



सत्यमेव जयते

VIGEYE VANI

Quarterly Newsletter
April to June 2018



Central Vigilance Commission

Valedictory Function of Vigilance Awareness Week 2016



Inaugural Ceremony of Vigilance Awareness Week 2017





Oath taking ceremony of CVC, Shri K V Chowdary at Rashtrapati Bhavan on 10.06.2015



Oath taking ceremony of Vigilance Commissioner, Sh. T M Bhasin at the Commission on 11.06.2015



Oath taking ceremony of Vigilance Commissioner, Sh. Sharad Kumar at the Commission on 12.06.2018

Welcome Corner



Sh. Sharad Kumar has joined as the Vigilance Commissioner, Central Vigilance Commission w.e.f. 12.06.2018. He belongs to Indian Police Service (HR: 1979). He was born in Bareilly, Uttar Pradesh on 28th October, 1955 and is a Graduate in Science. He has been awarded with the President's Police Medals for Meritorious and Distinguished services in the year 1996 and 2004 respectively.



From the Editors Desk



Sonali Singh
Chief Editor

The Golden Jubilee year of the Central Vigilance Commission was commemorated in 2014 and it was perhaps apt that Vigeyevani made a fresh start during that year with its issue of Dec 2014. Another new beginning is being made as henceforth this quarterly newsletter will be published only as an e- newsletter.

The Editorial Board (EB) decided that this issue be dedicated to a recap of the events, initiatives, articles and highlights of the past fourteen issues of Vigeyevani (from Dec 2014 to March 2018). In each issue the effort has been to not only inform readers about important activities in the Commission but also to bring forth ideas, share experiences and discuss new initiatives through articles focusing on specific themes. The Vigilance Awareness Week activities, particularly the Hon'ble Prime Minister's key note address during the valedictory function in 2016 were significant high points which have been captured in past issues. Select articles, excerpts from interviews, images and photographs included in this issue will help readers recall and reconnect with past events and provide them with a ready perspective of the past few years.

The EB would like to thank the Commission for their ready support and encouragement to Vigeyevani. We are also grateful to the former Secretaries, former members of the EB and most sincerely to all those who have contributed their thoughts, ideas and experiences through articles. The EB in its constant endeavour to enhance the quality of the news letter seeks your support in the form of suggestions, feedback and articles.

Excerpts from the Interaction of EB with Central Vigilance Commissioner



Editorial Board Vigeye Vani (EBV) - Sir, you have completed around 18 months in Office. What new initiatives have been taken by the Commission during this time?

Central Vigilance Commissioner (CVC) - I joined the Commission in June 2015. Since then we have tried to bring in some changes. Some of the prominent initiatives in last eighteen months are: capacity building, knowledge management, reducing delays in investigations and inquiries, promotion of preventive vigilance, encouraging public participation and development of an Integrity Index. The Commission recognized the need for better Knowledge Management in its own office and for the CVOs. The Commission has initiated several training programmes specifically designed for improving vigilance administration. These have been organized in institutions like National Police Academy, Gujarat State Forensic Science University, IIM Bangalore and International Anti Corruption Academy, Austria, University of Berkeley, California etc. This has given our officers a wider perspective of issues relating to anti-corruption and also boosted their confidence and competence. The

Commission has tied up with National Police Academy, Hyderabad and organised a training programme on issues relating to criminal misconducts and prosecution. Similarly, a training programme was organised in Gujarat State Forensic University, Ahmedabad to impart knowledge on forensic skills and how they could be utilized in vigilance. We had a course in IIM Bangalore on management aspects of vigilance. The Commission has also organised a Speed reading and Comprehension improvement programme in association with Delhi University with tremendous success.

The Commission emphasized on speedier disposal of pending cases. In spite of knowing that there are inordinate delays, the Commission ventured to undertake a study internally in 2015 on the subject of the timelines maintained in respect of concluded cases. As expected, the time taken in concluding the cases with reference to the set timeline was far from satisfactory. The study was repeated on the same lines in 2016. This has shown there is considerable improvement with reference to the position in 2015. I am confident that with improved awareness and debottlenecking of the problem areas on account of these studies and continuous monitoring, the situation will improve further tremendously in the current year.

EBV - What are your views regarding effectiveness of CVOs as an extended arm of CVC in detecting, combating and preventing corruption in an organization?

CVC - The CVO in any organisation in my view has to perform many functions such as Chief Intelligence Officer - to get to know what is happening in the organisation, Chief Investigating Officer - to investigate where certain misconducts are noticed, Chief Systems Analyst - to identify the shortcomings in the systems, lack of SOPs, etc. Chief Mentor - in as much as he has to protect officers taking bona fide decisions honestly and

transparently, from victimization. Some of the CVOs have been functioning as armchair executives i.e. attend to issues that have been brought to their notice rather than proactively engaging themselves in the manner mentioned above. That needs to change.

EBV - What is your advice to the CVOs?

CVC - CVOs need to improve their investigative skills, develop internal intelligence mechanism either through whistle blower mechanism or some institutional mechanism to get to know what is happening in the organisation, more so with respect to misconducts; they need to study the audit reports (internal audit, statutory audit, CAG and others) and analyse them to identify systemic issues as well as individual misconducts for further necessary action.

EBV - What are the major challenges before the Commission presently today?

CVC - A major challenge is to identify misconducts as they happen and dealing with them effectively within a quick span of time so that public at large get to know that misconducts will be detected and dealt with firmly and quickly. The other most important challenge is to protect officers from motivated complaints. Similarly protecting officers who have taken decisions in a bona fide and transparent manner is a major challenge.

(Reprinted from Vigeye Vani Issue October to December 2016)

Excerpts from the Interaction of EB with Dr. T. M. Bhasin, Vigilance Commissioner

EBV - Sir, you have completed around 2 years in office. In your view, what have been the significant achievements of the Commission during this period?

VC - My two years' association with Central Vigilance Commission has been very enriching, fruitful and satisfying. Various steps have been taken by the Commission during this period:

- to enhance transparency by systemic improvements;
- reducing public grievances by augmenting system driven online processes for expeditious decision making;
- increasing focus on Pro-active/Preventive Vigilance, so as to reduce the need for and instances of punitive actions;
- increasing public interface of the Commission by undertaking more and more outreach activities for public participation in bringing down corruption and increasing probity in public life.

EBV - What are your views on present vigilance and anti-corruption mechanism in Banking and Insurance Sectors?

VC - Department of Financial Services in consultation with the Commission has posted a Chief Vigilance Officer in each of the Public Sector Bank/Insurance Company. There is a very strong vigilance set up and administration mechanism in Public Sector Banks and Life/ Non-life Insurance Companies. All the Public Sector Banks have put in place a Board approved Staff Accountability Policy. Each of them has an Internal

Advisory Committee (IAC) comprising of Four/Five operational General Managers, who look into the aspect of staff accountability in cases of frauds, NPAs, misconducts and irregularities. The IAC Report is examined by the competent Disciplinary Authority (DA) to decide, whether the misconduct warrants action under Major or Minor Penalty Proceedings. DA's report is examined by CVO, whether it has Vigilance Angle or not. Cases of Scale-V (AGM) and above are referred to the Commission for advice. Within the Commission, we have four Top Management Grade GM/DGM level Advisors (Banking) on deputation from four large Banks, among whom the Commission has allocated various Public Sector Banks and Insurance Companies for examination of cases. So all such cases received from CVOs are examined by Advisors (Banking) and put up through the Addl. Secretary/ Secretary, to the Commission. Under Section 3(3)(b) of the CVC Act, 2003 one Member appointed by Hon'ble President of India, out of three in the Commission, is having expertise and experience in finance including insurance and banking, law, vigilance and investigation. Under Section 9 of CVC Act, the decisions taken by the Commission are unanimous or by opinion of the majority. So at each level within the public sector banks/insurance companies and CVC, proper application of mind is ensured to accord justice with equity and principles of natural justice. The advice of CVC is recommendatory in nature and the DA as a quasi-judicial authority has full liberty to decide action on each case on its individual merits based on documentary evidence/inquiry proceedings.

EBV - Very high NPAs in Public Sector Banks have attracted considerable media attention. What can be done to tackle this problem?

VC - I would say that Government, Policy makers, Regulator, CVC, CBI and ED are all deeply concerned with rising number of frauds and NPAs in Banking system. The NPA issue has wider implications because during the times when seemingly high growth rates were achieved during the earlier part of this decade, probably the credit appraisal standards were compromised, resulting into formation of bubbles, which have burst now. Complimentary to this, there were several issues in various policies relating to mining, telecom, power, roads, highways, infrastructure sectors, etc. which led to over-leveraging of balance sheets and resultant jump in NPAs because of non-repayment of Bank dues on time. However, rather than recognising them as NPA, deep long restructuring was done from the year 2009 onwards and a new category of restructured assets was created, with a differential treatment in accounting, so as to avoid declaring them NPA immediately at that time. Once the repayments started falling due, these deep long restructured accounts have enmass slipped into NPA, perhaps more so after the Asset Quality Review undertaken by the RBI in 2014-16 period. As far as the resolution part is concerned several attempts have been made over the years with the major hitch being the decision on how to take deep haircuts to get the bad assets off the books. This is a practical challenge, even today. On their part Government has been tightening the laws to facilitate expeditious recovery proceedings and the Regulator (RBI) has been bringing new dispensation to handle NPAs.

EBV - What is your advice to the CVOs?

VC - First and foremost, CVOs should read Vigilance Manual, all important circulars, disciplinary action rules and individual files very carefully. CVOs are extended arms of the Central Vigilance Commission, through whom the effective Vigilance Administration is ensured in the

Govt. Deptts./Organizations, to which they are is deputed. CVO should make everyone in the organization realize that Vigilance Administration is one of the important management tools, which will make the organization reap the benefits of its effective administration. CVO should strive to make "Vigilance activity" become the business of everyone in the organization. He should strive to reduce/eliminate the delays, in various phases of handling vigilance cases, so as to reduce the pain of charged officers. CVO should also strive to study the existing gaps in the prevailing systems and procedures, to suggest/make systemic improvements and prevent recurrence of irregularities, in future. He should concentrate on strengthening preventive vigilance mechanism to obviate the usage of punitive vigilance mechanism and should strive to use technology to improve transparency in all the activities of the organization. There should be a thorough and critical analysis of each file/ case brought before CVO and considered view should be formed in line with Rules, Regulations, laws and documentary evidences. CVO has to remember that he is dealing with life, career and future of officials/employees and as such in each case he needs to take a very rational and balanced view.

EBV - What do you perceive as the major challenges before the Commission presently?

VC - Central Vigilance Commission is having superintendence over the vigilance administration of all the Government and Public Sector organizations, in addition to superintendence over the CBI. The major challenge before CVC is to make the CVOs, organizations and officials appreciate that proper Vigilance Administration can increase the efficiency and lead the organizations to reap the benefits of its implementation and that it is not a hindrance in their functioning. The delays observed in the identification and disposal of vigilance cases have to be drastically reduced, so as to make the delinquent officials realize that no-one can escape from the long hands of the Law. While

enlisting the support and participation of public in general and employees in particular, in effective implementation of vigilance administration, efforts of the Commission will always be to increase transparency in all processes of the organization, by leveraging the technology. *(Reprinted from Vigeye Vani Issue April to June 2017)*



“

To believe in something, and not to live it, is dishonest.

– Mahatma Gandhi

”

Why Corruption is Bad?



Asit Gopal

Is it worth having an elaborate vigilance set up in our country to fight corruption? The answer is resounding yes if public sentiment against corruption is the criterion. Besides public sentiment, there are sound social and economic reasons for fighting corruption.

Corruption impacts upon the poorest hardest. It is the moral duty of every government to fulfill the basic minimum need of its every citizen. The basic minimum needs are food and shelter, free or affordable healthcare and elementary education. The Government runs numerous social security and welfare programs for the poor and vulnerable. Unfortunately, people are not able to receive the intended benefits due to corruption. The meager benefits meant for the most vulnerable are also siphoned off by the corrupt officials. Due to rampant corruption, the quality of healthcare in most of the government hospitals is bad and the poor are unable to afford the private healthcare. The poor lose their hard-earned money due to extortion by corrupt officials of the police and other enforcement agencies.

It is also the moral duty of the government to ensure equality of opportunity so that meritocracy prevails. Despite privatization and liberalization, the government and the public sector remains the largest employer. The poor remain deprived of government and public sector jobs due to corruption in recruitment and are unable to break the vicious cycle of poverty. Corruption at the stage of recruitment itself breeds corruption and inefficiency in every sphere of working of the organization.

Corruption is not only bad for the poor and vulnerable, it also adversely affects the overall economic growth of a nation. According to the diminishing return theory, the return on investment in a developing country should be higher as compared to a developed country and therefore, the developing nations should eventually catch up with developed nations. Furthermore, poorer countries can replicate the production methods, technologies, and institutions of developed countries. Then why poor nations are not catching up with the rich nations? On the contrary, the gap between the poor and rich nations is widening. According to the theory of "conditional betaconvergence", the poor economies should grow faster than rich ones but conditional on other variables being held constant. If poor nations are lagging behind in development then it implies that there are other variables which are holding them back. The economists almost unanimously believe that corruption is the "other variable" which is holding back the poor nation.

The amount of money lost in corruption activities is absolutely enormous. Corruption increases the cost of infrastructure and adversely impacts its quality. Corruption suppresses the potential of people and discourages genuine entrepreneurs. If the government cannot or does not guarantee the rule of law, then the very basics of trade and economy are under threat. The cost of business goes up not only due to the amount of bribe paid but also due to the delays caused by corrupt bureaucracy in order to extract bribe. If a merchant cannot trust that a business partner who does not fulfill his obligations will be put to justice, then he has to take potential losses into account when making business. If a company cannot trust on laws and their implementation, then it cannot make long-term investments. The corrupt ruling elite use its power mainly to reinforce its own position resulting in distorted government policies and programmes. Developing nations need foreign investment for development because capital is scarce in developing nations. However, corruption discourages

foreign investment. Tim Harford in his book 'The Undercover Economist' has stated that kleptocracy at the top stunts the growth of poor countries.

One may be tempted to think that 'lack of natural resources' is responsible for poor nations remaining poor. However, there is no correlation between natural resources and development. The poor nations do not lack natural resources. To prove the point that corruption is responsible for the lack of development, one simply needs to compare the level of corruption and the indices of development such as GDP per capita and Human Development Index (HDI). The following two tables would reveal a strong correlation between corruption and development.

The two tables (Table-1 and Table-2) reveal that the corrupt nations are in general poor and lagging behind in HDI and the least corrupt countries are developed with high HDI. Although correlation between two variables does not imply cause and effect relation, the two tables below reinforce the idea that corruption is a factor responsible for lack of development. Oil rich nations such as Iraq and Libya are low in HDI and GDP per Capita rank due to high level of corruption. Thus, it is the corruption and not the lack of resources which is responsible for their poor plight.

Table-1

S.NO	Country	Ranking of Most Corrupt Countries	GDP Per Capita	HDI Rank
1.	Somalia	1	193	193
2.	North Korea	2	167	NA
3.	Afghanistan	3	162	175
4.	Sudan	4	136	166
5.	South Sudan	5	157	NA
6.	Libya	6	56	55
7.	Iraq	7	78	120
8.	Uzbekistan	8	128	116
9.	Turkmenistan	9	82	103
10.	Syria	10	131	188

Table-2

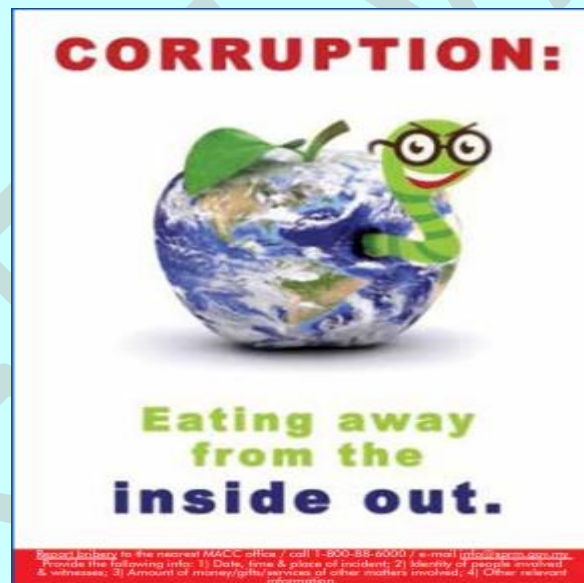
S.No.	Country	Ranking of Least Corrupt Countries	GDP Per Capita	HDI Rank
1.	Denmark	1	21	10
2.	New Zealand	2	32	7
3.	Finland	3	25	24
4.	Sweden	4	18	12
5.	Norway	5	6	1
6.	Singapore	6	3	9
7.	Switzerland	7	9	3
8.	Netherland	8	13	4
9.	Australia	9	14	2
10.	Canada	10	20	8

Source – Transparency International, World Bank and IMF, Year -2013

In our country, we have been recently witnessing a disturbing trend of associating vigilance with negativity and lack of decision- making. Some

people go to the extent of associating strong vigilance system with lack of development initiatives and inefficiency. On the contrary, the fact is that a strong vigilance system which is able to eradicate corruption is the key for development. The points made above should motivate us to make our nation free from corruption so that we are able to prosper and the fruits of prosperity are shared by each and every citizen of our country.

(Reprinted from Vigeye Vani Issue December 2014. Sh. Asit Gopal the then Director, CVC)



Combating Corruption – Technology as an Enabler



Vignesh Nityanand
Student

How big is corruption today? Well, big enough to topple governments the world over and small enough to get into our everyday lives. Worldwide, corruption is a major cause of poverty and human rights abuses and leads to systems of justice that only serve the powerful and the rich. Citizens deride corruption in public offices and vote for change in democracies or become part of uprisings in countries ruled by dictators. Corruption has always been there since time immemorial, but the sudden rise in attention can be attributed to an internet-driven age. It has invigorated and encouraged civil society activists everywhere and increased media attention on all aspects of corruption.

For a country such as India with its huge population, demographic divide and diverse cultures, only a proper understanding of the reasons for the existence of corruption will help bring out real solutions. There is no one size fits all solution for corruption. While wrongdoers need to be exposed and punished, a better strategy would seek to eliminate the very opportunity for corruption. There is no social stigma for the corrupt; nor is there evidence of corruption affecting electoral prospects of a candidate. Trying to tackle corruption by exposing individuals or companies, a name-and-shame approach, is not working either. It certainly serves as fodder for TV news channels, publicity for the accusers, titillation for viewers and ammunition for one or the other political party to fire random salvos at their opponents. Therefore, prevention of corruption appears to be the best possible option.

Prime Minister Shri. Narendra Modi, has emphasized the importance of e-governance in preventing corruption in public offices and has also promised to cut down on red tapism. New and existing technologies in the form of mobile, websites, applications enable access to information and facilitate reporting of corrupt practices. Further they help to make government spending and finances more transparent and monitoring of various departments or institutions easier. If all the approvals are done digitally it would make it very difficult for anyone to demand a bribe for processing your files by employing delay tactics as now accountability is improved. Computerization of government departments would mean documents are digitized, online access to forms and information are increasingly available thus making it all the more difficult for important files to go missing in the midst of an investigation. Computerization of land records is a longstanding example of the effective use of technology. The UID Aadhar is another measure which can cut down on last mile corruption by linking people directly to the government's social schemes through bank accounts. The MGNREGA programme dogged by corruption allegations could have been easier to monitor, had it made all records of workers available in an online database. This could have made audits easier and ensured each worker got his due on time while ensuring there are no ghost entries. Following are some of the ways in which technology can have an impact:

- Combating Corruption – Technology as an enabler Automation can reduce the opportunities for corruption in repetitive operations such as computerized billing in PDS outlets and ticketing in public transport.
- Detection in operations, to identify anomalies, outliers and underperformance – all public agencies and service providers who receive applications should be required to issue acknowledgments in writing to the persons involved. Technologies are readily

available to issue numbers that applicants can quote in case officials later deny that such applications were submitted to them. A major source of delay, abuse of power and corruption can be nipped in the bud through this simple reform.

- Transparency can help reduce the room for discretion – we need to adopt web enabled e-tendering processes that are easy to access, open and reliable. An electronic market place for procurement would ensure speedy and cashless transfer of funds to vendors, and provide information on all procurement expenditures on websites.
- Preventive detection through monitoring of networks and individuals – the higher judiciary and constitutional bodies such as the Election Commission and the Comptroller and Auditor General of India (CAG) are playing a key role in challenging abuses of power and corruption.
- Creating awareness to empower the public and inform it about its rights – governments can enhance the effectiveness of e-governance by tapping professional assistance in web design, interlinking of websites, and updating of the information relevant to citizens. Priority should be given to the uploading of information required by the RTI Act which mandates that government agencies provide the essential information on their services, policies and programmes for the benefit of citizens.
- Reporting, to create complaint channels that can lead to concrete action – technology can play a big role here as camera enabled mobile phones have shown the way.

- Deterrence, by disseminating information about reported cases of corruption – media’s active role in the dissemination of news and investigative journalism is a positive trend. The advent of social media ensures the news reaches far and citizens are well informed.

Last but not the least, the power of social media has grown exponentially and enables citizens to tackle corruption head on without depending on the government. Media attention on such issues has ensured the will of the people (who have made their voice and demand stronger) is heard so that our political leaders deliver on their commitments. The Judiciary has also become more assertive in tackling corruption.

The need of the hour is accountability, transparency and integrity. While the first two can be ensured by technology, integrity cannot. After all, integrity is not about how you act in public but your actions when no one is watching. Today’s reality is such that with the power of technology we can all watch and are being watched to varying degrees. But technology is also human-made and human-driven. Although technology can help and be an enabler, integrity will always count. In the long run it is the ethics, justice and integrity of the society at large that will determine the success of measures taken to fight corruption.

(Reprinted from Vigeye Vani Issue March 2015. Vignesh Nityanand is a student of NMIMS, Mumbai)



भ्रष्टाचार



अनिल
सहायक(प्रशासन)
केंद्रीय सतर्कता आयोग

हे ईश्वर तुम लो अवतार पल पल मार रहा है हमको भ्रष्टाचार
सब कुछ होते हुए भी जाने क्यों हम हो जाते है बिलकुल लाचार

खर्च करते है हम अपने गाढे खून की कमाई
मगर अस्पतालों में मिलती है नकली दवाई

मृत्यु प्रमाण पत्र तक के लिए जरूरी है चाँदी का जूता
कोई क्षेत्र नहीं बचा इस भयंकर रोग से अछूता

बच्चों को अच्छी शिक्षा प्रदान कराना है एक कठिन तपस्या
स्कूलों में दाखिला और ट्यूशन बनी हुयी है भयंकर समस्या

दफ्तरों में पैसा देना पड़ता है पाने के लिए नौकरी
डिग्रियां होने के बावजूद, मजबूरी में लोग ढोते हैं टोकरी

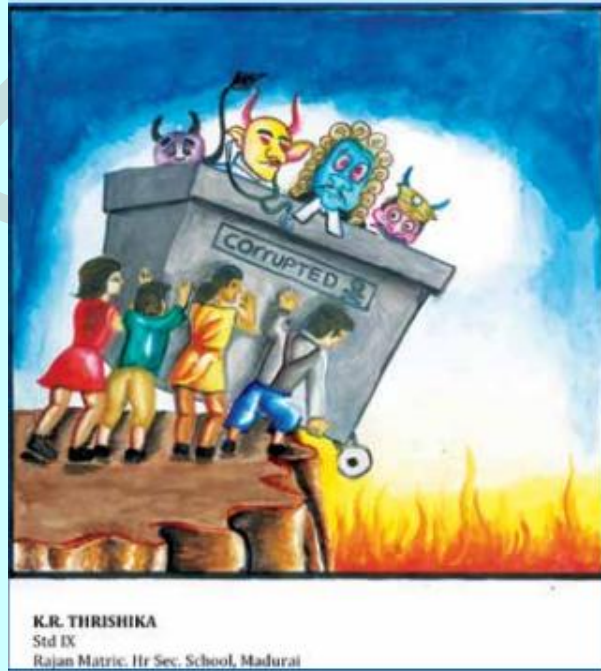
सडकों पर महिलाएं सह रही है नित दिन नए अत्याचार
कौन जाने, कहाँ से आ जाये वहशी दरिंदो की कार?

हमारी फाइल दफ्तर में बनी रहती हैं आलसी कछुआ
बन जाती है खरगोश वही, जब ढीला करते हैं हम बटुआ

जल ही जीवन है सुनते थे हम सदा से ऐसा
अफ़सोस, उसके लिए भी देना पड़ सकता है पैसा

सजग नागरिकता है भ्रष्टाचार का रामबाण उपचार
भ्रष्टाचार के आगे मत महसूस कीजिये खुद को लाचार

(Reprinted from Vigeye Vani Issue March 2015)



अभी समय है



मुकेश सक्सेना
तकनीकी निरीक्षक (एन.एच.)
केंद्रीय सतर्कता आयोग

उठो दोस्तों! आओ मिलकर करें आह्वान
हम अपने सपनों के भारत का।
सिंचित कर उसके प्राणों में, अपनी नव उर्जा को
करें राष्ट्र का नव निर्माण,
क्योंकि अभी समय है....

भूलकर परस्पर मतभेदों को,
मिलाकर हाथ से हाथ, लेकर सभी को साथ।
करना होगा आत्मावलोकन
पुनर्स्थापित करेंगे तभी देश को, विश्वमंच के सर्वोच्च शिखर पर।
क्योंकि अभी समय है....

कुछ मंज़िलें हासिल हैं, कुछ हैं बाकी,
करें एक संग्राम का आगाज़।
तोड़ें समाज की रूढियों को, करना होगा नवविकास,
क्योंकि अभी समय है....

पहुँचाकर विकास की मिठास, हर ओर,
मिटाकर ऊँच-नीच का भावा
लेकर हर वर्ग का साथ करना होगा समग्र विकास।
क्योंकि अभी समय है....

(Reprinted from Vigeye Vani Issue March 2015)



मैं बचाता रहा दीमक से घर अपना,
और चंद कुर्सी के कीड़े पूरा मुल्क खा गये।

source:- www.hinditroll.in



Anil Singhal

Reverse Auction

Auction is a dynamic mechanism for price discovery in a competitive market. Bidders participating in an auction can revise their bids several times within the stipulated auction time slot. The auction conducted for sale such as sale of goods, scrap, second hand materials etc., is called 'Forward Auction'. An auction for procurement that may be of goods/services/civil works etc. is called 'Reverse Auction'. If auction is such where bids are received 'on line' through a net portal, is called 'E auction'. E auction adopted for purchase of goods/civil works/services is thus called "E Reverse Auction".

In the Reverse Auction methodology, the bidders are invited to submit their bids 'on line' within the stipulated time slot. Till the time bids are closed, the bids can be improved to the benefit of the purchaser. Generally, the lowest bid price at any time is visible on screen but the identity of the bidder offering the same, is not visible either to bidders (including the one whose bid is the lowest at a particular time) or to the purchaser. However, different R-Auction models can be used depending on requirement of each case. The bidding process is generally kept open for a few hours. Some organizations keep provision of automatic extension of time (one or twice) if during the last few minutes before the closing time, a lower new bid is received. Bidders are authorized to submit their bid in accordance with the pre-disclosed rules of the games which generally include a minimum price differential that is mandatory, for system to accept the new bid over the last bid.

The Reverse Auction can either be open to all bidders or to limited qualified bidders. The open unrestricted auction is generally adopted for commonly available items, where any bidder possessing digital signature can participate. The bidders are generally asked to submit earnest money that can be submitted 'on line' (if the facility so permits) or through 'offline' methods like submission of demand drafts, bank guarantee etc. In cases of procurement of specialised products, if purchaser feels that the submission of earnest money is not an adequate surety towards capability of the bidder for undertaking and executing the contract, appropriate eligibility criteria can also be stipulated. In such cases, bidders can be asked to upload the required information/documents under digital signature as part of their technical bid. Alternatively, these documents can also be obtained in 'hard copy'. After decision is taken on technical qualification of the bidders, access to only technically qualified bidders is provided for participation in remaining stages of ' R-Auction' process.

The benefits of 'E-Reverse Auction' extend beyond cost savings. It provides transparency and level playing field to all participating bidders. They all share identical information during participation in the bidding process. Manipulations like tampering of bids, submitting bids with vague conditions etc., can be avoided in the process of 'E-Reverse Auction'. It has other advantages like quicker decision making, error free comparison of bid prices etc. Due to less time taken for compilation of bid prices, bidders may not be required to keep validity of their bid open for a long period and therefore, they are not required to mark up their bid price to cater for uncertainties.

The Reverse Auction is best suited for items where the competition is broad based and quite a few eligible suppliers are available. It is also very well suited to those procurements where prices of the tendered goods/services fluctuate sharply in a short span of time

Despite many advantages over conventional bidding process, E-Reverse Auction does not address following limitations:

- It might generate 'cut throat competition' specially where a large number of suppliers are available. This results in bidders desperately trying to 'out-bid' each other, leading to non-remunerative price and possible compromise on quality. The 'Quality Assurance' mechanism in such cases, therefore, needs to be on a very sound footing.
- In the long run many quality vendors might get discouraged due to 'cut throat' competitive rates.
- In cases where splitting is intended for the purpose of having multiplicity of sources, participating bidders after knowing their relative position might not have incentive to bid further lower price, if they are already within zone of award of contract, based on the predisclosed splitting formula.
- In case of procurement where vendor base consists of small vendors who do not process digital signatures, E-Auction might not attract the widest of the competition. Some vendors of repute also need considerable persuasion for participating in E-Auction/process. A constant interaction with vendors besides vendors training is therefore important.

One step E- Auction is equivalent to E-Tender. In this case bidders are expected to submit their commercial quotes within time/due date, on-line. The bid prices are not visible but bidders are free to revise their price (upward or downward) any time before the closing time/date of the tender. The bids are opened at the schedule time/date and the decision as per the inter-se position of bids as on closing time/date is

taken by the empowered authority. This decision making can be either through an 'on-line' or 'off-line' process. This process of E-tender is preferred, where only limited vendors are available, as in this process bidders are expected to quote their most competitive price knowing that they may not get a chance to improve their bid after bid opening time/date. They also do not have information on the level of participation and bid prices of other bidders and therefore more likely to quote their best price. It is for this reason that negotiations with bidders (except L-1 bidder) are banned. A bidder, once out bided does not get a second chance. Reverse Auction in such cases may not be preferred, as if out of a limited number of sources, some bidder(s) do not quote either due to order book position or other factors, there is little pressure on remaining participating bidder(s) to reduce the price to the best price level. If estimation of cost is also on higher side, it may end up in procurement at unreasonable rates.

The security of the portal used for 'E-procurement' is of utmost importance. If the bidders' identity/bid price etc. is accessed by any unauthorized person(s), it may lead to manipulation of 20 tenders. E-portal should not only be secured from unauthorized access but a proper log of activities along with identity of those accessing the portal, needs to be captured and retained in the system. This is necessary to investigate and pinpoint responsibility. Access to information on bid prices, bidders identity etc. needs to be highly restricted especially before the closing time of bids/auction. The Central Vigilance Commission has issued comprehensive guidelines to ensure proper security of E-procurement systems. DIT, Government of India has also issued guidelines on this issue. A periodical 'safety audit' from a reputed agency like STQC is necessary to ensure adequate safety of E-procurement portal.

(Reprinted from Vigeye Vani Issue June 2015. Sh. Anil Singhal the then General Manager, North Western Railway, Jaipur)

Corruption...

How would I Kill It?



C. Parul
Student

In recent years and especially in the decade of 2000, corruption has attracted a great deal of attention. In countries, developed and developing, large and small, because of accusations of corruption, governments have fallen and prominent politicians have lost their official positions. But corruption is not a new phenomenon. It is one of the oldest social evils existing in the society. Two thousand years ago, Kautilya, the Prime Minister of Chandragupta Maurya, had written a book, Arthashastra, discussing corruption in detail. Shakespeare depicted corruption prominently in some of his plays.

There are many types of corruption. For most people, bribery probably comes first to their mind when they hear the word corruption. But there are many other types of corruption which include nepotism, fraud and embezzlement. It is also the misuse of public power for private gain. Nowadays it has spread deeply in the society and has become very severe. Corruption has spread in different fields such as sports, education, politics, etc. Corruption is increasing day-by-day instead of dying down and this is because of people's greed. We need to understand that money is not everything and we shouldn't give up on our human values for living a luxurious life. We should give importance to value-based life. The level of trust, faith and honesty among fellow beings is decreasing. Though it seems very difficult to eradicate corruption, it is not impossible to control it. It is not only the responsibility

of the government but also ours. Eradicating corruption would be a great achievement.

Corruption is like diabetes; it can be controlled but not altogether eliminated. There are some specific measures to control the increasing corruption. The right to information act is one of the most powerful and useful tools. I will use this Act to unearth corrupt transactions, expose the corrupt people in public and pursue the matter to get them punished. This will set an example for others who have the tendency to indulge in corrupt practices.

Along with my group of friends, I will join an organization working to eradicate corruption and will actively participate in its functioning. We will highlight the problems of corruption and will try to educate people about the need to eradicate it. Further, we will question the leaders and the Government functionaries by taking information through the Right to Information Act and press for action against the corrupt public servants, political parties, companies etc. We can persuade and if necessary, even force the Government to reduce corruption by introducing incentives for honest behaviour and by initiating effective controls and severe penalties on the public servants for corrupt behaviour.

We will also organize inter-school debate competitions and essay competitions with corruption as the main theme so as to make the young generation aware of the growing menace of corruption and influence their minds at very young age against taking or giving bribes for personal gain.

India has a large number of youth. I will take the help and support of the youth to kill corruption. The youth are the future of the country, if we can educate the youth about the evil effects of corruption, then the rate of corruption will gradually come down.

Nowadays as everyone has become tech savvy, I will make use of social media such as Facebook, Whatsapp and Twitter to create awareness about the harmful effects of corruption on the society and its negative impact on country's progress. I will share the Acts being enforced by some of the government agencies such as Central Bureau of Investigation (CBI), Central Vigilance Commission and Anti-Corruption Bureau(ACB) which deal with prevention and control of corruption.

I will use social media to post pictures of corrupt activities and people involved in corruption. This will deter everyone from getting involved in such activities.

I would also create website with likeminded people and discuss strategies to deter corruption. I along with some volunteers would create awareness amongst people by performing street plays in school, colleges, offices and other public places.

Corruption is seen on a large scale during elections. Candidates bribe the voters. As a result, corrupt people get elected by spending black money. I will create awareness among people around me, starting with my family, relatives and friends about the right to vote. I will also use social media for this cause. I will ask them to use their voting right in the favour of honest leaders and not for corrupt. The leadership must show zero tolerance for corruption. These elected honest leaders will go a long way to weed out corruption from society.

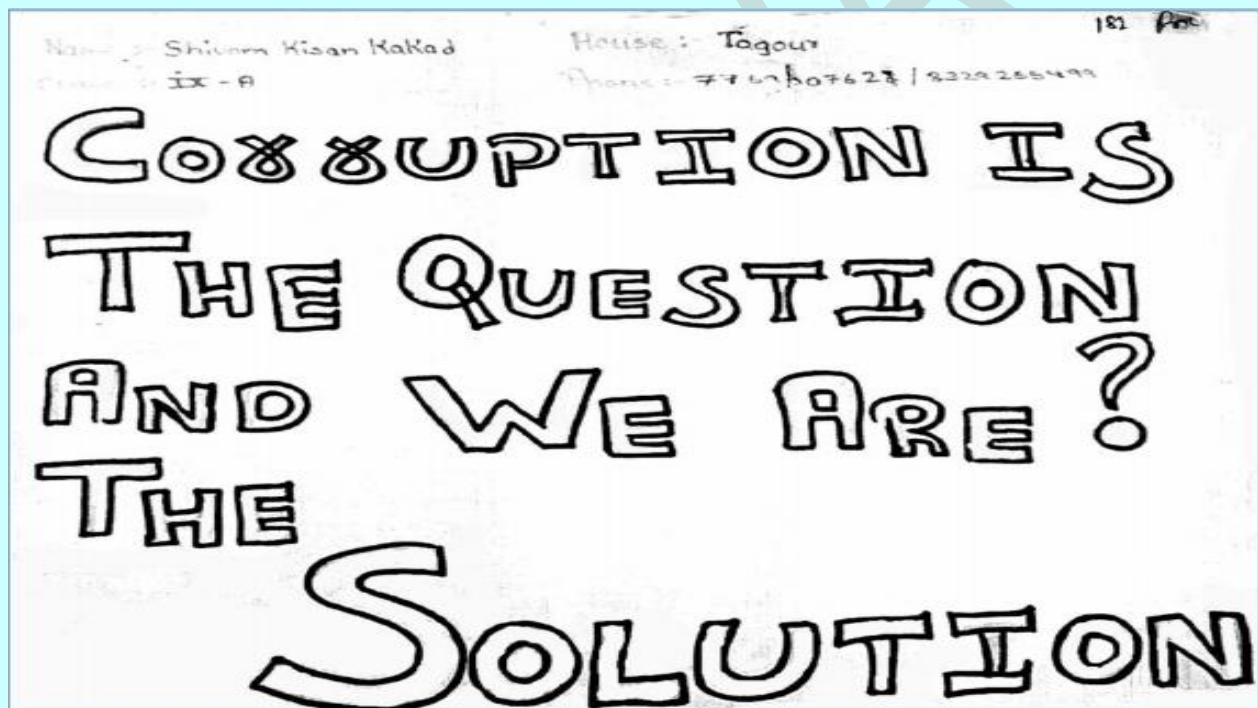
Both electronic and print media are powerful weapons which influence the thinking of people. Now a days, almost all television channels and newspapers are providing toll free number to be used to report corrupt activities.

Also, I will take the help of teachers. Teachers are the builders of the future of the nation. I will request teachers of different schools to address

these issues and spread awareness among students about the harmful impact of corruption on our nation and how they as students could prevent corruption.

Enhancing the participation of women in public life will also make a difference. I believe that greater involvement of women in decision making at all levels will help in reducing corruption.

(Reprinted from Vigeye Vani Issue December 2015. C. Parul is a student of Delhi School of Excellence Banjara Hills, Hyderabad)



RTI Dimension of the Criminal Justice



Prof. M Sridhar Acharyulu

We need to examine ever-increasing fields of crime in the present society. We have domestic crimes, environmental crimes, organized crimes, political crimes, election crimes, constitutional crimes along with routine IPC crimes, besides the terrorist crimes. Neither our general law of crimes nor the law of wars will apply to terrorism. Even crimes of terrorism are being prosecuted in local courts as per our 160 year old Codes, which are made for ordinary crimes committed by individuals. Most of the modern crimes in democracy are political, election related and also breaches of the constitutional norms. They are latest developments and beyond the scope of traditional philosophies of criminology. We deal with these crimes in ordinary courts. Major corruption crimes of present or former Chief Ministers or Ministers are being dealt by the district criminal courts while the constitutional courts are asked to direct the executive on constitutional wrongs. Are these courts fully equipped and trained to deal with international terrorism, high profile crimes of breaching election norms and misusing constitutional power to amass huge wealth to run political parties and win the elections by using money to influence the voters in a big way? Whether our understanding of criminology and criminal justice is sound enough to deal with these crimes? Can we prevent these crimes?

Then mother of all crimes is the corruption- Bhrasthachar. The Prevention of Corruption Act does not prevent corruption. Perhaps it will punish the accused, if he or his case survives. We are all hoping that RTI Act prevents corruption. I believe it will certainly prevent small corruption,

wide spread all over the country, if vigilantly used by the vibrant citizen, if education gives courage. Whether our 1 present day education is inculcating courage among educated¹ ? This is about crime.

Let us look at our overburdened courts. Of late, we go to court for everything; a husband wants court to judge how he has to manage his wife, to live with her or not; we ask courts to settle the date and place of birth of Ram; when CIC orders service book copy to be given to the teacher, education department, not the school, seeks a stay in court; our two governments go to court to decide who has what power; most interestingly the apex court goes to Delhi High Court to know whether it should give information or not. Criminal justice is necessary function of the courts of justice. They have very less time for this. I was told by a judge that they always suffer 30 per cent of vacancies which is directly proportional to occurrence of crime. One husband, who lost the divorce case, misused public office to get transferred to a distant place without

¹ A very interesting fiction which doubts 'integrity' of 'educated':(Whatsapp communication)

During a robbery in Hong Kong, the bank robber shouted to everyone in the bank: "Don't move. The money belongs to the Government. Your life belongs to you." Everyone in the bank laid down quietly. This is called "Mind Changing Concept" Changing the conventional way of thinking. When a lady lay on the table provocatively, the robber shouted at her: "Please be civilised! This is a robbery and not a rape!" This is called "Being Professional"

Focus only on what you are trained to do! When the bank robbers returned home, the younger robber (MBA trained) told the older robber (who has only completed Year 6 in primary school): "Big brother, let's count how much we got."

The older robber rebutted and said: "You are very stupid. There is so much money it will take us a long time to count. Tonight, the TV news will tell us how much we robbed from the bank!" This is called "Experience" Nowadays, experience is more important than paper qualifications!

After the robbers had left, the bank manager told the bank supervisor to call the police quickly. But the supervisor said to him: "Wait! Let us take out \$10 million from the bank for ourselves and add it to the \$70 million that we have previously embezzled from the bank". This is called "Swim with the tide" Converting an unfavorable situation to your advantage! The supervisor says: "It will be good if there is a robbery every month." This is called "Changing priority" Personal Happiness is more important than your job". The next day, the TV news reported that \$100 million was taken from the bank. The robbers counted and counted and counted, but they could only count \$20 million. The robbers were very angry and complained: "We risked our lives and only took \$20 million. The bank manager took \$80 million with a snap of his fingers. It looks like it is better to be educated than to be a thief!" This is called "Knowledge is worth as much as gold!"

informing the wife. She received notices from public authority to vacate the residential quarters. She sought under RTI whereabouts of her husband, which was rejected as 'private' information cannot be disclosed. She won an order by CIC to public authority to disclose the location. The process of criminal justice cannot even begin if you do not know the address of the wrongdoer.

There are three stake holders in Criminal Justice- victim, complainant and accused. The state has a very onerous responsibility of investigating, prosecuting, punishing and preventing crime with better governance systems. Broadly the state includes the courts of justice, which comprises of lawyers, who are considered officers of court, but they always try to protect interests of client and rarely assist court to arrive at justice. It is known that every lawyer works only for fee; investigators and judges are government employees. The pay is not related to performance.

Accused has several rights-procedural rights, human rights, constitutional rights etc; legal protection to them is directly proportional to their black money. The complainant is a poor guy who will be soon disillusioned for having complained. The victim remains victim and will be complaining, though most of times they do not report, because of faith factor. If victim chooses to be a witness, he will be terrorized by the criminal justice system. There is no surprise if he lands in jail for contempt of court² . It is a surprise if he survives³ . The victims and complainants are trying to use RTI Act to make the system to act and reason out for their action, if any. They are asking why and when.

An accused if not gone in appeal, ends up in prison. The RTI is now a tool to know about many aspects of the governance of jail, which are not known otherwise. The RTI is exposing the systems, actions and inactions in institutions. It is stirring up every system and institution.

2 eg. ZaheeraShaik

3 eg. A police constable, who complained about Salman Khan's mowing down with SUV car.

This is an attempt to trace the origin of access to knowledge/information, law and justice, and looked at happenings now, with my humble experience as student of law in CIC.

Undoubtedly, the transparency is the need of the present day system. From the ages the justice delivery was done in open. It is public trial, never a closed one, in camera is an exception. Legislature is less open compared to Judiciary; the Executive remained within closed doors even in a democracy. Now with the strength of the RTI, citizen is trying to push the windows open.

Monopoly over knowledge and Ignorance: When Patricians in Rome monopolised the knowledge of the laws, the Plebeians suffered from ignorance⁴. There was conflict and struggle for the access to knowledge of the law that led to first codification of the law in 450 BC in Rome called the 'Twelve Tables'⁵.

The codification of law is a mechanism by which the law is published so that everyone knows what the law is. In England Jeremy Bentham⁶ was crusader for codification of the laws.

4 The Twelve Tables of Roman Society were said by the Romans to have come about as a result of the long social struggle between patricians and plebeians. After the expulsion of the last king of Rome, Tarquinius Superbus, the Republic was governed by a hierarchy of magistrates. Initially, only patricians were eligible to become magistrates and this, among other plebeian complaints, was a source of discontent for plebeians. In the context of this unequal status, plebeians would take action to secure concessions for themselves using the threat of secession. They would threaten to leave the city with the consequence that it would grind to a halt, as the plebeians were Rome's labour force. Tradition held that one of the most important concessions won in this class struggle was the establishment of the Twelve Tables, establishing basic procedural rights for all Roman citizens as against one another (du Plessis, Paul (2010). Borkowski's Textbook on Roman Law (4th ed.). Oxford. pp. 5–6, 29–30).

5WW Buckland, A Manual of Roman Private Law, 1928, pp 1-2

6 Jeremy Bentham [4 February 1748 – 6 June 1832) was a British philosopher, jurist, and social reformer. He is regarded as the founder of modern utilitarianism. Bentham defined as the "fundamental axiom" of his philosophy the principle that "it is the greatest happiness of the greatest number that is the measure of right and wrong". He became a leading theorist in Anglo-American philosophy of law, and a political radical whose ideas influenced the development of welfarism. He advocated individual and economic freedom, the separation of church and state, freedom of expression, equal rights for women, the right to divorce, and the decriminalising of homosexual acts. He called for the abolition of slavery, the abolition of the death penalty, and the abolition of physical punishment, including that of children. He has also become known in recent years as an early advocate of animal rights. Though strongly in favour of the extension of individual legal rights, he opposed the idea of natural law and natural rights, calling them "nonsense upon stilts".

Table I	Procedure for Courts and Trials
Table II	Trials, continued.
Table III	Debt
Table IV	Rights of fathers (paterfamilias) over the family
Table V	Legal guardianship and inheritance laws
Table VI	Acquisition and possession
Table VII	Land rights
Table VIII	Torts and delicts (Laws of injury)
Table IX	Public law
Table X	Sacred law
Table XI	Supplement I
Table XII	Supplement II



Right to Information and Right to Presumption of Innocence

Transparency is the hallmark of criminal justice administration. This is based on the cardinal principle of criminal justice system that accused should be presumed innocent. It translates into the right of the accused to know the charges, evidence and witnesses and the right of the people to know and witness the trial. Always the trial in courts of law is public trial, whether it is civil, or criminal or appellate proceedings. Because of this presumption of innocence, the burden to prove guilt in public always lies on prosecution alone. While this principle reiterates accused's right to information another rule of public trial gives the people, though unconnected, right to information, since the crime is a wrong against society in general. Right to information is inherent in criminal justice system from the level of complaint (FIR) to the final judgment or execution of any punishment. This 'public' nature of the trial protects public interest and helps justice to prevail. The decision makers will fear adverse public opinion for any wrong decision.

As per the established norms of substantive and adjective justice the prosecution is based on the premise of presumption of innocence of accused and that he should get sufficient opportunity to present his case to establish his innocence, while it will be the constant endeavour of the prosecution to establish guilt beyond reasonable doubt. There is an inherent right to information to the accused about the prosecution. Nothing to establish his guilt should be done in the back of accused. Accused is a citizen whose right to information cannot be deprived of only because he was charged with a crime. Besides the principles of natural justice, principles of criminal trial, the citizen acquired another tool, 'the right to information' to seek information held by authorities, pertaining to his 'charge' or 'trial' or 'punishment' etc.

The Digest of Justinian (22.3.2) sixth century provides, as a general rule of evidence: *Ei incumbit probatio qui dicit, non qui negat*⁷ — "Proof lies on him who asserts, not on him who denies". It is attributed to the 2nd and 3rd jurist Paul.

In the same way as Roman law provided, the Islamic law also established the principle that the onus of proof will be on the accuser or claimant. This is based on a Hadith as documented by Imam Nawawi⁸. The Hadith condemns the 'suspicion' as notified by Imam Nawawi.

"Presumption of innocence" serves to emphasize that the prosecution has the obligation to prove each element of the offense beyond a reasonable doubt (or some other level of proof depending on the criminal justice system) and that the accused bears no burden of proof⁹.

7 "Digestae Pandectae 22.3.2". Grenoble: Université Pierre-Mendès-France

8 Imam Nawawi. 1977. *An-Nawawi's Forty Hadith* (Second Edition English Translation by Ezzedin Ibrahim). Damascus: Holy Koran Pub. House, Hadith No. 33

9 Mueller, Christopher B.; Laird C. Kirkpatrick (2009). *Evidence*; 4th ed. Aspen (Wolters Kluwer), pp. 133–34.

English lawyer Sir William Garrow (1760-1840) has coined a phrase to explain this concept innocent until proven guilty¹⁰.

Deprivation of Right to life with due process

Presumption of innocence is thus a universal right, established over a period of time. The phrase “established procedure of law” used in Article 21 of the Constitution means the procedure emerged from the experience of good practices in criminal justice system such as presumption of innocence, only under which the life and liberty can be deprived. Thus, without this presumption, which has within it the right to information, the life and liberty guaranteed against deprivation.

Each of these right has an inherent right to information as part of right to know in wider sense of right to life. The public trial itself can be understood as the right of people to information about the trial of a criminally accused person. The crime being a social wrong, the society is interested in knowing the proceedings and the result.

Right to confront accuser

The 6th Amendment to the U.S. Constitution declared the right of the accused to confront their accusers. It says: In all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him. The 14th Amendment has made the 6th Amendment's right to confrontation applicable to state court as well as federal court.

This confrontation clause guarantees criminal defendants the opportunity to face the prosecution's witnesses in the case against them and dispute the witnesses' testimony. This guarantee applies to both statements made in court and statements made outside of court that are offered as evidence during trial. This principle essentially means that the defendant

¹⁰ Moore, Christopher (1997). The Law Society of Upper Canada and Ontario's lawyers, 1797–1997. University of Toronto Press.

has a right to cross-examine witnesses in order to challenge their testimony. Trial rules can shape or limit the manner of the cross examination, so long as those rules stand up to a confrontation clause analysis. This right is extended to forensic analyses also. These rights are important to make trial a fair trial. These rights of accused are essential because in a dishonest society, the powerful persons have enough chances to accuse an innocent. The chances are higher if criminals are in power.

Fair Trial and Access to Information

Using RTI to achieve ends of justice is the new dimension of the fair trial process. The RTI is now a significant supplementary right through which a citizen can explore the possibility of empowering himself, enabling to fight the charge, evidence collected and contentions to fight against conviction. The scope of opportunity to be provided to accused for fair trial is enhanced by advent of RTI. The public authorities or agencies which are entrusted with the duty of enforcing law, adjudicating the guilt, correcting the criminal conduct or working in the process of expiating crime by inflicting punishment of incarceration or enforcing the penalty including that of death penalty, are now under scrutiny of 'information' mongers and information adjudicators.

Possibility of misuse affecting fair trial

There is also possibility of misuse of RTI to hinder the fair trial. The accused or people interested in him or any other person may use the process of seeking information to delay or affect the fairness of the trial. They are filing multiple applications to build pressure against the officers who complained or presiding over inquiries. Information so obtained, if used for commenting upon the process of trial, like media-trial may have an adverse impact. Sometimes RTI is emboldening the wrongdoers and discouraging the courageous.

The citizens could now question the authority at every level of prosecution. Are they entitled to access to every stage of criminal justice system? A big question indeed! Can they seek copy of FIR and also ask for action taken report on FIR, demand why the investigation is done or not done in a particular case, reasons for dropping out some 'accused' and including some others, causes of delay, copy of inquiry report, disclosure of case diary, other related papers, chargesheet, evidentiary appendages to chargesheet, details of investigation or collection of evidence, the information about the process of trial, i.e., everything about paper work or reporting aspects etc. The process of investigation and prosecution are out of bounds for disclosure in respect of information requests as per the law. When various officers in Home Ministry, police authorities, prosecuting agencies, offices of public prosecutor, criminal courts, Higher courts, etc., are 'public authorities' under RTI Act, endowed with responsibility of sharing 'information' with 'citizen', whether accused or not, except under circumstances provided under law, overriding the provisions of Official Secrets Act, the RTI helps accused to prepare well and equip better to face the challenge of prosecution. Transparency in criminal justice is the strength of the fair trial and foundation of defence in the process of adjudication of guilt.

RTI for Fair Trial

With the advent of technology, skills and VVIP profile of crime, the investigation system should also gain higher standards of professionalism. It also needs to have adequate logistic and infrastructural support besides technological aids. Malfunctioning in 'administration' or 'mismanagement' or 'bad governance' areas of criminal justice should give rise to number of RTI challenges. Though the RTI request is just a demand for information, that demand itself threatens the ill-administrators

or managers¹¹. Any RTI request questions themal functioning and also exposes it.

Fair Trial vs RTI Trial

Still, the negative side of it cannot be ignored. One cannot allow the trial by RTI parallel to the criminal trial. As I am dealing with the second appeals arising out of RTI requests made to Delhi Government, Ministry of Law and Justice, Ministry of Environment and Forest etc, I am getting the opportunities to deal with various cases involving questions about criminal justice from the level of FIR at police station, investigation, post mortem, adjudication (Courts) of appeals, sentencing and execution of sentences at the Jails. They are revealing the dynamic interplay between RTI and Criminal justice institutions from various stakeholders like accused, convict or under trial prisoner, which need to be further researched.

The RTI is giving access to information held by various public authorities of criminal justice system like Police, Prosecution, Criminal Courts, Jail Authorities, and Ministry of Home etc. The access law has inherent

restrictions on the right to information of a citizen. One of exceptions discourages disclosure of such information which could interfere with the process of investigation and prosecution. Of course, the RTI cannot be used to either directly or indirectly affect or influence the fairness of the process of prosecution, which is the fundamental right of the accused, but every person who lost a case in the court of law feels he has right to know why injustice happened to him.

Besides the explicit restrictions within the legislation, an unwritten command is that none can dent the supreme institution of judiciary affecting its independence. Seeking information itself is a public affair and disclosed information is discussed in media and civil society including

¹¹ <https://indiankanoon.org/doc/570038/SurupsinghHryaNaikvs State Of Maharashtra, 23 March, 2007, AIR 2007 Bom 121>

social media. Disclosure, exposure, discussion and debate will have its natural impact on the minds of the judicial or investigating authorities. The media-trial is already being debated as a factor that might seriously influence the independent-guilt-establishing process. If the information law can lead to debate on a particular issue which is pending adjudication, it will be difficult to erase the 'influence' from judicious minds. One thing to remember, in this context is neither the information nor news, but is 'evidence' and hence that cannot influence the minds. Information certainly could be a clue, which might help probe in another angle. The process of gaining access to information should enhance the possibility of obtaining justice through justifiable means without affecting the independence of judiciary and fairness of the trial.

Criminal Justice Administration will be more effective, if transparent.

From enactment of law to its enforcement, except the process of investigation & personal discretion of judge, every phase of criminal justice administration need to be in the accessible form. The law is in public domain. From the proposal to final enactment, each clause needs to be debated. For that it should be known to every person.

Access to text of law

A law student wanted to know the readable text of an Act for studying. He sought it under RTI from Ministry of Law and Justice. It was not available for them also. There was no serious and sincere effort by the PIO. During the trial it was revealed that most of the law is not available in readable form. The Government has addressed it and sanctioned a project. It might take several years to complete digitization of all legislations¹². The law should be available at no cost or lesser cost¹³.

¹² Delhi High Court WPC No 4761/2016 Union of India vs VamshSharadGuptha, student of NLSUI Bangalore

¹³ First of all official copy of the Constitution of India, updated should be made available in all languages.

State has to compile the laws and make it available. There is no official copy of updated CPC. If you ask they will give original enactment half century ago and more than hundred gazette notifications. Private publishers are making money by selling law to citizen. Common man does not know the law. He has to depend on lawyers. Law knowing professionals exploit legal illiterates. They do it both legally and illegally also. Lawyer's exploitation of clients continues because: a) Law is ambiguous, b) Law is in foreign language, and c) Law is not accessible. How do they follow the law, if they do not know it or have chance to know it? Even for English knowing people the law is mysterious.

FIR and Charge-sheet

FIR and chargesheet are documents held by Police investigators. Generally FIR is made available. Can Charge-sheet be shared similarly? It was a challenge before me in one of the second appeals. The CrPC does not allow the absolute access to chargesheet even to the accused. Can any have access to chargesheet filed against anybody? Is it third party information or a confidential document? As per RTI Act, charge sheet or FIRs are documents subject to RTI, which means Section 8 also will apply. Privacy and national security could be possible restrictions. If charge-sheet contains the private information of other persons, it can be denied to that extent. The PIO can neither deny charge-sheet copy enbloc nor give it enbloc¹⁴. He has to examine disclosability in the wake of exceptions. Generally the criminal charges and complaints have to be discussed in the public. If public servants like politicians and top officers either victims or accused are facing charges, access to that information will serve public purpose. The investigators into Rajiv Gandhi Assassination discussed their clues in public and the responses helped them to track the criminals and establish the crime¹⁵. It is true that under

¹⁴ Usha Kant Asiwali v Directorate of Vigilance, GNCTD, CIC/DS/A/2013/001754-SA, 3.11.2014

¹⁵ See First Human Bomb, by forensic science expert Prof. P Chandrasekharan

RTI the process of investigation cannot be accessed, but if investigators think it is proper, it can work. Phase of prosecution is open. Anybody can be present in the court of law. That is now restricted because of space and security issues. In camera proceedings is a valid exception to open trial.

Notary registers and medico-legal reports

A victim of fraud wanted the extracts of notary advocate's register to know the origin of the document and persons associated with it¹⁶. Forensic determination of age of paper and the purchaser's identification are vital clues that could translate into admissible evidence. An accused sought cctv recording in the outskirts of court, to establish how he was assaulted by supporters of his estranged wife. It might expose some real issues which could decide either guilt or innocence. Similarly demand for forensic reports from the lab and medico legal reports¹⁷ or post mortem reports from hospitals, is increasing. Sometimes one may require his/her own medical reports, which cannot be denied¹⁸. The advocates of jailed accused are repeatedly filing RTI applications with scores of questions which they would like to pose during cross-examination. Only mediocre advocates resort to such foolish misuse of RTI.

Sanction for prosecution

There was a strong agitation for file notings under RTI regarding sanction granted for prosecution of the public servants in corruption cases. CBI denied it saying it obstructs prosecution¹⁹. Denial is not legal. How can that obstruct prosecution? It is right of accused to challenge the sanction. How can it be denied?

16 Nandlal v PIO, Department of Legal Affairs CIC/SA/A/2015/001769

17 Satbir Singh v Rao Tula Ram Memorial Hospital, CIC/SA/A/2014/000072, CIC/SA/C/2014/000408

18 NishaPriya Bhatia v Institute of Human Behaviour and Allied Sciences GNCTD

19 CIC/SM/A/2015/001081, Gulab Singh Rana v CPIO Indian Overseas Bank & DSP, CBI, June 2016

Administrative aspects of criminal justice

The trial work is affected with constant vacancies in the posts of judges. It is estimated that always at least 30 per cent of posts are left vacant. That means 30 per cent of criminal cases do not go on. Accused will get bail because trial does not begin within 90 days. Vacancies will result in delay, which cause decay of justice and increase in the crime. The RTI in the hands of active citizen has enough potency to question the non-filling of vacancies.

The superintendent of court is expected to maintain court records in a proper way and it should be accessible to the people. They cannot deny because seeker is not a party. However, the court record is subject to Section 8 and 9.

An accused in a family crime in Delhi is living in Bangalore, from where he wanted to know the proceedings of the court through records under RTI. Some simple demands of information was given²⁰ , but umpteen number of questions regarding the complainants cannot be entertained. But if someone could not be present in the trial, can have access to the files through RTI.

Major limitation on the demand for information is the process and judicial process. The judgment whether reasoned or not is the end of the trial and nothing more could be asked about judgment under RTI. Somebody asked for stenographer dictated copy of judgment and another wanted the raw material for PhD thesis.

Extra detention and Jail life

Some of the prisoners are using RTI to secure strict adherence to Jail Manual, specifications of food, health care and conditions in the prison. This is general governance of prison. But there is a very important justice

²⁰ Vijay Prakash Gupta v Dwarka Courts, CIC/SA/A/2014/000319

related question. RTI for miscalculation of remission and extra-detention is significant. Recently one convict collected documents to authentically find out remission dates and other information and tried to establish that he was detained beyond date of release. The prison authorities do not have any mechanism to compensate the prisoners for extra detention.

Rudulshah was arrested for suspected theft and trial went for a long time. He was acquitted. But he was not released due to mismanagement or non-communication. Somebody filed a PIL which revealed that he was in prison for more than 14 years after acquittal²¹. Recently Chattisgarh High Court granted Rs 50000 compensation to two prisoners who were detained for 113 days more than the date of release²². Article 21, international conventions, Human rights and basic criminal justice rules demand payment of compensation as remedy for breach of his right. When he asked about what is the remedy, the department said the victim has to go to court of law and secure an order for compensation²³. It is both question of administration of jails and also the issue of criminal justice.

Communication of execution information

In another case, issue before the CIC was whether family of convict who is sentenced to death was informed the date of execution²⁴. When the prison rules mandate the communication of such information to family of the convict, anyone can question the duty.

Transparency prevents the bad administration and corruption of people and systems. Publicity is a kind of security. Publicity is also insecurity when it exposes wrongful deeds.

21 [https://indiankanoon.org/doc/810491/Rudul Shah v State of Bihar](https://indiankanoon.org/doc/810491/Rudul%20Shah%20v%20State%20of%20Bihar). 1983 AIR 1086,

22 WPC Cr No 29/2014 Sunder Patel & Anr v The High Court of Chattisgarh

23 See order of CIC in CIC/SA/A/2016 in OP Gandhi v Tihar Jail, decided on 29.9.2016

24 Paras Nath Singh v Tihar Jail, CIC/SS/A/2013/002083, decided on 1.10.2014

Sovereign function

Delivering justice is not only sovereign but also a divine function. It should be done in all its purity and serenity. From the beginning the criminal justice system was kept open and functioning in public. Dispensation of justice is considered a sovereign function. I remember to have read Chandamama (Chand- who is called a maama) a very popular magazine for children. It has very interesting single page stories. King will be doing justice in his royal court. Maryada Purushottam Sri Ram was having a hanging bell at the front his residence. Ringing it was filing of a writ petition or filing a plaint.

Open trial is the universal character of criminal justice delivery system. Over a period of time the secrecy shrouded the criminal justice administration system.

Criminal justice system means a system dealing with post investigation stage - prosecution and punishment. Management of these two systems shall be transparent, which is now happening with RTI.

These are adjudicatory aspects of criminal justice. The administrative aspects are not known to the public in general. The judges as administrators or as registrars, or their offices are not as transparent as they should be. If the courts direct the executive to be transparent, it should apply to courts in their administrative aspects also, because that will be their executive wing. For instance, leaving vacancies in the position of judges, transferring cases to different courts in administrative capacity, granting or rejecting leaves to judicial officers, long postings of cases to different dates (large adjournments) etc.

The courts should disclose the facilities they have for the seekers of justice. Because advocates are organized and other employees have unity, the administrative heads of the courts are compelled to provide the facilities they required. The clients or seekers of justice, whose fees

happens to the source of the survival, are ignored because they are not organized.

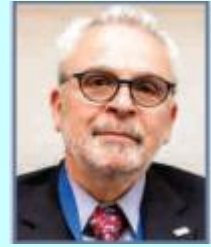
The holders of legal or procedural knowledge have a crocodile hold on the ordinary person in need of justice. The rich and powerful clients, corporate litigants get more attention, priority and hearing while the others are ignored or neglected or deprived of. The Courts do not have any 'citizen's charter' or client's charter to tell them what will happen to their case and when. Until that day when the administrators of courts – from taluq courts to High Court to Supreme Court disclose the clients that a hearing of a case filed today will commence and conclude in a timeline, the governance of the administration of justice system cannot be claimed to be 'good'. If RTI demands such governance from all other systems, it also demands the same from the courts of law. Thus the RTI Act has added a new dimension to criminal justice administration and the openness of the trial. Openness brings fairness to the trial. It should lead to justice. (Reprinted from Vigeye Vani Issue November 2016. Prof. Madabhushanam Sridhar Acharyulu the then Information Commissioner, CIC)



“ It is a fraud to borrow what we are unable to repay.

- Publilius ”

Anti-corruption, Collective Action and Some Lessons from the Global Experience



**Dr. Nikos
Passas**

Professor, Northeastern University
School of Criminology and Criminal Justice
Co-Director of Institute for Security and Public Policy, NU
Visiting Professor, Basel Institute of Governance

The effects of corruption are well established, especially in an unfair form of taxation on business, demoralization of society, brain-drain and damage to economic development. Global community has made a substantial investment in human and financial capital in the last decades. The results, however, have not been close to our lofty expectations. We need to pay attention to disappointing data coming from around the world, learn the lessons, draw on the positives and engage in collective actions, ensure they are sustainable and work on growing and scaling them towards more integrity and accountability in business and government.

A comprehensive normative framework has been created with regional and international conventions, such as the OECD convention against bribery of foreign officials and the comprehensive, nearly universal UN Convention Against Corruption (UNCAC). National laws have been mushrooming, including some with powerful extra-territorial application, such as the US Foreign Corrupt Practices Act and the UK Bribery Act. These are supplemented by soft law (FATF Recommendations) and self-commitments, strong voluntary commitments (e.g. the Anti-Corruption Action Plan for Asia and the Pacific) and a host of good practice papers (e.g., the OECD Good Practice Guidance on Internal Controls, Ethics, & Compliance of 2010) and principles or other guidance (e.g., from the

International Chamber of Commerce, the World Economic Forum, the UN Global Compact, NGO initiatives). A new ISO standard is now introduced specifically against bribery (ISO 370001) that is likely to lead to additional certification programmes and services. So, there are plenty of legal texts, principles and documents.

Because of the obvious connections between the anti-corruption agenda and those of good governance, rule of law and sustainable development projects, significant funds have been allocated, including a growing, multi-billion dollar technical assistance and consulting cottage industry.

One would expect good progress with this big investment. Yet, whatever metrics one decides to employ, the results are not so good. Corruption laws and measures have often been used against the opposition rather than across the board. In many instances, authorities go after lower-level officials, while kleptocratic practices continue and high-level officials enjoy impunity. Many reforms have led to unnecessary bureaucracy, complexity and red tape adding to incentives towards circumvention of the rules rather than legitimacy and credibility. Compliance at state and business levels are more about check-the-box approaches and literal interpretation of rules rather than focus on the ultimate objectives presumably served by the rules.

Perception data trends worldwide are flat or downward, especially even where activity has been rather heavy (e.g. in Africa). Global Integrity points to serious gaps in implementation of laws and measures. The World Bank Institutes governance indicators are also flat when it comes to rule of law and anti-corruption. One would expect that the ratification of the UNCAC would be accompanied by improving results, but these are actually negative. The same applies to the introduction of specialized Anti-Corruption Agencies, some of which are born in the aftermath of scandals and crisis, enjoy popularity at first, raise expectations, but make promises they cannot keep, decline, lose powers or get abolished.

What accounts for this frustrating situation? For one, political will is not always genuine. Many efforts do not benefit from a proper diagnostic of the particular country or regional problems and recognition of root systemic problems. A lot of initiatives come from the top or from outside the country rather than from multi-stakeholder participation and contributions. As a result, a good deal of the changes are “off the shelf” and 'passe-partout' ideas despite the rhetoric of individualization and respect for country special conditions. There is a distinct lack of strategic approaches that can guide the multi-year effort that it takes for true social change. Law has been thrown at the problem, as if legal and regulatory changes were enough to bring about the desired societal change. Educational institutions have not provided adequate support for the promotion and maintenance of a culture of integrity.

Consequently, resources are being wasted, efforts are unsustainable, while successes prove to be temporary and reversible. This undermines early optimism, legitimacy and credibility of the overall endeavor. This is what academics must counter in concert with the state, business and other stakeholders in the following ways.

Firstly, through capacity building. This means raising the social awareness about the problems, standards and policies or measures that are currently in place. Developing and applying methods to assess and respond to external or other evaluations. Engage in research for knowledge production and distribution. Get together and brainstorm on teaching practices, readings, cases, case studies, methods, use of technology for the creation of skills required for the effort towards integrity and accountability. To some extent, this may entail training the teachers and the professors. Certificate programs and executive degrees for public and private sector, such as those offered by IACA are also to be drawn on as well as national university undergraduate and graduate degrees.

Secondly, by contributing to the sustainability of efforts. This means, adding to continuity through cohorts and generations of students that will staff business and government organizations. Emphasizing values and ethics in courses and trainings that build a culture of integrity – affecting attitudes as well as future behavior. Teachers touch the youth and can change the future, as students will become leaders and cadres. Importantly, scholars can assist with the construction of a national or regional strategy based on research and the active involvement of all stakeholders.

Thirdly, explaining and emphasizing the importance of the local/national context. We know that there are different manifestations, types and causes of corruption. We need to focus on the main features of corruption at home – from bribery and extortion to the abuse of power, clientelism, favoritism, and conflicts of interest. Contextualization will draw on history, culture, current practices, sociology as well as economics and political science. This will yield an articulation of national or local specificities and priorities. We can visualize the effects of corruption and impunity, stimulate innovative thinking, instill hope and inspire students for involvement and initiative. Strategy will thus be better grounded in evidence and deep understanding and will unfold in stages reflecting the local preferences for sequencing and timing.

Fourthly, through independence. Academic tenure and job protection serve to ensure we tell it like it is and engage in constructive, well meaning criticism of existing arrangements and identification of vulnerabilities and areas for improvement. Through the cultivation of a critical spirit, constructive feedback, reasoned arguments and innovation, we can produce evidence-based dialogues, informed interactions among stakeholders and solid policy making. This is conducive to an enabling environment, richer resources and pragmatism.


Finally, communication and spreading of alternative approaches, good practices, lessons learned, successes that can be replicated and identification of new challenges and targets for the next steps is another function to be performed by academics, who teach, train, publish, organize conferences and travel with their message around the country and the world to constantly learn also about new laws, solutions, challenges and ideas.

There are good ideas that need to be studied. India has given to the world some examples: participatory budgeting in Kerala and Pune, the website [ipaidabribe](#), etc. Collective actions projects provide some other examples the successes that may be replicated in other sectors or regions. The usually cited types of collective action bringing business and other stakeholder together are anti-corruption declarations, principle-based initiatives, integrity pacts and certifying business coalitions. Collective actions can complement regulation, set further anti - corruption standards, bring the private sector and government together, support participants in cases of bribe extortion, offer training, certification and continuous guidance for outcome-focused activities that may change routine practices and make a difference on the ground.

So, academics can be among the toolmakers and manufacturers of sustainable anti-corruption and development, offer inspiration and stimulus for positive action and change, become the conscience of public and private officials as well as of members of non-governmental and international organizations. This can be the spring of well-founded hope for a better future. At IACA, we wish to make our own contribution through basic research, seminars, workshops, involvement in ongoing and fledgling collective action initiatives and the introduction of a brand new executive MA degree catering to the needs of compliance officers, especially in the private sector. Some of the most valuable features of this programme include: 1) the integration of several elements of the compliance functions, which are often treated in an isolated or

fragmented manner;2) a strong emphasis on the centrality and vitality of a values-driven compliance programme and of a robust ethical organizational culture;3) an in-depth discussion of collective action and initiatives that can be considered by the private sector, even where the state or other stakeholders are unable or unwilling to take the lead for integrity; 4) a combination of lecturers from leading scholars, successful compliance executives with more than ten years' of experience, and officials of standard setting organizations and 5) formation of genuinely international and multi-disciplinary group of teachers and students. Details and further information are available at [www.iaca.in]. Dr. Nikos Passas is a Professor of Criminology and Criminal Justice, Co-Director of Institute for Security and Public Policy at Northeastern University; Visiting Professor, Basel Institute of Governance; Chair, Academic Council of Anti-Corruption Academy, India; Editor of "Crime, Law and Social Change: an International Journal" and Head of UN Sanctions Implementation Legal Review Services, Compliance Capacity and Skills International (CCSI).

(Reprinted from Vigeye Vani Issue November 2016)



*Integrity without knowledge is weak and useless, and
knowledge without integrity is dangerous and dreadful.*

– Samuel Johnson

Public Participation in Promoting Integrity and Eradicating Corruption



Dr N Ravichandran Dr Sundaravalli N
IIM Ahmedabad IIM Ahmedabad

Introduction

India is a (60 year old) young and emerging democracy. It has a political vision, adequacy of critical resources to emerge as the most vibrant and powerful democracy in the world. However, there are several challenges that need to be addressed to gain such a pre-eminent position in the global context. They include complexities associated with providing equal opportunity to every citizen, managing inclusive growth and eradicating corruption in public life.

We have come a long way from declaring corruption as a global phenomenon to endorse and support political leaders who promote transparency in public life. The Indian public is constantly looking for political leaders who can lead the country to prosperity without the traps of corruption in public life. From silent suffering of corruption, the Indian republic is actively debating the need to create a corruption free society. This debate is somewhat muted and is not as loud as it should be.

The issues related to growth and inclusiveness are all conceptually settled if not at the implementation level. The debate and discussion on corruption and integrity are not well orchestrated. To amplify our observations, we would like to draw the attention of annual investment summits routinely hosted by Indian state governments. The social sensitivity issues related to inclusive growth even in the context of BIMARU states has been increasing and encouraging. Widespread corruption in public life (projects sponsored by state) with a focus on support

development is a matter of perpetual discussion in public media. Intolerance to corruption by general public is palpable. Political leaders sense this and redefine priorities of their political parties, explicitly promoting transparency in public life and vow to eradicate corruption in public life. Still there is a long way to go.

To enhance transparency in public life in the Indian context, we need to encourage higher accountability, effective judicial mechanisms, encourage and mobilize public opinion against corruption, support whistle-blower policies, enhance transparency and active public participation in policy formulation and implementation. In this opinion article, we focus on the role of public participation in promoting transparency in public life and hence reducing corruption.

Corruption: Fee for an alternative form of Governance

The following contexts are well-known and illustrative. They indicate the extent of corruption in public life which is either accepted or thrust upon public.

- Every hawker on the pavement of public roads in Indian cities pays routine protection money to various government entities to run his business.
- Routine approvals and permits for construction of houses by an individual Indian citizen require an independent license fee to be paid to the related entities.
- Innovative concept of shared taxi / auto introduced in several Indian cities needs the blessings of the concerned department which is offered for an explicit consideration.
- Inter-state travellers (using tourist vehicles with permit from either origin or destination state) need to pay speed money at the relevant check-post en-route to minimize harassment and delay.

- Access to public health facilities requires an additional fee. There is no guarantee for the quality of care.
- Access to higher education in private professional educational institutions requires additional payment other than the prescribed fees.
- Awarding contracts is influenced appropriately for additional considerations.
- Welfare schemes launched by the state routinely provide additional source of income to intermediaries. As they say, there is a revenue opportunity in drought and a bigger one in flood.

The above illustrations reaffirm the deep rooted malaise in our public life. This can be explained by the complete failure of the government systems in providing quality services at an affordable price. This is compounded by poor legislation, indifferent bureaucracy and fractured judiciary. The power hungry political parties add fuel to the fire. The common man has no option but to purchase the products and services as per the terms and conditions decided by the system. In this backdrop, we would like to explore the possible role of public participation in promoting transparency and eradicating corruption from the public domain.

The Logic of Corruption

The political dispensation sets the tone for effective and efficient formulation and implementation of public policies. The bureaucracy and the judiciary, by and large, work in consonance with the expectations of the elected representatives without severely compromising their respective independence. The political leadership has a well-defined fixed contractual term of five years. Therefore there is a need for the political leadership to get re-elected (re-employed) once in five years.

Mobilizing public opinion in favor of a political party is an expensive proposition and requires deployment of significant resources. Every political party attempts to create a brand and nurture it. Usage of information technology in managing the affairs of a political party during, before and after elections is routine and expensive. It has become a norm for political parties to patronize thinktanks to propagate their chosen ideology. All these require huge resources. When there is a compelling urge to return to power, innovative means are found to mobilize resources.

There is a paradigm shift in the outlook of political parties and their leaders in pursuing a political career. A career in politics immediately after independence was considered to be an opportunity to serve the country and improve the quality of life of fellow citizens. From this we have moved on to a situation where a political career is like any other business focused career. Growth in a political career is influenced by the magnitude of resources that can be mobilized and deployed. While this is a general picture, there are few exceptions. How can this situation and its consequences in public life be changed? What is the role of common man in developing appropriate interventions to change this?

Community Action Centers

It is evident that the bargaining power of a common man against the state or a system is marginal. Often a common man needs a product, service or protection from the system. In the absence of adequate redressal mechanism with or without judicial intervention, a common man has no option but to surrender to the features of the system and go with the flow. He is concerned with the immediate cost, time and business implications of not following the flow of the system versus the ease with which the operations can be carried to his favor by surrendering to system demands. Expecting him to initiate action by which the system can be changed is unrealistic (unless he is a Super human). Occasionally, such

persons file formal complaints for appropriate resolutions of their issues to the competent authority. The potential consequence of such complaints is an opportunity for the system to gauge and understand the areas of improvements.

Communities can possibly play a greater role in resisting corruption practices in matters of common interest. The impact of such efforts is decided by the weakest link in the community. Local leaders with good intention and impeccable reputation can play a vital role in modifying/correcting or restoring a balance in systems which has bearings on the day to day activities of the relevant community members. However the larger system which is used to do things in its own way is likely to resist such a change to a better system (which of course is against national interest!) or in the least would attempt to restrain and control the influence of such affirmative community actions to protect their vested interest.

Swift penal actions by the state are likely to have a significant influence in promoting transparency in public policy and implementation space. The slow judiciary, lack of political will and possible victimization hampers rapid progress in this direction. The Right to Information Act (RTI) is a baby step towards an informed society. This needs to be strengthened by appropriate enabling provisions including an effective and comprehensive whistle blower policy.

Corruption and lack of transparency in public space is a manifestation of greed of an individual for power, position and wealth. As said by Mohandas Karamchand Gandhi, "there is enough for everybody's need, but may not be sufficient to meet the greed of individuals". While enabling provisions, community actions, and adequate legislations can all play an important role in containing corruption, the real big change would happen only when individuals are able to manage their greed. As the former President Dr APJ Abdul Kalam would say, "The biggest

punishment for corrupt parents is rejection of them by their own children”; this is possible only when the younger generation is groomed with righteous thoughts in the context of individuals, community and society. The beginning for this should happen at the primary school and furthered by the secondary school education. At the higher education, righteous thoughts should be nurtured by (a) inspirational and motivational speeches and (b) extensive interactions with successful public personalities whose integrity is impeccable.

While punishment and penal actions delivered quickly, are effective deterrents to corruption, lot more will be achieved by inspiring young generation to lead a successful life based on a combination of righteousness and honesty. A simple way to achieve this is to celebrate the life and accomplishments of honest and successful people at various levels (village, blocks, districts and national).

There is a need at the village level to form community action groups, which can serve as a single focal point of contact to oversee development, project implementation funded by state and promote transparency in public life. This action group should celebrate lives of people who succeeded with integrity. It should also promote pro-actively the importance of integrity, honesty in individuals' lives and hence at the community level. It should also propagate and amplify the negative implications (of corruption) to individuals, the community and at the national level.

The community task force should potentially replace the governing bodies of the villages. Networking among the community action centers can bring about major changes in fielding and selecting elected representatives with a bias for integrity and transparency. Such a process would eventually bring titanic changes in the political dispensation. It is easy to conceptualize such thought processes but difficult to implement. In the

context of India, there is no choice, but to try some of these innovative ideas.

Conclusion

To summarize, corruption and lack of transparency is a consequence of individual greed. Unless it is addressed adequately, either by spiritual, emotional and legislative means, taming corruption and promoting transparency shall remain a distant dream. Just as charity begins at home, transparency should breed from home. If the elder generation is not ready to propagate these ideas, the younger generation should take the lead. Community action networks can play an important role in promoting transparency and curbing corruption. The common man will have a limited role in curbing corruption on his own. He needs to be protected by efficient systems of the state, bureaucracy and judiciary. A well-coordinated community action groups could eventually replace corrupt governance systems at all levels (fulfilling the dream of Mahatma Gandhi).

The network of community action groups would be the foundation on which India can identify honest political leaders to govern herself.

(Reprinted from Vigeye Vani Issue December 2016. The views expressed are personal and do not represent that of IIM Ahmedabad)



The Shadow over the one time Settlements of Bad Loans in Banks



Devendra Sharma

The menace of the NPA which had been lurking for the past decade and a half, has been aggravated for many reasons namely

- lack of sincerity amongst borrowers to repay, who gets loan after the loan waivers;
- a surge in infrastructure financing during the Indian growth era of new millennium;
- the economic down turn (post Lehman crisis);
- earlier derivative bubble burst;
- period of rampant ever greening of large loans via corporate loans and
- related camouflaging in the era post September 2008 for keeping up the bright picture of comfort in Indian banking system.

In the aftermath of aforesaid events, finally, all hell broke loose when during 2014 the Regulator passed strictures for cleansing of the balance sheets and AQR (Asset Quality Review) made it mandatory for all PSBs to declare the true and fair picture of the delinquencies in the stressed assets. This entailed huge additional provisions as many cases of hidden NPA surfaced. The profitability of banks took a nose dive, bourses and investors were abuzz with the topics surrounding NPA. Banks were under tremendous pressure which forced them to react and employ many ways for NPA resolution. One of the ways amongst many that were resorted to, was to reach **One Time Settlement** with the defaulting borrowers i.e. enter into a negotiated compromise settlement.

Arriving at an ideal compromise settlement in money matters is like a tight rope walking exercise and always remains open to scrutiny. On top of it , there are no clear cut guidelines from the Regulator for arriving at an OTS so it rests with the respective Bank's wisdom. The last indicative guidelines from Reserve Bank of India were for loans in SME sector for loans up to Rs.10 Crore issued in 2005. So the Bank's resorted to devising their own policies in this regard both for retail loans as well as loans to corporate sector, it is evident that there is no uniformity across the board in all banks. Thus, this situation makes the decisions questionable, leaving a lot of scope for scrutiny of the process undertaken and genuineness of the deals done.

It is understandable that a successful negotiation requires compromise from both sides. Both parties must gain something, and both parties must lose something. You must be prepared to give something up to which you believe you are entitled. You cannot expect to defeat your opponent or "win" a negotiation by either the power of your negotiating skills or the compelling force of your logic. This is not to say that good negotiating ability is irrelevant. In most cases, a range of possible outcomes exist. A skilled negotiator often can achieve a settlement near the top of the range. However, akin to street level negotiations, in most of the cases both sides after completing the deal always feel that it could have been better.

In cases of compromises done in courts of law, a judge is permitted to participate in negotiation as long as he or she acts as a catalyst, encouraging settlement but not taking sides. If the judge becomes too actively involved, he or she may become biased against a party who is reluctant to settle, disqualifying the judge from presiding further. Maybe, this is the reason that Regulator has shied away in finalising or participating in such compromise procedure.

The major considerations in a compromise settlement are the levels of vulnerability on either side. Particularly in case of Banks the matters considered during arriving at the decision of settlement are:

- The available legal means
- Quality and quantity of available enforceable securities
- The period elapsed since the default
- Reasons of default (in case of malafide, fraud, diversion with siphoning of money, wilful default, etc. the compromise settlements are not usually done)
- Genuine earning capability, business failure due various reasons
- Opportunity Cost

On part of the borrowers as well as guarantors, a compromise settlement is mostly to get out of the loan contract and avoid legal hassles either to make a fresh start or just to clean up the record. However, in many cases it is found that they want to take advantage of the vulnerability in the legal systems or enforcement of securities and in turn make profit out of the deal by paying much less than what is due to be paid by them. As the negotiated settlement is a contract, controlled by the law of contracts, it obliterates the earlier obligation bound through earlier contract. However, cannons of law provide that if the agreement was procured through fraud or duress, is based on a mutual mistake, or lacks consideration, it may be void. Therefore, if either party lies about the facts, misrepresents the law, or otherwise deliberately deceives the counter party in order to gain a bargaining advantage, the agreement reached is voidable.

Ethical Considerations

Several ethical questions arise constantly in negotiated settlements:

- Must negotiations be conducted in good faith, without deception or trickery?
- May the parties resort to cleverness and benign deception in order to reach a fair and just result?
- May the parties take advantage of weaknesses and mistakes by his or her opponent and accept an unjust settlement?
- May a party "bluff" during the negotiation game?

The answers to these basic ethical questions are far from clear.

Some people argue that negotiations must be conducted with truthfulness and candour, and that a banker ethically must seek only just resolutions.

As a thumb rule, "A banker while indulging in a negotiated compromise settlement should determine his conduct by acting in a manner that promotes public confidence in the integrity of the banking system and the banking profession."

The ethical prohibitions against making deliberate misrepresentations during negotiation are clear. Professional Conduct prohibits either of the counter parties (banker or borrower) from knowingly making a false statement of law or fact at any time. The rule provides no exception permitting false statements during negotiation. It covers not only false statements about the facts of the case but also false and misleading statements made to facilitate reaching a favourable agreement. Nevertheless, this is probably the most frequently violated ethical rule. In extreme cases even passive deception may be unethical. If you conceal facts that you know would cause your opponent to break off negotiations completely, and permit a settlement to be based on material false assumptions, you may have acted unethically.

A bank cannot negotiate a compromise successfully unless it understands it. Bank must be fully familiar with the facts, the controlling law, and the persons who are involved in it. Bank should have completed their

interviews, discovery, and research into the applicable substantive, procedural, and evidentiary facts, so that it can analyze the strengths and weaknesses of its own case and its opponent's. Bank must know the arguments that it would make about why bank is entitled to a verdict and exactly what damages are reasonably recoverable. In other words, bank must be ready for fair scrutiny.

Analyzing and understanding the case involves something other than creating arguments that might be possible if one can stretch the law or the facts. It cannot be done from an emotional perspective from which one attempts only to create plausible arguments favouring himself. One must first analyze the whole case objectively, as any regulator or overseeing agency/authority would see it later. Bank must be able to recognize where their case is strong, where it is weak, and what kind of a ruling it is likely to get from a questioning authority later.

The first step in negotiation planning is to set your bargaining range. The bank first needs to estimate the range of likely results if the case went for a later scrutiny. What is the best realistically probable outcome and what is the worst likely result? At this stage, it can safely ignore the remote possibility that an irrational overseeing authority would question something improbable. To set bargaining range, you need to establish the upper and lower limits. The upper limit obviously is your best case scenario. Setting the lower limit is a more difficult process. In consultation within organisation departmentally or by any internal empowered screening committee so authorised to deliberate, a bank must set a point at which it would rather take chances during negotiation than accept a settlement offer. To establish a realistic bargaining limit, bank must predict the likelihood of receiving a favourable amount and the probable amount of such a compromise, and the extra cost in keeping the issue pending. Here it is important to do a detailed cost benefit analysis of the offered amount, the factors of consideration mainly are the time factor through alternate means and probability of the success of the

alternate route. For the banks it is important to rationally evaluate the valuations of the security and also the enforcement of these securities.

Bargaining is not finished after the exchange of first offers; it has only begun. The negotiation will consist of a series of offers and counteroffers, arguments and posturing, as both parties cautiously make concessions that correspond to their uncertainties about potential weaknesses in their cases. Each uncertainty or weakness in a case presents an apparent risk; the amount of the concession depends upon the size of the apparent risk. Bank must rationally analyse and should determine in advance how much it will concede on each issue and how much compensation it will demand. It also has to be borne in mind that prearranged concession plan cannot be inflexible. As both parties may learn new information during the negotiation. If it becomes apparent that borrower has identified a weakness that bank had not considered, it may have to concede more than it had planned.

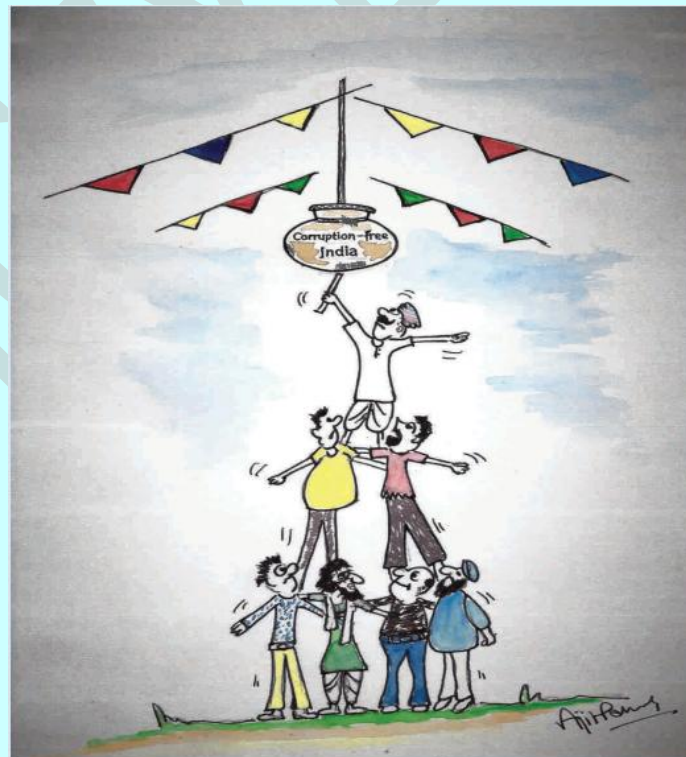
Formulating a concession pattern requires that bank make decisions about the size of the concessions it will make and the reasons for which it will compromise. Regulators stress the importance of advance planning about the precise concession points a bank will use. Remember that bank's agenda represents negotiations within negotiations. If bank is relenting and making concessions while borrower is stubborn or adamant, then bank can be seen as engaging in appeasement, not cooperative negotiation.

Other questionable aspects of negotiated compromise settlements are that when several banks are involved and as a mode of resolution only one or a few banks resort to this style of resolution. The time taken at arriving at a compromise will also be an essential factor to see if any favour or favouritism has been accorded. It will also be seen that compromise may have been done to get the exposure out of the books

thus out of sight to cover the tracks of any wrong doing in the sanction and disbursal of the loan.

It can be seen from above discussion that the aspect of OTS in banks, particularly in large value loan defaulters, is a tedious job and certainly will be under a lot of questioning at various times in current times and also later in retrospect. Hence, every decision is to be backed by verifiable facts and all the analysis done to arrive at the decision should be recorded and archived to withstand the test of the scrutiny at a later date. All decisions must be backed by proper screening process and the workflow of events must be well defined and strictly as per the laid down policy duly approved by the board.

(Reprinted from Vigeye Vani Issue September 2017. Sh. Devendra Sharm the then CVO, Bank of India)



“Corruption Free India”

“O, that estates, degrees and offices Were not derived corruptly, and that clear honour Were purchased by the merit of the wearer! ” – Shakespeare

Who are the greater criminals, those who sell the instruments of death or those of who buy & use them?

Corruption affects us all. It threatens sustainable development, ethical values & justice. It destabilizes our society & endangers the rule of law. It undermines our institution & values of our democracy.

Where do the evils of corruption originate from? It arises from the never ending greed. In the fight to build a corruption free society we have to fight against this greed & replace it with ‘what can I give’ spirit.

Corruption is the unethical conduct of people in authority. Helping children is very important in practical ground.

Increasing corruption is ultimately threatening the future of the children. It is often seen that, say, if a person wants to become a doctor, due to corruption in educational field, he, after completing his course may not like to render services if he is not given enough remuneration. It is often seen that the monetary funds provided by the government for the betterment of the poor are being funneled to the pockets of the officials involved. Due to this many poor parents fail to provide adequate food, shelter & education to their children. Many children, who otherwise might have proved themselves as an asset to the country, do not even get an opportunity to showcase their qualities. Often merited & qualified people, who are honest & do not like to get involved in bribing & unethical “Corruption Free India” Barun Kumar Class IX DAV Public School, Koyla Nagar practices are left unemployed, thus depriving expertise & knowledge of good individuals for practical application & thus interrupting the growth of individuals & the society. When

unqualified & undeserving individuals are given the posts, that they do not deserve, they start malfunctioning which ultimately leads to unwanted outputs. In societies cluttered by corruption, people often develop materialistic attitude. People run after money. The only motto of their life becomes to mint money anywhere. People lose human value like love, empathy, unity etc. A few people who are in authority & have an advantage of accumulating money are becoming richer & richer & the poor people who are paying huge amounts for bribes remain in poverty. This increases the rift between the poor & the rich. These leads to the development of envy, enmity & hatred between the people of haves & have-nots. Huge sanctioning of black money is ultimately leading to anti-social elements like terrorism which affects the national security. Today's children are tomorrow's youth. Youth are the pillar of our future. In order to make our country reach the open position, we need to invest in our children. The prime reason of India still being a developing country is corruption. To make our country corruption free & harvest intellectual minds, the societal members who can bring a difference are the father, teacher & the mother. Education in our country needs proper attention. Well qualified & deserving teachers must be recruited so that "O, that estates, degrees and offices were not derived corruptly, and that clear honour Were purchased by the merit of the wearer!" – Shakespeare 5 they can pass on their values to the children. Moral education must be made compulsory, right from nursery to the Masters level. The system of donation to get into schools & colleges must be stopped, only genuine people must be enrolled. Rich or poor, who commit any sort of crime, must be punished the same way. The accountability of officials must be increased. Anti-corruption programme must be initiated & corrupt officers should be blacklisted & barred from government projects. Corruption is like diabetes. It cannot be completely eliminated but controlled to some extent. Corruption is ingrained in our country. We need to figure out short-term & longterm methods to fight against it. Education is the most lethal weapon against corruption followed by good & transparent

governance. The Swachh Bharat Abhiyan started by our Prime Minister is not only cleaning of roads & garbage, it includes cleaning our souls. As we move ahead, the question arises that how long in corruption going to plague our country? It is very easy to be pessimistic. Nevertheless, this fact that there are even countries which were corrupt & now reformed themselves & are now enjoying benefits of a corruption free society & good governance. Singapore is a classic example! So let's all join hands & try to fight against corruption from the roots. APJ Abdul Kalam has said, that only if India frees itself from corruption, it can achieve its dream of being a developed country by 2020."

(Reprinted from Vigeye Vani Issue December 2017. Barun Kumar is the student of IX class of DAV Public School, Koyla Nagar)

**Honesty is the first chapter in the book of
wisdom.**

– Thomas Jefferson

What does it take to Create

An Ethical, Value-based Organisation?



Atul Kumar

Corporate indiscretion, wrongdoing and deviance are perpetually the subject of media attention these days and all around us. Scarcely a day goes by without revelations of a new organisational failing. Organisations in every sector of society- in India as well as across the globe- are regularly disappointing and frustrating us so far as the ethical grandeur is concerned. It is often difficult to understand and comprehend much of what we see as the shadow or dark side of the organisational behaviour. It intrigues and puzzles how highly dedicated, conscientious and capable middlerung executives or the brilliant, successful and powerful chief executives could go over the line and act in a manner as may potentially risk their jobs, their fortunes, their reputation, their families and their organisations. It defies logic.

How can this behaviour be explained? Why such accomplished executives fail to understand the long term negative ramifications of their actions? Does it happen just because of excessive greed, hubris, ambition, pressure from high-ups or the psychological aberrations? Or it is due to the phenomenon of a few bad apples? It is hard to accept that the people pursuing their careers right from the start with uprightness, integrity and honour suddenly decide to wander to the dark edges and start off committing wrongs. Perhaps, the inconvenient truth is that it is human predisposition that tends to hold such effortless factors responsible for engendering the organisational wrongdoings whereas the transgressions take place for want of an ethical compass to guide the behaviour of people. We are living in an increasingly volatile, complex, uncertain and ambiguous environment in which it is knotty to decide what the right thing to do is. Further, if an attempt is made to deep dive into

the nature of infractions in the corporate and banking space, it is noticeable that the failure of the managers or leaders to see the potential consequences of their choices- both personal and professional- is ostensibly inconsistent with the same personality and psychological traits that have brought them to the top and c-suite. Research shows that, in most of the cases, such infractions transpire inadvertently and stem generally from a lack of recognising or appreciating the possible consequences of certain actions. This is an intuitive, selfdeceptive and unconscious mechanism-known as ethical fading- through which even morally competent people are led to disregard the ethical consequences of a choice while facing the challenges of working in an intensively competitive financial world.

How can we encounter this ethical challenge and nurture a governance dynamics that promotes ethical behaviour in an organisation? Or for that matter, what does it take to create an ethical, value based organisation—workplaces where individuals treat each other with respect, behave with sincerity, take pride in their work, care about one another, foster accountability, keep promises, report wrongdoings and place the public interest over individual and organizational self-interest? It requires ó substantial time, resources, and commitment, which is not a small challenge. However, we must not forget that the search for excellence begins with ethics and the same is worthy of our effort. There is mounting evidence that in addition to the personal values of the employees, the organisational environment including the leadership, practices and ethical climate play a critical role in encouraging ethical conduct. The forces that are created in organizational situations- deriving from ethicsare consequential and powerful because they operate below the surface outside our awareness. More importantly, we need to understand these forces not only because of their invisible power but also because they enable us to create a frame of reference that synchronises with the organisational values. Every time a person chooses between

alternatives, the choice is based on the assumptions that lie at the heart of a moral template we choose for ourselves. This template is tutored in the values that provide us with a frame for principled reasoning and ethical decisions. Experts agree that, in an organisational context, an ethical environment must have three drivers that work together to encourage ethical behaviour. Ethical leadership, Ethical practices and Ethical climate.

What is the ethical leadership? It is about shaping the right kind of behaviours. In the face of dilemma, it is about doing the right thing. We can see the behaviour that results but not the values underneath that cause that behaviour. Values are the latent forces playing an enormous role to drive our behaviour. They exert influence over our attitudes and our attitudes influence our ethical behaviour. This connection between values, attitudes, and behaviour forms an ethical behavioural chain. In this process, it is important to recognise that first step of the ethical leadership to set the ethical tone from the top to mould the desired employee behaviours in the organization. A leader's behaviour or response in any given situation affects the future organizational behaviour in similar situations and thus strengthens or weakens its aggregate ethical content. For example, in case a star performer cheats on the expenses account and the leader ignores the cheating under the influence of high performance, the tendency to cheat would get strengthened among the employees. Organizational stakeholders, especially employees, desire to be led by those who have a moral operating system rooted in espoused values. Over time, this system serves as a model of ethics for the organization at all levels. Here, it is critical that the individual leader's response matches with his or her championed values, ethically anchored practices and stated behavioural standards. In ethics, actions speak louder than words and create a buzz at middle or junior levels. Consistent value-centered responses serve to build an ethical organizational behaviour. Established behavioural standards also help

highlight those areas that a leader- based on the current ethical condition of the organisation- wants to underscore as important in establishing a pattern of ethical behaviours.

As regards the second driver viz. ethical practices, a comprehensive ethics programme is needed to upgrade the ethical conduct of the organisational members. The basic elements of ethics programme calls for a consideration of the organisation's fundamental principles and philosophies, compatibility with the structures, systems and policies, and satisfaction of the ethical priorities of top leadership. Built on these essentials, an ethics programme can be developed with the following constituents: (i) A Formal Code of Ethics (ii) Formation of an Ethics Committee (iii) Appointment of an Ethics Officer (iv) Ethics Communication System (v) Ethics Training Programme (vi) System for Monitoring & Managing Consequences. Here, the Code of Ethics refers to declare formally the acceptable range of behaviours and actions for an organisation. It comprises of a written set of guidelines that executives and other employees must adhere to. A Board-level Ethics Committee must be established to supervise how morally business carries out its operations and also to demonstrate that ethical matters receive due seriousness. Then, the job of managing the ethics programme might be assigned to a dedicated individual selected for the purpose. Other dimension like Ethics Communication and Training Systems are significant too as Ethics is all about communication and education. Further, a suitable structure for consequences management should be put in place for the transgressors.

Having determined the current ethical condition of an organisation, after sharing the Code with the employees and establishing an ethical stance with the visible buy-in of the top leadership, targeted ethicalisation processes must be set in through undernoted six organisation-wide practices:

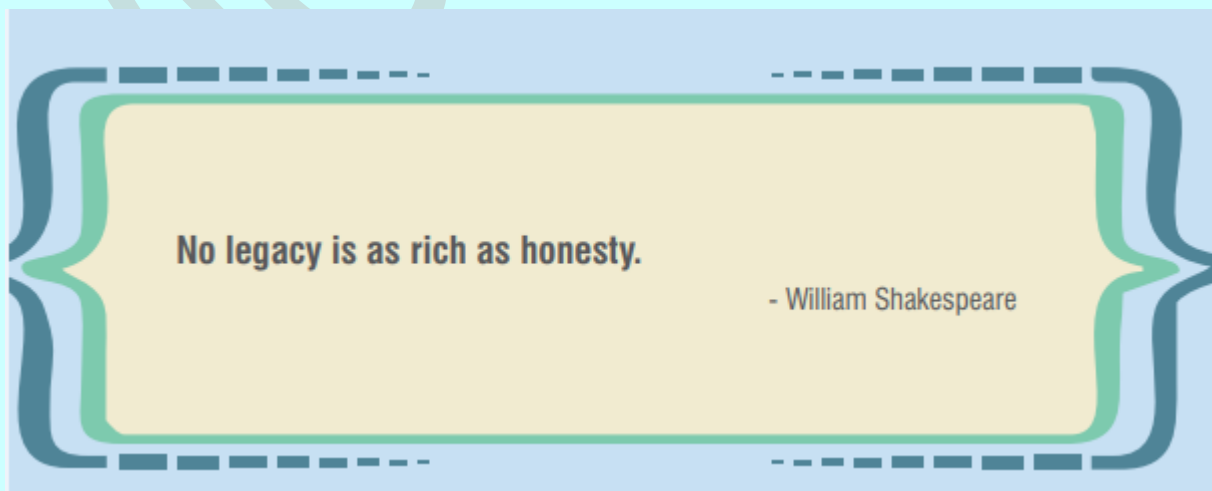
- (1) **Recruitment and Selection:** Using ethical hiring practices; Hiring employees with strong ethical values; Emphasizing ethics when recruiting new employees.
- (2) **Orientation and Training:** Imparting ethics training; Sensitising about strict adherence with the Code of Ethics; Ensuring the learnings are applied when performing jobs; Discussing ethical issues with new employees as a part of their initial orientation; Communicating core values to newcomers and others (core values serve as enduring guiding principles and, to shape behaviour, values must be continually reinforced through training, public meetings, corporate videos, brochures and other means.)
- (3) **Rewards, Performance Evaluations and Punishments:** Rewarding ethical behaviour; Evaluating based on processes as well as the results; Avoiding bottom line mentality; Measuring ethical behaviours; Disciplining employees who violate ethical standards.
- (4) **Escalation of Concerns and Protection for Whistle blowers:** Guiding employees to raise concerns if some wrong is observed; establishing a robust mechanism to guard the interests of the whistle blowers; creating an atmosphere where employees feel free to speak up and discuss ethical issues.
- (5) **Accountability and Responsibility:** Holding employees accountable for their actions; Taking responsibility for the outcomes of one's own actions.
- (6) **Decision-making:** Taking ethical issues into account when making decisions; discussing ethical concerns at meetings.

The aforementioned ethical drivers are the catalytic factors that play a particularly significant role in creating a conducive and enabling ethical environment. Without them, any effort is likely to fail. Ethical drivers empower employees, create a sense of shared mission and values, enrich employee commitment and improve their productivity.

Ethical climate means the moral atmosphere of the work environment or the shared perceptions of what is ethically correct behaviour and how ethical issues should be handled in the organisation. It also refers to general perception the organisational employees have about how much ethical the organisation is. In an ethical climate, employees continually endeavour to maintain higher ethical standards and rarely feel pressured to achieve business objectives at the cost of principles. But here again, one critical precaution is to be taken and the ethical hotspots in the organisation managed proactively. Otherwise, good people may do bad things. Marketing, finance/accounting and human resources are three important organisational activities that put organisations at risk. In these hotspots, several ethical derailleurs like misaligned incentives, hypercompetitiveness, poor accountability regime, pressure from seniors etc keep on hovering. In such situations the employees find themselves in ethical quandaries because situations are marked by multiple dimensions. We live in a world that is not black and white. Rather, it is coloured by subtle shades of grey. Situations are complex and a multiplicity of options is a rule rather than the exception. In this landscape, focusing on ethical climate is vital because a systematic approach to building and nurturing a moral infra-structure that emphasises the importance of ethical considerations in daily work life is engendered solely by the ethical climate of an organisation.

In Indian public sector space, State Bank of India has taken a seminal initiative by creating an independent ethics function in the organisation headed by a Chief Ethics Officer. It has envisaged integrating ethics with its organisational fabric as a forward-looking measure in the face of

challenges coming from the fast-changing socio-cultural dynamics and demographics of India. A host of earlier discussed initiatives have been set up with an active involvement of the top leadership to fortify its ethical content. Never the less, ethics is always a work-in-progress, but proviso the rank and file of an organisation recognises the need to be sensitive to ethical concerns, the productivity of the entire organisation rises and positive outcomes such as increased credibility, higher level of trust and improved relationships with the key stakeholders take the organisation to the next level. High moral standards and outstanding performance go hand in hand. Organisations that strive to be ethical and value based are more successful and sustainable in long term. Timeless truth is that ethics proves to be wonderful harbinger of growth and development, if and only if, the organisations have a value-based governance culture that inspires moral action and rewards ethical behaviour. (Reprinted from Vigeye Vani Issue March 201. Sh. Atul Kumar the then CVO, SBI)

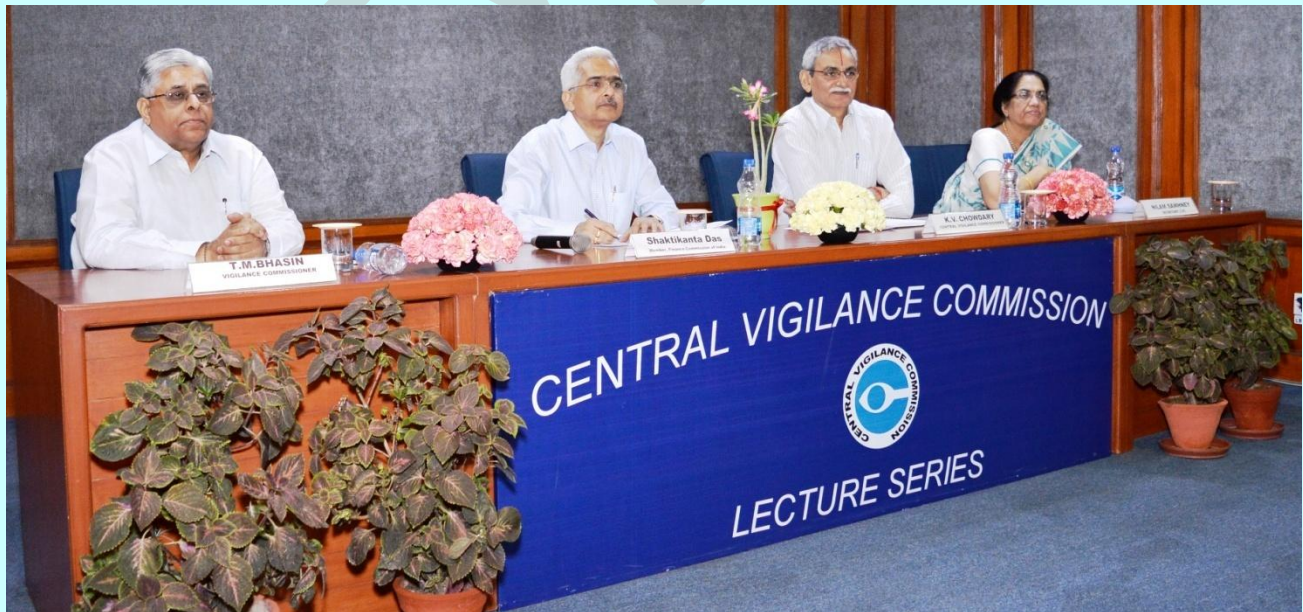


Important Activities in the Commission

1. The Commission as a part of its Knowledge Management drive has invited following persons to deliver lectures and interact with audience. The lectures were also webcast live to wider audience worldwide.

Eminent Speaker	Topic	Date
Sh. Shaktikanta Das, Member, Finance Commission of India	“India Economy – the Structural Question”	24.04.2018
Dr. Ashima Goyal, Member of Prime Minister’s Economic Advisory Council & Professor at India Gandhi Institute of Development Research	“ Indian Institutions: Evolution and Hysteresis”	28.05.2018
Dr. Surjit Bhalla, Member of Prime Minister’s Economic Advisory Council	“Employment and Poverty Reduction in India”	19.06.2018

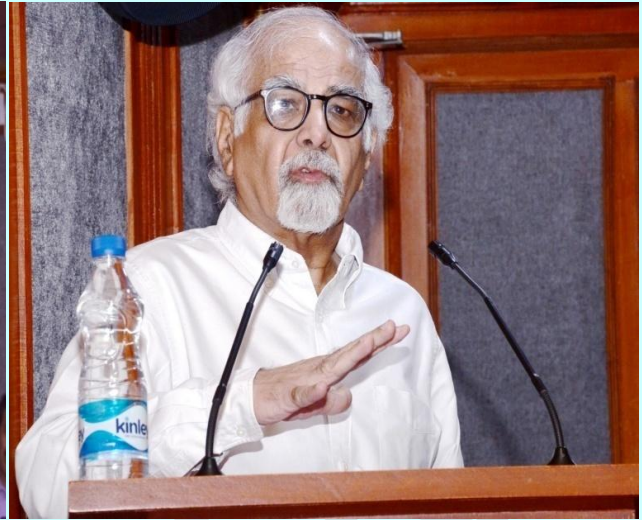
These lectures can be viewed through the link <http://webcast.gov.in/cvc/>



Sh. Shaktikanta Das, Member, Finance Commission of India interacting with audience on 24.04.2018



Dr. Ashima Goyal, Member of Prime Minister's Economic Advisory Council & Professor at India Gandhi Institute of Development Research addressing the gathering



Dr. Surjit Bhalla, Member of Prime Minister's Economic Advisory Council addressing the gathering

2. The Commission has organized a customized vigilance related training programme for 25 participants at IACA, Austria from 14th to 25th May, 2018.



3. A workshop on preventive vigilance was conducted on 24.05.2018 for CVOs and management of Govt. Departments CPSES / PSBs etc. in CSOI, Chanakypuri, Delhi. During the workshop CVOs from seven organizations made one presentation each on one good practice adopted by each of these organizations.



4. The Commission has interacted with the delegation of Central Commission for Discipline Inspection & National Commission of Supervision(NCS) of China on 07.06.2018 at the Commission.



Farewell Corner



Smt. Nilam Sawhney, Secretary was relieved from the Commission on 21.05.2018 and joined M/o of Social Justice & Empowerment as Secretary.

Sh. S. N. Gupta, Director was relieved from the Commission on 15.05.2018 and joined Sports Authority of India as CVO.



We wish them a bright future and success in their new assignments



Members of Editorial Board:

Smt. Sonali Singh
Addl. Secretary, Chief Editor

Shri Hemant Kumar
Chief Technical Examiner

Smt. Rolley Mahendra Varma
Director

Shri Rajeev Mathur
Advisor

Shri Rishi Ram Dangwal
Senior Manager, PNB

Designed & Compiled by:

Deepmala Meena
Asstt. Advisor

Disclaimer: The views expressed in the articles etc. are those of the authors and do not necessarily reflect the policy or position of the Commission. In order to ensure brevity and readability, some articles may be abridged.

Have You Taken Integrity Pledge ?
PARTICIPATE IN THE FIGHT AGAINST CORRUPTION



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

मेरा लक्ष्य - भ्रष्टाचार मुक्त भारत
MY VISION - CORRUPTION FREE INDIA



सत्यनिष्ठा प्रतिज्ञा
INTEGRITY PLEDGE

एक नागरिक के रूप में
AS A CITIZEN — OR — एक संगठन के रूप में
AS AN ORGANIZATION

प्रतिज्ञा तीन आसान चरणों में लें
TAKE PLEDGE IN THREE EASY STEPS

व्यक्तिगत विवरण दर्ज करें
ENTER BASIC DETAILS

प्रतिज्ञा की भाषा चुनिये
SELECT PLEDGE LANGUAGE

पढ़ें और प्रतिज्ञा लें
READ & TAKE PLEDGE

यदि प्रतिज्ञा पहले ही ले चुके हैं तो वाचनबद्धता का प्रमाण-पत्र प्राप्त करें | If already taken Pledge, Get the Certificate of Commitment

✉ प्रमाणपत्र अपने ई-मेल/मोबाइल पर भेजें | Send certificate to your Email/Mobile — OR — ⬇️ प्रमाणपत्र डाउनलोड करें | Download Certificate

 **4,810,060**
नागरिक | Citizen

 **68,428**
संगठन | Organization

NIC NATIONAL INFRASTRUCTURE CENTRE

© Content owned, updated and maintained by the Central Vigilance Commission. Pledge Software is developed, maintained and hosted by National Informatics Centre, Ministry of Electronics & Information Technology, Government of India.

TAKE ONLINE INTEGRITY PLEDGE TODAY
LOG IN TO

www.cvc.gov.in



CENTRAL VIGILANCE COMMISSION

Satarkata Bhavan, A-Block
GPO Complex, INA, New Delhi- 110023
EPABX: 011-24600200 (30 Lines)
FAX: 011-24651010/24651186
Email: vigeye.vani@nic.in