

Transcript of the speech made by Mr H K Dua, MP, Rajya Sabha during the debate on The Lokpal and Lokayukta Bill in the Rajya Sabha on December 29, 2011.

Let's pass the Lokpal Bill, please

Shri H.K. Dua (Nominated): Thank you, Mr Chairman. I rise to support the Bill. 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, whose report is the basis of this Bill. It was a marvellous job done, and, even those who have given dissenting notes – there are quite a few – have complimented his effort.

I think he took it as a mission, and, one reason could be that the first time, it was his father, Dr L M Singhvi, -- whom I had the fortune of meeting in Parliament precincts as a young correspondent – who proposed to Jawaharlal Nehru that there should be an 'ombudsman' in India,

"What is this animal called, 'ombudsman'?" asked Jawaharlal Nehru. 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 Jawaharlal Nehru, knew that this would 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 after considering the Standing Committee's report, the Government has come out with 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. This itself is an argument for passing the Bill now rather than delaying it further.

Sir, the question of federalism has been raised in this House. I am quite surprised about it, but I understand the reasons behind it. They think that 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. 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 the 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. However, an impression should not go to the people that the States are avoiding fighting against corruption. The States and their parties should help the passage of this Bill lest it leads to a wrong impression.

The Bill has one clause about which I have a reservation, although it is not that I would like to bring forward an amendment at this time to send it back to the Lok Sabha. The clause seeks to bring the Prime Minister under the purview of the Lokpal. Now, you cannot have a situation when authority of the office of the Prime minister is compromised, or, his hands are tied. It is odd you want strong Lokpal Bill and a weak Prime Minister! I think, that cannot be a very durable situation for a long time.

Now, this Bill has come before Parliament in a strange kind of circumstances when the so-called civil society has tried to put pressure on Parliament of India and its sovereign rights to pass legislation. Attempts were made to decide the law at Ramlila Ground, at Jantar Mantar, and , later at the MMRDA ground in Mumbai. It was presented as an opinion of the entire people of India.

We also heard some arrogant noises from the stage at Ramlila Ground and Jantar Mantar. Take the entire country and its history. We have seen the Governments or the 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 above Parliament'. All of us have seen that. I can't see a more arrogant posture of a set of NGO leaders claiming that they represent the entire people of India. They don't 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 there are. Otherwise, I think,

the case of their monopolizing the honesty and standards of integrity should be referred to a Monopolies and Restrictive Trade Practices Commission.

Mr Chairman, Sir, can you allow the laws to be passed at Ramlila Ground, at Jantar Mantar Road or anywhere else by the civil society groups who have arrogated to themselves to proclaim that they are the people? And they say they are the 'Jan Parliament'. That was the word used only four days ago, immediately on the eve of the Mumbai fast which has been aborted rightly so, because nobody wants Anna Hazare to give away his life.

Sir, He is not the only person who would like to give his life for the country. There are millions of people who would like to give their life for the country's sake. Patriotism is also not anybody's monopoly. There are more people who would line up for giving their life to serve a national cause. Tomorrow another group can come to Ramlila Ground – and that worries me more – and say, "Well, we represent the people of India. You should abolish Parliament, Judiciary or Executive and we will pass the law".

The Maoists can leave Chattisgarh jungles and Jharkhand 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 laws.

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. We should not disappoint the people of India by not passing the Lokpal Bill today.

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 not fighting against foreign rulers.

I will quote DR Ambedkar 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.” (quote ends).

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.