



**ANTI
CORRUPTION
ELECTION
MANIFESTO
2021**

AN ARAPPOR INITIATIVE

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I. INTRODUCTION

Corruption is one of the primary root cause for many of the social, economic, and political issues including unequal distribution of income, exploitation of people and resources, non-availability of basic amenities to specific sectors of the society, poor infrastructure and civic issues. Corruption significantly hampers development of the nation and impacts the economy. Corruption hurts those the most who can afford the least.

People are forced to pay bribes to avail even the basic services, getting electricity connections, clearing sewage, repairing water lines, at mortuary in government hospitals, to get legal heir certificates, pension and ration. The general public also are forced to pay bribes to get a driving licence, patta, land registration, plan approval and most other services.

On the other side, big corrupt acts that involve the top bureaucrats and politicians, manipulate, distort, or violate policies, institutions, and processes to enable a few people to benefit at the expense of the public good. Illegal beach sand mining, Gutkha scam, Granite scam, Coal scam, Chennai Corporation scam, Highways scam and many more have come to light recently. Tender prefixing in favour of few companies close to politicians has been resulting in a huge loss to the exchequer. Bribery in transfers and postings are affecting honest Government servants and the general public. Corruption impacts each of us in the state.

Only 6% of the people in TamiNadu feel that the state government is committed towards reducing Corruption says a study. In this context, it is important that various measures are taken to reduce corruption. India's rank on Corruption Index stands at 80 out of 179 countries.

This document is an attempt to consolidate various systematic and legislative changes that are required to reduce corruption and strengthen the anti-corruption laws and policy in the state and the country.

This Manifesto was drafted by a team of dedicated volunteers through putting together Arappor lyakkam's experience over the last 5 years in fighting Corruption, collecting feedback from citizens who experience these Corruption directly and also from experts such as serving honest officials in these fields.

This Anti-Corruption Manifesto will be taken to all political parties, seek from them to include these features in their Manifesto for 2021 Assembly elections, provide a commitment to the people to implement this, and finally implement these effectively within a fixed-time frame.

II. PRINCIPLES TO CURB CORRUPTION

Eliminating and decreasing corruption requires various changes in laws as well as a strong commitment in implementation of such laws. Worldwide experience has shown us that there are fundamentally 3 important ways that have been time tested to work effectively in fighting Corruption. They are

1. Ensuring Transparency and Accountability in Governance
2. Making Institutions probing Corruption and Institutions of Recruitment and Appointments function as Independent autonomous bodies
3. Increasing people's participation in Democracy and decentralizing the power structure to move towards people-centric governance.

This Manifesto fundamentally reflects these 3 principles.

III. ENSURE TRANSPARENCY AND ACCOUNTABILITY

Transparency and Accountability are mutually reinforcing and are core principles of good governance. The Right to Information Act, 2005 is one of the most effective tools to ensure Transparency, and empowers the common people to access public information and penalize those refusing to give information.

On Transparency, we need efforts to protect the RTI legislation from dilution and significantly improve its implementation. On the other side, when it comes to Accountability, there is a dire need for new legislations such as Right to Services in order for citizens to access services without paying bribes.

A. Protect Right to Information Act

The Right to Information Act promotes transparency and accountability in the working of the Government, and helps make our democracy work for the people. The RTI act has helped in transferring power directly to the hands of the people through their right to information. Looking at the power of the act and its success in accessing services, bringing out scams and corruption, the act is continuously attacked and the implementation of the act is purposefully weakened.

- **Pressurize the Central Government to take back the 2019 RTI amendment:**
 - In July 2019, the Central Government weakened the RTI act by changing the tenure and salary of Information Commissioners.
 - The tenure of Information Commissioners was a fixed term of five years, and this has been changed to "for such term as may be prescribed by the Central Government".
 - The salary of Chief Information Commissioner was the same as that of Chief Election Commissioner, and the salary of Information Commissioners was the same as that of Election Commissioners. This has been changed to "The salaries and allowances payable to and other terms and conditions of service of the Chief

Information Commissioner and the Information Commissioners shall be such as may be prescribed by the Central Government”

These amendments bring in unnecessary influence/control of the Central Government on the Information Commission and is an attempt to make the commission subordinate to the Government. These amendments should be repealed. The State Government should pressurize the Central Government to revert these amendments and should also prevent the Central Government from making any such amendments to weaken the RTI act.

- Dilution of Section 8 (1)(j) of the RTI act in the draft legislation of Personal Data Protection Bill 2018 saying that Information relating to personal data and which is likely to cause harm to the person regarding whom information is sought can be enough ground to withhold data must be dropped immediately. This dilution will result in non-sharing of most information that are in public interest citing ‘likely to cause harm to the person regarding whom information is sought’. There is already a balance with respect to personal data in RTI act and it should not be diluted. Therefore, the State Government should pressurize the Central Government to drop this clause in the draft legislation
- **Promise full Disclosure of Information as per RTI Act, Section 4:**
Section 4 of the RTI act mandates the respective Governments to mandatorily display most of the public information. So far Tamilnadu Government has done poorly with implementation of Section 4 of RTI. Rajasthan Government has come up with a ‘Jan Soochna’ Portal that is specifically for displaying information with respect to Section 4 for all Departments.

Therefore we demand the parties contesting to promise for implementation of full disclosure of information as per Section 4 of RTI.

Key aspects of Implementation to include the following:

- A mechanism similar to Rajasthan’s Jan Soochna Portal to be made available for citizens for information as per Section 4.
- Comprehensive compliance mechanism should be **enforced** by the State Government to ensure Section 4 disclosure online as well as in each office.
- Adopt the guidelines issued by Department of Personnel and Training about pro-active disclosure. As per this, complete information from start to end regarding procurements of Governments shall be displayed <http://documents.doptcirculares.nic.in/D2/D02rti/Guidelines%20regarding%20Suo%20MotuUc29y.pdf>
- Nodal officers should be appointed for monitoring the Section 4 disclosure for each public authority. There should be monetary penalty on nodal officers as well as disciplinary action for non-compliance to section 4.
- With reference to RTI application seeking information that should have been proactively provided or disclosed, no fee or additional fee should be charged for providing that information.

- Budget allocation, schemes, performance of each public authority should be linked to section 4 compliance.
 - Audit of proactive disclosure package should be ensured by State Information Commission.
 - Publish all RTI queries and the answers in a searchable database.
 - Published version of the Suo Motu disclosures should be available in each office/public authority apart from the website.
- **Implement online Application of RTI and First Appeal**
We demand that apart from the current process, online application of RTI and first appeal is immediately implemented for all departments
- **Promise Transparency in Appointment of Information Commissioners and ensure effective functioning of State Information Commission**
 - Transparent Appointment of Central and State Information Commissioners.
 - Appoint upto 10 Information Commissioners as per the act for ensuring effective functioning of State Information Commission and speedy disposal of appeals
 - Information Commissioners should be from diverse backgrounds (professional, educational, and so on)
 - Fix timeline as 60 days for the disposal of the second appeals
- **Pressurize the Central Government to bring all political parties under the purview of RTI.**
- Other measures to strengthen RTI include
 - Creating additional PIO posts.
 - Establishing Public Records Office as an independent authority, by integrating and restructuring the multiple agencies currently involved in record keeping. This office will responsible for supervision, monitoring, control and inspection of record keeping in all public offices. This should be under the State Information Commission.
 - Establishing Single Window Agency for RTIs at District Level to collect RTIs on behalf of public authorities and then forward them to the corresponding authority.

B. Promise Amendment to Tenders Act

While tenders were brought about to bring transparency in procurement, misusing tender procedures and gaps in the TN Transparency in Tenders Act results in massive Corruption and generation of huge amounts of black money that are used in Elections. Therefore, it is important to have a transparent and robust system to remove corruption in this process.

Over the last three years, Arappor Iyakkam has been exposing the tender related corruption and irregularities in several departments. These tender scams cause huge loss to the exchequer. In some of these agencies, the tender process has been

reduced to a mere sham because most of the tenders are pre-fixed. All this is because of the gaps in the Tamil Nadu Transparency in Tenders Act, 1998 and Tamil Nadu Transparency in Tenders Rules, 2000 as well as brazen flouting of the existing regulations by contractors in nexus with the public servants.

Promise to Amend the Tamil Nadu Transparency in Tenders Act, 1998 and Tamil Nadu Transparency in Tenders Rules, 2000 to enable the following

1. The bidders shall mandatorily have a choice of paying the Earnest Money Deposit (EMD) online for all tenders.
2. Make E – tenders end to end electronic. Eliminate all physical point of contacts between the officials and bidders. There shall be no requirement for any certificates to be obtained from the tendering department as part of prequalification criteria or otherwise.
3. Amendment to be brought about to Define, Prohibit, and Penalize Collusive Bidding, Bid Rigging, Fraudulent Bids, Corrupt practise and Conflict of Interest
4. Make Amendment to prohibit major modifications/amendments to Tenders. The minor and major amendments needs to be clearly defined in the Act. Only minor amendments on certain specifications to enhance competition may be allowed. All major amendments shall not be allowed as part of the Act and the tender shall be cancelled and refloated with new sets of conditions.
5. Establishing maximum ceiling of turnover, experience and other conditions inorder to establish fairness, competition and ensure that the tender conditions are not fixed in favour of big players only
6. Estimate rates for tenders should be arrived at by an independent authority and should be inline with the open market prices.
7. Restraining unnecessary packaging or splitting of tenders.
8. Establishing an Independent Grievance Redressal Authority for tender-related issues.

Promise to Resolve the Implementation Issues in the Tender Process

1. Registration of contractors/ bidders shall be converted to a complete online process based on Turnover and experience and approved within a fixed timeline.
2. Make all Departments compliant to Section 4 of RTI with respect to tenders. Mandatorily publish all documents related to Tenders from Tender Document to completion certificate for public access.
3. Tenders above Ten crores shall be given to companies registered under the Companies Act or Limited Liability Partnership Firms as they have statutory requirements of financial disclosure.
4. The Internal vigilance officer should do an internal mandatory audit of tenders to ensure compliance to Tender Transparency Act, CVC guidelines and ensure there is no tender rigging or cartel formation. A monthly report should be submitted online.
5. Publish Tender Bulletin online.
6. Ensure Tender awarded amount is inline with Market Price
7. The audits and reports of the Local Fund Audit department are very ineffective. Improve functioning of Local Fund Audit/ Appellate Authority with reference to the tender process

8. Establish Accountability of Public Officials to ensure Transparent, fair, and efficient tendering.

C. Promise Right to Services Act

How do we ensure that a Government official does not delay a service to the citizen beyond the permissible time expecting a bribe? How do we ensure that citizens get their service in a time bound manner? This can only be achieved through making the access to time bound services for citizens for all Government services as their constitutional right. We demand an act called "Right to services Act" which will make all the Government to citizens services provided by the Government to its citizens as his/her "Right" and violation of it be an offence, by law. Many other states in India have already implemented the Right to Services act.

By this act, there should be provisions made for:

- 1) Firm time bound Commitment for all Government to citizen services
- 2) Transparent, Accountable and Time bound Grievance redressal mechanism
- 3) Independent authority to monitor, address the grievance and penalize the violators.

This can be achieved through the following:

Citizens Charter:

"Right to Services" act should mandate the display for Citizen charter in all government offices\ e-seva centers\ websites for all services. The citizens charter must contain

1. Maximum time limit for delivery of each service
2. Application form and List of documents required for each service
3. Name, Designation and Address of the person to whom the Application has to be made.
4. Procedure for the service to be obtained
5. Name, Designation and Address of the Appellate Authorities for appeal

Grievance Redressal:

1. Violation of the Citizen charter by not providing the service in a time bound manner or rejection of service citing false reasons shall be called a Grievance and there shall be an appellate authority within the same Department.
2. An online as well as offline mechanism to appeal to the First Appellate Authority shall be put in place.
3. The First Appellate Authority shall dispose off the appeal within a period of 15 days

Right to Services Commission:

1. An aggrieved person after the first appeal may file the Second appeal before a Right to Services Commission headed by a retired Judge through both online / offline mechanisms. The Right to Services Commission shall have the powers of the civil court
2. The Right to Services Commission shall be an Independent Body such as the Information Commission and the Commissioners shall be selected by a broad Committee involving Chief Minister, Leader of Opposition and Chief Justice of High Court
3. The Right to Services Commissioner shall dispose off the appeal within a period of 1 month. They should hear both sides, ensure the grievance is addressed before closing the complaint and penalize the public officials with both fine as well as disciplinary action.
4. The decision of the Commission shall be binding and further appeals can be made in High Courts.

D. E-Governance

Online delivery of services, online sharing of information and elimination of physical points of contact can greatly help in curbing Corruption. However, in Tamilnadu, E-Governance has not been leveraged to its fullest potential and been left with islands of standalone and inefficient services.

We demand the following promise from Political parties

Promise access to E-Seva in every village of TamilNadu:

- TamilNadu Government spent huge amount of money to build Grama-Seva center and its IT infrastructure were left abandoned after their construction. The Grama Seva center\ e-seva center established in each panchayat should be revamped to provide all the services it is designed to provide.
- Eliminate physical points of contact in all Government to Citizen Services and make them online end to end.
- E-seva employees to be trained and recruited from the local community
- Proper vigilance mechanism to be established for e-seva center to avoid bribery and collusion of employee and officials.

Promise Improvement of E- District/ E - Panchayat initiatives:

There are several notable services recommended as part of the e-district\ e-panchayat initiative, which are pending implementation on the ground.

1. **Online RTI:** TN government has released the Beta version. We request it to be made available and fully functional at the earliest.
2. **Online publication of proceedings of Gram Sabha and Action Taken Report (ATR):** As per the e-panchayat initiative the Copy of proceedings of

Gram Sabha and Action Taken Report (ATR) should be displayed online. Therefore, Resolutions and Action Taken Reports should be displayed online

3. **Online Assessment/ Payment of taxes:** Payment of all taxes property/ land/ water etc should be made online throughout the state. While few of these services are provided in Chennai Corporation area, this service is not available in other districts for all local body administration.

Promise Statewide Online Grievance Redressal Mechanism:

Grievance redressal and feedback from Citizens are the important part of any democracy which is citizen centric. With the evolution of e-governance receiving grievances, complaints, feedback from the Citizens are easier than ever before. Currently TN has few forms of online grievance redressal mechanism across the state. The current mechanisms of TN CM Cell and PPP – petition processing portal are mostly closed with “generic” statement, falsified redressal information and even shuttled between departments with no accountability in giving proper redressal. Therefore:

1. Promise a online grievance redressal portal similar to “Namma Chennai” [by Chennai Corporation] and this should be established state wide for each Department with proper tracking of each complaints.
2. User should be able to select up to their ward level for all the department and should be routed to the appropriate department to the officer closest to taking action rather than top-down flowing of complaints from a central command.
3. There should be a re-open facility of all ticket with minimum of 2-level escalation and maximum escalation level to concerned ministry.
4. These online applications should be maintained, enhanced periodically with user friendly design with ways to accommodate differently abled to persons also.
5. The MIS reports on online Grievance Redressed information should be published every month.
6. Promise that an online grievance redressal mechanism should be available for each elected representative to receive representations from their corresponding constituencies and a quarterly progress report should also be published on the grievance received, responded, pending, and resolved.

E. Pressurize the Central Government for Amendment to Prevention of Corruption Act

Prevention of Corruption Act was passed in 1988 and an amendment was passed in 2018. The purpose of this act is to combat corruption in government agencies and public sector. All cases of corruption in the country are investigated under this act only. The Central Government brought amendments to different sections of this act, some of which are regressive and helps in protecting the Corrupt

The 2018 Amendment Act provides for the requirement to obtain prior sanction from Competent Authorities to even start an enquiry/ investigation against serving and retired public servants. It is well known that in many cases the bug of Corruption flows all the way till the top and therefore, seeking sanction from the same person who may be potentially involved in the Corruption makes a complete mockery of the Corruption law and seems to be done with the intent of protecting the Corrupt.

Promise the following amendments to PCA Act by pressurizing the Parliament:

- **End Impunity:** The Parliament must be pressurized for amending the act to remove the Sanction for inquiry/investigation (Section 17(A) of the PCA Act).
- Until this is done, State Government should take a stand that they shall automatically authorize inquiry/investigation for all such requests from investigating agencies
- Investigation Agencies shall be given the powers to prosecute without obtaining any permission from the state or competent authority or any other individual.
- Criminal misconduct amendments made to Section 13 shall be restored back. Definition of Criminal misconduct should be widened to include public servants abusing their position to obtain pecuniary advantage or valuable thing for themselves or any other person. This has been removed from Criminal Misconduct through an amendment
- Stricter and distinct provisions for Collusive Bribery and Serious Economic Offences

F. Pressurize the Central Government for Significant Improvement in Money Laundering Act

The Prevention of Money Laundering act (PMLA) and the Foreign Exchange Management Act,1999 (FEMA) are enforced by the Directorate of Enforcement. The sanctioned strength for the enforcement directorate is 2064. However, the actual strength is only 1005. The number of cases registered under PMLA is 881 and the prosecution complaints filed under PMLA is 451 cases right from 01/07/2005 until 31.03.2018, which is just 34 cases in a year.

Our demands:

- 1) Money laundering should be made as an explicit standalone offence.
- 2) Provide sufficient staff (filling the existing posts and increasing the staff strength), resources for the Enforcement Directorate for each of the offices. The Director of the Enforcement Directorate should have the power to recruit staff and establish offices.
- 3) The Director of the Enforcement Directorate and chairperson and members of the Adjudicating Authority should be appointed by a broader selection committee rather than the Central Government.
- 4) The Enforcement Directorate has so far done an extremely poor job of analyzing shell companies and prosecuting them for money laundering.

Similarly violators of demonitization have been let go scott free by ED. The Enforcement Directorate should be responsible to perform pro-active analysis, filing of suo moto cases, deep investigation, and continuous follow through of cases.

- 5) Systematically detect trade anomalies that could be indicative of customs fraud, trade-based money laundering (TBML), and counter-valuation in hawala networks.

G. Pressurize Central Government to Amend and Implement Benami Transactions Act

The main purpose of the Benami act is to punish those involved in benami transactions and gives the government the right to recover all the associated property. The implementation of the Act has been abysmal with the Central Government not even appointing an Adjudicating Authority. Secondly, Benami Transaction shall be considered a Cognizable stand alone Offence.

Implementation Issues:

- The Central Government needs to appoint the 3 member adjudicating authority for implementing the act immediately. Even though it has been more than 2 years since the cabinet approved recruitment of Adjudicating Authority, it has not been set up. As a result of this, cases under Benami Transactions Act are stand still.
- Significant Financial and Human Resources needs to be allocated for setting up of offices under this Act in every state of India.
- The central government needs to immediately establish special courts to hear cases under Benami Transaction Act

Amendments to the Act required:

- Offences under the Benami Transaction Act be made Cognizable.
- The central government needs to amend the act to modify that the adjudicating authority chairperson and members should be appointed by a selection committee.
- The central government needs to amend the act to modify that the chairperson should have the powers to recruit the staff of the Appellate Tribunal.

H. Pressurize the Central Government for Implementation of The Whistle Blowers Act, 2014

The Whistle Blowers Protection Act is an Act to establish a mechanism to receive complaints relating to disclosure on any allegation of corruption or wilful misuse of power or wilful misuse of discretion against any public servant and to inquire or cause

an inquiry into such disclosure and to provide adequate safeguards against victimisation of the person making such complaint

The purpose of this act is to provide a statutory framework for concealing the identity of Whistle blowers and protecting them from victimisation. Many Government servants like Satyendra Dubey have died due to lack of Whistleblower protection. The Act has been passed in the Parliament in 2014. However, the Act has not been operationalized and implemented yet by the Central Government. For doing so, they need to frame rules and notify the date from which the Act will come into force. Therefore, we demand your party to.

- Pressurize the Central Government to operationalize and implement 'The Whistleblowers Protection Act, 2014' immediately.
- Pressurize the Central Government to frame rules and notify the date of Act coming into force immediately.
- Ensure that no attempts such as the 2015 Amendment to the Act (which lapsed later without being passed in Rajya Sabha) is brought again to weaken the Act.
- The current act provides only framework for disclosure by public servants. Pressurize the Central Government to add Corporate and Citizen Whistleblowers under the Act and have measures to conceal their identity as well as to protect them from victimization.

I. Recruitment, Postings and Transfers

Recruitment, Postings and transfers of officials in bureaucracy are not happening in a transparent manner in India. The current system is mired with

1. Transfer of honest officials prematurely when they object to Corruption and non transfer of Corrupt officials over prolonged time.
2. Scams in Recruitment
3. Huge bribery in Transfers

TOI survey reveals that the over two-thirds of India's top bureaucrats are transferred in 18 months, which is lesser than the fixed term of 2 years. State and Central Governments should make Independent board incharge of Recruitment, Transfers and postings so that there is no political interference. Wherever boards are already there, efforts must be taken immediately to make them function independently.

We demand the following promise from the Political Parties

- **Recruitment:**
 - Recruitments shall be done only through TNPSC and such other similar bodies such as TRB and MRB.
 - The TamilNadu Public Service Commission shall ensure that all the printing orders for exam sheets are given directly rather than employing middle men for such orders.
 - The TamilNadu Public Service Commission shall form a Vigilance Committee with significant strength. They may look for various possible

irregularities and frauds in recruitment. For Example: They shall cross check answer sheets with the marks for a random set of people selected after every examination.

- Emergency postings shall not be allowed except in life savings requirements such as Hospitals. In such cases, the medical recruitment boards may recruit from those registered with employment exchange data based on seniority and qualification criteria.
 - No Temporary postings shall be allowed. In case of emergencies, such temporary postings shall have a maximum cap of 6 months and shall have no ways of being extended.
 - Outsourcing Agencies should be completely stopped in any manner of appointment of Doctors, Nurses and Paramedical Staff
- **Transfer:**
 - Set up an independent board that shall be responsible for transfer of people in Departments
 - All vacancies shall be displayed online and should be filled up only through a transparent counselling process
 - Any vacancy that is not shown online and filled up without following the counselling procedure shall become void and shall be made a punishable offence of fraud by the official.
 - Counselling process to be conducted twice a year at fixed point of time

Transfer and Posting of Civil Servants

- Set up a Civil Services Board (CSB): In 2013, the Supreme Court has ordered that the State Governments need to establish an independent, transparent Civil Service Board, which had to be established within 3 months from the order pronounced on October 31, 2013. However, the TamilNadu Government has not taken any action even though seven years have passed. The purpose of the CSB is to guide and advise the State Government on all service matters, especially on transfers, postings and disciplinary action, etc
 - Records of all transfers of civil servants in TamilNadu should be published online and maintained accordingly, along with the corresponding tenure information.
 - Especially for the middle-level IAS officers, decisions should be arrived at only after discussions with the officers.
- Follow minimum tenure of 2 years and fix maximum tenure for civil servants as frequent transfers disturb the stability in the governance as well as the working of the IAS officials
- Set up an Ombudsman to whom IAS officials can appeal in case of dissatisfaction in the transfer and posting. Creating of such an Ombudsman is recommended in the Hota Committee as well to resolve grievances of IAS officials with reference to transfers and postings.
- No premature transfer shall be allowed for any civil servant except in case of misconduct or illegal activity. In such as case, it shall be written down clearly

on the record. Administrative reasons should not be allowed as a reason for such transfer.

J. Promise Transparency and Accountability to Protect Natural Resources

There shall be zero tolerance towards Environmental Corruption. TamilNadu's Environment and Natural Resources have been taking a huge hit due to Corruption. People's lives and livelihoods have been lost due to Environmental Corruption. Illegal Granite mining scam and Illegal Beach sand mining scam worth tens of thousands of Crores have been brought to light by Committees headed by Sagayam IAS and Gagandeep Singh Bedi IAS respectively. However, not much criminal action has been taken till date on the violators. Illegal Sand Mining continues to threaten our rivers such as Cauvery. Our waterbodies are being legally encroached by changing land classification by land sharks. Therefore, we request the political parties to promise the following

Promise Transparency measures:

1. Transparently display all land areas and quantity approved for mining so that citizens are aware of it.
2. All Application documents and approval documents including environment clearance of all current mining happening in the state shall be placed online. This will help people in surrounding areas to point out any lies or misrepresentation by the applicant that will affect the environment.
3. Use drones to regularly measure the depth of mining and display the quantity mined vs approved on a real time basis for each quarry to detect illegal mining in approved sites.
4. Maps of all waterbodies with original boundaries in the state shall be published online along with the mapping of the current situation.
5. Pollution Control Boards and Environment Department shall place all its approvals and reports for each company online.

Promise Accountability Measures:

1. Promise to file FIR and prosecute officials and firms implicated in the Gagandeep Singh Bedi Report and Report of the Amicus Curiae in the High Court Beach Sand Mining case
2. Promise to file FIR against officials and the firm responsible for the illegal Granite scam case and prosecute them
3. All losses incurred by the Government due to the indiscriminate illegal mining shall be recovered from those responsible for these violations.
4. Never allow privatized beach sand mining and ensure compliance of the current ban.

5. Strictly ban land reclassification of all waterbodies. Make land reclassification and giving of patta for lands on waterbodies a punishable cognizable offence on the public servants responsible for it.

Improve Process and Efficiency:

1. Increase strength of TamilNadu's Environment Department and Pollution Control Boards has to be increased significantly to deal with the increasing Environmental violations
2. Make Social Audit of all mining compulsory where in citizens are also part of the process
3. Conduct public hearings before the approval of all projects affecting environment. Conduct regular public hearings to discuss the concerns of people in surrounding areas and this shall be made a key part in decision making.
4. Royalty shall be calculated based on current market price and compliance ensured every year. This shall be transparently placed online.

IV. INDEPENDENCE TO INSTITUTIONS PROBING CORRUPTION

Independence/ Autonomy to Institutions probing Corruption is key to decrease Corruption. In many cases dealing with Corruption, the corrupt get out easily not because it is a false charge but because the Investigation is compromised as they are heavily controlled by the ruling party and Government of the day. It is important to have independent investigating and auditing agencies, ombudsman, judiciary, election commission and police.

A. TamilNadu Lokayuktha Act 2018

Promise to Make Major Amendments to the TamilNadu Lokayuktha Act 2018 to make it an Independent Investigating agency

The Goal of TamilNadu Lokayuktha Act shall be that of an independent investigating agency for probing Corruption complaints.

The Tamil Nadu Lokayukta Act 2018 was placed in the TamilNadu assembly on 09/07/2018, and passed on the same day, which was the last day of the assembly session. The bill was placed in the assembly without public consultation and passed in a hurry without any discussion in the assembly as well. The Lokayukta act passed defies the fundamental objective of independent investigation for which it was mooted originally.

The Act doesn't provide independence to Lokayukta in Selection, Recruitment, Investigation and initiation of Prosecution. The selection committee to select the Chairperson of Lokayukta has majority of ruling party members. The Lokayukta is not empowered to carry out preliminary enquiry against Group A,B,C,D public servants

and it has to be forwarded to the Vigilance commission which is headed by an IAS officer and controlled by the Government. While Lokayukta has powers to carry out detailed enquiry after report from Vigilance Commission, the report of the detailed enquiry on all public servants including elected representatives has to be submitted back to the competent authority which is again the State Government officials or Elected representatives. There is no power to the Lokayukta to file FIRs against the accused and chargesheet them in court. Neither there is provision of special courts as in Lokpal nor there is a prosecution wing within Lokayukta to take up the case in court. This means that the Government has completely retained their control in investigation and initiation of prosecution.

All these have made the Institution of Lokayukta completely toothless and the Act is not in line with its purpose. Therefore this manifesto recommends the following amendments

Amendment required to Tamilnadu Lokayukta Act 2018:

1. Independence in recruitment and functioning should be given to the Lokayukta. Lokayukta selection committee shall be reconstituted with the following members. Suggested members: The Chief Minister of the state of Tamil Nadu, Leader of Opposition of the Legislative Assembly, The Chief Justice of the Madras High Court, and Two Judges selected by the Collegium of Madras High Court Judges.
2. Include a timeline for appointment of the new Chairperson
3. Power to file FIR, filing of Police Final Report and power to Prosecute in Court shall be given to Lokayukta.
4. Power to appoint Director of Inquiry/ Investigation, Director of Prosecution, and all other staff should be with Lokayukta.
5. The Enquiry/ Investigation wing should have complete freedom, powers, infrastructure, and staff to conduct all enquiries, file FIR and file the final police report in the Court. The Department of Vigilance and Anti-Corruption (DVAC) with all its functions, officers and staff should merge and become the Inquiry/ Investigation Wing of the Lokayukta. The Inquiry/ Investigation wing shall have all the investigative powers that DVAC holds currently like Traps, random search and seizure etc. All complaints to Lokayukta shall be enquired/ investigated by Lokayukta only
6. The Lokayukta should consist of a Prosecution Wing headed by the Director of Prosecution and have such other officers and employees to assist the Director of Prosecution for the purpose of prosecution of public servants under this act. After the approval of Chairperson of Lokayukta, the Director of Prosecution shall file a case before the special courts (to be formed) to hear corruption cases.
7. Corruption complaint on administrative action taken in relation to a contract, Appointments, Transfers and Postings, Corruption complaints referred to inquiry under the Commissions of Inquiry Act 1952 should not be exempted from the purview of the Lokayukta. Complaint on any public servant of any State Department that comes within the purview of Prevention of Corruption Act can be investigated by Lokayukta and there shall be no exemptions to this.

8. The Lokayukta should have the powers to accept anonymous complaints and also take suo moto action
9. Remove clause citing imprisonment up to 1 year and fine up to 1 lakh Rupees if a person files a false complaint as this will be heavily misused against the complainant.
10. The Lokayukta should be able to investigate into complaints dating back to up to 10 years at the least. The current 4-year clause needs to be amended.
11. Assets and liabilities of public servants, their spouses and dependants should be submitted to public servants on or before June 30 of every year for the previous financial year and it shall be made public on websites within July 31 of every year.
12. Provide for creation of more special courts by the Madras High Court to hear the corruption-related cases
13. Transparency on the proceedings, online information on the cases should be provided. Lokayuktha should have a website in which online filing of complaints can also be made with immediate receipt / acknowledgement.

B. Amendments to TN Local Bodies Ombudsman Act

- Kerala Local bodies Ombudsman Act has a retired high court Judge as the Ombudsman. Make amendment to the TN Local Bodies Ombudsman Act to have a retired Judge as its head rather than a secretary level Retd. IAS officer.
- Include Village Unions and Village Panchayats under Local Bodies Ombudsman purview.
- Orders of the Ombudsman should be implemented by the local bodies within one month from the date of order. Proper framework/mechanisms should be provided for follow up of the orders, to ensure compliance by the Local bodies. The orders of the Ombudsman should be binding on the local bodies.
- Proactive disclosure by local ombudsman on its Website.
 - Annual reports
 - Number of complaints received, status of complaints
 - Online complaint mechanism
 - Staff details/budget
 - Cause List
 - Copy of orders
- Improve overall effectiveness of the Ombudsman. Ombudsman should dispose of the complaint within three months from the date of receipt of complaint.
- Provide sufficient staff and offices across the state.
- After three years of service, the ombudsman should not be eligible for reappointment as Ombudsman or to any office of profit under the Government of TamilNadu or in any corporation, company, society or university by or under the control of the Government of TamilNadu.
- Transparent appointment of the ombudsman by a broad based selection committee.
- Complaints should be disposed only after conducting proper hearing involving all concerned parties including the complainant.

- In case a complainant is aggrieved, he/she should be compensated by the person guilty of offence.

C. Local Audit Fund

- The Directorate of Local Audit Fund and the Executive Authority shall publish the following documents on its website:
 - All the audit reports within 1 month of the completion/receipt of the report.
 - Statement of action taken or statement of action proposed to be taken from the Executive Authority
 - Orders of the Director
 - Status and schedule of the audits
- Improve overall effectiveness of the local fund audit team.
- Local audit fund to present its report findings in a public meeting at the end of the year.
- Fix accountability on the auditor for missing out on glaring issues.
- Local Audit Funds report should be presented in the Assembly.

D. Pressurize Central Government to Implement and Amend Lokpal Act

Lokpal needs to act as an independent investigating agency at centre.

- Lokpal needs to establish offices and human resources across India to take/receive complaints of Corruption directly
- Amendment to Lokpal and other acts to be brought about to bring the entire CBI Anti Corruption Branch under Lokpal. This will ensure that Lokpal will have the resources to investigate cases of Corruption independently.
- Assets of public officials shall be published online as per the Act immediately

E. Fill Vacancies in All Investigating Agencies Immediately

All the investigating agencies such as DVAC, Lokayukta, Lokpal. ED and IT are severely understaffed. This seems to be done with the intention to create bottlenecks in taking action against Corruption cases by the ruling Governments.

Therefore,

1. Promise to fill in all vacancies in the Investigating agencies of the State Government such as Lokayukta and DVAC immediately
2. Pressurize the Central Government to fill in vacancies in Lokpal, CBI, IT and ED immediately

F. Promise Reforms in Judiciary

Justice delayed is Justice denied. Today, the Judiciary is struggling with huge delays on one side and widespread Corruption on the other side. The following steps are immediately required

Implement Gram Nyayalayas Act, 2008:

The Gram Nyayalayas Act, 2008 shall be implemented immediately. These village courts have a great potential for citizens to access Justice near their doorstep

Fill vacancies & Increase the number of posts:

Considering the lakhs of cases pending in each state, it is extremely important to fill all pending vacancies immediately at all levels of Judiciary. Also, depending on the number of pending cases at different levels, it is also important to increase the number of posts for Judges significantly

Improve Efficiency of Courts:

- Decentralize the high court and supreme court operations
- Increase number of working days and ensure full utilization of working hours
- Enhance the punctuality of lawyers. Adjournment should be provided only in case of dire necessity
- Petty offences must be moved to special magistrate (retired judge)
- Complete proceedings in a time-bound manner.

Ensure Transparency and Accountability

- Transparency and Accountability: Transparent appointment of Judges and CJs to be ensured
- Transparent allocation of cases to benches. The Discretionary procedure of the CJI to allocate cases to benches he/she wishes on a case by case basis in Supreme Court must be abolished.
- Indexing and cataloguing of records of the judiciary
- Implement digitisation in all courts.
- Provide access to citizens with facilities for retrieving judicial records based on intelligible searches.
- Asset and income declaration of judges and the corresponding source of income to be published online

Break the nexus between lower courts and Police:

- Magistrates should not mechanically remand the accused. In addition, action should be taken on Magistrates who mechanically remand the accused.
- Magisterial and committee enquiries should be completed in a time bound manner, and the reports should be published online, and easily accessible to the public.

Standards of Judiciary

- Video recording and live streaming of court proceedings (exceptions can be made for family courts, child abuse, women-related issues)
- Simplify judicial procedures and reduce costs of litigation.
- Courts can be informal/accessible by the general people easily
- Quality of judgements need to be improved. It should provide justice and not be merely a judgement. Judgements should be clear, decisive, and free from ambiguity, and detailed.
- Implementation of the judgements should also be monitored

G. Promise Electoral Reforms

Free and fair elections is one of the most important elements of a democracy. Consequently, the political parties and candidates spend exorbitant amount of funds to win an election. This huge spending to gain visibility, influence voters and Corruption done to raise this money is one of the key issues facing Democracy. Therefore, it becomes very important to implement electoral reforms, especially at this juncture, where MLAs are being traded among parties and cash for votes is very common.

Pressurize the Parliament to do amendments in Representation of People Act, Companies Act, Finance Bill, FCRA Act to enable the following Electoral Reforms

1. **Make all Political parties RTI compliant :**
 - a. Promise that your party will give information under RTI and appoint a PIO and Appellate Authority.
 - b. Even though the Central Information Commission ruled that the political parties are public authority that comes under RTI, none of the political parties have complied yet with it. Pressurize the Central Government to make all parties RTI compliant
2. **Ban Electoral Bonds and Trusts:** In the last 2.5 years, around Rs 6500 Crores of money has been donated to political parties through Electoral Bonds. While the Corporates and the parties know about it, it is completely hidden from the citizens. Therefore, **Electoral Bonds serve as legalized bribes** which should be abolished

3. **Amendment made to the company's act should be repealed**

The following amendments made to companies act shall be reinstated. The clause of no cap on Corporate donations has opened the floodgates for black money to flow through shell companies from abroad as well as locally. In combination with Electoral Bonds, this seems to be resulting in huge amounts of black money funding elections

a. **Cap on corporate donations**

b. **Obligation for companies to report partywise donations in the profit and loss statement**

4. **Amendment to RPA act to cap spending of political parties**

5. **All Political Advertisements should clearly state the sponsor** and must be accounted in party's expense and shall be reported to Election Commission

6. **The regressive amendment to FCRA to allow foreign firms with more than 50% foreign investment should be repealed.** This in combination with Electoral Bonds is a great threat to Democracy

7. **Pilot on state funding of elections to be tried in a few constituencies** in every election.

8. **Pilot on Right to recall candidates in case of non-performance to be tried in a few constituencies** in every election.

9. **RPA Act to be amended to debar Candidates with pending cases of serious criminal charges** where Courts have framed charges.

10. **RPA act to be amended to disqualify Candidates filing false affidavits** or guilty of non disclosure of information

11. **Implement fast tracking of cases against MLAs/ MPs** and ensure day to day hearings of these cases

12. **NOTA to be given power:** Wherever NOTA comes as the first, reelection to be called making the previous set of contenders ineligible to contest again in the reelection

13. **Misuse of Religion for electoral gain by political parties:** Misuse of religion, caste, community, tribe, and any other form of group identity for electoral gain or for gathering political support shall be disqualified from contesting.

14. **Make Inner party Democracy** mandatory for political parties

15. **Election Commission should have an Investigation and Prosecution wing** seperately with full time staff for following up on Election related offences in every state

16. The enforcement of the proposals above must be accompanied by the possibility of **strict penalties such as the deregistration of defaulting political parties**

H. Promise Police Reforms

Promise Reforms in Police to make them independent from the clutches of the ruling political class, and become citizen centric and upholding fundamental rights of citizens

Several committees have presented various recommendations for the improvement of the Police service. The Tamilnadu Government is yet to implement the directives of the Supreme Court on the famous Prakash Singh Police Reforms case. The policing system needs to be reformed to be in tune with present day scenario and upgraded to effectively deal with crimes and criminals, uphold human rights and safeguard the legitimate interests of society at large.

1. **Promise Amendments to TN Police Act 2013 (Reforms)**

We demand that the following amendments to the TN Police Reforms Act 2013 be done

i. **Amendments to State Security Commission (SSC) Section:**

The commission was conceived as a way of separating political interference in the administration of the police force. Today we see that the police force is highly misused by the political leaders who interfere in the functioning of the police resulting in gross violations of all sorts. Key amendments shall include the following

- The Committee shall be amended to include a retired Judge recommended by Chief Justice of the High Court
- The Committee shall be amended to include non political citizens of high integrity appointed by a broad based independent panel
- Amendment to make the recommendation of SSC binding on the government.
- The annual report of the SSC to be published on the TN Police website.

ii. **Amendments to the Police Complaints Authority (PCA):**

The police complaints authority shall be an independent authority to take action against complaints on police personnel. Its recommended to setup State & district wise PCAs to investigate and bring to resolution cases against police officers

- The PCA shall be headed by a member of judiciary (ex judges from HC or SC) for the state level and a Judge from the District courts for District level PCA.
- The PCA should constitute of members as per the recommendations in the Model Police Act, 2006 along with Time Bound Investigations.
- The PCA should have whistleblower protection for complaints & accept anonymous complaints if able to provide bonafide evidence
- The PCA should provide online platform to submit and track complaints.

- The PCA should accept complaints of all nature including serious misconduct and the orders of the PCA shall be binding on the govt.

iii. **Amendments to the Police Establishment Boards:**

It's imperative to setup a Police Establishment Board (PEB) within all branches of Police, comprising of the DGP and four senior officers with impeccable record. The Board will decide all transfers, postings, promotions and other service-related matters for police officers.

- The PEB's Decisions with regards to all transfers, postings, promotions and other service-related matters for police officers shall be binding on the government.

iv. **Amendments to the Term of Office:**

To ensure smooth, transparent and interference free investigation into issues, it's important that all police officials in the State Police Department have a minimum tenure of 2 years during which they cannot be transferred in the guise of 'Administrative reasons'

- Amendments needs to be brought about to exclude Administrative reasons as a reason for transferring within a period of 2 years.
- Only Promotions and misconduct for which reasons have to be recorded in detail shall be allowed for transfer within a period of 2 years.

2. Promise a new legislation - Tamilnadu Anti-Torture Law

The recent custodial murder of Jeyaraj and Bennicks highlights the need for a legislation to deal with such issues, not limiting to just custodial murder, but the many incidents of torture happening at the police stations.

- Take all steps to pressurize the Central Govt for the ratification of the United national Convention Against Torture.
- Promise a new legislation for Anti Torture Law to deal with all complaints of Torture against Police.

3. Implement DK Basu Guidelines and Court orders strictly

- Strictly implement DK Basu Guidelines
- Remand of a person to be done only if it is absolutely necessary as per DK basu Guidelines.
- Have an internal monitoring mechanism and take action on police officials who violate the guidelines

4. Mandate Work Life balance in the Police department:

The police department today does not have a work life balance which has lead to arrogant and stressed out police staff who behave unruly with citizens. This has led to several issues such as non accessibility of rights of citizens to custodial murders.

- Enabling a 3 shift pattern with a 9 hour overlapping pattern so that the shifts can be covered with a 1 hour overlap to handover the duties.
- A compulsory off day needs to be provided for each police staff every week.

- Filling vacant positions immediately so that the above measures can be achieved without any gaps.

5. Other measures required:

A Police officer after undergoing initial training does not get any refresher training in the later stages of his career. There exists a strong need for not just a refresher but also a training to equip them with the skills they need to sustain and produce results qualitatively.

- Training on Professional skills like Laws, Crime Investigation, Law & Order, Scientific Interrogation techniques, Arrest & escort of prisoners, maintenance of police station records etc. need to be provided every 2 years or as necessary.
- To facilitate connect with the citizens, it is important to provide training on Soft skills such as making Citizens feel comfortable when they approach a police station, listening to complaints patiently, issuance of FIR immediately without harassing the complainant, and responding to phone calls.
- Sensitization towards Weaker Sections of the society (SC/ST), People with Disability, Children & the elderly.
- Allocation of the required budget for the Professional & Soft skills and making this mandatory for all in the Police Force.
- Making Police aware of Citizen Charter and Citizen's rights and also displaying it prominently in every station.
- Transparency by publishing SCRB and other data online every year.

V. ENSURE PEOPLES' PARTICIPATION

Corruption can be curbed in great detail by transferring decision making powers to the masses directly. A series of legislations and political will to implement them are necessary for these.

A. Promise Implementation and Amendment to Urban Local Bodies Acts:

Decentralisation of urban governance at the ward level with enough powers in the hands of the people is key to making democracy work in favour of people. Decentralisation needs to empower Urban Local Bodies with many more powers and functions to operate as mini autonomous parts of the government. At policy level the 74th Amendment does provide for this local participation of citizens to deliberate democratically on local governance issues. While Grama Sabhas have been given a legal framework and implemented to some extent, the Ward Committee and Area Sabhas have not been implemented for more than 10 years inspite of the law in Urban local bodies

1. **Promise implementation of Amendment to the Chennai City Municipal Corporation Act 1919 and other similar acts in Corporation and Municipalities to form Ward Committees and Area Sabhas**

The Tamilnadu Government brought amendment to the Acts of various Corporation and Municipalities in 2010 to form Ward Committee and Area Sabhas under the Corporation Council. However, until date they have not been implemented. The Government must immediately notify the amendments and implement them immediately

2. **Promise further Amendments to the Chennai City Municipal Corporation Act 1919 and other similar acts in Corporation and Municipalities act to make it more democratic and participative**

The Ward Committee and Area Sabhas shall be important democratic structures providing direct decision making powers in the hands of citizens. Therefore, the current Act must be amended to include the following

1. The Area Sabha Representative shall be elected from each Area Sabha.
2. The Ward Committee shall consist of
 - a. Elected Ward Representative – Councillor
 - b. Area Sabha Representatives and
 - c. 10 nominated members from civil society
3. Ward Committees and Area Sabhas needs to be given powers on the subjects mentioned in the Twelfth Schedule of the 74th Constitutional Amendment
4. The functions of Area Sabha and Ward Committee shall include amongst others
 - a. **Area Sabha**
 - i. Generate Proposals and determine priority of schemes to be implemented in the area
 - ii. To identify and verify beneficiaries of schemes
 - iii. Suggest location of street lights/ Toilets/ Water tanks etc in the area and also deficiencies
 - iv. To supervise development programs through volunteer teams
 - v. Rights include information on all schemes and work relating to their area from the chief officer
 - vi. Rights include information on follow up action on Area sabha decisions
 - b. **Ward Sabha/ Committee**
 - i. Apart from the above, ward committee has to be consulted on land use pattern
 - ii. Prepare Ward Plan and Budget
 - iii. Retain upto 50% of Ward Revenues for local development programs

B. Promise to define powers of Grama Sabhas, Ward Sabhas, Area Sabha in the Act in Detail

Powers, functions and devolving of the funds shall be listed in detail in the local bodies Acts such as The Tamilnadu Panchayats Act and acts of Urban local bodies.

Promise to place all drafts of Laws and Amendments for public consultation:

A public participation bill must be brought in place to include the following. The public needs to play an active role right from policy making, decision making, to the implementation and monitoring activities.

- Right to participate in the Formulation of Policies, Programmes, Law, Subordinate Legislation. Every draft of the law and Amendment shall be mandatorily placed for public feedback and consultation atleast for a period of 45 days.
- All sessions of Assemblies shall be telecasted live to the public.
- People's needs should be of prime importance while deciding on major developmental projects, and public meetings should be conducted after proper advertisements to decide on the projects. Right to Mass Contact Programme / Right to Hearing
- Promote Citizen's participation in the budget process
- A People's Information System (PIS) for proactive disclosure of information about budget, expenditure and governance – at all levels.

C. Promise to Bring 'The TamilNadu Citizens Participation Social Audit Act'

- Along the lines of 'The Meghalaya Community Participation and Public Services Social Audit Act, 2017', Provide an act for social audit by citizens for each Government schemes and Projects
- The citizens shall have the legal power to do social audit of Government schemes and projects. The legislation shall provide a legal framework for allowing citizens' participation in the concurrent monitoring of programmes, redressal of grievances, and audit of works, services, and programmes.

D. Promise to Stop Misuse of Section 144 and Section 41 of the City Police Act

- Freedom of Speech – Misuse of Section 41 of the Madras City Police Act and Section 144 of IPC for rejecting and stifling democratic peaceful protests must be stopped immediately
- Unnecessary promulgation of Section 41 of the City Police Act and other acts in Tamilnadu prohibiting all assemblies, processions, fasts, demonstrations and

human chains limits every 15 days by the Chennai City Police Commissioner to bar freedom of Assembly promised by the Constitution must be stopped

VI. CONCLUSION

Corruption is a menace that is affecting each one of us and eliminating Corruption requires a strong Political will. Will you as political parties display your political will to fight Corruption by promising the above set of legal and implementation changes in your Election Manifesto for 2021? Doing so will send a strong message across to citizens before the upcoming election. Citizens and Political Parties have to together. ensure these actions in order to build a Just and Equitable society as envisioned in our Constitution.

LOKAYUKTHA

LOKPAL

RIGHT TO SERVICES

RTI

BENAMI TRANSACTIONS

TENDERS

WHISTLE BLOWERS

PREVENTION OF CORRUPTION

A

C

T

ELECTORAL

REFORMS

POLICE

JUDICIAL ACCOUNTABILITY

ENSURE PEOPLE'S PARTICIPATION



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