



ANTI CORRUPTION MANIFESTO

Preliminary Draft

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PREFACE

Corruption is the 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 from lower-economic classes are forced to pay bribes to avail most of the services, getting electricity lines, clearing sewage, repairing water pumps, at mortuary in government hospitals, to get legal heir certificates, pension and food products via the Public Distribution System. The general public have to pay bribes to get a driving licence, patta, land registration, and most other services.

On the other side, big corrupt acts that involve the top bureaucrats and ministers, 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 and many more have come to light recently. Small and medium scale firms are impacted by tenders mostly being given to benami firms of ministers or for commission. Huge amounts of bribe are collected for transfers and postings. 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 81 out of 175 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 document is a preliminary draft based on feedback collected from few people during various meetings and via social media. This draft is being placed for public feedback for 30 days and then will be finalized incorporating the feedbacks.

This Anti-Corruption Manifesto will be taken to all political parties, seek from them to include these features in their Manifesto, provide a commitment to the people to implement this, and finally implement these effectively within a fixed-time frame. This will also be taken to the current ruling Government, both at the Centre and the State to implement them immediately.

INTRODUCTION

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 and 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.

This draft has been fundamentally reflecting these principles.

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 information about public authorities, and is the first step to ensure participative democracy.

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 helps transfer the power from the State to the people. The act empowers all the citizens to question the public authorities, access the information about the public authorities, and to a large extent understand and monitor the functioning of the public authorities. The RTI Act has been a breakthrough for the people and promotes participative democracy. Looking at the power of the act and its success in bringing out scams and corruption, the act is continuously attacked and the implementation of the act is purposefully weakened.

Our Demands

- **Protect the RTI Act:** The government should not amend the provisions of the act and weaken the act. Similarly, the state government and all political parties should pressurize the Central Government to safeguard the RTI act from such amendments.
 - In July 2018, the Central Government made attempts to weaken the RTI act by trying to bring in amendments to the provisions relating to the salaries and tenures of the Information Commissioners. People raised their voice against these amendments. These changes were then put on hold. Central Government must immediately drop these measures.
 - The Central Government has supposedly proposed to end the RTI case if the applicant dies. This can have a detrimental effect on the applicants. Already, more than 50 RTI applicants have been killed in the country. Section 24 of the Central Information Commission (Management) Regulations 2007 has been declared ultra-vires by the High Court of

Delhi and recently Central Information Commission also decided that the case will not abate. Section 24 of the Central Information Commission (Management) Regulations 2007 should be amended to make it clear that the case will not abate

- 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.
- **Ensure Disclosure of Information as per RTI Act, Section 4:**
 - Comprehensive compliance mechanism should be **enforced** by the State Information Commission with the support of the State Government, who needs to provide adequate resources.
 - There should be monetary penalty on PIOs 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 given in the public domain, in a searchable database.
- **Effective Functioning of the State Information Commission**
 - Disposal of all second appeals within 90 days from date of application
 - Online tracking of status of second appeals
 - Online Application of RTI, First Appeal, and Second Appeal should be provided.
 - Commissions should summon the first appellate authority as well to appear before the Commission.
 - Transparent Appointment of Central and State Information Commissioners.
 - Hear each second appeal or complaint petition case before disposal.
- All political parties should be brought under the purview of RTI.
- Create additional PIO posts and nodal officers.

IMPLEMENT THE ACCOUNTABILITY BILL

Right to Services and Right to Grievance Redressal should be constitutional rights available to every citizen. Each public authority / officer is obliged to provide the required public services / goods and resolve grievances of the citizens in a time-bound manner. They also need to report on the usage of public resources and answerable in case the stated performance objectives are not met. However, in today's scenario there is lack of accountability. People run from pillar to post, wait indefinitely, pay bribes, and so on to get their rightful public service or have their complaint resolved (to get food under the PDS system, to get a sewage connection, get their driving licence, electricity connection, land documents, legal heir certificate, and so on). The purpose of accountability bill is to provide an enforceable framework for providing public services / goods, resolving grievances and issues of public interest, meeting stated objectives in a time-bound manner, and ensuring accountability of government officials.

Similar to right to service, the accountability bill also provides enforceable framework for grievance redressal. Currently, very few departments have online grievance redressal mechanism (Web portal or helpline numbers). The CM cell and collectorate portals are functioning only as a complaint forwarding mechanism. In addition, the public officials close the grievance even without resolving it. The resolution rate of in person complaints is very less. Any grievance resolution requires continuous followups including RTIs, multiple interactions and lot of effort. Furthermore, people do not have enough information on how to submit a grievance. People have rightly become very sceptical about the chances of a grievance being resolved. Therefore, there needs to be a decentralized, inclusive and participatory grievance redress mechanism.

- Provide legal framework (Accountability bill) to ensure right to time-bound public services across all departments covering all services and comprehensive Grievance Redressal mechanism for individuals and issues of public interest
- Right to Services commission / Appellate authority to implement, monitor, and enforce the provisions.
- Citizen's Charter: Clear, precise, enforceable statements of people's entitlements to services for all departments / all services.
- Provide a wider-range of services online and ensure effective functioning of e-seva centres by providing the required resources and monitoring
- Ward-level facilitation centers and single windows to be established.
- Transparency of procedures: Provide a written copy of the procedures, effective information board and job charts
- Fundamental services should not be denied because of Aadhar card and associated linking issues
- Penalty for non-delivery of service and for GRO, if required
- Grievance redressal officers (GRO), district-level appellate authorities, and State-level Commission need to be established
- Reference number and acknowledgements mentioning pending documents/inputs should be mandatory for in-person and online applications.
- When rejecting applications, reason should be given in writing and must be noted in official records as well.

- Tracking methodology for in-person and online applications. In addition, a grievance can be closed only by the applicant.
- Action taken report and root cause analysis for each grievance.
- Block-level public hearing on a monthly basis.

Complete Financial Disclosure by each Public Authority:

- Each Public Authority to provide complete information about the financial expenditure for each project / scheme / procurement / maintenance activity in easily-accessible way.
- Comprehensive portal for all departments showing the expenditure details, starting from the amounts allocated from the budget and other projects till the complete breakdown should be displayed. (along with the corresponding reference to tender, DPR, contract)
- Departmental audit, Local fund audit, and Internal Audit and Statutory Boards Audit reports should be published online within 3 months from the end of the financial year and proper corrective and preventive action need to be taken.
- Perform the required action for the issues raised in CAG Reports, and publish the action taken report to the public and media.

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. The State Government must immediately implement the following

Independent and Strong Lokayukta

The Tamil Nadu Lokayukta needs to be an independent investigating agency to probe into the corruption of public servants in the state. However, after prolonged delay, in July 2018, the State Government passed a toothless act. For example, the act has not provided the Lokayukta any powers to initiate prosecution and the preliminary investigation of all Group A, B, C, and D officials will be done by the vigilance commission which is under the direct control of the Government. The act has not provided independence to the Institution in terms of Finance, Appointments/ Selection and functioning which are key for the Lokayukta to be an Independent Investigating agency.

Our Demands

- Independence in recruitment and functioning should be given to the Lokayukta
- Lokayuktha selection committee: Majority should not be given to ruling party. 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

- Include a timeline for appointment of the first Chairperson and for the appointment of the new Chairpersons after the term of the previous one ends.
- Power to appoint Director of Inquiry, Director of Prosecution, and all other staff should wrest with Lokayukta.
- Local bodies should be included within the purview of Lokayukta
- The Lokayukta should consist of a Prosecution Wing headed by the Director of Prosecution and have such other officers and employees as required. The Prosecution wing should have the powers to initiate prosecution for public authorities in special courts formed to hear corruption cases.
- Corruption complaint on Tenders, appointments, transfers and postings, corruption complaints irrespective of matters referred to inquiry under the Commissions of Inquiry Act 1952 should be within the purview of the Lokayukta
- The Investigation wing should have complete freedom, powers, infrastructure, and staff to perform the preliminary and detailed enquiry for all public authorities. The Department of Vigilance and Anti-Corruption (DVAC) with all its functions, officers and staff should merge under the Inquiry Wing of the Lokayukta.
- The Lokayukta should have powers to mandate disciplinary/departmental action, levy penalty, file final police report, and initiate prosecution.
- The Lokayukta should have the powers to accept anonymous complaints and take suo moto action
- 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
- 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
- Assets and liabilities of public servants, their spouses and dependants should be made public on websites within a fixed time period on an annual basis.
- Provide for creation of special courts by the Madras High Court to hear the corruption-related cases

TN Local Bodies Ombudsman

- Kerala Local bodies Ombudsman 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 date.
- Provide sufficient staff and offices across the state.
- Proactive disclosure by local ombudsman on its Website.
- Improve overall effectiveness of the Ombudsman. For example, orders were passed only for 307 cases in 2017.

Local Audit Fund

- Create a separate website for local audit fund department
- Publish all the report created by the local audit fund online within 3 months of the completion of the year.
- Provide an action taken report within 6 months from the date of issue being raised.
- Improve overall effectiveness of the local fund audit team and provide the required staff, infrastructure and other facilities.
- 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.

The central Government must be pressurized to make the following changes on laws probing Corruption.

APPOINT LOKPAL

The Parliament passed the Lokpal and Lokayuktas Act 2013 and it came into effect in January 2014 to enquire into complaints of Corruption on public servants of the Central Government. However, until date the Central Government has not appointed a Lokpal. It was postponed on silly reasons such as non-availability of opposition leader who is part of the selection committee. They could have just amended the act with representative of second highest party in parliament. Even after the Supreme Court ordered them to go ahead without leader of opposition and put in place a Lokpal, the Central Government Lokpal has not been appointed till date. Lokpal must be appointed immediately. Suitable amendments must be made to bring in the anti-corruption wing of the CBI completely under Lokpal

PROTECT PREVENTION OF CORRUPTION ACT

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. Recently some of the amendments made to this act is detrimental to the fight against Corruption.

- **End Impunity:** Investigation Agencies should have the powers to initiate investigation or prosecution without obtaining any permission from the state or competent authority or any other individual. It must be noted that a similar provision for Joint secretaries and above under the CVC act was struck down by the Supreme court saying no such permissions required as the Government hardly gives permission to probe Corruption charges on public servants.
- 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 recently removed from Criminal Misconduct through an amendment
- Specific time limits should be fixed for various stages of investigation and trial. State Government should provide the required infrastructure and facilities to ensure trials are completed within specified time limits.
- Include extra-territorial operation within the scope of the act

- As per ARC recommendations, following should be considered as Corruption and suitable amendments to the act must be made - Gross perversion of the Constitution and democratic institutions amounting to wilful violation of oath of office, Abuse of authority unduly favouring or harming someone, Obstruction of justice and squandering public money
- The convict should make good the loss caused and, in addition, be liable for damages.
- Stricter and distinct provisions for Collusive Bribery and Serious Economic Offences
- Preventive action to reduce corruption should also be taken

WHISTLE BLOWER PROTECTION ACT

The purpose of this act is to provide a framework to receive complaints of corruption by public officials, inquire into such complaints and provide protection to the complainant. However, the act has not been implemented. This law needs to be implemented at the Central level and a similar law needs to be passed at the State level in TamilNadu at the earliest to provide protection to whistle blowers.

- Accept anonymous complaints if the complaint is accompanied by evidence.
- Penalise any person who discloses the identity of the complainant.
- Provide penalty for victimising a complainant
- The scope of the act should include corporate whistle blowers

Central Government introduced an amendment Bill in the Parliament in 2015, which dilutes the important provisions, and therefore these amendments should not be passed. The amendments include:

- Removing immunity provided from prosecution under the Official Secrets Act (OSA) for disclosure under the Whistle Blower Protection Act.
- Inquiry will not be conducted into complaints containing information that would prejudicially impact the sovereignty, integrity, security or economic interests of the state.
- Information relating to commercial confidence, trade secrets that would harm the competitive position of a third party, and information held in a fiduciary capacity cannot be part of the disclosure unless the information is obtained under RTI.

JUDICIAL ACCOUNTABILITY

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

- Fill Vacancies of Judges immediately
- Increase number of posts for judges and increase the benches to address all pending cases
- Appoint full-time judicial appointments commission to regulate judges' appointment
- Decentralize the high court and supreme court operations
- Leverage infrastructure to provide speedy justice
- 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)

Transparency and Accountability

- Transparency and Accountability: Transparent appointment of judges and CJs (*Fair, Impartial, independent, intelligent, diligent*)
- Transparent allocation of cases to benches.
- Asset and income declaration of judges and the corresponding source of income.
- Implement digitisation in lower courts
- Implement an effective Judicial standards and accountability bill after public consultation.
- Independent commission with disciplinary powers over the judges that can monitor the judiciary, take action in case of complaints, remove judges, investigate corruption. (AKA Lokpal for Judiciary)

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

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 and 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.

OUR DEMANDS

- Make amendment to the RPA act and other acts to include recommendations of Election Commission and Law Commissions made multiple times.
- Transparency in the functioning of political parties: Disclose the Name/Address/PAN of all donors along with the amount of each donation, irrespective of the amount of donation.
- Eliminate Electoral Bonds completely. It is completely against Transparency in funding.
- Repeal amendments made to FCRA 1976 and FCRA 2010 with retrospective effect, which dilute the restrictions on contributions from foreign sources for political parties
- Prescribe maximum limit for the amount of donation that a political party can accept from an individual, company, organization, or any entity. Repeal the withdrawal of limit of political funding by corporates (earlier 7.5% of net profit). Disclosure of contributions made to political parties to be made mandatory for corporates.
- The Annual Accounts of political parties should be audited and certified by a qualified practicing Chartered Accountant from a panel approved by CAG. Auditors should be changed every three years
- Introduce provisions for inner-party democracy within political parties/Choosing of candidates
- Declare Political parties as Public Authorities.
- Bring in a comprehensive bill to regulate working of political parties
- Implement ceiling on expenses of political parties during election period
- Penalty on political party and candidate for failure to lodge election expenses. Law against the use of excessive money in elections by candidates and political parties
- Election expenditure statements submitted by each party should be subjected to CAG audit.
- Curtail alcohol distribution, freebies, and so on
- Source of funds of the candidates should also be disclosed.
- False declaration in Affidavit in connection with elections should be a grave offence and must result in disqualification immediately and for future.
- Provision for verifying the declarations in the affidavits of the candidates. Where a specific issue - falsity or irregularity - in a candidate's affidavit is brought to the notice of the Returning Officer by any party, with prima facie evidence, before the acceptance of the candidate's nomination, then Returning Officer to take note and investigate. Furthermore, Courts to entertain complaints

regarding candidate affidavits up to the date before the election, if supported by appropriate evidence.

- PAN declaration of candidates should be made mandatory
- Source of income of candidates should be provided in the affidavit.
- Candidates should attach their IT returns with the affidavits filed by them.
- Affidavits should be certified by the Political Parties.
- Political parties should ensure decriminalisation of Politics
- VVPAT slips to be counted separately, and cross-tallied with the results declared from the EVMs for a statistically significant percentage.
- Where NOTA emerges with the single largest vote, then re-election to be called, with a fresh set of candidates
- Strict penalties against those involved in electoral malpractices
- Restrictions on Government sponsored advertisements
- Restriction on the number of seats which one may contest
- Misuse of religion for electoral gain by political parties. use of religion, caste, community, tribe, and any other form of group identity for electoral gain or for gathering political support should not be allowed
- Right to recall candidates in case of non-performance should be implemented.
- Debate and experiments on State funding of elections must be initiated to check the feasibility and potential to decrease money power in elections.

Powers and Functioning of Election Commission

- Implement a multi-party system for appointments of the CEC and SEC and election commissioners.
- Prohibition of taking other offices after retirement of the Election Commissioners
- Regulate the registration and de-registration of political parties.
- Creating a permanent, independent Secretariat for the ECI in all states.

MONEY LAUNDERING

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 and the number of staff is only 682 as of 31.03.2015. Therefore, the actual strength is only one-third of the sanctioned. The number of prosecution complaints filed is 173 right from 01/07/2005 until 31.03.2015 is only 173 cases, which is nearly 17 cases in a year. The number of prosecutions till date are only 4 cases because money laundering usually involves influential people.

Our demands:

- 1) Money laundering should be considered 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 should be responsible to perform pro-active analysis, 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.

THE BENAMI TRANSACTIONS (PROHIBITION) AMENDMENT ACT

The main purpose of the Benami act is to ban benami transactions and gives the government the right to recover all the associated property. The amendment act passed in 2016 has strengthened the provisions of the act. However, the implementation of the act needs to be improved.

Our demands

- The Central Government needs to appoint the 3 member adjudicating authority for implementing the act immediately
- The central government needs to immediately establish special courts
- 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.

ENSURE PEOPLES' PARTICIPATION

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
- 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
- Mandatory Social Audit of all public service programmes / departments / schemes at least twice a year. Audit report should be made available for public reference

- Promote Citizen's participation in the budget process
- Freedom of Speech – Misuse of crpc 41 and 144 during protests and unnecessary extension every 15 days must be stopped
- Allocate several areas as Freedom Parks in a prominent place for continuous protests/ people assembly across various districts
- A People's Information System (PIS) for proactive disclosure of information about expenditure and governance – at all levels.

AMENDMENT TO URBAN LOCAL BODIES ACT

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. However, at the implementation level what the TN government did was to remove citizens from the ward committees and instead form the same with the councillors of a zone.

The TamilNadu Urban Local bodies Act must be amended suitably to include the following.

- All local voters and RWA's need to be enrolled into the Ward Committee by default.
- A mandatory ward committee meeting once in 3 months to be held by the Councillor with at least 15 days prior announcement
- The ward Committee should be empowered with decision making powers in planning, policy and implementation

RECRUITMENT, POSTINGS, AND TRANSFERS

Recruitments, postings and transfers of officials in bureaucracy are not happening in a transparent manner in India. Officers are transferred from their current service or posting, while they are in the midst of an ongoing assignment. While the bureaucracy is expected to be politically neutral and guarantee administrative continuity to the ruling party, difference in opinion, arising from the intent of corruption, and protection extended to law breakers by the MPs and the MLAs, result in the IAS officers facing transfers at the end of the debate. Examples such as Ashok Khemka IAS (51 transfers in 25 years), Pradeep Kasni (71 transfers in 34 years), U.Sagayam (20 times in 20 years) are evidences of the immense political interference, such officials suffer. 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 Transfer, postings and recruitment so

that there is no political interference. Wherever boards are already there, efforts must be taken immediately to make them function independently.

TENDER TRANSPARENCY

The tendering process involves huge amounts of money and is therefore one of the main areas of corruption. It is important to have a transparent and robust system to remove corruption in this process.

1. The state and central government needs to ensure that each department should display the following tender documents, within 30 days of close date of bidding:
 - Tender documents
 - Bidder names and addresses
 - BOQs
 - Comparative Evaluations of Bids by the Tender Inviting Authority
 - Documents submitted by each bidder
 - Eligibility Criteria for Technical and Financial Evaluation
 - Project Estimates
 - All file notings on the project file
 - Copy of Contract signed by Selected Bidder
 - Link to Work Order documents and payment schedules
 - Links to Project completion or handover documents, periodic bills and other details shared by Contractor and Quality check documents.
2. The state government needs to ensure that all the archived tenders should also be available for the public to view and check if the particular work is completed or not.
3. Tenders above twenty crores should be provided to only Companies 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. In various departments, a tender for specific work or product is purposefully split into small tender value to either assign the tender on nomination basis or to adhere to lesser regulations. The head of the department needs to ensure this practice is stopped.
6. The state government needs to establish norms for eligibility criteria. For example, the prior experience should be around 50% of the work order value in a similar job for the last three years.
7. The State Government needs to amend the TamilNadu Tender Transparency act to add specific provisions to prohibit bid rigging, cartel formation, and conflict of interest.
8. Tender bulletin should be published online regularly.

POLICE REFORMS

1. State Security Commission:

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 and interfere in their functioning resulting in gross violations of all sorts. As per the SC ruling in the Prakash Singh case the State Security Commission needs to be set up. While the SC had proposed that the Commission's recommendations should be binding to insulate it from political interference, the TN Act says no such thing. It says the panel's annual report proposing improvement would be tabled in the Assembly which means it does not get its freedom from political control as envisaged by the act.

There were five broad elements pertaining to the constitution of SSCs. These included establishment of a state security commission; inclusion of the leader of the opposition in it; inclusion of independent members in the SSC and inclusion of an independent panel for selection of the independent members; the need for states to specify that SSC's recommendations are binding on them and the placing of an annual report of the SSC by the state before its legislature.

Currently the members of the State Security Commission are majority under the Government itself, there is no member from the Judiciary and there is no independent member at all. Almost the entire government machinery is included in the commission including the Chief Secy. There should be members who do not fall under direct government control to be able to take some independent decisions which is not the case as of today.

2. Police Complaints Authority: At the moment there is no official manner in which members of the public can actually complaint regarding any police related issues including violence, excesses, wrongful arrest, etc. The only way to move is higher up the order which has proved not very effective and investigation has no transparency and has proved quite opaque in several occasions.

- The PCA would be a great way to bring in that bit of accountability into the police force. Its recommended to setup district wise PCA's to investigate and bring to resolution cases against police officers.
- The PCA should have whistleblower protection for complaints and should accept anonymous complaints if able to provide bonafide evidence.
- The PCA should 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.

3. Police Establishment Boards:

It's imperative to setup a Police Establishment Board (PEB) within each police department, made up of the DGP and four senior officers. The Board will decide all transfers, postings, promotions and other service related matters for police officers of and below the rank of deputy superintendent of police.

MEDIA

- Remove direct or indirect control over the media and provide full Independence for it to function as the fourth pillar of Democracy. Today with Arasu Cable TV, the Government of the day uses it to control media. As a result, most visual media are pressurized to not report news critical of the ruling party. TRAI guidelines is very clear that Government should not engage in broadcasting and Distribution.
- A clear policy to be brought out for transparent way of handing out Government's print/visual advertisements in different media.
- Protection to media personnel from threats by politicians, corporates, businessman, and other people/entities.

PUNISH THE CORRUPT



Arappor Iyakkam,
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