

## About India Rejuvenation Initiative (IRI)

India Rejuvenation Initiative (IRI) (Bharat Punarotthan Abhiyan), a purely non-political and social forum, is an effort of a few conscientious individuals who feel pained and also inspired, not to sit back but to act. Drawn from various walks of life, they feel deeply concerned at the sharp deterioration of probity in public life associated with the fall in moral and ethical values and demoralization of the public - more specifically the youth. They have put their minds together and decided to take collective affirmative action to arrest this trend in the short run and reverse it in the long run. The IRI seeks to focus public attention and mobilize public opinion on ways and means to check corruption, lack of accountability and inefficiency and ensure probity in public life.

The objectives of IRI are:

- Expose corruption in high places
- Ensure that corrupt elements do not occupy key positions
- Interact with and support honest civil servants so that they remain honest and work with zeal
- Provide voice to those at the receiving end of an insensitive and corrupt system
- Mobilize public opinion for ensuring that 'public representatives' remain 'public servants', and do not become 'political masters'
- Scrutinize legislations / public policies for flaws which contribute to corruption or protect vested interests.
- Work to ensure that institutions perform their duties
- Work for promotion and strengthening of decentralized governance in the country
- Ensure regular interaction with the youth/students in colleges and universities
- Mobilize public opinion for providing equal educational opportunities.

Towards this end, IRI is of the view that a 'multi-pronged strategy' comprising of the following would be appropriate:

- i. Emphasizing the need for expeditiously establishing the institution of Lokpal.
- ii. Establishing of **Integrity Commission** with power to verify the property returns of highly placed political executives, bureaucrats and holders of public offices. The proceedings of the Commission shall be transparent and results made public.
- iii. Amendment in system of filing of Property Returns - The system of filing of property returns by public servants and in particular IAS and IPS officers needs to be re-looked, revamped and updated by making it more transparent and subject to scrutiny. Selective verification of such returns should be routine. Certain changes that could be considered were as under:
  - Annual filing of returns of all assets (both movable and immovable)
  - Form for filing property returns could be similar to the one prescribed by the Election Commission for candidates with certain changes.
  - Compulsory scrutiny of property returns by the Vigilance Officer in each Ministry / Department.
  - In case substantial changes are noticed by the Vigilance Officer, a copy of the property return could be forwarded to the Income Tax Department for further scrutiny and in cases where the Vigilance Officer notices 'extra-ordinary' changes, the same will be forwarded to the Income Tax, Chief Vigilance Commissioner and the like for further detailed scrutiny and action.
  - All Vigilance Officers to send report to CVC including conclusion of further enquiry by Income Tax and other Agencies.
  - Annual property returns of all All India Service officers should be put in the public domain - posted on the web site.
- iv. Punishment to some major offenders. Government should begin with "frying the big fish". Trial of prevention of corruption cases should be expedited by establishing **fully functional** and **real** special courts.
- v. All those institutions - such as CBI and CVC - which deal with Law and Order and investigation and prosecution of cases, especially prevention of corruption cases, should be completely immunized from and insulated against political

interference. Governments have to be persuaded and pressurized into implementing the directives on police reforms issued by Supreme Court of India in the judgment given on PIL filed by Shri Prakash Singh.

- vi. Law as to sanction for prosecution in corruption cases needs to be re-looked, liberalized and rationalized.
- vii. Enactment of law for confiscating the property earned by corrupt means.
- viii. People's involvement in diagnosing corruption and corrupt systems.
- ix. Building peer pressure on Governments to see that those who have bad track record or do not enjoy good reputation are not appointed to key posts.
- x. Expanding the use of "carrot and stick rule", i.e. while indolent and corrupt are brought to book, the honest and upright officers are recognized and also given incentives.
- xi. Support the demand for abolition of MPLADS and MLALADS as they undermined the constitutional concept of separation of powers and distorted the role of elected representatives.

IRI strongly believes that a mass movement is required to cleanse the system of a few corrupt and greedy individuals and antisocial elements. Majority of the people in this country still want probity and honesty in public life.

IRI is aware of the enormity of the task and is conscious of the fact that the task can be accomplished only when people from all walks of life come forward to lend their support in whatever way they can.

Letters written by the India Rejuvenation Initiative (IRI) to various dignitaries on various issues of concern have been reprinted in this publication and thereby placed in the public domain. This will provide an insight to the thinking of IRI on various issues and the efforts made by IRI in the past two years to focus attention of 'top decision makers' and opinion makers on the ways and means to check the cancerous growth of corruption in the country. It is hoped that readers will find this publication useful and may add their voice and mite to forge a public movement against corruption.

## Section - 1

### Setting up of Integrity Commission

India Rejuvenation Initiative (IRI) has decided that in order to restore probity in public life, it is essential to focus on corruption in the top echelons of administration. IRI subscribes to the view that corruption flows from the top and accountability of ‘top’ public servants must be ensured. It is against this backdrop that IRI raised the demand of verification of assets through the ‘Integrity Commission’ as that is the best way to fry the big fish.

#### Verification of assets

IRI is of the view that the most effective way to do so is by focusing on ‘outcome’ of corruption (movable and immovable assets of public servants) rather than ‘process’ of corruption, i.e. flouting of Government orders, rules etc. It is felt that existing anti-corruption institutions have failed to effectively nail the corrupt public servants as it is very difficult to prove wrong doing through perusal of files and file notes. It will be easier to prove accumulation of assets (both movable and immovable) disproportionate to one’s known sources of income.

Countries like Hong Kong and Singapore have set up anti-corruption agencies to coordinate a government-wide anti-corruption effort. Robert Klitgaard suggests that anti-corruption statutes may simultaneously (i) create an anti-corruption “czar” from among existing agencies (such as the CBI, Directorate of Revenue Intelligence, Intelligence Bureau, Vigilance Cells, Comptroller & Auditor General, prosecuting agencies etc.) and (ii) enable and require various kinds of coordinating mechanisms and oversight functions, to ensure that the different pieces of the effort are articulated and that the public has the ability to monitor what the anti-corruption effort entails.

#### Integrity Commission

The views on the Integrity Commission outlined by India Rejuvenation Initiative (IRI) in the letter addressed to the Hon’ble Prime Minister in August, 2006, are somewhat similar. Key points of the proposal are as under:

- Property returns of all public servants who occupied or are occupying high public office in government need to be verified in a “fast track manner”.

- An Integrity Commission could be set up by Government of India at the National level.
- The Integrity Commission can adopt the simple method of verification by first making public the returns filed by the concerned public servants and then inviting the public to come out with whatever information they have regarding the assets possessed by the concerned individual.
- The Commission can also make discreet enquiries before making its findings public.
- All investigating agencies of Government like the CBI, Directorate of Revenue Intelligence, Economic Offences Wing, Intelligence Bureau, Vigilance Directorate, etc. to provide assistance to the Integrity Commission.
- Necessary action to be taken against those who are found to possess assets disproportionate to their known sources of income.

IRI also subscribes to the view that stringent action must be taken against ‘top public servants’ irrespective of whether they belong to the ruling party or not. It goes without saying that if only leaders of opposition parties are targeted, then anti-corruption action is easily tarnished as political vendetta and it soon loses credibility. It is for this reason that so far pronouncements of Central and State Governments regarding ‘zero tolerance’ of corruption have remained just that - mere pronouncements, not matched by any concrete action! Hence, India Rejuvenation Initiative (IRI) has suggested to Central Government that it should set up an Integrity Commission and focus on verification of assets. However, so far, no action appears to have been taken.

### Top public servants

In such a scenario, IRI has further deliberated on the idea of verification of assets and the same are being placed in the public domain so that people may think over the same and, in case of agreement, lend their public support to the idea.

It has emerged in discussions held by the IRI on the subject that the category of ‘top public servants’ must include both the political executives as well as top bureaucrats. If all Union Cabinet Ministers, all Chief Ministers and Cabinet Ministers of State Governments, all Secretaries to Government of India including Cabinet Secretary, all Secretaries to State Governments including Chief Secretaries, all Joint Secretaries and above in Government of India, all Inspector Generals of Police including Director Generals of Police and all Heads of Public Sector Units say, with turn over of Rs.100 crore or more per

annum are included in the list of ‘top public servants’, then their number is likely to be around 4000 or so. These public servants must be brought under the purview of the Integrity Commission.

### Composition of Integrity Commission

The next step is regarding the composition of the proposed Integrity Commission. Should the Integrity Commission be a single member body or a multi-member agency? Should this be set up under the Commissions of Inquiry Act or under some specific legislation passed by Parliament?

Answers to these queries are not easy. IRI feels that it may perhaps be a good idea to have a three member Integrity Commission comprising of a sitting or retired judge of the Supreme Court, a sitting or retired Comptroller & Auditor General and a noted member of civil society who has excellent anti-corruption credentials. The selection of members of the Integrity Commission may be made by the President of India in consultation with the Prime Minister, Vice President, Leader of Opposition and the Chief Justice of Supreme Court.

The proposed Integrity Commission (IC) could be set up under a specific law especially passed for this purpose. As in Hong Kong and Singapore, all investigative arms of Government ought to assist the Integrity Commission in discharging its functions. The Commission will scrutinize the property returns filed with Government as well as the Speaker. The IC will issue public notice seeking information of property held by top public servants. After scrutiny by IC, report will be furnished to Government of India and Government should take action within three months. All cases of disagreement between Government of India and IC must be made public. All public servants with doubtful integrity must be weeded out. There must be provision for summary dismissal of corrupt bureaucrats and seizure of property perceived to be disproportionate to known sources of income by Government. The burden of proof should also devolve on the erring public servant rather than the prosecution.

Letters written in this regard by IRI to the Hon'ble President of India, the Prime Minister and the Chairperson of the United Progressive Alliance are reproduced in this section.

Dated: 15<sup>th</sup> August, 2006

My dear Prime Minister,

I am writing this letter on behalf of **India Rejuvenation Initiative (IRI)**, a purely apolitical and social organization of concerned citizens who have come together with the sole objective of restoring probity in public life in the country.

2. Needless to mention, probity in public life and transparency are important cornerstones of any vibrant democracy. With this objective in view, a lot of new laws and guidelines have been put in place including the ones relating to the conduct of elections. Provision for the disclosure of assets and belongings by the contesting candidates was, to our mind, aimed at putting an effective curb on the increasing influence of money power in politics. Unfortunately, the intended objectives have not been fully achieved. It is common knowledge that, barring a few exceptions, most of those who have held high public office, have assets grossly disproportionate to their known and legitimate sources of income.

3. A law not backed with the requisite enforcement mechanism fails to achieve its objectives. This is what happened with the laws concerning disclosure of assets and properties by public servants. Barring a few exceptions, filing of incomplete returns, or worse, non- filing of returns, have become the norm of the day. Lack of transparency, unaccountable governance and all - embracing corruption have become the hallmark of our system of governance.

4. At the IRI, we have given considerable thought to this issue and have reached the conclusion that the time has come to set up a mechanism to check this malady. To begin with, as a first step, returns of all those who occupied or are occupying high public office in government need to be taken up for verification in a “fast track manner”. For this purpose an **Integrity Commission** needs to be set up at the National level. The Commission can adopt the simple method of verification by first making public the returns filed by the concerned public servants and then inviting the public to come out with whatever information they have regarding the assets possessed by the concerned individuals. The

Commission can, thereafter, make discreet enquiries before making its findings public. It can be assisted by all investigating agencies of Government. Based on the Commission's findings, necessary action can be quickly taken against those who are found to possess assets disproportionate to their known sources of income.

5. A similar system needs to be adopted in case of civil servants occupying high positions, say officers in super-time scale of All India Services and other similarly placed officials in Public Sector Units. Once the 'returns of assets' of senior civil servants are made public and information is invited from common public, keeping ill-gotten asset will not only become difficult but also a big liability. We certainly have enough laws to punish the guilty! Only collective will to cleanse the system needs to be expressed to ensure that the guilty actually get nailed.

6. We believe that the aforesaid step will instill requisite degree of confidence in the public and will be a concrete step in the direction of cleaning the Government apparatus quickly and restore probity in public life.

7. We request you to consider taking immediate and concrete steps to put in place a system that is in line with your own oft repeated commitment towards ensuring clean governance.

With warm personal regards,

Yours sincerely,

Sd/-  
(R.C. Lahoti)

**Dr. Manmohan Singh,**  
Prime Minister,  
Government of India,  
South Block,  
New Delhi -110001

Dated: November 21, 2006

Dear Prime Minister,

This is to bring to your kind notice the recent media reports regarding the very poor rating that our country currently enjoys in the comity of nations. While the World Bank report released in September warned that unless countries like India and China took immediate steps to curb corruption, their current high growth rate could prove to be unsustainable, the *Transparency International 2006 Bribe Payers Index* ranks India as the Most Corrupt country. These reports make very dismal reading and as a proud Indian, one feels ashamed!

2. You are well aware about the high cost of corruption and its impact on development scenario. As World Bank estimates suggest, the annual world wide bribery is as high as US \$1000 billion per year, I will not hazard a guess regarding India's share in this pie, but you will agree that it would not be negligible given our current ranking as one of the 'most corrupt nations'!

3. In this context, I would like to draw your attention once again to the idea of setting up an **Integrity Commission** to verify returns of all those who occupied or are occupying high public office in government in a "fast track manner" that was mooted by India Rejuvenation Initiative (IRI) in my earlier letter dated 15<sup>th</sup> August, 2006. You will appreciate that our existing anti-corruption institutions have failed to curb the malaise. By focusing on verification of returns filed by public servants, it is proposed to focus on the outcome of corruption (assets- both movable and immovable) rather than the process of corruption, with which our anti-corruption machinery have been singularly preoccupied in the past decades with dismal results as ostensibly all procedures laid down are duly followed even in cases where it is common knowledge that money has changed hands.

4. You being a strong votary of honest governance, I am positive that you will take necessary steps to put in place the mechanism as suggested in my letter dated 15th August 2006 without any loss of time as the country's honor and place in the comity of nations is at stake.

Yours sincerely,

Sd/-  
**(R.C.Lahoti)**

**Dr. Manmohan Singh,**  
Prime Minister,  
Government of India,  
South Block, New Delhi -110001

Dated: 29<sup>th</sup> November, 2006

Dear Mrs. Gandhi,

I am writing this letter on behalf of **India Rejuvenation Initiative (IRI)**, a purely apolitical and social organization of concerned citizens who have come together with the sole objective of restoring probity in public life in the country.

After detailed deliberations at the India Rejuvenation Initiative (IRI), it was suggested to the Hon'ble Prime Minister vide our letter dated 15<sup>th</sup> August, 2006 to set up a mechanism like an **Integrity Commission** to verify returns of all those who occupied or are occupying high public office in government in a "fast track manner". You will appreciate that our existing anti-corruption institutions have not borne the desired results to curb the malady.

By focusing on verification of returns of assets filed by public servants, it is proposed to focus on the outcome of corruption (assets- both movable and immovable) rather than the process of corruption. We believe that if the 'returns of assets' of such public servants are made public and information invited from common citizens to cross- check their veracity, the black sheep would get easily identified. And that can be followed by stern action as per the law of the land against those found to be in possession of assets beyond their known and legitimate sources of income. Under the circumstances, keeping ill-gotten asset will not only become difficult but also a big liability.

We believe that the aforesaid step will instill requisite degree of confidence in the public and will be a concrete step in the direction of cleaning the Government apparatus quickly and restore probity in public life. It is high time that the country sends out a strong signal that it really believes in pursuing the Prime Minister's oft repeated stress on 'zero tolerance' to corruption.

We know that you are a strong votary of probity in public life. We, therefore appeal to use your good offices as Chairperson of the UPA and as President of the oldest and largest national political party to prevail upon the Government of India to set up the

'Integrity Commission' as soon as possible. We firmly believe that it would be a truly great service to this nation where corruption was frustrating all your commitments, good intentions and efforts to develop and take the country to new heights.

Yours sincerely,

Sd/-  
**(J.F. Ribeiro)**

**Smt. Sonia Gandhi,**  
Chairperson, UPA & President, INC  
10, Janpath,  
New Delhi -110001.

Dated: 21<sup>st</sup> December, 2006

Respected Rashtrapati jee,

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

We have read the views expressed by your Excellency during the recent 16<sup>th</sup> Biennial conference of Anti-corruption and Vigilance Bureaus of the country held at New Delhi last month wherein you advocated, *inter alia*, the setting up of an **Independent Commission** to tackle the growing menace of corruption in the country. The example of Hongkong has been cited by your Excellency, which has succeeded in virtual elimination of corruption in less than ten years largely through the working of an Independent Commission which worked on a three pronged approach of strict enforcement of stringent laws, prevention of corruption and community participation against corruption through continuous education. It has been suggested that the Independent Commission can have convergence of all agencies to take decisions and execute them. We fully endorse your views and suggestion.

As concerned citizens of this country, we are greatly pained when the country is ranked 70<sup>th</sup> on Transparency Index in the comity of nations or when Indian companies are named as most prone to resort to bribery for winning contracts and export orders. IRI had in a letter addressed to the Hon'ble Prime Minister in August 2006 (copy enclosed) advocated the setting up of an "**Integrity Commission**" to combat the extensive and deep rooted malaise of corruption among the high public offices (including Government servants and political executive). The idea of setting up an Integrity Commission is to verify returns of all those who occupied or are occupying high public office in Government in a fast track manner. By focusing on verification of returns filed by public servants, it is proposed to focus on the outcome of corruption (assets - both moveable and immovable) rather than the process of corruption. This was to be achieved through both public enquiry as well as enquiry through all anti-corruption and vigilance agencies. Since corruption

flows from the top, we feel that the Commission should focus on top public servants (both political and bureaucratic). We fully endorse your suggestion that the cancer of corruption should be tackled in a mission mode.

We believe that public opinion must be mobilized against corruption and pressure exerted on the Government to take effective steps to tackle the menace of corruption in a mission mode which would include the setting up of an Independent Commission. We hope Government will heed your advice and take effective steps in this direction at the earliest.

With kind regards,

Yours sincerely,

Sd/-  
(V.K.Shunglu)

*Encl. - As above*  
**Dr. A.P.J. Abdul Kalam,**  
President of India,  
Rashtrapati Bhawan,  
New Delhi - 110 001.

## Section - 2

### Abolition of MPLADS and MLALADS

The **Member of Parliament Local Area Development Scheme (MPLADS)** is in operation in the country since December 1993.

The circumstances in which MPLADS was introduced in the 1990s are well known and do not require reiteration. Thereafter, the demand for similar schemes - need for discretionary public funds at the disposal of legislators so as to enable them to quickly execute public works to satisfy the needs of their constituencies - gathered momentum at the State levels and today Member of Legislative Assembly Local Area Development Scheme (MLALADS), wherein each MLA gets Rs. one crore per annum, is operational in almost all States of India.

Government of India has also increased the amount under MPLADS from Rs. one crore to Rs. two crore per annum and there is a demand to further raise this to Rs. five crore per annum. Now, over 30 lakh elected Panchayati Raj representatives are also making similar demands. It must be appreciated that taken together, about Rs.5000 crore or more is presently being annually earmarked under MPLADS and MLALADS by the Central and State Governments.

It may be noted that both MPLADS and MLALADS are, so to say, product of '**compulsions of coalition politics**'. In the last decade or so, the scheme has become synonymous with, among other things, large scale corruption. Allegations of MPs, MLAs, officers and contractors pocketing a significant portion of the funds are common.

A Report of the Comptroller and Auditor General of India prepared for the year ended March 2000 stated that '*in its present form, the scheme has hardly served its main objectives. The scheme had envisaged taking up of the works, which were developmental in nature and were based on local felt needs, with emphasis on creation of durable assets. Audit findings, however, suggest that besides the fact that a significant part of released money was not utilized, the works that were carried out in a large number of cases did not qualify for the definition of durable assets. A large number of them remained incomplete. Several others were either inadmissible or were not recommended by the Members of Parliament.*'

In a sting operation carried out by a news channel in 2005-06, several MPs belonging to different political parties were caught on tape demanding / accepting illegal gratification. It created a furore in the country. Shri Somnath Chatterjee, Speaker of Lok Sabha, is on record to have said that it was high time a scheme like MPLADS was abolished. But the counter pressure is such that no Government has been able to muster the courage to abolish the scheme. Same is the case with MLALADS.

The Second Administrative Reforms Commission, in its Fourth Report captioned ‘Ethics in Governance’ submitted to Government of India in 2007, has also recommended abolition of schemes such as MPLADS and MLALADS.

Even a former Chairman of the Public Accounts Committee, Shri Era Sezhiyan, had in his report “**MPLADS: Concept, Confusion and Contradictions**”, cogently argued that the scheme (MPLADS) distorted the MP’s role in the federal system and diverted funds which should have actually gone to agencies like the Panchayati Raj institutions (PRIs).

India Rejuvenation Initiative (IRI) feels that schemes like MPLADS and MLALADS seriously erode the notion of separation of powers between the legislature and the executive as the legislator directly becomes the executive. Hence, IRI is of the view that MPLADS and MLALADS must be immediately abolished as they undermine the constitutional notion of separation of powers and distort the role of elected representatives. If the underlying rationale for MPLADS and MLALADS is accepted then a question mark is placed over all other Government spending; norms give way to personal discretion and feudal notion of patronage occupies centre stage. These tend to weaken the democratic structure of the country.

IRI is also of the view that funds released through abolition of the aforesaid schemes should be transferred to the urban local bodies and Panchayati Raj institutions (PRIs) as it will substantially increase the cash transfers to urban and rural PRIs and strengthen grass root democracy as per constitutional provisions. It will also substantially reduce heartburning among the constituents of a Parliamentary or Assembly constituency and restore focus on the role of legislators in Parliament and State Assemblies besides removing the taint of corruption from the fair faces of legislators.

Views of IRI have been communicated to the Hon’ble Prime Minister, Vice President of India & ex-officio Chairman of Rajya Sabha and Speaker of Lok Sabha, Leader of

Opposition in the Lok Sabha & Chairperson of UPA on the issue of abolition of MPLADS & MLALADS.

However, so far, there has been no positive movement in this direction. Those MPs and MLAs who feel that these schemes should be abolished are outnumbered by those who favour their continuation and neither the Central Government nor the State Governments are inclined to upset the apple cart! IRI feels that a strong public opinion alone can exert sufficient pressure on the Government and legislators to move towards abolition of these schemes.

Dated: March 31, 2007

Dear Dr. Manmohan Singh,

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

2. The Second Administrative Reforms Commission, in its Fourth Report captioned 'Ethics in Governance' submitted to Government of India recently, has made a categorical recommendation that schemes such as MPLADS and MLALADS should be abolished as they seriously erode the notion of separation of powers between the legislature and the executive. In these schemes, the legislator directly becomes the executive. Even a former Chairman of the Public Accounts Committee, Shri Era Sezhiyan, had in his report "MPLADS: Concept, Confusion and Contradictions", cogently argued that the scheme (MPLADS) distorted the MP's role in the federal system and diverted funds which should have actually gone to agencies like the Panchayati Raj institutions (PRIs). Reports of the Comptroller & Auditor Generals, coupled with revelations made by electronic media some time back regarding corruption in schemes like MPLADS and MLALADS, have borne out the apprehensions voiced earlier by stalwarts like Shri Era Sezhiyan. The Hon'ble Chairman of the Rajya Sabha, Speaker of the Lok Sabha and several senior Members of Parliament have also, on several occasions, advocated abolition of MPLADS.

3. The circumstances in which MPLADS was introduced in the 1990s are well known and do not require reiteration. Thereafter, the demand for similar schemes - need for discretionary public funds at the disposal of legislators so as to enable them to quickly execute public works to satisfy the needs of their constituencies - gathered momentum at the State levels and today MLALADS, wherein each MLA gets Rs. one crore per annum, is operational in almost all States of India. Government of India has also increased the amount under MPLADS from Rs. one crore to Rs. two crore per annum and there is a demand to further raise this to Rs. five crore per annum. Now, over 30 lakh elected Panchayati Raj representatives are also making similar demands. It must be appreciated

that taken together, about Rs.5000 crore or more is presently being annually earmarked under MPLADS and MLALADS by the Central and State Governments. This, by no means, is an insignificant amount!

4. India Rejuvenation Initiative (IRI) is of the view that MPLADS and MLALADS must be immediately abolished as they undermine the constitutional notion of separation of powers and distort the role of elected representatives. If the underlying rationale for MPLADS and MLALADS is accepted then a question mark is placed over all other Government spending; norms give way to personal discretion and feudal notion of patronage occupies centre stage. These tend to weaken the democratic structure of the country. We believe that funds released through abolition of the aforesaid schemes should be transferred to the urban local bodies and Panchayati Raj institutions (PRIs) as it will substantially increase the cash transfers to urban and rural PRIs and strengthen grass root democracy as per constitutional provisions. It will also substantially reduce heartburning among the constituents of a Parliamentary or Assembly constituency and restore focus on the role of legislators in Parliament and State Assemblies besides removing the taint of corruption from the fair faces of legislators.

Yours sincerely,

Sd/-

(J.M.Lyngdoh)

**Dr. Manmohan Singh,**  
Prime Minister,  
Government of India,  
South Block,  
New Delhi -110 001

### Section - 3

## Amendments in system of filing of Annual Property Returns & scrutiny thereof

India Rejuvenation Initiative (IRI) has held extensive discussions on bringing about 'systemic changes' so that the rank of the country improves on the **Corruption Perception Index** which is prepared and released every year by Transparency International.

IRI noted in its deliberations that there is an existing system of filing of property returns for public servants including MPs and MLAs. The Representation of the People Act, 1951, has been amended by the Representation of the People (Third Amendment) Act, 2002 and a new Section 75 A, has been inserted which stipulates that every elected candidate for a House of Parliament or the Legislature of the State, shall, within ninety days from the date on which he/she makes and subscribes an oath or affirmation, file the details of his/her assets/liabilities to the Chairman of the Council of the State or the Legislative Council, or the Speaker of Lok Sabha or Legislative Assemblies as the case may be. Accordingly, the Rules have been formulated.

It is, thus, apparent that all MPs and MLAs are required to file their property returns every year but **hardly ten percent** of legislators comply with the aforesaid provision. There is no provision for penal action against defaulters. Even Cabinet Ministers are known to have not filed their property return statements even after reminders from the Prime Minister's Office!

The recent initiative of the Election Commission of India to make all candidates file their property returns at the time of filing nominations and its posting on web site is not followed by any further investigation by any arm of Government. There is no penalty for filing incorrect or incomplete information in the affidavit.

Likewise, All India Service Officers are required to file Annual Property returns but this pertains only to immovable property. Investments in shares/bonds/debentures, fixed deposits are not covered in the present system of Annual Property Returns. There is also no system of public disclosure of property returns. There is no system in place to check if public servants flout All India Service (AIS) Conduct Rules. Income Tax department is

concerned only with tax evasion and not whether public servant is holding property disproportionate to his known sources of income.

Against this backdrop, IRI has written to the Cabinet Secretary and the Chairman of the Second Administrative Reforms Commission that the system of filing property returns by officers of All India Services and their scrutiny should be suitably amended to include, *inter alia*, the following:

- Annual filing of returns of all assets (both movable and immovable)
- Form for filing property return could be similar to the one prescribed by the Election Commission for candidates with certain changes (draft form attached)
- Compulsory scrutiny of property returns by the Vigilance Officer in each Ministry / Department
- In case substantial changes are noticed by the Vigilance Officer, a copy of the property return could be forwarded to the Income Tax Department for further scrutiny and in cases where the Vigilance Officer notices 'extra-ordinary' changes, the same will be forwarded to the Income Tax, Chief Vigilance Commissioner and the like for further detailed scrutiny and action.
- All Vigilance Officers to send report to CVC including conclusion of further enquiry by Income Tax and other agencies.
- Annual property returns of all AIS officers should be put in the public domain - posted on the web site.

A reminder was also sent to the present Cabinet Secretary in September 2007. A letter has also been addressed to the Prime Minister in May 2008 wherein IRI has drawn his attention to the suggestions forwarded to the Cabinet Secretary earlier.

This matter was also deliberated at length in the two National Workshops organized by India Rejuvenation Initiative (IRI) at New Delhi and Mumbai in September, 2007 and February, 2008 respectively and it was resolved that the property returns of all public servants should be placed in the public domain and posted on the web site so that any citizen can get to know the 'growth trajectory' of assets and liabilities of public servants!

India Rejuvenation Initiative (IRI) has also drawn the attention of the Hon'ble Prime Minister, all Chief Ministers, the Speaker of Lok Sabha and the Chairman of the Rajya Sabha on this issue. Letters written on this issue are being placed in the public domain. So far, there has been no response to the aforesaid missives. Pressure of public opinion alone can coax our 'public servants' to act!

Dated: March 31, 2007

Dear Shri Chaturvedi,

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

2. India Rejuvenation Initiative (IRI) has over the past few months advocated the idea of verification of returns of all those who occupied or are occupying high public office in government in a “fast track manner” by setting up a kind of a mechanism like “Integrity Commission” to tackle the problem of corruption in high places. By focusing on verification of returns filed by public servants (both political executive and bureaucrats), it is proposed to focus on the outcome of corruption (assets- both movable and immovable) rather than the process of corruption, with which our anti-corruption machinery have been singularly preoccupied in the past decades with dismal results as ostensibly all procedures laid down are duly followed even in cases where it is common knowledge that money has changed hands.

3. Since Government of India is in the process of amending the Conduct Rules of All India Service Officers, IRI is of the view that the existing system of filing of property returns and their scrutiny be changed forthwith. The suggestions are as under:

- Annual filing of returns of all assets (both movable and immovable)
- Form for filing property return could be similar to the one prescribed by the Election Commission for candidates with certain changes (draft form attached)
- Compulsory scrutiny of property returns by the Vigilance Officer in each Ministry / Department
- In case substantial changes are noticed by the Vigilance Officer, a copy of the property return could be forwarded to the Income Tax Department for further scrutiny and in cases where the Vigilance Officer notices ‘extra-ordinary’ changes, the same

will be forwarded to the Income Tax, Chief Vigilance Commissioner and the like for further detailed scrutiny and action.

- All Vigilance Officers to send report to CVC including conclusion of further enquiry by Income Tax and other agencies.
- Annual property returns of all AIS officers should be put in the public domain - posted on the web site.

4. India Rejuvenation Initiative (IRI) is of the view that aforesaid changes will help in introducing greater transparency and accountability in administration. Keeping in view the avowed goal of zero-tolerance of corruption, it is hoped that Government of India will give serious consideration to the aforesaid proposal.

Yours sincerely,

Sd/-  
**(V.K.Shunglu)**

*Encl. - as above*  
**Shri B.K.Chaturvedi,**  
Cabinet Secretary,  
Government of India,  
Rashtrapati Bhawan,  
New Delhi

Enclosure

**Draft Proforma for filing of Property Returns by All India Service Officers**

As on .....

Name of Officer: ..... Service: IAS / IPS / IFS

Cadre: ..... Batch: ..... Designation: .....

**Declaration**

That I give herein below the details of the assets (immovable, movable, bank balance, etc.), of myself, my spouse and dependents:

**A. Details of Movable Assets**

(Assets in joint name indicating the extent of joint ownership will also have to be given)

S.No.	Description	Self	Spouse(s) Name(s):	Dependent-1 Name:	Dependent-2 Name	Dependent-3 etc. Name
(i)	Cash					
(ii)	Deposits in Banks, Financial Institutions and non-Banking Financial Companies					
(iii)	Bonds, Debentures and Shares in companies					
(iv)	Other Financial instruments NSS, Postal Savings, LIC Policies, etc.					
(v)	Motor Vehicles (give details of make, etc.)					
(vi)	Jewellery (give details of weight and value)					
(vii)	Other assets, such as values of claims/interests					

Note: Value of Bonds/ Shares/ Debentures as per the latest market value in Stock Exchange in respect of listed companies and as per books in the case of non listed companies should be given.

\*Dependent here means a person substantially dependent on the income of the officer”

**B. Details of Immovable Assets**

(Note: Properties in joint ownership indicating the extent of joint ownership will also have to be indicated)

S.No.	Description	Self	Spouse(s) Name(s):	Dependent-1 Name:	Dependent-2 Name	Dependent-3 etc. Name
(i)	<b>Agricultural Land</b> - Location(s) - Survey number(s) - Extent (Total measurement) - Current market value					
(ii)	<b>Non-Agricultural Land</b> - Location(s) - Survey number(s) - Extent (Total measurement) - Current Market value					
(iii)	<b>Buildings (commercial and residential)</b> - Location(s) - Survey number(s) - Extent (Total measurement) - Current Market value					
(iv)	<b>Houses/Apartments, etc.</b> - Location(s) - Survey number(s) - Extent (Total measurement) - Current Market value					
(v)	<b>Others</b> (such as interest in property)					

**C. Details of loans & financial liabilities**

(Note: Please give separate details for each item)

S.No.	Description	Name and address of Bank/ Financial institution(s) / individuals)	Amount of loan	Amount outstanding as on date of filing return
(i)	Loans from Banks			
(ii)	Loans from Financial Institutions			
(iii)	Loans from others (individuals/ family members)			

*It is certified that the aforesaid information is correct and true and no information has been withheld to the best of my knowledge.*

Signature of the Officer

Place:

Date:

Dated: March 31, 2007

Dear Shri Moily,

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

2. India Rejuvenation Initiative (IRI) has over the past few months advocated the idea of verification of returns of all those who occupied or are occupying high public office in government in a “fast track manner” by setting up a kind of a mechanism like “Integrity Commission” to tackle the problem of corruption in high places. By focusing on verification of returns filed by public servants (both political executive and bureaucrats), it is proposed to focus on the outcome of corruption (assets- both movable and immovable) rather than the process of corruption, with which our anti-corruption machinery have been singularly preoccupied in the past decades with dismal results as ostensibly all procedures laid down are duly followed even in cases where it is common knowledge that money has changed hands.

3. Since Government of India is in the process of amending the Conduct Rules of All India Service Officers, IRI is of the view that the existing system of filing of property returns and their scrutiny be changed forthwith. The suggestions are as under:

- Annual filing of returns of all assets (both movable and immovable)
- Form for filing property return could be similar to the one prescribed by the Election Commission for candidates with certain changes (draft form attached)
- Compulsory scrutiny of property returns by the Vigilance Officer in each Ministry / Department
- In case substantial changes are noticed by the Vigilance Officer, a copy of the property return could be forwarded to the Income Tax Department for further scrutiny and in cases where the Vigilance Officer notices ‘extra-ordinary’ changes, the same

will be forwarded to the Income Tax, Chief Vigilance Commissioner and the like for further detailed scrutiny and action.

- All Vigilance Officers to send report to CVC including conclusion of further enquiry by Income Tax and other agencies.
- Annual property returns of all AIS officers should be put in the public domain - posted on the web site.

4. India Rejuvenation Initiative (IRI) is of the view that aforesaid changes will help in introducing greater transparency and accountability in administration. Keeping in view the avowed goal of zero-tolerance of corruption, it is hoped that Government of India will give serious consideration to the aforesaid proposal.

Yours sincerely,  
Sd/-

**(V.K.Shunglu)**

*Encl. - as above*

**Shri M. Veerappa Moily**

Chairman,  
Second Administrative Reforms Commission,  
Government of India,  
2<sup>nd</sup> Floor, Vigyan Bhawan Annexe,  
Maulana Azad Road,  
New Delhi - 110 011

Dated: September 22, 2007

Dear Cabinet Secretary,

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

2. India Rejuvenation Initiative (IRI) has over the past few months advocated the idea of verification of returns of all those who occupied or are occupying high public office in government in a “fast track manner” by setting up a kind of a mechanism like “Integrity Commission” to tackle the problem of corruption in high places. By focusing on verification of returns filed by public servants (both political executive and bureaucrats), it is proposed to focus on the outcome of corruption (assets- both movable and immovable) rather than the process of corruption, with which our anti-corruption machinery have been singularly preoccupied in the past decades with dismal results.

3. Since Government of India is in the process of amending the Conduct Rules of All India Service Officers, IRI is of the view that the existing system of filing of property returns and their scrutiny be changed forthwith. The suggestions are as under:

- Annual filing of returns of all assets (both movable and immovable)
- Form for filing property return could be similar to the one prescribed by the Election Commission for candidates with certain changes (draft form attached)
- Compulsory scrutiny of property returns by the Vigilance Officer in each Ministry / Department
- In case substantial changes are noticed by the Vigilance Officer, a copy of the property return could be forwarded to the Income Tax Department for further scrutiny and in cases where the Vigilance Officer notices ‘extra-ordinary’ changes, the same will be forwarded to the Income Tax, Chief Vigilance Commissioner and the like for further detailed scrutiny and action.

- All Vigilance Officers to send report to CVC including conclusion of further enquiry by Income Tax and other agencies.
- Annual property returns of all AIS officers should be put in the public domain - posted on the web site.

4. These suggestions had earlier been sent to your predecessor in March 2007 but we are not aware if any action has been taken on the same. IRI believes that aforesaid changes will help in introducing greater transparency and accountability in administration. Keeping in view the avowed goal of zero-tolerance of corruption, it is hoped that under your leadership, Government of India will give serious consideration to the aforesaid proposal.

Yours sincerely,

Sd/-  
**(V.K.Shunglu)**

Encl. - as above  
**Shri K.M.Chandrasekhar**  
Cabinet Secretary,  
Government of India,  
Rashtrapati Bhawan,  
New Delhi

Dated: May 10, 2008

Respected Prime Minister,

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

2. India Rejuvenation Initiative (IRI) has advocated the idea of verification of returns of all those who occupied or are occupying high public office in government in a “fast track manner”. By focusing on verification of returns filed by public servants, it is proposed to focus on the outcome of corruption (assets - both movable and immovable) rather than the process of corruption, with which our anti-corruption machinery have been singularly preoccupied in the past decades with dismal results.

3. Since Government of India was contemplating amendments in the Conduct Rules of All India Service Officers, IRI had sent its suggestions to the Cabinet Secretary and the Chairman of the Second Administrative Reforms Commission over a year back (copy enclosed). IRI had expressed the view that the existing system of filing of property returns and their scrutiny need to be changed forthwith. The suggestions are as under:

- Annual filing of returns of all assets (both movable and immovable)
- Form for filing property return could be similar to the one prescribed by the Election Commission for candidates with certain changes (draft form attached)
- Compulsory scrutiny of property returns by the Vigilance Officer in each Ministry / Department
- In case substantial changes are noticed by the Vigilance Officer, a copy of the property return could be forwarded to the Income Tax Department for further scrutiny and in cases where the Vigilance Officer notices ‘extra-ordinary’ changes, the same will be forwarded to the Income Tax, Chief Vigilance Commissioner and the like for further detailed scrutiny and action.

- All Vigilance Officers to send report to CVC including conclusion of further enquiry by Income Tax and other agencies.
- Annual property returns of all AIS officers should be put in the public domain - posted on the web site.

4. Since considerable time has passed and IRI has not even been informed of the action taken in this regard, IRI is bringing the entire matter to your attention. IRI believes that aforesaid changes will help in introducing greater transparency and accountability in administration. Keeping in view the avowed goal of zero-tolerance of corruption, it is hoped that under your leadership, Government of India will give serious consideration to the aforesaid proposal.

With respectful regards,

Yours sincerely,

Sd/-  
(V.K.Shunglu)

*Encl. - as above*

**Dr. Manmohan Singh,**  
Prime Minister,  
Government of India,  
South Block,  
New Delhi

Dated: August 29, 2008

Dear

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

2. Probity in public life and transparency are important cornerstones of any vibrant democracy. With this objective in view, a lot of new laws and guidelines have been put in place including the ones relating to the conduct of elections. Provision for the disclosure of assets and liabilities by the contesting candidates was, to our mind, aimed at putting an effective curb on the increasing influence of money power in politics. Likewise all civil servants belonging to All India Services are required to submit Annual Property Returns. These, however, pertain to details of only immovable property and not movable property. IRI has earlier written to the Cabinet Secretary suggesting changes in the procedure for filing and scrutiny of property returns of bureaucrats belonging to All India Services (copy enclosed). But, so far, to the best of our knowledge, no decision has been taken in this regard.

3. The laws concerning disclosure of assets and properties by public servants have largely remained ineffective. Barring a few exceptions, filing of incomplete returns, or worse, non-filing of returns, has become the norm of the day. Lack of transparency, unaccountable governance and all-embracing corruption have become the hallmark of our system of governance.

4. In two National Workshops organized by India Rejuvenation Initiative (IRI) at New Delhi in September, 2007 and at Mumbai in February, 2008, it was agreed that the property returns of public servants - all Ministers, MPs, MLAs, IAS / IPS officers in the first instance, should be placed on the web site in the public domain. IRI is of the view that it should also be made mandatory for all public servants to file their property returns, containing details of both movable and immovable property, every year latest by end of first quarter. Failure to do so should entail stiff punishment. Once these details are in the public

domain, citizens at large would be in a position to draw their own conclusions regarding the extent of probity in public life!

5. We believe that you will take active steps to issue necessary instructions to concerned officers to bring about amendments in rules, if necessary, and take steps to place the aforesaid information in the public domain. We believe this will strengthen the democratic fabric in the country and improve accountability of public servants.

Yours sincerely,

Sd/-  
(S.A.T.Rizvi)

*Encl. - as above*

To,

Dr. Manmohan Singh, Prime Minister; Shri Somnath Chatterjee, Speaker of Lok Sabha; Shri Mohammad Hamid Ansari, Vice President & ex-officio Chairman, Rajya Sabha; All Chief Ministers of States and Union Territories

## Section - 4

### Appointments in Higher Judiciary

India Rejuvenation Initiative (IRI) has also deliberated on the issue of appointment of 'tainted' persons: persons with questionable reputation or those who do not enjoy good reputation - in higher judiciary. A letter had been addressed to the Chief Justice of India in a specific case and the matter has also been brought to the attention of the President of India, the Prime Minister and the Union Law Minister.

In his keynote address delivered on September 22, 2007 in the First National Workshop to forge a Public Movement against Corruption, Justice R.C. Lahoti, ex Chief Justice of India expressed the view that the country expected rigorous maintenance of highest standards of Ethics and Conduct by the holders of judicial office and the quality of judicial appointments could not be compromised at any cost. He felt that for eschewing any name from consideration for promotion or assumption of higher responsibilities in judicial hierarchy, it was not necessary to find proven misconduct: it was enough that the person did not enjoy a good reputation, which was an established judicial tradition. However, IRI has regretfully noted that this tradition had been departed from in some instances recently.

Recent happenings like the Ghaziabad Provident Fund scam, where several sitting and retired District Judges, Judges of High Court and even the Supreme Court, are reportedly involved and, the one reported from Chandigarh, where Rs. Fifteen lakh was delivered to the house of a High Court Judge by the Additional Advocate General of Haryana (which has now been referred to the CBI for inquiry by the Chief Justice of India), have shaken the faith of the common people in the judiciary.

Another disquieting event that has come to light is regarding the letter of the Chief Justice of India to the Prime Minister seeking dismissal of a sitting Judge of the Calcutta High Court, Justice Soumitra Sen, for corrupt practices which have brought disrepute to the judiciary. In this case the Union Government is going to move an impeachment motion against the said Judge, who reportedly refused to resign when asked to do so by the Chief Justice of India.

According to the Indian Constitution, a sitting judge of the High Court and Supreme Court can be removed from office only through the process of impeachment, which is a time consuming and tedious process.

The removal of a High Court or Supreme Court judge is written in Article 124 (4) and (5) and 217 (1) (b) and 218 of the Constitution on the ground of 'proven misbehaviour or incapacity.' However, the Constitution neither defines these words--“misbehaviour” or “incapacity”--nor clarifies it. These complaints against a judge have to be probed under the Judges (Inquiry) Act, 1968.

After a judge's name is forwarded for impeachment by the Chief Justice of India – the sole authority retains with the Chief Justice of Supreme Court of India, then it goes to the Parliament for approval through the Law Minister.

To begin the motion in the House, the government needs signature from 100 MPs and after this motion is moved, an enquiry is ordered to probe the allegations against the accused. After tabling the impeachment motion - proven by an inquiry committee - in the Parliament, it needs to be passed by 2/3rd majority in each House of the Parliament.

It may be noted that the only precedent in this regard is the one involving Justice V. Ramaswami, a former Judge of the Supreme Court. The process of impeachment commenced before the Lok Sabha in 1991 and despite facing several serious charges of corruption, the impeachment motion failed.

IRI feels that it is time the system of appointment and removal of judges is reviewed. The Government has been sitting on the Judges' Inquiry Bill, 2006, which seeks to establish a National Judicial Council, comprising sitting judges, to look into charges against judges. This panel would have the authority to investigate allegations against judges as well as impose disciplinary measures. IRI is of the view that if a sufficiently robust system is not quickly put in place, then it may become very difficult to maintain the credibility of Indian Judiciary.

A former Chief Justice of India, S P Bharucha, has spoken of the possibility of nearly a quarter of judicial officials being corrupt. A 2007 Transparency International report says the judiciary – contrary to public perception – is the third most corrupt institution in the country.

In the light of recent happenings, time has come when there is urgent need to introduce transparency and accountability in the judiciary. It may also help if the Right to Information Act is made applicable to the judiciary. Efforts being made by the Campaign for Judicial Accountability and Reform (CJAR) must be supported.

However, it must be remembered that we shall reap what we sow. If sufficient care is not taken at the time of appointment of judges to preclude people of doubtful integrity from entering the portals of higher judiciary, then one should not be surprised if later their wrongdoings come to public light and the credibility of judiciary takes a beating.

IRI believes that people have very high expectations from the judiciary and many see it as the last hope for Indian democracy. Hence, care should be taken to keep public faith in high judiciary intact.

Letters written to the Chief Justice of India, Hon'ble President of India, the Prime Minister and the Union Law Minister on the subject of appointment of judges are being placed in the public domain.

Dated: October 26, 2007

Dear Hon Chief Justice

India Rejuvenation Initiative (IRI) has pleasure in introducing itself to Your Lordship as a totally apolitical forum of concerned citizens working for restoring probity and accountability in public life and fighting against corruption in high places.

2. Recommendation for appointment of Mr. \*\*\*\*\*, Judge of Chhatisgarh High Court as Chief Justice of a High Court is under consideration. He earlier served as a senior judge in the Lucknow bench of the Allahabad High Court. As per newspaper reports, it is understood that the Supreme Court collegium had earlier cleared the recommendation by a majority of votes and, that too by enlarging the strength of the Collegium, as there was a strong opposition offered by well informed judges with whom consultation is mandatorily required to be made. The opposition was on the ground that the recommendee lacks in integrity, the prime requirement for a judicial office. The President of India has returned the papers for reconsideration by the Collegiums, assigning reasons, based on material, and opining that the appointment will not be in public interest.

3. It is difficult to find direct evidence of corruption against any individual. However, in the matter of judicial appointments, you are well aware, that it has been a firmly established convention to give weight to the reputation enjoyed by a person. One who does not enjoy good reputation, or carries a question mark on his integrity and /or character, has never been considered fit for appointment to a judicial office much less a high office.

4. Judiciary is the last hope of Indian polity. Purity of judicial stream has to be preserved at all costs. Its pollution will be too heavy a price to pay. Any appointment of anyone who carries with him a question mark on his integrity brings in disrepute the entire judicial system.

5. Of late we have come to know from unconfirmed sources that the opinion of other Hon. Judges in the Supreme Court who are well conversant with the affairs of Allahabad High Court was conveniently not taken. The deficiency can be removed now.

6. We wish to emphasize that the issue is grave and calls for a very serious consideration at your level. We are very confident that under Your Lordship's leadership of Indian Judiciary nothing would be done which may have the effect of questioning the system itself of making judicial appointments.

With profound regards,

Yours sincerely,

Sd/-  
**(V.K.Shunglu)**

**Shri K. Balakrishnan,**  
Chief Justice of India,  
5, Krishna Menon Marg,  
New Delhi

Dated: October 26, 2007

Respected Madame President

India Rejuvenation Initiative (IRI) has pleasure in introducing itself as a totally apolitical forum of concerned citizens working for restoring probity and accountability in public life and fighting against corruption in high places.

2. Recommendation for appointment of Mr. \*\*\*\*\*, Judge of Chhatisgarh High Court as Chief Justice of a High Court is under consideration. He earlier served as a senior judge in the Lucknow bench of the Allahabad High Court. As per newspaper reports, it is understood that the Supreme Court collegium had earlier cleared the recommendation by a majority of votes and, that too by enlarging the strength of the Collegium, as there was a strong opposition offered by well informed judges with whom consultation is mandatorily required to be made. The opposition was on the ground that the recommendee lacks in integrity, the prime requirement for a judicial office. The President of India has returned the papers for reconsideration by the Collegiums, assigning reasons, based on material, and opining that the appointment will not be in public interest.

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5. We wish to emphasize that the issue is grave and calls for a very serious consideration at your level.

With profound regards,

Yours sincerely,

Sd/-  
**(V.K.Shunglu)**

**Her Excellency Smt. Pratibha Patil,**  
President,  
Government of India,  
New Delhi

Dated: October 26, 2007

Dear Hon. Law Minister

India Rejuvenation Initiative (IRI) has pleasure in introducing itself as a totally apolitical forum of concerned citizens working for restoring probity and accountability in public life and fighting against corruption in high places.

2. Recommendation for appointment of Mr. \*\*\*\*\*, Judge of Chhatisgarh High Court as Chief Justice of a High Court is under consideration. He earlier served as a senior judge in the Lucknow bench of the Allahabad High Court. As per newspaper reports, it is understood that the Supreme Court collegium had earlier cleared the recommendation by a majority of votes and, that too by enlarging the strength of the Collegium, as there was a strong opposition offered by well informed judges with whom consultation is mandatorily required to be made. The opposition was on the ground that the recommendee lacks in integrity, the prime requirement for a judicial office. The President of India has returned the papers for reconsideration by the Collegiums, assigning reasons, based on material, and opining that the appointment will not be in public interest.

3. It is difficult to find direct evidence of corruption against any individual. However, in the matter of judicial appointments, you are well aware, that it has been a firmly established convention to give weight to the reputation enjoyed by a person. One who does not enjoy good reputation, or carries a question mark on his integrity and /or character, has never been considered fit for appointment to a judicial office much less a high office.

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5. We wish to emphasize that the issue is grave and calls for a very serious consideration at your level.

With profound regards,

Yours sincerely,

Sd/-  
**(V.K.Shunglu)**

**Shri H.K.Bhardwaj,**  
Minister of Law,  
Government of India,  
New Delhi

Dated: October 26, 2007

Respected Prime Minister,

India Rejuvenation Initiative (IRI) has pleasure in introducing itself as a totally apolitical forum of concerned citizens working for restoring probity and accountability in public life and fighting against corruption in high places.

2. Recommendation for appointment of Mr. \*\*\*\*\*, Judge of Chhatisgarh High Court as Chief Justice of a High Court is under consideration. He earlier served as a senior judge in the Lucknow bench of the Allahabad High Court. As per newspaper reports, it is understood that the Supreme Court collegium had earlier cleared the recommendation by a majority of votes and, that too by enlarging the strength of the Collegium, as there was a strong opposition offered by well informed judges with whom consultation is mandatorily required to be made. The opposition was on the ground that the recommendee lacks in integrity, the prime requirement for a judicial office. The President of India has returned the papers for reconsideration by the Collegiums, assigning reasons, based on material, and opining that the appointment will not be in public interest.

3. It is difficult to find direct evidence of corruption against any individual. However, in the matter of judicial appointments, you are well aware, that it has been a firmly established convention to give weight to the reputation enjoyed by a person. One who does not enjoy good reputation, or carries a question mark on his integrity and /or character, has never been considered fit for appointment to a judicial office much less a high office.

4. Judiciary is the last hope of Indian polity. Purity of judicial stream has to be preserved at all costs. Its pollution will be too heavy a price to pay. Any appointment of anyone who carries with him a question mark on his integrity brings in disrepute the entire judicial system.

5. We wish to emphasize that the issue is grave and calls for a very serious consideration at your level.

With profound regards,

Yours sincerely,

Sd/-  
(V.K.Shunglu)

**Dr. Manmohan Singh,**  
Prime Minister,  
Government of India,  
New Delhi

(Confidential)

For the kind attention of:

**Hon. Justice K.G.Balakrishnan,**  
Chief Justice of India,  
5, Krishna Menon Marg,  
New Delhi.  
Dt. 18-02-2007

**Sub.: Elevation / Appointment to judicial offices of persons of questionable reputation**

IRI has pleasure in introducing itself to Your Lordship as a totally apolitical forum of concerned citizens working for restoring probity, accountability in public life and fighting against corruption in high places.

Recommendation for appointment of Mr. \*\*\*\*\*, Judge of Allahabad High Court, as Chief Justice of a High Court is under consideration. As per news agency reports, the Supreme Court Collegium had earlier cleared the recommendation by a majority of votes and, that too by enlarging the strength of Collegium, as there was a strong opposition offered by well informed judges with whom consultation is mandatorily required to be made. The opposition was on the ground that the recomendee lacks in integrity, the prime requirement for a judicial office. The President of India has returned the papers for reconsideration by the Collegium assigning reasons, based on material, and opining that the appointment will not be in public interest.

It is difficult to find direct evidence of corruption against any individual. However, in the matter of judicial appointments, Your Lordship is well aware, that it has been a firmly established convention to give weight to the reputation enjoyed by a person. One who does not enjoy good reputation or carries a question mark on his integrity and/or character, has never been considered fit for appointment to a judicial office much less a high office.

Judiciary is the last hope of Indian polity. Purity of judicial stream has to be preserved at all costs. Its pollution will be too heavy a price to pay. Any appointment of anyone who carries with him a question mark on his integrity brings in disrepute the entire judicial system.

The citizens of India are watching with concern how Your Lordship and your senior colleagues in Supreme Court would act. The opinion, even doubts expressed by the President of India, and the Speaker very vocally, cannot be lightly brushed aside.

We wish to emphasize to Your Lordship that the issue is grave and calls for a very serious consideration at your level.

With profound regards,

Yours sincerely,

Sd/-  
(V.K.Shunglu)

Dated: May 10, 2008

Respected President,

I am writing this letter on behalf of India Rejuvenation Initiative (IRI), an apolitical forum of committed citizens working for restoration of probity in public life.

2. An independent and effective judiciary is a sine qua non for the successful working of Indian democracy. Independence of higher judiciary has held out a ray of hope for citizens of this country whose rights have at times been trampled upon by the executive. It is in this context that quality of appointments in higher judiciary, especially to High Courts and Supreme Court, assume great significance as pygmies cannot be expected to play the role of giants!

3. It has recently been revealed in a written reply to the Rajya Sabha that the Chief Justice of India recommended appointment of additional judges as permanent judges of High Courts without consulting the Supreme Court collegium during the period of January 1, 1992 to July 31, 2007. If this were not serious enough, there have also been instances where judges of questionable integrity have been appointed as Judges and Chief Justice of High Courts! A case in point is the appointment of \*\*\*\*\* as the Chief Justice of Himachal Pradesh High Court. IRI had drawn attention of the Chief Justice of India and the Union Government about the propriety of appointing a person as Chief Justice in whose case serious aspersions had been cast on his integrity and whose case had also been sent back by the President of India to the Supreme Court collegium for reconsideration. Further, a lawyer involved in the multi-crore Public Service recruitment scam in Punjab a few years back has now been recommended for appointment as judge of a High Court! This trend, if not arrested, is going to sound the death knell of the present system of appointments to higher judiciary with perhaps possible implications for independence of judiciary too!

4. IRI is of the view that the present system of appointments to higher judiciary should be reviewed and steps taken to prevent the system from becoming prisoner to the whims and fancies of the Chief Justice of India. Further, it should be ensured that appointment of persons of questionable integrity as High Court and Supreme Court judges becomes next to impossible so that public faith in the judiciary is not compromised.

Yours sincerely,

Sd/-  
**(V.K.Shunglu)**

**Smt. Pratibha Patil**  
President of India,  
Rashtrapati Bhawan,  
New Delhi

## Section - 5

### Action against 'most corrupt' IAS & IPS officers

India Rejuvenation Initiative (IRI) is of the view that corruption flows from top to bottom and it is imperative that 'zero tolerance' of corruption should lead to 'frying of the big fish'. International experience shows that a successful anti-corruption strategy focuses on catching the big fish. Recent happenings in Bangladesh, Phillipines, Indonesia are pointers in this direction.

India Rejuvenation Initiative (IRI) has also decided to support honest public servants and take steps to prevent officers of doubtful integrity from being appointed to key posts in Government of India as well as the State Governments. India Rejuvenation Initiative (IRI) has prepared the list of corrupt officers belonging to Uttar Pradesh and has sent letters to appropriate authorities for taking action against them. List for other States are also under preparation.

In this regard, it may also be mentioned that recently Shri R.C.Samal, has published a small book titled '**My experiences as Vigilance Commissioner of Andhra Pradesh**'. Shri Samal has in his book named senior IAS, IPS and IFS officers who, despite facing serious corruption charges, continue to occupy sensitive posts in Government. The position appears to be no different in other States although it is learnt that the members of Public Concern for Governance Trust (PCGT) have met with some success in preventing posting of officers of doubtful integrity on sensitive positions in Maharashtra.

It may be pertinent to mention at this stage that two of the three officers voted the 'most corrupt' by the U.P. I.A.S. Association in 1996 went on to become the Chief Secretary of the State! It is another matter that eventually they had to leave their office in ignominy upon orders of the Supreme Court.

It may also be noted that a major impediment in expeditious trial of corrupt 'top' public servants is the issue of obtaining 'prior sanction' of the Government. At present, prior permission of Government is required for initiating action against top public servants - permission under Section 197 Cr.P.C. There are instances galore where senior IAS, IPS officers and ministers have escaped from the clutches of law due to inordinate delay in

issuing 'prior sanction' or outright refusal of Government to issue the same. People now seem to have forgotten about the 'Ayurveda scam' of Uttar Pradesh which surfaced in 1994. While State Government issued sanction for prosecution of lowly Ayurveda doctors, the same was refused in case of the then Secretary, Department of Medical Education (who, incidentally, was later involved in the infamous Taj Corridor scam) and he escaped unpunished.

Much water has flowed since then. A recent judgment of the Supreme Court in December 2006 has held that public servants can be prosecuted without the mandatory government sanction for criminal acts, including corruption. The verdict takes away the immunity provided under Section 19 (1) of the Prevention of Corruption Act and Section 197 of the Code of Criminal Procedure which requires grant of sanction by appropriate authority to prosecute public servants in criminal cases, including corruption.

However, despite the said Supreme Court judgment, CBI has adopted a strategy of pick and choose when it comes to filing charge sheets in corruption cases. Recently, the CBI is learnt to have filed a charge sheet against the Home Secretary of Uttar Pradesh in a corruption case even though the State Government had refused sanction! IRI is of the view that law as to sanction for prosecution in corruption cases needs to be re-looked, liberalized and rationalized if 'top' public servants are to be brought to book in corruption cases.

November 18, 2007

**Shri Shashank Shekhar Singh**  
Cabinet Secretary  
Government of Uttar Pradesh  
Lucknow

Dear Shri Shashank Shekhar,

You may kindly recall our meeting on September 5 in your chamber at Lucknow. In the course of discussions, I had, among other things, expressed great concern over rampant corruption in the All India Services. You shared my anxiety on the subject and desired that I may, in course of time, submit a list of the notoriously corrupt officers of the State.

The India Rejuvenation Initiative (IRI), of which I am a member, is already engaged in this exercise. We are preparing, state-wise, list of the most corrupt officers of the All India Services. The UP list has since been prepared and the same is attached herewith. It shows ten officers of the IAS and ten officers of the IPS. Actually, the number of corrupt officers is far too large and the lists should have been much longer than they are. However, it was felt that we should limit their numbers to ten each only so that it may be easier taking action against a small group of officers. Besides, action taken against the most corrupt is bound to send a message down the line and have a deterrent effect on the large majority of officers.

It may be clarified here that both the IAS and IPS lists were prepared by small groups of IAS/IPS officers with reputation for objectivity and integrity.

The IRI would take the liberty of suggesting the following options regarding action to be taken against the officers:

- CBI could be asked to verify the assets of these officers and if the same are found totally disproportionate to their known sources of income, register cases against them under the appropriate sections of law.

- State Vigilance could be entrusted with the same responsibility provided it could be ensured that they are insulated from external pressures.
- Action under Article 311 (2) of the Constitution be taken to sack the officers.

It is absolutely essential that exemplary action is taken against officers in the list or else their increasing numbers would frustrate all attempts at economic development. UP is already very low in the matter of human development indices. Corruption, like cancer, is destroying our body politic.

Any further information required or assistance needed shall be promptly given by the IRI.

Sincerely,

Sd/-  
(Prakash Singh)

31 January, 2008

**Adm. RH Tahliani,**  
Chairman,  
Transparency International India  
Lajpat Bhavan, Lajpat Nagar -IV  
New Delhi - 110024

Dear Adm. Tahliani,

The India Rejuvenation Initiative (IRI), of which I am a member, had prepared a list of the most corrupt IAS and IPS officers of the State. The list was submitted to the Cabinet Secretary, Govt. of Uttar Pradesh on November 22, 2007.

A copy of the letter and the enclosed list are submitted to you also for the information of Transparency International, India.

Dr. SK Agarwal, Vice Chairman, whom I met sometime back and to whom I mentioned about the exercise, desired that the list may be sent to the Transparency International also.

This is for your information and such action as may be considered appropriate at your end.

Thanks,

Sincerely,

Sd/-  
**(Prakash Singh)**

## Section - 6

### Fast track investigation of high profile corruption cases by CBI

The Central Bureau of Investigation (CBI) is the premier investigating agency of the country which, to an extent, enjoys the trust of the people, Parliament, Judiciary and the Government.

With the enactment of CVC Act, 2003, the superintendence of Delhi Special Police Establishment vests with the Central Government except investigations of offences under the Prevention of Corruption Act, 1988, in which the superintendence vests with the Central Vigilance Commission. Director, CBI has been provided security of two year tenure in CBI by the CVC Act 2003. The CVC Act also provides mechanism for selection of Director, CBI and other officers of the rank of SP and above in CBI.

As per the CBI Annual Report, 2007, during 2007 courts delivered verdicts in 674 trials. Out of these 426 cases resulted in conviction, 161 in acquittal, 42 in discharge and 45 cases were disposed off for other reasons. The conviction rate was 67.7percent. There were 8730 trials pending in various courts as on December 31, 2007 of which 6673 cases related to Anti-Corruption Division.

A critical scrutiny of the functioning of the CBI reveals that the reputation of this agency, despite being better than most other anti-corruption agencies, is showing a downward trend due to its failure in expeditiously completing investigation against the 'big fish' and securing their conviction.

IRI is of the view that only when punitive action is taken against the 'big fish', no matter whether they belong to the ruling party or the opposition, can the credibility of the 'anti-corruption' drive can be maintained. Otherwise, it is bound to take a nose - dive!

If figures relating to corruption cases taken up against senior ministers, IAS, IPS officers, their arrest during investigation, time taken in filing charge sheet and their conviction or acquittal in trial are examined, then only the effectiveness or otherwise of anti-corruption agencies like the CBI can be truly gauged.

A letter written to the Director, CBI by IRI in this connection is reproduced.

Dated: December, 2006

Dear Shri Shanker,

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

India Rejuvenation Initiative (IRI) believes that corruption flows from the top and it is imperative that high profile cases against top public servants are taken to their logical end speedily and conclusively in a “fast track manner”. In this regard, I would like to draw your attention to the disproportionate assets case registered by the CBI against Shri Akhand Pratap Singh, ex- Chief Secretary of Uttar Pradesh in March 2005. A CBI spokesman had then, after extensive CBI raids claimed recovery of some 42 properties and unaccounted wealth to the tune of Rs.120 crore belonging to Shri Singh. However, no charge sheet has so far been filed by the CBI.

Delay in filing of charge sheet in high profile cases, leaving loop holes in investigation which are exploited to the hilt by top notch defence lawyers of accused have led the public to believe that anti-corruption agencies, including the CBI (despite their professed autonomy), are susceptible to pressure from the high and mighty. IRI believes that a professional agency like the CBI should take steps to address these public concerns and ensure that ‘top public servants’ accused of possessing assets disproportionate to their known sources of income are speedily brought to book. Tough action against the ‘big fish’ alone will restore public faith in the ability of anti-corruption system in the country to curb corruption in high places.

Yours sincerely,

Sd/-

**(J.F.Ribeiro)**

**Shri Vijay Shanker,**  
Director,  
Central Bureau of Investigation,  
C.G.O. Complex,  
Lodhi Road, New Delhi - 110003

## Section - 7

### Swamping of electoral process by 'criminal mafia' acting in tandem with 'moneyed' class

India is the largest democracy in the world and all Indians can justifiably feel proud of the 'vibrant democracy' and the tradition of peaceful change of power both at the Centre and the States following elections held at periodic intervals. Parliament and State Elections provide an opportunity to the people of this country to choose their representatives and the ruling party.

Indian elections have won world-wide acclaim and it has been observed that it is the poor who turnout in largest numbers to select their representatives. However, a disturbing trend that has emerged of late is the increasing election of multi-millionaires and criminal mafia as Members of Parliament and Members of Legislative Assemblies.

IRI feels that if some regulatory measures are not taken soon, the country is likely to land in a situation where our legislatures are full of the wealthy and the criminals, or, both combined, leaving little or no scope for a fair representation of the peoples' case for equitable and adequate distribution of social goods like food, health, education, and housing.

A letter has been sent by IRI to the Chief Election Commissioner outlining the suggestions on ways and means to check money and muscle power in elections. However, this is a long drawn process.

Dated: August 26 , 2008

Dear

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

2. Data compiled and released by Election Watch based on affidavits filed by contesting candidates reveals that the number of multi-millionaire candidates is increasing very rapidly. About 30 percent of candidates who contested in the recent elections to Uttar Pradesh Legislative Assembly were crorepatris and a similar percentage had criminal cases pending against them! It appears that maybe in the next ten years or so most of the contesting candidates would be crorepatris, with a substantial number also blessed with an enviable record in the world of CRIME!

3. Members of the India Rejuvenation Initiative (IRI) have held deliberations on the subject and a brief outline of the suggestions are as under:

- ❑ Fast track scrutiny of all persons desirous of contesting elections and having assets, both movable and immovable, of say more than Rs.50 lakh by an independent Accountability Commission.
- ❑ Those found to have acquired assets through wrongful means by the Accountability Commission to stay away from elections until finally cleared by the High Court / Supreme Court.
- ❑ The findings of the Accountability Commission will not be stayed by any Court of Law.
- ❑ Further, if one or more criminal cases are pending against a person, irrespective of the stage of pendency, such a person should not be allowed to contest elections just as a job seeker in Government is debarred if not cleared by the Police.
- ❑ The proposed Accountability Commission should be a constitutional body.

A brief Note on the subject is enclosed for reference.

4. These suggestions are in the nature of preliminary thoughts on the subject. IRI believes that if corrective measures are not taken, there soon may be a situation where our legislatures will be dominated by a 'multi-millionaire class' acting in tandem with criminal mafias. Election Commission of India may like to seriously consider the suggestions made. IRI would be happy to interact with the ECI on the subject.

Yours sincerely,

Sd/-  
**(S.A.T.Rizvi)**

*Encl. - as above*

**Shri N. Gopaldaswami,**  
Chief Election Commissioner,  
Nirvachan Sadan,  
Ashoka Road,  
New Delhi - 110 001

*Enclosure*

### Accountability Commission

Presently eyes of the nations are riveted on the drama unfolding in the electoral arena of Uttar Pradesh. While there will be winners and losers and some party or combination of parties will eventually form the Government, one should not lose sight of the serious distortions creeping into the electoral system as emerging from the invaluable data thrown up by the UP Election Watch.

Data compiled and released by UP Election Watch shows that about 28 percent of candidates (366) contesting election in the first Five Phases of elections were crorepatis. Likewise, Samajwadi Party topped the list of candidates with pending cases at 34.62%, followed by BSP -32.53%, BJP -27.86% and the Indian National Congress -20.42%. This situation prevails after the passage of an unanimous resolution in the State Assembly declaring that criminals had no place in public life following the killing of a sitting MLA, Shri Krishnanand Rai! Final figures emerging after completion of all seven phases of polling is only likely to worsen the situation as Districts of Purvanchal, known for their 'Mafia Dons' go to the polls in the last two phases.

One thing which is clearly borne out is that in the very next general elections, and most assuredly in the one to be held thereafter, multi-millionaires will be contesting from all the assembly constituencies, with a substantial number of them blessed with an enviable record in the world of CRIME. This would be so across parties, with State/National parties vying with each other for the first position. The issue is whether we should keep on looking at this development with equanimity and in the fond hope that the "Democratic System" would, by itself, provide the necessary correctives "before it is too late".

Philosophically speaking, I am prone to believe that "unlimited" wealth is capable of only one thing, and that is of inflicting pain and misery on the populace in uncanny ways, in ways which we cannot foresee. This would hold good more in a feudal society like the one we live in rather than in others which vibrate instinctively with all that is good by way of liberty, equality and fraternity. I have used the word "unlimited" deliberately to bring home something which again is an article of belief with me. It is

the belief that wealth tends to acquire unlimited proportions only through malfeasance and robbery (of people) and through a systematic suppression of the rights of the hapless many. Of course, the experience acquired by each one of us through the rough and tumble of our lives in public service only confirms the soundness of my philosophy. Once an agreement on this philosophical question is reached, it should not be difficult to spell out measures that ought to be taken to protect the grand edifice of "Free India".

At the very outset, we will have to agree on a magical figure, i.e., a cut off limit of wealth in possession of an individual person. We may, for the sake of convenience fix it at, say, Rs.50 lakh. This is a decent limit having regard to the economic conditions generally prevalent in our country. Let us then say that anyone in possession of wealth in excess of Rs.50 lakh and wanting to contest an election shall necessarily subject himself to a rigorous scrutiny by an independent **Accountability Commission** on a priority basis, and will be willing to give up automatically on being found to be guilty of acquiring wealth by wrongful means. That is to say that such a guilty person shall stay away from the House of the people until finally cleared by the High/Supreme Court. The added condition would be that the verdict of the Accountability Commission shall not be STAYED by any Court under any circumstance. If, on the other hand, a person found guilty as above has not been returned to the House, he shall stand debarred from contesting future elections at any level until finally cleared by the High/Supreme Court, and further that there shall be no opportunity for the grant of stay by any Court affecting the operation of the verdict of the Accountability Commission.

Where a person has one or more criminal cases pending against him, irrespective of the stage of pendency, the action should proceed on the same lines, mutatis mutandi. Without dilating on this aspect, I would suggest just this that the fact of pendency of criminal cases should affect such luminaries, for good or for bad, exactly in the same way in which it affects any other citizen of India. To illustrate, the idea is to subject such a person to the same kind of disability to which a job seeker in Government is subjected, though, in principle, the test prescribed for those seeking positions in the Legislature should be far more rigorous. I have always held the view that any distinction made in favour of those contesting an election to a Legislature is hit by Article 14 of our Constitution.

The proposed Accountability Commission (AC) should be a constitutional body whose independence must be guaranteed in the same way in which the independence of judiciary has been guaranteed under the Constitution. Before a matter is taken up by the AC, the Government of India (Department of Revenue -DOR) should be ordained to deal with the matter through the CBDT directly under the existing provisions of the I T Act. I believe there is a provision in the said Act which can be validly invoked in all such cases for issuing omnibus notices requiring the individuals concerned to explain how and when the wealth in excess of Rs.50 lakh has been acquired. The replies to such notices should be carefully scrutinized at the senior most levels in the CBDT, and, in no case, at lower levels. Based on such scrutiny, and after making further investigations, such as might appear to the CBDT to be necessary, the CBDT should pass a clear and speaking order closing the case, or, where, the individual concerned has failed to render satisfactory explanation, for launching prosecution in law courts and for taking such other action as might be permitted under the law of the land. The CBDT should be allowed a maximum period of one year to do so.

The AC should come in the picture only after the CBDT have completed action as above. The AC should derive authority, inter alia, from the provisions of the I T Act, the Excise Act, the Customs Act, the IPC etc. and it should be charged with the responsibility of scrutinizing the cases closed by the CBDT after due scrutiny and investigation as above. At the same time, the AC should act as an appellate authority in cases in which the CBDT might decide to launch prosecution and / or take other action permitted under the law. AC's verdict should result in immediate action against the guilty person. Those found guilty by the AC must stay away from office for all purposes until cleared finally by the High Court/ Supreme Court. AC's verdict should, in no case, be stayed by any Court. Those found guilty finally by the AC/Courts should be debarred for good from contesting elections at any level any for any institution, and those already elected to a legislature or any other institution during the pendency of proceedings before the CBDT / AC should, likewise, cease to be a member of the concerned body with effect from the date of the order passed by the CBDT / AC. Those found guilty by the CBDT should be allowed a month's time to prefer an appeal before the AC.

Action as above would need to be taken irrespective of whether the individual under scrutiny has acquired a PAN under the IT law.

Incidentally, I have a suggestion with regard to the nomination of individuals to the Parliament of India. I have no quarrel with the provision which empowers the President of India to nominate. But this power should be vested in the President himself acting in his discretion. Additionally, every such nomination should be thoroughly debated in the Rajya Sabha before it materializes. The President would then be expected to weigh and consider the nature of the debate before he takes a decision. The decision to nominate should, in any case, be his. After all, is he not himself a part of the Parliament of India? There can be no better method of stopping the misuse of the power to nominate currently vested in the Government. In the past, some Governments are known to have tried to muster up a majority in the Parliament by misusing this power. The change suggested will thus prevent political parties from faking majority support and should be welcome on this account also.

Incidentally again, I would like to suggest a procedure similar to the above for the appointment of High Court and Supreme Court judges with the President, as usual, retaining the power to appoint on the advice of the Cabinet / Government. It might be recalled that the nomination of persons as judges of the U S Supreme Court is subjected to a debate in the Senate.

As regards criminal cases, individuals contesting elections to the legislature are not presently required to disclose all manners of crime in which they may be involved, directly or indirectly. If I recall correctly, the Supreme Court had favoured disclosure of information by the candidates (contesting elections to the legislature) on the ground that the people / electorate had a right to receive (or, be supplied with) as much information about the candidates as is required to know the worth of the candidate for the purpose of making an intelligent (well informed) choice. If that be the case, I fail to see why the candidates should not be required to disclose the details of criminal cases which may have ended in acquittal, or, in which the police may have filed a final report, or else the fellow might have been discharged. By the same token, and more importantly, the lack of obligation on the part of the candidate, to disclose information about the pendency or otherwise of criminal cases involving offences carrying a maximum punishment of less than two years' imprisonment, is something which I find very difficult to accept as just and proper. A cursory perusal of the Indian Penal Code, would show that a very large number of offences listed therein carry, in case of conviction, a penalty of less than two years, but those

charged with the commissioning of such offences are the DAADAAS and as such the biggest and the surest threat to peace and order on the face of the earth. They are the ones who, for instance, indulge in *marpit*, and even serious *marpit*, and rioting at the slightest pretext, and never fail to intimidate the peace loving citizens through strong arm tactics. We can gauge the extent of havoc created by them in the country's hinterland only if we could ever get to know the number and the type of cases in which the police refuse to lodge the FIRs, or, when lodged, dilute the seriousness of the crime by clever manipulation of words. The crime related information, for purposes of disclosure, should also include factual information with regard to framing of charges by the Sessions Court, conviction by the same court showing the period of imprisonment and the amount of fine, stay of conviction / sentence of imprisonment by the High Court / Supreme Court and pendency in higher courts. In other words, the disclosure made by a contestant must reveal, as vividly as possible, the entire life spent by him in crime. The information revealed by a candidate should be verified from the respective police stations and, if necessary, from the courts concerned with utmost expedition. With internet connectivity fast catching on, it should not be difficult to have, in possession of the Returning Officers / Chief Electoral Officers, duly verified detailed information well in advance of the date(s) of poll thereby rendering it possible to publicize all such information for the benefit of the electorate in time.

The candidates contesting elections to legislatures are required to subscribe to oaths, the form of which is prescribed. Similarly, the elected representatives are supposed to take oaths, the format of which is again prescribed. According to me, those with a criminal background should be made to subscribe to oaths on a different format declaring, in some way, the provisional nature of their membership. The same should apply to those in possession of wealth, according to their own admission, in excess of Rs.50 lakh but who have not acquired PANs. I will go a step forward to suggest also that all such "provisional" members should be made ineligible to vote in the legislature except during no-confidence motions. This way, those entering the legislature with a criminal background and / or unexplained wealth (of more than Rs.50 lakh without having a PAN) would be effectively prevented from playing a decisive role in law making even though they would still have the freedom to participate in the debates held in the legislature.

My apprehension is that, in the absence of regulatory measures such as the ones suggested in the preceding paragraphs, we are soon likely to land up in a situation in which our legislatures will become full of the wealthy and the criminals, or, both combined, leaving little or no scope for a fair representation of the peoples' case for equitable and adequate distribution of social goods like food, health, education, and housing.

## Section - 8

### Protection to whistleblowers

Whistleblowers have an extremely important role to play in the fight against corruption. Since they are generally privy to inside information, whistleblowers are in a position to provide accurate and reliable information about corruption in the organizations wherein they are working. Two very prominent cases that immediately strike a chord are those of Shri Satyendra Dubey, working with the National Highway Authority of India (NHAI) and Shri Manjunath Shanmugan, an employee of the Indian Oil Corporation. Both exposed corruption in their organizations and had to pay for the same with their lives.

It may be of interest to note that at present laws for providing protection to whistleblowers exist in only a few countries like the United Kingdom, the United States of America, Australia and New Zealand. The laws in vogue in the aforesaid countries generally provide for preserving the anonymity of the whistleblower and safeguarding him/her against victimization within the organization.

In India, the Law Commission in its 179th Report has advocated enactment of a Public Interest Disclosure (Protection of Informers) Bill to provide protection to whistleblowers. The Second Administrative Reforms Commission has recommended that

- a) Legislation should be enacted immediately to provide protection to whistleblowers on the following lines proposed by the Law Commission:
  - Whistleblowers exposing false claims, fraud or corruption should be protected by ensuring confidentiality and anonymity, protection from victimization in career, and other administrative measures to prevent bodily harm and harassment.
  - The legislation should cover corporate whistleblowers unearthing fraud or serious damage to public interest by willful acts of omission or commission.
  - Acts of harassment or victimization of or retaliation against a whistleblower should be criminal offences with substantial penalty and sentence.

Protection to whistleblowers has become extremely important in the present scenario. Under prodding from the Supreme Court, the Central Government has recognized the concept of “whistle blowers” and a bare bone system has been put in place by Government of India under the Chief Vigilance Commissioner (CVC) for taking action on evidence presented by “whistle blowers” and for their protection.

A case of harassment of one whistleblower was brought to the attention of India Rejuvenation Initiative (IRI) and it was decided that IRI would address a letter in this regard to the Chief Vigilance Commissioner. The letter written by Justice R.C. Lahoti on behalf of IRI to the CVC is reproduced along with the reply received from the CVC.

Dated: June 7, 2008

Dear Sir,

IRI is a non-profit association of individuals whose names are displayed in the margin. Its mission is to secure probity and transparency in public affairs. IRI is particularly concerned with cases of corruption and wrongdoing at the highest levels in Government and public sector.

We are very gratified by the enactment of "Whistle Blower" Act. We noted with satisfaction CVC instructions to the CVOs to afford full protection to Whistle Blowers and to take prompt action on their complaints. Unfortunately, it seems to be the case that these salutary instructions are being breeched by the Commission or more accurately by some in the Commission.

A complaint under the Act was made in relation to the Chairperson and the Managing Director Central Bank of India. It seems that the complainant made grave charges against the Chairperson and we further understand that every imputation was supported by documents. We now learn that the whistle blower's name has been compromised. At a large meeting at Kolkata of officials of Central Bank of India, the Chairperson stated as follows:

- She has come to know the name of the whistle blower.
- She has been assured that no action would be taken against her &
- She would fix the whistle blower.

The complaint was made in the last week of February, thereafter it is common knowledge that the CMD visited the Commission on several occasions. After the last such visits 2-3 weeks back, the above captioned announcements were made by the CMD.

It would seem to be the case that prompt action has not been taken, the identity of the whistle blower has been compromised and the CMD is finding every pretext to victimize him without let or hinderance.

We are deeply disturbed at the manner in which the Act is being given effect to. The consequence would be that no whistle blower would come forward and the Act would ornamentally remain on the statute book. We would urge you to take remedial action by protecting the whistle blower and expeditiously arriving at findings at the complaint.

According to officials of Central Bank, there are many other instances of wrongdoings, but they are now afraid to come forward.

We are sure that you have more concern than us with the integrity of the Commission and would do everything in your power to preserve it.

Yours faithfully,

Sd/-

**(R.C.Lahoti)**

**Shri Pratyush Sinha**  
Chief Vigilance Commissioner  
Satarkta Bhawan, A -Block  
GPO Complex, INA  
New Delhi -110 023

**Pratyush Sinha**

July 16, 2008

**Honourable Shri R.C.Lahoti**  
Former Chief Justice of India  
India Rejuvenation Initiative  
E - 306, Sector -27  
NOIDA - 201 301 (U.P.)

Sir,

Please refer to your letter dated 7th June 2008 concerning a whistleblower in a matter relating to the Chairperson, Central Bank of India.

In the instant case referred by you, phone calls have been received by the whistleblower in the Commission. He has also called upon certain officials of the Commission. You may appreciate that the whistleblower himself has given away his name.

I also assure you that none in the Commission acted in a manner so as to reveal the name of the complainant. The complaints received through the whistleblower and earlier similar complaints have been promptly acted upon.

We once again assure you, by borrowing a phrase from your letter, that the Commission would do everything possible at its command to preserve its integrity.

Yours sincerely,

Sd/-  
**(Pratyush Sinha)**

## Section - 9

### Letters highlighting irregularities in the UGC and in appointment of Executive Directors in Public Sector Banks

India Rejuvenation Initiative (IRI) has also addressed letters highlighting irregularities in the University Grants Commission (UGC) and in appointment of Executive Directors in Public Sector Banks to appropriate authorities.

IRI believes that corruptions in institutions like the UGC, which oversees the functioning of all Universities in the country, can have a very debilitating impact on quality of higher education in the country. Likewise, flaws and irregularities in the appointment of Executive Directors to various Public Sector Banks can also have serious implications which can seriously undermine the financial backbone of the country.

Accordingly, as soon as certain disturbing facts regarding these institutions came to the knowledge of IRI, it was decided that the same should be communicated to the appropriate authorities like the Prime Minister and the Union Finance Minister. It is hoped that appropriate action will be taken in these matters.

Dated: December 19, 2007

Dear Shri Chidambaram,

I write this on behalf of India Rejuvenation Initiative (IRI), an apolitical forum of concerned citizens of India engaged in working for the promotion of probity and accountability in public life and to expose corruption in high places of public importance so as to enable the competent authorities to undertake investigation and to take action in follow up.

2. The provocation for addressing this letter to you comes from the information very recently revealed to us about the selection of the Executive Directors (EDs) of Public Sector Banks. The matter is indeed serious and would deserve to be looked at by you as the Minister Incharge.

3. The information revealed to us is actually about the malafide conduct of the process of selection of General Managers for appointment as EDs in the Public Sector Banks. Needless to say that the information is reliable and would, therefore, deserve to be considered for prompt action. The process of selection in question has concluded only recently.

4. It appears that a weight of 70% was assigned to performance alone, and this was done purposely to help chosen candidates in becoming qualified for interview. It should be easy to discover the names of candidates thus favoured.

5. As many as 11 out of a total of 24 candidates recommended by the Committee for appointment as EDs happen to belong to just 3 Public Sector Banks out of 18. We understand that the names of as many as 84 candidates from all the Public Sector Banks were under consideration. Is this not surprising?

6. We also understand that the Chairman of the Selection Committee was placed in a unique position so as to be able to influence the majority of other members of the Committee one way or the other and thereby succeeded in securing majority support for the recommendations made by the Committee.

7. The Chairman of the Committee , it seems to us, has had definite links with at least 2 of the 3 Public Sector Banks from which 11 candidates have been selected. The Chairman was, therefore, placed in a peculiar position which enabled him to assist chosen candidates. This information too can be verified without difficulty.

8. Some of the candidates selected by the Committee have, at one time or the other, faced serious vigilance enquiries during the conduct of which their personal integrity had come in for suspicion. This fact is presumed to have been in the knowledge of one or two members of the Committee.

9. I am placing the above facts before you on behalf of the IRI and hope that you will kindly have the matter investigated.

10. Should you consider it necessary, we in the IRI, will be willing to discuss with you the procedural aspects of the matter so that fair selections become possible.

Yours sincerely,

Sd/-  
(S.A.T. Rizvi)

**Shri P.Chidambaram**  
Union Minister of Finance,  
Government of India,  
New Delhi

Dated: May 30, 2008

Respected Prime Minister,

The India Rejuvenation Initiative (IRI) is greatly appreciative of the steps that have been taken by you to focus on quality, expansion and access in the higher education sector. There is no gainsaying that if the next cycle of rapid economic growth has to be sustained, the youth of the country have to be rapidly trained and given access to quality education, soft skills and knowledge development. Recently, the chairperson, UPA, herself has lauded your personal imprint on the proposed reforms agenda in the higher education sector which includes *inter alia* near doubling of public investment, establishment of 30 new Central Universities, 370 colleges in the backward districts, provisions for scholarships and education loans.

2. But if this bold and imaginative reforms agenda has to succeed, the institutions responsible for their delivery have to exhibit the necessary leadership, vision and integrity of purpose and action. Sadly, we find that the premier higher education body, the **University Grants Commission (UGC)** is singularly lacking in these attributes. First hand information and reliable documentary evidence available with IRI point to deep administrative crisis in UGC. It appears to be mired in excessive corruption and complete breakdown of rule of law, financial discipline and administrative accountability.

3. With the approval of the Appointments Committee of the Cabinet, a senior IAS officer, Sri Raju Sharma, was appointed as Secretary UGC in February 2008. However, within two months of his posting, the UGC superseded the orders of the ACC and relieved the officer of his duties on spurious and flimsy grounds. We have also learnt that less than a year ago, the Financial Advisor of the UGC was also summarily repatriated because he objected to corrupt practices in the Organization.

4. The IRI has reliably learnt that this time the Secretary UGC had exposed a Rs.220 crore massive e-governance project scam in the UGC which was the real reason for his repatriation. The IRI has seen documents which make it obvious that the project is

characterized by serious financial irregularities, corrupt practices and brazen violations of established norms of public spending.

5. This, however, is not the only instance of maladministration in the UGC. There are persistent news items and reports relating to grant of deemed university status to a number of dubious institutions, especially under the so called *de novo* category, in the last two years. This has severely dented the image of the institution and its current Chairman. Recently, the Parliamentary Standing Committee has also made adverse and scathing comments about the functioning of this organization.

6. IRI is especially concerned that the documents and correspondence already available with the government establish in a convincing manner that these corrupt practices are taking place at the behest of and under the protection and control of the current Chairman of the UGC Sri \*\*\*\*\*. We believe this is unprecedented and a dangerous situation that needs to be confronted and acted upon.

7. IRI believes that for an important and crucial organization like the UGC, the present state of affairs is alarming and requires urgent intervention at your level. Judging from the documentary evidence at hand, IRI would unequivocally urge you to order an immediate and comprehensive investigation by the CBI and the CVC in the gamut of irregularities in the functioning of the UGC, and especially the award of the Rs.224.70 crore e-governance project on 13th March, 2008 by the UGC.

With warm regards,

Yours sincerely,

Sd/-  
(V.K.Shunglu)

**Dr. Manmohan Singh**  
Prime Minister,  
Government of India, South Block,  
New Delhi.

## Section - 10

### Letter to opinion makers

India Rejuvenation Initiative (IRI) is aware that for forging a public movement against corruption, it is important to mobilize public opinion. Towards this end, IRI has written letters to about eighty individuals of repute - noted industrialists, industry groups like CII, FICCI, ASSOCHAM, top educationists, scientists, Vice Chancellors of ten Central Universities and editors of newspapers, news agencies, weekly magazines among others seeking their support.

IRI has also organized two National Workshops at New Delhi and Mumbai in September 2007 and February 2008 respectively which were attended by a large number of influential people drawn from a wide cross section of society.

IRI has also received support from the Times Foundation and a large number of individuals, organizations who have expressed their willingness to lend their support to the initiative taken by IRI.

Dated: April, 2007

Dear

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

2. You must be familiar with the reports that keep appearing in the media regarding the very poor rating that our country currently enjoys in the comity of nations on the Corruption Index. While the World Bank report released in September 2006 warned that unless countries like India and China took immediate steps to curb corruption, their current high growth rate could prove to be unsustainable, the *Transparency International 2006 Bribe Payers Index* ranks India as the Most Corrupt country with Indian exporters most willing to pay bribes to bag export orders! These reports make very dismal reading and as a proud Indian, one feels ashamed!

3. You are well aware about the high cost of corruption and its impact on development scenario. As World Bank estimates suggest, the annual world wide bribery figure is as high as US \$1000 billion per year, I will not hazard a guess regarding India's share in this pie, but you will agree that it would not be negligible given our current ranking as one of the 'most corrupt nations'! The adverse impact of corruption is most felt by ordinary citizens of the country.

4. In this context, India Rejuvenation Initiative (IRI) has written to the Hon'ble Prime Minister regarding the idea of verification of returns of all those who occupied or are occupying high public office in government in a "fast track manner" by setting up a kind of a mechanism like an "Integrity Commission". IRI feels that our existing anti-corruption institutions have failed to curb the malaise. By focusing on verification of returns filed by public servants (both political executives and bureaucrats), it is proposed to focus on the outcome of corruption (assets- both movable and immovable) rather than the process of corruption, with which our anti-corruption machinery have been singularly preoccupied in the past decades with dismal results as ostensibly all procedures laid

down are duly followed even in cases where it is common knowledge that money has changed hands.

5. Today our country seems poised to enter and sustain a higher cycle of growth creating in the process an unprecedented opportunity. The opportunity is to attack poverty, create immense wealth and sustain a process of development which is inclusive, equitable and morally robust. Corruption is one of the great dangers to this vision and as concerned citizens, we must jointly work to thwart this danger.

6. We request you to support the efforts of IRI and we solicit your suggestions in this regard.

Yours sincerely,

Sd/-

**(J.F.Ribeiro)**

To,

Dr. Syed E. Hasnain, Vice Chancellor, Hyderabad University; Prof. Rajat Kanta Ray, Vice Chancellor, Visva Bharati, Santiniketan; Prof. R.G.Harshe, Vice Chancellor, University of Allahabad; Prof. Pramod Tandon, Vice Chancellor, North-Eastern Hill University; Prof. R.V. Rajsekharan Pillai, Vice Chancellor, Indira Gandhi National Open University; Shri Naseem Ahmad, Vice Chancellor, Aligarh Muslim University; Prof. Deepak Pental, Vice Chancellor, University of Delhi; Prof. B.B.Bhattacharya, Vice Chancellor, Jawaharlal Nehru University; Prof. Mushirul Hasan, Vice Chancellor, Jamia Millia Islamia; Prof. Panjab Singh, Vice Chancellor, Banaras Hindu University

Dated: April, 2007

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6. We request you to support the efforts of IRI and we solicit your suggestions in this regard. We will be too happy to have a dialogue on this issue as per your convenience.

Yours sincerely,

Sd/-  
**(J.F.Ribeiro)**

To,

Dr. R. Chidambaram, Principal Scientific Advisor to GOI; Prof. S.K.Joshi, Distinguished Emiretus Scientist CSIR; Dr. Anil Kakodkar, Secretary, Department of Atomic Energy; Dr. Kasturi Rangan, Director, National Institute of Advanced Studies; Prof. M.G.K.Menon; Prof. P.Rama Rao; Prof. Yashpal; Dr. Arun Nigavekar

Dated: March, 2007

Dear Shri Ratan Tata,

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

2. You must be familiar with the reports that keep appearing in the media regarding the very poor rating that our country currently enjoys in the comity of nations on the Corruption Index. While the World Bank report released in September 2006 warned that unless countries like India and China took immediate steps to curb corruption, their current high growth rate could prove to be unsustainable, the *Transparency International 2006 Bribe Payers Index* ranks India as the Most Corrupt country with Indian exporters most willing to pay bribes to bag export orders! These reports make very dismal reading and as a proud Indian, one feels ashamed!

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6. We request you / your organization to support the efforts of IRI and we solicit your suggestions in this regard. We will be too happy to have a dialogue on this issue as per your convenience.

Yours sincerely,

Sd/-  
**(J.F.Ribeiro)**

To,

Shri Ratan Tata; Chairman CII/FICCI/ASSOCHAM/I.M.C./Bombay Chamber of Commerce; Shri Mukesh Ambani; Shri Rahul Bajaj; Shri N R Narayana Murthy; Shri Sunil Mittal; Shri Deepak Parekh; Shri Azim Premji; Shri Kumar Mangalam Birla; Shri Y C Deveshwar; Shri Anand Mahindra; Shri Anil D Ambani; Shri Adi B Godrej; Shri Deepak Parekh; Shri Hari Bhartiya

Dated: April, 2007

Dear Shri Shekhar Gupta,

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

2. You must be familiar with the reports that keep appearing in the media regarding the very poor rating that our country currently enjoys in the comity of nations on the Corruption Index. While the World Bank report released in September 2006 warned that unless countries like India and China took immediate steps to curb corruption, their current high growth rate could prove to be unsustainable, the *Transparency International 2006 Bribe Payers Index* ranks India as the Most Corrupt country with Indian exporters most willing to pay bribes to bag export orders! These reports make very dismal reading and as a proud Indian, one feels ashamed!

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6. We request you to support the efforts of IRI and we solicit your suggestions in this regard. We will be too happy to have a dialogue on this issue as per your convenience.

Yours sincerely,

Sd/-  
**(J.F.Ribeiro)**

To,

Shri Shekhar Gupta, Chief Editor, Indian Express; Shri M.J. Akbar, Chief Editor, The Asian Age; Shri Sanjay Gupta, Editor, Dainik Jagaran; Smt. Mrinal Pandey, Editor, Hindustan; Shri Chaitanya Kalbag, Editor, Hindustan Times; Dr. Chandan Mitra, Chief Editor, The Pioneer; Shri Prabhas Joshi, Editorial Advisor, Jansatta; Shri Ashok Agarwal, Chairman & Chief Editor, Amar Ujala; Shri Arindam Sengupta, Resident Editor, The Times of India; Shri Abhik Sarkar, Chief Editor, The Telegraph; Shri M.K. Razdan, Chief Editor, Press Trust of India; Shri Vinod Mehta, Chief Editor, Outlook; Shri H.K. Dua, Editor, The Tribune

Dated: June 6, 2007

Dear

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country. It is my privilege and honour that I have been one of the Founder Members of this esteemed organization.

I am writing this personal note and apprising you about its goals and objectives with a view for you to consider joining this forum to lend a positive drive to provide the legitimate justice in our society at large.

You must be familiar with the reports that keep appearing in the media regarding the very poor rating that our country currently enjoys in the comity of nations on the Corruption Index. While the World Bank report released in September 2006 warned that unless countries like India and China took immediate steps to curb corruption, their current high growth rate could prove to be unsustainable, the *Transparency International 2006 Bribe Payers Index* ranks India as the Most Corrupt country with Indian exporters most willing to pay bribes to bag export orders! These reports make very dismal reading and as a proud Indian, one feels ashamed!

You are well aware about the high cost of corruption and its impact on development scenario. As World Bank estimates suggest, the annual world wide bribery figure is as high as US \$1000 billion per year, I will not hazard a guess regarding India's share in this pie, but you will agree that it would not be negligible given our current ranking as one of the 'most corrupt nations'! The adverse impact of corruption is most felt by ordinary citizens of the country.

In this context, India Rejuvenation Initiative (IRI) has written to the Hon'ble Prime Minister regarding the idea of verification of returns of all those who occupied or are occupying high public office in government in a "fast track manner" by setting up a kind of a mechanism like an "Integrity Commission". IRI feels that our existing anti-corruption

institutions have failed to curb the malaise. By focusing on verification of returns filed by public servants (both political executives and bureaucrats), it is proposed to focus on the outcome of corruption (assets- both movable and immovable) rather than the process of corruption, with which our anti-corruption machinery have been singularly preoccupied in the past decades with dismal results as ostensibly all procedures laid down are duly followed even in cases where it is common knowledge that money has changed hands.

Today our country seems poised to enter a higher cycle of growth creating in the process an unprecedented opportunity. The opportunity is to attack poverty, create immense wealth and sustain a process of development which is inclusive, equitable and morally robust. Corruption is one of the great dangers to this vision and as concerned citizens, we must jointly work to thwart this danger.

May I on behalf of the IRI and myself in person request you to support the efforts of IRI. We shall be too happy if you actively associate yourself with IRI to work towards bringing back probity in all walks of public life. Besides we also solicit your suggestions in this regard.

You may also like to visit the IRI web site at [www.iri.org.in](http://www.iri.org.in).

I shall be happy if you would accede to our request.

Please acknowledge.

Yours sincerely,

Sd/-  
**(Hari Gautam)**

To,

Dr. Lakshman Chaturvedi, Vice Chancellor, Pt. R.S. Shukla University, Raipur; Dr. P.C. Upadhyaya, Chairman, Chhatisgarh Private Universities Regulatory Commission; Dr. Anand Kumar, Prof. of Surgery, B.H.U.; Prof. Vijay Shivpuri, Principal, Vasanta College for Women, Varanasi; Dr. Kawar Jahan, Prof. (retd.) of Urdu -BHU; Dr. Kapil Kumar, Prof., IGNOU; Dr. Kapil Kapoor, Prof. (retd.), J.N.U.; Dr. K.K.Bajaj, Prof. (retd.), University of Chandigarh; Prof. Bhumitra Dev, ex- Vice Chancellor, Gorakhpur & Agra University; Prof. Pramod Mehta, ex- Director, NIT, Jalandhar; Dr. S.P.Tyagrajan, ex - Vice Chancellor, University of Madras; Dr. B.M.Hegde, ex- Vice Chancellor, MAHE; Dr. Prem Vrat, Vice Chancellor, UP Technical University; Dr. C.M.Singhal, ex Prof. of Surgery, Kanpur; Prof. Valiathan, former President, INSA; Dr. D.P.S. Verma, Prof. (retd.), Delhi College of Economics; Dr. N.R.Narainmurthy, ex- Chairman, Infosys; Dr.T.N.Seshan, ex Chief Election Commissioner; Dr. Krishna Bal, Principal (retd.), Ram Lal Anand College, Delhi University; Dr.A.Sankara Reddy, Principal, Venkateshwara College, Delhi University; Dr. Kavita Sharma, Principal, Hindu College, Delhi University; Dr. Ramesh Bamzai, Director, NHGC, J.N.U.; Prof. Gautam Sen, Director, NISDA, University of Pune; Dr. Surindera Sharma, Principal (retd.), Kamla Nehru College, Delhi University; Dr. V.K.Kak, Emeritus Prof. of Neurosurgery, PGI, Chandigarh; Prof. R.P.Singh, ex V.C., Lucknow University; Prof. Ashok S.Kolaskar, Prof. Bioinformatics Centre, University of Pune; Dr.B.D.Gupta, Emeritus Professor, PGI, Chandigarh.

## Section -11

### Letter to IAS Associations

About twelve years back, I.A.S. officers of U.P. cadre had spearheaded a campaign against corruption. This step had been resorted to because the official anti-corruption machinery of the state had proved incapable of exerting even the slightest restraint on officers who had been amassing wealth through illegal means.

Things have changed since the historic vote to identify three 'most corrupt' IAS officers was undertaken on 14<sup>th</sup> December, 1996 by the U.P. IAS Association. The major difference that has come about in Uttar Pradesh is that the corrupt have lost the capacity to be brazen about their nefarious ways. They have lost their 'larger-than-life' aura as well as their swagger, which is no mean achievement. Assessment of reputation of an officer by his cadre-mates has an authenticity greater than that of even a judicial indictment.

A high level committee appointed by Government of India on Civil Service Reforms headed by Shri P.C.Hota, IAS (Retd), former Chairman, UPSC and former Secretary (Personnel) GOI, and consisting of 11 Secretary level serving and retired IAS officers, Chief Secretaries, senior retired IPS and IC&CES, IA&AS officers, has, in Para 2.27 of its report submitted to the Central Government, made the following recommendation-

“Those who deviate from the core values of the civil service such as honesty, integrity and political neutrality must be ostracized by the general body of civil servants. In 1995-96, the Uttar Pradesh IAS Association voted in secret ballot naming three most corrupt officers of the IAS in the U.P. cadre. Peer perception of a civil servant is usually accurate and to use peer perception of a civil servant in the public interest, service associations should be encouraged to identify the corrupt and the inefficient in a secret ballot. The list of such officials may be forwarded to the Government of India and the respective State Governments who must take follow up action to remove the identified officers from service if there are grounds for removal.”

The Indian Civil & Administrative (Central) Service Association also had in November 2003 forwarded to the Cabinet Secretary a resolution seeking an early placement of an

effective mechanism to identify such officers of All India Services and other Group A Services who have amassed movable and immovable assets disproportionate to their known sources of income and launching of a thorough probe against them.

In March 2004 a letter was also addressed to all IAS Associations in States as well as other Service Associations of All India Services and Group A Services by the Central Association with the request that they work out a mechanism for identification of such officers in their States/Services and request the Authorities to take appropriate action after a thorough probe as per the law of the land. The Service Associations were requested to forward the names of such officers to the State Authorities/competent authorities as well as the Cabinet Secretary, Government of India for appropriate action as such a list prepared by the Associations would enable the Cabinet Secretary to cross-verify the list prepared through Central Agencies and take deterrent action against such officers as per the law of the land.

IRI is of the view that based on the recommendations of the Hota Committee and the request made by the Central Association, the IAS Associations should be prodded to take steps so that officers with doubtful integrity do not come to occupy sensitive positions in Government.

Dated: May, 2007

Dear Sir,

I am writing this letter on behalf of the India Rejuvenation Initiative (IRI), a non-political forum of concerned citizens working for restoring probity in public life in the country.

2. You must be familiar with the reports that keep appearing in the media regarding the very poor rating that our country currently enjoys in the comity of nations on the Corruption Index. A World Bank report released in September 2006 has warned that unless countries like India and China took immediate steps to curb corruption, their current high growth rate could prove to be unsustainable.

3. You are well aware about the high cost of corruption and its impact on development scenario. As World Bank estimates suggest, the annual world wide bribery figure is as high as US \$1000 billion per year, I will not hazard a guess regarding India's share in this pie, but you will agree that it would not be negligible given our current ranking as one of the 'most corrupt nations'! The adverse impact of corruption is most felt by ordinary citizens of the country.

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5. Today our country seems poised to enter a higher cycle of growth creating in the process an unprecedented opportunity. The opportunity is to attack poverty, create immense wealth and sustain a process of development which is inclusive, equitable and morally robust. The growing cancer of corruption among civil servants and posting of 'corrupt' civil servants at sensitive positions pose a great danger to this vision. As the Service Association of the premier All India Service, we believe that it is your mandate to provide protection to honest civil servants and prevent posting of public servants with 'doubtful integrity' at sensitive positions where they can greatly harm civil society as well as the service. This can be done by preparing a list of all those members of the service who are known to have amassed wealth well beyond their known sources of income and then writing to the concerned authorities to not only probe their assets but also ensure that they are not posted in any sensitive positions where they can cause further damage to public interests. This experiment has been tried in some states with very encouraging results. With the support of your body we can take up this activity in your state also. Please discuss this issue in your association meeting and do let us know in what way we can join hands to get rid of the tainted elements. We will be too happy to discuss the issue with your association in future.

Yours sincerely,

Sd/-  
(S.A.T.Rizvi)

To,

Honorary Secretaries of IAS Associations of the States of Andhra Pradesh, Chhatisgarh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Mizoram, Nagaland, Punjab, Uttar Pradesh, Uttarakhand, West Bengal.