

Anti Land-Grabbing Action Committee

ಭೂಕಬಳಿಕೆ ವಿರೋಧಿ ಹೋರಾಟ ಸಮಿತಿ

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24.06.2016

To

Sri Narendra Modi
Hon'ble Prime Minister of India,
South Block, Raisina Hill,
New Delhi-110011.

Sub: Regarding taking stringent measures to build '*Corruption free India*' –
some suggestions.

Hon'ble Prime Minister,

I am an ex-MLA from Karnataka and the Convener of the Anti-Land Grabbing Action Committee. A Joint Legislature Committee under my Chairmanship was formed in 2006 to give a report on land encroachment in Bangalore Urban district. The Committee gave a report in 2007 that 41,303 acres had been encroached/grabbed and also stated that this was only the tip of the iceberg. Karnataka Land Grabbing Prohibition Bill, 2007 had been waiting for H.E the President's assent since then. Thereafter, I formed this Committee along with other activists and launched a struggle against land grabbing by very influential and powerful people by creating fictitious documents for government lands. We have given many representations to the government that more than 4 lakh acres of valuable land has been grabbed in Karnataka in connivance with government officers/officials which amounts to not less than 4 lakh crore rupees. Government land is a public property and creating fictitious/forgery documents is a very serious and criminal offence. The Committee has exposed many specific proven cases of land grabbing by creating fake documents. But the government has utterly failed to take action even in a single case which only confirms that the people involved are not weak and innocent but are very powerful exercising control on

the government itself. After a long struggle of 7 years, we have been successful in making the Karnataka government to enact the Karnataka Land Grabbing Prohibition Act in 2014. However, we are still fighting for proper implementation of the Act. Efforts of our Committee is available at <http://savekarnataka.in>. The all pervasive corruption is the root cause for all the mess we are witnessing today and unless it is tackled effectively, no Act, however powerful, can be implemented in its entirety.

Our country and States have witnessed several serious corruption scams under the regime of several political parties in which the parties are undoubtedly involved. Unfortunately, instead of cleaning the dirt of corruption, the people at the helm of affairs have themselves been involved in the dirty act of corruption. In recent decades, the quality of governance has been consistently deteriorating. Governments are changing with different political parties but there is no improvement in the systems. The exploitation of common man, the poor and farmers is going on incessantly. As the people at the top level in administration have themselves become corrupt, they certainly lack the morality to act against their subordinates. Their prime goal seems to be only to make money illegally.

It is a matter of relief that Your Honor is seriously concerned about tackling corruption and have been speaking against corruption and in favour of development on many occasions. Today the country needs '*Corruption Free India*' and this has to be done without further delay. Corruption undoubtedly slows down the speed and quality of development. With rampant corruption, the fruits of various schemes of the government will not reach the eligible citizens.

I am aware that complete eradication of corruption is not so easy. But there should be clarity in the steps to be taken in that direction. As the corrupt and people involved in illegal activities are getting away without punishment, there is absolutely no fear of law. Effectively

tackling corruption, which is the mother of all evils, will automatically curb all illegal activities which will certainly result in arresting scams and accelerate development.

Therefore, keeping the magnitude of corruption and the ground realities in mind, I am giving below some specific actions to be taken with regard to tackling corruption.

1. Strengthening and proper implementation of laws meant to tackle corruption:

- a. Right to Information Act, 2005:** Information relating to assets, corruption complaints against officers are being dealt as private information. Information is being withheld by public servants on the pretext of oath of secrecy. The Central Information Commission has rightly directed that '*oath of secrecy*' be replaced with '*oath of transparency*' so that all public servants will respect the Right to Information of the citizen. It is relevant to mention that one of the core values to be upheld by every public servant is *transparency*. **With the Exception of those handling national security, all other public servants should be made to take an '*oath of transparency*'. The appointment of Information Commissioners should be done in a transparent manner by following checklists.**
- b. Prevention of Corruption Act, 1988:** Presently amendments have been proposed to this Act to protect the corrupt, not only those who are in Service but also those who have retired from Service. **Hence, the present Amendment Bill should be withdrawn as it promotes corruption and should be replaced with suitable amendments to strengthen the Act and redefine corruption as is being used by least corrupt countries. Speedy trials and conviction of the corrupt will surely act as a strong deterrent against corruption.**
- c. Lokpal and Lokayuktas Act 2013:** Though this Act was passed in 2013, till today the Lokpal has not been appointed to enforce the Act. Under this Act, all public servants have to file property returns (both movable and immovable held by them and family members). But the powerful IAS lobby has succeeded in extending this

deadline repeatedly since 16th Jan 2014 and the deadline now is 31st July 2016. **The amendment Bill should be withdrawn reintroduced with amendments facilitating the appointment of Lokpal, should be passed on top-priority and implemented immediately. The deadline of 31st July 2016, for declaring movable and immovable assets of government servants should not be extended. Details of assets should be immediately put on government website and action should be initiated against defaulters.**

d. **Whistle-blower's Protection Act, 2011:** While all the above three acts are there to expose and punish the corrupt, this Act is aimed at prevention of corruption. Majority of cases which have been taken to Courts are not exposed by government servants occupying key positions but by other individuals. Serving officers who dare to expose their seniors are victimized, driven to commit suicide and even decimated. The plight of honest All India Service officers working in State governments, over whom the Central Vigilance Commissions has no jurisdiction, is unimaginable. Amendment Bill has been moved to this Act just to stall its implementation. Instead of making this Act strong by defining victimization, amendments are being made to make this Act as ***Whistle-blower's harassment Act***. The Department of Personnel and training has been suppressing facts and filing false affidavits before the Hon'ble Supreme Court hearing the PIL on Whistleblowers in case No. WP 93/2004. **The amendments Bill aimed at weakening the Act should be withdrawn and the Act should be strengthened by defining the term *victimization* to protect whistle-blowers. The Department of Personnel and training should be directed to place complete facts before the Hon'ble Supreme Court in case No. WP 93/2004 to help the Court to pass suitable orders.**

2. **Other measures :**

a. Under the **VIGEYE** program of the Central Vigilance Commission, a vigilant citizen

could become a VIGEYE by registering himself through the VIGEYE portal of the CVC website and thereafter upload complaints along with documentary/audio/video evidences. At present, this portal has been disabled in the CVC website. **The VIGEYE portal should be immediately restored and made functional and wide publicity should be given to facilitate giving corruption related information confidentially.**

b. The scheme of disclosure of money kept abroad has already failed. It made no sense for black money hoarders to give up 60 percent of their money when there was a good chance that the Indian taxman will not be able to get their hands on the money even if they kept it concealed – as has been the case so far. The recent scheme for disclosure of undisclosed income and assets located in India would also meet the same fate. On the one hand, SIT is formed to tackle black money issue and on the other, these type of measures are being taken to help those who have amassed wealth by illegal means. **Instead of cheating the public, the Enforcement Directorate, the Central Board of Direct Taxes, the CBI and the CVC should be strengthened and allowed to function without interference which will go a long way in detecting and curbing illegal wealth. All public servants should be excluded from all the so-called voluntary disclosure schemes and should be dealt separately.**

c. **All Commissions/Constitutional bodies which have been set up to help citizens should be strengthened by giving them more statutory powers and should be allowed to work independently. The appointments of Chairpersons and Members of the Commissions should be done by following checklists in a transparent manner allowing public participation in the scrutiny.**

d. Appointment and posting of unsuitable persons for key positions is one of the major reasons for corruption to thrive. Only right people occupying right positions can bring

improvements in the systems. No action has been initiated against any of the senior officers, who have connived in the past to loot the public. **The government of India should come out with uniform comprehensive checklists to be followed throughout the nation while posting officers to key positions, at least while posting All India Service officers of the grade of Secretary and above. Very senior officers who have been responsible for various scams in the country should first be identified and action should be initiated against them.**

I strongly feel that the above measures would effectively tackle corruption which is rotting India. Our nation has to be liberated from the clutches of the corrupt and then only the *development mantra* of Your Honor can become a reality.

Therefore, I humbly request Your Honor to take the above measures along with other concrete robust action to make 'Corruption *Free India*'.

Thanking you,

Yours sincerely

(A.T. Ramaswamy)

Convener