

Key Note Address

Delivered by Hon'ble

Mr. Justice R.C. Lahoti

Former Chief Justice of India

at the

Workshop to forge

"Public Movement Against Corruption"

Organized by

India Rejuvenation Initiative (IRI)

in collaboration with

National Regeneration Foundation

on

September 22, 2007

at

India International Centre, New Delhi



The Sparrow Spirit

The guiding spirit behind India Rejuvenation Initiative (IRI) has been succinctly explained by former Chief Justice of India, Justice R.C.Lahoti in the form of the story of the sparrow.

Once a fire broke out in a forest. There was a hen sparrow sitting on the top of a tree in which she had her nest. She watched the fire for a few minutes and took some decision. She spread her wings, flew high and reached a lake near the forest. She filled her beak with water, flew back and dropped the water on fire. She did so many times.

A crow was watching the bird with amusement. It asked the sparrow, "Why are you wasting your energy? Do you think that a beak-full of water can extinguish the fire in the forest? The bird replied, "There are more than one reasons for my initiative. First, whether big or small, every body in this forest must fight against any calamity to the best of its capacity. Second, my activity is my declaration that I am not on the bandwagon of those who set the forest on fire; I am amongst those who are fighting the fire. Third, I will never have a regret in my life that for extinguishing the fire I could have done something but I did not. Fourth, I am an example and inspiration to those who can fight the fire but are not doing so. And, lastly, I will go down in the record as having done its best to fight the fire."

Founder Members of IRI

1. Justice R. C. Lahoti
Former Chief Justice of India
2. Shri J. M. Lyngdoh
Former Chief Election Commissioner, India
3. Shri V.K. Shunglu
Former Comptroller and Auditor General of India
4. Dr. Hari Gautam
Former Chairman, University Grants Commission
5. Air Chief Marshall, S.Krishnaswamy
(Retd.) Former Chief of Air Staff
6. Shri J. F. Ribeiro
Former DGP, Punjab & C.P., Mumbai
7. Shri S.A. T. Rizvi
Former Secretary, Government of India
8. Prof. H.C. Pandey
Vice Chancellor, Emiratus
9. Dr. N. C. Saxena
Former Member Secretary,
Planning Commission, India
10. Shri Prakash Singh
Former DG B.S.F., DGP UP, DGP Assam
11. Prof. S.K. Dube
Director, IIT, Kharagpur
12. Shri Sharat Pradhan, Journalist
13. Shri. S.R. Lakha, I.A.S.
14. Shri V. S. Pandey, I.A.S.
15. Shri Raju Sharma, I.A.S.
16. Shri Sunil Kumar, I.A.S.
17. Mrs. Renuka Kumar, I.A.S.
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Public Movement Against Corruption

(Key Note Address)

Delivered by Hon'ble Mr. Justice R.C.Lahoti, Former Chief Justice of India, at the Workshop to forge Public Movement against Corruption organized by India Rejuvenation Initiative on September 22, 2007 at India International Centre, New Delhi

Today we have gathered here to forge a Public Movement against Corruption. We have representatives from various parts of the country and from different walks of life. This workshop has been organized by **India Rejuvenation Initiative (IRI)**, (translated into Hindi as **Bharat Punrotthan Abhiyan**), a group of like minded non political but concerned citizens, come together, feeling concerned about restoring probity in public life in the country. They wish the common man of this country to have distributed to them justice social, economic and political as enshrined in the Preamble of the Constitution of India. The members of IRI, and some who are present here are already busy fighting their own individual war against corruption. Can we not come together if our goal is the same?

Background

Reports appearing in the media on a regular basis reveal the very poor rating of our country in the comity of nations on the Corruption Index. India figures at 70th position in the latest report of Transparency International. 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! A recent report released by the Hong Kong based Political and Economic Risk Consultancy (PERC) has revealed that India is perceived as fifth most corrupt Asian economy by foreign businessmen. These reports make very dismal reading and really hurt national pride!

The high cost of corruption and its impact on development scenario is well documented. World Bank estimates suggest the annual world wide bribery figure to be as high as US \$1000 billion per year. Indians pay over Rs.32000 crore per annum as bribes according to some estimates. These estimates could well be gross under-estimates! It is well known that the adverse impact of corruption is most felt by ordinary citizens of the country, especially the poor.

According to a Study, Government loses about Rs.200,000 crore every year due to tax evasion. Studies also show that the country's growth rate could increase by 1.5 percent and Foreign Direct Investment (FDI) by 12 percent if corruption is reduced to levels prevailing in Scandinavian countries. It is thus evident that decline in standards of probity among public servants has high cost for the country and ordinary citizens.

It is estimated that over Rs.500,000 crore of public money is stashed away in secret foreign bank accounts of corrupt Indian public servants. Corrupt public servants appear to be ruling the roost. Legal system is perceived to have become the hand maiden of the rich and anti-corruption agencies seem to develop cold feet in investigations against top corrupt public servants. Usually those convicted of corruption are only the lowly placed.

Recent happenings in Tamil Nadu, Punjab, Haryana, Uttar Pradesh, Bihar, Manipur and several other States of India where even Heads of Governments have come under a cloud and are also reportedly facing trial / inquiry for possessing assets disproportionate to their known sources of income have only focused public attention on the growing cancer of corruption. It is rather unfortunate that the electorate has to select from not the 'good, better, best' but 'bad, worse, worst'!

There has been a steep rise in incidents of road rage and mob violence. The reason? People have lost faith in legal system and law enforcing agencies. In America, the police reaches the place of crime or accident within three minutes; in Delhi the capital of India, the time taken is a minimum of three hours, and, in some case, no wonder even three days!

Recently a former Minister, who was detained in jail for nine months on charges of murder and conspiracy, has been acquitted. The case was investigated by the CBI. It was a politically sensitive case. Several eyebrows were raised. The Government of India was quick to come out with a statement the Government is committed to maintaining independence and professionalism of CBI. Few questions inevitably pop up. What is the professionalism, if the charges were not substantiated in the court? Why was the accused incarcerated for nine months, if there was no evidence? And, if there was evidence

and yet acquittal has been suffered, then what is the independence?

Our Methodology

Looking at the wealth of natural resources which this country has, the progress in the fields of science and technology, business and industry, economy and international trade which we have made and the workforce consisting of brilliant young professionals and entrepreneurs as we have available, make us rightly believe that India is still a golden bird. But the corruption is eating away the fruits of prosperity. Post independence, and, more so, in recent times, the rich have become more rich and poor more poor. Power is getting concentrated in the hands of a few and the citizens are being rendered more meek, humble and powerless every next day. The root cause is inequality of distribution, thanks to corruption and the corrupt. In India we have come to accept that 'every man has his price' and that 'few men have virtue to withstand the highest bidder'! If we look at the people of this country, regrettably, we find the citizenry divided into four classes:

- (i) the mighty and powerful corrupt, who indulge in corruption, can twist the arm of law and be above the reach of law;
- (ii) those who have vested interest in corruption as corruption enables accomplishment of their motives or whatever they wish to do;
- (iii) those helpless people the common men, who have accepted corruption as their inevitable fate, and hence a part of their life and order in the society;
- (iv) those who do not indulge in corruption but blink their eyes thereto; because the existence of corruption elsewhere does not make any difference for them.

Such people as can throw challenge to the corruption and fight against it cannot be said to be non-existent but they are either diffident or indifferent or unorganized. IRI proposes to rejuvenate this section of the society and awaken a killing spirit therein to fight against corruption on Gandhian principles in the land of Gandhi. IRI may not deal with individual complaints against corruption; for, they will be too many, running into thousands and may be lakhs. We wish the agencies and institutions already available in the country and entrusted with the task of controlling / eradicating corruption to be active, independent and insulated against political influence and to

see that they, free from adverse external influences, do what they are supposed to do under the law.

A Welcome Change / Ray of Hope

Two recent events have lighted some hope in the fight against corruption. First is the enactment of **Right to Information Act, 2005**. This Act aims at developing an informed citizenry and creating the culture of transparency in public functioning. These, in their turn, would contain corruption and hold the Governments and their instrumentalities accountable to the people. This Act, if reasonably and effectively used, is bound to prove a powerful weapon in the hands of anti-corruption brigade.

Second is the Fourth Report entitled '**Ethics in Governance**' released in January, 2007 and presented to the Government of India by Second Administrative Reforms Commission headed by Shri M.Veerappa Moily. This report is a 'must read' not only for those activists who wish to fight against corruption, but also every enlightened citizen of this country. The report has chapters such as ethical framework / legal framework for fighting corruption / institutional framework such as Lokpal, Lokayukta / social infrastructure which deals with citizen initiatives / role of Media / social audit / systemic reforms / protecting the honest civil servants / international cooperation and relationship between the Political Executive and the permanent Civil Service.

The IRI Thinking

In the several meetings of the IRI, the churning of thoughts has resulted in focus on the following steps being taken:-

- (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 relooked, 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 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
 - 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 IAS / IPS officers should be put in the public domain posted on the web site.
- (iv) Punishment of 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) Peoples involvement in diagnosing corruption and corrupt systems
- (ix) Building peer pressure on Governments to see that those who have had 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.

The IRI believes that MPLADS and MLALADS need to be immediately abolished as they undermine the constitutional concept of separation of powers and distort the role of elected representatives. Such schemes depart from the norms of public spending and instead give way to personal discretion and feudal notion of patronage. Cases of wanton spending and corrupt utilization and misutilization of funds have come to notice. IRI feels that the funds of such schemes should be transferred to the local bodies and Panchayati Raj Institutions, so as to strengthen the grass root democracy.

Judiciary

Judiciary is not only one of the three pillars of Constitutional Governance, but has also been assigned a place of primacy in the Constitution with power of judicial review over legislature and executive, the other two wings of governance. The country expects rigorous maintenance of highest standards of Ethics and Conduct by the holders of judicial office. The quality of judicial appointments cannot be compromised at any cost. For eschewing any name from consideration for promotion or assumption of higher responsibilities in judicial hierarchy, it is not necessary to find proven misconduct; it is enough that the person does not enjoy a good reputation. This has been an established judicial tradition. IRI has regretfully noted this tradition having been departed from in some instances recently.

Role of Media

Media, the fourth estate of democracy, and I may say so, the most powerful over the rest, can shape the future of this country. If it targets and hits at corruption, the results would not be far off to be seen. The Media can inform, educate, expose and, most importantly, boost the morale of crusaders against corruption. The Media needs to remind itself of the role it played in National struggle for freedom.

IRI earnestly appeals to Media both print and electronic to assume the role of social auditors by being **active**, **bold** and **creative** in regularly exposing corruption cases but, while doing so, acting with responsibility, reporting only after verification and avoiding sensationalization. Nothing can better set out the efficacy of role of Media than the words of great poet Akbar, who wrote :-

“खींचों न कमानों को, न तलवार निकालों,
जब तोप मुकाबिल हो, अखबार निकालो।”

Social Boycott of the Corrupt

It is unfortunate but true that those who gain power by corrupt or unfair means, also come to command positions of influence. They possess power of politics, money and muscles. They can get the things done. People in need flock to them. One Gandhian way of fighting against corruption is by mobilizing public opinion to socially boycott those who are corrupt and have no morals. This is a fast acting methodology and more effective than law. “Non cooperation with the evil doer is a mild form but can be an immensely potent technique when undertaken on a mass scale” (Gandhian Alternative, vol.3, page 81). This '**non violent social ostracism**' is a form of *Satyagraha*.

Epilogue

Once a fire broke out in a forest. There was a hen sparrow sitting on the top of a tree in which she had her nest. She watched the fire for a few minutes and took some decision. She spread her wings, flew high and reached a lake near the forest. She filled her beak with water, flew back and dropped the water on fire. She did so many times.

A crow was watching the bird with amusement. It asked the sparrow, “Why are you wasting your energy? Do you think that a beak-full of water can extinguish the fire in the forest? The bird replied, “There are more than one reasons for my initiative. First, whether big or small, every body in this forest must fight against any calamity to the best of its capacity. Second, my activity is my declaration that I am not on the bandwagon of those who set the forest on fire; I am amongst those who are fighting the fire. Third, I will never have a regret in my life that for extinguishing the fire I could have done something but I did not. Fourth, I am an example and inspiration to

those who can fight the fire but are not doing so. And, lastly, I will go down in the record as having done its best to fight the fire.”

Those who are in IRI and those who shall be joining this initiative would be following the sparrow's spirit in fighting against corruption. Yet, let us declare with all humbleness and humility at our command, and let it be known, that we are not so weak and humble as the poor sparrow was.

The message of Mahatma Gandhi, written in gold, is our driving force. The great Mahatma has said “You must be the change you wish to see in the world”. Educationist and motivator of international repute, Shri Shiv Khara asks a question of each one of us “If your mother had cancer, would you let her die? Our motherland has cancer of corruption, what are we waiting for?” And then goes on to say “Every nation writes its own autobiography by the actions or inactions of its concerned citizens”. The question of the questions is “Do we want the next fifteen years to be like the last fifteen years? If we are not part of the solution, then we are the problem”. And lastly, he says “It is never the activity of rascals that destroys a society, but always the inactivity (cowardice and apathy) of the good people that does it”.

I would end with a couplet inspiring and appropriate to the occasion:

“जालिम को जो न रोके, वे शामिल है जुल्म में,
कातिल को जो न रोके, वो कातिल के साथ है।”

- साहिर लुधियानवी

IRI does not condemn anyone the Governments, the police, the judiciary or any other institution or agency. IRI only emphasize the need for taking a U-turn from where we have landed ourselves. We need reforms, training, professionalism, freedom for law enforcing agencies from expanding ill influence of dirty politics and, above all, a change in attitudes and a firm determination to act on call of conscience.

Let us hope that this workshop today will be able to charter a path for **Peoples Collective Movement against Corruption** and plan strategies for reaching the goal of 'corruption free India' as fast as we can and before it is too late.

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