . प्रभा ठाकुर : उन्होंने नहीं कहा है

सतीश चन्द्र मश्रा : उन्होंने जब यह बात कही कि शरी मिनिस्टर के हाथ में कंट्रोल तोः होमा हीः चाहिए , तोः इन लोगों ने मेज़ थपथपाई और कहा कि कौम नहीं चाहेगा कि मिमिस्टर कंट्रोल न रहे। थोड़ा बहुत कंट्रोल तोः मधिस्टर रहेगा , यह बात जब अभिषेक मन् संघिवी जी ने कही , तो हाथ में लोगों ने मेज़ थपथपाने का काम किया और उसमें आप भीः शामिल सारे थींं ...(व्यवधान) . . . आप भीः उसमें थींः। He said that there should be some control with the Minister so far as these agencies are concerned. उसके बाद ...(व्यवधान

ग्रामीण विकास मंत्री तथा पेयजल और स्वच्छता मंत्री (श्री जयराम रमेश): क्योंकि वे जवाब देसे हैं , पार्लियामेंट में , वह भी कहिए।

शरी सतीश चन्द्र मिश्रा : हम सभी कुछ कहेंगे। अभी बहुत कहेंगे , जिल्लेसे आपको बहुत तकलीफ होगी। अभी आप कयों हैं ? आप इतनी परेशान होः रहे जल्दी परेशान होजे लगेंगे फिर आगे दिक्कित होग्री। ...(व्यवधान)... आजतोः आपका परेशानी दिस है , इसलिए आप इतनी जल्दी परेशान मत होइए। आजहम उस भाषा बोलने कीः कोशिश कर रहे हैं , जो भाषा आप कहते की कोशिश कर रहा हूं। समझते हैंः मैंः उसी भाषा में बोलने

मान्यवर , जहां तक सीः बीः .आई. काः सवाल हैः , उसके संबंध में मैं यह कहना चाहूंगा कि केवल अभिषेक मनु सिंघवी जीः हीः नहीं , बल्कि हमारे यहां जिसने भीः लोग बैठे हैंः और जोः मंत्रिगण भीः

हैं , वे भी अंदर से जामते हैं कि सी .बी .आई. का दुरूपयोग बैठे से हो रहा है और सी बी आई. को इन्होंने independence नहीं दी हैं। अगर आज सी .बी .आई. independent होती , तो हमारी की जो अध्यक्षा हैं , बहन कुम्रारी मायावती जीः , उनके पार्टी सी .बी .आई. का केस बंद हो गया होहा और वहां पर फाइनल रिप्नोर्ट होः गई होही , लेकिन चूंकि सीः बीः .आई. के ऊपर इनका कंट्रोल है और कुछ लोग , जो चुनाव के purpose से चाहते हैं कि घूस -घूस कर भुरष्टाचार के बारे में बाह्य करें , उन्होंने उस केस को बंद दिया। यह जामते हुए कि उस केस में कोई दम नहीं होने गया है और उच्च नुद्यायालय तक मामले को देखा जा चुका है और हर मामला , चाहे इन्होंने किया था – एन.डीः.ए. स्टार्ट में , सी .बी .आई. का दुरूपयोग स्टार्ट गवर्नमेंट किया गया थाः – कह रहा हूं , सत्ता में जो भी सरकार मैं केवल आपको नहीं है , वह सी .बी .आई. का दुरुपयोग करती है इसलिए हम लोगों पार्टियां चाहती हैं कि सी .बी .आई. का independent हो क्योंकि ये सरकार में आएं या वे आएं , ये लोग जब भी सरकार आते हैं , तो सी बी आई का जो एक झुबझुना है , उसको सबके ऊपर काः काम करते हैं। सीः बीः आई. कीः शुरूआत इन्होंने कीः, काः काम इन्होंने कथा। उसको लटकाने आठ साम्नों तक मुक्कदमें चलते रहे , एक-एक मुकदमें में जब यह बास अखबारों में कहते हैं , टीबी

में कहते हैं , बैठते हैं , हमारी नेत्रा के बारे में जब बात हैं , ताज कॉरीडोर की बाह्य करते हैं , भरष्टाचार करते कीः बात करते हैं तब न ये और न वे उठकर उनको बताते हैं , बल्कि मीडिया और "हां -हां " कहते में डक्स्किशन में बैठते हैं हैंा , जबकि दोनों को मालूम है कि उस प्रकरण में बहन माःयावती जीः, जोः हमारी राष्ट्रीय अध्यक्ष हैं , का कोई मतलब नहीं थाः , फाइल तक उनके सामने नहीं पहुंची थीः , कभी उनके सामने रखी भी नहीं मैं तोः उस समय उत्तर परदेश काः महाविधवक्ता उसके गया , आठ साल के इन्कम भीः केस चलाया के केसेज टैक्स reopen किए गए और reopen करने के बाद्य जब यह आखिरी स्टेज कि एक-एक नया पैसा genuine है , bonafide है तो सी .बी .आई. के ऊपर परे शर पड़ गया , लेकिन फिरि भीः इसको मानना नहीं है≬ माम लेंग्रे , तो केस खत्म हो जाएगा। केस खत्म होः जाएगा तोः हम इस्तेमाल कैसे करेंगे ? इस तरह से यह जरूरी है कि सीः .बीः .आई कोः इंडिपेंडेंट करिए। लेकिन कभी -कभी जब रस्सी बहुत है तो दूर जाही है , उसको दूरने दीः जाती के कगार तक नहीं आना चाहिए। इसलिए एक स्टेज तक हीः उसका दुरूपयोग आपको यह कहना है कि इस बिल में जहां इसीलिए मेरा तक हो सके , इंडिपेंडेंस ऑफ सी .बी .आई. और सी .वी .सी . जरूरी मैं कहना चाहता हुं ...(व्यवधान)...

श्री ब्रजेश पाठक : बीरेन्द्र बाब् , चिन्ति मत करिए , जो हंसी हैं , वह अभी गायब हो जाएगी। ...(व्यवधान)... आपकी हंसी अभी गायब होगी। ...(व्यवधान)...

श्री उपसभापति : आप बैछिए। ...(व्यवधान)...

ज्गल कशीर (उत्तर शरी प्रदेश): आप अगर हमारे नेता को बोक्षने तोः हम आपको नहीं देंग्रे एक शब्द भीः नहीं बोलने देंगे । . . . (व्यवधान)...

 श्री
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 पृत्नीज़
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)...

सतीश चन्द्र मिश्रा : सर, मैं फिर कह रहा हुं ऐसी होः रही हैंक ये नहीं चाहते हैंः कि कोई बास इनकी दुखती हुई नब्ज़ पर बाह्य रखी जाए , लेकिन अफसोस है कि यहां पर हमारी ऐसी है कि वह जो बास कहती पार्टी है , सख्त कहती है।

श्री रवि शंकर प्रसाद : आज सारी दुखती रग खोल दीजिए। ...(व्यवधान)...

सतीश मिश्रा : सर, अभी तक हम लोग बड़े इस लोकपा ल बिल को लेकर एक चीज़ में कम से कम हम लोग खुश थे कि ऑल पार्टी मीटिंग में बाह्य हुई , बाहर धरना हुआ , हम लोगों लिखकर कहा कि आप रिज़र्वेशन इनसे ले आइए, शेक्टयूल्ड कास्ट्स शेङ्गयूल्ड ट्शइब्स , बैकवर्ड क्लास , वूसेन और माइनॉरिटीज़ काः रज़िर्वेशन लेकर आए। पहले ये लोक्रपाल बस्रि लेकर आए जिसमें इन्होंने माइनॉरिटीज कोः एक्सक्लूड कर दिया। ठीक है , आपको के हक में माइनॉरिटीज़ से ऐतराज़ है , आप माइनॉरिटीज़ नहीं हैंं आप माइनॉरिटीज़ एक वोर्ट र्वेक को खास्री समझते हैंं , आप माइनॉरिटीज कोः खाली एक वोद्य देवे वास्री मशीन समझते हैं , लेकिन वे 16 करोड़ , 17 क्रोड़ लोग जो इस देश में रह रहे हैंा , वे भी यहीं के हैं , आपके और हमारे बीच के लोग हैं क इसलिए जब आपके ऊपर पड़ा तो मजबूर होकर ऐड कर दिया आपने उनका नाम आज जो) खुल्लासा डाः . अभिषेक मन् सिंघवी जीः नेः अपने किया , वह चौक्राने †ह उन्होंने कि रिज़र्वेशन तोः वास्रा कहा मैंबे किया है – वेः लीङर ऑफदे ऑपोज़िशन दे रहे साहब काः जवाब थे , जब उन्होंने रज़िर्वेशन पर ऐजराज़ किया - वेः कहते कि रजिर्वेशन मैंबे कर दिया है , लेकिन मेंबे इसमें यह कहीं नहीं

लिखा हे कि हम शेइयुल्ड कास्ट केः लोगों कोः देंग्रे , हम बैकवर्ड के लोगों को देंग्री। हम इन होः सकता हैः किः अलग अलग जरूर रखेंगे। यह हमने कहीं नहीं कहा। हम एक केटेगरी के खाली पांच लोग रख लें🌣 यह बास आज उन्होंने कही। हो सकता है कि हम बाक़ी केंद्रेगरीज़ कोः जीरो में ले आएं। इस यह कौन साः रजिर्वेशन है ? यह रज़िर्वेशन जोः आप लेकर है , जो आपकी मामसिकता हैं , यह तो वही रजिर्वेशन को दर्शाता थीः , वह आज उन्होंने अपने भाष्रण में जोः आपकी मामसिकता उजागर कर दीः और कहा क*ि* रज़िर्वेशन जोः हैः , हमारे बोह्मने के पहले नहीं है कि इन सारी कैटेगरीज़ उसमें यह जरूरी के लोगों लेकर इसका मत्त्रब आप शेङ्मयूल्ड कास्ट को बाहर कर देंग्रे आप वृक्षेन को बाहर कर देंग्रे , जिसको आप चाहेंगे कर देंग्रे , बाहर में , जैसा कयोंकि सेल्लेक्शन पुरोसीजर लीङर ऑफद आपोजिशन कहा , सारी पॉबर आपके पास है , कसिको सेल्लेक्ट है , कस्रिको करना से जब आप रज़िर्वेशन बैठाना है , उसके हिस्राब देखे चलेंगे तोः कि हम उसमें जरूरी ्रहे इन सबको रखें। यह कौम रजिर्वेशन हुआ ? इस तरह काः रज़िर्वेशन कैस्रा रज़िर्वेशन है ? इस तरह के रिक्वर्वेशन कोः हम लोग नहीं मानेंगे। यह उसी तरीके है , जैसे आज जिल्ली भी ऊंची पोस्ट्स हैं , जिसने भीः ऊंचे पद हैं , चाहे काँस्टीट्य्श्न ल पद हों:: याः जैसे भीः होंः , उनमें शेङ्गयूल्ड कास्ट के लोगों कोः नहीं रखते हैं⊅ महोदय , हमारे लॉं मिनिस्टर साहब जिस सुटेट के हैं , उसी स्टेट का मैं वे भी जामते कि वहां पर कोई कोर्ट में हैंं अगर 80 जज इस समय हैं तो उन 80 जजों में एक भीः जज शेङ्गयूल्ड कास्ट काः नहीं हैं कि मेरे पाःस कोई है नहीं , जबिक आपके पास आप कह देले लक्स्टि भेजी गई। लॉं मिनिस्टर साहब , आप रिकॉर्ड उठाकर देख लीजिए , उसमें जब-जब भेजा गया पूरा प्रोसीजर करके , जब दक्षिली तक आया तोः आपने यहां से रिकेक्ट करके उनको वाग्पिस भेज दिया। आपको जस्टिस * के लिए करप् शन नहीं दिखा , जब तक वे चीफ़ जस्टिस रहे , तब तक नहीं दखाि। वे 20 साख़ तक जजरहे , नहीं दखाि। लेकिन हुआ तो सारे जब सुष्ट्रीम कोर्ट के लिए सलेक्शन लोग खड़े हो गए , शैङ्यूल्ड और कहा कि नहीं कॉस्ट काः आदमी हैः इसको कैसे सुप्रीम दें⊅ इसीलिए हम लोगों ने मांः ग रखी कोर्ट पहुंचने एकाउंटेबिलटी थीः , जोः आपजुडिशियल बस्नि लाए हैंं उसमें दोब्रारा भीः रखेंगे , वहां भीः रखेंगे , यहां भीः रखिए कि रजिर्वेशन इन

जुडिशियरी भी रखिए। जब तक आप रिकर्वेशन नहीं लाएंगे तो इसी तरीके का आप डिस्क्रिमिनेशन करते रहेंगे और यही आप यहां पर कर रहे हैं आजआपने अपनी मामसिकता भी यहां पर यह दिखा दी कि आप रिकर्वेशन के विरुद्ध हैं

संसदीय र्मे कार्य मंत्रालय राज्ञ्य मंत्री (श्री राजीव कोर्ट के चीफ़ जस्टिस बाह्माकृष्णण शुक्ल): सुप्रीम श्री को किसने बनाया थाः, वह भूस्र जाहे हैं आप?

श्री सतीश चन्द्र मिश्रा : माफ़ कीजिए , आपकी सरका र ने नहीं ...(व्यवधान)... आप उसका अफसोस करते हैं। आपने बनाया तोः उसके बाद आपने कक्षिने तरीके से कोशिश की उनके ऊपर हल्ला की:। वह भीः हम सब लोग जामते र्हं क माफ़ कीजिएगा , आप तोः हर चीज को ऐसा समझते हैं जैसे आपकी जागीर हैंक आपके नेहा हैं हैं कि हमने दक्षिली उत्तर प्रदेश में , कहते से भेजा है , दिया हमने दक्ष्त्रिती से रुप्तया है , हमने दक्षिली से यह दिया क्री दक्ष्लिी काः पैसा आपकी जाग्रीर नहीं है , यह आपने अपनी जेब से नहीं दिया है। अब राजाओं -महाराजाओं वास्रा जमाना गया। यहां हम हीः लोःगोंः दक्ष्त्रि से जो रुपया है , वह रुपया ने आपको जाता दिया है। हमारे हैं क रुपए से आप सरकार चला रहे यह हम लोगों की देस है कि आप इससे सरकार चला

^{*}Not recorded.

रहे हें⊅ जिसके बेसिस पर आप डेढ़ सौः योजनाएं अपने पूर्वजों के नाम पर और अन्य लोगों के नाम पर चला रहे हैं , हम यहां पर ले सकते , लेकिन उनके नाम से आप योजनाएं कि यह हमने हैं⊅ फिर आप कहते हैं दिया है और यह हमारा है¢ा नहीं है इसमें , इस गलतफहमी मत रहिए , आपकी आपका क्छ में गलतफहमी दूर हो जाएगी।

श्री शक्तिनन्द तिवारी (बह्गिर)ः सेंट्रल में जोः योजनाएं चल रही हैं उसमें भीः कम सेः कम 50 परसेंट दूः सरे जोः रजिर्वेशन योजनाएं दे दीजिए। एक हीः परिवार के नाम से जो सारी हैं उसमें 50 **परसेंट** तोः रजिर्वेशन दे दीजिए। ...(व्यवधान

 श्री
 उपसभापति
 : तिकारी
 जीः , बैकिए।
 जब आपका नम्बर
 आए तब

 बोलिएगा।
 ...(व्यवधान
)... आप बैठ
 कर न बोलें , डिस्टिवेंस
 मत

 करिए।
 ...(व्यवधान
)... आप बीच
 मंत बोलिए।
 ...(व्यवधान
)...

श्री राम कृपाल यादव : *

श्री उपसभापति : आप ऐसा नहीं बोल सकते। Nothing will go on record...(व्यवधान) . . आपको नहीं बुल्लाया , जब आपको बुल्लाएं ...(**व्यवधान**)... आप अपनी जगह बैछिए। **...(व्यवधान**)... आप बोलिएगा। . . . (व्यवधान क्या कर रहे हैं⊅)...

सतीश चन्द्र मिश्रा : मैं फेइरल श्री स्ट्रक्चर पर बाह्य का बिल्ल पूरी करना चाहुंगा। फेइरल सट्क्चर पर यह लोक्रपाल से आघात है। आपने बल्कित् सोच लिया है कि फेडरल को धुक्स्त करना है , जैसा कि अभी आपने कहा कि हमने यह दिया क्ष जैस्रा कि आप वहां कहते हैंः क**ि मैं**से भेजा दक्ष्लि से , उस चीज से आपका दिसाग होः गया है आप उस चीज से इतना ग्रस्त वह हो गए हैं। कि यह मेरा है , आप समझते जैसे ज्यादा हैं क पहले सामंत होले थे , राजा होहो थे , महाराजा होही थे , कहते थे कि मैं यहां से भेज रहा ह्ं⊅ आप अकबर बाद्य शाह नहीं हैं 1: हें कि आप जो भी यहां से दे रहे हैंः वह मेश है और तरह से आपने भीः बना दिया। काभून लोक्रपाल काः जोः कामून है उसको भीः आपने तरीके से बनाया बनाया उसी , उसी सोच दिसाग में रखकर बनाया आपने लोक्रपाल के बिल को। आप देखेंगे कि जितनी भीः सटेटस के मैटर्स होसे हैं , जिसने भीः सटेटस के सब्जेक्ट्स हैं , जिसने भीः सेंट्रल कीः सकीम्स हैंं , मैं फेइरल स्ट्रक्चर पर बोल हुं , उसके बाद किस्र तरीके से रहा हैं¢ इन्होंने फेइरल स्ट्रक्चर कोः तोड़ने काः काम किया जितने कोः इनको फाइनेंस भीः स्टेट्स करके पैस्रा देखा चाहिए और वहां

स्टेट की पाँबर है ऐक्ट बनाने की, कामून बनाने की और उसके करने काः, उन सब कोः आपने देखा बाद्ध उसके कार्यान्वयन कि हम इस तरह से अपने हाथ में नहीं ले सकते हैं तो आपने दूसरे तरीके से अपना रखे हैं। पहले से यह तो आपने एक नया तरीका बनाया है। लोकायुक्त के बारे में ले किंच पहले से आपने और तरीके स्कीम्स हैं , आपने अलमअलग तरीके की जो सेंट्रल बनाई हैं , जो तरह-तरह के नामों में सेंट्रल स्कीम्स बनाई हैं , वह सब कीः सब स्टेट सब्जेक्ट के बारे में बनाई हैं और बनाने हैं और बाद्ध उसमें आप फंड डास्नते हैंं और यहां से रुफ्या भेजते फिं कहते हैं कि इस रुप्पए का हिसाब हम लेः रहे हैं और मैं यहां के लिए आया हूं। मारने आपके यहां से , केट्द पर छाष्रा लोग जाहो हैं , वहां मंबी बैठ करके छाष्रा मारते हैं कि हम काः काम देख रहे हैं , हम खेत्री देख हैंक आपने किया पुल रहे है 60 साल में ? आपने उत्सर प्रदेश में लगातार चास्रीस क्या राज कथाि है , अनवरत राज किया **ऊपर कोई** रोक़ -टोक़ साल क्री आपके थीः, absolute majority थीः, फिर आपने चालीस सालों में क्या किया ? आजआपको समस्या हो रही है आपने

^{*}Not recorded.

सर्फि यह किया कि गरीब को और गरीब बनाया चालीस सालों में आपने शैझ्यूल्ड कास्ट और माइनॉरिटीज़ को इस सटेज कि जहां नौक़रियों काः काम किया वे पहले 22 **परसेंट** थे , उनको आपने उत्तर प्रदेश में दो परसेंट पर पहुंचाने काः काम कर दिया। आपने इसी तरीके से शैङ्यूल्ड कास्ट कोः चालीस सालों तक सर्फि एक वोद्य की मशीन जैसा समझा और यह भीः समझा कि चास्रीस सालों में ये जो मोस्ट बैकवर्ड क्लास के लोग हैं , इनको और backward बना दो। जोः शैङ्गयूल्ड कास्ट हैं , इनको बल्क्लिल आगे मत बढ़ने दो और उनको वोद्य तक मत डाख़ने से जो मॉइनोरिटीज के लोग थे , इसी तरीके आपने कहा उनको भीः इतना गरीब बना दो और उनको इस तरह की स्टेज़ में ले आओ कि ये हमारे होक़र मोहताज रह जाएं। आप यह सोचकर चाल्लीस सालों रहे , लेकिन और आगे तक राज करते जमाना बदला अभी भी जो आपके अंदर यह कर लूंगा बदलेगा। यह बास है कि मैं और वह कर लूंगा बहुत जल्दी आपके सामने वे सब न तीजे आ जाएंगे। आप देख लेंग्रे कि डिवेलपमेंट उसके बाद्य में भीः कोई ख्श हैंं कि मैं बढ़ोत्तरी नहीं हुई। आप बड़े पाँच सालों प्रदेश कीः शक्ल बदल दूंगा , क्योंकि मेरे उत्तर पास है और इन पाँच सालों में उत्तर परदेश कोः जन्नत बना दूंगा। कुछ नहीं आप चाल्लीस सालों में कर पाए , पाँच सालों ? आपने चास्रीस सालों में उसको नीःचे पहुंचाने काः काम है ... (व्यवधान)... इसके अलावा और क्या है ? और तो किया और आप केवल 3500 मेगावाट बिलिती देकर रह गए। हमने आपके वरिषध मेग्रावाट भीः वहां पर अपने पैस्रों से साह बिजिली हजार दे ने का काम किया है¢ . . . (व्यवधान) ... अब आपको सुझकर होः रही हैक आप भीः वहां जाइए और वहां बोलिए पर जाकर , जो बोस्नना हो। आपको यहां बोलना है , तोः यहां बोलिए। ...(व्यवधान)...

श्री जयराम रमेश : आप बिल पर बोल रहे हैं या चुनावी भाष्रण दे रहे हैं ?...(व्यवधान)...

मिश्रा : मैं federal structure पर बोल रहा सतीश चन्द्र और यह उसी से संबंधित क्री मैं federal structure की support कि आप किस तरह से करते हैं , कैसे बोल रहा हंः federal structure को बिगाइने का काम कर रहे हैं⊅ आप इसको कैसे रहे आपने हर चीज , हर स् कीम को अपने पास लाकर , बिह्याइने

काम किया है। आजअगर हमने उत्तर प्रदेश में साह हजार मेगावाट extra बिजली दे दी , तो आपको उस पर भी ऐतराज है। कुयों है , कद्योंकि आपने तो पैसे दिए नहीं और हर तरीके कीः वहां रोक़ -टोक़ लगाई , आपने किसी तरह की मदद नहीं की:। हमने सब अपने सोर्स से किया। जब हमने अपने सोर्स से किया तो आपको यह परेशानी हो रही है कि हमने कोई नाम नहीं दिया। यदि हम कोई नाम दे देसे और उस नाम से स्कीम चला देते , तो आप खुश हो जाते। में federal structure की बाहा करते हैं , तो आपको केक्ल दोः जिल्ले नजर आते हैं। आपको उन दोः जिल्लों रायबरेली और अमेठी दिखता ही नहीं है ...(व्यवधान)... जब आप रायबरेली अलावा युषी हैं , तो खासी मंच से होकर लौट आते हैं , क्योंकि जाहो आप यह नहीं हैं कि आपने जिल्ली भी units सेन्ट्रल गवर्नमेंट से लगवाईं , वे सब बंद हो गई हैं। आज उनको खुल्लवाने काः काम हम पर लोग unemployed अपने सरोत से कर रहे हैं क इन दोमों जगहों हैं , मारे -मारे फिर रहे हैं , लेकिन आप खुश रहते कि हम इन जिल्लों में एक चीज और दे देते हैं⊅ आप अपनी इस को बदलिए और इस तरह की सोच से आपको बाहर मानसिकता निकलना पड़ेगा। ...(व्यवधान)...

डाः . प्रभा ठाकुर : *

MR. DEPUTY CHAIRMAN: He has not yielded. $\dots(Interruptions)\dots$ Nothing will

^{*}Not recorded.

3.00 p.m.

go on record. ...(Interruptions)... He has not yielded. नायक साहब आप बैठिए। जब आपको बोलना होः तब बोलिए।

शरी चन दुर मश्रा : आपने अगर महारात हासिल तोः भरष्टाचार में की हैं , किसी और चीज नहीं की है। की महारत बढ़ते -बढते 1,75000 करोड़ हो गई है आप CWG हैं⊅ः जब दक्षिली सटेट की बात आती है तो आप भूख करते जाले हैंं कि आपने किस तरह से कॉमनवेल्थ गेस्स में पूरे वश्चि भारत कोः बदनाम करने काः काम किया हैंक आप उसके बारे मेंः बाह्य नहीं करते हैं 1: आप 1,75000 करोड़ की बाह्य नहीं करते आपको खास्री यह दखिता है कि हाथी है और वही आपको र्हे क डरा रहा सपने में दखिता है तथा सामने भीः दखिता क्री आप उसकी वजह से रहते परेशान इसके अलावा क्छ नहीं है≬ . . . (व्यवधान र्में आपको इस जगह पर यह बताना चाह्रंगा कि आप चाहे जो कुछ कर लें चाह्रे जैसे कर लें , जो दबे क्धले लोग हैंः और आपने जिसको हजारों वर्षीं रखा है , आजवे अपने से दबाकर पेशें पर खडे गए हैं¢ आज वे अपने हक को पहचानने लगे हैं⊅ आप उनके साथ खिलवाड मत करिए , नहीं तोः आपको बहुत नुकसान होगा। अगर आजउनकी नेसा में बहन मायावती जी आई हैं , तो आपको यह ध्यान में के रूप चाहिए कि यह जो वर्ग है , जो दबा -क्चला रखना वर्ग है , जिसको आपने थाः , जब आजवह उठ कर खड़ा होः गया है , तोः उनके कर रखा र्मे सर्फि इतना ही कहना चाह्रँगा और आप लोगों के लिए एक बाह्य कि कहना चाह्रँगा

तमाम लोगों के चेहरे पर...

मैंः आपके चेहरे कर कह रहा देख ह्ँा लोगों के चेहरे पर परेशानी तमाम जारी एक चराग हीः अँधेरे में भारी और वह हैं कीः लीडर बहन मायावती। हमारी पार्टी

मान्यवर , जहाँ तक federal structure और लोकपाल बलि का सवाल हैं , इसके बारे में में कहना चाहुँगा कि after the debate in Lok Sabha, in respect to the way you destructed the federal structure, before giving reply to that debate, an amendment was hurriedly brought and by that amendment, you brought a proviso into sub-section 4. What have you said in that proviso? In that proviso, you have simply said

'provided that the provisions of this Act shall be applicable to a State which has given its prior consent to the application of this तोः बना रहे हैं , आप चाहते हैं कि आजवह पारित Act'. **आप एक्ट** हो जाए और फिर कहते हैं कि जो prior consent दे देशा , उस पर यह उस date से लागू होह्या जाएगा। Date आपने पहले mention कर रखी है कि ज़्यों -ज़र्यो date notify होगी। आप उसकी date notify करेंगे स्टेट नहीं करेगी , वह आपको consent भेजगी। वह आपको consent जिस माध्यम से भेजेगी ? आपने legislature की power तो ले से, executive order सें , cabinet decision सें अगर Constitution के अंदर legislative power है , तो आप इस तरह के provision के तहत यह नहीं सकते कि हमने safeguard कर दिया है , ता कि सटेट गवर्नमेंटस अपनी याः सवायत्तता पाः सकें। You have power not given them this power. You have not given the power to legislate this. You have said that you can make your own legislation in respect to this. You have only said that it will be

implemented when you give the consent. This is nothing but a sort of action by which you are trying only to, I would use the word, * the various States for these purposes so that they may fall prey to this device of yours. I am afraid nobody is going to fall into this so far as the States are concerned. We are discussing this matter in the Council of States. It is our duty in the Council of States to see the interests, watch the interests of the States we are representing here. Therefore, we have to see what you are arguing for this purpose. Kindly see the argument which has been made by Dr. Abhishek Manu Singhvi and also the hon. Minister when he presented the Bill. You yourself are not sure on this. Even after hearing Dr. Abhishek Manu Singhvi, I am still in a confusion under which provision you are passing this Bill. Are you passing it under Article 252; are you passing it under Article 253; or are you passing it under the powers of the Concurrent List which you are saying? You are still undecided yourself about this. You want to have something. You are thinking that we may get some place where we can hang on and say all right, these are ten places, please choose any one of them and give us a clean chit. And then, when it is said that it is unconstitutional, argument comes that we have the power to legislate. The Supreme Court has the power to adjudicate. We will legislate. Let the Supreme Court adjudicate and say that it is unconstitutional. I am afraid, this argument will not sustain over here because I have taken oath...(Timebell rings)...

शरी बरजेश पाठक : सर, इनको बोलने दीजिए।

श्री उपसभापति : देखिए , इनका समय खत्म हो गया है , मैं remind कर रहा हुँ

SHRI SATISH CHANDRA MISRA: I will not take much of the time. मैं इसके provisions पर अपनी बात रख दूँ , उसके बाद आप जैसा कहेंगे मैं वैसा ही करुँगा।

Sir, so far as constitutional mandate is concerned, we have taken oath, all of us have taken oath, including the Ministers in the Cabinet before taking charge in the Cabinet, that we will uphold the Constitution. Now we cannot say here that we will violate the

Constitution and throw the ball in the court of the Supreme Court to adjudicate and declare that it is unconstitutional. We have no right to frame such a law which is unconstitutional. And I am fully convinced that they have no power to make such a law. We cannot throw it to the Supreme Court and say that it is all right if it may be declared ultra vires.

Now I come to the State List. I think even Abhishek Manu Singhviji did not dispute that Entry 41 of List-II gives the State exclusive power so far as State employees are concerned. The State has exclusive power as far as this subject is concerned. Mr. Singhvi then referred to clause 84 and said that it has power only to recommend. Since List-III mentions 'criminal',

^{*}Expunged as ordered by the Chair.

therefore, you are agreeing to include corruption under 'criminal' and therefore you have the entire power to legislate in any manner whatsoever. You are going to give under clause 81 recommendations with respect to three things. There are three sub-clauses to clause 81(3). One is with respect to prosecution or investigation. Second is taking action with respect to disciplinary proceedings. Where do you get in List-III the word 'disciplinary proceedings' with respect to State employees? There is no provision at all. Therefore, you have to delete it and keep it only in case of 'criminal'. You cannot say that this portion will be severed and will be taken into List-II. As soon as you take it into List-II, you have no power. It is the State alone which has the power. So far as subclause (c) is concerned, you even have the power to give a recommendation under this Bill. Here you are saying 'recommendation for closing the proceedings'. You will give a direction to close the disciplinary proceedings. Where do you get this power under List-III? You yourself are in full doubt. There are so many legal luminaries over here. They are all eminent lawyers. I have great regard for them. I have been an admirer of them for 35 years while in profession. Even Ministers on this side. When argument was being made with respect to these provisions, they were also feeling that they had to bring it so they brought it. Otherwise, they were feeling, from their faces we can see this, that it's totally illegal and unconstitutional. But they cannot speak, because they have pressure. We should not pass laws under pressure. We should not make an unconstitutional provision under pressure. This is my submission as far as Lists-I, II and III are concerned.

MR. DEPUTY CHAIRMAN: Misraji.

SHRI SATISH CHANDRA MISRA: Just permit me. If there is anything irrelevant, you kindly tell me, I will immediately sit down.

MR. DEPUTY CHAIRMAN: I am not saying that it is irrelevant. I am telling about time-limit. I don't mind if other speakers withdraw...(Interruptions)...

SHRI SATISH CHANDRA MISRA: The Leader of the Opposition rightly pointed out to the people who drafted this Bill that Article 253 would not give you sanction. They went back to Article 253 and said that

they signed the international convention. Yesterday, I tried to get a list of conventions and agreements which we entered into with other countries and with the United Nations. More than 500 of them are listed there which cover almost every subject which is in the State List. Now what do they mean? They mean to say that today they will pass the law and once it is passed it is for their other friends of the States to consider it seriously. We have been supporting them from outside. They have been supporting them from inside. But kindly consider this. There are conventions and various agreements or covenants with foreign countries which they signed without taking the States into confidence or without even consulting the States. They go and sign there and after signing, they say this. When the list was taken out, we see that

almost every subject is included and therefore, they can make law with respect to States on every subject and tell us to look at article 253 and article 253, they from can have sanction and have full control over the States and completely ruin the federal system which will not be permitted and which cannot be permitted. I had even taken out the United Nations Convention against Corruption which you have referred to in your Statement of Objects and Reasons. You have also referred to the same in your justification given today. You said that you have signed this. What does this have? Kindly go through it. You are only reading one article. There are 71 articles. Have you framed laws with respect to all these articles or are you going to frame laws with respect to all these articles? Kindly clarify that. I will only refer to one or two articles of this which have been referred and which have been made the basis of this particular Bill. Sir, this is important. Now, I will just refer to article 5. Kindly give me five minutes. I will sit down thereafter.

Sir, article 5 provides for preventive anti-corruption policies and practices. It says, "Each State shall in accordance with the fundamental principles of its legal system...". The words used here are clear. This is the source; this is the basis of their formation of this under article 253. This itself says, "Each State shall in accordance with the fundament principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society." Then, it says that each State party shall endeavour to establish and promote effective practices with respect to this. Now, besides this, it is also said, "Nothing in this Convention shall entitle a State party to undertake in the territory of another State the exercise performance of functions jurisdiction and that are reserved exclusively for the authorities of that other State by its domestic law." Now, what else is required? The domestic law over here is the Constitution, List-I, List-II, etc. Now, List-II gives power to the States. This very covenant which you have signed takes protection of this and it says that you cannot frame law; otherwise, as I said, you will frame laws with respect to all subjects which you can imagine and decide while sitting in Centre that let us frame laws with respect to that, which you cannot do. This is in the covenant which you have signed.

Then, Sir, Dr. Abhishek Manu Singhviji referred to article 253 while replying to the argument of Shri Arun Jaitleyjji and very vehemently said that the Constitution has not only given article 253 or article 252, the Constitution has also given articles 249 onwards till 252. He said, "Therefore, we can make laws with respect to States not only under article 253 but under these." Now, what are these provisions? Kindly look into these provisions. Dr. Abhishek Manu Singhviji is sitting here. You referred to article 249. But, kindly 249 what article see, does say? Ιt provides for the power of the Parliament to legislate with respect to a matter in the State List in the national

interest when two-thirds of the Members of this House pass a resolution and give you the power to frame a law under article 249 and that too, only for one year or less than one year. You cannot frame law on a State subject by saying that article 249 gives you the power. What does article 250 say? ...(Interruptions)... Kindly have patience. You referred to article 250 while reverting back to what was said by the Leader of Opposition. Article 250 means that you have got powers under emergency. Have you proclaimed emergency in the States or are you planning that? Kindly tell us. We may know in advance. You can only pass laws in emergency when you impose emergency under article 356; otherwise, you cannot. ...(Interruptions)... If you are going to impose an emergency, kindly tell us in advance. ...(Interruptions)... Limited time has been granted to me. ...(Interruptions)... Similarly, article 251 is with respect to articles 249 and 250. It provides for the inconsistency between laws made by Parliament under articles 249 and 250 and laws made by the State Legislatures when it is in session or it is not under emergency or under the President's Rule. If they are imposing President's Rule in all the States, then, they should tell the States in advance, saying that they will exercise power under this. Therefore, my submission at the end is that this power which they have exercised in the garb of Article 253 or under the List-III, whichever they decide, is nothing else but is a * on the Constitution. ...(Interruptions)... It is a * on the Constitution. And, therefore, they are fully aware that this will be struck down. Since they do not want a Lokpal Bill, since they do not want an effective Lokpal Bill, they have deliberately, intentionally framed a law which should be struck down, which should be unconstitutional and, therefore, they may say outside 'that look here, we have framed the law, but the Court has struck down. Kindly go to the Courts and ask them why they have struck down!'

With these words, I will say, kindly don't make it a prestige issue आप इसे मूँछ का सवाल न बनाइये। यह आदेश चाहे किसी ने भी दिया हो कि यह लोकपाल बिल लामा है और जो आदेश constitutional status के बारे में था, वह तो गिए ही गया, लेकिन वह आपकी वजह से ही

गरि , किसी और की वजह से नहीं गरि। Article 368, sub-clause (2) कहता है , you need 50 per cent of the strength of the House. When the votes were counted in Lok Sabha, you only had 250 and, therefore, even if nobody had voted otherwise, even in that case, your Constitutional Bill was going to fail on that date. It failed on that date. But that chapter is close. So, kindly relook into it; rethink the whole thing. Reconsider this and bring a law which is really effective, which is constitutionally viable and which is in accordance with the law. Thank you, Sir.

श्री उपसभापति : श्री सीलाराम येचुरी जी:

^{*}Expunged as ordered by the Chair.

श्री सीताराम येचुरी : मुझे बुल्लाया , सर।

श्री उपसभापति : जी , हाँ

श्री सीहाराम येघुरी : सर, मेरे साथ यह ज्यादती तीम महान वकीलों के बोसने के बाद आपने हमें , मेश इस बुलाया माही लमें बोस्नना ही मुश्किल होः गया है।

 $\mbox{MR.}$ DEPUTY CHAIRMAN: Shri Sitaram Yechury. You have twenty five minutes.

श्री सीताराम येचुरी : उपसभापति महोदय , मेरे बोलने से पहले हीः आपने मुझे टाइम याद दिला दिया।

श्री शिकानन्द तिकारी : यह बड़ी खुशी की बात है कि तीमों महा न वकील और सेंट स्टीफेंस के प्रोडक्ट्स , ये सब आजहिन्दी में ही बोल रहे हैं यह बहुत अच्छी बात है ...(व्यवधान)...

श्**री सीताराम येचुरी :** अगर शिवानन्द जी को कोई ऐतराज न हो , तो मैं अपनी मातृभाषा तेखुगु में बोलूँ ?...(**व्यवधान**)...

श्**री शिवानन्द तिवारी :** इसमें कोई दिक्कित नहीं है , उसके अनुवाद की भी व्यवस्था है ...(व्यवधान)...

: याः मैं जहाँ से चुन कर आया हूँ , सीताराम येचुरी में बोह्रूँ ?...(**व्यवधान**)... मैं वहाँ कीः भाषा बंगला बोस्न सकता हमारे ह्ँ≎ सर, सब भाष्राएँ देश के अंदर राष्ट्रीय भाष्रा हैं और है और उस सम्मान कोः बरकरार र्मे सबका अपना सम्मान रखते दक्षिली बोल रहा हूँ , क्योंकि इसलिए सुबते -सुबते आदत सीः पड़ गयी है¢ लेकिर सर, पहली बात यह है कि आपके सामने हमारी शिकायत हर वक्त रहेगी कि मेरे सामने आप घड़ी नहीं रखते हैं , अपने सामने दो -दो रखते हैं और आप मेरी होने से पहले बास खत्म आज आप यह न करें , क्योंकि यह एक बहुत ही मुझे टोक़ते हैं⊅ विष्यि हैं। ...(व्यवधान महत्वपूर्ण)...

सर, अब मैं इसलिए बोल्ल रहा हुँ , क्योंकि मामला बहुत है और इन तीमों वकीलों कोः सुद्धने के बाद्य हमें लगा कि हमने यही इस साख , 2011 में हमारे हिन्दिी सिबेमा के कई सारे महान हमें कलाकारों कोः श्रद्धांजलि अर्पित की। इस समय कई सारे गाने आ रहे हें¢ पता नहीं जाब्रेद अख्तर साहब यहाँ बैठे हैं याः नहीं , लेकिन आ रहा है कि निधाहें एक गामा मुझे याद्व

कहीं हैं और निशाना कहीं हैं। ...(व्यवधान)...

श्री ब्रजेश पाठक : कहीं पे निधाहें , कहीं पे निधाना।

श्री सीताराम येचुरी : अब देखिए , कई लोगों को गामा भी याद हैं। लोकपाल वधियक 44 साओं के बाद आखिरकार लोक सभा में हुआ। यह बड़ी खुशी की बात है कि आखिर यह पारित हुआ है और इसके लिए हम सब का बहुत सारा प्रयास हैं। हम चाहते हैं कि इस तरह के वधि यक बनें जो भ्रष्टाचार को deal कर सकें और उसको कड़े से deal किया जाए। इसके लिए हम सब को और सरकार को बधाई तरीके है कि पहली बार यह वधियक पारित हुआ , लेकिन अफसोस की बात यह है कि जिस तरह से विधियक पारित होमा चाहिए थाः , उस तरह सेः यह नहीं हुआ , इसीलिए मैं निधाहें और निशाने की बात कह रहा था। जब मैं निशाने की बास कहता हूँ , तो दोमों तरफ के लोग यह कह रहे हैं कि उधर देखो।

सर, मैंं ऐसा इसलिए कह रहा हूँं कि हम भीः यही चाहते हैं कि एक effective लोकपाल आये। पिछली बार जब इसके बारे में चर्चा हुईं , तो कई बार यह जिक्र किया गया कि हमने देश को तीम आश्वासन दिये थें , जिसमें

से एक यह था कि एक सिटीजंस चार्टर होगा , दूसरा यह थाः कि हम डसके अंसर्गत गरूप `सीः ' और 'डीः ' सद्यफ कोः भीः लेः आएँगे और यह थाः कि हम लोकायुक्त के बारे में बनाएँगे और यह तीसरा कामून बाल है कि इन सब के साथ हमारी भीः सहमति थी। But, Sir, I would like to quote what I said in conclusion of my participation in that discussion and I quote:

"This unqualified assurance must be given to the country — and the assurance being that we will enact this Lokpal and Lokayuktas. This unqualified assurance we must give to ourselves and like I said earlier, we should assist the process of maturation of our democracy a little more and enact an effective Lokpal and a strong Lokpal which is neither the Government draft nor the Jan Lokpal draft. Let us incorporate all the good points and make a new law that will give us a good stage for better accountability, better transparency and better administration."

हैंः कि यह जो वधियक गया , इसमें हम समझते लाया कई सारी खामियाँ म्ख्य कमजोरियाँ , लेकिन इसमें जोः कम सेः कम चार हैंः दुरुस्त कीः जरूरत क्री सर, अगर उनको करने दुरुस्त है कि हम इस पेचीदे है , तो हमारा यह मानना सवाल कहता है , 253 क्या जाएँ **क**ि 252 क्या कहता है या 249 क्या यह बल्कित् है≬ है¢ सतीश मश्रि जीः नेः अभी सही बाह्य चन्द्र चाह्रँ 249 और 250 का जिक्क किया और मैं तो 254 के बारे 254 यह कहता है कि the Parliament can enact for the State legislature. But if the State legislature law is contrary or repugnant - that is the word used - to the Parliament law, the State legislature law will prevail. So, you also remember that. We also have all these safeguards. We have all these safeguards whereby it is not a question of the actualintricacies of law involved in these sentences. There is something called the spirit of the Constitution. What is the spirit of the Constitution? What does the Preamble of the Constitution says? The Preamble says, "We, the people of India ... give ourselves". What does clause (1) of article 1 says? "India, that is Bharat". We never used "that is" as "i.e.". We mentioned "that is" as "that is". What is India? That is Bharat, Sir. Article 1 says, "India, that is

Bharat, shall be a Union of States". The territory of India shall comprise the territory of the States. Then it was subsequently added "the Union territories specified in the First Schedule", etc. Without States there is no India. Please remember, without States there is no India and if you are trying to make a law that is going against the interest of the State, you are making a law that is going against the interest of India itself. So, don't do anything that is against the interest of the country. Don't enact a law which is against the spirit of our Constitution which says that India is a union of States. Therefore, with this spirit in mind, remember the supremacy of our Constitution. We are all very proud of it. I remember, when President Obama came and signed our Golden Book he said, "Greetings from the world's oldest democracy to the world's largest democracy", and we were

trying to remind him that all the African Americans got the universal right to vote in the United States of America the year after he was born, while we gave it from day one. We gave it from day one. That is the pride of our country and that is the supremacy of this Constitution that you can't violate. It was this Ambedkar, the Father of our Constitution, who said, "We are giving this principle of 'one man one vote; one vote one value'." But he bemoaned, "We are not giving one value for one man". Unless you give that one value for one man, you are not going to fulfil the spirit of the Constitution. Yes, we will have many differences. We will fight with you on the economic policies. We will fight with them on the economic policies. Yes, 'one value for one man' is the objective that we have to achieve. But in this context, when you are giving 'one man one vote; one vote one value', that spirit of the Constitution is that India comprises of its States. Therefore, the first point where, I think, correction needs to be done is on the question of federal content of this Bill. Yes, we all said that we will enact and there was a need for Lokayuktas in States. Yes, we are all for an Act which says that there shall be Lokayuktas in States. In the present Bill that has come here, Part-III, clause 63 onwards, talks in terms of what the Lokayuktas should consist of. What we are proposing in a concrete amendment, add a new Section 3 and make this Section 4 and the new Section 3 will say that there shall be, within six months from the enactment of this law, this legislation, Lokayuktas instituted in each State. Clause (b) will say, "Section 4 of this legislation should serve as guidelines for the State Assemblies to consider for this purpose." Let that clause 4 remain there and let the State Assemblies decide. You are fulfilling your commitment for the Lokayuktas that you have made to the country and to the people. You, at the same time, are respecting the rights of the States. Therefore, I think, this is perfectly legitimate and reasonable and this is something the Government must accept. This is no compromise. This is actually upholding both the spirit and content of the Indian Constitution that you should accept this amendment and allow the supremacy of India's federal system to prevail and for that, I think, this amendment must be properly taken by the Government, and

not be seen something as a scoring point. In the last discussion which we had, let me quote what I had said. I said, "Prepare a model Bill. Send it to the States for their consideration and their Assembly's 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 inviolability of our Constitution cannot be violated. इसलिए हम कह रहे हैं कि आप इस के बारे दोब्रारा सोचिए , पुन :विचार कीजिए और हम लोगों ने जो संशोधन मुव किए में हैं , उन को मानिए ताःकि हमारे संविधान संघीयवाद काः जोः नियम है , वह भी बरकरार रहे ओर हमारा मकसद भीः पूरा होः कि स्टेट काः नर्सिण हो। लेक्ल पर लोकायुक्त इसलि ए हम चाह्रते हैं कि सरकार इस के बारे गंभीरता से सोचे। में

सारी कही कि दुसरी बास , यहां पर बहुत बार्स गर्यी भुरष्टाचार को हटाने के लिए किस ने क्या -क्या किया , कसि नहीं किया और किस तरीके से संस्थाओं का दुरुपयोग नहीं किया। पर कथाि गया कि आप को सर, अब सवाल यहां लोक्रपाल चाहिए याः नहीं चाहिए हैंः ? अगर आप समर्थन करते तोः लोक्रपाल चाहिए तोः नहीं और अगर नहीं करेंगे चाहिए। सर, हमें लोक्रपाल यह है कि हमें चाहिए और एक बेहतर लोक्रपाल चाहिए। सवाल लोक्रपाल चाहिए मेरे और एक बेहतर लोक्रपाल चाहिए। सर, वयक्तिगत राजनीतिक में है कि तकरीबन जीवन 24 सालों से इस मुझे पता वधियक लोक्रपाल साथ झगड़े अलम्अलग सरकारों के साथ के हमारे होते और हर समय हम ने यही कहा कि एक लोक्रपाल वधियक चाहिए। तोः यह बेहतर लोक्रपाल कैसे बनेगा ? उस के लिए संघीयवाद के बारे में हम ने एक संशोधन बताया , हम चाहते हैंं कि सरकार और उस संशोधन के साथ और सर्वसम्मति के साथ वह लोकपाल उसे माने बने ताःकि एक बेह्न्तर लोक्रपाल बन सके।

पॉइंट , अगर आप कोः एक बेहतर लोक्रपाल है तो यह दूसरा बनाना है कि लोक्रपाल कैसे जरूरी कीः नियुक्ति होगी और कैसे लोक्रपाल को हटाया जाएगा , वह तरीका जनतांत्रिक और बहुस हो ज्यादा अगर जनतांत्रिक और representative बनाना representative 耐 अब उसे है तो इस के लिए इन बाह्मों की कोई तुक नहीं है कि पछिले 40 सर, एक जमाना सालों क्या हुआ और क्या गलत हुआ। कोर्ट के जजों कीः नियुक्ति करती सरकार सुप्रीम थी। ट नेः हमारे सुप्रीम देश के कामून काः पालन नहीं किया ? हम कहते हैंः कि बल्लिक्ल किया , लेकिन अब जैसे -जैसे हमारा जनतंत्र mature हो रहा है , जैसे -जैसे लोग बड़े होहो हैंं चीओं नयी -नयी सीखकर उस कोः और बेहतर बनाते हैं क उस के अंदर कोई आपत्ति नहीं होमी चाहिए। इसे बेहतर बनाने में आपत्ति की गुंजाइश कहां है ? आप उस के अंदर राज्ञ्य सभा के Leader of the Opposition को जोड़िए , उस के अंदर आपएक eminent jurist को रखिए आप कोः suggest करेगा। आप उसे जिल्ला होः सके व्यापक बनाइए ताःकि वह representative भी हो , democratic भी हो और नियुक्ति की व भीः removal की प्रोसेस बेहतर हो। अब यह नहीं होः कि नियुक्ति हो , removal भी सरकार के हाथ में के हाथ सरकार में होः, भीः हम हीः लड़ेंगे भुरष्टाचार से और सरकार के हाथ के खिलाफ भुरूटाचार लड़ा जाएगा। सर, अब ऐसा करते -करते हास्रत कर रहा यह हो गयी क**ि...(व्यवधान**)... मैं जब हम की बाल थाः तोः मैंः उन की भाषा बोह्न रहा थाः . . . (व्यवधान)... खुद कीः नहीं। र्मे

नहीं कह रहा था कि भ्रष्टाचार हम करेंगे और वे हमें सुधारेंगे। ...(व्यवधान)... भ्रष्टाचार भी वही करेंगे और सुधारेंगे भी वही। ...(व्यवधान)... सर, इसलिए हम यह कह रहे हैं कि रिप्रजेंटे टिक और इसके अंदर जो एपायंटमेंट का तरीका है , इसमें ठोस सुधार के लिए भी हमने अमेंडमेंट दिए हैं , जिल्लकों मामा जाए।

सर, यहां पर सवाल आता है कि भ्रष्टाचार के खिलाफ लड़ने की बास क्या है ? भ्रष्टाचार से लड़ना है , तो यह काम सर्फि एक लोकपाल से पूरा नहीं होता , यह बात हम कई बार कह चुके सरकार ने इसके बाद जुडिशियल एकाउंटेबिलिटि का बिन्न लाया है , उसके ऊपर अलग से बहस होगी , सिटीजन चार्टर का बिन्न लाया है , उस पर अलग से बहस होगी और वृहिसल बुल्लोअर का बल्लि आया है , उस पर भी हैं , उसमें भी कई सारी अलग बहस होगी , हम उससे संसुष्ट नहीं मजबूत कराने के लिए , जब इन पर चर्चा बाः तें हैं , जिसको अगर सचमुच में भ्रष्टाचार के तोः उस समय हम अपनी बाह्य रखेंगे खिलाफ इस लड़ाई को मजबूत करना है , तो एक और क्षेत्र हैं , जहां कदम उठाने की जरूरत है और वह है चुबाव सुधारों की ओर। के अंदर पैक्षे के प्रभाव को कम करना है , सबसे पहले चुद्धावों क्योंकि बिह्ना उसको कम किए आपका निशाना को रोक्रने भ्रष्टाचार पर नहीं जाएगा। ये चुद्याव स्धार किस प्रकार के होंः , उनके बारे में हमने कई बार सुझाव दिए हैं , लेकिन एक

पर लोक्रपाल है , वह यह कि अगर आपको बाह्य यहां के साथ जुङ्ग जाती के प्रभाव के अंदर पैसों चुनावों कोः कम करना है , तो उस पैसे की जो जड़ है , आपके कॉर्प्रोरेटस फंडिंग ऑफपोलिटिकल पार्टीज इन कॉर्प्रोरेटस के बिसा को इनक्ल्युड किए हुए लोक्रपाल माध्यम से भुरष्टाचार कोः आप कभी दुरः नहीं कर पाएंगे। डसलिए आप कॉर्ष्रोरेटस फंडिंग एनजीओस को लो कपाल , और फॉरेन के तहत ले आइए। जब तक आप इनको नहीं लाएंगे आप भुरूटाचार पर ने याद दिल्लाया , जैसे कंद्योल करेंगे ? किसी इकोनॉमिस्ट कहते हैंः कि जो सप्लाई साइड है , आप सप्लाई साइड को अगर कवर नहीं करेंगे और सर्फ़ि डिसांड साइड कोः कवर करेंगे , तोः इस मामले हल नहीं होः सकता । तोः सप्लाई है , हमारी पार्टी कीः लाइन काटना मैंः हुँ कि हम इसमें तरफ से हर समय यह मांग्र रही हैक मामता अकेले किसी और की अनुमति नहीं लेकिन हमारे साथ है , है कि कॉर्प्रोरेट्स फंडिंग ऑफ पोलिटिकल हमारी यही रही पार्टीज पर पाबंदी लगाइएगा , बंद कीजिएगा। अगर कॉर पोरेट्स हमारे देश के जनतंत्र को डोमेट करना चाहते हैंा तोः बडी दीजिए। पैस्रा डलेक्शन अच्छी है , उनको डोमेट करने उनका और किंसी में कमीशन को जाए , वह पैसा संस्था जाए और इलेक्शन का सटेट फंडिंग आप क्छ परावधान बनाडएगा। हो , उसका But the corporate funding of political parties should be banned. That is the root-cause of all these sorts of political corruption. And, towards that end, we will have to move, and therefore, we have a very strong amendment where we are proposing that you include corporates and foreignfunded NGOs within the ambit of the Lokpal. Unless you do that, you will not be able to strengthen this Bill further.

Then, I come to the most important point which has taken up the attention of all my esteemed colleagues in the Opposition, and that is, the question of investigation under the Lokpal. The CPI (M) has always been arguing, not merely, relative but, independence of the CBI, independence from Government control, while, at the same time, saying that there should be accountability as well. We are not talking of them not being accountable. But we are saying that they should be independent. Therefore, the one measure that has been taken on the appointment of Directors, etc. through a body, a larger representative body, is a welcome move. But in terms of the Lokpal itself conducting

its own investigation, as far as it is in the pursuit of curbing corruption at high places, this is something that has to be ensured, and this is something which the hon. Leader of the Opposition has dealt with in great detail; I do not want to repeat those points. But, it is, absolutely, correct that you cannot allow the investigative agency to be under the control of the Government, while the investigation and the prosecution of the cases will be done by the Lokpal. And, this is an anomaly that needs to be corrected. Otherwise, the effectiveness of this institution cannot be ensured. And my friend, Shri Satish Chandra Misra, has argued very eloquently as to how the CBI has been misused, etc; there have been numerous instances. Of course, the functioning of the CBI is a separate subject altogether. On the question of the CBI and corruption, all matters, connected under the Prevention of Corruption Act, which will be investigated by the CBI, should come under the control,

jurisdiction, 'and superintendence of the Lokpal. This is something for which we have moved concrete amendments. Therefore, I would want this Government to pay attention to these issues.

Sir, I think, at least, on these four areas - there are many other areas on which concrete amendments have been moved - we would be happy if the Government would seriously consider the amendments and accept them only from the point of view of making this Lokpal a more effective instrument. The idea is to have an effective Lokpal here and towards making it more effective, these amendments must be considered. That is why, I would like to state here once again - we have repeated these things a number of times earlier - the supremacy and sovereignty of people in the constitutional scheme of things is something that cannot be violated or even trespassed. That supremacy and sovereignty of people is expressed through the elected representatives in the Parliament, and it is this Parliament which will have to enact legislations and laws for the country. That is a principle which is inviolable and that is a principle we must not merely respect but to which each one of us must be committed. Therefore, it is a very good sign today that, finally, we are discussing it. The Parliament is discharging its responsibility. It is enacting and discussing a legislation. But the point is that we should make it effective and give the message also to people outside the Parliament, people on the streets, whether in Delhi or at Mumbai - although, today, they have withdrawn their agitation - that Parliament is not merely seized of its responsibility but it is responding to its responsibility by enacting the law and giving the confidence that there will be a stronger Lokpal that would be enacted. It is in that spirit that you will have to take up these issues that I have mentioned here and, in respect of, at least, four of these important issues, I would want the Government to seriously consider. Therefore, people must not again try to trade charges saying that 'you are talking about the supremacy of Parliament but your leaders went to that agitation there and participated in them'. But, Sir, it was the Government itself which invited those people to come and sit in that joint committee. Were you doing something wrong? You invited them and asked them to sit in a joint committee. What mandate did they have to sit with the Government to draft a law? Who gave them that mandate? You gave it to them. You gave them that mandate. You gave them that authority. Now, you turn around and say, "So and so went to their platform. You have done disservice to the Constitution". ...(Interruptions)... No, that is not the spirit.

SHRI V. NARAYANASAMY: You have every right to go. But there is one point that we are making. You are making a *bhashan* there and, then, coming and changing your *bhashan* here. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: What is this? ...(Interruptions)...

शरी तपन कुमार सेन (पश्चिमी बंग्राल): आपके चार -चार मिनिस्टर्स गए थे . . . (वयवधान वहां)... चाहे चरण पकड़ लोः , जब चाहे भाष्रण दोः ... (व्यवधान उल्टा) . . . आपके जीः केः पैरः मिनिस्टर्स भागकर गए थेः रामदेव पकडने दुमिया लिए , सारी ने इसे देखा है , अब आप उल्टा सम्रार ट बन रहे हो ...(व्यवधान)...

श्री सीताराम येचुरी : उपसभापति जीः , मैंः आपका संरक्षण चाहता हूंं मेरे समय में से ये दोः -तीम मिनट निकाल दीजिए।

श्री उपसभापति : अभी दोः -तीम मिबट नहीं हुए हैं० मेरे पास stopwatch हैं↓

SHRI SITARAM YECHURY: Sir, I would like to say to the hon. Minister that the point is not what you say there and what you say here. The point is that one accusation...(Interruptions)... अरे , सुमिए तोः सहीं ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Let us not create that controversy. ...(Interruptions)...

श्री सीः ताराम येध्री : उपसभापति जीः, अगर वामपंथियां से है , तो वह यही है कि आप लोग बहुत बोर करते हैं , एक बोस्रते जाहे हैं⊅ हम अपनी ही बात बास नहीं बदलते हैंः , हम जो कहीं हैं , वही बास यहां भीः कहेंगे और वही बास भीः कहेंगे। हम अपनी बार्ल नहीं बदलते। हमने वहां पर भीः यह कही कि मेरे से पहले यह संबिधान पैक्ष होने और यह गर्व की बाह्य है। मैंबे ओबामा साहब कोः भीः यही बताया। गर्व यह है कि 60 साख पहले हमने यहां पर universal adult suffrage की बात कही , when in those days of ex-colonial world this was a concept that was completely alien to much of the world, there India rose and stood to that giving an enlightened vision to the world. I am proud of that heritage. So, we say the same thing there and here. We want this process to be not merely valued and cherished, but we wanted it to be strengthened. So, the question is not trading charges and saying, "Why did you go there and why did you not come here?" The question is not that. Did we ever question as to why five of the most senior Ministers went to the airport to receive some saffron robe Guru? Did we raise that question? Did we raise that saying, "Have you sat on a yoga posture along with him in order to

express solidarity?" Did we raise those issues? No. You did all that. You did your yoga. ...(Interruption)...

श्री प्रकाश जाबडेकर (महाराष्ट्र)ः रात कोः लाळी चलाई। ...(**व्यवधान**)...

सीहाराम येघुरी : ज़रा सुनिए। श्री पूरा योगा के बाद आमरणअनशन से उठना छ: दिन के बाद पड़ा और सलवार -कमीज़ में भागना भगाने के कारण आप ही लोगों ने उनके ऊपर रेङ डाली। उनको अब इसकी कोई पर? क्या चर्चा हुईः यहां हम लोगों ने रेज किया ? नहीं। सवाल यहां पर यह है कि इस पर ज़रा गंभीरता से बात आप उस गंभीरता पर आइए और यहां इस तरह के extended issues मत लाइए। हम यही चाहते कि आज44 साख्न के बाद फाइनली यह बिल लोक सभा से पारित सभा में आया है , तो इसको राज्ञ्य हैंं कि इतने सालों लोक्रपाल बनाइए। हम चाहते के बाद एक और के अंदर बेह्रतर लोक्रपाल देश बने और स्टेट्स में लोकायुक्त भीः बनें , लेकिन उन लोकायुक्तों कोः बनाने काः राज्य वधान सभाओं काः जोः अधिकार है , उसका किसी प्रकार से उल्लंघन होमा नहीं चाहिए , उसके लिए हमारी पूरी असहमति है¢ इन

हीः पार्टी नहीं , चारों कष्टेत्रों के लिए संशोधन हमारी बल्कि कई पार्टियों ने दिए हैं और सुबा है कि कई नई पार्टियां भीः इन संशोधनों कोः मूवः करने के लिए जुड़ी हैं , तो यह बड़ी है कि कैबिनेट अच्छी बाह्य है¢ लेकिन यह भीः अच्छी बास उलटा तय किया और अब यहां पर आकर संशोधन बैठकर मुव कर रहे हैं , तोः हम उनका करते हैं ... (व्यवधान स्वागत)... हम उनका स्वागत करते हैं कि यहां पर उन्होंने . . . (व्यवधान

श्री एस.एस. अहलुवालिया : देर आयददुरूस्त आयद।

शरी सीहाराम येचुरी : हांः , देश आयद दुरुस्त आयद, अच्छी बास है , लेकिन अगर यही जुनान कैबिनेट में बैठे -बैठे होः जाला आती। अब यही गुज़ारिश है कि अगली बार कैब्रिनेट तोः यह नौब्रत नहीं से पहले वे सोध लें कि कहां खड़े होंग्रे ? लेकिन कषेत्रों में जो संशोधन हमने मूव किए हैं - **एक** federal structure पर, एक investigating wing को independent और मज़बूत के लिए , एक उनकी नियुक्ति और removal के सवाल पर और चौथा corporate and foreign funded NGOs के बारे में , तो हम चाहते कि सरकार इन चारों कुषेत्रों में हमारे संशोधनों में गंभीरता से सोधे और उनको सुवीकार करे । अगर सरकार सुवीकार है कि यह लोक्रपाल करेगी , तोः हमारा मानना और बेह्न्तर और उसका शरेय इस पार्लियामेंट कोः जाएगा कि फाइनली सास के बाद लोकपाल 1968 **ਸੇਂ** बना। मोरारजी देस्राई में Administrative Reforms Commission की लोकपाल नेस्नत्व और लोकायुक्त की जो रिमोर्ट थीः , उसको finally legal status देवे आजहो रही हैं। तो श्रेय इस पार्लियामेंट कोः और इस सरकार और अगर सरकार इसको effective बनाना चाहती है , तो कम से में , जो हमने कम इन चारों संशोधनों कें बारे मूव किंग गंभीरता से सोचे , इनको माने और उस आधार पर आजयह सदन नया कानून आपके बनाकर हीः उठे , यह हमारा दुवारा सरकार से आग्रह हैक महोदय , आज यह काम पूरा होगा , इस उम्मीद के साथ मैं आपको धन्यवाद देला ह्ं∤ः

उपसभापति महोदय , हमने तीम -तीम वकीलों के भाषण सुने और सीहाराम येद्युरी जीः काः भाष्रण भीः सुद्धा। पढ़ा -लिखा नहीं हूं , इसलिए political worker हूं और बहुत ज्यादा संविधान और वधान के बारे में बहुत ज्यादा जामकारी जब 252 और 253 के बारे में बहस हो रही थीः , तोः अरुण जीः के भाष्रण से मैं अभिषेक बहुत प्रभावित हुआ। उसके बाद मन् संघिवी जीः नेः भाष्रण श््रू किया। उनके जो तर्क थे , उन्होंने

थोड़ा भरम पैदा कर दिया। अब इतने अलग-अलग वकील यहां बैठे हैंं और इनका काम ही है , मेरा मतलब गांधी जीः इतने बड़े वकील थेः, वकालत के पेशे को वे इतना बुरा मानते थे कि वकील सच कोः झूठ और झूठ कोः सच बनाने में माहिर होसे हैं , ले किस मैं सबके बारे में यह नहीं कह रहा हूं:

इसलिए इन लोगों का भाषण सुबकर मैं बहुत भ्रम में पड़ गया , लेकिन मेरी एक बास समझ में आती हैं। 253 **की**ं बास हुई और यह कहा गया कि केन्द्र सरकार और पार्लियामेंट को अधिकार है कि वह पूरे देश के लिए बना सकती हैं। हम इससे बल्किल सहमत हैं और इसलिए सहमत कि हमारा संबिधान जिस पृष्ठभूमि में बना थाः, वह जब देश काः बंद्यवारा हुआ थाः , उस बंटवारे क्या थी। के पृष्ठभूमि में नहीं दो ही हस्सिं बंद्य थाः , अन्य कई हस्सिं कीः मांग्र उस समय उठ रही देश को बांद्रने थीः। उस समय जो संबि धान के नर्साता थे , उनके ऊपर एक मामसिक दबाव थाः और वेः थे कि हम इस तरह का संबिधान बनाएं कि देश की एकता फिर से न टूटे , खंडित न हो। उस मनोदबाव में इस संबिधान कीः रचना हुई थी। माम लीजिए , अगर देश का बंटवारा नहीं हुआ होसा तो किस मनोभाव में संविधान काः नर्स्मिण लगता है कि अगर होसा। हमें देश का बंटवारा नहीं हुआ होला तोः किस मनोभाव में संविधान काः नर्स्सिण होसा। हमें लगता है कि अगर देश का बंटवारा नहीं तो 1935 का जो ऐक्ट था, जो अंग्रेजों हुआ होसा के समय बना थाः , उसका

पर होता। हमारे संबिधान उपसभापति महोदय , 1935 का जो प्रभाव ऐक्ट थाः, उस संबिधान में राज्ञ्यों दर्जा और काः क्या থা केट्द के पास कत्तिने अधिकार थेः ? आप देखेंगे कि तीम -चार कोः छोड़कर बाक़ी सारे मामले के हाथ में मामलों राज्ञ्यों थे≬ इस जिस में संबिधान परकार पृष्ठभूमि हमारा बना और कस्रि में इस 253 की व्यवस्था की गयी , इसको देखना पृष्ठभूमि चाहिए। ठीक है , 253 में आप कामून बनाना चाहते हैं , आप कामून बनाइए , लेकिन किस में हास्रत आप कामून बनाना चाहते हैं ? अगर भरष्टाचार से लड़ने के लिए आप यह कामून रहे हैंः और आप कह बना रहे कि भ्रष्टाचार एक बहुत बड़ा रोग है , केंसर से भी है और अगर राज्य ज्यादा रोग है , उससे हमें लड़ना ख्तरनाक से लड़ने में पीछे दखािई सरकारें उस रोग हटती हुई देतीं आपको दक्ष्त्रि होही। से कामून बनाने कीः जरूरत यहां तोः उल्टा है और राज्य हास है दक्षिली कीः सरकार पीछे सरकारें आगे यहां ने कर्णाटक में हैं 🏗 अभी हम लोगों क्या दे खाः? लोकायुक्त के आदेश पर सिट्टेंग चीफ़ मिनिस्टर क्या जेख्न गया। आपने भेजा दक्षिली कोर्ट इस तरह की कोई संस्था में है ? सुप्रीम है ? क्या पर लोग जेल में गए, ए.राजा साहब गए याः बाक्री के कहने लोग लाइन होंः , वह अलग बास हैः , लेकिन में इस तरह की किसी संस्था काः नर्स्धि ण आपने तोः नहीं किया। आप आज लोक्रपाल लेकर आए हैं¢ यही नहीं आज अखबार में हमने देखा कि उत्तर प्रदेश में भीः के बारे ने कल कोई फैसला किया हैक प्रदेश में उत्तर भीः आजहमने एक अखबार में देखा क्री वहां भीः कल लोकायुक्त काः कोई फैसला मंत्रिमंडल हुआ है , जिसके से किसी चलते को बाहर निकाला गया है≬ उपसभापति महोदय , हमारे यहां बह्यिर में है , वह, आपका जो लोकपाल लोकायुक्त काः जोः कामून बना काभून है , पर कोई उससे लाख गृष्णा बेह्तर क्री हमारे लोक्रायुक्त भीः काभून यह आरोप नहीं लगा सकता है कि लोकायुक्त को बनाने में याः उनको निकालने में executive का कहीं हाश हैक कहीं पर भीः हाथ नहीं क्री हमारे पास उस कामून के प्रति पड़ी हुई है , अगर कपिल सब्बिल चाहेंगे दखाि साहब देखना , तोः हम उन्हें वह प्रति देंगे। उस समय होही , जब राज्ञ्यों इस प्रकार 253 **की**ः जरूरत का कदम पीछे दिखाई देला और आपका कदम आगे दिखायी देला । आजस्थिति है कि राज्यों काः कदम आगे हैः , आपका कदम पीछे हैक इसलिए हम भीः भीः अमेंडमेंट दिया गुजारिश करेंगे हमने है , राज्यों के

काः हनन मत कीजिए। जिस पृष्ठभूमि मेः संविधान अधिकारों नर्स्सिण हुआ , उसमें "फेङ्ग्ल स्ट्रक्चर " लिखा है , ''फेइल स्ट्रक्चर " है भीः , संंवधान की जो आत्मा है , वह unitary है , वह में है , राज्यों केट्द के पक्ष के पक्ष में नहीं क्छ है भी , उसका भी किस तरह से आप द्रूपयोग करते हैं , किस तरह रहा है , सरकारिया कमीशन ने भी इसके बारे से दुरुपयोग होसा वस्तिार से लिखा है , उसमें मैं नहीं जामा चाह्रता। महोदय , हम लोक्रपाल बिल्ल का समर्थन करते हैं , लेकिन के अधिकार राज्ञ्यों काः हनन मत कीजिए और इसको थोड़ा दांस कीजिए। अभी जो आपने इसको है , यह दुथलेस है , इसमें कोई जाम नहीं क्री आपने जिस काः , इसका इन्वेस्टीगेशन काः दिया ढंग से इसको बनाने है , इससे ने बनाया है , आप उसको देख लीजिए। तोः हम लोगों यह इसलिए हुआ है कि आपने इसे दबाव में बनाया है≬ कांग्रेस के लोगों कीः बहुत हांक्रने आदत है ऐसा है लगता के लिए इनकी आत्मा बेचैन होः और आननफानन भरष्टाचार से लड़ने जलाकर लखिने वास्री ने की है। में , राहा भर लाख्नटेन बास इन्हों महोदय , हम तोः चाहेंगे हड़बड़ी थीः ? उपसभापति कि इस सदन में भर¤टाचार पर आजादी के बाद से जो अब तक बहस हुई है और उस सदन भीः आजादी के बाद से अब तक जो बहस हुई है , उसकी किसाब में लोक़ सभा में कपिल सब्बिल जाए। परसों साहब बोल रहे थे , हम थे , बहुत तैश में , बहुत ऊपर बैठ कर सुब रहे में दम्भ दावा कर रहे थे कि इनकी पार्टी भ्रष्टाचार से लड़ने में सबसे आगे हैं। अगर इतिहास पढ़ा जाए तो देश के अंदर यह जोः भ्रष्टाचार है वह कि्सकी है ? देश 1947 **में** कोख से पैक्षा हुआ

पर हमारी और उसी सास कश्मीर लड़ाई हुईः। उस लड़ाई में क्या हुआ ? जिस आदमी का उसमें नाम आया है जीप्र स्केन्डल में , मूर्ति आपने लगाई है , उसके नाम है और पर आपने सड़क बनाई कि आप भ्रष्टाचार हैं क आप कह रहे हैंः से लड़ते पीः.ए.सीः. -कमेटी जोः संबिधान कमेटी है , तीम पब्लिक एकाउंट्स की फाइनेंशियल कमे टी जो संविधान की हैं , उसमें एक पब्लिक एकाउंट्स कमेटी है , उसने लखिकर दिया कि जुडिशियल , उसने कहा इंक्वायरी होनी चाहिए , लेकिन उस समय जोः देश के प्रधान के दिल्लीं थे , वे लोगों थे , उनका पर राज करते करिश्मा থা , कि नहीं उन्होंने इसको लौटा दिया , फिर से विद्यार करो। फिरि पब्लिक कमेटी ने लिखा , एकाउंटस नहीं इसकी जांच होनी चाहिए। लेकिन जांच नहीं हुई। और तोः और उस पर सवाल हुआ। उपसभापति क्वेश्चन पेप्नर में , आर्डर पेप्नर में महोदय सवाल आया और सवाल गायब कर दिया गया। कांग्रेस कीः भुरष्टाचार से लड़ने की है , उत्साह है उसका इतिहास क्री जोः उत्सुकता यही हांः , ठीक क्री 1951 **ਸੇਂ**ਂ आपने एक मेझ्बर कीः सदस्यता खत्म आपने कोः हटाया बीज़् पटनायक हो हटाया , आपने वीरेन मिश्रि आपने श्री मालवीया को हटाया , आपने टी .टी . कृष्णमाचारी को हटाया। किंच हास्रात में हटाया , यह भीः सवाल उठता क्षे यहीं बगल में पंजाब है और पंजाब के प्रताप सहि कैशे काः सवाल उठा था। उस समय के तत्कालीन प्रधान मंत्री जीः नेः राष्ट्रपति को जो चिह्नि कोः पढ़िए। लिखी थीः , उस चिह्नी एक तरफ को आप जांच कीः सिकारिश कर रहे हैंा और दूसरी तरफ करेक्टर सार्टिफिकेट भीः दे रहे हैं⊅ टी .टी . कृष्णमाचारी को छाग्रला कमीशन के बाद्य हटाया उस समय के प्रधान गया। मंबी की चङ्गि को पढिए , जो उन्होंने टीः .टीः . कृष्णमाचारी कोः लिखी थीः , उन्होंने कहा कि भीः नहीं हुआ होगा , इतनी आपको तोः मासूम छोट्टी हैक बास एकाउंटेब्लिटी के सवाल पर मोहम्मद करीम छागला ने 21 दिन जांच रम्गिर्ट दीः थीः , एकाउंटेब्लिटी पूरी करके के आधार पर आरोप भुरष्टाचार के कितने हीः मामले हैं ा धर्म लगाया था। काः मामला है , कौन -कौन से मामले हैं , अभी हम देख कि एक अखबार में हमारे समाजवादी भी तो थे

श्री मणि शंकर अय्यर : आप * के बारे में भी हमें बतला दीजिए , जो आपके दल के हैं।

श्री शक्तिनन्द तिवारी : आप * की बाह्य क्**या** करेंगे , * एक संघर्ष का प्रतीक हैं। वे जिल्ला भर लड़ाई लड़े हैं ...(व्यवधान)... अगर हमारे अंदर चोरी हो तो बोलिए , लेकिन हम जो कह रहे हैं। उसका जवाब दीजिए। आप * का नाम लेकर नहीं बच इंटीग्रिटी वाः ले आदमी हैं , तोः मैं जोः सकते हैं। आप अगर बहुत आरोप लगा रहा हूं उसका जवाब दीष्जिए। मैं कोई भी ऐसी बास नहीं कर रहा हूं जो इतिहास की किताब में नहीं हो , पार्लियामेंट कीः पुरोसीडिंग्स में न होः। मैं कोई ऐसी बाल नहीं उपसभापति महोदय , अभी ह्ं⊅ हास में जोः मस्तराम कपूर हैं ...(व्यवधान)...

 श्री
 गंगा
 चरण (उत्तर
 प्रदेश
): सर, * काः नाम
 प्रोसीडिंग्स

 सेः
 निकाला
 जाए।
 वेः
 ईमानदार
 नेसा
 और समाजवादी
 नेसा
 हैं

 श्री
 उपसभापति
 :
 हांः
 ,
 निकाल
 दीजिए
 जोः
 मेस्बर
 नहीं
 हैं

 उनका
 नाम
 निकाल
 दीजिए।

श्**री शक्तिनन्द तिवारी :** हवाला का केस चला , वह भी फेल्ल हो गया। मैं यह कह रहा हुं कि मेरे समयका ध्यान रखा जाए।

^{*}Not recorded.

र्मे आपके जैस्रा वक्ता नहीं हुं , हम लोग साधारण आदमी हैंं है तो बाहा को पकड़ने और जब सम्निसिला टूट जांसा में बहूत कठिनाई होही हैक हम क्या बोल रहे थेः ? हमने कहा एक, दोः , नहीं इस तरह के कितने हैं⊅ अभी सीः ताराम येध्र्री जीः बोल मामले उन्होंने च्झाव के भरष्टाचार के बारे में लेकिन इन्होंने ठीक कहा हैक आपने जोः कामून बनाया है , भरष्टाचारी कोः सजा देखे काः कामून बनाया हैक भुरष्टाचार ਜ फांस्री होः , इसका क्या उपाय है ? यामी पर लटकाना है अपराध के लिए . लेकिन जिसके लिए लोग वैसे अपरा ध फांसी पर लटकते हैं , क्या वे दोबारा नहीं हैं ? असली सवाल होहो हे भरष्टाचार का नशिध कैसे होः? भरष्टाचार है कथा। यह जो पी .सी . ऐक्ट है इसमें लिखा है – करप्शन। है ? इसकी भी सफाई होनी यह करप्शन चाहिए।

क्या पैस्रा लेबा और देखा हीः करप शन हैः ? नहीं। जोः सार्वजनिक क्र्सी हुआ आदमी है , सार्ब्रजनिक पर बैठा पद पर बैठा हुआ आदमी है अगर वह उस सार्वजिनक पद काः दुरूपयोग अपने लिए करता है , के लिए करता है , तो वह भी भुरष्टाचार नजदीकी है , इसको येद्युरी भीः परिभाषा में शामिल किया जाए। मैं सीलाराम जीः से कहूं गाः कि वे आगे से इस बाहा काः भीः ध्यान रखें। यह भी कि इलेक्शन में कहुंगा भ्रष्टाचार होसा है¢ यह नया शोध है कि जिस देश जिलनी गैरः –बराबरी है , उतना में रहती भरष्टाचार है या जिस देश में जिल्ला भुरष्टाचार होला है , उतनी होही है\ हमारे देश में जो गैर -बराबरी है , इसके रहते कोः रोकिए। आप भुरष्टाचार यह मुझकिन है , संभव है । यह होसा आए, अरबपति आए। ये क्यों कि पार्लियामेंट में इतने करोड़पति आते हैं ? इसलिए कि इस देश में गरीबी आजद्र्भाग्य से सदन हैक में अर्जुनसेन गृष्ता जीः नहीं हैं , उन्होंने बीस रुप्तर आपके अस्सी परसेंट बताया था। नेशनल सेझ्पल सर्वे का कहना है कि इस देश में पाँच करोड लोग दरिद्र और कंग्राल हैंं जिसकी आमदनी एक नया पैस्रा नहीं हैक हम ऐसे लोगों को रेख्नवे हैं , बस सटैंड हेंक पर देखते पर देखते इस देश गाय को माला कहा गया , लेकिन इंस्नानों कीः परछाई से भी परहेज किया गया। इस देश में यह भीः कहा गया कि चींछी को खिलाने पर है , लेकिन आदमी को कहा कि अगर वह तुम्हारे पुष्रय मस्रिता गया बैठेगा साथ , तोः उसके * काः मांस काट लो। हमारे देश में यह

है , लेकिन उपसभापति में परोविजन महोदय , मुझे है कि आज इस देश में जितनी संकोच नहीं संवेदन -शूझ्यता है , रही। उतनी कभी नहीं इस देश में ढ़ाई लाख कि्मानों ने की है। हमारे बुनकर भीः आत्महत्या कर रहे हैं , आत्महत्या गरीब अपनी बेरियों माताएं कोः बेच हैं⊅ जब हम यहां आ रहे रही थे , तो हमारे नाम का एक अख़बार /पत्रिका आई उसमें यहां पाबर लिखा थाः कि दक्षिली शहर में लीख़ावती याः कोई और होद्यल जिसमें साहे चार लाख रुप्रए हैक इस देश में यह में कमरा मिल्लता 70-80 परसेंट कोः भरपेट खामा मन्निता हास्रत है , जहां आबादी नहीं है , वहां लोग पाँच -पाँच करोड़ हजार के मकान बनाते हैं , यह है ? लोग ढ़ाई -ढ़ाई करोड़ रुप्तर के हवाई जहाज रखते इस देश में कैस्रा कामून है कि कम्पनी जाही है , लेकिन डूब कम्पनी कीः अय्याशी के मालिक में कोई कमी नहीं आती है कैस्रा कामून है ? जब तक आप इसको नहीं रोक्रेंगे , जब तक आप गैर बराबरी नहीं , भ्रष्टाचार नहीं मिंगा। को खत्म करेंगे येः जोः रुप्रए पैस्रे लोग हैं , भ्रष्टाचार वाले करने में उन्हीं मोदिव हैंक गरीबों की ओर से यह मांग्र है कि सम्पत्ति कोः <u>ਤਠ</u>ੁਰੀ बांटो , हमको भीः खाना दोः , हमको भीः आरक्षण दो। यह आरक्षण काः है ? अभिषेक मन् संघिवी जीः नेः दावा किया सवाल क्या है कि हम तोः सबको लेकर

^{*}Expunged as ordered by the Chair.

4.00 p.m.

मैं कहता हुं कि आप तो उसी धारा चलने वाले हैं⊅ के परतीक यदि आपको देखना है , तो देख लीजिए कि आजादी के बाद कौम रहा है , इंग्लैंड में राजदूत में राजदूत रहा है ? कैसी , कैसी रिपोर्ट्स आती थींः कि पैसों कीः बर्बादी होः रही हैः , लेकिन प्रधान मंत्री जीः नेः कभी नोदिस नहीं लिया। यह भीः भुरष्टाचार है अपने हिं में , अपने रश्तिदारों के हिंह में पद का दुरूपयोग करना भुरष्टाचार है¢ा दक्ष्लि में चुनाव हुआ थाः और सूचेता कृषलानी जीः कि्सान पार्टी से मजदूर प्रजा चुनाव 1952 **में** जीती थींः और उनके वरिरे ध में प्रधान मंत्री जी की भतीजी को खड़ा करवा दिया गया थाः। उन्होंने जितनी सभाएं में कींः , उसके अलावा और किसी कुषेत्र में नहीं कष्रेत्र कींा भर¤टाचार है , इसलिए भ्राष्टाचार कीः परिभाषा लोग हैं , उनका शामिल किया जाए। जो भुरष्ट वेस्टेड इंटरेस्ट है ।

महोदय , हमारे उपसभापति इलाके में लोग खैबी बहुत वह एक तरह काः तम्बाकू हैं⊅ हैं। आप दरवाजे पर चाय और खैबी रख पर खड़े रहेंगे दीजिए , 24 घंटे दस लोग दरवाजे , हमारे यहां इतनी गरीबी हैक हमारे यहां पाँच रुक्षए , दस रुक्कए केः लिए इतनी गरीबी ...(समय की घंटी)... जहां लोग इतने है¢ा परेशान रहते हैं , तो ऐसे देश में क्या च्झाव ईमानदारी के साथ होंग्रे ? **ब**डे घरानों के लोग करोड़ों रुप्रए खर्च करके लोक सभा का चुनाव जीसते सभा में कैसे -कैसे हैं⊅ राज्ञ्य लोग चुन्नकर आरहे बताने उस सदन में भी जहां एक-एक आदमी वोद्यर कीः जरूरत नहीं हैक है , वहां कैसे लोग जीतकर आरहे हैंः ?

जोः गरीब आदमी है , जिसके पास दोनों समय भोजन नहीं है , है , जिसके पास खैद्धी खाने काः पैसा नहीं पास चाय पीने नहीं है , वोष्ट देले –देले उसकी तकदीर नहीं बदल रही बदल रही हैं। चुनाव के समय उसको दो सौं , पाँच उसकी हास्रत नहीं सौं , एक हजार , दोः हजार रुपए मिल्ल जाले हैं , यही उसके लिए हैं। इसलिए सीहाराम जीः, अगर चुनाव में भी भुरष्टाचार रोक्रना है , के तोः इस देश अन्दर जो है , उस गैर –बराबरी को मिटीना गैरः -बराबरी होगा।

जीः नेः अभी संविधान की बास हो रही थी। सतीश चन्द्र मश्रि हैंक कहा कि हम संबि धाम कीः शपथ लेहे संबिधान जितनी की अवहेलना , जिल्लना अपमान आपने किया है , उतना किसी ने नहीं किया साहब , आप तोः है। जब संबिधान जाः रहा थाः , कपिल सिब्बल बनाया

उसके जामकार हैं , जुझानी हैं जब directive principle तय हो रहा थाः कि सरकार जोः भीः नीप्ति बनाएगी , उस नीप्ति काः लक्ष्य होगा , यही directive principle थाः , उस समय उसको fundamental rights में शामिल कराने की बास हो रही थी। उस समय देश की हास्रत ऐसी थीः कि उसको fundamental rights में शामिल किया इसलिए directive principle बनाया गया। अम्बेडकर होंः यह कहा कि कोई भी सरकार बनेगी और कोई भी नीति बनाएगी तोः इसको ध्यान में रखेगी। हम उसी संबिधान कीः शपथ लेले कैसी नीति चलाई ? उस नीवि के चलते आपने देश में 1950 **ਸੇਂ** गैरः -बराबरी थीः और आजजोः गैरः –बराबरी है , आपके पास कोई गज-मीटर है कि आप इस गैर -बराबरी को ना प सकें , आपने इतनी बढाई है। इस देश में जिस अनुपात में गैरः –बराबरी में भ्रष्टाचार भ्रष्टाचार उसी अनुपात बढ़ा। की जननी हैं और आप इसे रोकिएगा ? इस देश में कितने कामून बने हैं - दक्षिली पुलिस इस्टैब्लिशमेंट एक्ट , सेकंड वर्ल्ड के बाद भ्रष् टाचार हुआ , उसके लिए बना ; आजादी के बाद खेसचन्द कमेटी CrPC बनी , मनी लॉन्ड्रिंग बनी , 1952 में एक्ट , बेह्मामी सम्पत्ति एक्ट , फिर आपने आईपीसी में कई कामून बनाए , आपने सीब्रीसी बनाया। क्या भुरष्टाचार रुका ? यह नहीं र्का , क्योंकि आप इन कामूनों काः इस्तेमाल नहीं करते हैं । हमको किसी ने कि बेह्मामी बताया ट्रांजेक्शन एक्ट पास हो

गया , लेकिन उसका रूख नहीं बना। अभी हास्र में एक्स -चीफ़ जस्टिस ऑफ इंडिया ने सोनिया जीः कोः चिह्नी लिखी की सीबीसी में दो मैस्बर्स के पद खास्री हैं⊅ हमारे बह्गिर के प्रत्युष कुमार दोः महीने में रिटायर थे और दो -दो पद खाली सन्हि। होने वाले थेः आप वहाँ हैं , उनको साधन नहीं जगह नहीं देते देही हैं और लड़ सकते , आप कहते हैं कि भ्रष्टाचार से लडेंगे ! आप नहीं कयोंकि भुरूटाचार में आपका vested interest है। आप जोः आर्थिक चला रहे हैं , वह आर्थिक नीति गैरः -बराबरी नीति बढाने के चल ही नहीं सकती है , उसे चलाया ही है , जो बगैर भुरष्टाचार नहीं जाः सकता है।

है , फिर भी आप इसे ले आए हैं , इसकी इसलिए , हमें संदेह बहुत जैस्रा अभी कहा गया , 1963-64 में नहीं , सबसे हमें बहूत खुशी हैंक थीः , जोः पहली दफा Ombudsman की बास सी . डी . देशम्ख जीः नेः उठाई जब पहला चुद्धाव हुआ थाः , उस पहले चुनाव के बाद डस देश के वहित मंत्री बने थेक वे महाराष्ट्र के थे , मनोहर जोशी जीः केः पशन्त कें थे≎ सबसे पहले उन्होंने इसके ें हैं कि पंडित नेहरू था। आप जामते की इस पर क्या क्या परतिक्रिया हुई ? उन्होंने कहा कि अरे ! क्या कर रहे इससे तो आपस में खींद्यातानी चलेगी , कोई काम नहीं कर पाएगा। राजेन्द जीः नेः पंडित जी को प्रसाद जवाहर लास नेहरू चङ्गि लिखी कि इसे बनाइए , यह बहुत जरूरी है¢ उन्होंने कहा कि देखिए , राजेन्द्र बाब्र तोः हमारी म्खालफ़त हैं⊅ करने वाले राजेन्द्र ने यह मुँह बाब्र् पर कहा।

1946 में जब सरकार बनी , उसके पहले 1937 **में** देश के राज्ञ्यों में सरकार बनी थीः , ६-६ राज्यों में कांग्रेस कीः सरकार थी। जीः केः पास जब खबरें यह थीः कि गाँधी तोः समय हास्रत आने लगीं गाँधी जीः ने कहा कि इस कांग्रेस को दफना देखा चाहिए। यह रेकॉर्ड में है । अभी जो है ...(**समय की घंटी**)...

शरी उपसभापति : तिवारी जीः, आपसमाप्त कीजिए।

श्री शिवानन्द तिवारी : मैं बस दो मिबट में अपनी बाह्य खत्म कर रहा हूँ ψ

श्री उपसभापति : नहीं -नहीं , पृत्नीज़ , अब आप बैठिए।

श्**री शिवानन्द तिवारी :** एक उदाहरण और देकर मैं अपनी बाहा समाप्त कर रहाः हुँ७ अभी टेल्लीग्राफ अखबार में यह छपा थाः। चेद्ध्नई के एक तमिल व्यक्ति , जो सन् 1947-48 में महात्मा गाँधी जीः के पुराइवेट सेक्रेटरी थे , उनका एक इंटरव्यू छपा। से ही गाँधी कहा कि 1947 के सित्तम्बर महीने जीः के उन्होंने कीः 80 चिह्नियाँ आरही थींःः , पास on an average भ्रष्टाचार हुआ। उन्होंने उसी स्टेटमेंट लेकिन भ्रष्टाचार दूरः नहीं में यह बताया कि एक बार लोक सभा में बहस हो रही थी , उस समय एक सदस्य ने भ्रष्टाचार का सवाल उठाया। उस समय तत्कालीन माननीय परधान मंत्री जवाहरलाल नेहरू जीः नेः कहा कि हम मामनीय से अनुरोध करेंगे कि यह जो 'लिटिल भुरष्टाचार ' है , इसके में वे चह्ति। नहीं करें। इस पर उस आदमी ने जवाब दिया कि यह 'लिंग्टिल भ्रष्टाचार ' 'लिंग्टिल प्रिग्नेंसी ' की तरह है , जो समय के साध बढ़ेगा। कोई कदम नहीं उठाया। आज जोः आपने रूप दिखाई दे रहा है , वह इसी कार ण से भ्रष्टाचार काः राक्षसी है। देश में जो भुरष्टाचार है , उसके जवाबदेह आपहें�

श्री उपसभापति : तिवारी जीः, अब समाप्त कीजिए।

श्री शिवानन्द तिवारी : अगर आप इससे ईमानदारी के साथ लड़ना चाहते हैं , तो हम लोगों ने जो संशोधन दिए हैं , उन संशोधनों के साथ इस लोकपाल बिल को पास कीजिए। जो बिल आपने बनाया है , वह दंसविहीन है , नखविहीन है और उस लोकपाल से कुछ नहीं होने वास्रा है≬ इसलिए हम आपसे गुजारिश करेंगे कि अगर आप सचम्च इसे ईमानदारी के पास हैं , तो इसे संशोधनों करवाना चाहते के साथ कराइए। बहुत -बहुत धन्यवाद।

SHRI TIRUCHI SIVA (Tamil Nadu): Thank you, Mr. Deputy Chairman, Sir, for having given me this opportunity.

Sir, at the outset, I would like to deny the general perception that is prevailing and which is being floated by some that this Bill which is being discussed is a by-product of a coercive public opinion.

Sir, the hon. Minister, Shri Narayanasamy, in his introductory remarks very clearly explained that the need to have a legislation for a Lokpal has been felt for quite some time, and way back in 1966 itself, the Administrative Reforms Commission in its interim report on the problems of redressal of citizens' grievances has suggested to form a Lokpal at the Central level. Sir, to give effect to these recommendations, eight Bills have been presented but due to the dissolution of the Lok Sabhas, those Bills have lapsed.

Sir, India is committed to pursue the policy of zero tolerance against corruption. India has signed the United Nations Convention against Corruption on December 09, 2005, and it is ratified, I think, in May, 2011 by way of instrument of ratification. Sir, the Convention imposes a number of obligations on the Member-States. Some were mandatory; some were recommendatory; and some were optional. It also envisages inter alia that all the State parties ensure measures in their domestic laws for criminalization of offences which are related to bribery, and, based on that, this Bill has been brought.

Sir, before going into the Bill, I would like to make some general remarks. Shri Rajagopalachari was the first and the last Governor-General of the Independent India, hailed to be a visionary, some of whose visions which we feel should not come to reality or come into reality, apart from many other things to be appreciated on his side. Sir, in the year 1921-22, in his Prison Diary, Rajaji has written, "We all ought to know that Swaraj will not at once or, I think, even for a long time to come, be better Government or greater happiness for the

people. Elections and their corruptions, injustice, and the power and tyranny of wealth, and inefficiency of administration, will make a hell of life as soon as freedom is given to us. Men will look regretfully back to the old regime of comparative justice and efficient, peaceful, more or less honest administration. The only thing gained will be that as a race we will be saved from dishonour and subordination. Hope lies only in universal education by which right conduct, fear of God, and love, will be developed among the citizens from childhood. It is only if we succeed in this that Swaraj will mean happiness. Otherwise, it will mean grinding injustices and tyranny of

wealth." Sir, I am very sorry and sad that this has come to reality. This he has written in the year 1920-21; and in 1897 Swami Vivekananda said that 'European politics has been corrupt due to electoral politics whereas our people have not yet been.' That has also come into practice. So, all these things which we witness compel us, and I would like to say that corruption is not prevailing in India alone. It is a global phenomenon. Otherwise, the United Nations Convention against Corruption would not have arisen at all. So, instead of elaborating what is happening, what are the reasons of that, we feel that, maybe, the absence of a strong legislation is one of the reasons.

We do not know that. We already have strong legislations against dowry, but still dowry is increasing manifold. Public opinion to back any law could curtail the crimes. A law alone cannot do it.

Sir, transparency in every aspect of governance could curtail corruption to a great extent. Bringing in systemic changes would also help. I would like to cite the example of Andhra Pradesh where people are allowed to download stamp papers from the Internet and pay the price through DDs, which has totally eliminated fake stamp papers. The introduction of RAC, computerization and online booking in the Railways has brought down corruption in railway ticketing. Something similar could be done here. These are just suggestions. I feel earnestly that a strong legislation alone will not curb corruption. Cooperation and coordination from the people and their involvement alone could make any law effective.

Sir, coming to the Bill that we are discussing now, the much discussed question is whether the Bill is unconstitutional. Instead of going deep into the merits of that question, I would say that we feel it is un-federal. The DMK has always fought for State autonomy. I would like to remind my friends that in the 1971 conference for State autonomy which was convened by our Party, our leader had cited a very good example. A person who had been imprisoned for quite a long time was released. After his release, he came out and tried to walk but could not walk. It was only then that he realized that he was released from the prison but the chains fettering his legs were still there! In a similar way, though we are all free from foreign rule, the Centre's

chains are still fettering the States. So, that was his view.

Sir, we are second to none in fighting for State autonomy and establishing the State's rights. Before stating the two reasons for our supporting the Bill, I would like to quote some of the observations that have been made in the Standing Committee that has carried out elaborate discussions on this issue. Now, we have made some reference of this not only in various fora, but also in the other House where we have registered our views. Some people have asked why we were not bringing in amendments. Instead of bringing in amendments and embarrassing our friends, we would like to register our views. We are strong in our views. We have never compromised on anything. In fact, our Party has even lost power to stand by our policies. Here,

I would like to bring in two observations that have been made in the Standing Committee and I would expect the learned Members here, who are well-versed in law, to tell us which of these two they have followed. One is this: Justice Verma came forward with the opinion for an omnibus federal legislation to set up Lokayuktas in the States. The opinion of Justice Verma was this: "Article 253 of the Constitution confers the legislative competence needed to implement the UN Convention which has been signed and ratified by India. It is relevant to highlight that Article 6 of the Convention enshrines a specific obligation for member States to establish bodies that present corruption. The Directive Principles of State Policy in Article 52(c) as a principle fundamental in governance is available as an aid. There is, therefore, no need to look for any additional support for the legislative competence of the Parliament to legislate on the subject for the whole territory of India". These were Justice Verma's observations. This appears to be favourable, whereas the other very important thing is that the Department of Legal Affairs, Ministry of Law, expressed their views in the following terms. This I would like to read out to the hon. Ministers who represent the Government and expect an explanation as to why this has not been taken into consideration. The Ministry of Law (Department of Legal Affairs) expressed their views, which I would like to read out to the hon. Ministers who represent the Government and I would like them to give an explanation why this has not been taken into consideration. The Ministry of Law has opined that, "It may be stated in this regard that while examining the draft note for the Cabinet regarding Lokpal Bill, 2011, this Department has already opined that the subject mater of the Draft Bill is relatable to Entry 1 and 2 of List-III, i.e., Concurrent List of the Seventh Schedule to the Constitution. As such the Parliament as well as Legislative Assemblies have legislative competence over the subject." I would like to rush through. Besides the aforesaid, "...which find place as Entry 1 and 2 respectively in the List-II, i.e., State List of the Seventh Schedule to the Constitution. Therefore, an enactment by the Parliament on the subject to provide for State Lokayuktas in Lokpal Bill 2011, may not only amount to encroachment upon the jurisdiction of the States but would also affect the federal structure of the Constitution." This is the opinion of the Department of Law. "Besides the aforesaid, under the proposed Bill, no sanction or approval would be required under Section 197 of the Code of Criminal Procedure, 1973 or Section 19 of the Prevention of Corruption Act, 1988 where prosecution is proposed by Lokpal (Clause 26 of the Draft Bill). This may also be against the concept of the protection presently available to the public servants. Under Article 253 of the Constitution the Parliament can enact with respect to any subject (including State subjects) for the purpose of implementing any treaty or agreement or convention with any other country or countries or any decision made at any international conference or body. But the enactment by Parliament, if any, under Article 253 would also be within the ambit of the Constitution." Sir, we are afraid the recent activities

tend to show a sign that the Centre is invading into the territory of the States; that the Centre is transgressing the powers of the States; that the Centre is usurping the rights of the States. Sir, it is a very genuine apprehension. Sir, it is up to you to make it clear. The democracy should not only be in practice, it should also appear to be in practice that everyone will accept. Regarding the constitutionality of including State Lokayuktas in the Lokpal Bill 2011, the Parliament may consider to enact a model law for the States. Sir, these are the two observations. One is favourable to the Bill that has been brought in and for another we need an explanation from the Government's side. We were, though not convinced, consoled to an extent. I should also want to register that. Why have we not attempted like others to scuttle the Government's proceedings? No, we won't. If at all we are friends, we will be friends; if at all we are not friends, we will declare that we won't act like that. ...(Interruptions)... I would like to say now, Sir, how we were consoled. When the Bill was discussed in the other House, the earlier Bill in clause 1 (3) says, "It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and for different provisions of this Act, and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision." Sir, after amendments were made, another Bill has been presented to us for discussion. In that Bill, a proviso has been added. What it says? It says, "Provided that the provisions of this Act shall be applicable to a State which has given prior consent to the application of this Act." So, this leaves option to the States. That is what I said, it consoles us. Though we are not fully convinced, this proviso which has been included after the amendment says that it is not mandatory and it appears - correct me if I am wrong - that clauses from 63 to 97 will, after this proviso, be a model law to the States. If that be the case, we agree to this proviso; we appreciate that. At the same time, in future, kindly don't ever make an attempt, in any manner, in which, it may appear that the powers of the States are being usurped, or, being trespassed, or,

being encroached. We have to express this apprehension on our part.

Sir, I am very happy that after the Standing Committee's recommendations, the new Lokpal Bill, that has been introduced, has included various changes. Earlier, the Lokpal Bill had no provision for reservation. Now, it has provision for reservation in the composition of the Lokpal. Regarding the jurisdiction of the Lokpal, it was said that the Prime Minister may be included after he demits office. But, now, the Prime Minister is included while he is in office, and also after he demits office, with some riders. These safeguards are, of course, necessary with regard to the highest position in the Executive. I think, the relationship between the CBI and the CVC, in the Lokpal Bill, has also been altered. Earlier, Group 'A' and 'B' employees were there in the Bill.

Now, Group 'C' and 'D' employees have also been included. Again, I would like to seek a clarification that when we see the constitution of employees in the Central Government, Group 'A' employees are 92,716 (2.98 per cent of the total employees); Group 'B' employees are 2,47,822 (7.96 per cent); Group 'C' employees are 18,57,222 (59.69 per cent); and Group 'D' employees are 9,13,850 (29.37 per cent). That means, Group 'C' and 'D' employees alone constitute about 88 per cent of the total number of employees. So, I think, the constitution of Lokpal will not be a solution. The burden will be increased. Also, the process of going through Lokpal is very welcome. In that regard also, I would like to say that...(Time-bell rings)... Sir, I will just take two minutes. The preliminary inquiry by the Inquiry Wing of the Lokpal will be conducted. Then, the report will be made within 90 days of the complaint. Then, the Lokpal will decide whether to continue investigation or close the matter. Then, if it decides to continue, it will refer the case to the CBI. Once the CBI completes its investigation, it will submit its report to the Lokpal. It does not end there. Again, three-member panel of the Lokpal will decide whether to close the case or to start disciplinary action. It is a very good process. Nothing is done in an urgent manner. It has been drafted very wisely. Then, the Prosecution Wing will take up the matter and file the case before the special court, established under the PCA. After that, the powers are always with the person to approach the High Court or the Supreme Court. Here, again, I need a very important clarification. I made a reference to this point earlier, but I was not clear about it. Clause 95 regarding Lokayukta says, "The Lokayukta shall function as the final appellate authority in respect of appeals." I could not understand this. Legal luminaries on the Government side should clarify this point. After the trial court, the special court of the Lokpal, or the Lokayukta, has adjudicated a case, the person could approach the High Court or the Supreme Court, whereas this clause says that the Lokayukta shall function as the final appellate authority in respect of appeals. So, I think, this is quite confusing. I need a clarification on this.

Sir, I would like to conclude with only one reference. Our Prime

Minister has very clearly said. I would like to quote him, "Let us not create something that will destroy all that we cherish in the name of combating corruption. The road to hell is paved with good intentions." Sir, Rome was not built in one day. Lokpal is a step. Lokpal is another way by which we are trying to curb corruption. If at all, its functioning is not satisfactory, if it needs drastic changes, we could revisit it at any time and make the suitable amendments. With these words, I support the Bill on behalf of the DMK. Thank you, Sir.

श्री तारिक चेयरमैन अनवर (महाराष्ट्र)ः डप्स्टि साहब , सबसे मैंः पहले आपको धन्यवाद देखा चाहता हूँ , जो आपने इस महत्वपूर्ण विष्गिय पर अपनी मुझे बास रखने मौका दिया। मैंः बन्नि के समर्थन में खड़ा हुआ

डप्स्टि चेयरमैन साहब , मैं समझता हुँ कि भ्रश्याचार पर के ਕਿਇ अंक्श लगा ने यह बस्रि एक महत्वपूर्ण कदम है और आने वासे समय में यह एक मीख्न काः पत्थर साबित होगा। से आज सारा वश्चि भर¤टाचार ग्रस्त है और जब तक हम भरष्टाचार पर अंकुश नहीं लगाएंगे तब तक हमारा विकास रहेगा , आम आदमी को जो हम इंसाफ दिल्लाने कीः बाह्य अवरुद्ध करते हैंं उसमें होंग्रो। इसीलिए कोः समाप्त सफल नहीं शायद करप्शन ने कन्वेंशन करने के लिए युद्धाइटेड नेशंस अगेन्स्ट करप्शन किया , जिसमें दुनिया के तमाम देशों कोः यह बताने कीः कोशिश गई कि अगर करप्शन दूरः करना है , तो दुनिया के सारे देशों इस पर कदम उठाने कीः आवश्यकता हैं। दवारा

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

चेरयमैंन साहब , उसी कमिटमेंट कोः पुरा करने के लिए हम लोग आजइस लोकपाल बल्लि पर बहस कर रहे हैं और इसे एक कामून कीः का प्रथास कर रहे हैं⊅ युद्धाइटेड नेशंस जो थाः , उसको भारत ने भीः सुवीकार किया थाः और उसी रेजोल्युशन धयान में रखकर आजयहां एक सशक्त लोक्रपाल बनाने कीः बास हम कर रहे †हं∙ हमारी पार्टी , एनसीपी , शुरू से ही इस बाल के पक्ष में है कि भ्रष्टाचार कोः रोक्रने के लिए और सशक्त एक मजबूत लोक्रपाल बनाया जाए , ताकि आने वासे दिनों में भ्रष्टाचार रोकने में हम किसी हद तक सफल हो सकें। वैसे तोः आजवकीलों है , सब कामूनदा हैं और सबने अपनी -अपनी बास बहुत मजबूती रखी है , लेक्रिन जोः आमआदमी कीः धारणा है , उसको मैं के सामने , इस सदन के सामने हाउस रखना चाहता ह्ँा र्मे यहां बास सप्रष्ट करना चाहता ह्ँ क**ि भ्**रष्टाचार के खिलाफ आंद्योलन करने काः अधिकार याः किंसी प्रकार काः भीः आंद्योलन करने काः काः अधिकार , इसके अधिकार लिए हमारे संविधान , सत्याग्रह करने क्री कोः यह अधिकार है कि वह आंद्योलन में प्रावधान हर व्यक्ति चलाए , चाह्रे वह व्यक्ति हो या समूह होः , लेकिन ऐसा लगता हमारे जो पछि ले क्छ दिसीं से भ्रष्टाचार कोः लेकर यहां आंद्योलन है , उसके पीछे और भीः बाहें चलाया जाः रहा क्छ छुपी हुई हैं। हमारे देश के कुछ राजनीतिक दल हैं ं , जोः इस आंद्योलन कोः देवे परत्यक्ष याः अप्रत्यक्ष रूप से हवा काः काम कर रहे है कि आने वासे हैं , शायद उनको ऐसा दिखाई समय में पड़ रहा उनको इसी रास्ते से सत्ता तक पहुंचने में शायद कोई मदद मिल्ल

है और वे सत्ता कीः कुर्सी तक पहुंच हैं⊅ जिस सकती सकते भ्रष्टाचार से हमारे देश के अंदर के नाम प्रकार पर सभी कोः, वह राजनीतिक दल होंः , राजनेता चाहे होंः , सदन होः और हमारे काः नृद्यायालय होः , सभी लोगों पर आरोप लगाने कीः कोशिश कीः गई,...

लोगों को संदेह के घेरे में लाने की कोशिश की गई और एक ऐसा माहौल जैसे देश बनाने काः प्रयास हुआ हमारे देश में सबसे ज्यादा भ्रष्टाचार है और हमारे देश के अंदर हर कुषेत्र में फेल्रा हुआ है और दूसरे देशों कीः भरष्टाचार तुल्लना हम भ्रष्ट हैं , इस तरह का एक माहौल , इस तरह कीः एक के सामने किया तस्वीर पूरे वश्चि रखने काः पुरयास गया। में का जो संवैधानिक ढांचा है , उस पर भी मायनों हमारे देश गया , उसकी गरिमा गया और संघूर्ण किया प्रहार का मज़ाक उड़ाया संवैधानिक ढांचे कोः एक तरह सेः * करार दे ने की कोशिश कीः गई। इस तरह न सर्फि राजनीतिक दलों के नेहाओं कीः छवि कोः धूमिल एक तरह से समाज के हर वर्ग काः प्रयास हुआ , बल्कि की छवि को धूमिल कीः कोशिश कीः गई। यहां तक कि देश के जो करोड़ों करने मतदाता हैंं , उनके बारे में भीः यह कहा गया कि जो लोग आते हैं , वे पैसा जीसकर खर्च करके

^{*}Expunged as ordered by the Chair.

आते हैं , धोशी और साड़ी बांछकर आते हैं और इस तरह से पूरे चुमाव की जो प्रणाली है , जो प्रक्रिया है , उस पर भी प्रश्निचिहन लगाने का प्रयास हुआ।

कभी -कभी संदेह होसा है कि यह भुरष्टाचार मुझे आं दोलन থা याः हमारी पूरी व्यवस्था लोक्रतांत्रिक के खिलाफ आंद्योलन थाः ? इस तरह काः माहौल बनाने काः प्रयास हुआ कि बाबा साहब अम्बेडकर के दुवारा सभा के दवारा हमें जोः संविधान दिया गया है , वह देश को चलाने में सक्षम नहीं र्मे डस मौक्रे पर शरी सोमनाथ चटर्जी , जोः इस देश लोक सभा के अध्यक्ष रहे हैं और एक माने हुए वकील भीः रहे एक आर्टिकल Economic Times ਸੇਂ छपा थाः , जिसे र्मे हं quote **करना चाहता**

"The elected representatives of around 120 crore people of this country are being asked by a group of representatives of Civil Society to follow what they want to be the law of the land. Parliament is being asked by this group to enact what it has put forth as a draft Bill. I don't find anything more undemocratic than this attitude in a country governed by the Constitution and the rule of law".

यह शरी सोमनाथ चटर्जी जीः ने अपने एक लेख में लिखा है≬ यह मैं इसलिए यहां quote करना चाहता हूंः कि पछिले दिनों में यह जोः परयास हुआ , उससे हमारे देश की छवि धूमिल हुई और जैसा मेंबे कि पुरे देश का जो संवैधानिक ढांचा है , उसको करने काः पुरयास हुआ। दूसरी तरफ यह बताने कीः कोशिश कमजोर गई कि अन्ना हजारे जीः संबिधान से उपर हैं , Anna is India, India is Anna. जब यही बाल emergency के दिल्ली में डंदिरा में कही गई थीं , बरुआ जीं ने यह बाल कही थीं , तो उस समय इसकी बहुत आलोचना हुई थी और कहा गया था कि यह व्यक्ति पूजा है , लेकिन 21वींः शताब्दी में भीः यह बात दोहराई जाः रही है और मैं समझता हूं कि यह इस देश के लिए ...(व्यवधान)...

एक मामनीय सदस्य : कौम कह रहा है ?

श्री तारिक अनवर: यह कश्नि बेदी जीः नेः कहा थाः, अगर आप अखबार हैं , तो आपको पता होगा। मैं यह कहना चाहता हुं कि इस तरह कीः धारणा बनाने की कोशिश की गई कि संविधान से , सदन से , पार्लियामेंट से वयक्ति ऊपर है। यह हमारी डेम्रोक्रेसी के लिए , लोकतंत्र के लिए अच्छी बात नहीं हैं। इसलिए अभी हमारे जीः ने , जोः हमारे जे .डीः .यू . के नेहा हैं , उन्होंने कहा कि चुद्याव में भुरृष्टाचार होसा †हं अभी एक साख्न पहले बह्यिर में इनकी पार्टी सत्ता में आई, तो क्या वह भ्रष्टाचार से आई है ? लोगों कोः पैसा देकर आई हैः ? वोटरों कोः खरीदकर आई है ? अभी वे यहां हैं , मैं उनसे पर मौजूद नहीं यह सवाल करता कि आप दोब्रारा सत्ता में आगए तो ... (व्यवधान) ...

श्री अली अनवर अंासारी (बिह्नार): जनता के समर्थन से...(व्यवधान)...

शरी तारिक अनवर: वही तो मैं कह रहा हूं ...(व्यवधान श्री अनवर अंसारी : जनता के समर्थन अली सें , और कोई ...(व्यवधान कॉऱपोरेट से पैसा)... लोग लेते हैंः याः हैं क नहीं ?...(व्यवधान) . . . वे एक उसूल की बात कर रहे

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

तारिक अनवर: यही बाह्म तो मैं कह रहा हूं। जो आप कह रहे हैं , वही र्मे कह रहा ह्ंा मैं ः यही कह रहा हूं कि आप की बास कर रहे हो कि चुनावों में लोग पैसा खर्च में ऐसे ही आगए? आप भी उसी करके आते हैं , तो क्या आप चुद्धावों रास्ते से आएहैं , जिस रास्ते से हम सब आएहैं ...(व्यवधान

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No. Tariqji, address the Chair. ...(Interruptions)... There is shortage of time. ...(Interruptions)...

श्री तारिक अनवर: इस तरह की बाहा मत कीजिए , पहले अपने गरिबां में मुंह डाह्मकर देखिए। ...(व्यवधान)... सर, मैं आपको सम्बोधित कर रहा हुं ...(व्यवधान)...

श्री राम कृपाल यादव : पचास -पचास लाख़ काः डोमेशन दिया हैं।

अनवर: अब क्या है , क्या तारिक दिया नहीं , मैं नहीं चाहता , लेकिन र्में यह कहना चाहता हंः कि ऐसे)... में लोग ...(वयवधान तिवारी जीः काः बहुत सम्मान करता हं , वे मेरे भार्ड के समान हैं , लेकिन जब ऐसे लोग जिस्मेदाराना , तोः हमारी छवि बनेगी ? तोः येः बास करेंगे क्या बाहों मैं इसलिए कहना चाहता ह्ं कि देश में लगातार बनाने काः प्रयास हो रहा है कि हम सब लोग * और हम क्छ में जो कुछ भीः नहीं कर सकते हें¢ हमारे देश होः रहा है , वह है और दूसरी जगह ऐसी अजूबा घटनाएं नहीं हो रही है , सर्फि भारत में ही भ्रष्टाचार भ्रष्टाचार नहीं होः रहा है , वह भ्रष्टाचार काः सबसे बड़ा सम्बिल बना दया गया है - तो ये सारी बाहों हैं , जिस पर हमें विचार करने कीः आवश्यकता कि यह जो बिल्ले आया है , यह बहुत मैं समझता हुं सोच -समझकरआया है और जिस परकार से उसमें काः समावेश किया तमाम बाह्यों गया है , की गई है , प्रयास किया गया है कि आने वासे दिनों पर अंक्रुश लग सके , तोः मैंः कि हमारे उस भरष्टाचार चाह्रंगा के लोग इस पर सोचे , विचार ठीक विषिक्ष करें। है , हो सकता होंः , आगे जब समय आएगा , तब कि उसमें क्छ कमियां होंः , त्रुटियां अगर कुछ कमी है , तो कभी भी हम उसमें सुधार कर सकते हैं। उसमें जब हम इस देश के संबिधान उसमें किया जाः सकता है। इस बन्नि में संशोधन कर सकते हैं , तो क्या संशोधन नहीं कर सकते ? लेकिन आजयह देश जो चाहता है , वह यह चाहता है कि यह बिले कि आप किसी तरह से कानून काः रूप धारण करे , इसलिए हम चा हेंग्रे ऊपर उठिए और ऊपर उठकर इस बिल्ले काः समर्थन कीजिए और लोक्रपाल बल्लि को दीजिए , ताकि जिस दिशा में हम सब लोग कदम उठाना चाह्रते हैंः और देश कीः जनता आजहमारी ओर देख रही है कि भ्रष्टाचार से निष्टिने के लिए आजसदन में जोः लोग बैठे हैं , वे क्या कदम उठा रहे हैं , इस पर आजलोगों कीः नज़र है।

महोदय , हमारी पार्टी काः एक दूसरा opinion मैंा कहना चाहुंगा , खास तौर पर प्रधान मंत्री के मामले में , हास्रांकि अब तोः वह बिला बन चुका है और उसमें अब संशोधन की गुंजाइश है , हमारी पार्टी काः जोः opinion हैः , प्रधान मंत्री को जो गया है , उस संबंध र्मे लोकपा ल के दायरे में लिया में कहना चाहता हूं कि हमारी पार्टी इस पक्ष में नहीं थी। इसलिए थीः कि प्रधान मंबी काः पद कोई व्यक्ति वशिष काः पद नहीं है≬ प्रधान मंत्री काः पद एक संवैधानिक पद है और हमारी लोक्रतांत्रिक व्यवस्था काः प्रतीक प्रधान मंत् रीः होहा है≬ उसको भीः यदि हम शक के दायरे में रखेंगे , तोः आने वास्रे समय में उसकी कीमत हमें चुकानी पड़ सकती है , इसलिए मैंः

^{*}Expunged as ordered by the Chair.

समझता हूं कि अब आपने फैसला ले लिया है , सरकार ने फैसला ले है , बिल में उनको शामिल कर लिया है , तो अब उसमें कोई नहीं है , लेकिन मैंबे अपनी पार्टी के विचार को आपके समक्ष किया है। रखने का पुरयास

दूसरा , सी .बी .आई. के बारे में यह बहुत कहा जा रहा है कि सी .बी .आई. पर लोगों का विश्वास नहीं हैं जो भी सरकार सत्ता में होती हैं , जो भी सत्ता में होते हैं ...

उनकी चलती है याः उनके दुवारा उस पर अंक्श है , वह यह है कि इन तमाम चीओं जोः सच्चाई के बाबजूद भीः सीः.बीः.आई. केः बारे में आम लोगों कीः धारणा अच्छी हैक जहां कीः सरकार है तथा जहां हमारी सरकार है , हर जगह जब भी कोई ऐसी घटना घटती है तो यही मांग्र <u>ਤਠ</u>ੁਰੀ है कि सी .बी .आई. के इसकी जांच होमी चाहिए। इस प्रकार उसकी क्रेडेब्लिटी उसकी इस क्रेडेब्लिटी कोः हमें चाहिए , बचाना आजभीः है बढाना कि उस दिशा में इस बिले में जो पुरावधान चाहिए। में समझता हुं किया है , वह उचित है क्योंकि डायरेक्टर की गया उसके नियुक्ति को लेकर जिस तरह से इस बिल के अंदर यह तय किया गया , विषिक्ष है , यह वयवस्था कीः गयी है**ः क**ि प्रधान मंबी और चीफ़ जस्टिस ऑफ इंडिया नेता , तीओं मस्रिकर सीः .बीः .आई. केः डायरेक्टर की नियुक्ति करेंगे इससे सीः .बीः .आई. क्रेडेब्लिटी बढ़ेगी तथा आने वाले दिनों में लोगों काः उस पर महोदय , बार -बार बढेगा। और अधिक वश्वास यह कहा जाह्या जाए , लेकिन सी .बी .आई. को लोकपाल के अंतर्गत कर दिया यह भीः एक है कि सी .बी .आई. सर्फि भ्रष्टाचार के मामले को ही देखती है , बहुत सारे जोः पेचीदे मामले आते हैं , उनको भी वह देखती यह यही है कि लोक्रपाल कोः वह अपनी रिषोर्ट है¢ देः, जोः जांच सी .बी .आई. को सौष्री लोक्रपाल के दुवारा उसकी जाए , वह सीधे को दे , उसके लिए जवाबदेह जानकारी लोक्रपाल होः , लेकिन सीः .बीः .आई. कोः समाप्तः करके किसी के अधीन करना मुद्यासिब होगा , ऐसा मेरा क्री में , मैं अंस यह कहना मानना चाहता हमारे में जोः सामाजिक बनावट है , इस बिल में देश खास तौर भीः धुयान रखा गया है इसीलिए जोः लोक्रपाल बनेगा , उसमें रखा गया है , इस बात का ध्यान इस बाहा काः प्रोविजन रखा गया है कि समाज के सभी कमजोर वर्ग के लोगों कोः , चाहे वह शेझ्यूल्ड कास्ट्स के हों , शे ड्यूल्ड ट्शइब्स के हों , अदर बैकवर्ड के होंः , माइनॉरिटीज़ होंः , उन सबको कुलास होंः , वुसेन प्रतिनिधित्व मिल्लिना चाहिए। मैं समझता ह्ं कि यह जो

व्यवस्था की गयी है , यकीनन सही मायने में हमारे देश की जो तस्वीर है , यह उसका प्रतिबिम्ब है यह जरूरी था , आवश्यक था , तािक लोगों का लोकपाल पर अधिक से अधिक विश्वास हो सके। महोदय , अंत में , में एक बार फिर से आपका शुक्रिया अदा करूंगा और इस सदन से यही कहना चाहूंगा कि जो भूख वहां उस सदन में हमारे विश्विस के दुवारा हुई ...(व्यवधान)...

श्री रुद्रनारायण पाणि : तारिक साहब , भूस्न नहीं हु ई हैं ...(व्यवधान)... कोई भूस्न नहीं हुई हैं। ...(व्यवधान)...

श्री तारिक अनवर: उस भूख को ... (व्यवधान)...

श्री रुद्रनारायण पाणि : उन्होंने कहा क**ि भूछ हुई** हैं। ...(**व्यवधान**)...

उपसभाध्यक्ष (प्रो , पी .जे . नुरियन): आप बैछिए।

श्री तारिक अनवर: विपक्षि के द्वारा ...(व्यव धान)...

श्**री रुद्रनारायण पाणि :** वे कह रहे हैं कि विपक्षित के दुवारा भूल हुई हैं ...(व्**यवधान**)...

श्री तारिक अनवर: हांक , भूख हुई हैं। ...(व्यवधान)...

श्री रुद्रनारायण पाणि : विषक्षि के द्वारा कोई भूल नहीं हुई हैं। विषक्षि ने सही कहा हैं। ...(व्यवधान)...

उपसभाध्यक्ष (प्रो . पीः.जेः. कुरियन): पाणि जीः, आप बैठिए। ...(**व्यवधान**)...

शरी रुद्रनारायण पाणि : विषिक्ष ने लोक सभा में सही किया है , आपके दुवारा भूख हुई है≬ ...(व्यवधान)...

शरी तारिक अनवर: जोः गलती उन्होंने लोक सभा में स्धार करने काः यह अवसर है। इसलिए र्मे चाह्रंगा कि सर्वसम्मति से यह लोक्रपाल बल्लि पास हो ताकि देश कीः जनता को यह वश्वास हो कि पुरा सदन भ्रष्टाचार से चाह्रता क्री लडना धन्यवाद।

SHRI PYARIMOHAN MOHAPATRA (Odisha): Sir, I rise to oppose certain provisions of the Bill for which I have given certain amendments. The entire discussion is taking place in the backdrop of the elections in most populous State, Uttar Pradesh, and posturings have been made in both Houses, in this House also, keeping in view the elections.

I think that I should speak in Rashtra Bhasha since UP elections are there. But our party is not there in UP elections. भरष्टाचार के इतिहास काः जेटली ने जक्रि साहब , हम इतिहास र्हें क जीः नेः के जिस कषण पर खड़े अभी हमारे तिवारी भुरष्टाचार के बारे में वस्ति।रित ढंग से बताया। उन्होंने जीप्र सकेन्डल से लेकर क्रिने सुक्रेन्डल्स बतलाए। अब इतने भरष्टाचार हुए हैंः मुंद्रा जेख्न गए, लेकिन क्या एक-दो एक्सेप्शंस को छोड़कर कोई जेख्न जाहो हैंं ? पॉलिटिशियन जेल्ल हैं , ऑफिशिएल्स जेख्न नहीं हैं क पॉलिटिशिएंस नहीं जाहो जाहो और ऑफिसिएल्स जेख्न नहीं हैंः र्मे बोल जाते , यही रहा ह्राः

श्री तारिक अनवर: अभी कुछ पाँग्लिटिशिएंस जेल में हैं।

SHRI PYARIMOHAN MOHAPATRA: I said 'with a few exceptions'. 33 एल.ओपी . ने जो बोला , ये चार डिकेंड्स सें , जब Santhanam Committee Report आई, यह बड़ी सट्टांग रिपोर्ट थी। In the sixties, Santhanam Committee की जो रिपोर्ट थीः, वह बडी शक्तिशाली रिपीर्ट थी। लेकिन इन पर कार्यवाही नहीं हुई। आया , कर्योंकि लोक्रपाल बस्नि

हैं मैं इसमें किसी की sincerity नहीं थीं , आजतक भी नहीं ऊपर चर्चा करूंगा , आज तक भीः नहीं अब जब बड़े -बड़े हैक घोद्याले हुआ , Commonwealth गेझ्स घोद्याला हुआ , ऐसे हुए , 2जी घोटाला यह multiple घोटाले एक साथ हो गए, तो इसका असर सोसाइटी यह जब हुआ तो कई लोग , तथाकथित civil societies के लोग , सामने आए। मैंं मानता नहीं हं civil society को, 15 हजार और एक लाख लोग बैठ जाएंगे और आप लोग पचास हजार मामेंगे कि हम civil society के साथ बात कर रहे हैं⊅ आई civil society, civil society, आप लोग माम गए। वहां जाकर आप ने संसद काः अपमान किया और वहां बैठ जाकर गए। वहां negotiations की, drafting भी किया। इस तरह से आप लोगों काः भीः अपमान किया , संसद काः भीः अपमान किया। इतने सब, ये घोद्याले आ गए और अभी तोः कई और घोटाले नहीं सामने सामने आए हैं , जैसे mining scam. इस बारे में र्द्वनारायण पाणि जीः बोस्रते हैं , चाहते हैंं कि Orissa में mining scam, Karnataka, Andhra Pradesh ਸੇਂ नोः। जोः सबसे बड़ा mining scam हुआ है उसका जीः नेः जक्रि र्द्धनारायण पागि किया नहीं है¢ यह mining scam पांच राज् योंः में , Orissa, Jharkhand, Chhattisgarh, Andhra

Pradesh, हैं। मेरे हिसाब से 2003 से 2009 तक 22 लाख करोड़ रुपए काः Iron ore बेद्या गया या एक्सपोर्ट किया गया। इनका खर्चा दोः सेः ढाई लाख करोड थाः , बाक्री बीस सर्फि लाख करोड माइनिंग कम्पनीज ने एन्जॉय किया। कैसे किया ? जोः पांच चीफ़ मिनिस्टर थे , वे इतने सारे दक्ष्लि के corridor में जाकर भीख मांग्र थे कयोंकि इनकी रॉयल्टी चार रुपए से 27 रुपए प्रति जब Iron ore की बक्री हो रही थी छ: हजार से साल हजार रुपए। हुआ , मैं बोस्नता ह्ं कि बीस लाख टन काः प्रॉफिट माइनिं ग लोगों को दे दिया गया। ये लोग क्या मांग्रते थें , 20 per cent ad valorem royalty करो। इसमें से राज्यों कोः 5 राज्यों मस्रिता। को 6 सास में चार लाख करोड़ इसको भीः आप लोगों ने दे हमको क्या मिला ?

के इमेजिनेशन पर छोड़ देहा मैं आप लोगों हूं कि क्यों आपने ऐसा कियाः ? यह जोः भरष्टाचार हुआ , जब भ्रष्टाचार करते हैं तो जब रामदेव ने धमकी दी कि हम आकर ये नैतिक अधिपतन होहा है¢ , तथाकथित करेंगे सिबेल सोसायटी ने धमकी दी कि हम ये करेंगे वोः करेंगे , तोः नैतिक अधिपतन के जरिए से आप लोग डर गए। एक सरकार , भारत की सरकार , इतने बड़े देश की सरकार उनके पास जाकर कर रही है। इस परिस्थिति में आप लोग इस बल्लि को लाये आप लोगों ने इनको बोल्ला है कि हम संशक्त लोक्रपाल आपके लिए आप लोग सशक्त लोक्रपाल केसे बनायेंगे ? मैं लोकसभा कीः बहस भीः वैसी ही है कि हम सशक्त के भाष्रण सुद्ध रहा थाः , यहां कि शक्तिशाली लो कपाल बना रहे हैं जिससे लोग यहां आ सकें , जिसकी नीयत ठीक होः , जिसकी इंटिग्रिटी हो जिल्लिकी honesty हो , जिह्होंने कोई गड़बड़ी न की हो। आपने सलेक्शन परोसेस में पांच मिनिस्टर और संधीकर लोगों कोः रख दिया। दोः पराइम को रख दिया केः , दूसरे आपने लीइर ऑफअपोजिशन को रख दिया , एक पार्टी मानेगा तीःसरे आपने सोचा क*ि* चीफ़ जस्टिस याः नहीं मानेगा ठिकाना नहीं। ...(व्यवधान)... It is the LOP, not the Speaker. It is the LOP. I correct myself. तोः चीफ़ जस्टिस मानेगा मानेगा , eminent jurists to be nominated by the President. नॉमिनेटिड आदमी क्या होह्या है , यह पता है। प्रणब दाः नेः लोक सभा में बोला कि "हम तो अप्वाइंट करते हैं CEC, CAG and Judges of Supreme Court. Does it affect their independence?" ये बोले। there no examples? Because of this method, I regret to say, some Election Commissioners have behaved like Sarkari Election

Commissioners; some Judges have behaved like Sarkari Judges and some C&AGs have behaved like Sarkari C&AGs. तो आप कैसे बंद कर सकते हो ?...(व्यवधान)...

SHRI V. NARAYANASAMY: These are all wild allegations. $\dots (Interruptions) \dots$

 श्री
 प्यारीमोहन
 महापात्र
 : हम wild allegations
 इस इक्ष्किशन

 में
 किसी
 के नाम पर नहीं
 कर रहे
 हैं
 ...(व्यवधान)
)... सर, ये

 टाइम
 कट किया
 जाए।
 ...(व्यवधान)
)...
 उपसभाध्यक्ष
 महोदय , ये

 टाइम
 कट किया
 जाए।
 ...(व्यवधान)
)...

SHRI V. NARAYANASAMY: This kind of allegations...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Pany, please sit down. Mohapatraji, against Constitutional bodies, don't make wild allegations. ...(Interruptions)...

SHRI PYARIMOHAN MOHAPATRA: I am not speaking against any institution. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The Election Commission is a Constitutional body. Don't make wild allegations against the Election Commission and the Judges. Don't make wild allegations against Constitutional bodies. ...(Interruptions)...

SHRI PYARIMOHAN MOHAPATRA: Sir, I am not speaking against any institution as such. \dots (Interruptions)...

SHRI RAVI SHANKAR PRASAD: Mr. Narayanasamy is a senior Minister. ...(Interruptions)... Why is he a little agitated today? ...(Interruptions)...

SHRI PYARIMOHAN MOHAPATRA: I am not speaking against any institution as such. ...(Interruptions)...

SHRI V. NARAYANASAMY: He shouldn't make wild allegations. $\dots (Interruptions) \dots$

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

SHRI PYARIMOHAN MOHAPATRA: You are taking my time, Mr. Minister. I will have to be given five minutes more because of this.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): So, you are seeking five minutes more. Please.

SHRI PYARIMOHAN MOHAPATRA: I can only state the facts which all of us know. Let us not play with this. This is an important moment. Unless we don't tell things honestly, we will never find a solution. So, let us make the process of selection transparent so that proper people can be selected and then उनको सशक्त करना चाहिए। be empowered. क्योंकि एक आदमी बैठेगा। You put the most powerful man with honesty and integrity. But if he does not have a powerful weapon, he can't function. What is the weapon? You have said that you will put someone but take away the CBI. You have amended it from inquiry to investigation. You will give them investigative agency or special investigative agency. Wherefrom will you find the special investigative agency? हम आपको बैठा देंग्रे , आप कहां से लाएंगे। You have a specialized experienced group on anti-corruption, like the CBI, which will not be found anywhere else in the country. Therefore, please give the Anti-Corruption Wing of the CBI to the Lokpal;

otherwise, this Lokpal will be a useless piece of anachronism. So this is about sashakt Lokpal.

Now I come to the federal structure. The hon. Minister, Shri V. Narayanasamy, started by saying that we have signed the Convention Against Corruption in 2000, eleven years ago. You have been in power for seven-and-a-half years. So many treaties, so many conventions...

SHRI V. NARAYANASAMY: India became member in May, 2011. Earlier we were only a signatory to the Convention. India became member only in 2011. ...(Interruptions)...

5.00 P.M.

SHRI PYARIMOHAN MOHAPATRA: You are saying that you became member in 2011. How many conventions and treaties India has signed which were implemented under article 253 of the Constitution? ...(Interruptions)... Since you have not done so, why do you talk of this? Even if it has been, then why did you wake up only when the socalled civil society or a Ramdev started threatening you? Till then you did not wake up. Then the Prime Minister said in the Lower House, "Federalism cannot be an impediment in the war against corruption." When has federalism become an impediment in the war against corruption before you could start the war against corruption this way, if at all you have started? Bihar has had a very powerful Lokayukta Bill; so has Uttarakhand. So, have a look at those Bills. If the States wish to do so, why do you impose clauses 62 to 97 on the States? Alright, you think you have done all this in your wisdom. Let us recognise that you have been very wise on that score. Then say that over and above there shall be a Lokayukta in the States and also say that clauses 62 to 97 may be treated as the guidelines for the States to follow. Don't bring in article 252. With article 253, you are adding article 252 which is contradictory. So, please say that these are the guidelines. Yes, the States will follow these as guidelines and make laws. This is about federalism.

Every speaker from this side, including our friends on the other side, have said that please honour the federal principle and see that the federal structure is not affected adversely in any manner, which has been a fact of history. Let us not change the course of history and let us honour federalism because we have come to a situation now when none of the political parties since the last 13 or 14 years has had enough majority to talk about hegemony of the Centre. Sir, one final point. You have left out Group 'C' and Group 'D' from the ambit of the Lokpal Bill. Why are you having reluctance in including them? Now, Dr. Singhvi talked about big-ticket corruption. That may interest the newspapers; that may interest the intelligence agencies. But the corruption at the grassroots level...

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

SHRI PYARIMOHAN MOHAPATRA: This affects the common people, and in terms of population, about 80 per cent of the population is affected by corruption at the level of Group 'C' and Group 'D'. Please try to see that Group 'C' and Group 'D' are not given, in an ineffectual manner, to some structure which cannot really curb corruption. Thank you, Sir.

SHRI SUKHENDU SEKHAR ROY (West Bengal): Sir, I rise to oppose the Lokpal and the Lokayukta Bill, 2011...(Interruptions)... Sir, I oppose the Bill only to the extent that it relates to Part-III thereof, from clauses 63 to 97 under Chapters-I, II, III, IV, V, VI, VII and VIII, as also

clause 1 (i) and clause 1 (ii). Now, many eyebrows have been raised as to why the All India Trinamool Congress, being a partner of the Government, is opposing this Bill to the extent that I have stated. It is because I represent a party which is transparent; I am led by a leader who is transparent. And, she has set an example in this country as to how to fight against encroachment of civil liberties and how to fight against abridgement of fundamental rights. In the same way, we have been taught by her that whenever there is a violation of any constitutional provision affecting the interests of the people or the States as such, then, we must oppose it tooth and nail.

Now, I take this opportunity to invite the kind attention of the hon. Members of this august House to the statement made by the hon. Finance Minister on 27th August, wherein the hon. Minister desired that the Members should express their opinions in regard to certain issues, amongst those which included the issue as to whether one single Act should be provided for both the Lokpal at the Centre and the Lokayuktas in the States. That was a pointed question put by the hon. Finance Minister on 27th August. And, while participating in that discussion, I, on behalf of the All India Trinamool Congress, categorically stated that we do not want such a legislation, a Central legislation, which will determine the establishment of Lokayuktas in the States. This should be left for the State Legislatures to decide. Otherwise, we shall be encroaching upon the legislative competence of the State Legislatures.

Now, I would like to turn to some of the recommendations and suggestions made by different eminent personalities as well as various institutions in the meetings of the Standing Committee to which this Bill was referred to. Sir, in the morning, the hon. Minister for Personnel, Public Grievances and Pensions moved this Bill. Sir, what his Department suggested before the Standing Committee, I would like to read out from the proceedings of the Standing Committee. I may kindly be permitted to read that. I quote: "Set up a strong Lokayukta in the States within the framework of the Constitution." The DoPT, in its written comments on the issue has stated, inter alia, "The Bill seeks to provide Lokpal at the Centre; at the State-level, the

concerned State Government has to consider setting up of Lokayukta." At the Statelevel, the State Governments will have to consider and not this House. This is the recommendation of the Department headed by Mr. V. Narayanasamy, the hon. Minister of Personnel and Training. ...(Interruption)...

SHRI M. VENKAIAH NAIDU: What do you say now, Mr. Narayanasamy?

SHRI V. NARAYANASAMY: Sir, he is asking…

SHRI SUKHENDU SEKHAR ROY: No, please let me conclude. ...(Interruptions)... You will have the opportunity.

SHRI V. NARAYANASAMY: Sir, I need protection from the hon. Member! ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, the monster has come out of the bag to play with the skeletons and the Ministry is exposed now. $\dots (Interruptions)\dots$

SHRI SITARAM YECHURY: Mr. Naidu provokes you because you get provoked. ...(Interruptions)...

SHRI SUKHENDU SEKHAR ROY: Sir, nobody should be happy or unhappy with my remarks because we are with the Government. We are with the Government. That is why we did not join the jamboree outside where we have seen on the *dharna manch* somebody was sitting in the middle, on the left were the Left Parties and on the right were the Ram *panthis*. They, the *vaam panthi* and the Ram *panthis*, joined hands. We do not belong to that clan. ...(Interruptions)...

Sir, we did not disturb others, others should sit down. Now, what is the suggestion made by an eminent former Chief Justice of India before the Standing Committee while deposing before it. I quote only a few lines by Justice J.S. Verma, "My preference would be for a federal legislation because that is something which would ensure uniformity. The State would be involved only in making the appointment, etc..." Another eminent legal luminary, Shri Harish Salve, deposed before the Standing Committee and I quote: "We cannot sacrifice federalism." This is our stand too. "We cannot sacrifice federalism because a group of people do not have faith in the State Governments. If the law is to come in that form, then it cannot, in my respectful opinion, apply to the States. The States in Entry 41 of List-II of the Constitution have the right to regulate their own services as any employer should. If the States have to govern themselves, it must be under their own law." This Bill seeks to encroach upon that authority of the State, to which we are opposed.

Now, on the opinion of the Ministry of Law, Department of Legal Affairs, my DMK friend has already stated, I am quoting only one line, "Therefore, an enactment by Parliament in this subject to provide for State Lokayuktas in Lokpal Bill, 2011 may not only amount to encroachment upon the jurisdiction of the States, but would also affect the federal structure of the Constitution." This is their

recommendation.

What Shri Rajiv Dhavan, another legal luminary of our country says? I am quoting only one line: "Bringing Lokayuktas under the Bill may be unconstitutional. It is certainly anti-federal." This is his opinion, not mine." It is not only our opinion, but also the opinion of a legal luminary like Mr. Rajiv Dhawan, senior advocate in the Supreme Court, who stated before the Standing Committee that it is certainly antifederal. Let the States decide what they want, and how their Chief Minister should be toppled or not. Therefore, so many views, recommendations and

suggestions came from different eminent personalities and institutions, including the governmental institutions before the Standing Committee which have not been taken note of. I am sorry to say this. Being a Member of the Standing Committee, I had a very feeble voice, only one single voice.

Sir, now I am coming to the next point. The next point is, suddenly the wordings came that the Lokpal Bill will have to include additional chapters in order to prescribe provisions applicable for Lokayuktas in the States, which will adopt the Lokpal provisions mutatis mutandis for the States. Assuming this Parliament has the power to enact, should the powers of the State Legislature be taken away only because they have the power? Only because they have the power, they will take away the rights of the States; they will abridge the autonomy of the States! This is why my leader has directed us to oppose this Bill, to the extent, it relates to Lokayuktas.

Now, Sir, I would like to quote two-three lines from the proceedings of the Standing Committee. "The arguments for preventing instability and those relating to national security or the image of the country do not apply in case of a Chief Minister". The image of the country do not apply in case of a Chief Minister! This is the wording there. Is the Chief Minister outside the country? Is any Chief Minister outside the country? If the image of the Chief Minister is affected, then, the image of the country is also affected. If a Chief Minister is put on trial, his or her image is denigrated, then, the image of the country is also denigrated. This is my humble submission, which has not been taken note of.

Sir, previously, it was the Lokpal Bill only. On 27th August, we discussed about the Lokpal Bill. Suddenly and surprisingly, it became Lokpal and Lokayuktas Bill, a new nomenclature has been inserted.

Sir, my next point is this. Dr. Abhishek Manu Singhviji, an eminent lawyer and also an hon. Member of this House, and many other hon. Members have referred to international treaties, article 253, etc. Now, my humble submission is that being a member-State of the United

Nations, we know that in certain cases, we ratify the international covenants on many issues. For eradication of corruption, we might have — I don't know — ratified an international covenant. But, does that international covenant enforce upon the Government of India to evolve such a mechanism which will abridge the federal structure of the Constitution of India? If not, the mechanism, which was supposed to be evolved, as per the statement of the hon. Finance Minister on 27th of August, should not have affected our federal character. We have moved so many amendments; we have submitted so many amendments. We would request that those amendments be accepted. ...(Time-bell rings)... Delete the portion, Part-III, from the existing

Bill in entirety. Delete Part-III. Sir, I have a feeble voice. But the voice of dissent is also to be listened.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No. You have a strong voice.

SHRI SUKHENDU SEKHAR ROY: Voice of dissent is also to be listened. Only because we belong to a minority party does not necessarily mean that we cannot continue with our submissions. Sir, kindly allow me sometime. The entire nation is looking at us. It is not only the case of West Bengal, it is not only the case of All India Trinamool Congress, but it is the issue of autonomy of the States. It is the issue of federalism of the country which cannot be abridged or affected under any circumstances. If we do that, we shall be answerable to our future generations and we shall be answerable to the people waiting outside looking at us as to what we are going to do today.

Therefore, finally, I would request the Government to delete Chapter-III in its entirety from this Bill.

With these words, I oppose the Bill to the extent that I have stated. Thank you.

परो यादव (उत्तर परदेश): शरीमन . राम गोष्राल आपका बहुत धन्यवाद कि आपने मुझे इस महत्वपूर्ण मुद्दे और इस महत वपूर्ण बस्नि पर बोल्लने काः अवसर प्रदान समय बहुत किया। कम है , इसलिए र्में बहूत हीः संक्षेप में बास करूँगा लेकिन आप की तरफ मत देखिए। के 12 बजे तक चलना यह हाउस रात क्योंकि यह बहुत महत्वपूर्ण है≬ मामला

, जिस विधैयक पर हम आजचर्चा शरीमन करने जाः रहे हैं , मैं परारम्भ में यह कह देखा कि यह वधियक चाहता ह्ं जिस सक्रप में सभा से पारित होक़र यहाँ आया है , उसका पार्टी वशिध करती हेक सच बाह्न तोः यह हैः कि इसकी शुरुआत ही गलत से हुई। तरीके Parliamentary system की जो मान्य परम्पराएँ हैंं पर रख कर इस वधियक कोः बनाने कीः प्रक्रिया गयी थी और मैंबे उसी वक्त परधान मंत्री जीः कोः चिह्नी लिख कर इसका वशिध किया थाः तथा यह माँग्र की थी कि अगर उसमें और लोग बैठ हैं , तो सारी पॉलिटिकल पार्टीज के एक-एक प्रतिनिधि को बुल्ला कर उसमें बिहाया जाए , उनकी राय लीः जाःए और उसके

की कोशिश की जाए , लेकिन इसको बनाने उसको बल्निकुल अनसुना किया गया और उसके बाद जो कुछ हुआ , उसे सारे देश ने देखा। तरफ तोः आप इस तरह केः कदम उठाते हैं कि किसी को हीरो बना दें , फिर डर की वजह से अपनी सारी शक्ति , संसद कीः सारी शक्ति किसी के इशारे पर चलाने की कोशिश करें , इसलिए मैं यह कहता हुँ कि इसकी शुरुआत बल्क्षिल गलत तरीके से हुई और जिसकी भीः ठीक नहीं शुरुआत गलत होती है , उसका अन्त होहा है , उसका परिणाम भीः ठीक नहीं होला क्री उसका रजिल्ट कभी ठीक़ नहीं हैं कि देश जब आज़ाद हुआ थाः , तब मस्रिता है , क्योंकि हम जामते यहाँ के लोग आजसे सौ ग्वा , हजार गुद्धा ज्यादा ईमानदार थेः करप्शन कोः रोक्रने कें लिए जैसे -जैसे कामून बनते चले गये , करप्शन बढ़ता गया। 1988 **ਸੇਂ** जो Prevention of Corruption Act चला बना उसके करप्शन कम हुआ ? उसके बाद करप्शन और बढ़ा और बाद क्या कि कोल्लकाता से यह इतना बढ़ा जो एक अख़बार निकलता है , . . . (व्यवधान उसने) . . . कि लोग उसको 1 लाख 76 हजार करोड़ कोः बिन्दी डास्रते हुए लिखा गिन नहीं थे कि उसमें कत्तिने रहे पाः

जीरोज हैं , यह इतना बढ़ गया। One who thinks that Lokpal will root out corruption from the society, I think, he is living in a fool's paradise. अगर येः समझते हैं कि लोक्रपाल के आने से भ्रष्टाचार में हो जाएगा , तो ये बहुत गलतफहमी जब तक व्यक्ति हेंं⊅ काः आचरणनहीं स्धरेगा , तब तक यह खत्म नहीं होगा। आजस्थिति यह होः गयी हैः कि अगर किसी के पास पैसा है या धन है , चाहे वह गलत आया है याः चाहे वह व्यक्ति अत्याचारी है , भरष्टाचारी है या दुराचारी है , वह समाज में सम्माननीय हेक जब उस को समाज सम्मान देखे लगा , तोः आदमी पैसे के पीछे लगा और corruption बढ़ता चला गया। श्रीमन् , आजजिस के पास पैसा आद्मीः होः , उस कोः सम्मान है , वह चाहे जिल्लेना बढ़िया नहीं सकता , उस को पॉलिटिकल पार्टीज टिकेट नहीं देंगीं। वह पार्टी काः बढिया कार्यकर्ता होः , लेकिन टिककट नहीं देंगीं कयोंकि नहीं जब यह सोध हो जाएगी तोः मैंः लड़ पाएगा। कोई "रामबाण " है , ऐसा सोचना लोगों कि लोक्रपाल केः लिए , देश हैं इसलिए कोई लिए गलत है। यह संभव नहीं ऐसी वयवस्था होमी चाहिए जिस से ठीक लोगों कोः सम्मान मिल्लि। देखे अब सम्मान काम कौम करता है ? अगर किसी मंत्री से मिल्लिने के लिए साधारण वयक्ति है , तो उसे टाइम टाइम मांग्रता मिल्ल हीः नहीं पाएगा कॉर्ष्रोरेट बड़े -बड़े हाउसेस के लोग आएंगे , उन के लिए दरवाजे हुए हैं⊅ उन कोः बिहाया जाएगा , चाय पिल्लायी जाएगी और उन की बास सूची जाएगी , लेकिन आम आदमी यहां घुसता रहेगा और उसे टाइम नहीं मिल्लेगा। ...(व्यवधान)...

शरीमन , मैंबे इस वधियक में कई संशोधन दिए हैं , लेकिन कि डाः . अभिषेक मैं एक चीज़ कहना चाहूंगा मन् संघिवी कीः बाह्म कही। उस बारे रजिर्वेशन में हम सब लोगों को गलतफहमी थी। उन्होंने हम पर बड़ा एहसान किया। अब जब मंत्री जीः जवाब दें और अगर उन्होंने इस को सम्रष्ट नहीं किया गया तो मैं अभी बता देखा चाहता कि करेंगे। यह बहुत गंभीर हम इस काः सख्त वरिष्ध हैक आप सब कोः * बास देखे की बात कर रहे हें⊅

इस वधियक के जरिए जो लोकपाल शरीमन काः गठन होः रहा हैः , इस से भी सहमत नहीं ह्ं∤ः में *ने* इस बारे में अमेंडमेंट इस में 5 लोग हैं , अगर आप उसे देखें तोः prima facie वह सत्ता के पक्ष में है , वह सत्साधारी दल के पक्ष है , है\ इसलिए मैं ने उस में सरकार के पक्ष में अमेंडमेंट दिया

है कि उस में राज्य सभा के नेता प्रातिपक्ष होने चाहिए। फिरि आप ने प्रेसीडेंट का जो प्रतिनिधि बताया है , उस में इन्हें होमा चाहिए जिस से दोमों सदनों के Leader of Opposition हों , एक चीफ़ जस्टिस ऑफ इंडिया मिनिस्टर होः , प्राइम हों:: , लोक़ सभा संधीकर होंक उस में केवल एक को हटाकर उस की जगह Leader of Opposition in the Council of States काः मैंबे अमेंडमेंट दिया हैक

, सी .बी .आई. के बारे में बहुत चर्चा हुई श्रीमन् , यह सही बाह्य है अभी तक सी बी आई. का जिल्ला हुआ है , अगर यह लोक्रपाल का कामून बना तो यह उस का नामा सथिति वधियक जिस तरह की मौजूदा में लोक्रपाल कोः लाया जाः रहा है , लोकपाल का उस से भी ज़यादा दुरुपयोग होगा। इसलिए मेरा है कि सी . आर.पी . सी . की धारा में भी संशोधन 173 **में** किसी तरह की भी छेङ्ग्छाड़ नहीं कीः जामी चाहिए बल्कि सी .बी .आई. जो भी investigation करे , वह कोर्ट कोः देः , उसे लोक्रपाल को नहीं देखा चाहिए। साथ ही लोकपाल की नियुक्ति लोक्रपाल के pattern पर की जामी चाहिए। अभी सीः .बीः .आई. कोः अपने administration के लिए DOPT रहना पड़ताः है , इन काः मृंहः पर निर्झिर देखना पडता है कि हमें manpower

^{*}Expunged as ordered by the Chair.

चाहिए , बजट चाहिए , अपील करनी है या नहीं करनी है तो लॉ कीः तरफ देखना यह सारी मिनिस्टर पड़ता हैक autonomy, ये सारे अधिकार सी .बी .आई. के पास होने चाहिए। फिरि सीः बीः .आई. केः टर का tenure भी कम-से -कम पांच जिस से डायरेक सास होमा चाहिए उसे मनमाने तरीके से हटाने की कोशिश न की जा सके और मनमाने तरीके से उसे दबाने की कोशिश न की जा सके।

[श्री सभापति पीठासीन हुए]

शरीमन , जब तक आप सीः .बीः .आई. कोः autonomy नहीं देंगे तब तक उस काः प्रयोग गलत तरीके से होहा रहेगा , उस काः नाजायज लोग लाभ इसी तरह की सथिति उठाते रहेंगे। लोक्रपाल में है≬

, इसमें एम.पीज . के बारे शरीमन में भीः आया हैः , जिस्नमें एक्स -एम.पीज . को भी साह साख तक माम लिया इन्होंने है कि जैसे वह पब्लिक सर्वेन्ट हैंक जोः आदमी जिस दिस नौकरी में नहीं है , वह पब्लिक सर्वेन्ट कैसे रह सकता है ? एम.पी . तो वैसे रहता है , अगर कोर्ट भीः पब्लिक सर्वेन्ट नहीं ने कह दिया है , तो जब तक वह एम.पीः. हैः , तब तक पब्लिक सर्वेन्ट हैंक जब वह एम.पीः . नहीं है , तो एक्स -एम.पी . कैसे पब्लिक सर्वेन्ट है ? यह हमारी आया है¢ इसलिए जिस दिन आजतक नहीं कोई संसद सदस्य के परिव्य नहीं रहता है , तो वह लोक्रपाल चाहिए। जामा संसद सदस्य रहते हुए उसने अगर कोई संसद गलत काम किया है और उस दौरान कोई कम्पलेंट आती है , तो उसकी सुबवाई तोः होमी चाहिए , लेकिन संसद सदस्य न रहने के बाद भीः उसके पीछे कोई बाह्य होही हैं 1 मैं रहे , इससे हम सहमत नहीं कि इसमें संशोधन चाहता हुँ होमा चाहिए।

जो है , वह फेडरल , इस वधियक काः प्रा चैष्टर तीम के खिलाफ हैं , कयोंकि यह संघीय सस्टिम है¢ हम इससे सहमत नहीं के खिलाफ ढांचे है≬ संघ के मामले में कामन बना ने का अधिकार एक वर्ष के लिए , जैसा थाः , भारतीय मश्रि जीः नेः कहा संविधान ने राज्य सभा को दिया ्रे और उसमें भीः दोः -तिहाई बहुमत से कहा जाए कि स्टेट लक्स्टि काः फलां सब्जेक्ट याः आईएएस, ऑलइंडिया सर्विसेस स्थापित के लिए कि ये सेवाएं होंः करने बनाः सकता हैः और वह भीः लिमिटेड तोः केट्द उस पर कामून टाइम के हैक लिए सकता इसके अलावा नहीं हो सकता हैक चूंकि यह संघीय के खिलाफ है , इसलिए इसमें भीः संशोधन वयवस्था की जरूरत हैक

क्छ संशोधन शरीमन , इसके अलावा भी मैंबे दिए हैं , जब वे यहां आएंगे , उस वक्त उन पर मैं करुंगा। मैंबे इसमें बास मीडिया कोः भीः इन्क्ल्यूड है , क्योंकि करने की कही बास दक्कित यह है कि चाहे ईमानदार होः , जांच जितना व्यक्ति बाद उसको सौ परसेंट क्ल्रीन चिंट भीः मिल्ल जाए , शिकायत वाले जाए , तब भीः जिस दिन जांच कीः बास भीः किया होग्री उसी दिन मीडिया ट्रायल श्रुक हो जाएगा , यह जज बन जाएंगे दिस उसको सारी दुनिया कीः नजर मेंः दोष्री साबित कर देंग्रे। इसलिए मैंबे अमेंडमेंट इसमें दिया है कि इसके अंतर्गत मीडिया इस पर मैं से भीः इन्क्ल्यूड किया जाए। सारे संसद सदस्यों अन्रोध कि जब मेरे उस अमेंडमेंट की बात आए, तो आप लोग करुंगा ग्रीन और उसको स्वीकार बटन दबाएं करें।

इन्हीं शब्दों के साथ , चूंकि मैं देख रहा हूँ कि आप नहीं कह रहे हैं , मैं अपनी बाह्य समाप्त करता हुँ धन्यवाद।

SHRI D. RAJA (Tamil Nadu): Sir, my Party supports a strong and effective Lokpal Bill. The present Bill lacks that strength. That is the reason, my Party, like other Parties, has moved several amendments for consideration. I would like to deal with four issues. One is reservation to

the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and Women. The second one is the issues relating to federal principles of the country. The third one is bringing those who are in corporate and private big business houses, dealing with the Union Government and State Governments, manipulating its policies and the NGOs receiving foreign funds and the Government funds, within the ambit of the Lokpal Bill. Then, fourth one is the role of the CBI. Sir, before coming to these four concrete issues, I would like to make a few general observations. Over the past four years, successive Governments have failed to bring in a strong legislation on Lokpal. Mr. Narayanasamy was correct on only one point. The issue has been pending since nearly 1960s. ...(Interruptions)... Sir, in the first half of the 1990s, there were many incidents of big corruptions, which shook the whole Nation. I recall, Sir, the late President of India, Shri K.R. Narayanan, in his midnight speech delivered in the Central Hall of Parliament on the occasion of Golden Jubilee of our Independence, called for a social movement against corruption. It was a bold articulation coming from the President of India. None will disagree with the proposition that a major movement against corruption is necessary in the country. But while spearheading such a movement, we cannot afford to diminish the position of Parliament. Those people who are talking in the name of Mahatma Gandhi or who are taking the name of Mahatma Gandhi in launching the movement against corruption must be mindful of the fact that the Father of our Nation, Mahatma Gandhi, himself fought for and wanted Parliamentary Swaraj.

Sir, it is a fact that we went for a public debate and we had the courage and clarity to confront those people in a public debate and tell them that Parliament is supreme; legislations are made in Parliament, by Parliament. It is an acknowledged fact that there is a need for building effective public pressure to force the Government to bring a good legislation. To that extent, one can acknowledge that there was a movement and there is a movement. But, at the same time, we had the clarity and courage to tell them that 'You are not the wisest people in the world; there are others also. It is not that you

alone know about all the issues that are there under the Sun, whatever be the issue; others also do know the issues.' So, we could have that courage and clarity to tell them. Even though we were participating in the public debate, we did not sit with them in the drafting committee or shared the Committee sittings with them for drafting of a Lokpal Bill. We did not do that. Sir, as Left, we were part of the United Front Government also. When we were part of that Government, we were taking responsibility for omissions and commissions of that Government. But here I find some parties, which are part of the Government, refuse to take the omissions and commissions of the Government. They refuse to share the responsibility of the Government. But they claim that they are part of the Government. This is the irony that the House should take note of. But as far as Left is

concerned, we were clear; we were courageous to call a spade a spade; we were having the clarity to tell them that Parliament is supreme.

Having said that, Sir, the Lokpal Bill falls short of many strong provisions to counter corruption. There are several amendments which need to be considered seriously. However, I would like to say that corruption cannot be fought by merely enacting legislations. India has been appropriately described as one of the major legislative States in the world because we have enacted a number of legislations; we needed host of legislations to transform society and provide a legal regime for governance.

Sir, there are several countries which are hailed as practically corruption-free countries. For instance, Scandinavian countries have a track record of eradicating corruption. In fact, the idea of Lokpal has been derived from the idea of Ombudsman which was there in Sweden. I have the record. It says, "In 1713, Sweden had the Ombudsman." Sir, it is not only Sweden. There are several Scandinavian countries. But what we should learn from the experience of these countries? There are several studies on Scandinavian countries which throw light on the reasons behind absence of corruption in those countries. One of the reasons is that in these countries, there is a consensus. If Government talks of consensus, there should be consensus on this. There is a consensus that more tax would be levied on the rich and the taxes so collected would be used for the cause of the less-fortunate people. Yet another reason is that due to great representation of women in legislative bodies and other spheres of life, there is less corruption. Sir, if these are the factors for establishing a clean society, then, can a Lokpal ensure that rich pay more tax or more women represented in the Legislatures of our country? Can Hazare's team or Pranabda's team argue on these points, asking the rich to pay more and giving more representation to women in legislative bodies?

Having said that, I now come to the concrete issues that I have raised.

Talking of reservations, I welcome the fact that due to wide support in the country, Government has agreed to provide reservations — they can call it even representation — to Scheduled Castes, Scheduled Tribes, OBCs, women and minorities. It is not some sort of a

mercy that the Government is showing to these people. It is not some kind of a pity or philanthropy that the Government is showing to these people. It is their due right. If you ask me, the biggest corruption that India is facing today is the denial of rights, the denial of fair share, the denial of due place in the administration to the people belonging to Scheduled Castes, Scheduled Tribes, OBCs, women and minorities. That is the biggest corruption. We talk about the Scheduled Castes Component Plan and the Tribal Sub-Plan, but money is not adequately earmarked for these Plans. Even if money is earmarked, it is diverted. This itself constitutes big corruption. So, I find from that angle it is a must, it is necessary, and no Government can afford to ignore these sections. So, they should have representation and reservation in Lokpal. But the

point here is not that. The Government Bill says, at page 5 - Mr. Narayanasamy should take note of this - point no. 15 provides that not less than 50 per cent of the members of the Search Committee shall be from amongst persons belonging to the Scheduled Castes, Scheduled Tribes, OBCs, minorities and women. Then, it goes on to say, 'provided further the Selection Committee may also consider any person other than persons recommended by the Search Committee'. What is the meaning of this? I find an anomaly here. The Selection Committee can do something more than what is recommended by the Search Committee. So, is it arbitrary, or is there some big anomaly here? Government will have to look into this. The Government must be sincere in doing that, in giving them adequate representation and reservation.

What Dr. Abhishek Singhvi spoke in the morning was disappointing to hear. Is it the position of the Government? Do you think it is in rotation? Make your reservation policy clear. If you wish to give them adequate representation, increase the number.

SHRI V. NARAYANASAMY: That might be your interpretation. Whenever the Lokpal is constituted, 50 per cent of the people from the Scheduled Castes, Scheduled Tribes, OBCs, minorities and women would get representation. They would get representation at all times.

SHRI D. RAJA: Sir, I would take a couple of minutes more.

Sir, this is what the Government will have to clarify. Secondly, about federal principles, many hon. Members have spoken. I endorse their points of view. Nothing, that would subvert or jeopardize the existing federal principles of our country, should be done. Nothing should be done that leads to encroachment of powers and rights of State Governments. With that I am done with the federal principles. So, our Party stands for protecting the federal principles.

MR. CHAIRMAN: Your time is over.

SHRI D. RAJA: Thirdly, Sir, we had also moved an amendment in regard to the need to bring Chairmen, Managing Directors, Members of Board of Directors of any private company or business house or its employees who deal with the Government or State Government and against whom there is a complaint of corruption regarding Government tenders or contracts or regarding an attempt to influence Government policy through corrupt practices; they should also be brought within the ambit of Lokpal. Then, Sir, the NGOs that receive funds from the Government and that receive foreign funds must also be brought within the ambit of Lokpal.

Finally, Sir, about CBI, I would like to say that CBI as an investigative agency should have independence. It should be freed from political interference. At the same time, we should be cautious; we cannot give absolute autonomy to an organization like CBI and CBI must be made accountable and answerable to some authority. Sir, I am finishing after one point. In an Article "Freeing the CBI" by G.P. Joshi, former Director of Bureau of Police Research and Development, it is pointed out, Sir, "The United Kingdom has successfully implemented a very subtle distinction between the Police as an organization and policing as a set of activities. While the Police as an organization is the responsibility of the Government, policing as a set of functions is the responsibility of the police force. Government's role is to formulate policies, provide Budget, set standards and monitor performance, but it cannot give any operational direction to any Police Chief." ... (Time bell rings)... In Queensland, Australia, communication between the Minister and the Commissioner of Police is guided by clear provisions in the Police Act. Directions from the Minister have to be given in writing and the Commissioner of Police is bound to comply with directions but keep a record of all correspondence which is later placed on the floor of the Assembly. This is the experience. Now, I am asking the Minister and the Government.(Interruptions)... Are they going to treat CBI like this?

MR. CHAIRMAN: Your time is over. ...(Interruptions)... There is no time left. ...(Interruptions)...

SHRI D. RAJA: The Government will have to consider these points with all seriousness. Otherwise, this Bill will remain a weak Bill. We want a strong and effective Bill for which we have given amendments. Our amendments need to be considered with all seriousness by the Government, by the House.

DR. V. MAITREYAN: Mr. Chairman, Sir, at the outset, I would like to reiterate and reaffirm that AIADMK is for a strong Lokpal and for an effective Lokpal. We are strongly opposed to the pernicious efforts of the UPA Government to thrust Lokayuktas on the States. One will notice

that the Lokayukta provision which you are trying to introduce is opposed not only by Tamil Nadu, West Bengal, Uttar Pradesh, Bihar, Orissa and all regional parties which are ruled by strong Governments with mass leaders as their Chief Ministers. Dr. Abhishek Manu Singhvi mentioned eloquently about various numbers like 253, 249, 251, etc., etc. I would like to remind him please do not forget 122. You do not have 122 in this House. Please remember that. Two days ago Lok Sabha passed the Lokpal Bill. It passed the Lokpal Bill with amendments. But it rejected the provision of constitutional body status to the Lokpal; it's a split verdict. The Government thought it wise to present a weak Lokpal and, at the same time, pretending to give a constitutional body status to that. But Lok Sabha proved to be wiser. Operation succeeded

but patient died. With the death of the patient, म्बेरीलाल के खत्म हो गए। वह कौन है , यह आपको मासूम Now the Lokpal and Lokayuktas Bill, 2011 is before Rajya Sabha, and Rajya Sabha has a historic opportunity to perform its duty. The Bill presented today, as passed by Lok Sabha, is a serious assault on the principle of federalism, which is a basic structure of our Constitution, and there cannot be a better place than Rajya Sabha to restore the spirit of federalism since it is a Council of States. I would like to draw the attention of the House to certain remarks made by the hon. Chief Minister of Tamil Nadu, Dr. Puratchi Thalaivi, during the National Development Council Meeting, which was held two months' ago. "I am not sure whether the Government of India recognises the States as partners, leave alone equal partners, and respects their viewpoints. There are attempts by the Centre to weaken the States with too much interference, thereby reducing them to the status of qualified municipal corporations. The Union Government is continuously proving that it is completely out of sync with ground realities and is far remote from the man on the street."

By introducing this legislation, through article 253, to meet your international obligations, the UPA Government is not only taking away the legitimate rights of the States to enact laws on issues which squarely fall within the ambit of List-II of Seventh Schedule, but also it attempts to foist a body of its choice on the States where Lokayuktas already exist. For services under the States, it is the State Government alone which is competent to legislate. Even with reference to the matters enumerated in the List-III of the Seventh Schedule, since article 246 of the Constitution provides for both, the Parliament and the State Legislatures, to make laws, the choice of constituting Lokayuktas should be left to the State Governments, and the State Government may enact a legislation if deemed necessary. Hence, I strongly oppose this Bill on constituting State Lokayuktas and I have moved an amendment in this regard. I seek the support of all hon. Members of this House, who represent their respective States in this House, to restore federalism.

Intervening in the debate in Lok Sabha day before yesterday, the

hon. Prime Minister said that federalism cannot be an impediment in the war against corruption. I would like to remind the hon. Prime Minister that if there is one single greatest impediment in the war against corruption, it is the UPA Government which is stinking with mega scams.

My Party is of the strong view that the Lokpal Bill should exclude the Prime Minister since the Prime Minister is already covered under the Prevention of Corruption Act and any misconduct by the Prime Minister can be investigated by the CBI. The functioning of the Lokpal, inclusive of the Prime Minister, will pave the way for a parallel Government which would undermine the authority of the Office of the Prime Minister. My Party supremo, Dr. Puratchi

Thalaivi, has already communicated our view in this regard to the Finance Minister earlier. In consonance with our views that the Prime Minister should be kept out of the purview of Lokpal, for the very same reasons, the Chief Minister of the State should also be kept out of the purview of the State Lokayukta. I am very happy that Trinamool Congress, your ally, is with us on this point...(Interruptions)...

Your ally, Trinamool Congress, is with us in this regard. The UPA Government knew well that it does not have the numbers in Lok Sabha, leave alone Rajya Sabha, to get the Constitutional Amendment passed. Still, you incorporated clause 24, thereby directing the Presiding Officers — in our case, the hon. Chairman, who also happens to be the Vice—President of this country — to report to the Lokpal, who is not a Constitutional body as of today. Imagine the sorry state of affairs if this had happened. It was because of the sustained efforts of the combined opposition....

SHRI V. NARAYANASAMY: I would like to make it very clear...(Interruptions)...

DR. V. MAITREYAN: No, I am coming to that...(Interruptions)...

SHRI V. NARAYANASAMY: Now, we are discussing...(Interruptions)...

DR. V. MAITREYAN: Why are you provoked so much?...(Interruptions)... You are more than me in this...(Interruptions)... You are more than me in provocation.

Sir, the Presiding Officer of our House, who is the Vice-President of this country, had to report to the Lokpal who is not even a Constitutional body. If that would have passed, then what would have happened? It was because of the combined and sustained efforts of the combined opposition that you were forced to remove clause 24. Otherwise, you would not have done it.

Sir, the AIADMK is for a strong and effective Lokpal. But, the Bill, in its present form, does not address the serious concerns raised by our Party on the above issues. Hence, I request all the hon. Members to support the amendments which I have moved on behalf of the All-India Anna DMK. Thank you.

SHRI H.K. DUA (Nominated): Thank you, Mr. Chairman. I rise to

support the Bill. Firstly, I would like to compliment Dr. Abhishek Manu Singhvi not only for the brilliance of his speech but also for the way he led the Standing Committee, which is the basis of this Bill. It was a marvellous task done, and, even those who have given dissenting notes, there are quite a few, even they have complimented his effort. I think, he took it as a mission, and, one reason could be that first time, it was his father, Dr. L.M. Singhvi, whom I had the fortune to meet in Parliament precincts as a young reporter, who proposed to Shri Jawaharlal Nehru that there should be an 'ombudsman' in India, and, what is this animal called, 'ombudsman'. Dr. Singhvi coined a very nice, simple word, 'Lokpal', which is much simpler word than ombudsman can be, and, it is with the spirit of the times. But neither Dr. L.M. Singhvi nor Mr. Jawaharlal Nehru

knew that this will lead, over four and a half decades later, into a lot of tumult and controversy in India and in Indian Parliament.

Nevertheless, I am very happy that the Standing Committee's Report, the Government's consideration have come out in the Bill, which personally, I think, is a good beginning in the exercise to eradicate corruption from the body politic. I hope, Sir, that this House endorses the decision of the Lok Sabha to pass the Bill. Not passing the Bill will send a wrong signal to the people of India that Parliament has again shirked its duty in passing the Bill. There has been a delay of over four decades. That is an argument for passing the Bill rather than delaying it further.

Sir, the question of federalism has been raised. I am quite surprised but I understand the reasons behind it. They think that the Parliament is encroaching upon the rights of the States, which may not be true. Corruption, on one side, we are told, is a national question. So, the remedies also have to be national, and, if national remedies have to be there, you cannot exclude the States. There can be instances when Centre would like to trip on the right of the States, but this is not that instance.

Federalism, as the Prime Minister has said, is not an impediment. There can be other reasons for impediment but an impression should not go that the States are avoiding fight against corruption. They and their parties should help the passage of this law lest that impression may go.

The Bill has one clause to which I have reservation but it is not that I would like to bring an amendment at this time and send it back to Lok Sabha. The clause is that the office of the Prime Minister has been included under the purview of the Lokpal. Now, you cannot have a situation when authority of the office of the Prime Minister is compromised, or, its hands are tied. You want strong Lokpal Bill and the weak Prime Minister, I think, that is not a very durable situation for a long time.

Now, this Bill has come in a strange kind of circumstances when the so-called civil society has tried to put pressure on the Parliament of India and its sovereign rights to pass the legislation. Attempts were made to decide or pass the law at Ramlila Ground, outside Jantar

Mantar, and, later at MMRDA ground. Now, it was presented as public opinion of the entire people of India. We heard some arrogant noises from the stages of Ramlila Ground and Jantar Mantar. If you see the entire country and its history, I have seen the Governments or rulers having the tendency to become arrogant, but I have never seen NGOs becoming arrogant. See the kind of language that was used, 'Anna is India'. Another civil society leader said in an interview on television, 'Anna is our Parliament'. All of us have seen that. I can't see more arrogant posture given by a set of NGO leaders saying that they represent the entire population of India. They do not know that they do not even represent the entire civil society. Somehow,

they come to presume that they are the only honest people, and, there are no other honest people. I thought, there are more honest people in the country than the NGO leaders presume they are. Otherwise, I think, their case of monopolising the honesty, standards of integrity should be referred to a monopolies commission and the Restrictive Trade Practices Commission. Sir, if you allow the laws to be passed at Ramlila Ground, at Jantar Mantar road or anywhere else by the civil society who have arrogated themselves that they are the people, and they say we are the 'Jan Parliament'. That was the word used only four days ago, immediately on the eve of the fast which has been aborted, rightly so, because nobody wants Anna Hazare to give away his life. He is not the only person who would like to give away is life for the country. There are millions of people who would like to give away their lives for the country's sake. Patriotism is also not anybody's monopoly. There are more people who would line up for giving away their lives to serve a national cause. But for passing of the laws, tomorrow another group can come at Ramlila Ground, and that worries me more. Another group can come and say, ""Well, we represent the people of India. You should abolish Parliament, Judiciary or Executive and we will pass the law". People can leave Chhattisgarh jungles and Jharkhand jungles and come to Ramlila Ground. No army is going to shoot at them. Right to peaceful protest is there, but the danger is there. Don't give the right to odd groups outside to pass the law. Sir, I am very happy, Parliament of India has taken the right step to discuss this Bill, and the level of the debate in both the Houses has been very good. So, they should not disappoint the people of India by Lokpal Bill passing the today. I will the ...(Interruptions)... I agree with you. But that will become more superior after your intervention.

MR. CHAIRMAN: Kindly conclude.

SHRI H.K. DUA: Sir, I will just conclude in one minute. In the Constituent Assembly, Dr. B.R. Ambedkar visualized this danger that there could be groups who will decide what laws should be there for the people of this vast country. They would like to decide it, and

that will be a danger to the kind of Parliamentary democracy we have adopted. I am glad we adopted Parliamentary democracy; but we should not fritter it away after 64 years. Sir, I would quote from the Dr. B.R. Ambedkar's speech. I quote, "If we wish to maintain democracy, not merely in form but also in fact, what must we do? The first thing in my judgement we must do is to hold fast to Constitutional method of achieving our social and economic objectives. It means we must abandon the bloody methods of revolution. It means that we must abandon the method of civil disobedience, non-cooperation and satyagraha". Possibly, the civil disobedience was okay before independence but not afterwards when we have our own Constitution. We are

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not fighting against foreign rulers. I will quote again, "When there was no way left or constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But where constitutional methods are open, there can be no justification for these unconstitutional methods. These methods are nothing but the grammar of anarchy, and the sooner they are abandoned, the better for us".

Sir, by passing the Lokpal Bill on our own, and with grace and possibly with unanimity, I think, we will be sending the right message to those who want to create anarchy in the country. Thank you, Mr. Chairman.

DR. MANOHAR JOSHI (Maharashtra): Mr. Chairman, Sir, thank you very much for giving me this opportunity. I heard the debates right from the time they started in this House. Also, I had heard the debates in the Lok Sabha. My first impression, which I had said in this House earlier, was that there must be some issues on which there is unanimity. I wanted that on the issue of Lokpal Bill also, unanimity was important. If different messages go from different sections, it creates more confusion in the mind of the common man of this country. I do not understand why such an attempt was not made because after listening to the thoughts of different people, I thought it was not impossible. This issue also would have been one on which there is unanimity.

For that, what was required was leaving aside ego in the minds. Then people would have started thinking of the people of the country. Corruption has, no doubt, become an important issue. I was very happy when the debate was opened in the House by Shri Arun Jaitley. It was followed by Dr. Abhishek Manu Singhvi and then by Shri Satish Chandra Misra and then by some others.

The issue was raised because there were a number of legal points. Thereafter also in the debate I could hear, fortunately, that all the Members, whichever party they may belong to, were anxious to speak on this issue; they wanted to put forward their views. The only difficulty while listening to the debate I thought was that the main issue was being neglected and procedural issues were getting more

importance.

Sir, today, not only in our country but in other parts of the world, this issue is treated as the most important issue. And, therefore, on this issue I wanted that the people sitting here should make recommendations for removing corruption totally. Some Members did speak about it. This issue is pending since 1966. The Administrative Reforms Commission in its Report in 1966 had given suggestions on problems of redress of citizens' grievances. Since then, this issue came up eight times before this House or the Other House. But it could not be settled. And therefore today this discussion is absoluteely important and, to my mind, the decision, which we will take

after the discussion, will be historic. People are aware that corruption is everywhere. People also think that corruption cannot go any time by passing any law. I treat this as an experiment. But at the same time I must make it clear that we have made certain suggestions. A number of Members have given their amendments. They have demanded that this particular Bill needs important amendments before passing so that the people of the country get relaxation.

Sir, I will make only one suggestion. A number of ways and means have already been tried. But they failed. Some people thought that the CVC could do it. Some people thought that this could be done by passing the Anti Corruption Act. But I don't think this will be sufficient. If you really want to remove the corruption what is necessary is to change the mindset of the people in the country. Who can do it? Sir, I always think that the debate in the House is useful as a guidance. But actual implementing authorities are different. Implementing authorities are the people. But they did notthink that it was necessary. These are the people who are higher officials in the administration. I personally always feel that if you try to do something with concentration and if you really apply your mind, corruption can be removed.

Of course, at the same time, even this type of Bill in the new manner can be able to restrict corruption to a certain extent. But, the way I had suggested as the Chief Minister of Maharashtra was that if you seriously want corruption to go, you should start giving education right from childhood and their minds should be made such that in their minds there is a great thought that we are working for the country and corruption is coming in the way of prosperity. Indeed, I amended the Act to the extent that in every school, the first lesson should be on morality and nationality. Are you not prepared to do this right from childhood? I personally feel that if it is done, there will be no difficulty in removing corruption. Corruption is not an issue which

an act of God. It is an issue which we have created. And, if we have created this issue, we can always resolve this issue. Therefore,

firstly, if such type of Lokpal Bill is brought, it should have been unanimous and secondly, if you want to take proper care, it should have been taken right from the childhood. But, it did not happen. Therefore, right from the beginning, as I said, it has already spread like cancer in the country. I am afraid that this Lokpal might become another centre of power in the country and this is the main point of my participating in the discussion.

Sir, after reading the Bill, I found that the Bill is drafted in such a way that this country may come in danger. It's not a question of individuals. We are the representatives of the people and, therefore, we have met them a number of times and the general thought amongst the people is that corruption will never go. If this thought has come to their mind, it is because they do not believe that Parliament can do something in this. While creating a Lokpal, it must be kept in mind

that the democracy must remain untouched and, therefore, Parliament should always remain supreme and above Lokpal. But, has it happened? According to me, this did not happen. The Parliament may not remain supreme after this Bill because earlier there was a provision that Members of both the Houses will also come under Lokpal.

Sir, in such a Bill, there should not be a personal prestige of individuals or there should be no prestige of any political party. Therefore, if we really want removal of corruption, this can be done without fail. The Lokpal Committee which has been appointed has also to work very seriously because this may probably be the last chance in our country to remove corruption.

MR. CHAIRMAN: Joshiji, please conclude.

DR. MANOHAR JOSHI: We feel that the Prime Minister should bebrought within the purview of the Lokpal Bill, of course, with some conditions. The judiciary should be kept absolutely independent and should not be brought under Lokpal at any level. If there is any mistake on the part of Lokpal, there should be a provision to remove him through impeachment proceedings in Parliament.

Sir, this Bill has to be looked from different angles. I have also seen both the Bills - draft Lokpal Bill and the Jan Lokpal Bill. It can be discussed in detail.

But, today, what is most important for me is one of the conditions that the Lokpal will have. It is said, "All State anti-corruption agencies would be closed and responsibilities taken over by the Central Government Lokpal." And in the Jan Lokpal Bill, it is said, "Lokayukta and other local/State anticorruption agency would remain in place." I personally feel that my State, i.e. Maharashtra State, is very serious on this issue because Lokayukta, so far, was appointed mostly by the Chief Ministers, and the authority of the Chief Minister going away is also a difficulty in federal form of our country. Are we not serious about it? Are we not interested in seeing that the Lokpal should not be some authority which is above the State Government? I found, after reading the Bill, that there are a number of clauses which, in case of Central Government, are against the State Government

and which, in case of States, are against the Central Government. And I can always say, on behalf of my State, that if the appointments are taken in hand by the Central Government, say, in the form of this Bill, I am afraid, the Maharashtra State will never cooperate with this type of Bill. Therefore, I have decided, my party has decided to totally oppose theBill which has come before us. The party will oppose, and I don't think that the Government also, after such a discussion, will try to go ahead. The Shiv Sena wants to make its stand clear that such things can be avoided.

Sir, one point is that the Lokpal can issue contempt orders and has the ability to punish those in contempt. No authority to obtain wiretaps, issue rogatory letters, or recruit investigating

officers. Sir, these are the things which are asked by the agitators. But, somewhere, such things are absolutely required to be stopped.

- MR. CHAIRMAN: Thank you. Please conclude now.
- DR. MANOHAR JOSHI: Sir, I will take just two minutes more.

Sir, we support some parts of the Lokpal Bill, and also, the demands made by the people who are agitating. Therefore, those points I have to make clear; that aspect of bringing the lower bureaucracy under the purview of Lokpal is not acceptable, but we support the uniform Lokayukta law at the State level. There should be tools to remove Lokpal if found guilty and corrupt.

- MR. CHAIRMAN: Thank you, Joshiji.
- DR. MANOHAR JOSHI: Parliament should be empowered to impeach the Lokpal.
 - MR. CHAIRMAN: Thank you.

DR. MANOHAR JOSHI: Sir, these are the few issues which I have mentioned here, and I personally feel that this entire Bill be taken seriously. It will require some time. If you really want to have this Bill passed in the interest of the people, let there be a serious discussion, and if, after the discussion, such a Bill comes considering whatever we agree, within a few minutes it would be passed.

MR. CHAIRMAN: Thank you.

DR. MANOHAR JOSHI: What is the point of difference in arguments? What you are trying to do is not something that the people are happy about. They say, and I have already mentioned that, if you appoint a good machinery to work in this Department, I am confident that the purpose for which this Bill has come can go.....

MR. CHAIRMAN: Please conclude.

DR. MANOHAR JOSHI: And, finally, Sir, I will say that corruption involves a whole range of activities, from bribery, influence peddling, patronage or favour, nepotism electoral fraud, kickbacks to officials and involvement in organised crimes.

MR. CHAIRMAN: You must conclude now.

DR. MANOHAR JOSHI: These are the things which can totally remove the corruption in the country. Therefore, I oppose the Bill on behalf of Shiv Sena, and also, I would request the Government either to totally withdraw such type of Bill or to pass it without voting. But this suggestion must come from the ruling party itself, if you agree with me and other Members who have spoken. This can be done by either withdrawing this Bill or taking back the proposal that

you have given. That is in the interest of the people of the country and not in the interest of any political party. Thank you very much.

SHRI RAM JETHMALANI (Rajasthan): Mr. Chairman, Sir, better late than never during the day.

Sir, I rise to explain why today I am totally opposed to this Bill. I don't know whether we, all of us, realise that the country is passing through a very critical moment in its history. It is that crucial moment in our history where if we don't make a sensible response to the imperatives of the situation, we shall suffer for years and years, if not for decades, in the future. It is, therefore, necessary to understand what are the essentials of the present situation which needs to be dealt with by the united wisdom of this whole House, forgetting the party loyalties, forgetting the party positions and, if necessary, rising to the level of our total intellectual and moral independence.

Sir, let us go back to the history of corruption. Corruption is not a discovery by Anna Hazare. It is not a discovery of the year 2010 or 2011. It was discovered long ago when India had one of the best Prime Ministers that this country has ever produced. A better Prime Minister than him, I believe, we have not produced till today, and that was the great Lal Bahadur Shastri. He was a Congress man and I have been fighting the Congress for ages, but my respect for that great Prime Minister of this country remains totally undiluted and in its old pristine form. He was the one who warned the nation that corruption had made progress at a galloping pace and it had risen from the lowest levels to the highest decks of our political life. He almost told us that it had reached the State and the Central Government as well. Unfortunately, Providence did not spare him for the good of the nation for long and, again, we relapsed into that condition in which we were before he drew our attention to this great disaster that was pending. An honest judge, quite a rarity, at some time in our country's history, honestly enforced the election law and set aside the election of a Prime Minister of this country. What happened? The Prime Minister who had sworn that the law and the Constitution of this country would be preserved at all costs, instead of meekly submitting to an honest

court decision...(Interruptions)...

THE MINISTER OF OVERSEAS INDIAN AFFAIRS (SHRI VAYALAR RAVI): Are you disagreeing with the disqualification of the Prime Minister? ...(Interruptions)... What is the reason for disqualification? ...(Interruptions)... Do you agree with that, as a lawyer? ...(Interruptions)... The disqualification created the problem and not cancelling the election. ...(Interruptions)... It was the disqualification. ...(Interruptions)... That was a judicial coup. ...(Interruptions)... Don't talk all this. ...(Interruptions)...

MR. CHAIRMAN: Please allow him. $\dots(Interruptions)\dots$ You please proceed.

SHRI RAM JETHMALANI: Sir, the result of not meekly submitting to a court decision was the destruction of democracy. ...(Interruptions)...

SHRI MANI SHANKAR AIYAR: What a *! ...(Interruptions)... It was upheld by the Supreme Court, Justice V.R. Krishna Iyer. ...(Interruptions)... It was announced within the four corners of the Constitution. It was removed within the four corners of the Constitution. ...(Interruptions)... So, please don't...(Interruptions)...

SHRI M. VENKAIAH NAIDU: It is unparliamentary. ...(Interruptions)...

SHRI RAM JETHMALANI: I am sorry, you know nothing about the court work. ...(Interruptions)...

MR. CHAIRMAN: Mr. Jethmalani, please continue. ...(Interruptions)...

[MR. DEPUTY CHAIRMAN in the Chair]

SHRI M. VENKAIAH NAIDU: Sir, the word * is unparliamentary. Please remove it. ...(Interruptions)... Sir, lakhs of people were sent to jail during the Emergency. ...(Interruptions)... He is proud of it!

SHRI BALAVANT ALIAS BAL APTE: Sir, the word \star is unparliamentary. It should be immediately removed.

MR. DEPUTY CHAIRMAN: I will look into it. If it is unparliamentary, it will be removed.

SHRI RAVI SHANKAR PRASAD: Sir, it is unparliamentary. This word \star is unparliamentary.

SHRI RAM JETHMALANI: Sir, I am not worried about a little abuse from anybody. I have withstood abuse all my life and I have done it patiently. But ultimately it is those who abused me have suffered for it in the rest of their life.

Sir, the good people in this country were locked in our jails while the bad people either kept quite or cooperated with what was happening in the country. This was the result of the death of a great Prime Minister,

Shri Lal Bahadur Shastri, that corruption went on in this country and there was zero tolerance for prevalence of corruption.

MR. DEPUTY CHAIRMAN: The word \ast is unparliamentary. It can be removed.

SHRI RAM JETHMALANI: Today, Anna Hazare has done one thing that he has brought out the consciousness of the nation to this great evil of corruption and even you have to pay a silent tribute to that man because you said that you appointed a Group of Ministers to go into the issue of corruption and study it. Obviously, you confess

^{*}Expunged as ordered by the Chair.

that corruption has not gone down, that corruption has assumed such proportions that it now requires to be seriously examined. That is your confession by the very fact of the mention of this great Group of Ministers appointed, of which my friend, Shri Narayanasamy, spoke this morning. But I wish to give a bit of advice to Shri Narayanasamy because he is a very good friend of mine. When you want to introduce a Bill, please make it as sweet as possible. You don't use that kind of harsh language that you used this morning. Whatever sympathy people had, you lost a bit of that sympathy. But, Sir, the fact remains that the crowds that Anna Hazare collected and which you saw and which did unnerve you because you went and touched his feet and negotiated a settlement with him for a long time, those crowds did not know anything about the Lokpal. What they knew was that they were the sufferers of corruption in their everyday life. At a casual inquiry from one of the persons present in the crowd, I asked, "Why are you here in this crowd?" The man said, "Sir, don't ask me this. My mother died and I went to take a death certificate to cremate my mother. I was told to come the next morning. I had to fork out Rs. 1,000 before I could cremate my mother and get the death certificate." This is the state of corruption today which is all pervading. Please do not gloat over the fact which your Press has now started circulating that Anna is no longer attracting crowds. The crowds have lost their sense of novelty, but they have made up their mind that they are going to throw out this Government in the next election. Please be aware of it and speak in those terms that you are conscious of the people's wrath. My good friend, Dr. Abhishek Singhvi, for whom I have such great respect...(Interruptions).. Sir, will you please stop them from disturbing me?

$\ensuremath{\mathsf{MR}}\xspace$. DEPUTY CHAIRMAN: Please sit down.

SHRI RAM JETHMALANI: It is very relevant. It may not be relevant to you. Dr. Abhishek Singhvi is a very, very dear friend and a colleague at the Bar. In a somewhat irrelevant context this morning during his speech, he mentioned the great proverb that 'power corrupts and absolute power corrupts absolutely'. I wish to remind my young friend that this proverb has been amended long ago. I wish to remind him of

the amendment of that proverb. The amendment of that proverb is, "Power corrupts, but the prospect of losing power corrupts absolutely." So, now, we are meeting a situation of that tragic kind with which we have to deal with. But, Sir, there is another aspect of this corruption. While this corruption was growing by leaps and bounds, what else was happening to the most important and prestigious investigating agency of this country? I am talking of the CBI. The CBI was born, and it owes its origin to some corruption that came to light during the years of war. Many people had made large, illicit profits; they had to be hounded out and punished. Then, the CBI was created for the first time to prosecute those people after securing evidence of their conviction and guilt. Sir, I must record my appreciation of

the work which the CBI did for many years. I have seen their investigations in the early years of my practice at the Bar. They never arrested people. They never practiced third degree torture against anybody. After completing their investigation in the most lawful manner, they would submit a charge sheet in the Court and tell the accused, "Tomorrow, you come and appear in the Court. We are submitting a charge sheet against you." That reputation, no longer, exists. I wish to tell you now what the state of the CBI has become today. One of the most important points which I wish to make is, what should be done to the CBI and what should be done about the CBI. In my dissenting note on the Report on the Lokpal Bill, which I have submitted to the Standing Committee, I have written a three-page long essay on the disgraceful state of affairs so far as the most important investigating agency in this country is concerned. I had the greatest respect for it once upon a time, and today, I am so utterly disappointed. But, I realize, we cannot do without the CBI. The CBI has to exist as a primary investigating agency in this country. The question is: What do you do about it? Why has it happened? I believe that you must read with me two paragraphs. I want to inform the House about the two judgements delivered by the Supreme Court, one in the year 2000, in which they said, "The CBI had to explain this averment made in para 18 of the writ petition, if really it wanted to convey to the Court as to the non-availability of Part-II file." Further, they said, "That apart, the explanation given in the second affidavit of CBI also discloses a sad state of affairs prevailing in the organization. In that affidavit, CBI had stated before the Court that Part-II file with which the Court was concerned, was destroyed unauthorisedly with an ulterior motive by none other than an official of CBI in collusion with a senior officer of the same organisation which fact, if true, reflects very poorly on the integrity of CBI." This was a judgement given in 2000, and I don't wish to bother the House with the sordid facts of the case. Then, there was the earlier judgement in 1996, and that 1996 judgement was, perhaps, more vitriolic than even the 2000 judgement in which they said, "The High Court has disbelieved the version of the CBI and has criticised it for suggesting such a funny explanation. A biased investigation of the type at hand from the CBI has, indeed, pained us because the people of this country have still high hopes from it which would get dashed if bias creeps into its investigations." I don't wish to give the recent examples. The recent examples are too recent, and they will, unnecessarily, irritate some persons who have these false loyalties, false loyalties about which they are more concerned. Sir, we cannot do away with the CBI. Whatever force you substitute in its place will also, by some other name, remain the CBI of the country. I suggest; and, I am not prepared to support this Bill until and unless at least two conditions are satisfied—that we must repeal section 4 of the Delhi Police Establishment Act which was passed when the war ended and the CBI was created as a force. It

said in that section that the power of superintendence shall be lodged and vested in the Central Government. I suggest that this power must now be divested from the Central Government. It must be transferred and vested in the Lokpal which you create under the Lokpal Bill and that is the only way to make some changes in the character of the CBI. And I have no doubt that the CBI will live up to it because in the CBI, I am afraid, there are honourable people who are prepared to do their duty, but they are prevented from doing their duty by the kind of association which they seem to have with some of the Ministers in the Cabinet.

My friends in this House will today admit that there are acts of corruption which the CBI should have detected long ago, which now the Supreme Court claims to have detected. That is why the present failure of the CBI. Sir, make the CBI independent; subject the power of superintendence vested in the Lokpal and that will remove a good part of at least my objections to this kind of a Bill. The CBI is willing to be relieved; there are honest people in the CBI who come and tell me, "We wish to be relieved from this incubus; we are prepared to go and work under the Lokpal, if necessary." But, somebody must make up his mind and to speak the truth and say that the CBI should remain an independent organisation. The ex-Chief Justice of India, Shri Verma, said the other day that the CBI today is not independent. It is not independent because of the misuse of the power under section 4, which the Central Government exercises habitually. There are other powers which the Central Government inevitably possesses over the CBI. These powers have to be relegated to some other body altogether.

Then, Sir, the latest friend, Mr. Narayanasamy, I want to communicate some facts to you, while present in this House, which probably even you may not know as a Minister. Sir, reliance has been placed on what? On trying to take away the autonomy of the States, their legislative independence and autonomy which the Constitution creates, which nobody is in a position to destroy. What are you relying upon? You are relying upon the Convention Against Corruption which the U.N. has passed. Therefore, you claim that this is legislation under article 253 of the Constitution of India.

Sir, the biggest * which this Government has perpetrated on this

nation is about what you have done to this Convention. This Convention was promulgated by the U.N. many years ago. It was promulgated by the year 2003, but it was late in the year 2003 the Government then in power was busy in organizing the next year's elections and they did not have much time. But, this Convention became ready for ratification in the year 2005. In 2005, your Government was in power. When did you ratify it? You took six years to ratify! From 2005 to 2011, what were you doing? When this Convention was open, you did not choose to ratify it and you ratified it when?

^{*}Expunged as ordered by the Chair.

You ratified it, for the first time, four or five days before the Supreme Court was to deliver its judgment on the black money case. By your secret sources of information, which are superior to the sources of anybody else, you must have discovered what the Supreme Court is going to hold against you. The Supreme Court delivered a thumping judgment in which they said that your Government has done nothing to recover this money which is stashed in foreign banks.

And, may I remind you that the talk about money being stashed in foreign banks arose for the first time in 1991. It arose as a result of the pressure of democracies in the world over the Swiss banking system. The Swiss always claimed and became rich by mentioning to everybody that we respect the customer's confidentiality. Vast amounts of wealth from all over the world, illicit wealth of smugglers, of prostitution dealers, of drug dealers, all came to the Swiss Bank. The Swiss became rich, but somehow, sometimes, even the owners of the bank account died without their heirs knowing what money has been left. Switzerland's prosperity depended upon these secret bank accounts. But the House would be glad to know that the world democracies realised that this is a great fraud on the people of the world. If there is destitution, if there is poverty, if there is this demeaning living condition in which even a beast will revolt, it is because of the corruption that moneys are brought from all over the world and stashed in these accounts. I am ashamed as an Indian citizen, and you ought to be a little more ashamed than me that in 1991, the most prestigious paper in the country of Switzerland, a magazine whose name I have forgotten, it will be found in one of my articles, that magazine gave the names, the photographs, the bank account numbers, the amounts in the bank accounts of 14 international thugs. Sir, I am ashamed to say that the fourteenth person, the fourteenth-named person was * They are not prepared to tell the people of this country the stark truth which you ought to know. ...(Interruptions)...

SHRI VAYALAR RAVI: Sir, I am on a point of order.
...(Interruptions)... Sir, I am on a point of order.
...(Interruptions)... He can't say all this. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: You have to substantiate it. ...(Interruptions)...

SHRI VAYALAR RAVI: Sir, I am on a point of order. ...(Interruptions)...

SHRI MANI SHANKAR AIYAR: You were the Law Minister. $\dots (Interruptions)\dots$

SHRI V. NARAYANASAMY: Sir, he cannot make allegations on the \ast of the country.

SHRI VIKRAM VERMA (Madhya Pradesh): Sir, he has not mentioned the name of any * \dots (Interruptions)... Why are they guilty conscious? \dots (Interruptions)...

^{*}Expunged as ordered by the Chair.

SHRI RAM JETHMALANI: If you want, I will produce...(Interruptions)... They know the name. ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, he cannot make allegation on the * of the country on the basis of reports published in a magazine. ...(Interruptions)...

SHRI VIKRAM VERMA: Why are they guilty conscious?

AN HON. MEMBER: He was the Joint Secretary, and, perhaps, he knows the name also. ...(Interruptions)...

SHRI MANI SHANKAR AIYAR: You were the Law Minister. ...(Interruptions)... Just because some newspapers published this story... ...(Interruptions)... You are just fighting some old case which you have lost. ...(Interruptions)... You are unable to prove any of the...(Interruptions)...

SHRI RAM JETHMALANI: Sir, the tragedy of this country is that we have great orators of this kind. ...(Interruptions)...

THE MINISTER OF SHIPPING (SHRI G.K. VASAN): Sir, it should be expunged. ...(Interruptions)...

SHRI VAYALAR RAVI: Sir, I have a point of order. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: What exactly is your point of order? ...(Interruptions)... Please speak, one-by-one. ...(Interruptions)... What is your point of order?

SHRI V. NARAYANASAMY: Sir, my point of order is, he cannot make an allegation on a former * without any evidence. On the basis of a report published in a magazine or newspaper, he cannot make these allegations. ...(Interruptions)...

SHRI MANI SHANKAR AIYAR: Sir, all this has to be removed. $\dots (Interruptions) \dots$

MR. DEPUTY CHAIRMAN: You have to substantiate your point. ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, you please expunge it from the record.

MR. DEPUTY CHAIRMAN: I will examine it. ...(Interruptions)... I will examine it. ...(Interruptions)... I

without substantiating it, you cannot say this. ...(Interruptions)...

You have not substantiated it. See, in all fairness, it is not correct to bring the name of the * of the country, and then...(Interruptions)...

SHRI MANI SHANKAR AIYAR: Sir, he is the most * ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, he is making personal allegations. $\dots (Interruptions) \dots$

^{*}Expunged as ordered by the Chair.

श्री शिकानन्द तिकारी : सर, मैंग्रज़ीन में जो छपा , ये उसको refer कर रहे हैं ψ (व्यवधान)... एक खबर के बारे में इन्होंने कहा , अपनी ओर से इन्होंने कुछ नहीं कहा है और न किसी का नाम लिया है ψ (व्यवधान)...

SHRI M. VENKAIAH NAIDU: Sir, no name has been taken ...(Interruptions)... Why this reaction?...(Interruptions)...

MR. DEPUTY CHAIRMAN: But, you are drawing the * into it!...(Interruptions)... It is not correct...(Interruptions)... It is not in good taste...(Interruptions)... * काः नाम क्यों लेते होः ?...(व्यवधान)... Remove the word *...(Interruptions)...

SHRI M. VENKAIAH NAIDU: If they don't want to run the House, let them adjourn it...(Interruptions)...

MR. DEPUTY CHAIRMAN: There is no question of including that word. Remove it...(Interruptions)...

श्री मणि शंकर अय्यर : कितने चोरों का केस आपने लड़ा हैं ? (व्यवधान) . . . यह भी बताइए (व्यवधान) . . .

MR. DEPUTY CHAIRMAN: Whether you want to continue with the debate or not...(Interruptions)...

SHRI RAM JETHMALANI: Sir, I am prepared to use the word ** as a meaning for 'honest.' And, in that sense, I say that he is honest...(Interruptions)...

SHRI MANI SHANKAR AIYAR: *

DR. V. MAITREYAN: Sir, what is this? ...(Interruptions)...What language is he using?...(Interruptions)... What is he talking about? ...(Interruptions)...

DEPUTY CHAIRMAN: It has not gone the record ...(Interruptions)... Nothing should on record ...(Interruptions)... Nothing should go on record ...(Interruptions)...

SHRI PYARIMOHAN MOHAPATRA: *

SHRI MANI SHANKAR AIYAR: *

SHRI B.S. GNANADESIKAN: *

SHRI SHANTARAM NAIK: *

SHRI V. NARAYANASAMY: *

SHRI MOHD. ALI KHAN: *

MR. DEPUTY CHAIRMAN: Mr. Mohapatra, please ...(Interruptions)... Please you address the Chair ...(Interruptions)... That has been removed ...(Interruptions)... That

^{**}Expunged as ordered by the Chair.

^{*}Not recorded.

has been removed ...(Interruptions)... Please sit down...(Interruptions)... All the objectionable words have been removed ...(Interruptions)... Mr. Mohapatra, please sit down ...(Interruptions)... Please address the Chair ...(Interruptions)... That has been removed ...(Interruptions)... Please sit down ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: *

MR. DEPUTY CHAIRMAN: Please sit down ...(Interruptions)... Please sit down...(Interruption)... All the words have been removed from the record ...(Interruptions)... Nothing has gone on record ...(Interruptions)...

SHRI MANI SHANKAR AIYAR: *

- **श्री उपसभापति :** आप बैछिए। ...(व्यवधान)... बस हो गया। ...(व्यवधान)...
- शरी शक्तिनन्द तिवारी : मणि शंकर अय्यर जीः नेः ** शब्द किया मतलब हैः ?**...(वयवधान** इस्तेमाल हैक इसका क्या) . . . * * शब्द कथा। ...(व्यवधान काः इस्तेमाल उन्होंने)... ** शब्द हैंं कि आप बहुत पढे -लखि इस्तेमाल कर रहे हैंः और आप कहते हैं ...(व्यवधान)...
- श्री उपसभापति : आप बैठिए। ...(व्यवधान)... तिवारी जीः, आप बैठिए। ...(व्यवधान)... प्लीज़ , आप बैठिए। ...(व्यवधान)... That has also gone...(Interruptions)... Please sit down, Mr. Mani Shankar Aiyar...(Interruptions)... Tiwariji, are you really interested in the debate or you want to score point on each other? ...(Interruptions)...
- SHRI M. VENKAIAH NAIDU: Sir, you tell this to them ...(Interruptions)... आपधमकी मत दीजिए। ...(व्यवधान)...
- MR. DEPUTY CHAIRMAN: Mr. Shivanand Tiwari, please sit down...(Interruptions)... Nothing will go on record ...(Interruptions)...
- SHRI M. VENKAIAH NAIDU: Don't use the ** language ...(Interruptions)...
- श्री उपसभापति : आप बैछिए। ...(व्यवधान)... Please conclude now ...(Interruptions)...I think, your party has only seven minutes ...(Interruptions)... Your party has seven minutes ...(Interruptions)...

SHRI RAM JETHMALANI: You cut out this from my time $\dots(Interruptions)\dots$

SHRI M. VENKAIAH NAIDU: Sir, you remove this ** episode...(Interruptions)...

MR. DEPUTY CHAIRMAN: Your party has seven minutes ...(Interruptions)... Please sit down...(Interruptions)... Please sit down...(Interruptions)... I cannot allow all this...(Interruptions)... Your party has seven minutes ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, seven minutes plus seven minutes.

^{**}Expunged as ordered by the Chair.

^{*}Not recorded.

SHRI RAM JETHMALANI: Sir, now, let me talk of the *. The * is that on the 30th August, 2010, the Government of India and the Swiss Federal Council signed a Protocol which would amend the existing Double Taxation Avoidance Treaty. It is important to know what you achieved by this and what you intended to achieve by this.

Sir, the Germans broke the Swiss secrecy laws by bribing an employee of a Swiss bank giving him US \$ 475 million as a price for disclosing the names ...(Interruptions)...

SHRI P. KANNAN (Puducherry): Give evidence.

SHRI RAM JETHMALANI: I will give you all evidence. I have been writing about it. You don't have the courage even to reply.

Sir, US \$ 475 million were paid to a Swiss employee. The Swiss employee gave the names of the account holders in that bank. The German Government announced...(Interruptions)...

SHRI P. KANNAN: That is whom?...(Interruptions)...

SHRI RAM JETHMALANI: I am prepared to repeat this outside the court; sue me if you have the courage...(Interruptions)... Sue me outside.

SHRI P. KANNAN: He must prove it...(Interruptions)... He must give evidence ...(Interruptions)...

SHRI RAM JETHMALANI: I am not bound to give it to you ...(Interruptions)... I will give it outside ...(Interruptions)... We have given it to the court ...(Interruptions)...

SHRI MANI SHANKAR AIYAR: He is accusing the Government of India of committing *...(Interruptions)... That is a word which is not justified. It is irrelevant. ...(Interruptions)... It is unparliamentary. ...(Interruptions)... I suggest you, Sir, to please ask him to stop. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: The word * has already been removed. ...(Interruptions)... It is unparliamentary; we are removing it. ...(Interruptions)... Mr. Jethmalani, I request you not to use the unparliamentary words. ...(Interruptions)... It has already been declared that this word is unparliamentary. ...(Interruptions)...

SHRI RAM JETHMALANI: Sir, you should not curtail my time for these

disturbances. ...(Interruptions)... The Government of Germany has made an announcement that whichever friendly country wants to know the names of these * from their own country, they are prepared to give that information.

MR. DEPUTY CHAIRMAN: The Government of Germany did not use the word *....(Interruptions)... आप बैछिए ...(व्यवधान)...

^{*}Expunged as ordered by the Chair.

SHRI RAM JETHMALANI: Sir, those who have committed the act of pilfering the assets of the poor people of this country, for them the Government of Germany said that they are prepared to give that information to every friendly country that wants to know those names. The Americans have got those names. The Swiss have got those names. The Germans have got those names. The French have got those names. Many countries, in Europe, have got those names. The Americans arrested the officers of that bank and they gave them conditional bail on the condition that every week they would give them more and more names. ...(Interruptions)...

SHRI MANI SHANKAR AIYAR: I have a point to make, Sir. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Mani Shankar Aiyar, you make your point of order according to rules. ...(Interruptions)... If you want to raise any point of order, please tell me the rule I will look into it. ...(Interruptions)...

SHRI MANI SHANKAR AIYAR: Sir, my point of order is that no one can speak... ...(Interruptions)...

MR. DEPUTY CHAIRMAN: You please tell me the number. ...(Interruptions)... Under which rule? ...(Interruptions)... You tell me what the unparliamentary expression is, I will remove that from the record. ...(Interruptions)... I have removed the unparliamentary expressions. ...(Interruptions)... All that has been taken care of. ...(Interruptions)...

श्री बलबीर पुंज : सर,...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Nothing will go on record. ...(Interruptions)...

SHRI RAM JETHMALANI: Sir, on 30th of August, 2010, the Government of India entered into a protocol with the Swiss that protocol document has been produced on the Floor of this House. It is available for anybody. The protocol says that we shall not seek any information about the past; we shall seek information only about the future. ...(Interruptions)... They are talking about the Double Taxation Avoidance Treaty, which applies to a businessman who is an honest businessmen. But because of his Indian nationality, he is being taxed

in India and, at the same time, because of the place of his business he is being taxed by Germany also. The same income is being taxed in two countries. For avoidance of that there is Double Taxation Avoidance Treaty. Under that Treaty, there is a mutual obligation of sharing information, but the information can only be used for tax purposes. We are not seeking.....(Interruptions)...

SHRI MANI SHANKAR AIYAR: Sir, the board says that he has no more time. $\dots(Interruptions)\dots$

MR. DEPUTY CHAIRMAN: I know. ...(Interruptions)... Mr. Mani Shankar Aiyar, please sit down. ...(Interruptions)... Please sit down. ...(Interruptions)... Please sit down. ...(Interruptions)...

श्री वक्रिम वर्मा : सर, 10 मिलिट का टाइम डिस्टिर्ब किया हैं। ...(**व्यवधान**)...

SHRI M. VENKAIAH NAIDU: Exactly ten minutes. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Jethmalani, I will give you another five minutes. ...(Interruptions)... Please conclude within five minutes. ...(Interruptions)...

SHRI RAM JETHMALANI: But why? ...(Interruptions)...

SHRI MANI SHANKAR AIYAR: Sir, I object to this. ...(Interruptions)... Why should he be given five minutes? ...(Interruptions)... Your board shows....(Interruptions)...

AN HON. MEMBER: They have disturbed.... (Interruptions).....

SHRI RAM JETHMALANI: Who are they? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Please sit down. $\dots(Interruptions)\dots$ Please sit

down. ...(Interruptions)... I can't differentiate...(Interruptions)...
Please sit down. ...(Interruptions)... It is debate.
...(Interruptions)... Please sit down. ...(Interruptions)... Don't
force me to....(Interruptions)...

SHRI MANI SHANKAR AIYAR: What is this, Sir? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Please Mr. Mani Shankar, I request you....
...(Interruptions)... Don't tell me....(Interruptions)...

AN HON. MEMBER: You will decide, Sir, not he. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Please sit down. आप बैठ जाइए। ...(व्यवधान)...

DR. V. MAITREYAN: They don't want to discuss. ...(Interruptions)...
They are disrupting the House. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, 15 minutes have been wasted. ...(Interruptions)...

DR. V. MAITREYAN: They don't want to discuss. ...(Interruptions)...

They know that they will be defeated. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, 15 minutes have been wasted. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Venkaiah Naidu, please sit down.

 \dots (Interruptions)... Obstruction is from both the sides. When they speak, you obstruct. \dots (Interruptions)... No, no. \dots (Interruptions)...

AN HON. MEMBER: Sir, we have not disturbed at all. \dots (Interruptions)...

MR. DEPUTY CHAIRMAN: In the House, we are seeing obstructions from both the sides. ...(Interruptions)... When they speak, you obstruct. ...(Interruptions)... If it is not palatable to you, you object and if it not palatable to them, they object. ...(Interruptions)... Obstructions are there. Please conclude. ...(Interruptions)...

SHRI VIKRAM VERMA: But there has been continuous disruption for 15 minutes. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, 15 minutes have been wasted. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Go through the record, Sir. ...(Interruptions)... About 15 minutes have been wasted. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Venkaiah Naidu, I have seen the records. That is why, I said five minutes. $\dots(Interruptions)\dots$

SHRI M. VENKAIAH NAIDU: Sir, they obstructed. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Now, he has got up. Why is he obstructing? ...(Interruptions)... The Chair is there and the principal speaker is there. It is between them. ...(Interruptions)... Why do others get up? ...(Interruptions)... First, you got up, then, they got up. You get up, they get up. ...(Interruptions)... How can I run the House this way? ...(Interruptions)... If you don't cooperate, how can the Chair run the House? ...(Interruptions)...

DR. V. MAITREYAN: Sir, they have more responsibility. $\ldots (\mathit{Interruptions}) \ldots$

MR. DEPUTY CHAIRMAN: Who asked you to get up and say? ...(Interruptions)... I have not called you. ...(Interruptions)... It is Shri Jethmalani who has to speak. ...(Interruptions)...

SHRI RAM JETHMALANI: Sir, in what form, do you want my cooperation, may I know? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Why are your Members getting up? ...(Interruptions)... Why did you get up? ...(Interruptions)...

शरी विनय कटियार (उत्तर पुरदेश)ः येः कब तक डक्टिटर्ब करेंगे। . . . (व्यवधान)... सब, जब तक येः हमारी बास नहीं सर्वेगे तब तक हम बोलेंगे। ...(वयवधान)... अगर उधर से वे खड़े होंग्रे इधर से हम भी खड़े होंग्रे। ...(व्यवधान)...

श्री उपसभाति : आप बैठ जाइए। ...(व्यवधान)...

डा . वी . मैश्रेयन : सर, वे क्यों खड़े हुए

हैं ?...(व्यवधान)... अगर वे खड़े होंग्रे , तो हम भी खड़े होंग्रे।(व्यवधान)...

MR. DEPUTY CHAIRMAN: Mr. Jethmalani, please conclude.

SHRI RAM JETHMALANI: Sir, after having made this bilateral treaty with Switzerland, under which they gave up the right to ask for information — we would not ask information about the past from you; we will ask information only about the future—after having signed this document,

when they came to ratify the Convention, in the ratification, they added a condition that if there is a bilateral treaty between the two Nations ...(Time-bell rings)... the Convention does not apply.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI RAM JETHMALANI: This is the deception which has been practised. After ratification, the Prime Minister went to the Press and said, "See, we have ratified the Convention after five years. This shows that we are very much against corruption." But this is the great act of deception. I have not trusted this Government ever. Therefore, I say that we shall not support this Bill under any circumstances.

MR. DEPUTY CHAIRMAN: Shri Rajeev Shukla.

SHRI MANI SHANKAR AIYAR: Sir, I have a point of order. Sir, with respect to Shri Jethmalani's speech, I seek a direction from the Chair under Rule 240. ...(Interruptions)... Under Rule 240, I seek a direction from the Chair. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: He has discontinued the speech. $\dots (Interruptions) \dots$

SHRI MANI SHANKAR AIYAR: Sir, please give a direction. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Rajeev Shukla. ...(Interruptions)...

SHRI V. NARAYANASAMY: One minute, Sir. There is another point of order which I would like to make under Rule 238, sub-clause (1). Kindly see Rule 238, sub-clause (1). It says, "A Member while speaking shall not refer to any matter of facts on which judicial decision is pending." There is a conflict of interest as far as Mr. Ram Jethmalani is concerned. In black monies case, he has been appearing in the Supreme Court and he is raising the issue in this House. ...(Interruptions)... How can he raise the issue in this House? There is conflict of interest. This is number one. ...(Interruptions)... Number two is, judicial decision is pending in the court in the otherBench. ...(Interruptions)... It is a conflict of interest. How can he raise the issue in this House? And, judicial decision is also pending. ...(Interruptions)... Therefore, it should be expunged from the record. ...(Interruptions)... Sir, I want your ruling. ...(Interruptions)... Sir, I want your ruling.

appearing in black monies case. ...(Interruptions)... There is a conflict of interest. So, whatever he spoke on that should be removed from the record. ...(Interruptions)... Number one, there is a judicial decision pending. The matter has gone to the larger Bench. Therefore, he cannot raise the issue; on two counts, Ram Jethmalani's speech on black money should be removed. ...(Interruptions)... The judicial decision is pending. ...(Interruptions)... Therefore, it should be removed from the record. ...(Interruptions)... I want your ruling on that.

MR. DEPUTY CHAIRMAN: I will have to examine it. I will give a ruling on it. I will examine it. ...(Interruptions)... Please. Mr. Rajeev Shukla. ...(Interruptions)...

- SHRI V. NARAYANASAMY: There is conflict of interest.
- MR. DEPUTY CHAIRMAN: As far as conflict of interest is concerned, it is for the Members to declare the conflict of interest before making. $\dots(Interruptions)\dots$
- SHRI V. NARAYANASAMY: Let him say. $\dots(Interruptions)\dots$ Let him say. $\dots(Interruptions)\dots$
- **श्री मुख्तार अब्बास नक़वी :** इनकी इच्छा बिश्ल पर चर्चा करने की नहीं हैं ...(व्**यवधान**)...
 - श्री वनिय कटियार : यह देखिए , यह देखिए। ...(व्यवधान)...
- श्री उपसभापति : मस्टिर किटियार , आप यह मत दिखाइए। ...(व्यवधान)... I will have to warn you. I will have to warn you. ...(Interruptions)... Mr. Katiyar, please don't show this. आप बैठिए। ...(व्यवधान)... आप बैठिए। ...(व्यवधान)... I have not called you. I have not called you. ...(Interruptions)...
- विसय कटियार : आप उनको तोः रहे . . . (व्यवधान)... आप हमें बैठ रहे हैंक ...(व्यवधान)... काः अधिकार नहीं है ? . . . (व्यवधान क्या हमें बोलने) . . .
- उपसभापति : जब तक आपको शरी नहीं बुह्माया जाला , आप मत) ... उनको है , आपको बोलिए। ...(वयवधान भीः अधिकार नहीं भीः अधिकार नहीं है ... (व्यवधान) . . . दोमों अधिकार नहीं को है ... (व्यवधान)...
 - श्री वनिय कटिया र: वे लोग भी तो खड़े हैं ?...(व्यवधान)...
- श्री उपसभापति : वे प्वाइंट ऑफआर्डर पूछ रहे हैं , वे खड़े नहीं हैं। ...(व्यवधान)...
- **श्री विश्वय कटियार :** उनको बैठने के लिए नहीं कह रहे हैं। ...(व्**यवधान**)...
- MR. DEPUTY CHAIRMAN: He had asked for a point of order. $\dots (Interruptions) \dots$
- श्री मुख्तार अब्बास नक़वी : इनको नियम बताना चाहिए कि वे किस नियम की बाह कर रहे हैं। ...(व्यवधान)...
- **श्री विनय कटियार :** ये कामून के जामकार हैं**ः ...(व्यवधान)...**
- MR. DEPUTY CHAIRMAN: Please. Mr. Narayanasamy, I have seen the Rule. It is regarding (Interruptions)... Please. Please.

Please. ...(Interruptions)... आप बेठिए। ...(व्यवधान)... आप बेठिए।
Please. ...(Interruptions)... Mr. Narayanasamy, please sit down.
...(Interruptions)... Please sit down. Please sit down. Mr.
Narayanasamy, under Rule 238, you have said that there is conflict of interest. It is for the Member to declare his conflict of interest before making any statement in the House, and if a Member fails to declare a conflict of interest(Interruptions)... You have brought it to the notice. ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, I made two points. Another point is, judicial decision is pending. ...(Interruptions)... That is also there. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: You raised it after (Interruptions)...

You raised it (Interruptions)...

7.00 P.M.

SHRI V. NARAYANASAMY: No; no; judicial decision is also pending. ...(Interruptions)...

SHRI ARUN JAITLEY: Sir, the hon. Minister who has moved this Bill is raising these objections. What is, in nutshell, his objection? His objection is that outside this House, Mr. Ram Jethmalani is crusading petitioning against corruption, against ...(Interruptions)... Therefore, in this House, he must not speak against corruption. ...(Interruptions)... वे कह रहे हैं , conflict of interest यह है। कि आप सदन के बाहर और कचहरियों में बह्मेक मनी के खिल्लाफ बोस्रते हैं , इसलिए बुह्मैक मनी का इश्य् इस सदन में उठाइए। ...(Interruptions)... Does it behove the Minister who is in charge of the CBI to raise an objection like this that you are crusading against corruption outside, so don't raise the issue of corruption inside? ...(Interruptions)... Mr. Narayanasamy, this is not a conflict of interest. This is the consistency of his interest both inside and outside the House. ... (Interruptions)...

श्री उपसभापति : श्री राजीव श्कल।

शरी राजीव श्कल : धन्यवाद उपसभापति जी। आजमुझे लगता है कि 40 साल के अथक प्रयासों के बाद इस सदन के लिए वह ऐतिहासिक दिव आया है , जब लोक सभा से लोकपाल बलि पारित होकर राज्ञ्य सभा चर्चा के लिए लाया गया है आजहम सबकी जिस्मिदारी बनती है कि हम इस बिल को पारित काः प्रयास करें। कराने भरष्टाचार किसी एक पार्टी से लडना का काम नहीं है , किसी एक सरकार काः हैंक जिस्मिदारी है कि वे काम नहीं यह सारे दलों की भरष्टाचार से लडें। सारे दलों के प्रति देश की जनता अपनी निधाहें लगा कर देख रही है¢ इसलि ए जिल्ली जिस्मिदारी हमारी बनती है कि हम भुरष्टाचार की लड़ाई में सक्रिय होंः , उतनी जिस्मिदारी बाक़ी सब लोगों की भी बनती है कि वे भ्रष्टाचार कीः लडाई में शामिल होंक सर्फि एक सरकार याः एक दल कोः यह कहना कि यह भरष्टाचार से न लड़ें से लडे और हम भ्रष्टाचार और उसी कोः हर बाह्य के लिए दोष्रारोपित करते रहें नहीं े ह , मुझे लगता

कि यह कोई अच्छी बास है।

सबसे पहली बाह तो हम यह उठाना चाहते हैं कि हमारी नीय़त पर सवाल उठाने की जो चेष्टा है , वह बन्द होमी चाहिए। अगर इस सरकार ने भ्रष्टाचार से अपनी लड़ाई की शुरुआत न की होही , तो ऐसे -ऐसे कामू न कहाँ से आते , जो आजलागू हुए हैं। सूचना का अधिकार कामून , भ्रष्टाचार की लड़ाई ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Please, Mr. Ravi Shankar Prasad. Nothing except what the Minister is saying would go on record. ...(Interruptions)...

श्**री राजीव शुक्ल :** 2जी में आपके मंत्री भी हैं *... दूसरी बाहा मत करिए।

^{*}Not recroded.

MR. DEPUTY CHAIRMAN: Please, do not take names. ...(Interruptions)... Mr. Minister, please, do not take names. ...(Interruptions)... The names may be removed from the record.

श्री राजीव शुक्ल : 2जी में आप भी हैं , इसलिए 2जी की बाहा मत करिए। * से पूछिए कि 2जी कैसे हो गया ? * का रेकार्ड निकालिए , मिल्ले जाएगा। इसलिए आप दूध के धुले नहीं हैं ...(व्यवधान)... 2जी में आपके मंत्री का नाम भी आगया है , इसलिए शांह्र रहिए।

सूचना काः अधिकार कामून यह सरकार लाई। काला धन पर अभी जीः बोस्न रहे थेः इस सरकार ने 22 **देशों** अंकल , जेठमलानी के साथ समझौता कथा। जब आप भीः कामून मंत्री थे , तब कर सकते थेंं Whistleblowers' Bill **यह सरकार लाई** , Judicial Accountability Bill यह सरकार लाई , Money Laundering Bill यह सरकार ...(व्यवधान)... लोक सभा में ...(व्यवधान)... लोक चर्चा जीः , कल हीः चर्चा हुई। मिश्चि आप तोः संपादक हैं , अपना अखबार पढ़ लिया करें। कल जोः चर्चा हुई , आजउसमें है आप तो संपादक हैं क Money Laundering Bill यह सरकार लाई। अभी ने बोला कि यह कोई आजका नहीं हमारे पहले के वक्ताओं से , 70 साओं से चल रहा है। लेकिन 60 सालों सवाल यह उठता कि कौम सरकार इससे लड़ी ? उसने कुछ उपाए किए या नहीं ? मैंा आपको दोष्र नहीं देला हँ≬ आपने 6 सास्रों में कोई किए , मैंा इसके लिए आपकी आलोचना नहीं लेकिन करता हूँ। कुछ उपाय किए। अगर आजबहस होः रही हैः , तोः सिर्फ़ इसलिए हो रही है कि हम एक बिन्न लाए , जो 40 सालों से नहीं आ पाया। बजाय इसके करें , आप उसकी आलोचना करने में उसकी सराहना जुटे हुए आपको बल्लि की मेरिट पर बोल्लने काः पूरा अधिकार है , आप उसकी आलोचना कर सकते हैं , लेकिन नीयत पर सवा ल मत उठाइए। आप नीयत को देखिए कि इस सरकार ने भ्रष्टाचार के खिल्लाफ एक, दोः , तीम , चार , पाँच , सात्त -सात्त कदम उठाए। देश देख रहा है। सूचना पुरा अधिकार कसिने दिया ?...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Please, do not disturb the House.

: आप भीः ६ साः ल थेः। रवि शंकर शुक्ल परसाद थे , आप सूचना परमारण मंत्री तोः सद्यना काः अधिकार लाः एवं आप नहीं लाए न, आपने सूचना काः अधिकार सकते दिया। ...(व्यवधान) . . .

श्री रवि शंकर प्रसाद : मंबी जीः , आपके काम बोस्नते हैंः , 2जीः , कॉमनवेल्थ ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Mr. Ravi Shankar Prasad, you are such a senior Member of the House.

श्री विजय कटियार : माज्ञनीय उपसभापति जीः, येः जोः बोल्ल रहे हैंः ...(**वयवधान**)...

MR. DEPUTY CHAIRMAN: Allow him ...(Interruptions)... You don't want him to speak ...(Interruptions)... Please ...(Interruptions)...

श्री राजीव शुक्ल : विचय जी , आप तो मेरे मिक्क हैं , आप क्यों बीच में बोल रहे हैं ...(व्यवधान)... आप तो बैठ जाइए न...(व्यवधान)...

उपसभापति : आप बैठिए भई...(वयवधान शरी) . . . हमेशा उठ कर खड़े हैं ...(व्यवधान) . . . आप बैछिए . . . (व्यवधान)... अभी आपने कहा कि हम डक्स्टिब नहीं करेंगे , लेकिन आप डक्स्टिब कर रहे हैं ...(व्यवधान)... प्लीज़ ...(**व्यवधान**)...

जीः , मैंः शरी राजीव श्कल : उपसभापति यह कहना थाः कि चाहता हैं , इसलिए ने इतने कारगर कदम उठाए की नीयत पर सरकार लोगों सवाल उठाना उचित नहीं है , अपने से हमारा यही अन्रोध है¢

अब सवाल लोक्रपाल बिल्ल का उठता है , मैं अपनी बाह्य लोक्रपाल बल्लि , इधर-उधर नहीं जाऊँगा। लोक्रपाल बल्लि पर सबसे पर ही रखूंगा पहले बल्लि लामे उठीं ? लोक्रपाल केः वक्त जब देश में एक बहस थीः और कुछ लोग इसकी आलोचना कर रहे थे , तब कहा गया कि इसमें प्रधान मंत्री कोः होमा चाहिए , इसमें `ए', 'बीः', 'सीः', `ਤੀ⊳ ′ , चारों शरेणी के कर्मचारियों कोः होमा चाहिए सिंटिजन चार्टर लामा चाहिए , लेकिन कांग्रेस पार्टी और सरकार ये तीमों चीजें नहीं लाः रही है , हम लोक्रपाल पर सरकार कोः कटघरे खडा करेंगे कीः आलोचना करेंगे। जब यह बिल्ली आया है , , सरकार प्रधान मंत्री भीः लोकपाल बस्रि के दायरे में हैं , 'बीः', 'सीः', 'डीः', चारों ∖ए′, श्रेणी के कर्मचारी दायरे में हैंः और सिटिज़न चार्टर भीः अलग सेः हैः। जब यह आपने देखा कि सारी मांह्रों होः गईं पूरी तोः दाएं –बाएं से तीसरा लिया कि ऐसा नहीं वैसा बहाना निकाल करो , वैसे नहीं ऐसे करो। आप यह देखिए कि अल्टीमेटली जोः आपकी मांग्रें ৰ্থাত , इसमें वे सारी कीः सारी आईं याः नहीं आई ? अगर व्यक्तिगत तोः मैं प्रधान कोः इसके मुझसे पुछिए मंत्री नीचे लामे की

^{*}Not recroded.

खिलाफ था।

शरी नारायण सिंह केसरी : *

श्री उपसभापति : देखिए , आपरुकिए ...(व्यवधान)... Nothing will go on record. ...(Interruptions)... आप बैठिए न...(व्यवधान)... आप यह मत कीजिए , प्लीज़ ...(व्यवधान)... There is a limit. ...(Interruptions)... All of you are requested. ...(Interruptions)...

श्री राजीव शुक्ल : हमारे डा . मैक्केयन , श्**री मनोहर जोशी** जी ... (**व्यवधान**) ... आवाज़ उठाई ... (**व्यवधान**) ...

श्री साबिर अली: *

शरी उपसभापति : आप भीः बैठिए ...(व्यवधान)... आप यह मत कीजिए ,) . . . सबको डांट्टते हैं ...(व्यवधान प्लीज़ ...(**व्यवधान**) . . . उनको हैं ...(व्यवधान डांद्यते हैंं और आपको भीः डांद्यते)... उनको हैं ...(व्यवधान डांद्यते हैंं और आपको भीः डांद्यते)... आप यह मत कीजिए ...(**व्यवधान**)... आप यह मत कीजिए ...(व्यवधान)... पृत्नीज़ , आप रहिए , आप बहुत उठते हैं ...(व्यवधान खामोश)...

श्री राजीव शुक्ल : सर, ताऊ को ऐतराज़ हो तो आप हम लोगों को भी डांद्य लीजिए ...(**व्यवधान**)...

व्यक्तिगत रूष से मैं प्रधान मंत्री को इसमें लाने के हुं , मेरी अपनी निजी राय यही है¢ लेकिन मंत्री जीः नेः सक्यं कहा कि मैं इसके अंसर्गत आना चाहता यह मामना लोकतंत्र की बुमियाद क्या होही है ? मेरा कि लोकतंत् र की बुनियाद यही होली है कि जो जनता से चुहा हुआ परितिनिधि है , वह सत्ता और शासन में सबसे ऊपर रहता होह्या क्री यह मेरा है¢ जोः लोकतंत्र अपना तर्क कीः मूल धाऱणा है , अगर उस आधारभूत धारणा के साथ क्छ होसा है , तो वह उचित नहीं है≬ लेकिन कहा कि मैं उन्होंने सक्यं इसके नीःचे आना चाहता हंः और वह लोक्रपाल के अंत्रर्गत के भी कई लोगों आए। हमारे विषिक्ष ने कहा कि वह गलत बास है , लेकिन मैं इससे सहमत नहीं हुं , फिर परधान मंत्री जीः इसमें आए।

^{*}Not recroded.

अब एक नया तर्क दिया जाः रहा है कि यह जो लोक्रपाल है , यह प्रभावशाली नहीं है , मज़बूत नहीं क्री संघिवी साहब ने सुबह कहा कि मज़बूती कीः परिभाषा हरेक कीः अलग-अलग होती हैंक उस दिन सदन में कपिल सब्बिल ने भी यही दुसरे साहब बास कही की बास मज़बूती कहना और उस पर तर्क देखा , इस पर सबका अलग अलग मेरे से , जो हमने नजरिया हो सकता हैक अपने हिसाब बस्रि बिल है , आपभले ही इसकी कितनी बहुत मजबूत और बहुत प्रभावशाली भीः आलोचना करते रहें . . . (व्यवधान)...

श्री रुद्रनारायण पाणि : *

will MR. DEPUTY CHAIRMAN: Nothing go on ...(Interruptions)... आप बैछिए। ...(व्यवधान)... देखिए आपको मैस्बर से एक्सप्लेनेशन की पू् छने जरूरत नहीं है ... (व्यवधान) ... प्लीज़ , पाणि जीः , आप बैछिए ...(व्यवधान) . . . नहीं -नहीं , आप बैछिए ...(व्यवधान)...

शुक्त : पाणि जीः, आप यह माम कर चल रहे श्री राजीव कि आप पचास साख्न तक पाबर में आने वाख़े नहीं और हमारा हीः प्रधान हैं रहने वासा है , यही माभ कर आप चल रहे हैंं आप।...(वयवधान प्रधान मंत्री को लामा चाह्रते)... हैं ...(व्यवधान)...

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राजीव : पाःणि जीः , आपको यह लगता है कि अरुण शुक्ल से कोई कभी इधर बैठने जीः याः नीतीश कुझार में वाले जेटली नहीं हैं , इसलिए आप यह माम कर चल रहे हैं कि हम ही यहां बैठे रहेंगे। इसीलिए आप हर चीज़ चाहते हैं कि प्रधान याः सरकार ...(व्यवधान)... केट्द

श्री उपसभापति : आप चेयर को address की जिए , उनको address मत की जिए , क्यों कि वे समझ रहे हैं , आप उनसे बास कर रहे हैं ...(व्यवधान)...

: सरकार ने जो लोक्रपाल शरी राजीव शुक्ल कामून बनाया है , उसमें लोक्रपाल को सारे अधिकार देवे के साथ -साथ का सत्ता भी बना कर रखा है , शक्तियों काः संस्लन संस्लन भी बना कर रखा है ताकि कोई व्यक्ति ऐसा न हो जाए कि वह सर्वोपरि होः जाए

सबसे ऊपर होः जाए और उसके अंतर्गत हर चीज़ हो। अगर आप यह सोचते हैं कि यह मजबूत नहीं है , प्रभावशाली नहीं है , तो इसका मतलब क्या होता है ? इसमें साः रे अधिकार तो दिए गए, चाहे वह सीबीआई काः मसला होः – कोई केस रेफर करेगा , सीबीआई उसको रिपीर्ट करेगी , उसका director investigation होगा , director prosecution येः सारी चीऊ़ों लोक्रपाल के अंतर्गत दीः गईं – गरूप बीः , सीः और डीः , येः सारे सरकारी कर्मचारी उसके अधीन आएंगे। लेकिन , बाहर यह दुष्प्रचार चल रहा है कि जो लोकपाल बिन्न आया है , उसमें सर्फि दस परसेंट नेता इसके अंतर्गत आएंगे और पांच परसेंट सरकारी कर्मचारी इसके अंतर्गत आएंगे। लोग यह बाहा टीब्री चैसलों पर जाकर बोस्न रहे हैं≎ सच तो यह है° कि सारे हैं और साः रेः सरकारी कर्मचारी इसके अंसर्गत इसके अंसर्गत हैं , लेकिन कहा तो यह जा रहा है कि सर्फि दस प्रतिशत इसके अंतर्गत हैं और बाक़ी सब बच गए हैं। इसमें कोई सांसद है , कोई नहीं है , यह गलत propaganda किया जा रहा है। आप इसको पढ़ कर देखिए कि क्या इसमें कोई छूटा है ? सारे लोग तोः इसके अंसर्गत हैं 🛊 लोक्रपाल को पूरी शक्तियां प्रदान कीः गई हैं यह बहुत लोक्रपाल है। मजबूत

^{*}Not recroded.

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

देश की जनता इसको website पर जाकर देख सकती हैं। लेकिन , यह कहना कि इसको और मजबूत कर दो , ताकि यह राष्ट्रपति , प्रधान मंत्री सबके ऊपर हो , तो कोई मंगल ग्रह याः चन्द्रमा पर से तो लोक्रपाल नहीं आएगा। यह तो हमारे लोगों के बीच से ही आएगा। ऐसी चीञ्जें हैं , आप balance of power हटाना देखा चाहते हैं , आप शक्तियां हैं , तो क्या हटाना चाहते कोई ग्रः ह दूसरे से आदमी आकर बैठेगा , जो ऐसा होगा कि उसके अंदर कोई ही होः सकती हैः ? उस संस्था के नीचे कौन रहेगा ? उस संस्था नीःचे यही कर्मचारी तोः होंग्रे। सरकारी

यह सोच लीजिए कि कोई कामून एक गवर्नमेंट याः एक पार्टी के बनता है , बल्कि कामून सौ साम्न के लिए बनता है। इस कम से कम 60 साख़ रहा देश में हैं≎ औसत कामून आप भविष्य पीढ़ियों के बारे में सोविए। अगर आप सोःचते हैं कि कस्री के चलते हम इस सरकार को दबोच लें या उसको इस सरकार के खिल्लाफ बना दें , इस प्रधान मंत्री के खिल्लाफ बना दें , इस मंबी खिल्लाफ बना दें , तो कल आप भी कठघरे में होंग्रो , तब आप आंस्र् मत रोएइगा। ...(व्यवधान बहाकर) . . . कामून सौ सास के लिए बनता है और दसियों पीढ़ी उस कामून कोः झेल्लती हैं , इसलिए कानून बनाना चाहिए , जिससे देश की जनता आपको साध्वाद दे , आपकी करे और वह कामून सत्ता के साथ चल सके , लोकतंत्र तारीफ के साथ कीः बुमियाद क्या हैः ? लोकतंत्र चल सके। लोकतंत्र कीः बुमियाद हुए लोग , जिल्हें तोः यही हैः कि चुने जनता चुद्यती है , वरना दीजिए। एक रिटायर्ड हटा जज को राष्ट्रपति दीजिए , एक रिटायर्ड आई.ए.एस. ऑफिसर कोः प्रधान बना आई पीः . एस. ऑफस्रिर कोः होम दीजिए , एक रिटायर्ड मिनिस्टर बना अगर आपको लगता है कि ये elected members गलत हैं , गड़बड़ हैं और जो appointed हैं , वहीं सही हैं , तो इस बात को छाती पर रख कर सोध लीजिए। हमें इसमें कोई ऐतराज नहीं है ... (व्यवधान)...

Elected आदमी का कुछ सम्मान होसा है , चाहे वह ने ताः विषक्ष उन पर वश्वािस नहीं होः याः नेता पक्ष हो , क्या है , तो क्या उस पर वश्वास नहीं है ? क्या एम.पी . मुख्य मंश्री पर वश्विास नहीं है ? आजपूरे देश में एक माहौल बन गया है कि ये जो appointed लोग हैं , elected आदमी सबसे खराब है और सर्फि बस वही सही हैं। यह कहा जा रहा है कि appointed को elected के साथ लाया जाए , यह कौन साः तुक हैः , वह कौन सीः ताकत देवा

हैं ? कहा जाहा है कि मुझे तो एक मजबूत और प्रभावशाली लोकपाल चाहिए , लेकिन मजबूत और प्रभावशाली का अर्थ क्या है ? सारी सत्ता , सारी powers सब कुछ उसको दे दीजिए , लेकिन क्या आप मंग्रल ग्रह या चन्द्रमा से लोकपाल को मंग्राएंगे ? आप क्या कर रहे हैं , इस पर जरा सोग्चिए। इसलिए , हमेशा संतुलन बनाइए। सत्ता का संतुलन , शक्तियों का संतुलन , balance of power, ये होमा चाहिए और तब आप इस सत्ता को , इस सिस्टम को चला सकते हैं रिव शंकर प्रसाद जी भी कल इधर हो सकते हैं , चंदन मिक्का जी भी इधर हो सकते हैं ...(व्यवधान)...

श्री रवि शंकर प्रसाद : हम सत्ता में आने वाले हैं ...(**व्यवधान**)...

उपसभाध्यक्ष (प्रो . पी . जे . कुरियन): रवि शंकर प्रसाद जी , कृषया आप बैठ जाइए। ...(**व्यवधान**)...

श्री राजीव शुक्ल : फिर यह मत कीजिएगा। ...(व्यवधान)... श्री बलबीर पुंज : सर...(व्यवधान)...

उपसभाध्यक्ष (पूरो . पी . जे . क्रियन): पृत्रीज़ , पृत्रीज़।

राजीव शुक्ल : बलबीर पुंज जीः , आपके सा**थ** हमारी शरी पूरी है , लेकिन आपकी पार्टी आपको बोलने हमदर्दी का मौका देती है , लेकिन बोल सकते हैं , अगर आप इस पर बोलिएगा आप अच्छा तोः। ...(व्यवधान) ... आप हमारी बशिदरी के आदमी हैं मेरा व्यक्ति काः अर्थ यह है कि जो चुना हुआ है , उसकी भीः क्छ सम्मान रखिए , उसकी भीः इज्जत रखिए , चाहे वहे कोई भी हो , चाहे भीः पार्टी वह कैसा वह किंसी का हो , चाहे भीः हो। अगर कुंछ बग्रिइ गया , तोः बाद्य में आसान नहीं होगा , इसलिए अभी बता इतना मैंं देसा **हॅ**ा

60 साल में सर्फि एक जज को हटाया गया है¢ 50 एम.पी . के कराने के बाद और दो साल का प्रोसेस चलने के बाद्य यह हस्ताक्षर हुआ है≬ येध्र्री जीः यहां बैठे थेा 60 साल में आपएक जज सीहाराम अगर कोई गड़बड़ व्यक्ति आ गया , तोः क्या आप उसको पाए। हटा लेंग्रे ?

यहाँ तोः सर्फि नौः लोकपाल होंग्रो , जबिक देश में तोः हजारों जज हैं , जिसमें से नेक्ल एक को आप 60 सालों में हटा पाये हैक आज हँसी –मजाक में सब चीज़ें इसलिए वह इतना आसान नहीं निकल जाही हैं ा हम आजपॉलिटिकल के लिए प्वायंट्स स्कोर करने के खिलाफ एक–दूसरे बाहें कर लेही हैं , लेकिन कल इसका खामियाजा सब कोः भ्रगतान पड़ेगा। जोः कामून बनाया गया है , उसमें सारे परावधान रखे गये हैं¢ उसमें उन सब चीओं को रखा गया है , जैसे कि सौ एमपीज़ के दस्तख्वत चाहिए , तब आप लोकपाल हटा रख कर उसे पाएँगे । इन सारी चीओं कोः धुद्यान में गया है बनाया कामून गया है जिससे ऐसा संतुलित बनाया हमारी जितनी संस्थाएँ हैं , उन सब काः भीः सम्मान रहे और उसके साथ -साथ हम ऐसा दें , जो चल सके , जिसमें लोक्रपाल संस्था भीः चले , देश कामून भीः दूरः और जिसमें भीः भुरष्टाचार हो इले क्टेड लोगों सरकार , सब क्छ रहे। सरकारें और केस्द्र सम्मान राज्ञ्य से चलती रहें , कहीं किसी कोः कोई तकलीफ न हो। समानांतर ढंग लोकतंत्र भीः बचा रहे और संबिधान भीः बचा रहे। आखिर क्या थीः कि 40 साम निकल गये ? कभी तोः ऐसी कोई मांग्र होही होगी ! पंडित जी हों , इंदिरा जीः होंः , मोरारजी जवाहरलाल नेहरू देसाई होंः , पीः .वीः . नरसिंह राख होंः , अटल बह्निरी वाज्ञपेयी होंः , उन्होंने कुछ तोः सोधा होगा ! जब इस तरह की मांग्रें होही होंग्री तब केवल सोच कर तो क्छ नहीं होता होगा ! आपने भीः छ: सास्र तक क्छ कीः बात पर चुपः बैठ नहीं किया , लोक्रपाल गये। लोगों ने कुछ

तोः लगायी सोचा तोः होगा , ক্ঞ अक्ल होगी ! आज आप डाः . मनमोहन सहि के खिल्लाफ , लेकिन पुवायंट सुकोर कर लेंग्रे कल क्या होगा , वह आपको सोचना चाहिए।

के संबंध आप लोगों तीसरी लोकायुक्त में क्री बास लोकायुक्त हैंक देखिए , मैं राज्यों के अधिकारों की बाह्य रखी काः प्रबल समर्थक हूँ 🏻 राज्ञ्यों के अधिकार रहने चाहिए , म्ख्य मंत्रियों के अधिकार रहने चाहिए , लेकिन केन्द्र सरकार साथ -साथ राज्ञ्यों में भीः , चाहे वहाँ हमारी कांग्रेस कीः सरकारें होंः याः दूसरे दलों कीः सरकारें होंः , राज्यों जो नीचे कीः मशीनरी है , उसमें भीः बड़ा भ्रष्टा चार वयाप्त क्री सब्बिल साहब ने जैसा उस दिस कहा कि चाहे वह थामेदार हो , राशन कार्ड वाला हो याः फिः ट्रैफिक वास्रा होः , आदमी उनसे बहुत त्रस्त होला क्री यहाँ अभी राम जेडमलानी जीः उदाहरण रहे थेः कीः माँः उन्होंने कहा कि एक व्यक्ति मर गयी और उसका सर्टिफिकेट बनाने के लिए उससे हजार रुप्तये माँग्रो गये। केङ्द्र डेथ सर्टिफिकेट नहीं सरकार देही , बल्कि है , वह डेथ का जो मुल्लाजिम राज्ञ्य सरकार होला सर्टिफिकेट कि आमआदमी कहाँ देला हैक आप सोचिए से परेशान है , तोः राज्यों में भीः एक कड़ा आना चाहिए। वहाँ कामून भीः इतनी सख्ती होमी चाहिए कि आम आदमी को इस तरह की जो तकलीफें होही अगर आप यह सोधें कि नहीं हैं , उनको दूर किया जाः सके। केन्द्र चाहिए में सरकार में हीः होमा राज्ञ्यों नहीं होमा चाहिए लगता कि हम न्याय कर पाः रहे , तोः मुझे नहीं

श्री सुखेन्दु शेखर राय : क्**या** विधान सभा की शिक्त नहीं हैं ?

श्री राजीव शुक्ल : वधान सभा की शक्ति हैक हमने पहले कि राज्यों काः अधिकार , उसका प्रोसिज़र क्या है , यह अलग चीज़ है , लेकिन साथ -साथ हमें चीओं उसके दोमों कोः लेकर चलना चाहिए। हम अपनी कांग्रेस की भी बास कर रहे सरकारों हैं , हम हम राज्ञ योंः) कीः सरकारी सबकी बाह्य कर रहे हैं⊅ मशीनरी की बात कर रहे हैंं⊅ . . . (व्यवधान)...

डा . अखिलेश दास गुप्ता (उत्तर प्रदेश)ः राजीव जी , इसमें आरक्षण के बारे में जो प्रक्रिया दी गयी है , ज़रा उसको भी आप क्लियर कर दीजिए। ...(व्यवधान)...

श्री राजीव शुक्त : हम अभी उस पर आते हैं , आप चिन्ता मत की जिए।

हमारे मित्रि , नेह्ना विषिक्ष शायद कहीं चले हैं क गये एक बाह्न रख रहे थेः कि इसमें बार -बार सरकार का हक़ है , इसमें सरकार काः अधिकार है , यह सरकार यहाँ जयादा शक्तियाँ लेगी। जैसे सरकार में होमा कोई गुद्धाह होः गया। सरकार बनती कैसे है ? ऐसा थोड़े है कि भगवान ने एक व्यक्ति कोः नॉमिनेट कर दिया कि अब येः जिल्दिगीः भर सरकार में रहेंगे के ! सरकार लिए है और एक दल या एक समूह हर पाँच साल बाद वोटिंग होही जनता चुन कर सरकार बनाने के लिए भेजती हैक उसको ये अधिकार दिय कि अब आप आये हो , आप सत्ता कोः चलाओ और नीतियों निश है कि आप सरकार में णय लोः तथा येः सब करो। अब यह कहा 🛭 जाः रहा हैं , इसलिए आप यह नहीं करें , सरकार के पास कोई अधिकार सारे अधिकार विषिक्ष के पास रहें। जब विषिक्ष को जनता ने नहीं वश्विास किया है , जनता ने हममें व्यक्त है या इनमें च्झा किया है या कल आप में वश्वास वश्विास व्यक्त करेगी हीः जोः संबिधान तोः आपको वेः अधिकार तोः मिल्लिंगे के लिए दिये गये हैं या जो रूख्स में सरकार चलाने बुक हम उनका भीः उपयोग न करें ? जैसे सरकार में आना कोई होः कि सरकार ये न करे , इसमें सरकार के आदमी हैं। जेःटली साहब , आप भीः सरकार में थे , क्या आपके जमाने सीब्रीआई काः डायरेक्टर गलत नियुक्त हुआ ? क्या आपने गलत सीएजी और हाई बनाया ? क्या आपने सुप्रीम कोर्ट कोर्ट के गलत जज बनाये ? हम तो ऐसा नहीं कहते। हम भी बना रहे हैं , हम भी कोई गलत थोड़े ही बनाएँगे। हम अच्छा आदमी लाएँ गे , इसमें पूरा सिस्टिम होगा। यह कहना कि इसमें सरकार है , सरकार तो गड़बड़ लाएगी , इससे तो आप सारी सरकारों को दोष्टारोपित कर रहे हैं सरकार में होमे का यह मतलब थोड़े ही है कि जो भी होगा गलत होगा।

इस बिल में एक और बहुत महत्वपूर्ण किया गया और आप पुरावधान हैं कि वह कड़ा नहीं है। अगर वह कड़ा नहीं कहते है , तो लाख़ जी कि यह कामून डेथ वारंट क्यों है\ अभी यहाँ जोशी जी ने भी कहा कि इस कामून के अंदर कई कड़े पुरावधान अगर वह प्रभावशाली नहीं है , शक्तिशाली नहीं है , तो इतने कड़े कीः बाह्य लोग क्यों कर रहे हैं ? इसमें तो एक अच्छी बास यह भीः कीः गयी हैः कि अगर कोई गलत शिकायत करेगा , तोः उसके हैं। क्योंकि लिए एक साख़ की सज़ा का प्रावधान नेहाओं के खिलाफ तोः लोग रोज हीः सुबह से शाम तक शिकायत करेंगे। जोः चुद्याव गया , वह दूसरों के खिलाफ complaint भिजिवाने लगेगा। इसलिए यह भीः प्रावधान है कि उस के लिए एक साल की सजा और उसे होगा। ...(व्यवधान लाख रुप्तए जुर्झाना देखा)... एक सास्र भीः तोः हैक सर्फि एक लाख रुपया नहीं , सजा काः भीः साथ में हुआ है। इस में झूठी शिकायत वालों के जुड़ा करने लिए भीः प्रावधान किया गया हैंक

, कहने काः मतलब यह हैः कि यह एक ऐसा कामून आप केः सामने है जो कि पुरी तरह से संस्तित है , जिसे पक्षों सारे में रखकर बनाया और सारे पहलुओं कोः धुयान गया है हांः , अगर इसे उस सदन में संवैधानिक मिल्ल जाला तोः और अच्छी बास दर्जा होही। संं वैधानिक संस्थाओं फिरि च्झाव आयोग व अन्य कीः तरह यह और और इस में चांद लग जाहो , लेकिन हो अच्छा चार वह नहीं अब उस के बारे में कहें पाया। हम क्या ? वह होमा चाहिए থা , लेकिन नहीं उस पर कोई टस्प्रिणी नहीं हुआ। र्में करना चाहता ह् लेकिन आया है। मैंः ਹੋਣ पंक्तियां यह एक बहुत अच्छा कामून यहां चाह्रंगा , आप स्ब लीजिए। "समर शेष है , नहीं रखना पाप्र केवल , समय लखिगा भागी वयाध , जोः तटस्थ हैंः उन काः भीः अपराध। इसलिए मेरा "उत्तिष्ठ कहना ्रे कि, जाग्रत पराप्य वरान्निबोध्त। और इस कामून को पास करो। धन्यवाद। " उठो , जागो

SHRIMATI SHOBHANA BHARTIA (Nominated): Thank you, Sir. Sir, there is nothing new about corruption. There is also nothing new about the intention to fight corruption. But over the years, graft has taken such deep roots in every sphere of public life that it has almost become institutionalized, and that is where the problem lies. tackle something as tangible as systemic corruption, the best of intention is not good enough. What we need are laws that can be implemented and a law-enforcing body that is empowered for this purpose. That is the reason why it is imperative to have the institution of Ombudsman or Lokpal. Sir, whilst every care must be taken to ensure that the Lokpal is protected from interference, at the same time, we need to ensure that we take enough care to allay the genuine fears of the institution of the Lokpal acquiring unlimited power and becoming unaccountable to no one. There is little purpose in setting up a parallel investigative body to monitor if it has the same ills that plague the existing system.

Sir, I would like to put forth certain suggestions, I know the time is brief, which I think will go a long way in ensuring that the body serves its functions and yet we prevent it from becoming an unaccountable body, a run-away body. Sir, right at the beginning, I would like to compliment the Government for including in its ambit the institution of the Prime Minister. I know that the earlier Bill that had been proposed did not cover the institution of the Prime Minister.

But I think no law of the land gives the Prime Minister any special immunity, whether it is the Prevention of Corruption Act or the IPC or the Cr.PC. Since they all apply evenly to the Prime Minister, keeping him out of this important institution, to my mind, would have been at conflict with the existing laws of the country. The Government has done well to hear the voice of the House and to incorporate the same. At the same time, taking a decision to provide certain safeguards like having in-camera proceedings so that this important office does not get destabilized, I think, is a step in the right direction.

Sir, this year-long debate on corruption has resulted in a sharp focus on the functioning of the country's premier investigative agency, the CBI. At the outset, let me just state some of the disturbing points based on common perception which undermine the good work that is actually

done by the CBI. There is a perception that it works under Government pressure because all the top appointments are controlled by the Government, that majority of the officers working in the CBI are IPS officials who have been seconded or provided by the States.

Sir, appearing before the Standing Committee, the Director, CBI, said that there are over 900 posts which are lying vacant because of clearance pending by the DoPT since 2009. Care has to be taken to allay any such allusion that the CBI will remain under the control of the Government and that the CBI will not be given the due independence and authority that it so rightly deserves. There is a solution available in the Vineet Narain Judgement of the Supreme Court in 1997. It has been fourteen long years. But it has been implemented only in bits and pieces. While the Director, CBI, should have full functional autonomy, the meaning of the word 'administrative control' of the DoPT should be very clearly defined.

Also, Sir, it should be the Director, CBI, and not the Law Ministry, who should have a final say in deciding whether a chargesheet should be filed in a case probed by the agency. As far as the Lokpal is concerned, I know that the CBI would refer the matter back to the Lokpal and the Lokpal has also been given the powers of superintendence and direction over it. But in all other cases, the CBI needs to be invested with the authority to take its final decision. It should have its own directorate of prosecution. May I suggest that the appointment of the director of prosecution should be done by the same process that the Government has proposed in the Lokpal Bill to select the Director, CBI? The Government wants the appointment of the Director, CBI, to happen in an independent, transparent, and objective fashion. In fact, the panel, which the Government has recommended, will go a long way in instilling a certain sense of confidence. I would like to commend the Government for that. But the director of prosecution should also be empowered in the same way. He should have a free hand in selecting his team, which should comprise of eminent lawyers from different fields like criminal law, or international treaties like extradition or human rights. The CBI can use the model of Crown Prosecution Services in the UK for setting up such an agency and that will go a long way in giving the CBI the kind of focus and attention that the agency deserves.

Sir, the Lokpal Bill presented in the Lok Sabha in August had only covered Group A of the bureaucracy. The Standing Committee subsequently recommended covering Group A and Group B. But the fresh Bill puts an end to the whole month of wrangling by including all the four categories — Group A, Group B, Group C, and Group D — under the Lokpal. Sir, this is a mammoth recruitment exercise. Team Anna in its discussion with the drafting committee of the Government had put a figure of almost 15,000 people that would need to be recruited if Group C and Group D had to be included in it. You are going to have a floodgate open of all kinds of

complaints coming in because bulk of the people actually face problems in areas which pertain to Group C and Group D. I would request the Government to consider augmenting the strength of the CBI and the CVC which currently has only about 260 people. I think the strength required would be much, much more than that.

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

SHRIMATI SHOBHANA BHARTIA: Sorry, Sir.

SHRI RAVI SHANKAR PRASAD: Sir, she is retiring. We wish her to come here again. Sir, give her extra time to speak more.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I did not say anything. Take two more minutes. I did not say anything.

SHRIMATI SHOBHANA BHARTIA: I was looking at the board myself.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): If you have finished, it is okay. If you have not finished, then you can take two more minutes.

SHRIMATI SHOBHANA BHARTIA: Sir, I will take two more minutes. Sir, the last point I would like to make is about the decision to cover trusts, societies, and other bodies under clause 14 (g). To my mind, this Bill was proposed to cover public servants. Now taking the Bill to try and cover trusts, societies, and bodies, which are outside the purview, will not only, to my mind, not retain the focus it ought to but it will also mean again a huge exercise. Sir, can you imagine the number of complaints and the number of petitions that the Lokpal is going to be flooded with if every trust, society, body and foundation is going to come under its purview?

Lastly, Sir, I would just like to say that it is a very good initiative on the part of the Government. I know that many of my colleagues have differences in the House. There can be no perfect Bill. But nothing prevents us from making changes as we go along. To my mind, the Government has set the best architecture for fighting corruption in the form of the Lokpal and Lokayuktas Bill, the Whistle Blowers Protection Bill, and the Judicial Accountability Bill, which is yet to be introduced. All these three Bills form a bulwark against corruption. They will go a long way. I only hope that all our

colleagues rise to the occasion, bury their differences and pass the Bill. We can always make changes as we go along. Thank you.

SHRI M.V. MYSURA REDDY (Andhra Pradesh): Sir, at the outset, I would like to speak about the procedure of selection of Lokpal, Lokpal having its own investigating agency and creation of Lokayuktas which won't affect the federal fabric. Sir, regarding this, I have given amendments also and the amendments have already been dealt with elaborately by the LOP and

also our colleagues. My time is also very limited, so I am not going into that subject. I associate myself with those amendments on behalf of my Party, Telugu Desam Party.

Sir, just now, the Minister was saying that they are bringing forward so many Bills Judicial Standards Bill, Whistleblowers Bill, Lokpal Bill, etc. Who has brought forward all these Bills? Sir, in this country, if you go two years back, not one scam, there are a number of scams - irrigation scam in Andhra Pradesh, illegal mining scam in Karnataka and Andhra Pradesh, Adarsh scam, CWG scam and above all, 2G scam. Sir, it is a national shame. It has brought disrepute to the political system and utter contempt towards politicians. Thanks to this Government rule!

Sir, if they had acted stringently against the defaulters, they might have created confidence and faith in the Parliamentary system. Instead of that, they have brought forward one Lokpal Bill. People are thinking that this is done deliberately to divert public attention and also to get political mileage. That is why, even though our Minister said that they have brought forward so many Bills, people are looking suspiciously at all these Bills thinking that there are loopholes, it is a weak Bill and that it won't solve or weed out corruption in political system.

Sir, this is a big Bill. I will quote one or two examples and point out what are the loopholes. Sir, clause 49 says, "Lokpal shall function as the final appellate authority in respect of appeals arising out of any other law for the time being in force providing for delivery of public services under the Prevention of Corruption Act 1988." That means, as per the Anti Corruption Act, after the ACP court, appeal lies with the High Court; after the High Court, it is the Supreme Court. Then, Lokpal will become supreme to supreme. What remedy people will get against corruption? That's why, they are looking at all these Bills suspiciously.

Then, Sir, I thought that Lokpal means ombudsman for political system of the Union Government and Lokayuktas mean ombudsmen for political system in States. But, by pressure or by intention, whatever

may be the cause, now the public servants are also brought under the Lokpal and Lokayuktas. If these public servants are brought into the system, then what will be the effect of these PAC and SP establishments, and also the ACP and ACP Courts in the State? What about the Commission of Inquiry Act? This is the ambiguity in the Act itself. That is why the Minister may clarify what we are going to do with this establishment. Either repeal all these Bills or they may be transferred to the Lokpal establishment, Sir. That is why everybody is pointing out that this Bill is having weaknesses. What I want to tell you here is the intention of the Government. Jus Dicere, et non just dare. Sir, that means, judges can only declare the law, but they cannot make the law. We are the lawmakers. If you make an imperfect law, definitely we are leaving room for courts to interpret the law. To substantiate my argument also, Sir, in the other

House, the hon. Finance Minister intervened and said - and I quote: "It is the responsibility of this House to pass a law within its legislative competency and it is for the judiciary to sit upon whether the laws passed or the various provisions of the Bill are in conformity with the various provisions of the Constitution." This exposes the intention of the Government. See, the Government wants to pass a law. ...(Time-bell rings)... I am going to complete it in one minute, Sir. It will go to a court. If the Court passes any judgment, they want to sit like that, Sir. Suppose the Supreme Court passes a judgment. What can we do? That is why people are looking at it suspiciously. Even if they are bringing the laws, suspiciously looking at these Bills. The intention of the Government is not good; this is what I want to tell the House. This Act is not a panacea for all the ill, evils of society. For improving the services given to the people, some investment would have been required. For that investment, the Government has liberalized the economy without a human face. Because of that, there is a lot of corruption in every infrastructural project, in every field. With this corruption, the society also has become greedy for money. Everybody is not a Mahatma Gandhi. Though we have to educate the people on the evils of corruption, we have to bring some more laws concerning election reforms. Laws concerning the corporates have to be amended so that there should not be corruption in these areas. With these words, Sir, I thank you for giving me the opportunity.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Thank you, Mr. Mysura Reddy. Now, Shri Birendra Prasad Baishya.

SHRI BIRENDRA PRASAD BAISHYA (Assam): Thank you very much, Sir, for giving me the opportunity to speak on the Bill moved by the Government, the Lokpal and Lokayuktas Bill, 2011. To curb corruption in the country is the call of the hour. Mr. Mysura Reddy, my college from Telugu Desam, very rightly says that there is a lot of corruption going on in the country not only at the Central level but also at the state level. My State of Assam also is facing a serious problem due to

a lot of corruption. Sir, from the very beginning, my party, Asom Gana Parishad, took the same stand, which we are going to take today also. The stand of my party is the same, what we took in the first meeting called by the hon. Prime Minister, and both inside and outside the Parliament, we are telling the same story. Sir, we are in favour of a strong Lokpal at the Centre and simultaneously a strong Lokayukta in the State. The United Front Government, in the year 1996, when they announced the Common Minimum Programme, announced that the Prime Minister of the country would be brought under the purview of the Lokpal. In the year 1996, our stand was quite clear. In the year 1996, we very strongly said that the Prime Minister should be brought within the purview of the Lokpal. In the last all-political party meeting called by the Prime

Minister also we took the same stand and our opinion was that the Prime Minister should be brought under the purview of the Lokpal. I am happy today that in the Bill, which was moved by the Government, they brought the Prime Minister under the purview of the Lokpal. It is a welcome move and that is our stand also.

Sir, there is an interesting part of this Bill which I would like to discuss. I would like to discuss about the CBI. I have seen that in the last several months everybody was talking about the CBI and everybody had said that all the successive Central Governments, whether the Congress Government or some other Government, misused the CBI. This is accepted by everyone. But we are not doing anything about the CBI. In the Bill, which was moved by Narayanasamyji, there is nothing about the CBI. Our opinion is that the investigation wing of the CBI should be brought under the purview of the Lokpal. This is the suggestion of Asom Gana Parishad. In this regard, we propose to move an amendment and I hope we will get support from all our colleagues in this House to bring the CBI under the purview of the Lokpal. Without the CBI under the Lokpal, this Bill will be incomplete. Our stand is quite clear and, again, we repeat our stand that the investigation wing of the CBI should be brought under the purview of the Lokpal.

As regards the provisions relating to the appointment of the CBI Director in the Bill presented by the hon. Minister, I would like to On something. page Chapter II, it is mentioned that the Chairperson and Members shall be appointed by the President after obtaining the recommendations of a Selection Committee consisting of the Prime Minister-Chairperson; the Speaker of the House of the People-member; the Leader of the Opposition in the House of the People-member; the Chief Justice of India or a Judge of the Supreme Court nominated by him-member; one eminent jurist nominated by the President-member. Here, I would like to refer to the case of the appointment of the Chief Vigilance Commissioner of our country. What happened when Mr. Thomas was appointed as the Chief Vigilance Commissioner? The people have got a right and they challenged his appointment in the hon. Supreme Court.

People got justice from the hon. Supreme Court. I feel that in this Bill there is a conflict with natural justice. I would like to say that the hon. Chief Justice of the Supreme Court will be a member or his nominee, an hon. Judge of the Supreme Court, will be a member of this Committee. Here there is a conflict with natural justice. When the Chief Justice of India is himself a member of the appointing authority of the CBI Director or an hon. Judge of the Supreme Court is himself a member of the appointing authority, if anything happens, nobody can go to the Supreme Court. The Chief Justice of India is himself appointing the CBI Director. This is an issue of conflict. I have given the reference of the appointment of the Chief Vigilance Commissioner, Mr. Thomas, for a comparison. It is known to everybody and people got relief

from the Supreme Court. Here the Chief Justice of the Supreme Court himself is going to be one of the appointing authorities. So, I want you to amend this. I would request the Government to review its decision. My suggestion is that the CBI Director should be appointed by a Committee under the Chairmanship of the Prime Minister, and then the Leader of the Opposition and the Lokpal should be its Members. If this is done, then it will have no conflict with the natural justice.

Thirdly, I come to judicial accountability. I would not like to go into greater detail of it. We are in favour of a Judicial Commission. There should be a separate Judicial Commission. Whenever the Government brings any Bill on the Judicial Commission, my Party will support it. In so far as appointment, promotion, etc. are concerned, these things will be looked after by this Commission. So far as lower bureaucracy is concerned, which is a very important issue, we want that the lower bureaucracy should be brought under the purview of the Lokpal. It is not possible for the common man to knock at the door of higher authorities. In our country, to get a BPL Card or a driving licence or a passport or a ration card or a bed in a hospital, people have to pay money for that; otherwise, they do not get driving licence or BPL Card or ration card. So this lower bureaucracy relates to the common people and poor people of this country. For these common people, poor people, it is not possible to knock at the door of higher bureaucracy. So I want that lower bureaucracy should be brought under the purview of the Lokpal. We are in favour of a strong Lokpal. Simultaneously, we are in favour of strong Lokayuktas in States; otherwise, you cannot curb corruption at the State level. This is the opinion of my Party. On the one hand we want a strong Lokpal in the Centre, and on the other hand, there should be a strong Lokayukta at the State level. I hope the Government will consider it. Sir, we are not against the Bill. We want to pass the Lokpal Bill. But it will not be possible for us to support this Bill in the existing form. It is not possible for us to support this Bill. This Bill cannot serve the purpose. If the Government comes with a fresh Bill, then we will support it. We will oppose the existing Bill. We cannot support this Bill. Thank you.

श्री भगत सिंह कोश्यारी (उत्तराखंड): महोदय , लोक्रपाल पर काफ़ी बहस हो चुकी है। के माननीय ने और हमारे कामून सदस्यों वद्धिवान र्मे सदस्यों ने अच्छे विचार किए हैं। व्यक्त तोः इसके केक्ल कामूनी पहलू को छोड़ करके अन्य पहलूओं पर जामा में आजलोक्रपाल की आवश्यकता क्यों पड़ी ? मैंः चाह्रंगा। वास्तव अभी पछिले दिसों मैंसे कॉलेज के लड़कों के बीच में খা से पूछा कि जब हम कॉलेज में पढ़ते थे तो एक गीत लड़कों चल्साः थाः – "हम उस देश के वासी हैं जिस देश में गंगा बहती लड़कों ने झट से मुझे एक स्वर में कहा नहीं –नहीं , सर, ऐसा नहीं है , "हम उस देश के वासी हैं जिस देश में भ्रष्टाचार कीः गंशा हैं। "तोः मुझे थी। मैं बहती बड़ा कष्ट हुआ। लेकिन यह बास सही इसके दोः -चार दक्षि बाद ग्रामीण अंचल में থা। मेरे उधर के मित्रि हैं , मैं वहां एक आमआदमी से मिल्रा। आमआदमी की बाह्य करते उस आमआदमी से कहा कि जब हम युवा थे , बचपन में सुबते कि - "हम उस देश के वासी हैं जिस देश में गंगा बहती है "वह आम आदमी

कहता है कि नहीं , "हम उस देश के वासी हैंं जिस देश में यू .पी .ए. के भरष्टाचार की गंगा हैं। " अब आपदेखिए कि देश बहती कथा बोल रहा है , देश काः आम आदमी क्या बोल समझ में यह नहीं आता कि आखिर , हम सब लोग भुरष्टाचार अभी कल ही मैं अखबार में बारे कत्तिने चितित हैं⊅ थाः कि Rs. 6 lakh crore were illegally siphoned out of India from 2000 to 2009.. ...(व्यवधान)... मुझे जरा बोलने दीजिए। कहा कि 2000 से लेकर 2009 तक 6 लाख करोड़ रुप्रया बाहर गया है प्रभा जीः , आपको अच्छा लगता है कि 6 लाख करोड़ रुषया बाहर चला गया। ...(व्य वधान)...

डाः . प्रभा ठाक्र् : आपगंशा का नाम ...(व्यवधान)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Kindly sit down...(Interruptions)... You will get a chance to speak...(Interruptions)... आपबोलिए।

: मैं ऐसी कोई शरी भगत सहि कोश्यारी बास नहीं जोः असंवैधानिक हो। ...(व्यवधान)... आखिर सुझने कीः कुषमता कर्यो नहीं है ? उपसभाध्यक्ष महोदय , मुझे तोः ऐसा लगता हैः कि चोर की दाढ़ी में तिसका। अगर मैं यह कह रहा हूं कि वर्ष 2000 से रुषया गया है , कोई अकेले आपकी सरकार के समय 6 लाख करोड़ बाहर होः? मैंः गया , आप क्यों बार -बार तोः नहीं इंटरप्ट करते हूं , जो नेशन केवल वह बास बोल रहा के इंटरेस्ट में क्री मैंः पार्टी के हिसाब से नहीं बोल आम आदमी बोल रहा ्रहे रहा ह्ं⊅ के वासी हैंं में कि हम उस देश जिस देश यूप्रीए कीः भरष्टाचार की गंगा बहती है , तो आपको बुरा लगता है ? यह बा त आमआदमी क्यों बोस्रता हैक

, मैं निवेदन माञ्यवर आपसे ह्ं कि अभी तक करना चाहता सीब्रीआई में , के बारे में , के बारे कुलोज़र्स फेइरल में सीः बाहें कही गई हैं। मैंः स्ट्रक्चर के बारे बहुत अपने सभी विधिक्ष के मिश्रीं सेः सहमत हुं¢ हमने अपने यहां इतना वधियक किया थीः कि सेंटर अच्छा पास है । क्या जरूरत लाकर वधियक वधियक पास करेगा ? हमने आपसे अच्छा पास किया हैक लगता है ? इसलिए मेश नविदन क्या आपको वह अच्छा नहीं है कि अच्छी चीज़ भीः हो। ...(व्यवधान)... जीः, मैंः वही रहा इसको समझने की कोशिश करिए , या तो मेरी हं़≎ समझ कम है

याः आपकी कम हैं। मान्यवर , मैं आपसे यह निवदन कर रहा हूं कि आज देश से भरष्टाचार कोः मिटाने के लिए जो यह विधेयक हमारे गया है – मुझे कभी -कभी लगता है , मैंसे कभी सकूल पढ़ा था कि "Every saint has a past and every sinner has a future." लगा कि इतने मुझे सेंटन्मा हमारे प्रधान दाः भीः कम saint नहीं हैं। और हमारे प्रणब इनके भीः कोई बुरा बोलता नहीं हैं। "Every saint has a past and every sinner has a future." मुझे ऐसा लगा कि जब एक प्रधान कें नीचे अगर 1,75,000 करोड़ रुप्रये काः घपला होः जाला है , को जेल्ल जामा पड़ता है इसका अर्थ होसा है , एक मंत्री है कि कहीं कोः केवल एक लोकपाल न कहीं , आजहम लोगों वधियक करना नहीं है , वह तो शायद हम लोग कर लेंग्रे , आजनहीं तोः कल कर देखें लेंगे। लेकिन हम इसको पूरा कि आप किस पुरकार वधियक लाः रहे हैं क इस वधियक में जहां देखो छेद ही छेट मैं इसकी डटिल में नहीं हैं 🗅 जाऊंगा। हम सब लोग आज जिस वधियक को पास करने की बास कर रहे है और यह कह रहे हैंं कि एक होमा चाहिए। आप लोग एक लूला - लंगड़ा सशक्त लोक्रपाल लोक्रपाल लेकर आए हैं¢ जब हम कहते हैं कि इसमें संशोधन करो , इसको ठीक तोः अखबारों में पढ़ने कोः मलिता है कि बीज्ञेपी इसको नहीं है , के चाहती इस तरह आपके बयान हूं कि हमको र्मे आ जाहो यह कहना चाहता आज एक सशक्त जैःसाः कि मनोहर लोकपाल वधियक चाहिए।

जोशी जीः बोख्न रहे थे तथा एक-दो और मामनीय सदस्यों ने बोला है कि वास्तव में हमको लोक्रपाल कीः आत्मा पड़ेगी। दुंद्धनी लोक्रपाल पडेगा। काः जोः इनर सक्रप है , उसको हमें देखना हमारा करेक्टर है , हम इस देश में कहां जाः रहे हैं , हम इस देश ठीक़ बनायेंगे ? गीला में कहा है , "यद् यद आचरति श्रेष्ठ : , तत बड़ा आदमी आचरणकरता है , छोटा दवोत्तर जन:।" जैसा -जैसा आदमी वैस्रा हीः आचरण करता है¢ र्मे मुख्य मंत्री थाः , अगर मैंः किसी तहसीलदार काः, किसी पटवारी काः, किसी जेः.ई. काः खाना नहीं खासा , तोः कल कोः वह मेरेः पर आरोप नहीं लगा सकता है। इसलिए हमारा जो आचरणहोगा , उस आचरणपर नीचे काः आदमी भीः आचरणकरेगा। आजहम नीचे वाले पर तोः दोष्र लगा देहे हैं - क्ल्रास थ्री , क्ल्लास फोर , लेकिन है , 1,75000 करोड़ , यामी कोई ऐक्सेप्टेड हमारे क्या यहां कोई ज्यादा कीः भीः जरूरत नहीं है , इसलिए अब इसमें हल्ला करने आजअगर यह सिथिति है , तो कहीं न कहीं हमें यह सोधना पडेगा कि हमें यह अच् छाः करना पड़ेगा। र्मे चाहता हंः कि लोकपाल सशक्त होमा चाहिए। हमारे देश के अंदर जब से आपने इलेक्शन कमीशन बनाया , मैंा हूं कि आजकोई मनी पाबर कम नहीं जाभता है , लेकिन र्मे के साथ कह सकता हूं , मैंबे दावे 1957 से लेकर आज तक के इलेक्शन देखे हैं – मसल पाबर इस इलेक् शन कमीशन के बराबर ताक़त की वजह से नहीं रह गई है अब केक्ल मनी पाबर हैं कि आप इलेक्शन कमीशन की ताक़त हम चाहते करिए , उसमें बढ़ाइए , उस मनी पाखर कोः खत्म संशोधन करिए। आखिर कब तक हम इसमें संशोधन नहीं करेंगे ? हम सक्यं अच्छा उदाहरण करते हैं और हम दूसरे के लिए बोल देते प्रस्तृत नहीं हैं⊅ , जैसे संगठन हैं CBI है , CVC है और न जाने कत्तिने इतने संगठन यदि लोक्रपाल बनाएं तोः एक हैं , इनसे क्छ होने वासा नहीं हैक सशक्त लोक्रपाल बनाएं। हम लोगों काः यह उद्देश्य होमा चाहिए कि वास्तव यह देश में भ्रष्टाचार से एकदम मुक्त हो , तो निश्चित से हमारे रूष पास अपनी moral authority होनी चाहिए। लोक्रपाल को भीः वही moral authority होमी चाहिए , जो पुराने जमाने में थी। एक जमाने में जब कोई prince राजा बनता थाः , तोः लोग कहते हैंं कि एक लँगोटी उसके पीछे वाला साध् प्स्नाश काः डंडा लेकर चलता था। अस्मि था*, अदंडो* अस्मि अर्थात वह राजा कहता , अदंडो मुझे कोई नहीं के पीछे दंङ दे सकता। राजा चलने वास्रा साध् उसको असी , धर्म पुल्लाश लगाते हुए बोस्रता था*ः कि धर्म* दंडो का डडा दंडो *असी* अर्थात् तुझ कामून के दुवारा , नियमों के दवारा

दंडित होः सकते होः , इसलिए वह राजा को क्मी autocrat नहीं अपने आप से निवेदन है कि हम बनाता थाः , dictator नहीं बनाता मेश था। मुख्यों को देखें , अपने के पराचीन सद्धिंतों अपने जीवन भविष्य को देखें और यह भीः देखें कि यदि हमें काः नर्स्मिण करना भविष्य है , अच्छा बनाना है तो लोकपाल कोः सशक्त बनाएं और साथ -सा थ हम कैसे शक्षाि के माध्यम से , कैसे जीवन आचरणके माध्यम से , अच्छा उदाहरण कर सकते हैं⊅ प्रस्तुत हम इस ओर ध्यान देंगे , तोः मैंः समझता ह्ं कि इस लोक्रपाल कीः सार्थकता सद्धि होगी। इन्हीं शब्दों के साथ र्मैं अपनी बात समाप्त करता हूं। धन्यवाद।

DR. K. KESHAVA RAO (Andhra Pradesh): Sir, it has been a long wait for the people on this side, for the people from the Congress Party.

Sir, I confess, I would not be able to match the legal sophistry of my friend, Abhishek, nor the fluency of the Leader of Opposition. I don't know why my friends on this side got really disturbed when my good friend, Mr. Ram Jethmalani, was speaking. We must all understand that he has been representing the Swiss Bank case. He has been representing all the cases of corruption against the CBI. So, he would know things better than all of us know. We must give

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him time. At the same time, let me also say that when a senior leader, who was a Chief Minister earlier, spoke, he tried to arouse passions, as we witnessed today a most animated and polarized debate on an issue on which, paradoxically, all of us have been saying that we all agree that there should be a strong Lokpal. The most perplexing paradox is that, while all of us agree that there should be a strong Lokpal, we are still fighting with the basic tenets as to what would make a strong Lokpal. Before going into that, we have been witnessing some kind of tamasha that is going around the Parliament, which my friend, Mr. Mani Shankar Aiyar, would call the Goebbles movement, or, a great writer like Mr. Dua would call it as an 'outside movement', outside this Parliament. Whatever it may be, it is nice and very good that today we are not sitting under duress, or, in some kind of a fear of somebody who is holding a gun to you. One has been playing God to you; one has been laying down gospels for you, one who forgot that all of us go back to 14 lakhs of people every five years and that we become accountable to them and, so, we know their sentiments and moods every now and then, when we go back to our constituencies. We know about it. It is not that I am just arrogating it to myself that we know more than anybody else.

Certainly, the civil society has the right as every man in this country has the right to talk to us. It could be quite possible that it is my constituent who is talking to me, finding fault with my own Government's functioning. It is quite possible that a man on the street could just come to me and say that something was going wrong with my governance. But let the civil society know that we are not 'uncivil'; all of us also constitute the civil society. It is just a chance that we have come here because we love to spend more time with our people, which you would like to romanticise. To romanticize the poverty, to romanticize the corruption is something which we have not understood. Sir, I would like to say something. What really hurt us more in the Treasury Benches? The Congress party feels that all of you

are speaking as if we are running away from the Bill against corruption, as if we have been abetting corruption. But, I say, Mr. Vice-Chairman, Sir, that if at all there is any party in this country, or in the world even, which has always been for fighting corruption, it is the Congress party. In 1946, it is we who first brought in the Bill. It was the Delhi Special Police Establishment Act, 1946 which came because of war crimes. ...(Interruption)...

DR. CHANDAN MITRA: In 1946, the British were ruling. How would you have $\qquad \qquad \text{done}$ that?

DR. K. KESHAVA RAO: Dr. Chandan, you have always been really agitated. I know, you are always a man in haste, as you have always been on TV. Without hearing me, you used to reply. Hear me, please.

What happened was, after the war crimes, they came with the Delhi Special Police Establishment Act. In 1947, on the eve of declaration of the Independence, we had concretized it as a regular Act. The credit goes at that time to Panditji, who wanted that. Then, Sir, again, it was the Prevention of Corruption Act. It is this Congress party which has brought it.

SHRI RUDRA NARAYAN PANY: That was the National Government, not Congress. ...(Interruption)...

DR. Κ. KESHAVA RAO: Agreed, you were also there. ...(Interruption)... Mr. Pany, let me tell you, I am not more patriotic than you. All of us are patriots. What I am saying is, the very history of fighting corruption has been a national movement. It is another matter if the Congress has been leading it. It is another matter. Perhaps, you were more infant than us; it does not matter. The point I am saying is, when the Leader of the Opposition said it is not the sense of the House, that it is the sense of the nation, I welcome that. We have been fighting this since way back.

Then, what exactly had happened in 1949? The then Government appointed the Bakshi Committee to go into corruption. In 1953, we got the Railway Anti-Corruption Act. Then, in 1955, we got administrative issues under vigilance divisions. Every Ministry or Department has a vigilance wing. Sir, now we have got this Lokpal Bill. I am saying all this to say that we are committed in our journey, and it has been tiresome too. To say that for forty years we have not brought the thing means you have forgotten all these. Mr. Dua tried to compliment the speech made by Mr. Singhvi on the Ombudsman, it was to give it a shape more as a grievance redressal mechanism; it was trying to sort out things by not the kind of the Lokpal, which we are talking. That is why we all are trying to put our minds together. It is not only the 500 or 800 MPs who decide as to what this nation wants, where you think it to be the sense of the nation. What we want is to take them all.

Sir, having covered this much journey, it is Mrs. Sonia Gandhi, for the first time in the National Advisory Committee who in 2010 envisaged this, which is today in the form of the Lokpal Bill. She has appointed a task force under Smt. Aruna Roy and she wanted this Bill to come. Yesterday, for the first time, she came out to speak to the nation, although she was keeping quiet for some time, and said, "We have to get this Bill passed."

SHRI BALBIR PUNJ: Sir, the name of the person who is a Member of the other House should not be taken here. I want a ruling of the Chair.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): It is not an allegation. ...(Interruption)... It is no allegation, please take your seat. ...(Interruption)...

DR. K. KESHAVA RAO: Sir, let me submit that I am one who never crossed limits. I should not be disturbed. ...(Interruption)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): It is no allegation. ...(Interruption)... When it is allegation, I will intervene. Please take your seats.

 उपसभाध्यक्ष
 (प्रो
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 पाणि
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 बैठिए
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 प्रभा
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 ,

 आप
 बैठिए
 ...(व्यवधान
)
 Why
 do you
 stand up?
 Mr.
 Pany
 please sit

 down
 ...(Interruption)
 ...

DR. K. KESHAVA RAO: Sir, Mr. Dua tried to talk about the big movement outside, the tamasha outside. Do you know what it is?

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Keshava Raoji, you address the Chair.

DR. K. KESHAVA RAO: Sir, Mr. Kejriwal met the Lokpal Bill in the NAC; he got the Lokpal Bill in the NAC, not anywhere else. It is another matter that he tried to play a melodrama there. I am not saying that. What I am saying is, all of us, sitting here, who know our people better, who know the needs of the nation better, who have been always put to some kind of a test for every five years, have been putting our minds. I will tell you about one great thing. Once the Bill came from the NAC, and when it was being discussed in the House, the great thing about our Prime Minister was, he wanted that a Bill like this should not just be drafted by a few people because they can write English or they can write law. He felt that it should incorporate the mind and the sense of the people; it should reach out to as many people as possible; it should reach out to larger sections of the people in the country. Then, what the hon. Prime Minister, with the great help of Mr. Pranab Mukherjee and two-three other colleagues have been trying to do is this. It was not that they had no time at

all; it was not that they had leisure time. They did it because a Bill of this nature should talk not only to the MPs or a few Ministers here and there or the experts but also talk to the very genius and ingenious of the people; it should talk to their mind. Then, what they did is before all of us. Then, we have the Standing Committee's Report before us. It is the hon. Prime Minister who held the meetings. He did not bother if someone was trying to pose himself as God or playing God, laying down the gospel. We did not bother because we behave culturally; we behave decently because we belong to this House. We do not belong to the streets or the Ramlila Ground. We thought that we should invite them, if they have something to tell us, which is being mistaken by the media. Our flexibility is being mistaken as our weakness.

Our talking to the people is being mistaken as if we have no mind of our own. Did we succumb to this kind of pressure? We have not; we have not worked under duress at all.

Sir, in one of the television programmes, the gentleman was asking me, "Why care for them at all?" Mr. Chandan Mitra was there. Shri Shanti Bhushan asked, "Why do you care for us?" I said, "We care because you are not decent, but we are the one. We are cultured enough. So, we care for you". And, today, I am telling you that all the Members of the House are happy, and we pray to God about Shri Anna Hazare's health. We still care, whatever be his posturing.

Now, Sir, having said all this, we have tried to take with us as many people as possible. I am immediately jumping into it because I have no time, Sir. I will complete it in three-four minutes. Sir, my friends from the TMC and my friends in the States have been talking about federalism or the rights of the States are being curtailed or being invaded. Sir, I have the Bill with me. Please show me one chapter wherein the States' rights have been taken away. If you read the Bill, after the amendment, what it says is this. It says that there will be a Lokayukta, bla, bla, bla. It says, "The provisions of this Act shall be applicable to a State which has given its prior consent to the application of this Act". If a State has not given its consent, then, it will not apply to it.

SHRI SUKHENDU SEKHAR ROY: Sir,...

DR. K. KESHAVA RAO: I will come to you just now. There are three things. You have raised three issues. Let me speak, then, you can reply. Then, what happens is, a State might get up, like West Bengal, or, I was just talking to you, Tamil Nadu. All right. We do not talk about it at all. What happens? Again, let us go back to 64(5). It says, 'The Lokayukta or State Lokpal (by whatever name called) constituted under any State law...

SHRI SUKHENDU SEKHAR ROY: What about 64(1)?

DR. K. KESHAVA RAO: I will come to you, Sir. As a law, it is not one. It overrides 64(1). Please understand. But, if you still see...

SHRI SUKHENDU SEKHAR ROY: My understanding is that it is a

mandatory provision. It is mutatis-mutandis apply to the States.

DR. K. KESHAVA RAO: Sir, let me say one thing.

Sir, these perceptions on law should be tested either when we both sit together...

SHRI SUKHENDU SEKHAR ROY: It is...

DR. K. KESHAVA RAO: I understand you. If you think that I should sit with you and talk about 64(1) and also 64(5) wherein I will be able to convince you that 64(5) has an overriding

power over 64(1). But, if you can convince me, I think, there is need for a change. Why all this? Sir, the spirit of the Bill and the spirit of what the Government thinks is that we should not take away your rights and that is why the amendment has come at the last moment of the debate. And, somebody raises it how can you bring it at the last minute. You don't even give time to a man to correct himself. That is wrong. In a democracy, in a polity like this, we should always change. A dynamic society like ours must be changing; it should not be rigid. It could be another man sitting somewhere else trying to bridge it anywhere.

Sir, now, I go to the hon. Leader of the Opposition, who said, 'Look, you wanted to bring a weak Bill...' - and said - '...We would have given you the Constitutional backing.' You knew that the Bill was strong. That is all the reason why you should help us. That is all the reason you must vote for us, because once we give a strong foundation or the constitutional foundation or backing by which it becomes a constitutional institution, even if the Bill is a little weak, we can change it at any day. I just quote; I was impressed by one sentence of Mr. Pranabda. He said, 'You may say it is imperfect.' Yes, it may be; it may not be the best. But, that does not mean that in order to achieve the best we will give up the good. So, we must know that what today we have to talk about is a Bill. If you still think that it should be made strong, if you still think that a few clauses to be added or taken out a few clauses, if you still think how the CBI should come are all can be discussed. You have really shot down a thing which would have given us more strength had it become a constitutional institution. What is this? Or, somebody is saying that it is catering Rahul Gandhi. When the discussion is going on in the Lok Sabha, after hearing, after knowing the mood, he thought that it should be passed and thought that this institution must come and it should become a reality. So, he came one step further to say that it not only becomes a reality but it must become a constitutional reality where you cannot change, meddle or tinker with it. That is the kind of commitment that the Congress has. It is quite possible that everybody is not infallible. If you think that something has gone wrong, I still believe, it can still be corrected and that could have come in a framework where it would have been a constitutional body.

SHRI RUDRA NARAYAN PANY: Keshava Raoji, what happened to the

commitment for Telangana?

श्री मोहम्मद अली खान: जब तेलंगाना का विषय आएगा , तब हम उस पर बाहा करेंगे। ...(व्यवधान)... पाणि जीः, आप बेफिक़ रहिए। ...(व्यवधान)...

﴿ جَنَابِ محمد عَلَى خَانُ: جِبِ تَلنَّكُانَہ كَا وَسْنَے آئے گَا، تَبِ ہِم اس بِر بِنْتَ كَرِين كَــِ اللهِ اللهِ عَلَى خَانُ: جِبِ تَلنَّكُانَہ كَا وَسْنَے آئے گا، تَبِ ہِم اس بِر بِنْتَ كَرِين كَــِ اللهِ اللهِ عَلَى خَانُ: جِبِ تَلنَّ عَرِين كَــِ اللهُ اللهِ عَلَى حَالَ عَلَى مَا وَسُنَے آئے اللهِ عَلَى اللهِ عَلَى اللهِ عَلَى اللهُ اللهِ عَلَى اللهُ عَلَى اللهُ اللهِ عَلَى اللهُ اللهُ عَلَى اللهُ اللهِ عَلَى اللهُ اللهُ عَلَى اللهُ اللهُ اللهُ اللهُ اللهُ عَلَى اللهُ الل

^{†[]}Transliteration in Urdu Script.

DR. K. KESHAVA RAO: Mr. Pany since you have raised the issue, I would say that I am a strong protagonist of Telangana. There is no doubt on that. But, I would not believe in disrupting the Houses. When my friends, whom I was leading — while I could go out and protest — disrupt the House from inside, I would, at least, disagree with them. That is my view. That is why I don't want you to disrupt me. I might disagree with my friends. A few friends of mine might mistake me. But, that is my commitment as far as the House and House proceedings are concerned.

Panyji, please give me sometime to understand this. I am trying to talk about the Bill. Sir, there is another contentious issue - CBI. I am asking you, Panyji, people like you, a tribal activist, as a rights activist, do you want a Police State in this country? For what do you want an independent CBI? The CBI, today, is a police institution. It is not an ombudsman as you are thinking. It is a police institution. By giving independence to it, do you want it to arrest you, to prosecute you, to confiscate your goods, to put you in jail, to lodge cases against you? Do you want all these things to be done? Do you want the entire police to go down to the Mandal level and the nation to be run by Mandal level police stations? This is absolutely not acceptable in a democracy. I am asking the BJP or, for that matter, any other party which goes by the name of civil society, although without civility. What exactly is that that we have not met? Please give me one example. I can understand you people talking because you talk about the State because you know the people and you know the needs of the States. We have been talking in legal terminology and you are trying to question. That is acceptable. If we are wrong we should sit together and sort it out. You say that the Lokpal should be appointed by so and so individuals. We have agreed. When we gave eight names, they said, "No, it should be four", we agreed to four. Then, we came down to as to who should be included. The inclusion of PM was another contentious issue. Although, as a student of Political Science, as a student of Law, I personally feel that the Prime Minister of this country is different from the Prime Ministers of other Westminster countries. He represents a diversified society. He represents this big nation. He cannot be equated with the Prime Minister of the UK or any other country. Then, you mentioned the conditions. We talked about 3/4th majority, you came with an amendment that 2/3rd majority is enough. We agreed to that. Then, what exactly did you want? You wanted the investigation and the prosecution to go together. Again, as I said earlier, can you give me one example in any Westminster system in the world, as the parliamentary system is only in few countries, where an agency, like the CBI, is not accountable to political executive? Can you give me even a single example? Still you talk about this because you have to talk. As Mr. Yechury said, "ÛúÆüà पे निशाहें , कहीं पे x®Ö¿ÖÖ®ÖÖ...". We are indulging in some kind of political brinkmanship, one upmanship. I understand what started as a real good movement, a national

movement, which we understood, to which we tried to respond to, is now mired in politics; and, then, it has come to the electoral politics. This cannot be expected from a House like this. Sir, I don't want to repeat those ten points because the hon. Finance Minister, Shri Pranab Mukherjee, while replying in the other House, replied to all the ten points which they had asked, had been agreed. Again, I would not like to go into the details because Dr. Abhishek Manu Singhvi has already spoken about it. My repetition will, perhaps, dilute his strong arguments. I would just say that you can't make a complaint and, then, inquire yourself, investigate yourself and prosecute yourself. You can't be both, the jury and the judge. This is not acceptable in any legal system. Then, you say that the CBI should be independent. As I said, it can't be independent. We can, at the most, say that the CBI should be headed by an independent man. The Director, CBI, is not appointed by any executive order. He is appointed by the Leader of the Opposition, the Speaker and other persons. So, he is absolutely safe. He is independent. He has all the wherewithal to be independent. He need not bother about your interference at all. Sir, again, on this, I am talking. The Leader of the Opposition is not here. But, let my friends know, there was hawala case and the Vineet Narayana case where the benchmark of the CBI, investigating authority's rights were fixed. Please evaluate our Bill against the background of what the Supreme Court had said. Please evaluate this Bill against the background of the other two judgements that have come.

Sir, now I come to the last point, that is, reservation. As far as reservation is concerned, for God's sake, don't say, it is under article 15 or 16. I don't know why the word 'reservation' is being wrongly taken. This, in fact, has become the policy, article of faith, with this Government that we want to take all people along whenever important institutions like this come up. We are not interested in who is going to get what percentage. We say that this country belongs to all of us, the majority of us who have been forgotten, whose tears cannot be seen by you, whose burning is never understood by you, whose vibrations are always aberrations to you. We thought we should take

them along as equals, as a policy decision. This is, therefore, not a matter of article 15 or 16. This is our policy and we shall have it. Today, it is the beginning. Quite possible. Somebody expressed in the Lok Sabha: Will it come to the Supreme Court also? So what, if it comes. Do you think you will throw me out from the mainstream? For 2000 years, you have kept us out of schools. You have kept us out from touching your books. What is this you now are trying to talk? So, it is a policy decision of ours. Muslims are not getting any special 4.5; please understand that. We thought of reservation for the BCs, they are part of it. It is another matter that few States have not implemented this, but as far as Andhra Pradesh is concerned, we have started implementing this. We didn't take it to Supreme Court. Somebody said it would not

stand the test. It has stood the test in Andhra Pradesh. We went to High Court, we went to the Supreme Court and it is there. Let this be known to them. Let us not become cynical. I can understand your being critical. What I am saying is, let us start this. Sir, that is why, I am saying it is a policy issue. We have taken it as a policy issue. So, reservation will, certainly, stand the test as a policy and shall remain an article of faith with us. Thank you very much, Sir.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI PAWAN KUMAR BANSAL): Sir, since we are sitting late, arrangement for dinner has been made for the hon. Members in Room No. 70 on the first floor. Hon. Members may go in small batches and then come back to the House. That is all I have to announce, Sir.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We thank the hon. Minister. Now, Dr. Ashok S. Ganguly.

DR. ASHOK S. GANGULY (Nominated): Mr. Vice-Chairman, first of all, I wish to say that I support the Lokpal Bill as it has been presented to the House. I was talking to my neighbour and we were discussing the events of the day. The Leader of the Opposition is not here, Dr. Abhishek Manu Singhvi is not here, but a number of speakers are here, the emotions of the day rose like a wave, then, it broke out into a storm and now, we have entered the qualms from which we are trying very hard to recover and finding it very difficult. I support the passage of this historic Bill reflecting what has been described as the sense of the House. No doubt, some Members have expressed certain apprehensions, which I am sure have been heard by the Treasury Benches. ...(Interruptions)...

Okay; that is the order of the Chair. I will follow it.

Sir, I do not wish to get into the nitty-gritty of the Bill, but I recognize the sentiment of the views expressed, especially, about the sanctity of the Constitution and the federal structure of this country, and, I am sure, some of the apprehensions might be real, some of them might be apprehensions as such, and they will be replied to appropriately. However, the events both inside this House and outside the House as well have been extremely bewildering over the last several months. The protests led by both the givers and takes of bribes have gone completely out of control. But I am glad that some

sanctity is being finally restored. However, I am sorry to say that the so-called leaders of civil society, whom we had not heard about day-before-yesterday, have now turned out to be promoters of elections or detractors of elections. And, as my friend from the Trinamool Congress said, they have found legitimacy both from the Vampanthis and Rampanthis.

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

DR. ASHOK S. GANGULY: Corruption has spread like a plague. I have been watching it since the midnight hours of the 15th of August, 1947. Not that the corruption was not there even

previous to that; not that corruption has not been reported in the *Puranas* as well. But the corruption has spread like plague and the time for debate is over. My appeal to all my fellow Members is that the time for debate is over. The time for draconian action is now. But the issue cannot be hijacked by self-styled leaders using derogatory language day-in-and-day-out in public and which have been telecast and repeated in the Press and which I find extremely unhappy and against the culture of this country and insult to all of us both in this House and in the lower House of the Parliament.

India's tryst with destiny, as it has been called, must not be trampled upon by those who don't have a stake in it. My appeal to every section of this House is to restore the sanctity of the Constitution drafted under the Chairmanship of the great and immortal Dr. Babasaheb Ambedkar. Let us not disappoint the silent majority of our citizens by not approving a Lokpal Bill. Let us approve the Lokpal Bill before corruption becomes a fatal infection for India. Let history not accuse us. Let history(Interruptions)... Is it all right, Sir? May I proceed, Sir?

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

DR. ASHOK S. GANGULY: I am just coming to the end because I am used to the Chair, not allowing me more than three minutes. Anyway, I don't take extra time. Oh; sorry, I have taken more than three minutes. Just half a minute more, Sir.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I didn't ask you to stop.

DR. ASHOK S. GANGULY: Let history not accuse us of dining with the devil and praying with the Gods.

Let us resolve today that even though there might be differences, and there will be differences, in the politics, in the commitment and in what we feel with each other in our private and public lives, we would not disappoint the people of this country who are anxiously waiting to see real action being taken after so many years of Independence. I appeal to everyone present in this House, or taking dinner or waiting to come into the House, let us pass this Bill and let the Treasury Benches also respond to some of the apprehensions that have been expressed, so that we may end the day amicably and positively with the passage of the Lokpal Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, Shri Ahmad Saeed Malihabadi.

SHRI M. VENKAIAH NAIDU: Sir, could you give us an idea how long we are going to discuss this Bill?

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): There are nearly 20 speakers left.

SHRI M. VENKAIAH NAIDU: It might go on up to 11.30 p.m.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I can't say. That depends on how long the Members take. Dinner has already been announced.

SHRI M. VENKAIAH NAIDU: Sir, there has to be some time-limit.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): That would mean that the hon. Members will have to restrict their speeches and not take too much time. Each Member may take five minutes.

मीः बंगाल): उपसभाध्यक्ष अहमद सईद मलीहाबादी (पश्चि जीः, आजदिन भर यहां जोः बहस हुई है , उसको सुबने के बाद अफसोस के साथ यह बात कहनी पड़ रही है कि जिस सवाल पर पूरा है , एक राय है और हम सब भी एक राय हैं , वह यह है कि मुह्तफिक , बदउन्वानी , रश्वितखोरी और बेईमानी की दलदल में तक धंस्र रहे हैं , उससे हम सबको बचना चाहिए। इसमें किसी को है , कोई नहीं कि हम इसी कोई ऐतराज़ नहीं कहता में हास्रत रहेंगे सवाल यह है कि इससे कैसे निकेला , लेकिन जाए ? इसके आया है , जिसको जोः लोकपाल बल्नि हमारे पास Lower House पास है , इसमें चुका है और आजयह हमारे सामने यह हास्रत नज़र आ रही है कि जिस तरह नदी के दो किसोरे कभी नहीं मस्रिते , उसी तरह दाएं और उनके , दोः किनारे हमारे सामने हैं बीच से लोकपाल सवाल यह है कि एक हाउस में तो बिल्ले पास की नदी बह रही है। यहां भीः पास होः जाए , लेकिन है , यह बिल्ल यहां अगर इस पर अमल और उम्मीदें हुआ और लोगों की जो आशाएं हैंा कि इस बिल्ल के पास होने के साथ ही करप्शन खत्म हो जाएगा , अगर ऐसा नहीं तोः पब्लिक काः जोः रद्देअमल है , वह बड़ा ही सख्त होगा। हम सभी लोगों कोः इस बाह्य पर सोच -विचार करना चाहिए कि इस बिल को हम जिल्ला मजबूत बना सकते हैं , उतना मजबूत पेश बनाकर लेकिन उसके **ऊपर अमल भी**े होंगा चाहिए। कहीं ऐसा न होः जैसा अब तक चलन थाः कि रश्वित लेते हुए पकड़ा गया और रश्वित देकर गया। छुट कहीं न होः जाए कि रश्वित कल भीः वह हास्रत कीः गर्मबाजारी होही रहे और पब्लिक इसी तरह से हाहाकार करती रहे। हमारे ऊपर एक तारीखी जिस्मिदारी है और इस जिस्मेदारी को हमें पुरा करना चाहिए यदि और पूरी संजीदगी के साथ पुरा चाहिए। नदी के करना ये दो किंदारे मन्निते हैं , तो भी नदी को बहते चाहिए नहीं रहना और हमारे में करप्शन की जो गिल्लाज़त आ गई है , उसको धो देबा चाहि ए। धन्यवाद।

جناب احمد سعید ملیح آبادی (مغربی بنگال): اپ سبها ادهیکش جی، آج دن بهر بهان جو بحث ہوئی ہے، اس کو سننے کے بعد مجھے افسوس کے ساتھہ یہ بات کہنی پڑ رہی ہے کہ جس سوال پر پورا دیش مثقق ہے، ایک رائے ہے اور ہم سب کی بھی ایک رائے ہیں، وہ یہ ہے کہ کرپشن، بدعنوانی، رشوت خوری اور بے ایمانی کی دلدل میں جو ہم گلے تک دهنس رہے ہیں، اس سے ہم سب کو بچنا چاہئے۔ اس میں کسی کو کوئی اعتراض نہیں ہے، کوئی نہیں کہتا کہ ہم اسی حالت میں رہیں گے، لیکن سوال یہ ہے کہ اس سے کیسے نکلا جائے؟ اس کے لئے جو لوک پال بل ہمارے پاس ایا ہے، جس کو Lower House باس کر چکا ہے اور آج

^{†[]}Transliteration in Urdu Script.

یہ ہمارے سامنے ہے، اس میں یہ حالت نظر آ رہی ہے کہ جس طرح ندی کے در کنارے کبھی نہیں ملتے، اسی طرح دائیں اور بائیں، دو کنارے ہمارے سامنے ہیں اور ان کے بیچ سے لوک پال بل کی ندی بہہ رہی ہے۔ یہاں سوال یہ ہے کہ ایک باؤس میں تو بل پاس ہو چکا ہے، یہ بل بہاں بھی پاس ہو جائے، لیکن اگر اس پر عمل نہیں ہوا اور لوگوں کی جو اشائیں اور امیدیں ہیں کہ اس بل کے پاس ہونے کے ساتھہ ہی کرپشن ختم ہو جائے گا، اگر ایسا نہیں ہوا، تو پبلک کا جو ردعمل بے، وہ بڑا ہی سخت ہوگا۔ لہذا ہم سبھی لوگوں کو اس بات پر سوچ وچار کرنا چاہئے کہ اس بل کو ہم جنتا مضبوط بنا سکتے ہیں، اتنا مضبوط بنا کر پیش کریں، لیکن اس کے اوپر عمل بھی ہونا چاہئے۔ کہیں ایسا نہ ہو جیسا اب تک چلن تھا کہ رشوت لیتے پکڑا گیا اور رشوت دیکر چھوٹ گیا۔ کہیں کل بھی وہ حالت نہ ہو جائے کہ رشوت کی گرم بازاری ہوئی رہے اور پبلک اسی طرح سے باہاکار کرئی جائے کہ رشوت کی گرم بازاری ہوئی رہے اور اس ذمہ داری کو ہمیں پورا کرئی جائے اور پوری سنجیدگی کے ساتھہ پورا کرنا چاہئے۔ اگر ندی کے یہ دو کنارے چاہئے اور پوری سنجیدگی کے ساتھہ پورا کرنا چاہئے۔ اگر ندی کے یہ دو کنارے جو غلاظت اگئی ہے، اس کو دھو دینا چاہئے۔ دھنبواد۔ آح

SHRI M. VENKAIAH NAIDU: Sir, political parties have exhausted their time-limit.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The Congress Party has not exhausted its time, all other Parties have.

SHRI RAMA CHANDRA KHUNTIA (Orissa): Sir, I stand here to support the Lokpal and Lokayuktas Bill, 2011. Also, I would like to thank the Congress Party and the UPA Government for bringing this Bill as per the commitment of the Congress Party and the assurances given by the Prime Minister, Dr. Manmohan Singhji, and the UPA Chairperson, Shrimati Sonia Gandhiji.

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for bringing this Bill as per the commitment of the Congress Party and the assurances given by the Prime Minister, Dr. Manmohan Singhji, and the UPA Chairperson, Shrimati Sonia Gandhiji.

Sir, the Lokpal Bill alongwith the Whistleblowers Protection Bill, 2011, the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 and the Judicial Accountability Bill has been introduced in the Parliament as per the commitment. I want to ask one question to the opposition. You are telling about the black-money. The Leader of the Opposition, once upon a time, was the Law Minister from 1999 till 2004 in this country. I want to ask the opposition as to what prevented you to look into this Citizens' Charter? What prevented you to bring the Lokpal Bill in the House? What prevented you to bring back black-money? A senior Member, Shri Ram Jethmalani, has said that in 1991 a list was given by a Swiss Magazine and another list was exposed in 1999. That is why I am asking this. What prevented the NDA Government and the Leader of the Opposition who was the then Law Minister to take action and bring them, whatever may be the names, whether 14 or 15? Why could the NDA Government not take action at that time? The NDA Government and the BJP were not interested to bring back the black-money and were not interested to bring the Lokpal Bill. They can only blame the Congress Party. Taking advantage of the situation, they are talking about the Lokpal Bill. Sir, one jurist and ex-Chief Justice has said today, and it has come into the media, that in one way BJP is telling along with Anna Hazare that they want a strong Lokpal Bill and, on the other hand, they do not support the constitutional authority to be given to the Lokpal. It is surprising. It is well-known in the media what the situation is. People are telling that we were not there to fulfil the dream of Rahul Gandhi. I do not expect also to do that. But this is not the dream of Rahul Gandhi alone. This is the dream of lakhs and lakhs of youth of this country; this is the dream of general public and aam aadmi that if at all there is Lokpal it must have the constitutional authority, it must have independent power to deal with corruption and it should not be subservient to any Government. Sir,

they are talking about the CBI. I think the Bill has taken care of that. Much has been taken care about the overall supervision of CBI and CVC by Lokpal. It is good. Group 'C' and 'D' employees also will be taken care of by the CVC and the ATR is to be filed with the Lokpal. We are talking about the CBI and CVC, which are, no doubt, the investigative agencies of the Central Government, and we are also talking about the corruption. So, do you expect that corruption is only in Central Government, not in the State Government? In one way we are telling that we should not intervene in State Government's jurisdiction. State Government has a Vigilance Department. They are enquiring the corruption. One hon. Member from Odisha was telling about Rs. 20 lakh crore mining scam in Odisha. ...(Interruptions)... Corruption is committed in Odisha where the Mining Secretary, Director and other higher officials

of State Government are involved. They are in jail and there is an allegation that State Chief Minister is also involved. Whether the State Government Vigilance Department can impartially enquire and take action in this case?

Do you agree that the Vigilance Department of the Odisha Government will be taken over by the Lokayukta? If you do not agree that the State Government's Vigilance Department is taken over by the Lokayukta, what right do you have to say that the CBI should be taken over by the Lokapal? In Odisha also, the Lokayukta has passed a judgment in the case of Vedanta, taking away six thousand acres of Lord Jagannath temple's land and Lokayukta has given a very stringent order on this issue, which has now gone to the Court. It is my information. You can correct it. So, in Odisha, they have done it. Now, when we say that the CBI should be impartial, I do agree, but I do also say that the State Government should also agree to hand over their investigating agency, like the Vigilance Department, to the Lokayukta. I think, hon. Members should be prepared for that also.

Now, the 116th Constitution Amendment Bill is, at present, before the Parliament in the year 2011. Now, the point is that at the time of our independence, Dr. Ambedkar and his team drafted the Constitution taking into account the situation prevailing at that time. With the passage of time, the situation has changed. After that, we have seen reforms in the electoral process. There are also reforms in various other sectors. So, I want to say that this is not the final Lokpal Bill which has come before the Parliament. It can further be amended in future also in the same manner as we have brought about 130 amendments in the Constitution. Amendments in this Bill can also be discussed and accepted by the Parliament in future.

Sir, about media and corporate houses, my personal view is that I fully agree with some hon. Members who have spoken here that corporate houses should also come under the purview of the Lokpal. The corporate houses, who are investing huge sums of money in industries, are not investing their own money. They are raising the capital from the market. If you take the case of Satyam, thousands of crores of public money was misappropriated. So, the money used by big industrial houses is not their own money; it is also public money. That should also be brought under the scrutiny of Lokpal. Secondly, about media, I would

like to say that the Press is the fourth pillar of democracy. We have four pillars of democracy - Legislature, Judiciary, Executive and the Press. If three pillars of a democratic set-up are covered by the Lokpal, why should we not cover the Press? In my opinion, media should also be covered in the Lokpal Bill.

Regarding NGOs, I would like to mention that about Rs.10,000 crores are coming, through NGOs, into this country. Some people are opposing that the NGOs should not be included. Is there any argument that Rs.10,000 are coming into our country through various NGOs and why it should not be scrutinised, why it should not be investigated? This argument cannot be

accepted. There are good NGOs; there are also good corporate houses; there are also good media persons. But, they should also come under the purview of the Lokpal and this point should also be taken into consideration.

Sir, I just want to mention one thing. Sir, when we are going to pass a unique Bill, the Lokpal Bill, to prevent corruption, we must not have any political intention. The opposition, at the first day, assured that they would support the Constitution Amendment Bill, but they are going back. The only reason for this is that there are elections in five States. There is a fear that if the Congress Party is able to pass this Bill in the Parliament, it will get the credit. Therefore, it should not be passed before the elections. It is not correct. I appeal to all the Members to support and pass the Bill in the House so that a new chapter in the history can be written. Thank you.

शरी मोहम्मद अदीब (उत्तर प्रदेश): उपसभाध्यक्ष महोदय , शुक्रिया। लोक में आपका बहुत -बहुत परसों सभा और आज राज्य सब कीः यह बास स्ब रहे हैंः कि लोक्रपाल बिस्र आना चाहिए सबकी यह खुवाहिश है और पार्लियामेंट के बाहर भीः यह बास हो है कि लोकपाल बिल्ल आना चाहिए। लेकिन मेरी समझ में बल्लि आया , जोः कहा जाः रहा है कमजोर लोक्रपाल और मजबूत बस्नि। कमजोर लोक्रपाल बस्रि क्या ्रे और मजबूत लोक्रपाल है , यह मेरी समझ में नहीं आया। आजहमारे एल.ओपीः . साहब ने बड़ी की, तो उससे अच्छी तकरीर समझ में आया कि इस लोकपाल बिल्ल में वे सब चीजें नहीं हैंं , जोः इस बिल्ल में होमी चाहिए। काः जिलना निजाम है वह एक लोक्रपाल के हाथ में दे दिया मुल्क जाए और जोः हुकूमत है वह सर्फि फाइलों को देखे। इस मजबूत के मायने यह हैं कि पराइम बस्रि मिनिस्टर भीः इसमें हो , सी .बी .आई. भी हो . सी .वी .सी . भी इसमें इसमें हैं , वे उस लोक्रपाल बिल में तरमीमें आ जाएं। लेकिन हकीकत लाने है कि इस तरह का लोकपाल काः मतलब यह हैः कि हिन्द्रस्तान जोः हमारी डेस्रोक्रेसी पार्लियामेंटी है , उसको तोडन और कमजोर करने की यह साजिश हैक जहां तक मजबूत लोक्रपाल बल्नि सवाल है , संघिवी हुई , तोः उससे साहब कीः तकरीर समझ में आ गया कि यह लोक्रपाल कि इसमें लोग इतना मजबूत ैह वे जिल्होंने , वेः जरूर कंस्रेशनल लिए हैं टिकिट पर फलाइंग के पूरे पैस्रे , यह इतना जाएंगे मजबूत बलि हैक यह बिल्ले ऐसा मजबूत

लोगों ने अपने पैसे को लेकर बाहर के सफर किए हैं और सरकार पैस्रा है , वे जरूर पकड़े जाएंगे। मैं समझता हूं , मुझे मासूम है कि इस बिल्ल में कुछ कमजोरियां भी हैं और वह कमजोरी , जोः सबसे बुमियादी बास मुझको लगी कि आपने इस बिल में प्राइम मिनिस्टर को दाखिल कर दिया है। मेरी समझ में नहीं आता मुल्क काः प्राइम मिनिस्टर और वह भीः उस मुख्क काः , जहां से लेकर अटल बहारी वाज्ञपेयी और मनमोहन जवाहर लाख़ नेहरू मिनिस्टर जैसे प्राइम होंः , उनको आप शक और शुब्हात कीः निद्याह आप कैसी में रख रहे हैं⊅ सोःच बनाना चाहते हैंक यह कहलाना चाहते हैं जो सड़कों पर कहा जा रहा है कि इस मुख्क काः प्राइम मिनिस्टर चोर होगा , इस मुख्क काः मिनस्टर चोर होगा , इस मुख्क के मेस्बर ऑफ पार्लियामेंट चोर होंग्रे , आप यह मिंजाज चाहते हैं क यह आप किस तरह काः मिलाज तैयार कर रहे हैं ? किस तरह मैं कि इस बिन्न कीः हुकूमत बनाना चाहते हैं⊅ समझता ह्ं् कमजो र और फाज़िल मत करें , बल्कि कीः बाह्य यह सोचें कि यह जो है , इसने जोः हमको डेझोक्रेटिक वेख्यू दीः हैं , उनको मुल्क जिस्मिदारी हैंक मैंः कायम रखना हमारी समझ नहीं पाया चलती हैं। हुक्रमत कैसे मैं हुकूमते हब्दि से कहना चाहता हंः कि डर कर, खौफ़ करके कोई चीज नहीं की जाही , जो कौमें डर जाही हैं वह मर जाही हैंं और जोः कयादत में हल्कापन करता है उसका यह निज़ाम होला हैक एक ऐसा इंझान जिसके

बारे में कल टी: .वी: . पर आरहा थाः कि उसको बुखार चढ़ गया और तिबयत होः गई और प्रेशर इतना हो गया , जब मज़मा उठ गया तो तिबयत ठीक़ हो गई। लेकिन आप नहीं समझे , आप किस खौफ़ में बैठ गए। आपको यह सोचना चाहिए থা कि आपको यह म्रह्न और इस म्हक डेस्रोक्रेटिक को कायम करना है किंसी भीः कीमत पर भीः। वेख्न्यूज जीले जाले हैंः और हारे हैं , लेकिन इलेक्शन इलेक्शन जाहो किया मैं अपोजिशन बाद यह फैस्नला नहीं जाता। से कहना हंः कि इन्होंने जोः छः साम्र कीः बेह्तरीन हुक्र्मत चलाई , उसी जिंदगी हुकूमत के सहारे यह अपनी बाक्री गुजारना चाहते हैं⊅ सोच है कि अब इनको उस गद्दी इन्होंने लिया पर नहीं आना है क्रिकेट इसलिए ये वो हरकत कर रहे हैंं जोः हम लोग के खेल में करते थे कि अपनी बैटिंग कें वक्त कोः खरोंच देहे थे और फील्ड थे और विकेट के ऊपर ऐसे दौडते थे कि विकेट खराब जाए और दूसरा बेट्समैन बैटिंग न करने यह आप कर रहे पाए। आप यह करने जाः रहे हैं⊅ आप इस तरह की हरकत करने जाः रहे हैंः कि यह पूरा बैठकर रह जाए। सस्टिम

मीडिया चाहिए। राः मगोपाल जीः नेः जोः कहा कोः लाया जामा मीडिया एक ऐसा बड़ा माफिया उसकी पूरी ताईद करता है , ह्ं≀ः हुआ मुझे मासूम है और अभी पेषर्स भी आए हैं , बहुत -से ऐसे लोग जोः छोट्टे -छोट्टे अखबारों के एडिटर्स थे , आज राइटर्स हैं , जो बहुत है कि वे कहां बन गए हैं , उनसे कोई नहीं पूछ रहा जोः बहस होही गए? वे पूरा हैं क है , राहा मज़ाक बनाते यहां आपके जरिए से हुकूमत मीडिया में बहस कीः जाही हैं≎ मैंं –ए–हब्दि से कहना चाहता बहादुरी से की जाती हें⊅ ह्ं क**ि हुकू**मतें मिनिस्टर पराडम को इससे बाहर निकालिए। ये सोध हमारे बच्चों कोः मत दीजिए। इस मुख्क में नेहरू से लेकर राज्जीव गांधी और अटल बहािरी वाज्ञपेयी तक प्रधान मंत्री रहे। मेंबे वाक्रया आजदेखा , बहुत सीः बहसें हुई – एक वकील , इंद्धिरा गांधी के कातिल का वकील , उसने एक इल्ज़ाम अपने जरूर पराइम मिनिस्टर पर लगा दिया तोः आज तक किसी को मैंबे , नहीं अपने प्राइम टर पर इल्ज़ाम लगाते हुए नहीं देखा हैक सर्फि के कातिल ऐसा थाः , जोः इंद्विरा गांधी काः भीः वकील उसने मीिनस्टर साहब के इस बिल को पास करना यह बहस की। मैं प्राइम चाहता इस गुजारिश के साथ कि प्राइम मिनिस्टर मनमोहन ह्ं सहि नहीं मिनिस्टर मेरी अज़मत है , है , प्राइम प्राइम इस हाउस कीः अज़मत हैः , पुराइम मिनिस्टर मेरे बच्चों की सोच है , उसे आप कटहरे में लामा चाहते हैं⊅ सी .बी .आई. को

कह रहे हैं कि हम लोकपाल में ले जायेंगे , यामी कातिल भी वही क्या और म्ंसिफ भीः वही। आप सी .बी .आई. को इस तरीके से छोड़ ? अभी तक कोई जुर्स होसा है , तो सबसे पहले आवाज आती है कि सी .बी .आई. को इसे दे दिया जाए। अब कहा 🛭 जाः रहा है कि लोक्रपाल को दे दिया फैसला करेगा कि इसको पकड़ना है , इसको जाए। लोक्रपाल करना है , इसको सज़ा भी देबी है , इसका जजभी बनना क्री किस तरह काः निज़ाम है ? मैं समझता हूं कि पिछड़े और अक्लियतों कोः यह सोधना चाहिए कि उनके लिए अगर इस तरह काः निज़ाम पार्लियामेंट्री डेझोक्रेसी हुई , तो इस मुख्क में खत्म आइंदा अब कोई ऐसा निज़ाम नहीं चार -चार प्रेसिडेंट होगा , जहां के बन जायें , जहां अक्लियत काः प्राइम मिनिस्टर बन जाए , वह इस पार् लियामेंट कीः डेम्बोक्रेसी से ही हो सकता है। जोः लोग पार्लियामेंट्री डेम्रोक्रेसी कोः तोङ्गने के मुजरिम आज हैं , उनको सोचना पड़ेगा , उनको फक्रि करनी पड़ेगी कि वे आज रहेंगे और कल चले जायेंगे। ऐसा समाज और ऐसी सोच पैदा कीजिए। हर शख्स के ऊपर शुब्रहा किया हमसे बड़ी एक और जहां जाए। डेम्रोक्रेसी है अमेरिका की भी डेसोक्रेसी के है¢ अमेरिका प्रेसिडेंट के के ऊपर तो ये अख्तियार नहीं दिए गए, अमेरिका तक कह दिया परेसिडेंट तोः यहां गया कि अगर मुख्क की आज तक पीः . एम. पर कोई हिफ़ाजत तोः भीः कर दो। ऐसा करनी हो कत्ल गया , ऐसी कौमें तरक्की , तोः अपने शुबहा नहीं किया करती हैं कीः इज्जत कायद करना जामती हैंः और जोः अपने कायद की नहीं करतीं , उन कौमों का वही हास होसा है , जो बहुत काः होः गया। बहुत -बहुत शुक्रिया।

 جناب محمد ادیب (اثر پردیش): اپ سبها ادهیکش مهودے، آپ کا بهت بهت شکریہ، پرسوں لوک سبھا میں اور آج راجیہ سبھا میں سب کی یہ بات سن رہے ہیں کہ لوک پال بل انا چاہئے اور سب کی یہ خواہش ہے اور پارلیمنٹ کے باہر بھی یہ بات ہو رہی ہے کہ لوک پال بل آنا چاہئے۔ لیکن میری سمجھہ میں یہ نہیں آیا، کہا جا رہا ہے کمزور لوک پال بل اور مضبوط لوک یال بل۔ کمزور لوک پال بل کیا ہے اور مضبوط لوک پال بل کیا ہے؟ یہ میری سمجهہ میں نہیں آیا۔ آج ہمارے ایل او پی۔ صاحب نے بڑی اچھی تقریر کی، تو اس سے سمجھہ میں آیا کہ اس لوک پال بل میں وہ سب چیزیں نہیں ہیں، جواس بل میں ہونی چاہئے۔ یعنی اس ملک کا جننا نظام ہے وہ ایک لوک پال کے ہاتھہ میں دے دیا جانے اور جو حکومت ہے وہ صرف قائل کو دیکھے۔ اس مضبوط لوک بال بل کے معنی یہ ہیں کہ برائم منسٹر بھی اس میں ہو، سی بی آئی۔ بھی اس میں ہو، سیوی سی بھی اس میں ہو، جتنی تر میمات ہیں، وہ اس لوک بال بل میں آ جائیں۔ لیکن حقیقت یہ ہے کہ اس طرح لوک پال لانے کا مطلب یہ ہے کہ ہندوستان میں جو ہماری بارلیمنٹری ڈیموکریسی ہے اس کو توڑنے اور كمزور كرنس كي يه سازش بسر جهان تك مضبوط لوك يال بل كا سوال بسر، سنگھونی صاحب کی تقریر ہوئی، تو اس سے سمجھہ میں آگیا کہ یہ لوک بال اتنا مضبوط ہے کہ اس میں وہ لوگ جنہوں نے کنسیشنل ٹکٹ پر فلاننگ کے پورے پیسے لئے ہیں، وہ ضرور جیل جائیں گے، یہ اتنا مضبوط بل ہے۔ یہ بل ایسا مضبوط ہے کہ جن لوگوں نے اپنے پیسے کو لے کر باہر کے سفر کئے ہیں اور سرکار کا بیسہ کھایا ہے، وہ ضرور یکڑے جائیں گے۔ میں سمجھتا ہوں، مجھے یہ معلوم ہے کہ اس بل میں کچھہ کمزوریاں بھی ہیں اور وہ كمزورى، جو سب سے بنيادى بات مجهہ كو لكى كہ آپ نے اس بل ميں پرائم

منسٹر کو داخل کر دیا ہے۔ میری سمجھہ میں نہیں آتا کہ ایک ملک کا پرائم منسٹر اور بھی اس ملک کا، جہاں جواہر لال نہرو سے لیے کر اثل بہاری واجبئى اور منموبن سنگهم جيسے پرائم منستر بوں، ان كو آپ شك و شبهات کی نگاہ میں رکھہ رہے ہیں۔ آپ کیسی سوچ بنانا چاہتے ہیں۔ یہ کہلانا چاہتے ہیں جو سڑکوں پر کہا جا رہا ہے کہ اس ملک کا پر ائم منسٹر چور ہوگا، اس ملک کا پرائم منسٹر جور ہوگا، اس ملک کے ممبر آف پارلیمنٹ جور ہوں گے، یہ مزاج بنانا چاہتے ہیں آپ۔ یہ آپ کس طرح کا مزاج تیار کر رہے ہیں۔ کس طرح کی حکومت بنانا چاہتے ہیں؟ میں سمجھتا ہوں کہ اس بل کو کمزور اور فاضل کی بات مت کریں، بلکہ یہ سوچیں کہ یہ جو ملک ہے، اس نے جو ہم کو ڈیموکریسی ویلیو دی ہیں، اس کو قائم رکھنا ہماری ذمہ داری ہے۔ یہاں پر ویسے بھی لوگ موجود ہیں، میں سمجھہ نہیں پایا کہ حکومت کیسے جلتی بے؟ میں حکومت بند سے کہنا چاہتا ہوں کہ ڈر سے، خوف پیدا کر کے کوئی چیز نہیں کی جاتی ہے، جو قومیں ڈر جاتی ہیں وہ مر جاتی ہیں اور جو قیادت میں بلکا بن کرتا ہے اس کا یہ نظام ہوتا ہے۔ ایک ایسا انسان جس کے بارے میں کل ٹیوی۔ بر آ رہا تھا کہ اس کو بخار چڑ ہہ گیا اور طبیعت خراب ہو گئی اور بریش اتنا ہو گیا۔ جب مجمع اٹھہ گیا تو طبیعت ٹھیک ہو گئی۔ لیکن آپ نہیں سمجھیں، آپ کس خوف میں بیٹھہ گئے، آپ کو یہ سوچنا چاہئے تھا کہ آپ کو اس ملک اور اس ملک کی ڈیموکریٹک ویلیوزکسی بھی قیمت پر قائم کرنا ہے۔ الیکشن جیتے جاتے ہیں اور ہارے جاتے ہیں۔ لیکن الیکشن کے بعد یہ فیصلہ نہیں کیا جاتا۔ میں اپوزیشن سے کہنا چاہتا ہوں کہ انہوں نے جو چھہ سال کی بہترین حکومت چلائی، اسی حکومت کے سہارے یہ اپنی باقی زندگی گزارنا چاہتے ہیں۔ انہوں نے سوچ لیا ہے کہ اب ان کو اس گذی پر نہیں آنا

ہے۔ اس لئے یہ وہ حرکت کر رہے ہیں جو ہم لوگ کرکٹ کے کھیل میں کرتے تھے کہ اپنی بیٹنگ کے وقت فیلا کو کھرونچ دیتے تھے اور پھوڑ دیتے تھے۔ اور وکٹ کے اوپر ایسے دوڑتے تھے کہ وکٹ خراب ہو جائے اور دوسرا بیٹنگ نہ کرنے پائے۔ یہ آپ کر رہے ہیں، آپ یہ کرنے جا رہے ہیں۔ آب اس طرح کی حرکت کرنے جا رہے ہیں کہ یہ یورا سسٹم بیٹھہ کر رہ جائے۔ میڈیا کو لایا جانا چاہئے۔ رام گویال جی نے جو کہا میں اس کی یوری تائید کرتا ہوں۔ میڈیا ایک ایسا بڑا مافیا ہوا ہے، مجھے مطوم ہے اور ابھی پیپرس بھی آئے ہیں، بہت سے ایسے لوگ جو رائٹرس ہیں، جو بہت چھوٹے چھوٹے اخباروں کے ایڈیٹرس تھے، آج مالک بن گئے ہیں، ان سے کوئی نہیں بوچهہ رہا ہے کہ وہ کہاں سے آگئے؟ وہ پورا مذاق بنائے ہیں۔ یہا جو بحث ہوتی ہے، رات میں میڈیا میں بحث کی جاتی ہے۔ میں آپ کے ذریعے سے حکومت بند سے کہنا چاہتا ہوں کہ حکومتیں بہادری سے کی جاتی ہیں۔ آپ یرانم منسٹر کو اس سے باہر نکالئے۔ یہ سوچ ہمارے بچوں کو مت دیجئے۔ اس ملک میں نہرو سے لے کر راجیو گاندھی اور اتل بہاری واجپئی تک پردھان منتری رہے۔ میں نے ایک واقعہ آج دیکھا، بہت سی بحثیں ہوئیں -ایک وکیل، اندرا گاندھی کے قاتل کا وکیل، اس سے ضرور ایک الزام اپنے پرائم منسٹر پر لگا دیا، نہیں تو آج تک کسی کو میں نے اپنے پرائم منسٹر پر الزام لگاتے ہونے نہیں دیکھا ہے۔ صرف ایک وکیل تھا، جو اندرا گاندھی کے قاتل کا بھی وکیل تھا۔ اس سے یہ بحث کی۔ میں پرائم منسٹر صاحب کے اس بل کو پاس کرنا چاہتا ہوں اس گزارش کے ساتھہ کہ پرانم منسٹر منموہن سنگھہ نہیں ہیں، پرائم منسٹر میری عظمت ہے، پرائم منسٹر اس ہاؤس کی عظمت ہے، پرانم منسٹر میرے بچوں کی سوچ ہے، اسے آپ کٹہرے میں لانا چاہتے

ہیں۔ سی ہے۔آئی۔ کو کہہ رہے ہیں کہ ہم لوک بال میں لے جائیں گے یعنی قاتل بھی وہی اور منصف بھی وہی۔ کیا آپ سی بی آئی اس طریقسر سے چھوڑ دیں گے! ابھی تک کوئی جرم ہوتا ہے، تو سب سے پہلے آواز آتی ہے کہ سیبی آئی. کو اسم دے دیا جائے۔ اب کیا جا رہا ہم کہ لوک پال کو دے دیا جائے۔ لوک پال فیصلہ کرے گا کہ اس کو پکڑنا ہے، اس کو بند کرنا ہے، اس کو سزا بھی دینی ہے، اس کو جج بھی بننا ہے۔ یہ کس طرح کا نظام ہے؟ میں سمجھتا ہوں کہ بچھڑے اور اقلیتوں کو یہ سوچنا چاہئے کہ ان کے لئے اگر اس طرح نظام آیا اور بار لیمنٹری ڈیمو کریسی ختم ہوئی، تو اس ملک میں میں آئندہ اب كوئى ايسا نظام نہيں ہوگا، جہاں چار چار پريسيڈينٹ اقليت كر بن جائيں، جہاں اقلیت کا پرائم منسٹر بن جائے، وہ اس پارلیمنٹ کی ڈیموکریسی سے ہی ہو سکتا ہے۔ جو لوگ پارلیمنٹری ٹیموکریسی کو توڑنے کے مجرم آج ہیں، ان كو سوچنا يڑے كا، ان كو فكر كرنى يڑے كى كہ وہ آج رہيں گے اور كل چلے جائیں گے۔ ایسا سماج اور ایسی سوج نہ بیدا کی جائے۔ جہاں ہر شخص کے اور شبہ کیا جائے۔ ہم سے بڑی ایک اور ڈیموکریسی ہے، امریکہ کی بھی ڈیموکریسی ہے۔ امریکہ کے ہر پسیڈینٹ کے اوپر تو یہ اختیار نہیں دئے گئے، امریکہ کے پریسیڈینٹ کو تو یہاں تک کہہ دیا گیا کہ اگر ملک کی حفاظت کرنی ہو تو قتل بھی کر دو۔ آج تک ہے اہم بر کوئی ایسا شبہ نہیں کیا گیا، ایسی قومیں ترقی کرتے ہیں، جو اپنے قائد کی عزّت کرنا جانتے ہیں اور جو اپنے قائد كى عزُت نہيں كرتيں، ان قوموں كا وہ حال ہوتا ہے، جو بہت سى قوموں كا ہو گیا. بہت بہت شکریہ 🗸 👉

^{†[]}Transliteration in Urdu Script.

DR. BARUN MUKHERJEE (West Bengal): Thank you, Sir. At the very outset, I submit that we want a strong and effective Lokpal. Of course, I admit that the term 'strong' may be a relative term and so may be debatable, but 'effective' is a term which has direct implications. One Lokpal cannot be effective if it does not have its own independent investigative wing. So, I assert that corruption related investigation under the CBI should be independent and completely free from Government influence and control. Rather, the Lokpal should have its own investigative wing which will be accountable to Lokpal only. Thirdly, Lokpal cannot be effective if it excludes corporates. Corporates which are Government-funded and/or Government-aided and also the foreign-funded NGOs must be under the ambit of Lokpal. They are in a major way at the root of corruption. Fourthly, inclusion of Lokayukta in the Bill goes against the spirit of the Constitution. It will severely disturb our federal structure. I wonder why this second thought of including Lokayukta has come at a later stage which, of course, leads to many controversies and opposition. Lokayuktas should be left to the States to enact their own anti-corruption Act. Hence, the provision with respect to the Lokayuktas should be taken back from this Bill.

At best, the Centre can frame one model Bill that can give guidelines to the States. Moreover, it is also absolutely necessary to bring the lower bureaucracy under the ambit of Lokpal as the 'aam aadmi' is mainly in close touch with them and stands to suffer.

Due to paucity of time, I cannot elaborate on other points. I must assert on behalf of our party - All India Forward Block - that supremacy of Parliament must be upheld in matters of framing laws.

Sir, we are aware of the theory of Young's Modulus which reminds us that there is always a limit to increasing stress or load, leading to a breaking point. The people of our country have reached the breaking point of their patience to bear with the prevailing gigantic corruption. So, we must have a strong and effective Lokpal in true sense. Let us join hands together to narrow down our differences, the onus of which mainly lies on the Government and pass an amended Lokpal Bill. Thank you, Sir.

SHRI NARESH GUJRAL (Punjab): Sir, this Government under immense

public pressure finally, after much hesitation, introduced an insipid and half-baked Lokpal Bill which satisfies no one. In the absence of either making the CBI totally an independent body or putting it under the purview of the Lokpal, the new entity can at best be seen as a stillborn baby. The CBI as an organ of the Government has been an utter failure in checking corruption in public life and has been misused for political purposes by successive Governments. In recent times, we have seen how it has been making contradictory statements to the judiciary in high-profile cases to suit the objectives of its political masters. In fact, the fear of the CBI is the glue that binds this disparate coalition together. Gurudev said, "Where the mind is without fear and the head is held

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high, ...into that heaven of freedom, my father let my country awake." I would appeal to the Government to free those lending you support from this human bondage. Sir, I am reminded of the day my father became Prime Minister and suddenly a bevy of political leaders from across the House started to call on him. For a while I mistakenly thought that they were coming because he had universal goodwill. But soon I realised that they all had just one mission — to keep the CBI at bay from their cases which were registered against them.

Sir, I have suggested an amendment. Let the Government keep control over the CBI but restrict its role to non-graft and noncorruption cases like homicide, cyber crime, economic offences, etc. The Government should create another body under the Lokpal for investigation and prosecution in corruption cases.

Sir, this Bill directly attacks the sanctity of the federal structure of our Constitution and my party takes very serious objection to it. Our Constitution mandates that Parliament cannot enact a law which affects the States. This power is only with the State Legislature. At best, this can be a model law for the States' consideration. The entire opposition and even some of your coalition partners are critical of this proposal. I hope the Government will accept this proposed amendment of my party in the interest of Centre-State harmony and to uphold the spirit of our Constitution.

Sir, I welcome clause 8 of chapter 2 that on ceasing to hold office, the chairman and members will be ineligible for appointment as Governors, Ambassadors, Members of Parliament or State Legislatures so that the Government of the day cannot tempt them in any way. I would suggest that we also enact a law to include all Election Commissioners, CVCs as well as Director of CBI, RAW and IB in this list so that the Government is not able to influence them by offering them post-retirement benefits.

Sir, the LOP has made a very cogent case regarding the method of appointment and dismissal of Lokpal. He must be free of Government control and my Party fully endorses this view. Sir, in regard to chapter 6 clause 14, since the jurisdiction of the Lokpal will include the Prime Minister, Ministers, Members of Parliament and Group A, B, C

and D officials, I would like to suggest an amendment to the effect that in case, a case has to be registered or initiated against a Member of Parliament or a Minister or Officer of the rank of Secretary to the Government of India then, the Lokpal must have a quorum of, at least, two-thirds of its members present in the meeting, taking such a decision and the decision must be endorsed by two-thirds majority of the members present or more than fifty per cent of the total Lokpal members.

Sir, in the end, I would like to say that the people of this country $\dots(Time-bell\ rings)\dots$ have huge expectations from the Lokpal. We need preventive measures in order to bring transparency

and accountability in official decision making. This can be possible if firstly, we reduce administrative discretion in order to shrink opportunities to manipulate public rules for private gains; secondly, penalise deliberate delay, the favoured tactic of corrupt bureaucrats and politicians; and, thirdly, strengthen and enforce Citizens' Charter and make it a part of this Bill. In Punjab, we have enacted the Right to Service Act and brought 67 services under it. I am delighted to inform the House that even in a short span of time, we are beginning to see positive results.

Sir, I appeal to the Prime Minister who, I and many in this House believe, is a true nationalist and has given the nation a new direction during many a difficult time to once again rise to the occasion and usher in hope, honesty and transparency in public life through a strong and effective Lokpal Bill and withdraw this present toothless tiger.

[MR. CHAIRMAN in the Chair]

Sir, I conclude with a couplet by Faiz Ahmad Faiz which I address to the hon. Prime Minister.

यह दाम दाम उजाला , यह शबगज़ीदा सहर वह इंसजार था जिसका , यह वह सहर तो नहीं।

श्री सभापति : डाः . प्रभा ठाक्र्र।

डाः. प्रभा ठाक्र्र (राजस्थान): धन्यवाद सभापति जीः। समय की कमी है , मैं उन बार्सो कोः नहीं दोहराऊँगी , जो कही जाः सबसे मैंः की भावना काः समर्थन पहले सरकार करती कि वह जनभावना कोः धयान में रखते हुए और भ्रष्टाचार को के लिए लोक्रपाल काः यह मजबूत वधियक लेकर आई है¢ इसके हीः , सिंटीजन बन्नोअर्स और जयुडिशियल साथ चार्टर वहिसल बल्सि को भी उसने एकाउंटेब्लिटी पूर्णता दी है , ताकि , मैंः तरह की कोई कमी नहीं रह जाए। महोदय इसके युष्रीए सोनिया गाँधी शरीमती जीः, माननीय प्रधान मंत्री जीः, यूपीए सरकार , सभी को बहुत बधाई और धन्यवाद देखा ...(व्यवधान चाहती ह्रॅं≎)...

परणब को बहुत -बहुत धन्यवाद देती हुँ , जिस पुरकार से उन्होंने ...(व्यवधान) . . . यह जो जगजाहिर है और आप भी जानते हम बहुत से टीबी में , चौराहों दक्षिं पर, अखबारों जगह लोक्रपाल कीः चर्चा कर रहे हैंं तोः आपसे मेरा यही निवेदन

कि आज जब लोकपाल विधियक आ रहा है , तब आप उसका स्वागत करें , उसे पारित करें और इसमें यह न देखें कि नंबर यहां किता है , बल्कि यह देखें क**ि देश की जनता का नं**बर कत्तिना है। आजदेश 120 करोड़ जनता इंसजार कर रही है और देख रही है कि इस सदन में हमारे प्रतिनिधि जिल्हें कर रहे भ्रष्टाचार क्या हैं , मिटीने कीः इतनी फक्रि थीः , आज वेः कहीं छोटी –छोटी बाह्मों तोः नहीं लगा रहे हैं यह वधियक लेकर अडंगा याः सचम्च पारित करने की उनकी नीय़त है ?

महोदय , कई लोग कहते हैं कि अन्ना हजारे के दबाव में सरकार यह वधियक लाई है , लेकिन यह गलत है। अगर उनका दबाव होता , तो वह जो चाह रहे थे कि इसमें NGOs को शामिल किया जाए , तोः इसको इसमें शामिल नहीं कथा जाता , लेकिन NGOs को इसमें शामिल किया गया है। मैं यह पूछना चाहती हूँ कि NGOs को कयों नहीं शामिल किया जाए ? उन्होंने जन लोक्रपाल में परावधान नहीं रखा। उनको कयों नहीं

शामिल किया जाए , जो देश –विदेशों से करोड़ों काः चंदा जन सेवा के नाम पर लूट रहे हैं ? उनका हिसाब -किताब कोई न रखे , लेकिन माननीय परधान लोक्रपाल के दायरे में मंत्री होंः , सांसद होंः , ग्रूप ए, बी , सी एवं संसद होः , मंत्रीगण डीः पाक -साफ़ हैं , इसलिए उनको कर्मचारी होंः , लेकिन NGOs सबसे बाहर रखा जाए। ऐसा क्यों

महोदय , आज मुझे तब बड़ा ताञ्जुब हुआ , जब हमारे नेत्रा ने भी उसी तरह की वकालत कर डाक्री। उन्होंने कि उनको बाहर रखना चाहिए। उनकी और अन्ना साहब की भाषा हीः रही थी। यह सुन कर मुझे बड़ा आश्चर्य हुआ। जब उनसे कहा गया क**ि** एनडीए की सरकार थीः . समय भरष्टाचार केः कई मामले हुए , तब आपने तोः कोई इस तरह काः तक नहीं किया। वधियक इराफ्ट चलो , अन्ना साहब कोई बिल्ल इराफ्ट किया , इस सरकार ने बिल्ले इराफ्ट किया , अरूणा राय का भी बन्नि आया , लेकिन एनडीए सरकार ने क्या कभी लोक्रपाल के नाम पर कोई वधियक इराफ्ट भी किया है ?...(व्यवधान

महोदय , तहलका प्रकरण हुए , इतने मामले हुए , यूटीआई घोद्याला के हुआ ...(**वयवधान**) . . हांः , हमारी ने भुरष्टाचार सरकार कार्रवाई शुरू की। जब सोनिया जीः नेः वहां पर plenary session में call दी कि भ्रष्टाचार मिाने करना है , काः संकल्प तब हमारी सरकार ने काईवाई की। यहां पर जोः कॉमनवेल्थ गेस्स हुए थे , ... (व्यवधान)...

MR. CHAIRMAN: Please address the Chair.

ठाकुर : खेल्ल चलेगा नहीं , उसी तरह, जिस तरह अन्ना साहब ने कहा था कि जेल भरेंगे , वह भीः सोनिया जीः और राह्नल के घर के सामने से जेल्ल भरेंगे , तोः हास्रत यह हुई कि एक दिवी में उन्हें अपना डेश – डंझ ? क्योंकि उठाना पड़ा। क्यों जनता को उनकी असलियत समझ में आ गई कि उनकी लड़ाई भ्रष्टाचार कीः नहीं कीः बास यह दखािवे है और वह RSS तथा है , बल्कि बीज़ेपी बन कर बोख़ रहे हें⊅ वह कांग्रेस के विरुद्ध कर रहे हैंक वह सोनिया गांधी और राह्नल जीः केः खिलाफ बोल रहे हैं⊅ . . . (व्यवधान)...

MR. CHAIRMAN: Please address the Chair.

श्री मुख्तार अब्बास नक़वी : प्रभा जी , बीक्रोपी में

प्रवक्ताओं की कमी नहीं हैं। ...(व्यवधान)... बीजेपी में प्रवक्ता के लिए अन्ना हजारे जी की जरूरत नहीं हैं। ...(व्यवधा न)...

डाः . प्रभा ठाकुर : Unofficially जरूरत हैं ...(व्यवधान)...

MR. CHAIRMAN: Please address the Chair.

डाः. प्रभा ठाकुर : महोदय , मुझे तब बहुत आश्चर्य लगी , जब जेष्टली साहब ने कहा कि हमारी सरकार के समय अगर 1 लाख 76 हजार करोड़ रुप्रए का घोद्याला हुआ होसा , तोः ले आते। क्या आपको यही इंसजार 6 दिखें में लोकपाल वधियक থা ? 76 हजार करोड़ का घोटाला , घोटाला नहीं **है**ं , 25 **हजार** घोद्याला , घोद्याला नहीं है , जो Disinvestment policy नाम पर याः और सबके नाम पर हुआ ? कोश्यारी जीः नेः भ्**र**ष्टाचार गंगा कहा। मान्यवर , कम सेः कम भ्रष्टाचार के साथ गंगा काः नाम मत जोड़िए। आप बहुत बुजुर्ग हैं , हम आपका सम्मान करते हैं।

श्**री भगत सिंह कोश्यारी :** आप भ्रष्टाचार को रोकिए , हम यह कभी नहीं कहेंगे। ...(**व्यवधान**)...

डा . प्रभा ठाकुर : महोदय , यह देश भगत सिंह के लिए , विकानंद के लिए , महात्मा गांधी के लिए जाना जाता है और यह देश सुभाष चन्द्र बोस के लिए , रवीन्द्र नाथ टेशोर के लिए , इंदिरा गांधी के लिए , जिल्होंने देश की एकता और अखण्डता के लिए अपनी जान दी , जाना जाता है ...(व्यवधान)...

MR. CHAIRMAN: Please conclude.

डा . प्रभा ठाकुर : यह देश राजीव गांधी के लिए जामा जाहा हैं आज इस परिवार में विश्वास हैं , तो आप लोगों को तकलीफ क्यों होही हैं ? ...(समय की घंटी)...। अब अन्ना साहब पूरी तरह से expose हो गए हैं और उनका असली चेहरा भी सामने आगया हैं

लेकिन , मैं यही कहना चाहूँगी कि

फामूस बन कर जिसकी हिफाजत हवा करे , वह शमा क्या बुझे जिसे रौशन खुदा करे।

वह सर्फि कांग्रेस पार्टी है , जिसने कमजोरों काः साथ दिया चाहे साहब अम्बेडकर ने एससी /एसटी को आगे लाने बाबा है , तो वह कांग्रेस ने किया है। आजखाद्वय बिल अगर कोई लाया है , तो यह सरकार लायी है। सूचना के अधि कार काः बिन्न अगर कोई लाया है , तोः यह सरकार लायी आज लोकपाल है¢ भीः अगर कोई लाया है , तोः यह सरकार लायी है। ...(समय की घंटी)... मनरेगा के माध्यम से गाँव के लोगों कोः अगर किसी रोजगार दिया है , तो इसी सरकार ने दिया है।

MR. CHAIRMAN: Please conclude.

डा . प्रभा ठाकुर : कांग्रेस एससी , एसटी , अल्पसंख्यकों
पिछड़ों और कमजोरों की पार्टी है , इसीलिए उनका विश्वास
कांग्रेस और नेहरू –गांधी परिवार में है और रहेगा। धन्यवाद।

शरी बश्विजीत दैमारी (असम): सम्माननीय सभापति महोदय , हम इस बिल कोः बोडोलैंड पीप्र्ल्स फरंट दल कीः तरफ सेः पूर्ण हैं कि यह बिन्ने आजही पास हो जाए , क्योंकि देही और चाहते लोग इस बिल के इंसजार में हैं और सभी को यह आशा भी है कि सारे दल इसका समर्थन करके इस बल्लि को पास करेंगे। सारे हम सभी हैं कि आजदेश में भुरष्टाचार बहुत बढ़ गया है और उसने जामते सारी सीमाएँ पार कर लीः हैं। अगर उसको रोक्रना है , तो कुछ होगी। जोः वर्तमान वयवस्था कीः जरूरत कामूनी

व्यवस्था है , उससे हम लोग भ्रष्टाचार को रोक़ने में कामयाब नहीं हो सके , इसलिए जिल्ली जल्दी हो सके , यह लोक़पाल आना चाहिए। हम भ्रष्टाचार को पूरी तरह से तो रोक़ नहीं सकते , ले किब इस लोक़पाल के ज़रिये हम भ्रष्टाचार को कुछ हद तक रोक़ने का काम कर सकेंगे।

मेरा विचार है कि हम एक ही बार में सब को संबुष्ट करने बिल या कोई व्यवस्था नहीं ला सकते हैं। आजजोः हमें सच लग रहा है , कल यह गलत भी हो सकता है और इसके लिए हमें सुधार लामा होगा। इसलिए मैं सोचता हुँ कि अगर इस बिल में आज कोई कमी नजर आ रही है , तो भविष्य में हम इसमें सुधार किसी को भी यह संदेह नहीं होमा चाहिए कि यहाँ सकते हैं⊅ से कोई एक शक्तिशाली जितने लोग मौजूद हैं उनमें याः ताक्रतवर लोकपाल है। यह सभी चाहते हैं , सर्फ़ नहीं चाहता हमारे विद्यारों में थोड़ा -साः डिफरेंस आगया है या आरहा

है कि हम केवल इस लोक्रपाल ऐसी नहीं के ज़रिये हीः भरष्टाचार को रोक सकेंगे। भुरूटाचार करने के लिए जो चीज हमें उत्साहित करती है , उसे भीः हमें देखना हैक हमारी जो कामूनी वर्तमान व्**य**वस्थाएँ हैं , उनमें सुधार लामे बहुत होंग्रे रुको , हमें उनको होगा। आजदेश में हम लोग बिना बदलना जीव्रन -याप्रन कर रहे हैं। यहाँ बहूत सारी संस्थाएँ , चाहे वे शक्षाि याः दूसरे के नाम पर हों कामों के नाम पर हों: हैंक एक सस्प्रिल -साः उदाहरण देखा चाहता कि शक्षाि के लिए एक जरूरी चीज़ है , लेकिन इस शक्षाि के नाम पर आज जिन लोगों ने प्राइवेट शक्षिण संस्थाएँ बनायी हैंः , वही लोग रुप्तये में में साल लाखों लेते हैं क उस संस्थान अपने बच्चों कोः पढ़ाने के लिए सारे देशवासी इच्छ्क लोग हैं⊅ अपने बच्चों भविष्य में के लिए किसी को एक अच्छा आदमी बनाने भीः वह कामून करने के लिए तैयार हैंः चाहे के विश्द हीः रहते कुर्यो न हो। इसलिए ऐसी चीओं को भी हमें रोक्रना चाहिए। आज लोगों के लिए एक गाड़ी है , लेकिन कोः जीव्रन -याप्रन कीः जरूरत परिवार में पाँच -दस गाड़ियाँ हें⊅ जिसने मॉडल्स कीः गाडियाँ हैंं नहीं है , उन सब को हम ले उनमें हमारी कोई रुकावट हैं 🏗 हमारे गरीब लोग एक ही बस में भर कर सारा रास्ता तय कर रहे लेकिन लोगों गाङ्डी में सर्फि बैठ हैंा धनी की डराइवर कर मार्क्रट जाः रहा है और उससे जाम होः रहा हैक सारा रास्ता आज उनके साथ मिल्रने के लिए सभी लोग कंपीटिशन कर रहे और इसके हम लोग लिए जोः सामने आता है , उसको हीः हड़प कर जाले हैं क रोक़ें चीओं कोः हम कैसे ? लोक्रपाल आदमी को भुरष्टाचार के हीः पकड सकता है , आदमी को रोक सकता है , लेकिन भर¤टाचार करने हमको जोः बाध्य करेगा , उसको हम कैसे रोक्रेंगे ? हमें इसलिए पर भी आजध्यान देखा हैक केः इस विश्वय इसको हाउस नोटिस में और आप लोगों के नोरिस में र्मे इस बल्लि लाहो हुए कोः समर्थन सपीच हुए अपनी समाप्त करता हॅ≬ धन्यवाद।

DR. CHANDAN MITRA (Madhya Pradesh): Mr. Chairman, Sir, lot of things have already been said. I do not wish to take too much of the House's time. As for the legal and technical infirmities of the Bill that has been brought, they have all been pointed out in considerable detail by my Leader and Leader of the Opposition in the House. So I am not going to get into the technicalities of the Bill. My point is

larger. I would like to pose a direct question to the Ruling Party that whether they are serious about bringing the level of corruption down in the country and introducing a strong and effective Lokpal. I don't believe that they can be because corruption runs in the genes of the Congress Party. There has never been a single Prime Minister with the exception of Lal Bahadur Shastri against whom corruption charges have not been levelled. ...(Interruptions)

SHRI OSCAR FERNANDES (Karnataka): Sir, this is very unfair. ...(Interruptions)...

MR. CHAIRMAN: Please confine yourself to the subject. ...(Interruptions)...

श्री पवन कुसार बंसल : सर, कैसे ये लोग ...(व्**यवधान)...** हमें समझाने लगे हैं , "जो खुद नहीं समझ , औरों को समझाने लगे हैं " ...(व्**यवधान)...** Which pedestal is he occupying, Sir? What is he trying to do?

DR. CHANDAN MITRA: I know that the memory is...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: What role is he assuming for himself? What is he thinking? What role is he assuming for himself?

DR. CHANDAN MITRA: Let me come to my point.

SHRI PAWAN KUMAR BANSAL: What role is he assuming for himself? What is he thinking? What role is he assuming for himself? ...(Interruptions)... On what pedestal does he place himself? He can't be permitted to pass such a judgement. ...(Interruptions)... सर, कौन से genes का ये जिक्क करते हैंः और कहां खडे हैं , मासूम है इन को ? . . . (वयवधान

DR. CHANDAN MITRA: Have I said anything unparliamentary?

श्री पवन कुमार बंसल : राजनीति इन के लिए सिर्फि धंधा है ...(वयवधान)...

DR. CHANDAN MITRA: I would like to know whether I have said anything unparliamentary. Sir, you please give a ruling. If I am saying anything unparliamentary, please tell me.

MR. CHAIRMAN: Please proceed with your speech.

DR. CHANDAN MITRA: I have not completed even one sentence. ...(Interruptions)

SHRI PAWAN KUMAR BANSAL: It has to be deleted. It has to be expunged. ...(Interruptions)... Sir, he is not sitting and writing an article somewhere. He must know where he is standing. ...(Interruptions)...

MR. CHAIRMAN: It will not go on record. Please proceed.

SHRI PAWAN KUMAR BANSAL: He is in Parliament. He must know that. He must discharge his responsibility with utmost ...(Interruptions)...

DR. CHANDAN MITRA: Sir, the manner in which the CBI...(Interruptions)... The manner in which the CBI has been used in case after case after case...(Interruptions)... they are talking about the action being taken against corrupt people.

MR. CHAIRMAN: Please resume your places. बैठ जाइए , बैठ जाइए।

DR. CHANDAN MITRA: In the matter of the 2G Scam \dots (Interruptions)...

- MR. CHAIRMAN: Please sit down. Please sit down.
- DR. CHANDAN MITRA: Sir, I know they are trying to create disturbance to get the House adjourned. ...(Interruptions)...
 - MR. CHAIRMAN: Please address the subject.
- DR. CHANDAN MITRA: They are trying to get the House adjourned so that the Bill is not passed. $\dots(Interruptions)\dots$

- MR. CHAIRMAN: None of this is going on record.
- DR. CHANDAN MITRA: What have I said? Have I said anything unparliamentary?
 - MR. CHAIRMAN: Please address yourself to the subject of debate.
- DR. CHANDAN MITRA: Sir, I am talking on the subject. I am giving some background.
- MR. CHAIRMAN: No, no, we are not discussing the background. We are discussing the subject of debate.
- DR. CHANDAN MITRA: I will abide by what you say. I am talking about the $$\operatorname{recent}$$ situation.
- MR. CHAIRMAN: Please sit down. बैठ जाइए , बैठ जाइए। डाः . मैक्यन , पृत्रीज़। ...(व्यवधान)... आप बैठ जाइए , सोज़ साहब , बैठ जाइए।
- SHRI RAMA CHANDRA KHUNTIA: Sir, what he has said should be expunged.
- DR. V. MAITREYAN: Sir, they cannot dictate terms. They have already accepted the defeat. ...(Interruptions)...
- MR. CHAIRMAN: Please sit down...(Interruptions)... Everybody, please sit down...(Interruptions)...
- DR. CHANDAN MITRA: I am pointing to the actions of the CBI. It is a crucial factor. If they don't want to listen to anything,...(Interruptions)...
 - MR. CHAIRMAN: Please sit down.
- DR. CHANDAN MITRA: I would like to point out the action of the CBI in just one case and, that is, the 2G spectrum scam. I want to draw the attention of the House, through you, Sir, as to what happened in the 2G spectrum case. The CBI filed a case against unnamed persons, and for two years, took no action, despite the fact that repeatedly the stories appeared in the media. Sir, the Prime Minister is sitting all high in the House, and we have regards him...(Interruptions)... I am saying that we have high regards for the

Prime Minister. They don't want to listen to that even...(Interruptions)...

श्री सभापति : आप बैठ जाइए। ...(व्यवधान)...

- DR. CHANDAN MITRA: The CBI was pressurized into not acting.
- MR. CHAIRMAN: This is not a subject of discussion today...(Interruptions)... There is a point of order. Let us hear him.

SHRI PAWAN KUMAR BANSAL: Sir, I wish to raise a point of order. As per the rule, "A

Member, while speaking, shall not refer to any matter of fact on which a judicial decision is pending." You are talking about a case which is pending in the Court...

DR. CHANDAN MITRA: Then, is 2G spectrum banned? Can we not talk on 2G spectrum? Can we not talk on CWG?

श्री रवि शंकर प्रसाद : ट्र जी पर कुछ नहीं बोर्से ?...(व्**यवधान**)...

डाः . चंदन मिश्रि : सर, हम ब्ल्लेक मनी पर नहीं बोह्नें , दू जीः पर और अब आप बोहोंगे कि लोकपाल , प्रधान नहीं पर मत बोलिए मंत्री काः नाम मत लीजिए। कमाल है ...(व्यवधान)... हमारे में जो शंका है , उस पर हम न बोसें। . . . (व्यवधान)... I am rejecting this point of order. They are doing deliberately.

MR. CHAIRMAN: It is not for you to accept or reject a point of order.

DR. CHANDAN MITRA: I am representing it through you, $Sir, \dots (Interruptions) \dots$

MR. CHAIRMAN: Can you please resume without...

DR. CHANDAN MITRA: Without what, Sir? Kindly give me a direction.

MR. CHAIRMAN: Please resume your speech. Your time is running out.

DR. CHANDAN MITRA: For two years, the CBI did not proceed in the matter of the 2G spectrum at all. That was the obvious fact, and under whose direction, it was so! Thereafter, when it was impossible to contain it, after the CAG Report, then, the CBI started acting.

MR. CHAIRMAN: We are discussing a legislative proposal which is before the House. So, please confine your remarks to the subject.

DR. CHANDAN MITRA: The CBI is a part of the Lokpal Bill...(Interruptions)...

SHRI M. VENKAIAH NAIDU: The functioning of the CBI is very much a part of it...

MR. CHAIRMAN: But with reference to the Bill, not apart from it.

DR. CHANDAN MITRA: The conduct of the CBI can be discussed in the

House. We can discuss as to how the CBI has been $\label{eq:misused...} \text{ (Interruptions)...}$

MR. CHAIRMAN: If everyone wishes to speak at the same time, then, nobody will be heard...(Interruptions)...

श्री मोहम्मद अदीब : सर, ... (व्यवधान) ...

श्री सभापति : अदीब साहब , आपबैठ जाइए।

श्री मोहम्मद अदीब : सर, एक मिनट बोलने दीजिए।

श्री सभापति : आप बैठ जाइए। I request you all to resume your places.

DR. CHANDAN MITRA: I am pointing to the role of the CBI in the 2G spectrum case, and, in that context, I am demanding that the CBI be given the real autonomy which this Government has refused to allow in the Lokpal Bill. That is why we are demanding a strong and effective Lokpal. Can the Lokpal be strong and effective without the CBI being independent? If the CBI is not independent and if it effectively remains the same as it is today, scam after scam, the 2G scam and so on would keep happening in this country.

- MR. CHAIRMAN: Thank you. Your time is over.
- DR. CHANDAN MITRA: Sir, I have not yet completed.
- MR. CHAIRMAN: No, please. I am afraid, your Party's time is long exhausted.
 - DR. CHANDAN MITRA: Sir, I have not even started.
 - MR. CHAIRMAN: I am afraid you can't get more time.
- DR. CHANDAN MITRA: Sir, I would take two more minutes. ...(Interruptions)...
- MR. CHAIRMAN: You can't get more time than this. Shri Tapan Kumar Sen. ...(Interruptions)...

SHRI TAPAN KUMAR SEN: Sir, I shall join my leader who has dwelt on the Lokpal Bill, and I am not here to oppose the Bill but to suggest certain important changes that are required to make the Lokpal effective, to correct the distortions and aberrations with which the Bill is born and presented in the Parliament. If that is not done, the purpose of the Bill stands defeated and I don't think the House wants that.

My leader, Mr. Sitaram Yechury, outlined the changes that are required to be brought in this Bill. I would only focus on one particular point. Besides correcting the constitutional propriety and making an effective Lokpal by making the selection process much more independent and credible, what is important and what also needs to be paid attention to in order to eliminate corruption, which is basically the purpose of the Bill, is to address the supply side of corruption. The Bill is over-busy with managing the demand side, giving the supply

side a free run, and that itself has a corrupting influence on the entire process. So, the supply side needs to be addressed and, for that, the corporate houses and private entities that are operating in the public service area in a very big way — the private entities operate in the public service area directly; they operate under the new philosophy of PPP, Public-Private Partnership. Public money-and-private profit is making inroads into the public service area. Unless those areas are also brought within the ambit and scrutiny of the Lokpal and its intervention, the whole purpose stands defeated. Only by addressing the demand side, we would reach nowhere in eliminating

corruption. So, you may bring it only if there is sincerity of purpose, and let us move the amendments. I stand encouraged by the presentation of some of my colleagues on this side who said that all major corporate business houses make money, not out of their own pockets, but with public money. How private are the private big corporates? They operate with public money. So, they need to be brought within the ambit of the Lokpal. I stand encouraged by the presentation of many of my colleagues on this side of the House and, I believe, these amendments will be accepted by the Government.

The second point is, to make it effective, the concept of public servant, who is being scrutinized by the Lokpal to prevent corruption, needs to be expanded. Now, so many things have been said about Group C and Group D employees. I think many of us are not even aware that the Group D does not exist any more in the Central Government, after the Sixth Pay Commission recommendations. Their place has been taken over by outsourced workers of contract agencies. They are also rendering public service. In many areas, besides this contractorisation, a new pattern has emerged which cannot be considered contractorisation; it is outsourcing; it is purely getting the work done perennially by outsourced agents, but it is done as a commercial contract which is outside the purview of all this.

I think, all these things need to be addressed because now-a-days the ambit is expanding and corruption in these areas is harassing the people in a much bigger way. So, these need to be addressed. Along with that, you must come out very clearly on one more thing. A majority of the public sector undertakings come in the domain. 50 per cent of the workforce is on contract basis. How will they be treated? Unless these are not clearly clinched, the Bill will in no way become effective. You have to clinch it in clear terms. At the same time, construe within the definition of corruption the kind of corruption going on these days. You are undertaking a contract with a Government entity. According to the contract, you are paying the workers say Rs. 5,000, but you are actually paying Rs. 1,000. I am saying that such types of corruption are taking place every day in the world of work. In the world of work, the workers create value for the economy, create revenue for the exchequer, who create wealth to the employer. These

workers are subjected to corruption. If it is quantified, then it will be, I think, a hundred times more than a 2G scam, a CWG scam or a KG6 scam. These are all big scams. So, how you are going to address? Because of the governance deficit, this should also be construed as corruption. Accordingly, it has to be tackled. How are you going to do it? You owe an answer to these.

My last point is, without doing these things, the Lokpal cannot be made effective. Please do not say that we do not want the Lokpal. At the same time, we do not want some thing to be considered the Lokpal which is played to the gallery. We do not want such a thing. We want an effective Lokpal because the people are suffering due to corruption. That purpose-orientedness

is much more important. For that purpose-orientedness, if at all we are sincere, these issues have to be addressed. If you do not do that and yet claim that you are going to put in a very strong and effective Lokpal to address the issue of corruption, then it is not good. These basic issues will have to be seriously considered by the Government. When I heard from the Treasury Benches that they want a strong Lokpal, हमने बनाया और अगर बनाया तोः seriously, these things will be taken care of. Please take these things seriously to make it credible. Thank you.

SHRI PREM CHAND GUPTA (Bihar): Sir, we are discussing this for the past eleven hours. Our party has not been given a single chance so far. Most of the parties are given 4-8 chances. Okay, you do not have time but it does not mean that we should not be given a chance. We too are a part of the House. We are discussing for eleven hours. Not once have we been given a chance to speak. I do not understand, Sir.

MR. CHAIRMAN: Give me a couple of minutes while I check this out.

SHRI PREM CHAND GUPTA: Sir, sorry to say this but please take a note of it.

MR. CHAIRMAN: Yes, thank you.

हसैन शरी दलवर्ड (महाराष्ट्): आदरणीय सभापति लोक्रपाल बह्यि पर बोल्लने के लिए आपने मुझे जोः मौका दिया है , काः समर्थन उसके र्मे आपका आभारी हं≀ः लोक्रपाल बलि करते हुए एक बाह्य काः विशेष उल्लेख करना चाहता ह्ं कि वर्तमान चेयरमैन राज्ञ्य सभा सदस्य और स्टैंडिंग कमेटी के आदरणीय अभिषेक मन् संघिवी जी के पत्नि सवर्गीय एल.एम. सधिवी जी ने प्राइवेट मैझ्बर कीः हैसियत के यह बिल्ल से पहली लोकपाल बार संघिवी किया र्में नाम से संसद में प्रस्तृत था। जी और सटैंडिंग कमेटी के सारे सदस्यों को धन्यवाद देखा चाहता ह्ं। उन्होंने स्टैंडिंग कमेटी में सभी वर्गी के लोगों के दलों और संगठनों से विचार -विसर्श करके कई अच्छे सुझावों साथ एक अच्छी रम्गिर्ट संसद में पेश की है। महोदय , इस संबंध में भीः नविदन लोगों की तीन हजार से जयादा आए, डेढ़ सौ

और केवल ढाई महीने में यह सारी रम्भिर्ट सुनवाई आयी , इतना काः कर्त्तव्य है कि उसको काम हुआ है। अब हमारी संसद और मजबूत लोक्रपाल वधियक पारित किया पहनाया जाए जाए। महोदय , उसके 1966 सें Administrative Reforms Commission बाद निवारण के सुझावों के बाद भ्रष्टाचार के लिए समय-समय पर जोः समय केः साध सरकारों ने सात बार लोक्रपाल बिल प्रस्तुत किया लैप्स और फि 1985 **ਸੇਂ** आठवीं बार बिल को विद्रड्रॉ किया हुआ यूपीए गया। सरकार के सत्ता में आने के बाद 2010 **में** जब अखिल भारतीय कांग्रेस कमेटी काः सेशन चल रहा थाः , तब कांग्रेस अध्यक्षा आदरणीय सोजिया गांधी जीः नेः भ्रष्टाचार मिाने के लिए प्रभावी मेक्रेनिज्म प्रस्तुत करने काः विचार व्यक्त किया जीः नेः मंत्री থা। जनवरी , 2011 में माननीय प्रधान मंत्री कोः प्रभावी लोक्रपाल बल्नि काः जिस्मा सीम्रा समूह बनाने था। लोक्रपाल बन्नि बनाने के लिए सरकार कृतसंकल्प थी। ऐसे मौक्रे पर के साथ सिविल सोसायटी ने मामनीय मल्लिकर अन्ना हजारे अनशन शुरू किया। सरकार ने अन्ना हजारे कीः बाह्यों पर तवज्जो देकर विचार संसदीय परम्पराओं उनके सुबने के लिए से हटकर इतिहास में पहली बार किसी बिल्ल का मसौदा तैयार

के लिए सिबिल सोसायटी के साथ मिल्लकर एक कमेटी करने भीः बनायी। ने अप्रैल , 2011 से लेक र सिंबिल सोसायटी 4 अगस्त , 2011 को नए बिल का पुरारूप संसद के सामने प्रस्तृत किया। सिंटिजन चार्हर और लोअर ब्यूरोक्रेसी की मांग्रें माम लीः गयीं और बिल को सटैंडिंग कमेटी के पास विचार -विसर्श के लिए भेजा गया। आजहमारे सामने जो बिल्ल है , यह एक परिपूर पारित पर इस देश में इसके होने पनप रहा खत्म होगा , ऐसा तो मैं नहीं कहूंगा , लेकिन कम जरूर होगा। उद्देश्यों और कारणों के कथन के मुझाबिक बस्रि में 50 फीसदी , पछिड़ा प्रतिनिधित्व अनुसूचित जनजाति वर्ग जाति , अनुसूचित अल्पसंख्यक और महिलाओं के लिए दिया गया है , यह एक स्वागत योग्रय कदम है - ऐसा मैं समझता हूं। पहली इसके बारे में बार गयी , पहली बार अल्पसंख्यकों तवज्जो को नयाय देखे काः काम इस बिल की वजह से हुआ है। में बन्नि इराफ्ट करने वालों को और सरकार कोः इसके लिए बधाई देला ह्ं और उनके प्रशत आभार महोदय , लोक्रपाल कीः नियुक्ति प्रकट करता ह्ं⊅ राष्ट्रपति और चयन समिति कीः जाएगी में प्रधान मंत्री दुवारा , लोक सभा , लोक़ सभा में विषिक्ष के नेहा , मुख्य न्यायाधीश अध्यक्ष याः मनोनीत न्यायाधीश और राष्ट्रपति उनके दुवारा दुवारा मनोनीत नयायविद आदि के दुवारा कीः जाएगी। लोक्रपाल के कार्यक्षेत्र में सभी श्रेणी के कर्मचारी होंग्रे। महोदय , मैंः क्छ बाह्रों कोः रिकॉर्ड में यूपीए सरकार इस बिल को 2010 लामा चाह्रता ह्ं⊅ से ही लाने कीः मंशा के दबाव रख रही थी। किसी में आकर यह बिल्ल नहीं आया , बल्कि प्रभावी लोक्रपाल आ रहा है , यह देखकर उसका समर्थन करने के लिए बहुत सारे लोग आगे आए। लेकिन हजारे साहब ने यह मुद्दा आन्दोलन काः बनाया और कुछ लोग खाली मुखोटे बनकर घूझ रहे हैं⊅ वास्तविकता यह है कि हम यह बिल्ल पास कराने के लिए कृतसंकल्प हैं⊅ इतिहास इस बाहा का गवाह है कि 1966 **से** लेकर इस बिल्ले पर चर्चा होः रही है , लेकि न किसी ने भी इस कोः संवैधानिक बॉडी कीः पहल नहीं लोक्रपाल बनाने कीः थीः।

में लेकिन हमारे दल के युवा नेह्ना राह्नल जीः नेः पछिले सत्र लोक सभा में यह मांग्र की थी कि लोकपाल कोः एक कंस्टीट्यूशनल बॉडी बनाया जाए। यह बहुत हीः दुर्भाग्य कीः बाह्य है कि आज यह लटक गई। फरि भीः हमारी मांग्र अधर में सरकार आजसशक्त लोक्रपाल बल्लि लाः रही है≬ उसका स्टेटस कं*स्*टीट्यूशनल होगा। लेकिन क्छ

ने इसका वरिध किया , जिस कारण यह नहीं बन पाया। लोगों इसका है। इस बिल के दो महत्वपूर्ण पर मैं मुझे दुख बिद्धिओं अपने बेबाक विचार व्यक्त करना चाह्रता ह्ं≎ इस बिल का मैं हूं और मैं यहां समर्थन कुछ बिन्द्रि उठाना चाहता ह्ं⊅ यह है कि क्या प्रधान मंकी को इस दायरे में बिद्धि पहला से हम ऐसा कर रहे र्हें क रखना चाहिए , मेरे ख्याल मेरे विचार से दुर्भाग्यपूर्ण है कि सवा सौ करोड़ की जनसंख्या बहुत मंत्री वाले इस देश के एक प्रधान पर हम वश्वास नहीं कर सकते। देश कोः दिशा देखे वाले कर्णधार पर हम वश्वास नहीं करेंगे तोः इससे हमारी अंसर्राष्ट्रीय छवि खराब होग्री , चाहे सरकार किसी कीः भीः होः , कल आपकी सरकार भी हो सकती है उसमें प्रधान मंत्री कोः शामिल अगर वाज्ञपेयी जीः नहीं किया जामा चाहिए। प्रधान मंत्री होले आप यह बास करते , आप बल्किल तोः क्या करते ? आज आप इस तरह कीः राजनीति मत करिए। मेरा दूसरा मुद्दा सीः .बीः .आई. केः संबंध में हैं≎ सीः .बीः .आई. एक ऐसी स्वतंत्र है , उसको लोक्रपाल के अंसर्गत कस्रिलिए लामा है , यह बास अभी तक मेरी नहीं आई। इसकीः जांच ऐसी है , देश में समझ में जहां नष्ट्रिपक्ष जांच कीः जरूरत होही है , उसमें वह अपना कार्य बखूबी करती हैक कोः सीः.बीः .आई. कीः सहायता अगर लोक्रपाल कीः जरूरत तोः वह अवश्य करेगी , लेकिन सी .बी .आई. का कंट्रोल अगर लोकपाल दे दें , तो बात कुछ हजम नहीं होसी। कोई भी सरकार इस बाह्य से सहमत नहीं होग्री और न होनी चाहिए। शासन में एक दंङ शक्ति होही है और ऐसी दंङ शक्ति किसी दूसरे के हाथ में देखा गलत बाह्य अन्ना जी के नाम से जो इराफ्ट , बिल्ल

आया है , उसको पढ़ने के बाद मुझे ऐसा लगा कि जो हमारे चार हैं , उसमें वे अपना पांच्यवां खम्भा स्थापित खम्भे करना हैं और वह सारे के ऊपर रहेगा। चाहते चार खम्भों वे इस तरह की हैं⊅ इसका मतलब वें कंस्टीट्यूशन को चेल्लंज महोदय , संसदीय में*ः* लोकतंत्र विषिक्ष काः बहूत होसा महत्वपूर्ण वह सरकार पर नियंत्रण का काम करती है¢ लेकिन आजविषक्ष निह्याल तथा दिशाहीन होः गया हैः इसलिए वह आजइस तरह की बाहें कर रहा क्री मैंः चाहता ह्ं कि भारतीय लोकतंत्र में एक ऐसा मजबूत विषिक्ष हो , जो सरकार पर नियंत्रण रखे , से नहीं। कभी अन्ना दूसरे के साये कोः लेबा , कभी बाहर के और कोः लेबा और उस पर अपनी राजनीति संगठनों चलाना बल्लिक् ल गलत बाह्य क्री विषिक्ष को किसी और केः सहारे कीः क्यों जरूरत महसूस है , उत्तर बड़ा सटीक है कि विद्यक्ष अपना उत्तरदायित्व रही निभाने में दिनों -दिन वैद्यारिक दृष्टिकोण से कमजोर महसूस कर उसका कारण यह है कि यू .पी .ए. सरकार आमजनता के हित्तीं तरह की सुकीम्स लाई है , मनरेगा बहुत आया , राइट ट्र फूड है , ग्रामीण लाः रही है , राइट ट्र एज्केशन ला रहा स्वास्थ्य बिल्ल आरहा है। योजना है , लैंड एक्विजशन ये सारी सुकीम्स आने के बाद अल्पसंख्यक समाज व खास करके गरीब समाज के लिए बड़ा काम किया पहली बार यू .पी .ए. ने बहुत हैक ऐसा मैं हैं , ओबी .सी . हैं , इन सबके ह्ं≎ दलित हैं , आदिवासी इस देश में पनप रहे सोचने यह सरकार है¢ भुरष्टाचार मिटीने के लिए लोकपाल कोः पर्याप्त अधिकार दिए गए हैं फिरि भीः कुछ दलों कोः और मजबूत लोक्रपाल चाहिए। मेरी समझ में नहीं आता – और मजबूत , और मजबूत यामी इस देश काः संबिधान खत्म और एक आदमी के हाथ में इस तरह से सत्ता करो दोः जोः उनके में उनकी पार्टी की जो शुरूआत होः रही हैः , उसके साथ -साथ है

उन्होंने हमेशा इस देश में लोगों को वोटिंग राइट देवे वशिध किया थाः , यह मैंः याद्व दक्षिाना ह्ंा इस दे श में चाहता लोक्रपाल को सुपर पाबर बनाना चाहते हैं क वे इतना लोकपाल चाहते हैं कि भ्रष्टाचार मिटाने के लिए एक भस्मास्र पैदा होः जाए।

महोदय , डाः . बाबा साहेब अम्बेडकर ने 1949 में संविधान सभा में बोस्नते वक्त आने वासे समय में देश को तीम संभावित खतरों से सचेत किया था। MR. CHAIRMAN: Please conclude.

हुसैन **दलवई:** उन्होंने अपनी आशंका आधी सदी पहले श्री कीः थीः। उन्होंने जिं तीम संभावित वयक्त खतरों काः उल्लेख किया थाः , उनमें से एक है सामाजिक और आर्थिक असमानता। दूसरा असंवैधानिक आंद्योलन , असंवैधानिक मांग्रे असंवैधानिक आदि। सत् याग्रह

MR. CHAIRMAN: Why don't you lay your speech on the Table of the House?

हुसैन दलवई: तीसरा खतरा उन्होंने बताया थाः हीसे शरी वर्शिप – महिमामंडन याः स्द्वतिगान। आज मेरे जैसे सामान्य कार्यकर्ता कोः भीः डाः . बाबा साहेब अम्बेडकर की आशंका सच में तब्दील होः रही हैः , ऐसा लगता है। इसलिए में विषक्ष में करूंगा कि समय की मांग्र को देखो और ये बिल्ल पास करो। अनुरोध मैं एक शेर बोस्र्गा। तुम शहर लूटकर भीः मोहज्ज़ब रहे। बड़े वकील जिंबका भाष्रण सुबते वक्त मुझे एक शेर याद आया। तुझ शहर लूटकर बने रहे , हम बेकसूर भीः मोहज्ज़ब भीः हवालात में

MR. CHAIRMAN: Now, Shri Ram Kripal Yadav. ...(Interruptions)...

SHRI S.S. AHLUWALIA: Mr. Chairman, Sir, we started this discussion at

11.37 am. Now, it is about 9.50 pm. We have already exhausted more than eight hours on this discussion. Just inform us at what time you are putting this subject to vote, so that Members can go our and ease themselves and have some food, and, then, come back again...(Interruptions)...

श्रीमती विष्निव ठाकुर : सर, ये क्या बाहा है ? . . . (व्यवधान) . . .

श्री सभापति : आप बैठ जाइए। आप बैठ जाइए। श्री राम कृषाल जीः, आप बोलिए। ...(व्यवधान)... I still have a list of speakers. ...(Interruptions)... Please sit down. ...(Interruptions)... आप बोलिए।

SHRI S.S. AHLUWALIA: At what will time the voting take place? ...(Interruptions)... I have just seen that...(Interruptions)...

MR. CHAIRMAN: Please sit down. ...(Interruptions)... I have understood your point. ...(Interruptions)...

SHRI S.S. AHLUWALIA: I have just seen that the time of the Congress Party is over, but still seven more speakers are there in the list of Congress. Are we going to...(Interruptions)...

MR. CHAIRMAN: Those parties, whose time has exhausted, will not be called to speak.

SHRI S.S. AHLUWALIA: Please do that. And, please tell us how much more time is required for this? ...(Interruptions)...

श्री सभापति : श्री राम कृषाल जीः, आप बोलिए। ...(**व्यवधान**)....

SHRI S.S. AHLUWALIA: It cannot go on indefinitely because...
...(Interruptions)... The electronic media is showing outside that as soon as it is 12 o' clock, you are automatically going to adjourn the House. ...(Interruptions)... The electronic media is showing this.
...(Interruptions)... So, my point is that this House is in continuity. We had started our debate at 11.30 am. It is in continuity till it goes for voting. ...(Interruptions)... No; no, we want to know

at what time we will vote. ...(Interruptions)...

SHRI S.S. AHLUWALIA: Sir, within another half-an-hour? $\dots (\mathit{Interruptions})\dots$

श्री राम कृपाल यादव (बिहार): सभापति महोदय , मुझे आपका संरक्षण चाहिए। ...(व्यवधान)...

श्री सभापति : श्री राम कृषाल जीः, आप बोलिए।

श्री राम कृषाल यादव : धन्यवाद सर।...(व्यवधान)...

शरी रामविलास पासवान : सर, वहां भीः 12.00 बजे राहा तक लोक सभा चली थी। जरूरत पड़ेगी 12.00 बज जायेंगे तोः फिरि राष्ट्रपति के यहां जायेगा। ...(व्यवधान

श्री सभापति : आप बैठ जाइए। ...(व्यवधान)...

शरी एस.एस. अहलुवालिया : हम यहां बैठे हुए हें⊅ कोई 12.00 स हाउस चैंज नहीं होसा टाइम। कंटिन्युअ बैठा हुआ हैं ...(व्यवधान)...

श्री सभापति : आप बैठ जाइए। ...(**व्यवधान**)...

SHRI S.S. AHLUWALIA: Until you finish the subject, it cannot be adjourned. ...(Interruptions)...

MR. CHAIRMAN: Precious minutes are being lost. ...(Interruptions)... Now, Shri Ram Kripal Yadav.

यादव : सभापति महोदय , हम आज लोक्रपाल शरी कुपाल 2011 पर सुबह से ही चर्चा कर रहे हैं क लोक्रपाल बिल्ल जिल्ल वर्तमान सक्रप में है , हमारी पार्टी उसके समर्थन में नहीं है≬ इसका प्रतिकार स्टैंडिंग कमेटी में हमने किया , दूसरे सदन में किया और यहां भीः मैंः इसका परतिकार कर रहा हं⊅ हैं , जिं आपत्तियों मेरी कई आपत्तियां कोः हमने गवर्नमेंट के गवर्नमेंट सामने रखा , लेकिन ने उनपर कोई विधार नहीं किया। क्छ एक पर जरूर विचार किया है , उसके लिए र्मे गवर्नमेंट काः आभार व्यक्त करना ह्ंाः आपने इससे सेवा को बाहर निकाल चाहता , हम इसके लिए आपका आभार व्यक्त करना चाहते हैं⊅ आप एक अरब तीस करोड़ काः प्रतिनिधित्व लोगों करते हैंक अगर प्रधान मंश्री होंग्रे , तोः देश demoralized demoralized होगा। से बाहर आरोपित प्रधान मंत्री देश जाकर हस्मित और बहादुरी के साथ कोई एग्रीमें ट कर सकेगा

[श्री उपसभापति पीठासीन हुए]

क्या वह अपनी बास कहने काः काम कर सकेगा देश को कुयों ? demoralized कर रहे हैंः और वह भीः किसी के दबाव में¢ वे चन्द जिसका पोलिटीकल मोदिवेशन हो , जो लोकतंत्र को बरबाद करना हैं , पार्लियामेंट चाहते को खत्म हैंं बाबा कर देखा चाहते साहेब अम्बेडकर ने जो संबिधान थाः, उसकी धज्जियां बनाया के एजिटेशन उड़ाना चाहते हैंक हम क्छ लोगों के दबाव में आ रहे हैं⊅ सदन के सभी सदस्यों से यह अनुरोध करना चाहता

हूं कि यह आत्मघाती कदम न उठाया जाए। आप इस पर कदापि अपनी मुहर होगा। काः काम मत कीजिए। यह कदम सुसाइडर यदि आज हमने इसको इस रूप में पास कर दिया तो यह लोकतंत्र कीः समाप्ति कीख़ ठोक़ने का काम होगा। मैं चाहता हूं कि लोकपाल एक सशक्त बल्लि बने। एक ऐसा बिल्ले बने जो देश की लोकतांत्रिक वयवस्था करने का काम करे , जो पार्लियामेंट सुव्यवस्थित को बचा ने का कोः बचाने काः काम करे। हमें काम करे और जोः संविधान आजादी मुश्किल से मिल्ली थी और जब हमारे जिस पुरखों ने इस देश काः संविधान बनाया थाः , उनकी सोच अलग थीः। आजहम उसी संविधान बना रहे हैं। हम लोग भ्ररष्टाचार से लड़ रहे हैं⊅ तहत कामून बहुत लोगों को जेख भेजा है और हम आजकी तिथि में भी जेख हमने हैं देश में एक माहौल भेजने काः काम कर रहे बनाया गया कि अगर कोई करप्ट है , तो वह राजनीतिज्ञ है। पूरे देश में परचारित किया जा रहा है।

महोदय , मैं दाबे के साथ कहना चाहता हूं कि आजभी राजनीति करने वासे लोग , जिसका 30-35 का कैरियर होसा है , जो जनता ही समस्याओं के लिए लड़कर, कभी MP बनते हैं , कभी MLAS बनते

हैं⊅ वे इस सुधान पर बड़ी मुश्किल से आते हैं⊅ देश हजारों , लाखों लोग कुर्बान होः जाले हैं , लेकिन वे संसद काः काः काम नहीं करते हैं। म्ह देखने आजहम उस व्यवस्था करने काः काम कर रहे हैं 🕩 आज भी जो 80 परसेंट पॉलिटिकल लोग वजह से देश बचा और देश की लोकतांत्रिक हैं , उनकी हुआ है वयवस्था बची हुईः हैक यह कहा जाः रहा है कि सारे राजनीतिज्ञ कि हिन्दूस्तान चोर हैं 🕩 र्मे तोः यह दावा चाहता की करना हं एक एजेंसी और जिलने पॉलिटिशियन्स हैं , जोः रहे और बने रहेंगे , उनकी सम्पत्ति कीः जांच काः काम कीजिए। करने से बहुत ऐसे हैंं जिसको दवा के लिए पैसा नहीं मस्रिता है , उनके कीः रोटी भीः नहीं बच्चों को दो वक्त मस्रिती हैक जिसने अपना जीवन सार्वजनिक सेवा में बिताने काः काम किया , आजउनकी पुरा क्या सथिति है ? आजउनको चोर कहा जा रहा हैक हम और आप एक दुसरे पर आरोप , प्रत्यारोप लगाते हैंं मगर अपने पेशें का काम कर रहे हैंं और वह भीः राजनीतिक सवार्थ क्छ्हाड़ी मारने जीः अपनी टीम के केः लिए। महोदय , क्या होः रहा है ? अन्ना हज़ारे साथियों के साथ अनशन पर बैठे थे , उनको अन्शन करने की आवश्यकता नहीं थी। संसद पर वश्वास चाहिए यहीं से करना था। कामून है , सड़क से नहीं बनता है। मगर उस पर वश्वास नहीं किया गया और जब परदर्शनी लगी , तोः क्या किया गया ? महोदय , मेरे पास एक चिन्नि है . . .

श्री उपसभापति : इसे मत दखाइए।

शरी राम कुपाल याद व: यह बहुत हीः महत्वपूर्ण मामला है≬ पार्लियामेंट कोः * कहा गया है। यह जोः हमारा अशोक सप्तम्भ है , इसको कथा बताया गया है ? जो सत्यमेव जयते है , उसको * जयते कहा गया है।

श्री उपसभापति : इसे मत दखाइए।

राम कुपाल यादव : महोदय , यह देखा जाए कि कया शरी मजाक हो है , यह पार्लियामेंट यह अशोक सह्नम्भ *! किसी है , वह आन्दोलन कर सकता है , अपनी बाल कह सकता सक्तंत्रता मगर इस रुष में गालियाँ दी जा रही हैं⊅ * महोदय , इसकी limitation होती हैं। इस limitation को cross करने कीः इजाजत

दीः जाः सकती। कोः नहीं इसलिए मैं आपसे निवेदन करना चाहता पीड़ा हूँ। मुझे से बोलना पड़ रहा हैंक मैं पीड़ा से बोल रहा कि मेरे जैसे कई लोग हैं , जिल्होंने अपना जीवन ईमानदारी के साथ बिहाने काः काम किया †हं मैंः अन्ना हजारे की टीम को चुनौती हुँ कि मेरा पूरे 33 साम का कैरियर है , देखा चाहता अगर मेरे अपर एक भीः आरोप prove करने काः काम करे , तो मैं राजनीतिक जीवन से संस्थास ले लूँगा। कई ऐसे लोग हैं , जो इस सदन में बैठे हुए हैं , जिल्होंने अपने पूरे जीवन को समर्पित करने काः, जन सेवा करने किया है और देश कीः रक्षा काः काम स्रक्षा और देश कोः आगे बढ़ाने काम काम किया है । इसलिए यह बहुत चिन्तिता काः विषय े है

महोदय , मैं दो -तीम बाहें रखना चाह्रँगा। आज मुझे बोसने दिया जाए , आप घंटी मत बजाइएगा। महोदय , प्रधान मंत्री को demoralize नहीं किया जाए। उनको इससे बाहर किया जाए।

महोदय , मैंबे कहा कि कामून में परावधान है और इस कानून के पराव धाम के अन्तर्गत हमें सजाएँ मिस्रि रही की कोशिश की जा रही भ्रष्टाचार पर अंकुश लगाने हैं हम इस पर काः काम कर रहे इसी संबिधान अंक्ड्श लगाने हैं क के तहत, कामून के प्रावधान के तहत हमारे देश के एक प्रधान मंत्री के ऊपर भी जाँच चली थीः , कई

^{*}Expunged as ordered by the Chair.

10.00 P.M.

मंत्रियों के ऊपर जाँच चली है , चल रही है , कई लोग जेल में भीः हमारे कीः बाह्य हैः कि यह लोकपाल हैं क आश्चर्य संबिधान में , हमारे में जोः पुरावधान हैं , उनके अन्तर्गत ही काम काभून करने काः काम करेगा। हम कोई नया कामून नहीं रहे हैं⊅ हैं क र्मे हमारी IPC कीः धाराएँ अपने आप में पर्याप्त कि उसके तहत ही लोकपाल भीः काम करेगा। मगर मैं बताना कि 2005 के UN Convention on Corruption की बात की गई। की बाल कर रहे में पहला ऐसा कामून बनाने हैं क हम देश इस Convention पर जो हस्ताक्षर कथा ...(**समय की** घंटी) **. . .** सर, घंटी मत बजाइए। हमें derail **मत कीजिए।** मैं सदन से भी अनुमति चाहता ह्ँ कि मुझे अपनी भावना काः मौका दिया रखने जाए। यह बहुत important चीज है। महोदय , क्या दुनिया में कहीं ऐसा कामून है , जिस तरह के कामून पर हम मोहर लगाने कीः बाह्य कर रहे माननीय सदस्यों ने UN Convention की चर्चा की कि हमारा इंटरनेशनल एग्रीमेंट है , उसके अनुसार हमें इसे बनाना 2053 **और क्या** -क्या बास की जा रही है। र्मे पूछना चाहता जीः आप इसका जवाब दीजिएगा , जब जवाब देवे कीः बास कि कया दुनिया के किसी भी अन्य इस तरह काः कामून राष्ट्र कामून पर हम मोहर लगाने जाः रहे हैं ? अजूबा ! इतिहास हमें कभी माफ़ नहीं करेगा , क्योंकि हम अपने हाश्य से लोकतंत्र कीः कोशिश कर रहे हैं⊅ इसलिए कोः मारने सांसद भाइयों निवेदन चाहता हुँ कि इस पर मोहर कभी आप आपसे करना मत लगाइए। आएँगे , कभी आप आएँगे , मगर यह जोः गर्दन में फाँझी काः फाँस है , यह फाँझ आप पर भीः लगेगी। जेटली साहब , मैंा आपसे निवेदन करना चाहता ह्ँाः

मुश्किल से हम लोग इस सदन में आए हैं¢ इस सदन की एक है , लेकिन गरिमा को सांसदों कोः इसमें डाला जाएगा , वधायकों और भूसपूर्व सांसदों को भी इसमें इसमें जाएगा डाला जाएगा। यह बहुत आश्चर्य की बास है। यह क्या होः रहा कभी देखा है कि कोई नामित व्यक्ति नहीं चुने हुए लोगों शासित करेगा ? What is this *? यह क्या होः रहा है ? क्या आपने कभी है कि हम जिसे नामित करेंगे , जिस्सको हम नॉमि नेट करेंगे स्वा करेगा चार्जशीट वही हमारे खिल्लाफ कार्यवाही , हमारे खिल्लाफ करेगा ? यह कोई कामून है क्या ? इस कामून पर हम कभी भीः मोहर

नहीं लगा सकते।

SHRI SITARAM YECHURY: Sir, * is unparliamentary.

 $\ensuremath{\mathsf{MR}}\xspace$. DEPUTY CHAIRMAN: That word may be removed from the record.

श्री राम कृपाल यादव : महोदय , मुझे सुबा जाए।

श्री उपसभापति : आप ज़रा अनपार्लियामेंट्री लफ्ज़ों को: इस्तेमाल मत कीजिए।

श्**री राम कृपाल यादव :** सर, इसे डिक्षीट कर दिया जाए। बहुत सारे मामनीय सदस्यों ने भावनाओं में अपनी बाहें व्यक्त की हैं

रिज़र्वेशन की बाहा कही गई, जिस पर हम लोगों को घोर इसमें आपत्ति है , क्योंकि इसमें एक ने बहुत है। हमारी पार्टी महत्वपूर्ण प्वाइंट के जद्दोजहद रज़िर्वेशन इसमें माइनॉरिटी इसमें दक्षिवाया। काः रज़िर्वेशन नहीं थाः , ओबीसी काः रज़िर्वेशन नहीं থা , एससी /एसटी काः रज़िर्वेशन नहीं থা:| हमारी पार्टी

^{*}Not recorded.

के कई लोग हैं , जिह्होंने लिए सड़क से लेकर इसके सदन तक एजिटेशन किया। र्मे कि आपने आभार वयक्त करना चाहता ह्ं सैद्धांतिक हैं। मगर मैं रूप से इसे माम लिया संघिवी साहब थाः , साथ हीः कपिल सब्बिल साहब का जो जवाब था , उसे स्ब रहा के था। ने कहा कि 18 करोड़ लोगों कीः भावनाओं स्ब उन्हों माइनॉरिटीज़ कोः इसमें रखा है अन्रूप हमने आप क्या कह रहे हैं ? आपने 50% **आरक्षण** तोः देः दियाः , मगर प्रावधान में कहीं इसे रखा हैक आपने तोः यह कहा कि कभी ओबीसी को आरक्षण , कभी मिल्लेगा माइनॉरिटी कोः आरक्षण मस्रिगा , कभी शैङ्यूल् कोः आरक्षण कास्ट कोः मिल्लेगा , कभी शैङ्यूल्ड ट्शइब्स मिल्लेगा और कभी महिलाओं कोः मिल्लेगा। क्या चास्नाकी है ? सबको एक साध प्रतिनिधित्व नहीं देंगे आप। आप करोड़ों लोगों कीः आत्मा चोद्य पहुंचाने काः काम करेंगे। We can not tolerate this.

संशोधन अगर इसमें नहीं किया गया , अगर इसको वाजिब हक़ नहीं दिया गया , तो हमारी पार्टी , अंतिम इसका प्रतिकार करेगी दम तक परतिकार करेगी। इस स्वरूप में हम इस बल्लि को कभी पास नहीं होने देंगे। आप शैङ्यूल्ड कास्ट शेङ्ग्यूल्ड ट्राइब्स माइनॉरिटीज , ओबीसी और महिलाओं के लिए इसमें प्रावधान कीजिए। नहींः आप ऐसा करते ? आप चाऱ्नाकी के साथ काम करना क्यों चाहते हैं ? क्या पर्दे की पीछे हो गठबन्धन गया है गठबन्धन के कारण आपने इस तरह से प्रावधान काः काम किया रखने आएगी , लेकिन है ? ख़ुद्धा न ख़ास्ता इनकी सरकार तो पाबर में नहीं अगर आ गई तो ये कभी माइनॉरिटीज़ को आरक्षण नहीं दंं गे इनको तोः माइनॉरिटीज और अल्पसंख्यक शब्द सुबते ही छींक्र आती है , होः जाही लोग , जिसके लिए देह पर जुङ्गपित्ती हैंक 18 करोड़ आपने प्रतिनिधित्व भाष्रण किया थाः , उनको इसमें नहीं मिल्लेगा शैङ्गयूल्ड कास्ट /शैङ्यूल्ड को इसमें ट्शइब्स परितिनिधित्व नहीं मिल्लेगा ? ओबीसी को परति निधित्व नहीं मिल्लेगा

संविधान की धारा 15-16 **के** तहत इसमें आरक्षण का परावधान नहीं हैं , लेकिन आपने कहा कि लोगों कीः भावनाओं को प्रातिनिधित्व देवे देखते हुए हम इसमें का काम रहे अभी कीः शपथ लेबे केशव बता रहे थे कि हमने संबिधान साहब काः काम कथा है और आदर करेंगे। . . . (व्यवधान

श्री उपसभापति : राम कृषाल जीः , आपकब तक बोलेंगे ?

श्री राम कृपाल यादव : क्या यही आदर है आपका ? सर, मैं खत्म कर रहा $\dot{\mathbf{g}}$...(**व्यवधान**) ...

सर, मैं आपसे निवेदन करना चाहता हूं , कृषया आप ऐसा कोई चास्रीस सास्र से आप यहां हैं , ले किस इतिहास काम न करें। आपको कभी माफ़ नहीं करेगा। मैं आपको यह बता रहा हूं। आजादी के बाद मृश्किल से संविधान नर्सिताओं ने इस संविधान कायम हुई। पार्लियामेंट और पार्लियामेंट की बनाया , पार्लियामेंट कीः सुवायत्ता और पार्लियामेंट स्वतंत्रता की सर्वोच्चता को अगर कोई चुसौ ती देशा , तो मेरे जैसे और हमारी पार्टी ने न कभी इसे बर्दाश्त किया है और न ही करेंगे। हूं कि आप लोग एक मन से इसीलिए मैं निवेदन करना चाहता राजनीतिक दुर्भावना को छोड़ करके ...(समय की घंटी)... यह आपके लिए सुसाइडल है , आत्महत्या है ... (व्यवधान) ...

श्री उपसभा पति : समाप्त कीजिए ...(व्यवधान)...

श्री राम कृपाल यादव : खुद को फांसी देवे की बास है। इस पर मोहर लगाने काः काम आपकभी मत कीजिए। यह किसी के हित में नहीं है। न तो यह पार्लियामेंट के हिंह में है , न देश की के हित में है और नही देश स्वतंत्रता के आम लोगों की के हित में है। भावनाओं

लोगों परधान मंबी जीः , आप चन्द के आन्दोलन से डरने काः यह बल्लि हमारे काम मत कीजिएगा। हित में नहीं है≬ हम चाहते हम कदापि कि एक सशक्त बल्नि आए. लेकिन इस रूप में इस पर मृहर लगा सकते हैं: सीब्रीआई कोः इससे , साथ ही बाहर करना चाहिए `सीः ' और 'डीः ' कर्मचारियों को इससे बाहर चाहिए। इन्हीं करना के साथ पुद्ध : आपके पुरति चन्द शब्दों आभार व्यक्त करते हुए करते हैं क हम अपनी बाह्य समाप्त धन्यवाद।

SHRI O.T. LEPCHA (Sikkim): Mr. Deputy Chairman, Sir, I support the Bill, but of the many issues that this august House has raised I would like to make my remarks on two issues.

First is the issue of CBI and how should it be handled. I would like to reiterate some points made by some senior leaders in the House. Firstly, no Government organization would like the fact that other Government organization appoint its Members. Thus, it is very important to strike a balance in matters concerning appointments of such strategic positions. The appointment provision of the Director of CBI has been amended through this Bill and we welcome this step.

Sir, as per the current practice, the appointment of the CBI Director, a lot of time, attracts criticism that this system allows the Government to select a candidate who would be biased to them. But it is safe to say that a person selected on advice of a committee comprising of the hon. Prime Minister, hon. Leader of the Opposition and the hon. Chief Justice of India or his nominee would ensure not only selection of a capable person but such a system of selection would make the process more transparent and inclusive.

Hon'ble Sir, apart from the appointment of Director, there is one more point that I would like to bring to the attention of this House. Placing of CBI under another body will not be right and this idea has been upheld by the apex court of the country also in its various judgments that ensuring CBI independence is critical. The Supreme Court in Vineet Narain's case made it very clear that the independence of the investigation wing of the CBI should remain intact and even the Supreme Court cannot interfere in the investigation of CBI.

Hon'ble Sir, thus upholding the sanctity of the Constitution and not undermining the federal structure of the country, the amended provisions of this Bill, which state that the Bill, once passed, shall be applicable to States if they give consent to its application is a positive step and we completely agree to it.

Also before I conclude, I would like to state that bringing a law under Article 253 of the Constitution to honour an international agreement sends out a very strong message to the international community about the level of importance that our country attaches to the issue of eradication of corruption.

With these words, I welcome the Bill and hope that the Lokpal at the Centre and Lokayuktas at the States march furiously to end the ages old war against corruption. Thank you.

शरी रामविलास पासवान (बह्निर)ः उपसभापति जीः , आजलोक्रपाल पर जोः डिबेट चल रही है , हमने में हीः बुमियादी शुरू थाः , जब इसके पहले अन्ना हजारे जीः काः अनशनहोः रहा इस देश पार्लियामेंटी डेम्रोक्रेसी हमारे में और पार्लियामेंट्री डेस्रोक्रेसी में जन्ताः पार्टी कोः चुन्नती है और पार्टी अपने नेह्ना को चुनती क्री जोः बहुमत काः नेता है , वह देश काः प्रधान मंत्री बनता है , जो प्रधान मंत्री होह्या है , वह कैब्रिनेट कोः बनाता है और वह कैबिनेट सरकार कहलाती हैक आजजोः यह लोकपाल और अन्य सारी चीजें चल रही हैंं , उसमें हम एक सीधा -साः सवाल यह पूछना चाहते हैंः कि यह लोक्रपाल कस्रिका स्थान चाहता है ? हमारी जोः पार्लियामेंट्री डेम्रोक्रेसी है , वह एक इलेक्टेड बॉडी है और जोः लोकपाल है , वह एक नॉमिनेटेड बॉडी सर, अभी भी सुप्रीम कोर्ट में यदि किसी होगा। मुजरिम कोः फाँझी है , तो उसके भीः राष्ट्रपति के कीः सजा होः जाही बाद क्योंकि यहाँ अपील प्रावधान करने काः है , राष्ट्रपति साथियों इलेक्टेड हैं क हमारे ने यह ठीक़ कहा कि जोः इलेक्टेड है , उसे आजहम नॉमिनेटेड बॉडी टेकने के बॉडी के सामने घ्टने कह रहे हैं 🕩 है ? क्या लोक्रपाल लोक्रपाल क्या भगवान काः दिया हुआ है ? लोक पाल का आदमी कहाँ से आएगा ? देश काः प्रधान मंत्री हुआ हैंक प्रधान मंबी चाहे कोई भी हो , उसको चुझती है और उस प्रधान मंत्री कोः आपलोक्रपाल के अंसर्गत यह कंडीशंस हैं ! चाहे के साथ हो या बिह्या कंडिशंस यह मजाक नहीं है , तो और क्या है ? ऐसा क्यों होः रहा है ? ऐसा है कि हमारी जोः पार्लियामेंट्री डेस्रोक्रेसी होः रहा है , वह मोब्रोक्रेसी के सामने घुटने टेक रही हैक कुछ लोग मॉब किसी काः समर्थन को जमा करते हैं , भले हीः उनको होः , ऐसे को याद रखिए। एक कहावत है कि होशियार द्श्मन अच्छा होला है , बीज्ञेपी के लोगों ने लेकिन म् रख दोस्त अच्छा नहीं होह्या हैक रखिए कि अगर वह इधर काट्टेगा अपना मूर्ख दोस्त च्झा हैंक याद , तोः उधर आपको भीः काटने और वह काट रहा काः काम करेगा है¢ मजाक है ? अभी पता चल गया।

सोनिया जी ने एक रुख लिया। उन्होंने स्पष्ट कह दिया कि हम

जनता के बीच face करेंगे। सारा काः सारा मामला होः गया। खत्म थाः , तोः आप लोगों क्छ लोग वह भीः चल रहा के कारण चल रहा था। मीडिया के सहारे और कुछ लोग , कुछ लोगों – मैंबे कोः जमा करके इसीलिए उस दिस कहा थाः कि यदि इस तरह कीः परम्परा चली , तोः याद रखिए कि इस देश में डेम्रोक्रेसी क्या , ये वीकर सेक्शन के लोग आजसर्वाइव कर रहे हैंं और आगे बढ़ रहे हैं , कल यदि कोई यह कह दे कि रिज़र्वेशन कर दोः, कोई को खत्म कह दे कि म्सलमानों से नागरिकता ले लो , क्रिश्चियंस देश हम उसके नागरिकता ले लो , तो क्या सामने घुटने टेकने काः काम हीः दिस कहा थाः कि येः करेंगे ? इन सारी बाह्मों कोः मैंसे पहले सारा काः सारा प्स्नान उनको बाइपास करने काः हैंक पार्लियामेंटी डेम्रोक्रेसी के सहारे जोः दलित वर्ग के लोग आ रहे हैं , रामविलास पासवान जैसे लोगों को जहाँ अछूत कहा थाः , आज वह पार्लियामेंट जैसी जामा थाः, untouchable कहा जाशा है¢ आपके सामने सर्वोच्च संस्था में आपके सामने आजगंगा चरण राजपूत हैं , हमारी माइनॉरटी के लोग हैं , सारे बैकवर्ड क्ल्लासिज़ के लोग हैं , शेङ्ग्यूल्ड कॉस्ट्स के लोग हैं , के लोग हैं , ये लोग जो आगे बढ़ रहे शेङ्ग्यूल्ड ट्राइब्स इनके कारण बहुत से लोगों को पेट में दर्दहो रहा – दलित , आदिवासी आबादी 80 प्रतिशत लोग ैंह जाए , कैसे अल्पसंख्यक , उनको कैसे बाइपास किया उसको पीछे धकेला जाए।

मित्रि बैठ कर सुपर पाँच करके कैबिनेट बना रहे कि और हम यहाँ लोक्रपाल कौम होगा कामून बनाने जाः रहे हैंा कि कीः नियुक्ति ऐसे कि अगर उसमें लोक्रपाल होग्री। हम देख रहे हैंं पाँच आदमी हैं , तो उसमें सरकार के तीम आदमी क्यों हो गये , एक उसका कुयों हो गया ? अगर जज का नाम hundred per cent आ जाए , तो किसी कोः आपत्ति नहीं होही है , लेकिन यदि उसमें शेङ्ग्यूल्ड कॉस्ट्स , शेङ्ग्यूल्ड ट्शइब्स , बैे कवर्ड और माइनॉरिटी काः नाम है , तो आलोचना होने लगती है यहाँ जोशी जीः बैठे हैं क आ जाता है , लेकिन हमारा शवि सेना से बहुत मतभेद जिस दिन बास ठाक़रे जीः काः यह बयान आया कि अन्ना तानिबानी गांधी है , हमने सपोर्ट कर दिया।

कोः तास्रीबानी गांधी हम से उन्होंने अन्ना हजारे कहा। ने पूछा , आप एक तानिबानी अखबार वालों कोः क्यों सपोर्ट कर रहे हो ? हम ने कहा कि वह गांधी कैसे होः सकता है। गांधी ने कहा थाः कि अगर कोई एक गाल में थप्पड़ मारे तोः दुसरा गास आगे कर दो! अगर कोई एक गास में मारे तोः यह आदमी कहता हैः , एक हीः गास्न थप्पड़ में थप्पड मारा। यह उन के साथ इस तरह का मजाक नहीं हो सकता हैं , आप हमारे नेसा हैक शरी शरद पवार हमारे नेत्रा हैं , कल आप के गाल पर कोई थप्पड़ मार दे , तो हम उसे condemn करेंगे एक ही: गास पर थप्पड मारा ! वह अपने बारे में कहता है कि 40 सास तक शराब पीः थीः। हम नेः तोः कभी नहीं छ्ई। वह कहते कि हैंः कोई शराब पिए तो उस को कोड़ा मारो , पेड़ से बांधकर कोडा मारो। ले जा रहे हैं ? वह कहते कि किसी यह हम अपने को कहां हैंा चोरी काः आरोप लग जाए तोः उस काः हाथ काट दो। आप ऐसे वयक्ति शासन देखा चाहते हैं ! इसीलिए मैंने कि जब मामला हाथ में कहा आया तो दो दिस में कहां सामने पर्दा साफ़ हो गया। गया ताम -झाम मुंबई में ? कहां गया ताम -झाम दक्षिली में ? इसलिए पार्टी कीः बैठक हुई थीः , प्रधान मंत्री जीः आपसेः सब नेः कहा थाः कि कोई काम hurry में नहीं होमा चाहिए , जल्दीबाजी चाहिए , लेकिन आप ने टी .वी . के सा मने कह दिया कि हम तो चौबीसों घंटे बैठकर लोक्रपाल बिल्ल बना रहे हैं 1 कुयों बना रहे लोक्रपाल बिल्लि ? खि्लाफ लोग हैंं भरष्टाचार के हैंः लोकपाल और अन्ना लोक्रपाल के नाम कीः लड़ाई यहां लड़ी जाः रही है । डसलिए हम आप से कहना चाहते हैंा कि क्छ वयक्ति

डे**ं मोक्रेसी को ख**त्म करना चाह्रते पार्लियामेंटरी हैं 🌣 यह जो ऑफपार्लियामेंट है , उसे गाली दीः जाही है। राम कृषाल जीः नेः ठीक कहा , कोई एक दिव में एम.एल.ए. बनता हैः , कोई एक दिव में एम.पी . बनता है ? जिल्लाबाद , जिल्लाबाद , नेह्ना काः जिह्नाबाद काः जिह्याबाद करो , जूहा घसिते –घसि ते जाकर कभी सभा , लोक सभा याः वधान परिषद् काः म्ह राज्य वह देखता है वह है , लोगों कार्य के दुख में , सुख में , अपने घर-परिवार करता को भूखा , बेटे को बीमार छोड़कर जनता के बीच में लगा हैंक कौम अफसर है जो 9 बजे राज्ञ के बाद ऑफिस में जाग –जागकर काम करता है ? वह एक पॉलिटिकल पार्टी काः नेता है जो 12 बजे राहा को भी यदि जनता आती है और अधिकार के साथ अपने है और वह कहता है कि चलो देखेंगे। परतिनिधि कोः उठाती कार्यकर्ता काः अपमान किया जाला है , ऐसे -वैसे लोग अपमानित करते कहा जाला है कि 180 गुंडे हैं , कहा जाता है कि हैं। पार्लियामेंट में सारे -के -सारे अनपढ़ लोग बैठे हैं। हुए यहां तोः एक सेः एक बढ़कर ग्रेजुएट बैठे हुए हैं , लेकिन जिस को नेहा मानकर चल रहे हैं , उन का qualification है ? इसलिए हम आप से कहना चाहते कि ऐसी गीद्रइ भभकी से काम नहीं चलता क्री सरकार सरकार कीः तरह काम करना चाहिए। संसद परिसर है , संसद किसी के अधीन नहीं हैक हम कोः आश्चर्य लगा , हम आप कोः धन्यवाद कि आप संशोधन चाहते हैं क्ख़ॉज 24 रखा गया थाः, आप क्या लाए। समझकरकलॉज 24 लाए थे ? मेंबर ऑफपार्लियामेंट के

खिलाफ , किसी के खिलाफ आरोप होगा तो उस के खिलाफ लो कपाल जांच करेगा , लोक्रपाल चार्ज्जशीट देवा और फिर लोक सभा के सुधीकर कोः और सभा के चेयरमैन कोः नोदिस भेजेगा , रिमोर्ट और उस से Action taken report मांग्रेगा कि हम ने आप को complaint दी थीः , आप नेः उस केः ऊपर क्याः कार्यवाही कीः? वह उधर मामला में दे गाः और इधर आप से explanation call करेगा। यह किस कामून के तहत हो रहा थाः? हम लोग उस सदन के सदस्य थेः, मंबी कोर्ट नेः जब नोव्टिस भेजा था तो अध्यक्ष ने कहा थाः क*ि* यह उस काः पाँबर नहीं हैं। यह हमारा है , हम कुर्सी पॉबर हुए हैं हम कोः अपने मेंबर के साथ कैसे डीख़ करना है , यह हम को है , उसे नहीं देखना क्री एक मेंबर ऑफपार्लियामेंट ऑफपार्लियामेंट वह सबक सिखाने काः काम करेंगे ? मेंबर रिशयर होः जाएगा , उस के खिलाफ साल साल के अंदर जांच शुरू की जा सकती जांच चलायी जाः सकती हैः ? प्रधान मंत्री के रिटायर होने प्रधान मंबी के खिल्लाफ लोक्रपाल के बाद क्यों है , लोक ? आखिर प्रधान मंत्री मंत्री देश का परधान सभा को अधिकार है , राज्ञ्य सभा को अधिकार है , प्रधान मंत्री को हटा दे

मोशन लाएं , लेकिन यह लोकपाल कौन नोः कॉम्फीडेंस होसा है ? हमको सबसे ज़्यादा कौम होसा अन्ना हजारे इस बास का द्ख से ही कहता आया हूँ कि प्रधान मंत्री कोः इसके रखने मतलब है कि हम देश की सक्क्यि्रिटी के साथ खिलवाड़ कर अंदर रहे हैं क आज हमारा पाकिस्तान दोस्त नहीं है , आज हमारा बंग्रलादेश है , आजहमारा श्रीलंका दोस्त दोस्त नहीं नहीं है , चीम हमारा दोस्त नहीं है और हम प्रधान बगल काः कंट्री कोः लोक्रपाल के दायरे में रखना चाहते हैं क उस हाउस में मुलायम जीः नेः ठीक हीः कहा थाः , इसका मतलब हैः कि कोई एक आदमी , यादव , एक दरोगा जाकर के एक एमएलए को , एक एमपी को पकड़ने एक चौक़ीदार , जो देश के शरिमोर और पुरधान मंबी काः काम करेगा हैं , देश हैं , उनके के नेहा खिलाफ कोई भी आदमी काः गौरव हैं , राष्ट्र पिंटीशन देकर उनको हमेशा कलप्रिट के रूप में देखने काः काम करेगा और इसके आप झुक्कने काः काम करते हैं¢ हम लोगों ने लिए इसको कमेटी में लिया थाः, सिघवी साहब यहां बैठे हुए हैं , हम

ने नोष्ट ऑफ परोटेस्ट थाः , आपने उसमें लोगों भेजा कुयों अगर, मगर लगाने काः काम किया ? हमारे ये बीजेपी के साथी बैठे हैं , प्रधान जीः केः साध जब सर्वदलीय बैठक हुई थीः , सुषमा जीः बोल रही थींः , हमने पाइंट ऑफऑर्डर रेज किया थाः , जेटली साहब यहां हुए हैं , वहां अडवाणी साहब थे , हमने प्रधान मंत्री जीः से कहा थाः कि प्रधान मंबी जीः, आपके यहां हम लोग शेङ्ग्यूल्ड कास्ट , शेङ्ग्यूल्ड ट्शइब्स के 50 से ज्यादा एमपीज आए थेः और हमने की थी कि शेङ्ग्यूल्ड आपसे मांग्र कास्ट , बैकवर्ड , माइनोरिटीज , महिला कोः लोक पाल शेङ्ग्यूल्ड ट्शइब्ज के अंदर रखने काः काम कीजिए। आपने उस समय कहा थाः कि पार्लियामेंट सर्वोपरि है और हमने थाः कि पार्लियामेंट कहा सर्वोपरि है , लेकिन बिल्ल सरकार बनाती है और उसी बस्रि पर बहस है¢ कीः होही उसके बाद हम लोगों ने बाबा साहब अम्बेडकर मूर्ति के सामने जाकर के धरना देवे का काम किया , फिर मेब काः काम किया। जब वह सर्वदलीय गेट पर जाक़र धरना देवे बैठक हो जीः जब बोसी , तोः हमने थीः , सुषमा प्रधान मंबी जीः सेः कहा कि प्रधान जीः , आप सभी पार्टियों के नेहाओं मंबी से पूछिए कि रि अर्विशन के ऊपर इनकी क्या राय है ? अनुसूचित जाति , जनजाति , पछिड़ी सर्फि जाति , महिला हमने कहा থা , हमने अन्सूचित जाति , अनुसूचित जनजाति नहीं कहा थाः , हमने कहा थाः कि शेङ्ग्यूल्ड कास्ट शेङ्ग्यूल्ड ट्शइब्ज बैकवर्ड माइनोरिटी , वीमेन हर पार्टी के संबंध में कीः राय पूछिए। ने वशिध किया , सबने समर्थन वहां किसी पार्टी नहीं

करने का काम किया और आज यहां राजनीति हो रही हैं। कि माइनीरिटी को क्यों जोड़ा गया ? यह संबिधान के खिलाफ हैं। ...(व्यवधान)... आप बैठिए , पहले।

श्री रुद्रनारायण पाणि : सर, ... (व्यवधान) ...

श्री उपसभापति : पाणि जीः, बैठिए। ...(**व्यवधान)...** बैठिए , बैठिए।

शरी रामविलास पासवान : सर, आ देखिए , मंझल कमीशन के तहत)... में माइनोरिटी काः रजिर्वेशन है या नहीं हैः ? . . . (व्यवधान आपसे कहना चाहता हुँ कि यह जो अनुसूचित जाति , अनुसूचित जनजाति , पछिड़ी जाति का मामला थाः , हमको खुशी हुई और हमने किया , लेकिन आज हमारे साथी संघिवी साहब कह रहे सवागत , वह कह रहे में बाह्य करेंगे उनसे तोः हम बाद थे , उन्होंने क्ल्नेरिफिकेशन दिया कि वह रिजर्वेशन नहीं है , रिप्नजेंटेशन कीः बास होगी। उस समय भीः कहा थाः और लखिकर हमने स्टैंडिंग और रम्निजेंटेशन कमेटी से वाक्रआउट कथि। था। यह रजिर्वेशन में क्री हम यह कहना चाहते हैंं कि अगर इसमें अंतर होसा इसलिए कमेटी में सात सदस्य हैं , तो उसे आप दस कर दीजिए , सेल्लेक्शन कमेटी नौ हैं तोः ग्यारह दीजिए सदस्य का शेङ्गयूल्ड कास्ट शेङ्ग्यूल्ड ट्शइब्ज बैकवर्ड माइनोरिटीज , महिला को जरूर होमा चाहिए। इसके बगैर हम न किसी करेंगे देंग्रे। काः समर्थन , न हम लोग उसे पाः स होने हमारे लिए जीवन -मरण काः सवाल है।

महोदय , दूसरी चीज़ हम यह कहना चाह्रते हैं , यह अन्ना क्या ? धमकी देले हैं कि सोनिया कौम हैं ? भगवान हैं गांधी जाक़र के धरना देंग्रे गांधी के यहां जाकर के धरना , राह्नल और अगर कांग्रेस का काम करेंगे पाः रही भीः अपने कहदे क*ि* तुझा जाकर निष्टि लोः, तोः क्या होगा ?...(व्यवधान बगल में हम भी रहते हैं , 12 नंबर में≬ इसलिए धमकी से देश चलता है एक बार कहीं बीज्ञेपी के नेता के यहां के धरना जाकर , कहीं करेंगे किसी और के यहां काः काम जाकर गे≬ क्या ये बड़े भारी दे ने का काम करें सूरमा बन गए हैं ? क्या इन पांच लोगों ने सबकी ठेकेदारी ले ली है ? इन पांच लोगों क्या करैक्टर रहा है , क्या कैरियर रहा है , वह सब लोगों को है , दुनिया देश कोः मासूम को मासूम मासूम है≬ है≬ इसलिए हम आग्रह करना चाहते हैं कि दबाव में या जल्दबाजी में यह बिल्ल लाग्रा गया है , . . . (व्यवधान) . . . सर, मैं दो मिनट में खत्म करना चाहता हूँ

दूसरा CBI का मामला हैं। पहले सरकार के उपर आरोप लगता था कि CBI सरकार के जिस्से हैं। अब ये लोग मांग्र कर रहे हैं कि सरकार के बजाय लोकपाल के जिस्से कर दो। लोकपाल के लिक्से कर दो। लोकपाल के मामला हो ? हम लोगों की मांग्र रही है कि CBI को बिल्कुल independent करो। चाहे investigation का मामला हो , चाहे prosecution का मामला हो , आप CBI को पूरी पाबर दे दीजिए और इसको accountable बनाइए। हम आजतक लोकपाल का मतलब नहीं समझ पाए हैं , यह नाम कहां से आया , कैसे आया , लोकपाल का क्या मतलब है ? लोकपाल के उपर आप धर्मपाल को बिठा दीजिए।

MR. DEPUTY CHAIRMAN: Please conclude.

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 को
 देखना
 पड़ेगा
 और यदि
 Group C
 and
 Group D

कोः देखना को जोड़ दी जिएगा , तो 65 लाख कर्मचारियों पडेगा। 4 लाख केसेज हैं , कया 4 लाख केसेज कोई देख पाएगा ? फिर political cases अलग हैं। मतलब है कि बड़ी -बड़ी इसका मछलियां और छोटी उसमें से निकल जाएंगी मछलियां उसमें जाएंगी। फंस इसलिए जहां तक üGroup A and Grpup B का माम ला है , वहां तक ठीक है , लेकिन Group C and Group D काः मामला , जैसे चपरासी के मामले और दूसरे मामले चल रहे हैं , राज्य में राज्ञ्य सरकार इनको deal है , डिमार्टमेंट कर लेगी और केस्द्र में केस्द सरकार है , इसलिए के पास वह इनको deal करेगा। इनको किसी नहीं रहना चाहिए , न CVC के पास रहना चाहिए , न लोक्रपाल के पास रहना चाहिए। लोक्रपाल के अंसर्गत केवल Group A and Group कर्मचारियों कोः देखा और जोः बड़े -बड़े मामले चाहिए चाहिए। देवे

तीसरी चीज़ Citizens' Charter है। हम Citizens' Charter के हमारे यहां बह्गिर में 3भी Citizens' Charter लागू Citizens' Charter में यह हो रहा है कि डेट बढाकर गया है कि caste certificate 30 दिसीं में मिल्लेगा। हमको सर्विस के लिए जामा होला थाः, तोः हम caste certificate केः लिए apply करते थे कि हमको कल तक caste certificate जमा करना आप certificate दे दीजिए। नहीं भीः होसा थाः तोः पैसे ले लेसे थेः अब जि्ह्यके पास भी जाओ , अफसर कहता है कि 30 दिलों के बाद आना। कस्री **को**ः BPL **कार्ड** मिल्ल रहा है , तो अफसर कहता है के बाद आओ, अब तक ऑल इंडिया मेडिकल कि 30 दिसीं इंस्टीट्यूट वह मर जाहा है , वरना 10 गुझा घुस देवे certificate मिल्लिता है¢ इसलिए हम Citizens' Charter के समर्थक लेकिन Citizens' Charter को कैसे बनाया जाए ? इसको बहुत समझकर बनाया जाए , जिससे परेशानी न हो: संबिधान की धारा 312 लिखा में है हुआ कि Indian Judicial Service होगी। Indian Administrative Service की तर्ज और उसमें Indian Judicial Service बनाई जाए SC, ST, minorities, backwards को automatic reservation मिल्लिगा।

हूं कि यह जो बिल आया है , वह में मैं यही कहना चाहता total corruption के खिलाफ नहीं है\ हमारे लेफ्ट के साथियों ने ठीक कहा कि जो Corporate Houses हैं , ये total corruption के खिलाफ नहीं अन्ना हजारे जीः सेः भीः पूछा था। यह बलि हैं⊅ हमने total corruption के खिलाफ नहीं है , यह selective corruption के खिलाफ

है , जो पोलिटिकल लोगों कोः इंगित करके बनाया गया है इसलिए इस बिल को सरकार चाहिए , अन्ना को वाष्ट्रस लेबा के दबाव हजारे में नहीं चाहिए अल्टीमेटम चाहिए पड़ना और उन्हें देखा कि पार्लियामेंट सुप्रीम है , जो पार्लियामेंट , वही चाहेगी होगा , कस्मि केः डराने से , किसी की mobocracy में आकर संसद अपना अधिकार और संबिधान अपना अधिका र नहीं खोएगा और बाबा साहब अम्बेडकर काः बनाया जोः संबिधान है , हम उसकी हुआ रक्षा करेंगे , हम हर हास्न में बाबा साहब अम्बेडकर काः बनाया हुआ जो है , उसकी मंशा कोः पूरा करने काः काम करेंगे। सरकार इस बिल को वाप्रस ले या इसको सेलेक्ट कमेटी में भेजे और दोबारा इस पर चर्चा होः तथा चर्चा होने के बाद फिर यह बिल्ल संसद लाए , तब उसके बाद्य इस पर विचार होः , यह हमारा मत है धन्यवाद।

श्री रणवीर सहि प्रजापति (हरियाणा)ः उपसभापति महोदय , मुझे इस महत्वपूर्ण बस्रि पर बोक्रने काः मौका , इसके आपको धन्यवाद देला ह्ं⊅ महोदय , दे श की जनता उम्मीद थीः कि सरकार जनभावना के अनुरूप एक सशक्त मज़बूत बिल्ल लेकर आएगी , लेकिन सरकार दुवारा किए गए बिल्ल को देखकर बड़ा दुख हुआ कि यह लोक्रपाल बल्लि जनता कीः भावनाओं असल में यह लोक्रपाल बलि के साथ अनुरूप नहीं जनता वायदे का सरासर धोखा है। ...(व्यवधान)...

श्री रिव शंकर प्रसाद : सर, क्या ऐसी योजना है कि हाउस को राहा बारह बजे के बाद आगे बढ़ाया जाएगा ?

श्री उपसभापति : देखें गे

शरी रणवीर सहि प्रजापति : असल में सरकार कीः मंशा थी। की नहीं यह लोक्रपाल बल्लि के सरकार अन्ना हजारे आंदोलन के दबाव में लेकर आई है , इसलिए सरकार के लोग लगातार अन्ना के विश्व बोल रहे र्हं क माञ्यवर र्मे सरकार से अनुरोध करूंगा कि वह अन्ना के खिलाफ बोल्लने के जनभावनाओं करते हुए एक सशक्त व मजबूत बस्रि काः सम्मान लोक्रपाल तैयार करे।

महोदय , हमारी पार्टी इंडि यन नेशनल लोकदल ने हमेशा हीः जन बिल्लि काः समर्थन किया है¢ हमारी पार्टी प्रकाश के नेस्नत्व में हरियाणा वधान सभा के मानसून चौद्याला जन लोक्रपाल बस्रि पर चर्चा करनी चाही थीः , लेकिन कीः कांग्रेस नेः वधान सभा सपीकर हरियाणा सरकार कीः सहायता से न के वल इन लोगों कीः अन्मति कोः चर्चा नहीं दीः , बल्कि के लिए मुख्य विमिक्षी पार्टी कोः निम्निम्बित करने काः काम किया। राज्ञ्य कीः सरकार जन लोक्रपाल बस्रि नहीं चाहती थीः , इसलिए के वधायकों हमारी पार्टी ने चंडीगढ़ वधान सभा के बाहर वधािन सभा चलाकर जन लोक्रपाल पारित समानान्तर पुः रस्ताव किया।

महोदय , केट्द्रीय सरकार ने अपने लोक्रपाल बल्लि सी .बी .आई. को लोकपाल दायरे से बाहर रखा है≬ सीः .बीः .आई. सरकार के अधीन है , इसलिए सरकार चुझाव केः समय विषक्षि के लोगों सीः .बीः .आई. काः दुरूपयोग करके अपनी मंशा कीः पूर्ति करती है और विषक्ष के लोगों की छवि खराब करने का काम करती है। , पांच -पांच माम्यवर वर्ष प्राने मामलों को चुनाव के समय पर मारकर , समाचार -पत्रों एवं मीडिया में हाइलाइट करके को बदनाम करने का काम किया जाला विमिक्ष के लोगों इसलिए कि सीः .बीः .आई. काः दुरूपयोग ह्ं रोक्रने करता है कि सी .बी .आई. को सरकारी शकिंजे से बाहर कर लोक्रपाल के दायरे में लाया जाए।

उपसभापति महोदय , सरकार जोः लोकायुक्त काः provision लेकर आई पर अतिक्रमण है , जो संविधान है , वह राज्यों कीः स्वायत्तता मूल धारणा के विश्व Domicile Certificate बनवाने है≬ जाति परमाण -पत्र बनवाने के लिए , बी .पी .एल. कार्ड बनवाने लेबे के लिए , सेल्स लिए , ज़मीन की फर्द टैक्स भरने के लिए , रजिस्ट्रेशन कराने आदि के लिए आम आदमी इंस्पैक्टर , कुलर्क व पटवारी से पड़ता हैक यह काम कराने

आम आदमी को न केवल दफ्तरों वे तहसील के चक्कर काद्टने पड़ते हैं , बल्कि रश्वित भीः देबी पड़ती क्री आम आदमी को राहत दिल्लाने "सीः" और "डीः" शरेणी के कर्मचारियों लोक्रपाल दायरे में लामा ज़रूरी बस्रि इसके बगैर इस लोक्रपाल हैंक के कोई मायने , इसलिए र्मे से चाहुंगा नहीं आपके किया कि इसमें अमें डमेंट जाए और उसके बाद हीः लोकपाल पारित किया जाए , धन्यवाद।

MR. DEPUTY CHAIRMAN: Now, Shri Mohammad Shafi. Not here. Shri Kumar Deepak Das. You have two minutes.

SHRI KUMAR DEEPAK DAS (Assam): Sir, I am thankful that you have given me time to make my observations on this Bill. I am thankful to the Government that it has brought forward this Lokpal Bill. But, I am sorry to say that it is not the strong Lokpal Bill that people of India need. Sir, we need a strong and effective Lokpal. We want end of corruption. We want that black-money should be brought back from the foreign banks to India. Why is there corruption? It is because we have failed to give proper emphasis to the Preamble of the Constitution in

preparing the Bill. What is there in the Preamble? The Preamble of the Constitution of India lays down that the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens, justice, freedom and equality.

Sir, the Government's endeavour to tackle corruption is highly appreciable and is a relevant step to address the chronic problem in the prevailing systems. It is really appreciable. But, Sir, we need to have a wider debate and discussion which may help in having our progress towards socialism as envisaged in the Preamble of our Constitution, and in also having a corruption-free society.

In addition to this Bill, Government should take necessary steps to raise the ceiling on income and the ceiling on property. To curb black money, Government should take steps after every ten years, and demonetization of currency notes of Rs. 500/- and Rs. 1,000 should also be done.

Sir, no individual should be allowed to possess any fire arms in the country. Right to work should be made a fundamental right. A company should not be allowed to set up more than two heavy industries. Agricultural land should not be privatized for industrial purposes. We need the corruption to be removed from our society. We should have a strong Lokpal. We have to take some fruitful steps towards this end. Sir, the Government can bring a strong Lokpal Bill. The Bill should be more specific and more transparent. Please take back this Bill and bring in a new Bill accommodating the strong provisions in question.

With these words, Sir, I conclude my speech and I also thank the Government. But I oppose the Bill, Sir.

- श्री उपसभापति : श्री मोहम्मद शफ़ी। ...(व्यवधान)...
- श्री राजनीति प्रसाद : सर, हम 12 घंटे से बैठे हैं , हम साढ़े दस बजे आगए थेक
- श्री उपसभापति : आप बैठिए। अब खत्म हो रहा है , तब आप ऐसा कथों कर रहे हैं ?
 - श्री मोहम्मद शफी: जनाब वाइस चेथरमैन साहब , सुबह से

और लोकायुक्त बिल्ले पर इस सेवन में मुबाहिसा लोक्रपाल हो रहा है। इस बन्नि की खूबियों और खामियों कें हवाले से हिडबे इक्तिदार और हज्बि इंख्तिलाफ , दोमों की जानिब से अपने ख्यालात रखे गए। क**ि मेरी** मैं समझता ह्ं अपनी पार्टी , जम्मू -कश्मीर नैशनल काँक्रेंस का क्योंकि फैसला है कि हम इस लोकपाल बिल्ल , जिस्सको बहुत के बाद्य किसी ने ऐवान में लाकर पास करने हुकुमत की है , की हिमायत करते कोशिश हैं⊅ लेकिन क्छ अहम आईनी हमारे हैं⊅ मैंः उन ऐताराज़ात कीः जानिब ऐतराज़ात हुक्मत की तवज्जह –कश्मीर दक्षिाना चाह्रंगा। जनाब , जम्मू रियासत को दफा 370 के के हवाले से खुसूसी है – बाक़ी तहत कामून बनाने दर्जा हासिल मामलात में भीः हैः , लेकिन बनाने के हवाले से खुसूसी कामून दर्जा हासिल है¢ जोः आपने लोक्रपाल का बिल्ल यहां पेश किया इसको आईनकी दफा 253 के तहत लाया गया। कतानज़र इस बाह्य की है कि इसको इस दफा के तहत लाया जामा चाहिए थाः याः दफा

252 के तहत लाया जामा चाहिए था। इस बाल पर यहां बहस होः चुकी है , लोक सभा में भी बहस हो च् की है , यहां भीः बहस होः चुकी मेश है कि यह दफा यह मामना सर्फि खास मामलात हवाले से ही कानूनसाज़ी के लिए इस्तेमाल कीः जामी चाहिए थी।

बिल को दफा 252 के तहत यहां पर पेश किया जाः सकता थाः और उस पर वोद्य लिया जाः सकता है≎ अब देखिए , आपने इस कामून पर लागू किया। जम्मू -कश्मीर कोः इस्तसना मुल्क रखा। जबकि कामून के तहत जो भी कार्रवाईयां होनी हैंं के हवाले से वे इंडियन पीमल कोड और इंडियन सीः .आर.पीः .सीः . -और दोनों कऱिमिनल परोसीजर कोड के तहत होमी हैंं बाहों कीः लक्ष्टि लक्स्टि के दा यरे में आती है और वह लक्स्टि तीम कॉमकरंट जम्मू -कश्मीर पर लागू हीः नहीं हैक यह सटेट लक्स्टि है या लक्स्टि है ? और यह दफा जिसके तहत यह कामून बनाए जाः रहे वह दफा हम पर लागू हीः नहीं। इसीलिए रियासत जम्मू –कश्मीर पीनल कोड है। और रनबीर पीनल कोड के हवाले अपना रनबीर कोड भीः , अब आपके आईनमें हैं क रनबीर पुरोसीजर आप जो कामून लाए आपको आई पी .सी . और सी .पी .सी . के तहत काईवाई हैंं करनी हैक हम पर लागू करने जाः रहे हैं , लेकिन हम पर आपके यह कामून हीः नहीं इससे एक मैक्षेज जाने का खतरा है कि कहीं लाग् हैं⊅ में यह बास तोः नहीं कामून लाकर आप बाद्य कहेंगे स्टेट लेजिस्लेचर में , जो आपके गवर्नमेंट कोः कि आप अपने , जोः आपकी रियासत में हैं , आप उन क्वानीन लाग् बदलकर आई.पीः .सीः . याः यह लागू कीजिए , ये क्वानीन लागू कीजिए। में यह इस ऐवान के रिकार्ड पर रखना चाहता हुं , रियासत जम्मू कश्मी र की सुरते हाल के पेशेनज़र , जोः सूरतेहाल वहां पसेमंजर रही है , आप डाय़लॉग भीः करते रहे हैंं कि इस रियासत कीः आईन के दायरे के अंदर इसके खास दरजे कोः बहाल कथा जामा चाहिए और हमारा भीः मुह्मालिबा है¢ आप भीः इस पर बाह्मचीत हैं क करते रहे अब बहाली की बजाए अगर आप किसी ऐसे कामून के जरिए से , जिसमें कीः असेम्बली के जो कामून हमारी रियासत बनाने के अख्त्यारात हैं , अगर वे भी महदूद हो जाहे हैं तोः कैसा मैसेज जाएगा जिसके मन्फ़ी भीः निकल सकते हैं। मैंः ऐवान को यह एक बडे नताइज तमाम बताना चाहता ह्ं⊅ अब आप एक दूसरा कामून भीः इसके साथ लाए हैं , Whistle Blowers Protection Bill.

श्री उपसभापति : वह तो अब नहीं है।

है , लेकिन मैं उसके हवाले शरी **मोहम्मद शफ़ी :** नहीं से यह हूं , क्योंकि इस बन्नि काः तारूलुक इसके साथ हैक इसमें आपने यह बास कही हैं "It extends to the whole of India except the State of Jammu and Kashmir". अब आप Whistle Blowers Protection Bill के हवाले से तो कहते कि यह सारे हैं में लागू होगा और रियासत जम्मू –कश्मीर पर लागू हो ही नहीं होगा , राइटली लागू सकता है। क्योंकि , जो दफात तहत आप यह कामून लाः रहे हैं वे हम पर लागू हीः नहीं और जब आप इसमें एक्सेप्शन करते हैंं तोः इस कामून में एक्सेप्शन करने में कोई हर्ज नहीं है\ इसीलिए हमने अपने आईन के तहत, जम्मू -कश्मीर का जो आईन है , उस आईन के तहत अपना एकाउंटेब्लिटी कमीशन पहले ही बनाकर रखा है , वह काम भी कर रहा अब यदि आपके लोकायुक्त कोः कबूल कर लिया जाए , तोः कामून की क्या हैसियल रहती है ? यह तो एक तरह का आईनी लोकायुक्त पैक्षा है स्टेट के लेजिस्लेचर कंफ्लेक्ट हो सकता और पार्लियामेंट के दरम्यान। इसीलिए , मेरी यह गुजारिश होगी , मैंबे में मिनिस्टर इस बारे ऑनरेबिल नारायणसामी जीः सेः भीः कीः हैः , इसमें आपको फिर से गौर करके भीः बास लोक्रपाल बल्नि उसी तरह से एक्सेप्शन देवी चाहिए जिस तरह से आपने इसमें दीः †हं दूसरी बाह्य जो मैं आपसे कह रहा हूं ,...(व्यवधान

MR. DEPUTY CHAIRMAN: Please conclude.

श्री मोहम्मद शफ़ी: वह यह है कि हमारी पार्टी का यह मौक्रूफ़ रहा है कि वज़ीरे आज़मका इंस्टीट्यूशन जो है वह एक मुख्क की: शाम को दिखाता है।

इसको रखा है। हमारी आपने इसमें पार्टी कीः यह पॉग्लिसी रही है कि पार्लियामेंट के इस कामून के दायरे में , लोक्रपाल दायरे में वजीरे आज़म कोः नहीं लामा चाहिए। अगर आप इसको इस हैं , जैसा दाः यरे में लाहो हमारे मुल्क काः माहौल है , शिकायतें बनाने और शक्कायतें करने में कोई देर नहीं शक्कायतें बनाई जाः सकती हैं≎ जब तक सच साबित होगा , तब तक एक मुख्क के वजीरे आजम के नाम के साथ एक सवालिया पड़ेगा ...(समय की घंटी)... मेरी बड़े अदब से आपसे यह गुजारिश होगी कि आपवजीरे आज़मकोः इसके दायरे में नहीं रखें . . . 1

श्री उपसभापति : श्री राजनीति प्रसाद।

श्री शफ़ी: सर, मैं एक बाह्म और कहना चाह्नता मोहम्मद ह्ं∤ः पहली बार किसी कामून में मुख्क के तमाम तबकों कोः नुसाइंदगी काः काम किया है। जैसा कि सिंघ वीः जीः नेः अपने बयान मेंः कहा कि नुसाइंदगी देखे के लिए हमने 50 प्रतिशत कीः बास हैक भीः नुसाइंदगी होही पहले कीः बाहें रहीं। पहली आप बार इसको लाए हैं और लोगों ने अपने इज़हार किए हैं। जब इस पर अमल काः वक्त आएगा। ...(**समय की घंटी**)... उसमें यह जरूर रखिए कि कहीं मॉइनारिटीज़ कोः और जिसमें सबसे बड़ी मॉइनारिटी है , जिसकी 18 करोड़ की आबादी है , आप 18 करोड़ आबादी को एक तरफ रख कर एक करोड़ याः डेढ़ करोड़ की आबादी को नुझाइंदगी ये मत करिए कि हमने इनको नुझाइंदगी दे दी।

श्री उपसभापति : आप खत्म कीजिए।

शरी मोहम्मद शफ़ी: आखिर मेंं , मेरी यह गुजारिश होगी , जैसा पर माहौल बन रहा है , आप इसको मानें याः न मार्ने , हास्रात तोः इस तरह केः होः रहे हैंः , हास्रातः इस तरह के इस आवाम में मौजूद होग्री , कोई आसमान नहीं हैं , मेरी गुजारिश गरिने वाला , अगर आप इस कामून को किसी सलेक्ट कमेटी केः हवाले करें और जिस हद तक भी मुझकिन हो सके इसमें एक इत्तफ़ाके राय पैदा करने कीः कोशिश जाए। शुक्रिया।

جناب محمد شفیع (جموں و کشمیر) ؛ جناب وانس چینرمین صاحب، صبح سے لوک پال اور لوک ایکت بل پر اس ایوان میں مباحثہ ہو رہا ہے۔ اس بل کی خوبیوں اور خامیوں کے حوالے سے حزب اقتدار اور حزب اختلاف، دونوں کی جانب سے اپنے خیالات رکھے گئے۔ میں سمجھتا ہوں کہ میری اپنی پارٹی، جموں و کشمیر نیشنل کانفرنس کا یہ فیصلہ ہے کہ ہم اس لوک پال بل، جس کو بہت عرصے بعد کمی حکومت نے ایوان میں لاکر پاس کرنے کی کوشش کی ہے، اس کی حمایت کرتے ہیں۔ لیکن ہمارے کچھہ اہم آئینی اعتراضات ہیں۔ میں ان اعتراضات کی جانب حکومت کی توجہ دلانا چاہوں گا۔ جناب، جموں و کشمیر ریاست کو دفعہ جانب حکومت کی توجہ دلانا چاہوں گا۔ جناب، جموں و کشمیر ریاست کو دفعہ علی عصوصی درجہ حاصل ہے۔ باقی

معاملات میں بھی ہے، لیکن قانون بنانے کے حوالے سے خصوصی درجہ حاصل ہے۔ جو آپ نے لوک پال کا بل یہاں پیش کیا ہے، اس کو آئین کی دفعہ 253 کے تحت لایا گیا۔ قطعہ نظر اس بات کی ہے کہ اس کو اس دفعہ کے تحت لایا جانا چاہئے تھا۔ اس بات پر یہاں بحث ہو چکی چاہئے تھا۔ اس بات پر یہاں بحث ہو چکی ہے، لوک سبھا میں بھی بحث ہو چکی ہے، یہاں بھی بحث ہو چکی ہے۔ لیکن میرا یہ ماننا ہے کہ یہ دفعہ صرف خاص معاملات کے حوالے سے ہی قانون سازی کے لئے استعمال کی جانی چاہئے تھی۔

لوک بال بل کو دفعہ 252 کے تحت یہاں پر پیش کیا جا سکتا تھا اور اس پر ووٹ لیا جا سکتا ہے۔ اب دیکھئے، آپ نے اس قانون کو سارے ملک پر لاگو کیا۔ جموں و کشمیر کو استثنی نبیں رکھا۔ جبکہ قانون کے تحت جو بھی کاروائیاں ہونی ہیں كريشن كر حوالم سر وه انتين بينل كود اور اندين سي آريي سي - كريمنل پروسیجر کوڈ کے تحت ہونی ہیں اور دونوں باتیں وہ آئین کی اسٹ تین کنکرینٹ لسٹ کے دائرے میں آئی ہے اور وہ لسٹ جموں و کشمیر پر لاگو ہی نہیں ہے۔ یہ اسٹیٹ لسٹ ہے یا یونین لست ہے؟ اور یہ دفعات جس کے تحت یہ قانون بنائے جا رہے ہیں وہ دفعات ہم بر لاگو ہی نہیں۔ اسی انسے ریاست جموں و کشمیر میں اپنا رنبیر بینل کوڈ ہے۔ اور رنبیر بینل کوڈ کے حوالے سے رنبیر پروسیجر کوڈ بھی، اب آپ کے آئین میں ہیں۔ آپ جو قانون لائے ہیں اس میں آپ کو آئی ہی میں اور سی ہی سی۔ کے تحت کاروائی کرنی ہے۔ ہم پر لاگو کرنے جا رہے ہیں، لیکن ہم پر آپ کے یہ قانون لاگو ہی نہیں ہیں۔ اس سے ایک میسیج جانے کا خطرہ ہے کہ کہیں یہ قانون لاکر بعد میں یہ بات تو نہیں کہیں گے اسٹیٹ گوور نمنٹ کو۔ کیا آپ اپنے لیجسلیچرمیں جو آپ کے خاص قوانین جو آپ ریاست میں لاگو ہیں، آپ ان قوانین کو بدل کر اب انی ہی۔ یہ یا یہ لاگو کیجئے۔ یہ قوانین لاگو کیجئے۔ اسے ایک میسیج جانا ہے۔ میں یہ اس ایوان کے ریکارڈ پر رکھنا چاہتا ہوں۔ ریاست

جموں و کشمیر کو صورت حال کے پیش نظر، جو صورت حال وہاں کے پس منظر میں رہی ہے، آپ ڈانیلاگ بھی کرتے رہے ہیں کہ اس ریاست کے آئین کے دائرے کے اندر اس کے خاص درجے کو بحال کیا جانا چاہئے اور ہمارا بھی مطالبہ ہے۔ آپ بھی اس پر بات چیت کرتے رہے ہیں۔ اب بحالی کی بجانے اگر آپ کسی ایسےقانون کے ذریعے جس میں ہماری ریاست کی اسمبلی کے جو قانون بنانے کے اختیارات ہیں، اگر وہ بھی محدود ہو جاتے ہیں تو کیسا میسیج جانے گا جس کے بڑے منفی نتائج بھی نکل سکتے ہیں۔ میں تمام ایوان کوایک یہ بات بتانا چاہتا ہوں ایک بات۔ اب دیکھہ لیجئے آپ ایک دوسرا قانون بھی اس کے ساتھہ لانے ہیں۔ ایک بات۔ اب دیکھہ لیجئے آپ ایک دوسرا قانون بھی اس کے ساتھہ لانے ہیں۔ ایک بات۔ اب دیکھہ لیجئے آپ ایک دوسرا قانون بھی اس کے ساتھہ لانے ہیں۔ Whistle Blowers Protection Bill

شری اپ سبھا پتی : وہ تو اب نہیں ہے۔

شری محمد شفیع: نہیں ہے، لیکن میں اس کے حوالے سے یہ کہنا چاہتا ہوں، کیوں کہ اس بل کا تعلق اس کے ساتھہ براہ راست ہے۔ اس میں آپ نے یہ بات کہی اللہ extends to the whole of India except the State of Jammu and بے Kashmir اب آپ Kashmir اب آپ Whistle Blowers Protection اب آپ Kashmir کے حوالے سے تو کہتے ہیں کہ یہ سارے ملک میں لاگو ہوگا اور ریاست جموں و کشمیر پر لاگو نہیں ہوگا، رانتلی لاگو ہو ہی نہیں سکتا ہے۔ کیوں کہ جو دفعات ہیں جن کے تحت آپ یہ قانون لا رہے ہیں وہ ہم پر لاگو ہی نہیں ہیں۔ اور جب آپ اس میں ایکسیپشن کرتے ہیں تو اس قانون میں بھی ایکسیپشن کرنے میں کوئی حرج نہیں ہے۔ اسی لنے ہم نے اپنے اکاونتبلتی آئین کے تحت اپنے اکاونتبلتی گمیشن پہلے ہی بناکر رکھا ہے، وہ کام بھی کر رہا ہے۔ اب جو آپ کے لوک آپکت کمیشن پہلے ہی بناکر رکھا ہے، وہ کام بھی کر رہا ہے۔ اب جو آپ کے لوک آپکت گانون کو قبول کر لیا جائے تو لوک آپکت کی کیا حیثیت رہتی ہے؟ یہ تو ایک طرح کا انبنی کنفلیکٹ پیدا ہو سکتا ہے اسٹیٹ کے لیجسلیچر اور پارلیمنٹ کے درمیان۔ اسی لئے میری یہ گزارش ہوگی، میں نے اس بارے میں آئرییل منسٹر نارائن سامی کنا اسی لئے میری یہ گزارش ہوگی، میں نے اس بارے میں آئرییل منسٹر نارائن سامی لئے میری یہ گزارش ہوگی، میں نے اس بارے میں آئرییل منسٹر نارائن سامی لئے میری یہ گزارش ہوگی، میں نے اس بارے میں آئرییل منسٹر نارائن سامی

جی سے بھی بات کی ہے، اس میں آپ کو پھر سے غور کرکے لوک پال بل کو بھی اسی طرح سے آپ نے اس میں دی ہے۔ دوسری بات جو میں آپ سے کہہ رہا ہوں ۔۔۔(مداخلت)۔۔۔

MR. DEPUTY CHAIRMAN: Please conclude.

جناب محمد شفیع: وہ یہ ہے کہ ہماری پارٹی کا یہ موقوف رہا ہے کہ وزیر اعظم کا انسٹی ٹیوشن جو ہے وہ ایک ملک کی ٹنان کو دکھاتا ہے۔ آپ نے اس میں اس کو رکھا ہے۔ ہماری پارٹی کی یہ پالیسی رہی ہے پارلیمنٹ کے اس قانون کے دائرے میں وزیر اعظم کو نہیں لانا چاہئے۔ اگر آپ اس کو اس دائرے میں لاتے ہیں، جیسا ہمارے ملک کا ماحول رہا ہے، شکایتیں بناتے اور شکایتیں کرنے میں کوئی دیر نہیں لگتی ہے۔ شکایتیں بنائی جا سکتی ہیں۔ جب تک سچ ثابت ہوگا، تب تک ایک ملک کے وزیر اعظم کے نام کے ساتھہ ایک سوالیہ نشان پڑے گا ۔۔(وقت کی گھنٹی)۔۔ میری بڑے ادب سے آپ سے یہ گزارش ہوگی کہ آپ وزیر اعظم کو اس کے دائرے میں نہیں رکھیں۔

شری اب سبها بتی: شری راجنیتی برساد.

جناب محمد شفیع: سر، میں ایک بات اور کہنا چاہتا ہوں۔ آپ نے پہلی بار کسی قانون میں ملک کے تمام طبقوں کو نمائندگی دینے کا کام کیا ہے۔ جیسا کہ سنگھوی جی نے اپنے بیان میں کہا کہ نمائندگی دینے کے لئے ہم نے (50 فیصد کی بات کی ہے۔ پہلے بھی نمائندگی کی باتیں ہوئی رہیں۔ پہلی بار آپ اس کو لائے ہیں اور لوگوں کو اپنے اظہارات کئے ہیں۔ جب اس پر عمل کرنے کا وقت آئے گا ۔۔۔(وقت کی گھنٹی)۔۔۔ اس میں یہ ضرور خیال رکھنیے کہ کہیں مائنارٹیز کی اور جس میں سب سے بڑی مائنارٹی مسلم ہے، جسکی 18 کروڑ کی آبادی ہے، آپ 18 کروڑ کو ایک طرف رکھہ کر ایک کروڑ یا ڈیڑھہ کروڑ کی آبادی کے نمائندے دے کر یہ مت کرنیے کہ ہم نے ان کو نمائندگی دے دی۔

شری اب سبها یتی: آب ختم کیجنر.

جناب محمد شفیع : آخر میں، میری یہ گزارش ہوگی، جیسا کہ یہاں پر ماحول بن ربا ہے، آپ اس کو مانیں یا نہ مانیں، حالات تو اس طرح کے ہو رہے ہیں، حالات اس طرح کے اس ایوان میں موجود ہیں، میری گزارش ہوگی، کوئی آسمان نہیں گرنے والا، اگر آپ اس قانون کو کسی سلیکٹ کمیٹی کے حوالے کر دیں اور جس حد تک بھی ممکن ہو سکے اس میں ایک اتفاق رانے پیدا کرنے کی کوشش کی

جانے۔ شکریہ۔ کے لم

श्री राजनीति परसाद सर. सबसे पहले आपको धन्यवाद देखा कि आपने चाहता ह्ं सर, मैंः मुझे बोह्मने काः मौका दिया। अपने भाष्रण कोः एक शेर से शुरू हुं । यह शेर बड़ा माक्रूल हैंक कर रहा

[शरी सभापति पीठासीन हुए

और अगर किसी को तकलीफ इसको आप समझ लीजिए हो तोः मुझे माफ करिएगा। ...(व्यवधान)...

"न समझोगे मिटि जाओगे हिन्दिरितां तोः वाले तुझ्हारी तक न होगी में≬ " यह इकबाल कीः शायरी क्षे दास्तां दास्तानों

जैसा राजनीति हमारे आदमी 50 साल जेख्न गया , सर, हम एक लोअर कोर्ट के वकील गया , वहां गया। हम साधारण आदमी हैंः , सर, हम दस रुपये के लेसे साइन हम संग्निचर के दस रुपये लेते हैं 🏗 दस रुप्तये , पाचस रुप्तये लेबे हमारे रुप्तये वाले जैसे आदमी को एक शहंशाह -ए-परवर दिखार र्मे नाम हिचिकिचाता लेबे में नहीं शरी लालू प्रसाद यादव जैसे हमारे आदमी को राज्य सभा का मैस्बर दिया और हम बहुत बना अनुगृहीत कि हमें ने सभा काः मैस्बर हुए लासू याद्वव राज्ञ्य ैह दिया। सर, कुछ महीनों से लगातार में बना यह सुझने आ रहा मैझ्बर हैं , कि जो लोग के जोः लोग लोक राज्य सभा मैझ्बर हैं , वे सब चोर सर, हमारे पास छोट्टी सीः क्टिया है और हम भी चोर होः गए। शुरी राम कृषाल काद्टने होसा बार हम लोगों चोर हो गए।

सर, यह भी कहा कि जो 15वीं लोक सभा के लोग हैं , सब चोर लोक सभा में मधुलिमेय जीः भीः रहे हैं⊅ वे घडे काः पानी पीते थेः फरीज जब मैं साथ में उन्होंने नहीं रखा थाः। उनके रहता थाः , तोः मैंबे पूछा कि आप फ्रीज़ क्यों नहीं रखते उन्होंने कि पृद्यास लगती है , तो घड़े काः पानी पीमा अच्छा कहा होहा वे भी चोर हो गए हैं ? डा . राम मनोहर लोहिया क्या होः गए हैं। कबीरा खड़ा बाजार मेंं लिए लुगाटी क्या जोः घर जारे आपना चले हमारे साःथा । इस देश में चोर कौम है , वही दीः ? आपको पता हज़ारे चोर है आपने उनको कैसे परमिशन अन्ना कि हमारे है कि हम राष्ट्र ट्रीय यहां कामून झंडा कब फहराएंगे नीःचे अगर किसी ने झंडा

†[]Transliteration in Urdu Script.

दिया , अगर सायंकाल में 6 बजे के बाद और राह में गड़बड़ हो लेकिन गई, तोः उस पर केस चलता है। अब भारतीय जनता राहा में भीः आप बताइए कि यह सब कैसे रही ्र है होः रहा

सर, मैं आप से कहना ह्ं कि अब यह भूस चाहता खत्म होः गया है , आप डरिए हैक अब यह भूस नहीं मत। आप डर कर यह लोक्रपाल कामून यह चलने वासा नहीं हैक में आप से निवेदन आया कि संत फेरूमान ने 80 दिस तक अनशन किया और मर गया। हंः थाः कि चंडीगढ़ पंजाब में चाहिए। एक आदमी ने गंद्या रहना के लिए अनशनकिया थाः , वह भीः मर गया। पॉस्र्यूशन

श्री सभापति : राजनीति जीः, खत्म कीजिए।

: सर, मैं श्री राजनीति प्रसाद आप से कहना चाहता कि इस भीः क्यों है ? अब तो इसका भूस भी क्छ नहीं होः रहा क्री मैं सोनिया गांधी जी को धन्यवाद खत्म हो गया देखा हंः कि उन्होंने लड़ाई लड़ी और कहा ...(समय की घंटी चाहता के लिए तैयार कि मैं आपका मुकाबला करने ह्ंा सर, आप घंटी मत बजाइए। बहुत समय बाक़ी हैं ...(व्यवधान)...

श्री सभापति : अब आपको खत्म करना है। पुत्नीज़ फर्मिश।

श्री राजनीति प्रसाद : सर, मैं क्हना चाह्रता हुं कि जब सोनिया गांधी ने कहा कि अब मैं मुकाबले के लिए तैयार हुं , उन लोगों कीः सिट्टी बाद पक्षि गुस होः गई और रामलीला मैद्यान में 500 **आदमियों** से भी ज्यादा आदमी नहीं रहे। इसलिए भीः कहना चाहता मैं हूं कि मैंसे थे , जो मैं क्या पाप्र किए

राज्य सभा का मैस्बर बन गया और आगे क्या पाप्र करूंगा जब मैं रिटायर होकर जाउंगा , तो मेरे ऊपर तलवार झूखती रहेगी और मेरे ऊपर केस दर्ज होगा। एक आदमी पूछेगा कि आपने फंड दिया , तो मैं कहूंगा कि दिया। वह मुझसे पूछेगा कि आपने कमीशन लिया , तो मैं कहूंगा कि नहीं लिया , नहीं लिया तो ले , हम दरख्वात देसे हैं ...(व्यवधान)...

श्री सभापति : आपसमाप्त कीजिए।

श्री राजनीति प्रसाद : सर, रुकिए , मेश बहुत समय बाकी हैं। सर, यह चलने वाला नहीं हैं।

श्री सभापति : प्लीज़ फिनिश।

श्री राजनीति प्रसाद : मेरा बहुत समय बाक़ी हैं। मैंसे कभी बोला नहीं हैं।

श्री सभापति : पृत्तीज कन्क्लूड।

 श्री
 राजनीति
 प्रसाद
 : मैं
 आप से
 निवदन
 कर रहा
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 ,
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 मैस्बर्स
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 ,
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 अपर भी
 केस
 चलेगा।

 मैं
 आप से
 कहना
 चाहता
 हूं
 कि
 ...(व्यवधान
)...

श्री सभापति : राज्ञनीति जीः, पृत्नीज़।

 श्री
 राजनीति
 प्रसाद
 :
 सर,
 एक
 मिस्सिट
 सुनिए।
 मैं
 पब्लिक

 सर्वेन्ट
 नहीं
 हूं
 राज
 सभा
 का
 मैस्बर
 पब्लिक
 सर्वेन्ट

 नहीं
 होसा
 हैं
 रिटायरमैंट
 के
 बाद
 घर में
 जाहा
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 केस
 चलेगा।
 मैं
 आप से
 पूछ
 ना
 चाहता
 हूं
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 यह कौम
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 , यह कौम
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 ...
 (व्यवधान
)...

श्री सभापति : थैंक यू राज्जनीति जी। प्लीज़ कन्क्लूड।

शरी राजनीति परसाद : मैं इस लोक्रपाल बस्रि का बल्कि्ल्ल मैं कि यह लोक्रपाल समर्थन नहीं ह्रंाः यह कहता हुँ बल्लि करता नहीं चलेगा , यहाँ वोटिंग भीः नहीं होग्री। इस वोटिंग को adjourn कीजिए , इसकी जरूरत कभी नहीं नहीं यह लोक्रपाल चलेगा। हैंक

MR. CHAIRMAN: Please, conclude now. That is it. ...(Interruptions)...

श्री राजनीति प्रसाद : हमारे ऊपर कुठाराघात हो रहा है , पार्लियामेंट के मैम्बर्स के ऊपर क्ाराघात हो रहा है

श्री सभापति : आपबैठ जाइए। Please, resume your place.

मैंः शरी राजनीति प्रसाद : इसलिए कहना चाहता हंः कि आप करके इसको सिल्लेक्ट कमेटी में भेजिए। धन्यवाद।

MR. CHAIRMAN: Shri Narayanasamy, please. The discussion is now over.

SHRI V. NARAYANASAMY: Hon. Chairman, Sir, I am grateful to the hon. Leader of the Opposition and also leaders of various political parties for having participated in the discussion in this august House. I am not able to mention the names of individual leaders. ...(Interruptions)...

SHRI RAM KRIPAL YADAV: Sir, I have a point of order.

MR. CHAIRMAN: What is the point of order?

श्री राम कृपाल यादव : सर, प्कायंट ऑफ ऑर्डर यह हैं कि जो रिजर्वेशन के प्रावधान की बाहा कही गई थीः , उसके साथ धोखा हुआ हैं।

MR. CHAIRMAN: The discussion is over. ...(Interruptions)... Please, don't do this. प्लीज़ बैठ जाइए। ...(व्यवधान)... Hon. Minister, please. ...(Interruptions)... Please, allow the hon. Minister to reply to the debate. ...(Interruptions)...

SHRI V. NARAYANASAMY: I would start by replying to the issues raised by the hon. Leader of the Opposition. He has mentioned that the Lokpal...(Interruptions)...

श्री सभापति : राजनीति जीः, आप यह क्या कर रहे हैं ?...(व्यवधान)... No, no. What is this? ...(Interruptions)... Please, go back to your places. ...(Interruptions)... Mr. Rajniti Prasad, please go back to your place. ...(Interruptions)... आप यह क्या कर

- रहे हैं ?...(व्यवधान)... Please, stop it. This is wrong.(Interruptions)... आप लोग अपनी जगह वाष्ट्रस जाइए। ...(व्यवधान)...
- SHRI V. NARAYANASAMY: Sir, the hon. Leader of the Opposition had raised this issue...(Interruptions)...
- **श्री सभापति :** आपअपनी जगह वाष्रस जाइए। ...(व्यवधान)... Please, go back to your places. ...(Interruptions)...
- SHRI V. NARAYANASAMY: Sir, he has also stated that the removal mechanism has not been done perfectly. ...(Interruptions)...

11.00 P.M.

MR. CHAIRMAN: What are you doing? ...(Interruptions)... आप यह क्या कर रहे हैं ?...(व्यवधान)... Stop it. This is not right. Go back to your place. ...(Interruptions)... आप यह क्या कर रहे हैं ?...(व्यवधान)... आप अपनी जगह वाष्ट्रस जाइए। ...(व्यवधान)...

SHRI V. NARAYANASAMY: Sir, he said that the mechanism for investigation that has been created is unworkable. He also said that...(Interruptions)...

MR. CHAIRMAN: Please go back to your places. ...(Interruptions)... आपअपनी जगहवासस जाइए। ...(वसवधान)...

SHRI V. NARAYANASAMY: Several amendments have been given by them. Amendments have also been given by various other political parties. $\dots (Interruptions) \dots$

श्री सभापति : राम कृषाल जीः, आप अपनी बास कह चुके , आप अपनी जगह वाष्रस जाइए। ...(व्यवधान)... No, this is very wrong. ...(Interruptions)...

SHRI V. NARAYANASAMY: I would like to tell them that this Bill proposes to give an autonomous status to the institution of Lokpal....

श्री सभापति : आप अपनी जगह वाष्रस जाइए। ...(व्यवधान)... आप अपनी जगह वाष्रस जाइए। ...(व्यवधान)... Please go back to your places. ...(Interruptions)...

SHRI V. NARAYANASAMY: This has many important provisions. ...(Interruptions)...

शरी सभापति : राजनीति जीः, आपबैठ जाइए। Please sit down.

SHRI V. NARAYANASAMY: The anti-corruption initiative that has been taken by various Governments, has got very salient provisions like confiscation of property before conviction. This is one of the very important provisions that has been included here in this Bill. But observation of various quarters has been that this is a weak Bill, it is not strong, it is not effective, it is toothless. Sir, in no other legislation in this country or even in the world confiscation of property before conviction is there. This is one of the path-breaking initiatives. Apart from this, the Lokpal has got the power to direct the Government to transfer the officers...(Interruptions)...

MR. CHAIRMAN: Silence please.

SHRI V. NARAYANASAMY: Apart from that, Sir, the assets of the public servants...(Interruptions)... Now, in this legislation, competence has been given.

Sir, I would like to remind you on two issues. The hon. Leader of the Opposition may remember about the Bill which was brought during the NDA regime. In the Lok Sabha, the Bill was brought by the NDA Government on 14th August, 2001. It then went to the Standing Committee. Hon. Leader of the Lok Sabha, hon. Finance Minister, was heading the Committee

as Chairman then. He submitted the report. But, for two years, the then NDA Government did not take any step to bring an effective Lokpal. They have not done anything. Now, they are talking about the Selection Committee process. I would like to mention the Selection Committee composition in the Bill which they brought. It included the hon. Vice-President of India, hon. Prime Minister, hon. Speaker of the Lok Sabha, the Minister in-charge of the Ministry of Home Affairs, the Leader of the House other than the House in which the Prime Minister is the Member of Parliament, the Leader of the Opposition of the House of People, the Leader of the Opposition of the House of People, the Leader of the Opposition of the House of Councils.

In the present Bill, we have five members. It comprises the hon. Prime Minister, hon. Speaker, hon. Chief Justice, an eminent person, the hon. Leader of the Opposition. They say that our proposal of five members is loaded with the Government nominees. Is our proposal loaded with Government nominees or yours is loaded with the Government nominees? You proposed the Prime Minister, the Speaker, the Minister in-charge of the Ministry of Home Affairs, the Leader of the House other than the House in which the Prime Minister is the Member of Parliament. You have got four members in that. But, in the present Bill where five members are mentioned, it comprises the Leader of the Opposition, hon. Speaker, the eminent jurist—all these three are not the Government nominees—and the Prime Minister, who is the only person heading the team. Now, what is the complaint? When you bring the Bill, it is not loaded with the Government nominees. When it comes to the UPA moved Bill, it is loaded with the Government nominees!

What is the other one? It is about the initiation of proceedings against the hon. Prime Minister. You all know that during the NDA regime, when the Prime Minister's name was brought, I am grateful to the former Prime Minister Vajpayeeji. He said very clearly, "I want that the Prime Minister should come within the ambit of the Bill." But, the Cabinet colleagues in the BJP said very clearly, "The Prime Minister should not come." Therefore, even two years after the Standing Committee report, they did not take any step to form the Lokpal. Now, they are saying that the Prime Minister should come within the ambit. We agreed on the

proceedings against the Prime Minister. When we proposed for the three-fourth majority for deciding any inquiry against the Prime Minister, they said two-thirds; and we agreed. An amendment was carried out in the other House. Now, see the difference. With some reservation it has been mentioned in the Bill-external affairs and internal security. These two issues have been mentioned in that. You say now that the Prime Minister should come within the ambit with more safeguards.

I would like to remind the august House, when hon. Vajpayeeji was the hon. Prime Minister,

Prime Minister should not come under the ambit of the Lokpal. But, when the UPA Government comes, Prime Minister should be there with some reservations. This is your stand.

Now, the hon. Leader of the Opposition has moved an amendment on the selection of the CBI Director. Very divergent views have been expressed from all sections of the House. One section says that the CBI should be independent. The other section says that the CBI should come under the purview of the Lokpal. The third section says that an investigation wing should be created under the Lokpal. The fourth section says that the CBI should entirely be out of the purview of the Lokpal. There are five-six different views which are coming. Sir, as far as the selection process is concerned, we wanted that the selection process should be independent. The Government has agreed to it. Therefore, we have put the hon. Prime Minister, hon. Leader of the Opposition, the Chief Justice of India or his nominee. What is the difficulty? They say, the Lokpal should come. They don't have faith in the Chief Justice of India. Now, you have faith in the Lokpal! This is the way you are giving the amendments in the august House about the minorities. The sense of the majority of the political parties in the All-Party Meeting was that the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes, the Minorities, the women should come. Therefore, it has been put there. Now, they have given amendment to delete minorities. The minorities are also the citizens of this country. They have got every strength to occupy the position of Lokpal. It is not the Government employment; it is not like going to a school or a college. There are also capable, eminent and important leaders in the minority communities. They can also occupy the position there. Why are you opposing it? ...(Interruptions)... Why are you opposing from your side? ...(Interruptions)...

MR. CHAIRMAN: Let the Minister speak. ...(Interruptions)...

SHRI V. NARAYANASAMY: Once again I am telling them. $\dots (Interruptions) \dots$

MR. CHAIRMAN: Ram Gopalji, please. ...(Interruptions)...

प्रो . राम गोषाल यादव : सर, जब कांग्रेस की तरफ से डाः . अभिषेक मन् सिंघवी बोक्ष रहे थेः , तोः उन्होंने रखिर्वेशन केः बारे में जो कुछ कहा , it was unbelievable , उन्होंने यहां explain किया। आप कुछ और कह रहे हैं और उन्होंने कुछ और कहा। इस चीज़ पर हम लोग पिछले 11 घंटे से इिसकस कर रहे हैं और आप कोई नई चीज़ नहीं कह रहे हैं पूरे हाउस का sense आ चुका है , majority of the House is of the view कि यह जो आपका बिल है , यह बेकार है , इसको आप दोबारा लाइए। ...(व्यवधान)... इसका कोई अर्थ नहीं हैं ...(व्य वधान)...

श्री सतीश चन्द्र मिश्रा : सर, बिल में रिक्जिवेंशन के बारे में स्पष्ट किया जाए। ...(व्यवधान)... सिर्फ बोलने से नहीं होता हैं। ...(व्यवधान)...

श्री सभापति : कृषया आप लोग बैठ जाइए। ...(व्**यवधान**)... कृषया आप लोग बैठ जाइए। ...(व्**यवधान**)... आप यहां मत आइए।...(व् **यवधान**)... आप अपनी जगह पर वाष्ट्रस जाइए। ...(व्**यवधान**)... श्री सतीश चन्द्र मिश्रा : सर, डाः . अभिषेक मनु सिघवी नेः सुष्फट कर दिया। ...(व्यवधान)...

सभापति : आप अपनी जगह पर वाष्ट्रस जाइए। ...(व्यवधान अपनी जगह पर वाष्ट्रस जाइए। ...(व्यवधान) . . . आप मंश्री जी को बोलने ...(व्यवधान)... Please, go back to your places. ...(Interruptions)... Please, back your places. go to ...(Interruptions)... आप मंत्री जीः को बोलने दीजिए। ...(व्यवधान) . . . आप अपनी जगह पर वाष्ट्रस जाइए। ...(**व्यवधान**) . . . Please, go back t.o your places. ...(Interruptions)... आप अपनी जगह पर वाष्ट्रस जाइए। ...(व्यवधान Please, go back to your places. ...(Interruptions)...

श्री सतीश चन्द्र मिश्रा : सर, हम सिर्फ यह चाहते हैं कि रिजिवेंशन के बारे में बिल में mention हो: ...(वयवधान)...

श्री सभापति : आप लोग बैठ जाइए ...(व्य वधान)... आप मंत्री जीः को बोलने दीजिए। ...(व्यवधान)... देखिए , राम कृपाल जीः , इनको बोलने दीजिए। ...(व्यवधान)...

SHRI D. RAJA: Sir, there is a contradiction between what Dr. Abhishek Manu Singhvi said and what the hon. Minister is saying. $\dots(Interruptions)\dots$

MR. CHAIRMAN: Let the Minister clarify the position. ...(Interruptions)... Please allow the hon. Minister to continue with his speech...(व्यवधान)... यह कहने वाक्षे आपकोम होते हैं ...(व्यवधान)...

SHRI V. NARAYANASAMY: Sir, in proviso to Clause 3, it has been mentioned...(Interruptions)...

MR. CHAIRMAN: No, no. Please...(Interruptions)... प्लीज़ आप अपनी जगह वाष्ट्रस जाङ्गर। ...(व्यवधान)...

SHRI D. RAJA: Sir,...(Interruptions)...

MR. CHAIRMAN: This is not right. आप बैठ जाइए। Please, no slogans here...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, proviso to Clause 3 says, 'Provided that not less than fifty per cent of the Members of the Lokpal shall be from amongst the persons belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women.'...(Interruptions)... The provision is very clear

...(Interruptions)...

श्री सभापति : आप अपनी जगह वाष्रस जाइए। ...(व्यवधान)... Allow the hon. Minister to continue with his reply...(Interruptions)... Yes, go ahead with your reply...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, Clause 3 of the Bill is very clear. The proviso to Sub-Clause 3(2)(b) is very clear. It says, 'Provided that not less than fifty per cent of the Members of the Lokpal shall be from amongst the persons belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women.' The provision is very clear to that effect. Therefore, there is no difficulty in that.

Sir, the main issue is, our Government has taken ...(Interruptions)...

MR. CHAIRMAN: Please, let him finish...(Interruptions)...Let him finish...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, our Government has taken a lot of steps for the purpose of curbing corruption in this country ...(Interruptions)...

श्री राजनीति प्रसाद : मैस्बर ऑफ पार्लियामेंट के बारे में ...(**व्यवधान**)...

श्री सभापति : आप बैठ जाइए।

DR. YOGENDRA P. TRIVEDI (Maharashtra): Sir, there is a point in the Bill with regard to Members of Parliament.

SHRI V. NARAYANASAMY: Sir, the Whistleblowers Bill is before this House. The Judicial Standards and Accountability Bill is before the other House. The Prevention of Bribery of Foreign Public Officials and Officials of Public International Organisations Bill is with the Standing Committee...(Interruptions)...

SHRI D. RAJA: Sir, the Minister has not explained his position $\dots(Interruptions)\dots$

MR. CHAIRMAN: Mr. Raja, please stop interrupting like this ...(Interruptions)...

SHRI D. RAJA: Sir, the hon. Minister has not made his position clear the reservation policy. There confusion...(Interruptions)... There is confusion between what you are and what Abhishek Singhvi Mr. Manu said...(Interruptions)... I have also pointed i t out...(Interruptions)...

MR. CHAIRMAN: You cannot do like this...(Interruptions)... This is not the way to do...(Interruptions)... Please resume your place ...(Interruptions)...

SHRI D. RAJA: There is confusion...(Interruptions)...

SHRI V. NARAYANASAMY: It has been clarified...(Interruptions)...

There is no confusion...(Interruptions)... I read the provision

...(Interruptions)... I read the provision...(Interruptions)... Sir, I explained all the time...(Interruptions)...

श्री राजनीति प्रसाद : ऐसा नहीं चलेगा।

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

SHRI SITARAM YECHURY: Sir, there is confusion in the House. In the all-party meeting, it was agreed that SC, ST, OBC, Minorities and Women will find place in the Lokpal.

SHRI V. NARAYANASAMY: It is there in the Bill.

SHRI SITARAM YECHURY: Please bear with me, Sir.

There is confusion in the morning saying that this will happen on rotation and need not necessarily be altogether...(Interruptions)...

Now, you clarify this...(Interruptions)... That is the point he is raising. You clarify this position. That is why I want to assist you, Sir. ...(Interruptions)... You said it very clearly...(Interruptions)... You clarify the position whether all the five will find place ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, for the benefit of the hon. Members, I will read the provision very clearly. I know that you know it better. It says, 'Provided that not less than fifty per cent of the Members of the Lokpal shall be from amongst the persons belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women.' What more do you want? The provision is very specific ...(Interruptions)... The provision is very specific ...(Interruptions)...

SHRI PYARIMOHAN MOHAPATRA: If it is only four, is it on rotation? ...(Interruptions)...

श्री सभापति : यह क्या हो रहा है ?...(**व्यवधान**)... पृक्षीज़ बैठ जाइए। ...(व्यवधान)...

SHRI V. NARAYANASAMY: Sir, the Members of Parliament may have their own views...(Interruptions)... But, as far as the Government is concerned, the people belonging to these sections will be representing there.

 श्री शिवानन्द तिवारी : सभापित महोदय ,...(व्यवधान)...

 श्री सभापित : शिवानन्द जीः , पृत्नीज़ बैठ जाइए। ...(व्यवधान)...

SHRI V. NARAYANASAMY: They will find place there. I am telling you this very clearly. What more do you want?...(Interruptions)...

SHRI D. RAJA: Sir, I have a point to make...(Interruptions)...

MR. CHAIRMAN: Mr. Raja, you cannot do like this ...(Interruptions)...

SHRI D. RAJA: Sir, the point is...(Interruptions)...

MR. CHAIRMAN: I am afraid, you cannot do like this ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, the BJP wants that the majority should be removed...(Interruptions)... It is the stand of the BJP. They want it to be deleted...(Interruptions)... BJP says that 'minorities' to be deleted...(Interruptions)...

SHRI D. RAJA: Sir, when there are eight members in the Lokpal and when the Bill says that not less than 50 per cent would get representation, how do they accommodate five members? ...(Interruptions)...

SHRI V. NARAYANASAMY: It is not less than fifty per cent ...(Interruptions)... It is there in the Bill. I had mentioned about it ...(Interruptions)... I had mentioned it very clearly...(Interruptions)...

MR. CHAIRMAN: Mr. Rajniti Prasad, please go back to your seat ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 has been introduced. The Public Procurement Bill is on the anvil. Apart from the Bill relating to Mines and Minerals and Removal of Discretionary Powers of the Ministers, several mechanisms have been introduced as anti-corruption measures by our Government. Let the NDA say what steps they had taken when they were in power for the purpose of curbing corruption in the country. Let them say that.

Let them tell one They by one. should ...(Interruptions)... I agree that the Lokpal Bill is a part of anticorruption machinery. But there are other mechanisms also. Did you do anything? ...(Interruptions)... What have you done in Uttarakhand? In Uttarakhand, they brought the Janlokpal Bill and passed it hurriedly. And, then, you demand to implement the Lokpal Bill in the country. ...(Interruptions)... Are you agreeing with that? You must have a consistency in your policy. If you accuse that the intentions of the Government is not clear, you must first see your background. Many hon. Members spoke on the federal structure of the Constitution. ...(Interruptions)...

श्री सतीश चन्द्र मिश्रा : सर reservation प्रोवीजन देख लीजिए , It says the reservation will be from amongst the SCs, the STs, the OBCs, the minorities and women. It does not say that there will, at least, be one from each. The reservation clause says, "Provided that not less than 50 per cent Members of the Lokpal shall be from amongst the persons belonging to the SCs, STs, OBCs, minorities and women." And, Dr. Abhishek Manu Singhvi rightly...(Interruptions)... that it can be five women or it can be five OBCs or five SCs. But it has to be one each. ...(Interruptions)...

SHRI V. NARAYANASAMY: I want to say that all the communities will be there. ...(Interruptions)...

MR. CHAIRMAN: Why are you interrupting? ...(Interruptions)... आप बैठ जाइए ...(व्यवधान)... आपबैठ जाइए ...(व्यवधान)... श्**री अली अनवर अंसारी :** सर, मंबी जी का गला खराब है , समझ में नहीं आरहा हैं। प्रधान मंबी जी...(व्**यवधान**)...

श्री सभापति : आप बैठ जाइए ...(व्यवधान)... अरे भाई , क्यों interrupt कर रहे हैं ?...(व्यवधान)...

SHRI V. NARAYANASAMY: About the constitutional status to the Lokpal, which has been defeated in the Lok Sabha, the hon. Leader of the Opposition has been telling that they had voted against it. ...(Interruptions)... Sir, I would like to submit in this august House that when a dissent note was given by the BJP in the Standing Committee...(Interruptions)...

- DR. YOGENDRA P. TRIVEDI: Sir, I have a point of order. ...(Interruptions)...
 - MR. CHAIRMAN: What is your point of order?
- DR. YOGENDRA P. TRIVEDI: Sir, a Member of Parliament cannot become a member of the Lokpal, irrespective of the fact whether he is a sitting Member or an Ex-Member. So, even an ex-Member cannot become a member of the Lokpal. They should have clearly mentioned 'sitting Members of Parliament cannot become a member of the Lokpal'. ...(Interruptions)...
 - MR. CHAIRMAN: Do you have an amendment on this?
 - DR. YOGENDRA P. TRIVEDI: Yes, Sir.
 - MR. CHAIRMAN: Good. Hon. Minister, please continue.
- SHRI V. NARAYANASAMY: Sir, so far as giving a constitutional status to the Lokpal is concerned, we wanted to have a strong and effective Lokpal. But it was defeated in the Lok Sabha. But when it came in the Rajya Sabha, the hon. Leader of the Opposition has been mentioning that a constitutional status cannot be given to the Lokpal. But, unfortunately, their party, while giving a dissenting note in the Standing Committee, had made it very clear that they agree with giving a constitutional status to the Lokpal. But, now, they have turned around. They defeated it in the Lok Sabha and are, now, making a hue in this House. that, an issue came about the federal structure. Several issues have been raised by hon. Members. Here, I would like to quote section 1, sub-clause (4), under 'proviso'. I quote, "It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and for different provisions of this Act, and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that ...(Interruptions)...
 - MR. CHAIRMAN: Silence please. ...(Interruptions)...
 - SHRI V. NARAYANASAMY: The proviso is very important. The provisions

of this Act shall be applicable to a State, which has given prior consent - the State has to give a prior consent - if a State is not giving prior consent, the Lokayukta Act would not come into force in that State. What is the difficulty in that? ...(Interruptions)... What was the sense of the House? The sense of the House was that the Lokayukta...(Interruptions)...

MR. CHAIRMAN: Let him conclude. ...(Interruptions)...

SHRI V. NARAYANASAMY: Therefore, Lokayukta has partly been covered in that. $\dots(Interruptions)\dots$ If that being the case...(Interruptions)...

MR. CHAIRMAN: Silence please.

SHRI V. NARAYANASAMY: So, until and unless the State Government gives a consent, it will not be enforced in that State. You please read that provision. The proviso clearly says...(Interruptions)...

Sir, I will read again. ...(Interruptions)...

MR. CHAIRMAN: One minute please. ...(Interruptions)... Please allow the hon. Minister to complete his statement. ...(Interruptions)... There is no point in making the noise. ...(Interruptions)...

SHRI SITARAM YECHURY: Sir, we will respect your ruling. We will allow the hon. Minister to complete, but you please tell this House what will happen at 12 o'clock. Do we continue or do we go to the next day? Is it a Session in continuity or will there be a break? That is what is agitating many Members.

MR. CHAIRMAN: Business of the day will go on. ...(Interruptions)...
We are a long way from 12 o'clock.

SHRI SITARAM YECHURY: Shri Narayanasamy has the capacity to go a long way. ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, the proviso clause is very clear. ...(Interruptions)...

SHRI N.K. SINGH (Bihar): Sir, we want a ruling from you on that issue. ...(Interruptions)...

SHRI SUKHENDU SEKHAR ROY: Sir, the hon. Minister is misleading the House. \dots (Interruptions)...

SHRI V. NARAYANASAMY: You have every right to say that. ...(Interruptions)...

SHRI MOINUL HASSAN (Bihar): Sir, are we going to continue after 12 o'clock or not? ...(Interruptions)...

MR. CHAIRMAN: Will you please continue with your speech, Mr. Minister?

SHRI V. NARAYANASAMY: Sir, the proviso clause is very clear to show that the provisions of this Act shall be applicable to a State which has given its prior consent to the application of this Act. If the State Government does not give prior consent, it will not be enforced.

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...(Interruptions)...

MR. CHAIRMAN: Please resume your places. ...(Interruptions)...

SHRI SUKHENDU SEKHAR ROY: Sir, he is, absolutely, misleading the House. ...(Interruptions)...
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SHRI V. NARAYANASAMY: Sir, the hon. Leader of the Opposition was speaking about the process of removal. He was mentioning that the removal of Lokpal should lie with the Supreme Court. The Supreme Court has to be given the powers to do this. Sir, the appointing authority of Lokpal is the hon. President of India. ...(Interruptions)...

MR. CHAIRMAN: Silence please.

Therefore, Sir ...(Interruptions)...

SHRI V. NARAYANASAMY: That being the case, how can the Supreme Court suspend or remove the Lokpal? The appointing authority alone can remove

the Lokpal and not any other agency, which has not appointed him.

SHRI MOINUL HASSAN: Sir, we want a ruling because the clock is now near to 12 o'clock. Sir, we want a simple ruling.

MR. CHAIRMAN: Let us get to 12 o'clock.

SHRI MOINUL HASSAN: Perhaps, the hon. Minister will continue up to 12 o'clock. Nobody wants to hear him but he is continuing. ...(Interruptions)...

MR. CHAIRMAN: You don't have to worry on that count. ...(Interruptions)... You don't have to worry on that count. ...(Interruptions)...

SHRI SITARAM YECHURY: Sir, give a ruling. ...(Interruptions)...

SHRI MOINUL HASSAN: What is the need of the reply of the Minister? ...(Interruptions)... Nobody wants to hear him. ...(Interruptions)...

SHRI V. NARAYANASAMY: Shri Sitaram Yechury, I am coming to you. ...(Interruptions)...

MR. CHAIRMAN: Please continue. ...(Interruptions)...

SHRI V. NARAYANASAMY: Shri Sitaram Yechury has given an amendment. In that amendment, he has mentioned that it should be an eminent person who can be nominated by the CEC, C&AG and the UPSC Chairman.

That is the suggestion which he has given. Sir, I would like to humbly submit that these three people — the UPSC Chairman, the C&AG and the Chief Election Commissioner — are the appointees of the Government. The appointees of the Government can appoint the eminent jurist $\dots (Interruptions)\dots$

श्री मुख्तार अब्बास नकवी : सर, ये 12 बजे से पहले खत्म नहीं करेंगे ...(**व्यवधान**)...

MR. CHAIRMAN: Please. Let him finish. ...(Interruptions)...

SHRI V. NARAYANASAMY: What is your objection? I would like to know from the hon. Member \dots (Interruptions)...

SHRI SITARAM YECHURY: Sir, ... (Interruptions)...

SHRI V. NARAYANASAMY: Let me complete it. ...(Interruptions)...

SHRI SITARAM YECHURY: No; no; I have faith in your Government. ...(Interruptions)... That is what I am telling him. ...(Interruptions)... He doesn't believe me. ...(Interruptions)... Sir, I have moved an amendment saying that I have faith in their nominees. So, what is your problem? ...(Interruptions)... I am paying you a compliment. I have faith in your nominees. So, what is your problem in accepting my faith in your nominees? ...(Interruptions)... I am giving this compliment to you. ...(Interruptions)...

SHRI V. NARAYANASAMY: When the Government itself appoints it, what is your problem? ...(Interruptions)... This is what I wanted to know from you. ...(Interruptions)... Therefore,(Interruptions)...

MR. CHAIRMAN: Mr. Yechury, please resume your place. ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, another argument that was made was that the investigation is an unworkable mechanism. ...(Interruptions)...

MR. CHAIRMAN: Silence, please. ...(Interruptions)...

SHRI V. NARAYANASAMY: The hon. Leader of the Opposition ...

श्री सभापति : राज्ञनीति प्रसाद जीः, आप बैठ जाइए ...(व्**यवधान**)...

SHRI PRASANTA CHATTERJEE: Sir, we want your ruling? ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, here, this august House knows, most of the hon. Members know that CBI is an independent investigating agency. ...(Interruptions)...

DR. V. MAITREYAN: We want an assurance from you that this House ...(Interruptions)...

MR. CHAIRMAN: We have the listed Business. \dots (Interruptions)...

SHRI PYARIMOHAN MOHAPATRA: Sir, give some ruling. ...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, the hon. Members know that CBI is an independent investigating agency. ...(Interruptions)... Why have the people, the State Governments faith in the CBI? ...(Interruptions)... Why has the Supreme Court faith in the CBI? ...(Interruptions)... Why have the High Courts faith in the CBI? ...(Interruptions)... Whenever the cases are filed in the court or the State Government(Interruptions)...

श्री सतीश चन्द्र मिश्रा : सर, 12 बजे के बाद हाउस चलेगा या नहीं , इस पर आपअपनी रूलिं ग दे दीजिए ...(**व्यवधान**)... श्री सभापति : आपलोग यह क्या कर रहे हैं ?

शरी पयारीमोहन महापात्र : सर, हम चाहते हैं 12 बजे के चलेगा याः नहीं इसका clarify कर दें⊅ ...(व्यवधान)...

SHRI V. NARAYANASAMY: Sir, they can sit for half-an-hour ...
...(Interruptions)...

SHRI PYARIMOHAN MOHAPATRA: Sir, there is a suspicion that this House will be... (Interruptions)...

MR. CHAIRMAN: The House is adjourned for 15 minutes.

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

The House re-assembled at forty-three minutes past eleven of the clock,

MR. CHAIRMAN in the Chair.

SHRI M. VENKAIAH NAIDU: Sir, there was no reason to adjourn the House.

MR. CHAIRMAN: Just one minute, please. I have received a request from the Minister for Parliamentary Affairs. He wishes to say something. ...(Interruptions)... Please, sit down.

SHRI PAWAN KUMAR BANSAL: Sir, we all know that when the House had been summoned earlier, it was supposed to conclude on the 21st of this month. That was extended by one day because we had a holiday in between. Since the work relating to the Lokpal Bill could not be taken up, and the Government was committed to bringing the Bill during the Winter Session, we had requested for a three days' extension. The extension was granted and then, the BAC allocated time for the Lokpal separately, as far as the Rajya Sabha is concerned, for eight hours.

We have been discussing it at length. The Bill was discussed in Lok Sabha day before yesterday. Yesterday, the Bill could not be transmitted to this House by afternoon because of certain procedural requirements and the Bill was then circulated. We wanted the Bill to be taken up for discussion right from yesterday onwards. There was an objection when we met and then, of course, ...(Interruptions)...

- MR. CHAIRMAN: One minute, please. ... (Interruptions)...
- DR. V. MAITREYAN: They did not want to discuss the Lokpal. \dots (Interruptions)...
 - MR. CHAIRMAN: Dr. Maitreyan, please. ...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: After our discussion we said that time had been allocated separately both for the Whistle Blowers Bill and the Lokpal Bill. The Whistle Blowers Bill could be completed yesterday only but that was not permitted. Therefore, it was decided that both the

Bills will be taken up today. The amendments given by different Members run to over 135, maybe there are some more after that ...(Interruptions)...

SHRI ARUN JAITLEY: We are committed to fighting corruption. We will sit the whole night. ...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: We are committed to fighting corruption. ...(Interruptions)... and that is precisely the reason we brought this Bill. ...(Interruptions)...

SHRI ARUN JAITLEY: You did not bring this Bill yesterday. ...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: The Government is committed to fighting corruption. ...(Interruptions)...

MR. CHAIRMAN: One minute please. ... (Interruptions)...

SHRI PAWAN KUMAR BANSAL: The Government is committed to the cause. ...(Interruptions)... They are dilating the issue. ...(Interruptions)... The Government is committed to the cause and that is precisely ...(Interruptions)...

MR. CHAIRMAN: Let him finish. ...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: Sir, the Government is committed to fight corruption. ...(Interruptions)... The Government is committed to fighting corruption and that is why a number of Bills and plethora of laws this Government has brought. The hon. Minister of Personnel referred to them. And if you are referring to that, there are good many Bills which you have stalled in this House relating to education which was also intended to fight corruption. ...(Interruptions)... But I am not coming to that point. ...(Interruptions)... That's only to answer what the Leader of the Opposition said. ...(Interruptions)...

MR. CHAIRMAN: Please conclude. ...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: Sir, what I am saying is that all those amendments require detailed discussion and study. The Government has to formulate its view. You want the Government to respond to those amendments. There are good many amendments. And I just want to point

out that an amendment which should have been brought in sub-clause (6) of a particular clause is being suggested for subclause 5. ...(Interruptions)... When we are referring to Section 173 of the Cr.P.C., something which should find mention in sub-clause (6) is being suggested in sub-clause (5). We are framing a law and if we incorporate all those things it will ultimately lead to hotchpotch of the Bill. We have to consider them. ...(Interruptions)... The amendments are running across each other. The discussion was going on. I don't know what prompted our hon. friends from the other side to immediately get agitated about it. We feel, and

that is what you all wanted, that we have to have a Lokpal which is a wellconsidered one and based on right information on the matter. And what are we now doing? You want all those amendments notices for which have been given here to be taken up immediately ...(Interruptions)...

SHRI BHUBANESWAR KALITA (Assam): How can you ...(Interruptions)...

MR. CHAIRMAN: Mr. Kalita please. ...(Interruptions)... आप उनकी बास तोः सुस लीजिए। ...(व्यवधान)...

SHRI PAWAN KUMAR BANSAL: Sir, our hon. friends know this. Part of one amendment covers the part of another amendment. But its other part is not covered in that. How will the Secretariat decide which one becomes redundant and which one doesn't? Therefore, if we are committed to fighting corruption...(Interruptions)...

MR. CHAIRMAN: What is the suggestion?

SHRI PAWAN KUMAR BANSAL: My suggestion is, the Government decides when the Parliament has to meet. That is the prerogative of the Government. The business is fixed by the Government. The time is allocated by the Business Advisory Committee. Sir, in all earnestness, I wish to say that we are really true to the cause and we want to bring about a Bill which does not have lacunae therein. Only one day's time was given. In Lok Sabha we discussed those amendments. The Government had the time; Government responded to some of the amendments which were moved by the hon. Members from the opposition and the Government accepted a good many of those amendments. Here the case is like this. In the morning, when we came at 10.30, we saw the amendments here. Mr. Ahluwalia's amendment came as late as 6.00 p.m. today. ...(Interruptions)...

SHRI S.S. AHLUWALIA: No. ...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: That amendment came as late as 6.00 p.m. ...(Interruptions)...

MR. CHAIRMAN: What is the suggestion? ...(Interruptions)...

श्री शिवानन्द तिवारी : आप भाग रहे हैंं ...(**व्यवधान**)... सरकार भागना चाहती हैं ...(**वयवधान**)... SHRI PAWAN KUMAR BANSAL: I am saying, Sir, in order to have a lacunae-free Bill ...(Interruptions)... The Minister has to reply. The session is coming to an end at 12.00 today, the 29th. ...(Interruptions)... That is the time up to which we have extended the session. That is what the Government had given. Sir, we can continue with this Bill and I wish to assure all the hon. Members that we will consider all the amendments. If need be, we will talk to you. We will

come up with whatever amendments the Government feels, whatever has to be the response of the Government, we will come with that to the House. But, there is some prerogative of the Government. The Government has to decide when the session meets. We wanted to complete it in three days. The Bill finally concluded in Lok Sabha at 12.00 o'clock like this, and, thereafter, Sir, there were lot many formalities which had to be gone through. And, we could not have brought the Bill before 2.00 p.m. yesterday.

SHRI ARUN JAITLEY: Mr. Chairman, Sir, its ironical for democracy today that I am a Member of the Opposition and curiously, I speak for majority of this House. The Government, today, is running away from this House because it is in а hopeless state mind...(Interruptions)... Sir, after day-long discussion...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: You pass the Bill, as passed by Lok Sabha, it immediately...(Interruptions)... immediately...(Interruptions)... Lok Sabha is an elected House. Lok has passed the Bill. You pass it immediately...(Interruptions)... Pass it in two minutes...(Interruptions)...

श्री सभापति : बैठ जाइए , बैठ जाइए। ...(व्यवधान)...

SHRI PAWAN KUMAR BANSAL: You have the Bill, as passed by Lok Sabha,...(Interruptions)...

MR. CHAIRMAN: Let him complete.

SHRI ARUN JAITLEY: Sir, I am not yielding.

MR. CHAIRMAN: Please, go ahead.

SHRI ARUN JAITLEY: Sir, even after the sense of this House, every issue was clear and three principal amendments put up by the Opposition, in my respectful submission, are likely to succeed. Faced with such a situation, we have seen a situation where the Bill was ready, circulated yesterday; Mr. Ahluwalia got up, अहल्वालिया और उन्होंने कल यह कहा कि बिल्ल त्रन्त कल लेंग्रे लीजिए। . . . (वयवधान लेंग्रे और कल) . . . आज नहीं ...(व्यवधान)...

SHRI V. NARAYANASAMY: Can you yield for a minute?...(Interruptions)...

MR. CHAIRMAN: Please, don't do this...(Interruptions)...

SHRI V. NARAYANASAMY: Sir, if he yields for a minute, I will...(Interruptions)...

श्री सभापति : बैठ जाइए , यह क्**या** कर रहे हैं आप।...(**व्यवधान**)...

DR. V. MAITREYAN: Sir, they want to postpone...(Interruptions)...

MR. CHAIRMAN: Please, sit down. Yes, continue please.

SHRI PAWAN KUMAR BANSAL: Sir, the hon. Leader of the Opposition was an author of the Resolution regarding the sense of the House that we wanted Lokayukta...(Interruptions)...

Now, they want that to be deleted. Sir, we have to consider what do we do

...(Interruptions)...

SHRI ARUN JAITLEY: A Government, which did not have the numbers in this House, consciously — and, I say this 'consciously' — has choreographed this entire debate in such a manner that the debate can't be concluded today and the votes can't be taken today...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: This is not the situation...(Interruptions)...

SHRI ARUN JAITLEY: Its a choreography of a minority Government ...(Interruptions)... सभापति महोदय , अगर कोई सरकार संसद में वोट करवाने से दूर भागती है तो उस सरकार को इस देश में राज करने का एक मिसट के लिए भी अधिकार नहीं हैं। ...(व्यवधान).. If the Government runs away from the Parliament...(Interruptions)...

Sir, my last appeal to you is, and I beseech you, as the Chairman of this House, this House will decide how long to sit. The Government will not decide how long this House is to sit...(Interruptions)... And, as the custodian of this House, as the Chairman of this House, you must rule that the House will go on as long as the voting takes place...(Interruptions)...

MR. CHAIRMAN: What is this going on?...(Interruptions)...

SHRI SITARAM YECHURY: Sir, there is a point on which, I want your ruling.

MR. CHAIRMAN: Yes, Mr. Yechury...(Interruptions)...

SHRI SITARAM YECHURY: Sir, we are waiting for your ruling. That apart, the Minister has said, "I want to respond in three bullet points." पहली बाहा हो यह है कि हम इस चर्चा के लिए कल भी तैयार थे और लेकिन कल दिक्कित क्यों हुई , यह हमारे हाथ में नहीं था। सरकार की कुछ टेक्नीकल डिफिकल्टी थी जिस वजह से वे कल बिल नहीं लाए।

सर, एक मिनट। ...(व्यवधान यह है कि अगर)... सर, दूसरा पुवाइंट मरकार यह कह रही है , मंबी महोदय आजयह कह रहे हैं कि बहुत सारे अमेंडमेंटस हैं , जिसकी उनको अध्ययन है , तो यह बड़ी अच्छी बास है , आप उनका लेकिन अध्ययन करिए

प् रस्ताव लाइए कि कब अध्ययन करोगे , कब पारित करोगे ? हम चाहते कि एक इफेक्टिव लोक्रपाल पारित होंमा चाहिए। अगर इसके बारे कोई प्लान नहीं हैं। ...(व्यवधान)... अगर आपके पास कोई में नहीं है , तो कहिए कि हमारे पास पुत्रान नहीं है , हम नहीं पुल्लान चाहते। अगर प्लान है तो बताइए कि क्या प्लान लामा है और आप ? सर, ये सब बाहें इसको कब लाग्रेंगे न बताकर ये कह रहे हैं , इस तरह वेग्रली बास कह रहे हैं , इसका कोई मतलब नहीं है। इसका मतलब लग रहा है कि किसी न किसी यही तरीके से इस सेथन दें ... (व्यवधान)...

SHRI PAWAN KUMAR BANSAL: Let me respond to this. $\ldots (\mathit{Interruptions}) \ldots$

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 ...(व्यवधान
)...

MR. CHAIRMAN: Okay. Let us hear the Minister's reply. ...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: Sir, while I reiterate the Government's commitment...(Interruptions)...

श्री शिकानन्द तिकारी : सर, हमारी भी यही राय है कि संशोधन के साथ बिल्ले पास होमा चाहिए। ...(व्यवधान)...

SHRI PAWAN KUMAR BANSAL: Sir, while I reiterate the Government's commitment to pass a strong Lokpal Bill, I have to say only one thing with humility that there are certain Constitutional proprieties, which have to be respected. ...(Interruptions)... The year comes to an end on 31st of December. The New Year begins with the President's Address. can't really decide matters sitting here. ...(Interruptions)... The New Year has to begin with the President's Address, and, then, the Motion of Thanks to the President's Address is important. ...(Interruptions)... Sir, what said was...(Interruptions)... Sir, what I said was.... ...(Interruptions)...

SHRI RAVI SHANKAR PRASAD: Mr. Chairman, Sir, this is something...
...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: Sir, there are Constitutional proprieties ...(Interruptions)...

MR. CHAIRMAN: I am sorry. ...(Interruptions)...

SHRI S.S. AHLUWALIA: Mr. Chairman, Sir, today, we have...(Interruptions)...

SHRI RAM JETHMALANI: Sir, we have already...(Interruptions)...

SHRI PAWAN KUMAR BANSAL: Sir, there are 187 amendments. ...(Interruptions)...

SHRIMATI MAYA SINGH: Mr. Chairman, Sir,...(Interruptions)...

MR. CHAIRMAN: Please. मैं क्या करूं इसको ? ...(व्यवधान)...

SHRI PAWAN KUMAR BANSAL: Sir, there are 187 amendments. ...(Interruptions)... And, some of them are contradictory. It is a web of confusion.

श्री सभापति : आपअपनी जगह पर वाप्पिस जाइए। ...(व्यवधान)...

SHRI PAWAN KUMAR BANSAL: These 187 amendments are a web of confusion. We have to consider these amendments. ...(Interruptions)...

Sir, the Government...(Interruptions)...

श्री सभापति : आप यहां क्या कर रहे हैं ? आप अपनी जगह पर जाइए। ...(व्**यवधान**)... आप अपनी जगह पर वाग्पिस जाइए। ...(व्**यवधान**)...

12.00 MID NIGHT

SHRI PAWAN KUMAR BANSAL: Sir, the hon. Leader of the Opposition was one of the authors to that Resolution reflecting the sense of the House, and, now, when we have to decide, they are backing out, Sir. ...(Interruptions)...

MR. CHAIRMAN: Will you please resume your places?

SHRI M. VENKAIAH NAIDU: Sir, let the voting start....(Interruptions)... Let the voting start, Sir....(Interruptions)...

श्री सभापति : आप अपनी जगह पर वाष्ट्रिस जाइए। ...(**व्यवधान**)...
Please. आप अपनी जगह पर वाष्ट्रिस जाइए। ...(व्यवधान)...

श्री पवन कुसार बंसल : पास करो , वह लोक़ सभा वाह्ना बिल्ली एकदम पास करो। ...(व्यवधान)...

MR. CHAIRMAN: Please. ...(Interruptions)... Please. आप अपनी जगह पर This is not right. ...(Interruptions)... You can't do this. This is disgraceful. ...(Interruptions)... आप यह क्या कर रहे हैं ? आप अपनी जगह पर वामिस जाइए। ...(व्यवधान)... Hon. Members, an unprecedented situation has arisen. There appears to be a desire to outshout each other. ...(Interruptions)... Please. ...(Interruptions)... Let me finish. ...(Interruptions)... Let me finish. ...(Interruptions)...

SHRI ARUN JAITLEY: Sir, there is a desire to avoid the vote. ...(Interruptions)...

MR. CHAIRMAN: There is total impasse. \dots (Interruptions)...

SHRI S.S. AHLUWALIA: They are not ...(Interruptions)...

MR. CHAIRMAN: Just a minute. $\dots(Interruptions)\dots$ The House cannot be conducted in this noise. $\dots(Interruptions)\dots$

DR. V. MAITREYAN: No, Sir. ... (Interruptions)...

SHRI TAPAN KUMAR SEN: Sir, let them ...(Interruptions)... Let the Bill be taken up for consideration. ...(Interruptions)...

MR. CHAIRMAN: I know, but that requires ...(Interruptions)... that

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requires orderly proceedings. ...(Interruptions)... I am afraid ...(Interruptions)... I am afraid, the Chair has no option ...(Interruptions)... most reluctantly ...(Interruptions)... Please. ...(Interruptions)... Just a minute. ...(Interruptions)...

SHRI S.S. AHLUWALIA: You can call for voting. ...(Interruptions)...
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MR. CHAIRMAN: I am afraid ...(Interruptions)... You can shout and nobody is heard. ...(Interruptions)...

SHRI SITARAM YECHURY: Sir, I asked for your ruling. ...(Interruptions)...

MR. CHAIRMAN: What ruling can I give in this noise? ...(Interruptions)...

SHRI SITARAM YECHURY: Can we sit after 12 o'clock? ...(Interruptions)...

MR. CHAIRMAN: I am afraid ...(Interruptions)... I am afraid I can't do anything. If this is how the Rajya Sabha is going to behave, then we all better go home. ...(Interruptions)... National Song. ...(Interruptions)...

(The National Song, "Vande Mataram", was then played.)

MR. CHAIRMAN: Now, I adjourn the House sine die.

The House then adjourned sine die at 00.02 hours of the clock.