

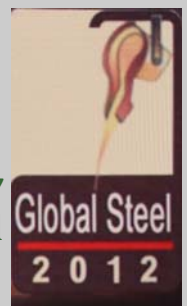


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National Conference on Integrity
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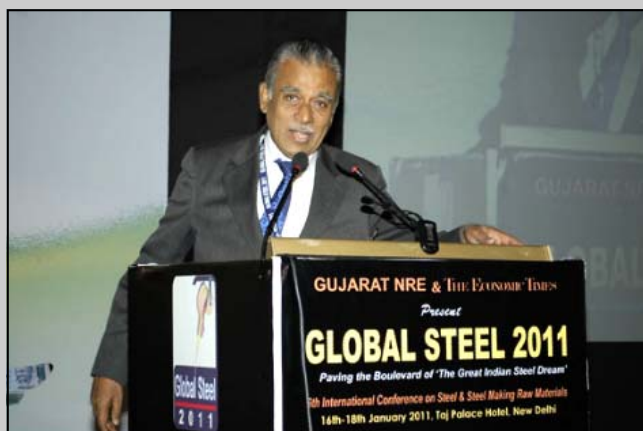
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Introduction

D.R. Kaarthikeyan

It is widely accepted that only 10-20% of the total expenditure in social welfare schemes of government actually reaches the targeted beneficiary; rest is gobbled up by intermediaries. This is one of the biggest challenges that confront all of us today - need for transparency, accountability and ethical behaviour. At institution level integrity needs to be promoted by rallying for institutional changes. The RTI Act has removed a major bottleneck in Indian democratic and legal framework with free flow of information to citizens on various aspects of functioning of government. India can reasonably be proud about freedom of press - which acted as watchdog and reported misuse of power, and corruption.

In the words of Kofi Annan, good governance is perhaps the single most important factor for eradicating poverty and promoting development. Without good governance no amount of development schemes can improve quality of life for citizens. Poor governance generates and reinforces poverty and subverts efforts to reduce it. Strengthening governance is precondition to improve lives of poor. The state apparatus is generally perceived to be largely inefficient with most functionaries serving no useful purpose. Bureaucracy in general is seen to be tardy, inefficient, and unresponsive. Corruption is all-pervasive eating into the vitals of our system, undermining economic growth, distorting competition, and disproportionately hurting poor and marginalized citizens. Criminalization of politics continues unchecked with money and muscle power playing significant role in elections.

In general there is high degree of volatility in society on account of unfulfilled expectations and poor delivery of public services.

The non-negotiable role of the state in four broad areas needs to be clearly recognized and reemphasized. The first is in the area of public order, justice and rule of law. Deficiencies on this front have led to decline in trust in the state's capacity to protect life, liberty and property while enforcing citizens' rights. This in turn has aggravated the tendency to resort to violence and crime to obtain rough and ready justice, promote sectarian interests, and to achieve ideological goals. Ensuring access to speedy and efficient justice, protecting rights of citizens, enforcing rule of law, and maintaining public order are all inseparable and they form bedrock of a civilized society and sound liberal democracy. Deficiencies in this vital area need to be plugged through judicial and police reforms, better citizen participation in governance, transparency and more effective and integrated approach to public order maintenance.

Pervasive corruption is the most disturbing element of our governance. Happily, recent years witnessed encouraging trends in some sectors; wherever competition, choice, transparency and technology have been introduced, corruption has dramatically declined. However, in certain core sectors where the state's role is critical, corruption continues unchecked. There are signs of growing corruption in some of the state-controlled sectors, indicating a shift from traditional forms of corruption to innovative ways and means to achieve corrupt objects. Police, criminal justice system, healthcare delivery, public procurement, contracting, transfers and postings of officials, tax collection and land administration are areas, which are by nature fully or substantially state-controlled. Corruption is either continuing or growing in these sectors as the inexhaustible demand for illegitimate funds in our governance system continues unabated. Clearly far-reaching political and electoral reforms to transform our political culture and alter the nature of incentives in public life are the need of the hour.

Integrity is much more than financial honesty. Public office should be treated as a trust. There are two facets to corruption: the institution which is highly corrupt; and individuals who are highly corrupt. There is a need to work on public profiteering and value to be attributed to the services rendered by officers. Interlocking accountability is a process by which evaluation could be done easily and accountability ensured. Building trust and confidence requires an environment where there is a premium on transparency, openness, boldness, fairness and justice. We should encourage these attributes. One

of the problems is that the present codes of conduct are not direct and to the point. They are full of vague sermons that rarely indicate prohibitions directly. For formulating a code of ethics, it would be useful to keep in mind the advice of Napoleon who said, -Law should be so succinct that it can be carried in the pocket of the coat and it should be so simple that it can be understood by a peasant. While it may not always be possible to establish the criminal offence of misappropriation in a court of law, the Government servant can still be removed from service for causing serious monetary loss to the State.”

All procedures, laws and regulations that breed corruption and come in the way of efficient delivery system will have to be eliminated. The perverse system of incentives in public life, which makes corruption a high return low risk activity, need to be addressed. In this context, public example has to be made out of people convicted on corruption charge and the legal process in such cases has to be expedited. This hopefully, will also address the growing permissiveness in the society, in the more recent times, to the phenomenon of corruption. In addition, with changes in economic policy regime, regulatory bodies that guide and monitor functioning of the relevant economic agents should lay down rules of conduct in the interests of consumers and devise such practices that help efficient functioning of the system. Such steps will have to be taken in many sectors of the economy that are now being opened up. At the same time, social monitoring through empowered autonomous and credible structures will have to be established even for the highest of the public offices. Right to information has to be the starting point for some of these changes.

We always find alibi for our lapses by quoting trespass from other democratic institutions, by resorting to a blame game. The executive/civil services blame interference by the political executive or legislatures and vice versa; legislators blame the judiciary and vice versa – the main problem lies in each one leaving space for others to occupy. If any of the democratic institutions leaves space, the mafia or extra-constitutional authority occupies that space. Realization of its own authority and discharging its sphere of responsibility, developing accountability and responsiveness are the real solutions to the conflicting situations of eroding democratic polity.

According to a famous quote: “Rivers do not drink their waters themselves, nor do trees eat their fruit, nor do the clouds eat the grains raised by them. The wealth of the noble is used solely for the benefit of others.”

Mr Arun Kumar Jagatramka

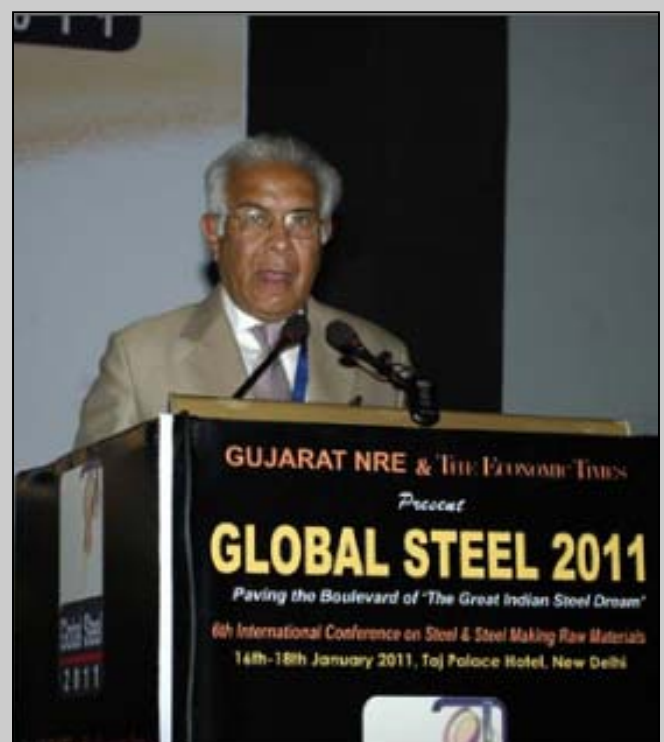
There is a need for a clarion call for a second struggle for Independence – from deceit and corruption, from mistrust and unethical practice.

Like the nuclear power that defines the potential of an atom, every one should get involved themselves in an intense debate as to how to salvage the nation from this malice and take up any role in the fight against corruption. People often ask what could be a potential show stopper for India and the most obvious answer is that India could face a Malthusian nightmare instead of reaping its demographic dividend. Deep rooted corruption and total apathy of the common man in the system prevents an inclusive growth and is creating a bigger divide between the haves and the have nots, he added.

Bhagat Singh was a terrorist in British Raj but for us one of the most revered and most respected upright Indian. The last 60 years of corruption in India has made all of us corrupt and unless we get a second freedom which would allow us to come out of this quagmire, it's high time that we stop grave digging and start a new chapter by empowering the Indian citizen to hold his head high in pride and trust and be trusted by the enforcement agencies which is at the core of our subjugated civil society.

Mr Naveen Jindal

How can we expect integrity for people who we



work with, people who work for us, people who we work for? I think it is a very, very important issue and as far as I am concerned, I just like to say that my interests are very, very well known and I entered politics when I was already a successful entrepreneur. Most of my industries happen to be in opposition ruled states and all the companies nowadays have to abide by very, very strict compliance. Recently, a lot was said about media professionals. A lot of media professionals their conduct had come into question. But then nobody blames the entire media because obviously there may be few people who do wrong things. So, we cannot paint the whole media with the same brush.

Similarly, I would like to say that not all people in business, or not all bureaucrats or police or politicians are corrupt. Obviously, there are, and because people in public life they have a life of probity. There has to be probity in public life. But we cannot brush them all with the same stroke. We have to see and we have to also support people who are honest, people who follow probity in public life. I am here, I have not prepared for any inaugural or something like Mr Jagat Ramka said, but I would like to share what my views are on this subject and I am sure, over the course of the day, we have very senior people here, very senior bureaucrats, very senior people from the police. I am sure we are going to hear them out, we are going to learn a lot and basically I feel that we are all products of a system. From childhood what the culture is in a country and this is the culture. This is the culture that I have seen also. If parents tell the children tell them Vinod, I am not at home. If someone calls for the parent and you tell your child tell them I am not at home, obviously we are teaching the child how to lie and similarly if the child does not know what to write in his exam and we tell the child you must ask, you must see, but do something about it. So, obviously the child learns to cheat. I think it starts from very, very early and that is what I also indulged in as a child and when I went to study in the US for my Masters, I saw a lot of times people just walked off. People just walked off and I was wondering why did they walk off so soon and they walked off because they did not know. They did not know so they just walked off the examination centre and I used to always, till the last minute, used to be there, to think or to do something to do my exam well. These things are in our culture.

We have to change this and then I also feel sometimes that when we do puja, when we do offer all the deities fruits and money and this and that to all the deities are we also practicing that whoever the deities are, whoever the important people are in today's day and age, we must pay them something also. These are some of the thoughts I like just to

leave because these are some thoughts in my mind. I was wondering whether to say it or not, but just to keep my integrity, whatever is in my mind I must share with you. I have shared these thoughts with you and (it is) definitely I do believe that there is lot more transparency in India that ever before. It is this UPA government which brought about the Right to Information and a lot of things which are coming to light has only become possible because of Right to Information and I am saying nobody knows it better than Mr Habibullah who has played a very, very important role in making India more transparent.

Today, all the newspapers are carrying in the front pages news of some eminent citizens writing to the government to improve transparency, to improve the deliver mechanism and talking about the corruption being the biggest stumbling block, and I, as an entrepreneur we also face it many, many times. We face it many times. I do not think it would be possible to do business, to do work at a large-scale without indulging into it. If I say that companies do not indulge in it, it would be absolutely wrong. We have to. A lot of times we have to kill our conscientious and do things like this. We try to minimize but sometimes we just have to indulge in it which is unfortunate. I hope one day we are able to stop it. But leave alone the government, even in the companies that I run I feel that I have complete authority, in a company also there are so many instances of people committing fraud and a lot of times the best of people and also people who are very smart, who are very knowledgeable, who are very intelligent they are the ones who are more prone to committing fraud. So, we have to find ways. I have not been fully successful in this and I am here not really to teach but I am also here to learn a lot that how can we bring about not only in the government, but also in private organizations, in public sector, in public listed companies how can we bring in more transparency, more integrity. I will not exceed the stipulated time. I play by the rules. Thank you. I will be very happy to answer any questions. Whatever I know I will be very happy to answer and what I do not know I will just say that.

Mr Wajahat Habibullah

Mr Naveen Jindal, Mr Karthikeyan, friends; it is a great pleasure for me to be here today to chair this inaugural session on the subject which has been so carefully chosen for today's discussion and the subject of the first panel is on the question of compliance with the law. Mr Karthikeyan has mentioned in the introductory note and in his welcome address that we have a plethora of laws in the country. In many ways too many laws, but he has of course spoken of the law which I had the

good fortune to dispense in its initial stage, the Right to Information Act. Of this law, it has been said by Kofi Annan, UN Secretary-General and I quote him to entire universality of this law. The universality of the law, as I said, is brought home by former Secretary-General of the UN and he says the great democratizing power of information has given us all the chance to effect change and alleviate poverty in ways we cannot even imagine today. Our task, your task is to make that change real for those in need, wherever they may be. With information on our side, with knowledge of a potential for all the path to poverty can be reversed.

In this context, and because of these words here, remember D.R Karthikeyan had quoted from the report of the Administrative Reforms Commission which had also referred to Kofi Annan. But this is the substance in my view of what democracy must mean in today's day and age, not only free and fair elections. That is only a starting point. But the elimination of poverty, and this the target that we have set for ourselves in this country and the use of information to eliminate poverty. We do have a plethora of laws. What has been talked about is an outdated bureaucratic structure which does not seem to care about how – there are individuals of course who are different as is being pointed – but the system itself does not appear to care for those that are in need or even how the public actually responds to policies. There is the media which has been successful in highlighting issues, bringing home to the public matters which are of concern in terms of integrity, in terms of prevailing corruption and the media is an integral part of the success of the Right to Information. But we really have to look at is how the institutional framework is functioning and for this panel, therefore, I would suggest that

we focus on this issue in the context of the laws, in the context of bureaucracy because, and partly as a result of the Right to Information, the functioning, the accountability, the transparency of institutions like parliament itself have been brought into question, have also been reformed. Please note there has been reform. There has been change. It is not that I have been beating my head against a wall and not getting a response with the Right to Information. The Right to Information is bringing about a change and government can surely be proud of this. As young Mr Jindal pointed out even the major scandals that have beset the government at the present time – these may be described as three, the Adarsh Scandal, the 2G scandal, the CWG scandals. The scandals became exposed, each one of these as a result of the use of the Right to Information, initially. That is what really brought these scandals to bear. But how effective have been the institutions in preventing this kind of corruption and once discovered how effective have been the institutions in controlling this and how effective have been the institutions in preventing this kind of corruption from arising.

The issue at present is that there is, as has been described, a sense of deprivation by large sections of our community. This deprivation has arisen out of the use that we have put in to our vital national resources – land, water, forests, our coastline. All these had had a bearing in all these issues which I mentioned just now and as long as there is this exploitation with the people feeling disempowered from doing something about it, the difficulty that we now face will continue.



Dr Subhash Kashyap

Hon'ble chairman, dear and distinguished friends, I find so many very dear and very distinguished friends. I will not name any. Friends, we are meeting at a time when an unprecedented spate of corruption scandals of horrendous proportions have shocked the nation and made us hang our heads in shame, both nationally and before the entire world. Never before in such a short time so many scams of such massive and mind boggling magnitude had hit the headlines and this, it is believed, was only the tip of the iceberg; lack of integrity and corruption today have become all pervasive, omnipotent and omnipresent. Of course, there are honest men, men of integrity in every walk of life. But all our great institutions, the legislature, the executive, the judiciary and even the media today stand exposed and their integrity badly eroded. Dr Karthikeyan and the Foundation deserve compliments for organizing this conference on the theme of "integrity" which is a matter of the greatest concern and relevance to the nation.

Friends, this particular session is devoted to laws. Some of our basic laws belong to the 19th century whether you talk of the IPC or the Police Act and they are a colonial hangover. The Law Commission has been doing excellent work. It has been seized of the need to review laws. It has already identified a large number of laws which are redundant and can be straightaway repealed. But they can only recommend. There can be no two views in regard to the general proposition of a comprehensive review of all the existing laws; repealing the unnecessary and amending those that need change under the changed circumstances. However, our focus today in this session, in the conference as a whole, is on "integrity" and on suggesting measures for quick redressal of citizens' grievances. It is obvious that the existing provisions of law in the IPC, CRPC, Prevention of Corruption Act, CVC Act, RPA Act, etc., have not been able to stem the rot on the corruption front. Without going into details I would submit a few suggestions for legislative action, more in the form of bullet points.

First a credible Lok Pal Bill should be passed without delay. If the parliament does not function, it can be done by ordinance. Instead of attempts that we hear of, to dilute the RTI Act, RTI should be specifically included as a fundamental right in the constitution. Also, the loopholes in the existing Act need to be plugged, e.g. the large pendency of cases before the commission, the delays in case of appeals, the reluctance of different institutions to give information and so on.

In all corruption cases the ill-gotten property and perhaps all the property of the accused should be

confiscated forthwith. It should be made necessary for anyone going abroad to declare on oath, by law, if he has an account abroad and if his affidavit is found to be false all his property should be confiscated.

Electoral laws should be amended to provide for 50+ votes being necessary for getting elected. Reducing cost of elections, public funding in kind, common electoral rolls from Panchayat to Lok Sabha. All General Elections so far as possible being held simultaneously. Those charged by courts, of criminal offences, being disqualified for contesting election till they are cleared. Those convicted of serious offences to be disqualified for life. Sitting members, on conviction, should also cease to be members till they are cleared.

Laws to regulate political parties; right now there is actually no law governing the political parties as such. There should be a law to regulate political parties to include matters of their registration, deregistration, recognition, de-recognition, etc., and making 5% votes all over the country necessary for recognition as a national party, providing for persons with criminal background not being allowed to contest elections.

The political control over investigative agencies should cease through Union Law, on CBI, etc. Police to be freed from political misuse. Police Commission report to be implemented and fresh police laws to be enacted. Regulatory functions of the Union and State Executive to be restricted by law. Denial of service in time; to subject the officials concerned to serious punishment under the service laws. All the state functionaries, including elected persons, government officials, judges, etc., to be required to declare their assets and liabilities every year for public information. Citizens to be guaranteed by law, timely tax refunds, issue of ration cards, passports, house plan sanctions, completion certificates, etc., to avoid delays and corruption. Legally enforceable personal liability of the officials to pay compensation to the victims of corruption to be ensured by law. Need for judicial reforms to provide for appointment of judges, enquiry against judicial delays and corruption, speedy and affordable justice delivery system, use of ADR mechanisms, etc., restricting number of adjournments and appeals, shorter judgments, fewer closed days in courts, regulation of advocates' fees, etc.

Friends, society runs on reward-punishment principles. If corruption ceases to yield rich dividends and punishment becomes really swift, certain and a deterrent, corruption would certainly come down, if not completely eliminated.

The suggestion for laws that are enforceable and compliable in the field of ensuring greater integrity in the governance can be easily be made. They can be multiplied. But the real problem of mounting corruption and erosion of integrity is not merely a problem of laws. The real problem is that those who can bring reforms and enact laws are the very people who have a vested interest in the status quo. Why should the beneficiaries of corrupt system change it unless the public pressure becomes irresistible? But friends, we the people, ourselves, are also facing a crisis of character – individual and collective. The roots of the present day lack of integrity and rampant corruption are in human greed, in the devaluation of all values and in the spiritual vacuum in our lives. Market oriented, consumerist value system is the main source of much of the corruption. Money, power and success at any cost have become the top concerns. If money remains the chief source of winning respect for a human being corruption can never end. If to earn money and get rich quick, to get to power or to be a success story you need to compromise with principles, honesty and indulge corruption so be it. Who needs integrity? Thank you.

Dr JJ Irani

My view is that the press and media do play a very important role in exposing these scandals, but we forget that there is a large number of deals which are done honestly and in the normal course which in fact get tainted with the same brush as Mr Naveen Jindal pointed out that all businessmen, I speaking largely from the side of the business community, are shall we tainted and I would just like to point out two experience of mine, both belonging to the House of TATA, how these things could be countered. Today, of course, we have in the press an anguished plea from various industrialists and businessmen, but in the past also we have had such pleas and they have, shall we say, fallen on deaf ears. So, it is something which we have got to engender ourselves because the common view of the common man is that all businessmen and industrialists are rogues which is the result of the media campaign and I would not blame them because only the false are brought out and the good deeds are not.

So, let me give you two examples. These are real life examples of how we have tried to handle the fact that we just won't give. One concerns the

political world. I think that is a sad example now that people feel that all politicians are interested in making money. Obviously there is a large number who are not. But let me give you the example of how we in the TATA House have tried to tackle this problem and if I may say so, quite successfully, over the last 15 years. There was a time when the local politicians at the time of elections or even at other times would besiege our executives working in various parts of India, I think you are aware that we are spread all over India, for shall we say favours at election time and at other times also and there was obviously sometimes a quid pro quo involved that you fund me and I will see that you, shall we say, get some favours. After a lot of deliberation, what the House has done is that we have created an Election Fund. We realize that electioneering



requires funds, whether it is to propagate your views, to travel over your constituency, the persons who wish to get elected do require funds and I think sometimes in the western world in some countries these funds are given by the government. Germany, for example, I know funds elections for the expenses of the candidates. So, we have created a fund now into which every year, any of our companies. For that matter, any outside

company also and there are some other outside companies who have paid cheques into this fund. Individuals can also put money into that fund and we built up a corpus and when the time for election comes that corpus is handed over to a group of trustees who are usually former judges of the Supreme Court or other very respected whose, shall we say, integrity is beyond question and they are given a very simple set of rules. The funds are given not to individuals but to the parties and at the time of election whatever is the corpus, and it runs into several crores, the corpus is divided into half and the funds are distributed to the respective parties according to their strength in the parliament which is about to be dissolved. That means if a party has 50% of the members in the parliament which is about to be dissolved they would get a cheque from the Tata's Election Trust of 50% of the amount which has been collected. So, it is non discretionary and there is no discrimination. Even if there is a party whom we do not think is, shall we say, good for the country, we give money to that party because the fund is non-discriminatory. Only one rule we have main, we are against

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fragmentation. So, we tell the trustees or we advise the trustees that only those parties which have 3% or more members in the existing party (parliament) will be subjected to it. So, now I think we have something like 540 members of parliament. 3% of that, the breaking point is 17. So, if there is a party with less than 17 they will get none of that money. Any party with more than 17 will get according to their strength. So, half the fund is distributed that way. The other half is distributed after the elections in exactly the same manner, in the new parliament. So, there again if another party comes up with half the number of seats they would get half the fund which has been accumulated and this fund is accumulated over a period of five years. So, there is a quite a substantial amount involved. The advantage of that has been, we have seen, that all our executives now all over the country show that to whoever is, shall we say, requesting them for funds and it has now been accepted that TATA executives anywhere in India will not give directly to any aspiring candidate. They will only get money through this fund and it has been accepted. That is the way in which we are trying to tackle the political parties.

There is of course the chance with having this sort of a policy of not giving anywhere, you would lose and we have lost also. So, my second message is that people, including corporate houses should be prepared to lose out on certain deals. One another thing I would give in very now was, one of our mining leases for chrome mines, was to be renewed in Orissa. There, the minister sitting here in the centre, many years ago asked for a certain figure. I can mention the figure, Rs.4 crore and we said that no we will not give. TATAs do not give, so we will not give. He had an investigation carried out, even amended the law in certain cases, and we fought him in court and we spent much more than Rs.4 crores (for the government) spread over a period of three years, fought them in court. Eventually, we got just over 50% of our lease back. But we lost the remaining 50% and this was after the Orissa government, the chief minister there, Mr Biju Patnaik had fully recommended our case, but the centre had turned it down. So, we lost almost 50% of our reserves. In present day that might be worth hundreds, may be

thousands of crores, all for the sake of Rs.4 crores in the early 1990s. but we refused to give and we think we have done the right thing.

That is my second message. My third message is that when a baby is born he is not corrupt. He becomes corrupt by the environment. So, let the parents take some responsibility, schools take some responsibility and most of all our business schools. I am associated with many business schools and I am surprised that though they are very good in giving courses on finance and HR and marketing, very few give courses on business ethics. Wherever I have got some influence we have started that. We have started in Jamshedpur itself, the JRD TATA System for, shall we say, having good corporate governance and we are funding any business school which has courses on business ethics. Thank you

once again for having me here. Just one last sentence which I have written down is, that the greatest asset of the few corrupt is the silence and apathy of the large majority of honest people. Let us make that large majority speak.



Thank you.

Amar Pratap Singh

My presentation is going to be slightly technical in nature because I thought this was more on integrity and compliance of laws. The law is society's architecture for achieving our common purposes and aspirations, including sustainable development and is central for ensuring good governance and the rule of law. The European Commission identifies the following ingredients for good governance – openness; transparency and accountability; fairness and equity in dealing with citizens; efficient and effective services, clear, transparent laws and regulations, consistency, coherence in policy formation, respect for the rule of law and high standards of ethical behaviour. The Commission further describes rule of law as having

the following characteristics: a legislature that enacts laws that respect the constitution and human rights, and independent judiciary; effective, independent and accessible legal services; a legal system that guarantees equality before law, a police force at the service of the law, an effective executive that is capable of enforcing the law. However, in this country we find that in spite of the fact that though we broadly possess all the above characteristics there is a singular lack of compliance and without compliance the rule of law has no meaning. So, what is the need of the hour? This is to ensure the rule of law and its compliance.

There is a need for a strong and effective criminal justice system. Deliver of justice takes too long. The average conviction rate in cases investigated by the police is around 25%. In the CBI it is between 75% to 80%, but this is mainly because most cases are registered after a preliminary verification. While our efforts are to complete investigation within a year of registration, but due to numerous reasons such as forensic reports, prosecution sanctions, Letters Rogatories for investigations abroad there are delays. We are almost 50% short of our sanctioned strength of investigators which is from the sub-inspector to the SP level. In trial the situation is even more alarming. While we dispose roughly a 1000 cases a year, we have more than 10,000 cases pending trial in CBI alone of which 25% are more than 10 years old and a few are even over 20 years old. There is a perception that the entire justice system, the police and courts, are therefore not able to deliver and this is perhaps not entirely incorrect. So, what can be done? The committee dealing with reforms in the criminal justice system made several far-reaching and innovative recommendations. Most of them are still to be implemented. Some of the important ones are citizen-friendly registration of crime, use of computers, CCTVs in police stations so that there is real-time monitoring, complaints to be received and registered online and the need to eliminate the requirement of a person to go a police station. Statement and confessions made before a police officer to be signed and video recorded and these should be admissible in court, amendment of the CRPC and the Evidence Act to allow a court to examine witnesses and evidence to ascertain the truth, stricter penalties for perjury to ensure that witnesses do not turn hostile, comprehensive reclassification of offences, to increase the number of offences falling in the category of petty offences, increase number of offences in which no arrest shall be made, reduce number offences in which arrests can be made without warrant, increase number of bailable offences, increasing number of compoundable offences, ensure that petty crimes are taken out of the jurisdiction of the police and the criminal courts so that the police are in a better

position to handle crimes of a serious nature.

One of the important amendments made in the CRPC in 2005 was 'plea bargaining' to dispose of the backlog of pending trial cases in respect of offences punishable for a period up to 7 years. In the CBI, however, we found that since we deal mostly with government servants, the government servants were reluctant to plead guilty as the conviction could mean dismissal from service or forfeiture of pension. We had therefore suggested that if government servants were assured that their pensions would be protected then large number of them facing trial would plead guilty under the plea bargaining scheme. In conclusion, most of the laws, both substantive as well as procedural were enacted more than 100 years ago.

Criminality has undergone a tremendous change qualitatively and quantitatively. To keep up with the rapidly evolving crime scenario it is important for the criminal justice system to be one step ahead. Therefore, the apparatus designed for investigation has to be equipped by laws and procedures not only to make it functional in the present context but also have the flexibility to take care of future needs. If the existing challenges of crime are to be met effectively the investigators need to be trained in advance technology, knowledge of changing economy, new dynamics of social engineering, efficacy and use of modern forensics, etc. The investigation agencies, unless trained and equipped as suggested above and fortified by the relevant laws in an accountable manner, will be unable to deliver effective to the criminal justice system. Thank you.

Mr DC Gupta

Mr chairman and friends, no point in talking about the reasons for corruption because all of us know about it. I think two most important factors are, according to me, as I have witnessed during the course of my career is, that the corrupt thinks that he can get away with the ill-gotten wealth. When I say corrupt it is not bureaucrat, it is also the corporates, politicians, whoever is. Now there is a need for enacting a law, a very effective law for this purpose and you will be surprised, as far as I know, there is no effective law in this country for attaching and confiscating the property of the corrupt. As far as I remember, in one particular case about 10-15 years ago when the question arose what do we about attaching the property of this officer who was arrested by CBI, the only piece of legislation we discovered was Criminal Law Amendment Ordinance, 1944. Under that the attachment was done pending investigation. As far as confiscation is concerned, there are some provisions in the law but they are not effective. If

you really mean business and we want to really stem the rot, this is one particular area which requires attention and should be done immediately.

The second thing is with regard to providing for an effective law to check corruption at the high places and in that context, as Dr Kashyap said, need for Lok Pal Bill. I have been associated with this exercise at least three times during my career and I will tell you that this is a jinxed legislation. Whenever it has come either it is government has gone or it has not seen the light of day whatever has happened. I think the main issue(s) there was with regard to the inclusion of Prime Minister, whether he should be covered by Lok Pal. More or less that was resolved. The issue remains now whether the members of parliament should be covered by Lok Pal. This is a debate going on and I wish day comes because I have spent my career of 40 years, I am yet to see it, and let me tell you the younger generation today in this country they are becoming cynical, they have become cynical. Their value system is changing because of the increasing consumerism and they know it that whatever we say and whatever we profess nothing gets done. We are a soft state, anything can manipulate the system anyway he likes. That is why it is important that we also give attention to this particular area.

Regarding the bureaucratic setup and the corruption therein, we have a very good architecture, very good institutional arrangements called vigilance machinery. What I noticed is that getting posted in Vigilance is a blot on career. If it is not a blot on career it is not liked because vigilance is regarded as a negative function. We need to develop a positive vigilance culture and we need to also have some kind of incentive structure where the right and honest people are posted in the vigilance machinery and not those people who do not want to go there. Unfortunately in the government of India or in the States as the postings and transfers are made, once you are in vigilance you get branded with vigilance and you get posted in vigilance and whenever you are posted in vigilance, well, I am talking about the civilian officer, not for the police officer. For police officer it is investigation but for the civilian officer he is put to a disadvantage. That is the perception. We need to correct it. How do we correct it? I remember when Rajiv Gandhi was the prime minister there was a discussion regarding how to improve the training institutions and I recollect that the order was passed on a chit of power to give 30% special pay to all training institutions who were working there. Why can't we do the same thing for the vigilance? That is the case not only for the Centre but in the States as well.

Lastly, about corporates and economic system. I

will like to mention about tax laws. As every one of us know we have two terms, very familiar terms – tax avoidance and tax evasion. We say tax evasion is an offence, avoidance is not an offence. And we have a large number of fraternity in this country CAs, lawyers and others who are helping us to save taxes because there are provisions in the tax laws. I don't know whether many of you know about it, from 2006-07 for the first time in the history Government of India started publishing what they call tax expenditure statement and this tax



expenditure statement is being published as a part of the budget document in the receipt budget. It really means this that how much tax revenue government is foregoing on account of incentives or concessions given to various sectors in direct taxes as well as indirect taxes. I would like to share with you that as per the latest budget document the effective rate of taxes for the corporates in this country works out to be 22% as against I think 34% tax. If I am individual, Mr Irani must be paying in the highest slab but his company probably does not pay that much and interesting part is the study which has been done by the finance ministry also shows that the public sector corporations their tax expenditure is less. That means let us say they are paying about 24% effective rate whereas the private

sector is paying 22%. Now, this is iniquitous. There are reasons, there are grounds to provide for concessions to the industry on the basis of various considerations like backwardness, like some scientific development, like accelerated depreciation and advancements, research etc., etc., but the question is should we allow that much of benefit to a particular category, and particularly now when we find that there is a nexus developing, at least the popular perception says that. I am not generalizing on that but popular perception is that corporates,



bureaucrats, and the politicians all they succeed. If you go to the streets and talk to a commoner he will say the same thing to you. I think nobody can understand their feelings more than a politician can do it.

When we retire we live always in the shelter that must be [unclear], probably we are not having our ears to the ground so much as we do it after retirement. Now I suddenly realize that is a fact. Interestingly this has happened as a result of some task force under Dr Kelkar which was set up in 2004. In 2004 we wanted to simplify the tax laws. So, what was recommended is that reduce the concessions and incentives given in the tax laws and bring down the tax rates. In subsequent two

budgets many concessions with regard to the individual tax payers like you and me, if you are familiar that Section 80L where the interest income was exempt upto a particular limit those have been done away with but there has been not much beginning made as far as the corporates are concerned. I think according to me the time has come when we need to think and take steps for that purpose.

Lastly, I will like to say one thing which I feel very strongly is that as somebody said there is a fairly large percentage of people, a fairly large section of people in all walks of life, media, corporates, politics, bureaucracy, everywhere who are honest and well meaning because of our value systems. But we should also be aware that today this generation is facing a radical change of consumerism after opening of the economy, the income levels are increasing, people are aspiring, young people are ambitious and unless we show them the way and unless we stop the marginalization of the honest elements in our polity, there is no hope. This is happening in the bureaucracy as well. In bureaucracy I remember as early as in 2000 or earlier to that, there was a proposal to provide for some security of tenure to the officers at the cutting edge level like district magistrates, forest officers, SPs etc., because we thought that at this level the frequent transfers of the officers serves the purpose for vested interests. An amendment was suggested for the cadre rules but nothing has been done so far. Of course a beginning has been made with regard to minimum tenure for the Secretaries in the government of India and of course the Director CBI and some other agencies but that was not because of that, that was Vinit Narang's judgement. We act only when we are prodded to act. My feeling is that we should act on our own, we should see the winds of change and act our own. We know the problems. No seminar, no intellectual discussion is needed because all of us know where the shoe pinches. The only thing is courage is lacking and we need to do that.

Thank you.

Mr Saril Bhandari

The question is what is integrity. The conference is on integrity. The way I understand it, integrity is the basing of ones actions on an internal consistent principle which one follows. Integrity should signify i.e. what we say is what we think and we do what we say. The integrity in ancient India has meant unity of thought, words and deeds, integrity to me is the wholeness of being to be morally and stand for a set of values. When I was asked to speak at this conference I was wondering do I have moral authority to speak on this subject. Trust me, ladies

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and gentlemen, it gave me a reason to reflect upon myself, my own life, my relationships, my career. I personally believe that there is no such thing as personal set of values and public set of values. For a human being in the long run the personal set of values and public relationships are common. They cannot be different from each other. When it comes to our nation, the country does not need book learning young men, nor instructions about this or that, but a determination which will cause them to be loyal, to act promptly, concentrate their energies and to act with complete integrity. That is when the nation will progress. The question then is, how do we do it?

One of the things I would like you to consider which I keep on wondering always is why have we stopped closing the loop. All systems, whether natural or manmade, need to have a coordinated mechanism of checks and balances for them to perform and deliver. A system that is not closed will have some point where there is an absence of stabilizing forces and will spin out of control. Such open/loose systems are not sustainable and work only momentarily, eventually falling apart, disintegrating and destroying everything that was created. This thought, ladies and gentlemen, came to me, I am a consultant by profession and while I was doing my job, I kept on because that is the challenge as a consultant on implementation strategies which I do, I always fail, that that the companies don't seem to close the loop. The more I thought about it, the more it came clear to me the country seems to be also not closing the loop. Different people at different points, at different stages, at different levels of authority, are doing their work. No one seems to be looking at the whole thing at any given point of time. There where the whole process starts where we are talking of subjects transparency separately, accountability separately, integrity separately. Aren't they all connected? If they are connected, we have to look at them holistically altogether.

Our founding fathers intuitively understood the importance of closing the loop and therefore the judiciary, the executive, the legislative were designed. Each of the State was granted limited independence, the limits of which were to be decided by the other. The system has held together and worked admirably for many years taking India from amongst the least developed to the largest democracy and the fastest growing free economy now. But the very success of India's institutions have created massive forces that are pulling and pushing at many points and are creating cracks and gaps among the various linkages that ensured stable governance. The judiciary, legislature and the executive are all being impacted by these colossal forces. Even the private enterprise and the civil society have been brought into the fold of cracking ethical values. These forces are exposing minor human frailties to



massive pressures and what would have been small departures from the norm have become the norm themselves. All of us can be justifiably proud of the many successes of India. An 8-10% economic growth is all we talk about. The newspaper is only filled with numbers, ratings. Everything is about numbers.

We have forgotten to look at human being and the values of the person, values of the system, values of the countries at all.

The India brand has caught the attention of global business leaders and opinion makers. All this is great but the converse is that we have become as one of the speakers was saying dropped down to 85 among the top 100 corrupt nations we are from 71 to 85. Where are we shooting. Hitler was once asked when he was surrounded by all sides, Sir, we are surrounded by enemies on all sides and he said, excellent, we can attack in any direction. It seems to me that in trying to address the corruption issue we are shooting in all directions. Let us look at it where does it start from and why not put all forces where it starts from. It started from the human being, it started from us and we are all, whether here, were outside, in the government, we are all to blame for it. Why not all of us put our forces to

actually attack ourselves, why is media talking about X, Y, Z. Why does not media talk about us. Why in the conferences we don't try and introspect about ourselves. The kind of atmosphere which we will build in the society and in the country will itself move each one of us to work in that direction and I will give you an example. This is very normal, the property tax was to be given and this gentleman came and he wanted some money. I sat with him. I said of course you must have it because it is important for you to finish this. He said, yes, it is. I started talking about him, I had enough time of course and I talked to him about his family, his children, what he was doing. Within 15 minutes he was talking about the problems he was having in his life. I think hit the bait, I said, how do you think this money which you are going to take is going to work in your life. In 15 minutes after that he could see because that innate spiritual being is already there in India, the problem is in our day to day life we are not able to tackle it and take the easy way out. If all of us are working in that direction and not as individuals, the problems is in every conference, everywhere we go, we talk about let us work on ourselves. It won't work. We all have to work on each other and for that conferences like this, seminars like this and again I repeat media has lot to do. Instead of pointing fingers at X, Y, Z, the media should talk about what have you done today. It could always start with that and it will make a huge difference in the way we move forward. Did I do what I was supposed to do to be. The whole subject of the conference is integrity, can I say with confidence I have it.

Coming to the organisation, since I represent a chamber of commerce, let me tell you what has happened in the last couple of years in the industry and businesses. The Code of Corporate Governance has been enacted. Industry is trying to follow it. There is a whole lot of pressure on the businesses from the outside world to follow it. There are aberrations here and there continuing but let me tell you that businesses are really trying their level best to follow. The problem is they are being impacted by the outside world. The smallest of businessmen when I talk to him, he says, I don't want to do it because the taxes have come down. He does not have to bother so much about earning that money which he required may be 20 years ago by not paying taxes and he wants to pay the taxes. The problem is even if he wants to pay taxes, the person on the other side still wants money from him. How does he handle it and that is why it is not about pushing and prodding from all ends. I would suggest what we should be doing it all hit at the same point, at one place, and that is the Indian himself. Thank you.

Mr BG Verghese

Good afternoon, we are speaking about in this session on the role of the media, I presume in the context of all our discussions this morning and the preceding schedules on making compliant, accountability, and transparency in government and the problem of corruption as a whole. The media as watchdog of the society has a pre-eminent role in as trustees of information for the people to portray what is happening. It sets the agenda. And therefore it has to be vigilant in reporting and reporting truthfully and accurately what is going on around it. In this session to discuss this issue we have, as already introduced, a very good panel including journalists, TV journalists of eminence, Vikram Chandra, Bhaskar Rao, who is a communicator of great standing and experience, Mr Bawa who has moved from government to heading Transparency International looking at corruption. The interaction between all of these, the communicators, those looking at corruption from the inside and monitoring it, and the media is also very strong. I won't say too much at this point. I will leave it to my colleagues to start off and as mentioned by Mr Kartikeyan we hope to be joined fairly soon by Mr Tulsi who is coming in from Court and Mr Sanjaya Baru, the Editor of the Business Standard who should be here shortly. So, we will go in the order that has been listed here. Vikram why don't you kick off first, then we will have Mr Bawa and then Mr Rao.

Mr Vikram Chandra

Good afternoon everyone. It is of course a slightly dangerous job to be the first speaker just after the lunch because you have to work very hard to make sure that people don't actually go to sleep which is a temptation just after you had a really nice lunch which we have had. Obviously, when it comes to the problem of corruption, when it comes to dealing with corruption, the role of the media is extremely important. It is the job of the media to sign a torch in all the dark spaces and it is in those dark spaces where corruption actually takes place. That is why when you have a look at the entire system of checks and balances that govern any civilized society, it is always important to be looking at the media to be paying one of the important roles in trying to deal with the problem of corruption. I am going to speak a little later on why it is important not to take that too far which can also tend to happen and I think that is wrong. But the role of the media is important.

I think we have also seen that in the recent past. If you take a look at all the major cases of corruption that have come to light, and when action has been asked for action has been demanded, in most of the cases that is when the media has really got

interested in the story and has started speaking about and started to headline it, start to really push for answers, that action tends to get taken. Otherwise it is quietened up. But in that there is also one of the pitfalls in this process.

I think if you look at corruption as a problem and no one will deny it is one of the most important and perhaps the most important problem that we face as a nation, I think they really are two types of corruption. The first is the type of corruption where somebody whether it is a bureaucrat or a minister in power, maybe even an industrialist, could be a journalist, somebody has committed a scam, they have siphoned off money, they have taken money for guns, they auctioned off spectrum at too lower rate, they built a building without permission, they have conducted games and have done the contracts in a non transparent fashion, I would call these big bang or big ticket items of corruption. It is in the exposure of these items of corruption and the follow through of these items of corruption where I think the media particularly plays a very important role. So, it is in these items of big bang or big ticket corruption that the media plays a role.

But there is a second type of corruption as well and in many ways this is more insidious, in many ways this is the corruption that affects the lives of the poorest of the poor and that is when your local constable asks you for money, that is when somebody refuses to give you a ration card without expecting a payment, that is when you can't get your land records transferred without somebody asking for stuff, that is when you can't get your basic rights as a citizen without somebody somewhere being on the take and trying to take money away from you. It is when I look at this type of corruption which as I said is more insidious and worse from the point of the poorest of the poor that I am at a loss to explain what the media can do about this because those aren't cases of corruption that you can really talk about on your TV channels, that is not going to make the 9 O'clock news, the Commonwealth Games will, 2G Scam will, Adarsh will, Bofors will but these wont. That is where you have to really figure out an answer which is not linked to the media. I don't think the media can play a very important role on this. Not so far, not traditional media. Maybe as we go forward and we start talking about the internet and the internet as a tool of empowerment and perhaps the internet as a tool of self expression, we are already starting to see it to some extent, but it is right now a very urban English speaking phenomenon where people would tweet and put it out on Facebook and saying this guy asked me for a bribe. It is not right now out there in the country for the masses. But I see that starting to change.

There are 700 million mobile phones out there. And I think in the next 3-4 years you are going to see one of the most dramatic transformations of the media that this country has ever seen. That is when those mobile handsets and others start to get connected increasingly to the Internet and people can start expressing their views in vernacular languages – in Hindi, in Tamil, in Bengali. Maybe at that point that sort of corruption starts to get exposed by people talking about it in their own local areas but for the moment at any rate I don't see that happening and that is a real challenge I want to leave for everyone out here.

There is just one other major area that I do want to talk about and I want to again leave that hanging out here for everyone to think about and that is a question of how far the media really should go. There was a time in the 1980s, and I am talking about television and that is the medium which I really understand much better than print and we have far more eminent people to talk about print, there was a time in television till 1990-91 where it was completely controlled, it was only Doordarshan, there was one news chap who used to come around and give cassettes but it was entirely Doordarshan. At that time obviously the television media was not playing a role of being a watchdog because it was essentially part of the government. Now we have to some extent gone to the other extreme where television news has become rather rowdy, it has become a cacophony, it is slightly anarchic, more than slightly anarchic actually if you ask me, there are 100, 200 channels all screaming for attention, blaring breaking news one louder than the other. There is a danger in this and the danger in this is that the media can go the other extreme and from being a watchdog you can become a jury and that is not correct. The job of the media is to be a watchdog, it is to expose items of corruption. It is not to try in television studios, and I think we are seeing that happening, to try cases in their studios and say I have decided, I am the judge, I am the jury and I am the executioner, I declare you guilty, why haven't you resigned already. There there is a danger. It is a lot of fun to watch actually, sometimes you see it happening but it is not necessarily the right thing to do because as part of this process there are some people who may be obviously guilty and it is great to go after them but once this becomes a norm in which television and television news is being conducted. There are a large number of people who are perfectly innocent who are going to get caught upon this and when that starts to happen you would not go too far.

I think media has to play a watch dog, it has to expose corruption, it has to talk about all these things but at the same time beware about the danger of becoming an executioner. That is an

equally dangerous trend. I think we are seeing that happening. I think there are people in the past who have seen themselves the subject of a media trial and later found that actually they didn't do anything wrong then what happens. One of the reasons for this is also that at the end of the life is not black and white, there are shades of grey that are coming in. I will give you one example, we are seeing Wikileaks about to happen, there are going to be names of people in Swiss bank accounts. It is terrible, Swiss bank accounts you should go after the people, their names are going to be in place and people are going to say that they are guilty, they are corrupt and whatever you have it, but quite often there lies a nuance in it. Actually for the last 2-3 years it has been perfectly legal for Indian citizens to send 200,000 dollars a year abroad. I am saying before those headlines are coming. So, I am just predicting in advance what I suspect would happen. You may well have some poor industrialist somewhere getting caught in saying so and so has a Swiss bank account, explain yourself, so and so exposed in big black headlines and you will find that the person actually did it perfectly legally telling the RBI sending a 100,000 dollars abroad. There are shades of grey and in an atmosphere of media trial, sometimes the nuance is missing and especially on television. I think print has more space to get the nuance. In TV sometimes the nuance becomes missing and that is a dangerous trend.

Mr Bawa
Transparency International

Thank you Sir. Ladies and gentlemen, I belong to Transparency International India. The organisation was started in Berlin by one Mr Peter Eigen who was Director in the World Bank and who was disillusioned by what was happening there because he was not permitted to ask uncomfortable questions from the titans and the presidents and the prime ministers who had been given lot of loans. So, we started our chapter in 1997 and since then we have been engaged in various activities. For shortage of time I will just mention in very hyphenated form what our activities had been. We conduct studies, in fact we get studies conducted from experts like Dr Bhaskar Rao. The object is to show mirror to the authority that this is what people think about you. This is about the corruption perception index. We had a series of studies on perception of corruption among people, then compared a few states, and what are the public organisations which are more corrupt, we have been able to rank them and also corruption which the below poverty line families have to face. So, it is series of studies of this type we have been conducting.

The second is that we put pressure upon the government for proper enactment so that the problem of corruption, the menace can be dealt with squarely. Recently both the party and the prime minister and the government had mentioned that they would be taking five steps in order to deal with corruption. We have apprised the hon'ble Prime Minister saying that the five steps are welcome but you have to do a few more legislations



which are very necessarily like Lok Pal Bill which had been aborted for 8 times, it is not yet there, we are again contesting for this, in fact this time in the form of a demonstration which is going on and which would continue for some time. There are lokayuktas in all the States, some of the States don't have this and don't have the power which is necessary to deal with this problem. The Whistleblower Act has not been enacted, we have been asking for it. The rules under the Benami Transaction Act which was enacted in the year 1988, 22 years and the rules have not been notified with the result that the Act is a dead letter and nothing can be done about this. So, there are various enactments which we have been exposing to the government that unless those enactments are done, unless that legislation is there it would be difficult to deal with the problem.

We are also involving the bureaucracy. If bureaucracy is a problem the solution also lies with the bureaucracy because it is bureaucracy which implements all the laws whatever are available. So, therefore, we are interacting with them in a big way, we are telling them to use Section-4 of the Right to Information Act to which public has not been giving much attention but we are telling the bureaucrats to do so. We are setting the citizens charters, we have requested some of the governments and government of Madhya Pradesh has enacted the right of people to get services from the public authorities. We are also in touch with a few other governments seeking that the same type of legislation may be enacted.

We are also engaging with the independent institutions of the government. We are empowering people telling them that these are your entitlements, these are the agencies which can fulfil your entitlements and if these are not available you can invoke the Right to Information Act. This is our ground level activity in the States of Bihar, Orissa, Chattisgarh and Jharkhand. We call this scheme as Behel, it is a ground level work where people have been inspired to get their entitlements.

We have one advocacy and legal advice centre in Chennai. We trying to have two more. We invoke whenever it is necessary the right to information Act and we also go to the Supreme Court in a PIL wherever it is necessary. So, broadly we are trying to form a discourse that here is a very serious problem and everybody should get interested in this.

Now I come to the role of the legislature in accordance with what had been coming in your ads. One is who has the power to initiate action. Is it only the media. I say, yes. In the present context it is the media which is initiating because all the

agencies of the government are not interested in having any type of surveillance over themselves. Therefore, legislature is not interested in the reform of electoral laws, they are indifferent, they are not serious, you would have heard in the previous session police reforms is the judgement of the Supreme Court but the police reforms has not been accepted by most of the States. So, therefore there is this indifference, there is no interest of the legislature in order to have the proper enactments. The executive is a part of the problem. So, he will not invoke and they also have some inherent powers, the executive may or may not grant sanction to prosecute a person, the executive may or may not tell the police or the CBI to initiate action against an officer of a certain seniority or certain level etc., and most of the institutions are ineffective by law, not that they don't want to do anything but the law has been structured in such a way that the institution's independence stops at... So, it is the media which seem to highlight most of these issues.

My last point is that media is articulating the voice of the people, they are capturing the voice of the people and articulating it to all of you, to the whole country and that is why some of these spectrum, Adarsh, various other scams have become the talk of the town. Everybody is seeing action on these things. I agree with Vikramji that media has a responsibility, that there should not be any media trial, that there should not be any repetition of the footage, there is one information and the same footage is being repeated all over. Therefore, I will just sum up Mr Chairman by saying that it is the media which searches the information, it investigates, it is the media which seeks truth from the authorities, it is the media which speaks back truth to the authority, it is courageous enough, it pressurizes for action. Most of the action would not have been possible unless the media had followed some of those stories. It is articulating the voice of the people and therefore broadly it is creating a discourse against a very serious problem. So, the media is the fourth pillar and civil society is the fifth pillar of governance. These days all these five pillars will have to work together in order to have a corruption free India. Thank you.

Mr Bhaskar Rao

I think we have been since morning hearing about corruption more than integrity, if I could say although I would call it a three legged race and integrity is a part of that three legged race. But as has been said by the morning speakers, corruption is the undercurrent and cuts across practically every aspect of the life.

At my organisation, CMS, we have been doing

annually corruption studies. In between we also did for Transparency International India. But the methodology that we do is totally different from that of Transparency International. I will not go into that. We also monitor the print, the radio and the television channels, channel-wise 24 hours, every day in a year. For the last 6 years we have been doing this about how they cover corruption and of course so many other issues. You can ask on any issue how a particular channel or a particular newspaper has been covering the last 6 years that profile is available in our computer. Some of you can see it. Of course the profiles are not there on the Net but the corruption studies are there.

We also parallelly have been doing election studies, how the electorate behaves or influenced or what motivates them. In 1999, just a quick synopsis of that, corruption was the top-10 issue. At that time we had 10 news channels. In 2004, corruption was the top 5 issue. At that time we had 45 news channels. In 2010, just a few months ago corruption was at No.3, the top-3 issue. At that time we had more than 140 news channels. Now, what difference that made on the electorate in terms of the outcome of the polls is a different issue and I will not go into that. But the poll campaigns have certainly been influenced by this phenomenon of the coverage of the media. If you really see what has been the coverage of the corruption I was planning to bring a chart actually but since the time is very short I thought there is no need to tell this very well informed participants in this programme, there is no need to show slides etc., but the point is that what is covered by way of corruption by particularly the news channels is much more than put together the agriculture, health, education, environment and anything about social development. All put together is much less than what has been devoted for corruption by the television channels.

But if you really look at it what is that corruption, Vikram has very rightly at the very outset mentioned the two types of corruption, three-fourth of what they cover is about big bodies, high profile people and of course with political angle. What is covered with vulnerable sections that he has referred to is hardly there, particularly the national channels. The regional channels are somewhat better but there also it is not significant enough to really stand out to make the kind of difference that one would expect.

Is corruption an isolated phenomenon? I think in the morning briefly it was referred to but the point is education, politics, polls, judiciary and of course



the media all of them have a say in what kind of corruption or how it is being covered etc. But our studies have already brought out that last three elections we have brought out first time in India what we call mother of all corruptions in India. Mother of all corruptions is note for vote. You will be startled to know the percentage of the people who are paid money during elections including in Delhi. Earlier even we were thinking it is only the poor people but it is not so. It cuts across all sections of society, the note for vote phenomenon. That is why we call it mother of all corruption. In the morning there was a brief discussion, I will not go into that but I want to say that unless we address this issue, that is why in the morning Subash Kashyap has very rightly referred to 12 specific suggestions, I think we need to follow up those, I will not go into that. So, corruption free India, one of the slogans quite often we write and we talk and we deliberate in programmes like this should be a national endeavour certainly so and it has to be an all out pursuit.

But that big idealistic view, is it possible? Based on last one decades studies every year as I said earlier, our studies are mainly based on corruption and the citizen, citizen who is entitled for certain public utilities, public services, the citizen does not get unless he pays some money underhand or whatever you call it. So, we are concerned about that. So, the point I am making here is to your kind attention is that as a first step for that corruption free India we need to understand that phenomenon of that. But I think we got into a trap. This is what I call the perception trap. Perception trap is a very deceptive trap. It is something like what I call in developmental seminars that this country was

under an awareness trap. If people come to know about it, the problem is resolved is the understanding and the Planning Commission and everybody thinks about it. Similarly the perception is very deceptive. Everybody talks about Transparency International ranking has come down, it is not about corruption per se, it is perceptions. Today why I mentioned about the number of television channels 10, 40, and under 150 is the perception because of the nature of the television channels as a technology, the repetition of corruption in the television channels adds up to our perception. So, as a result of that we think everything in this country, every one, at all levels, corruption, corruption, corruption. Is it so? If you get into this syndrome, how do you get out of it, when do we get out of it. So, this is what we need to understand. The linkage between the perception and actual experiences that people go through we will not be able to get out of the mindsets of the people.

How do we go about curbing corruption. The trend in the last three studies of ours in the last three years has been that you will be surprised to know and many of the editors, some of them are sitting here, they will not believe it and they will throw it in the waste box, that is corruption when it comes to certain services has come down undoubtedly. I am willing to challenge anybody here to give you the empirical data about it. There are five services where the corruption level has come down but none of our editors, none of our media is interested to take note of it, not even giving any chance to stand up. If we had brought out that it has gone up, that would have been in the front pages. But this study that we have just released recently, if some of you are interested, I have the charts, I have the empirical data, it is a nation-wide study, it is not a small sample, it is a large sample and there are several reasons for that. I could quickly say that one of the most important is as has been rightly said pro-active media. Media certainly has been playing a very important role but then there is a question whether that itself is serving or adding to the problem or to what extent it is. In fact there are many people who say that what they are revealing is much less than what they are hiding, or what they are not really covering or what they are not giving a chance to stand up. The second is the technology, as has been mentioned in the morning, use of technology in several aspects. The third is privatisation and competition certainly has brought down.

The transparency regime the RTI and redressal mechanisms that has come as a result of several other things. So, the pro-active coverage, it is not enough to be merely a watchdog. If you really want to address the corruption, as has been rightly said

by my predecessors, it has to be concerned, I am glad that Mr Bawa has used the word civil society. I am a bitter critic of the word, NGO, please don't use the word NGO when you are talking about issues like this, you can use that in a different context, civil society and media and of course the independent bodies have a responsibility. Unless they come together and do something, this proactive media coverage is not possible and it will not lead to... So, saying media is a watchdog, if you think you are a watchdog and you are doing a watchdog coverage of corruption it will add to the problem, not resolve. I think we will not end up anywhere. I have just come back from Hyderabad where every political leader says I am under diksha, diksha is sitting on hunger strike, I said if every politician is doing diksha media dances around them. Instead of that if media itself takes a diksha, every individual media, every channel, every newspaper takes a diksha for the next six months I want to see if I could do Tiger, NDTV had done a great job, if I could do such a wonderful job on Tiger, why can't I do it about corruption. Take PDS, public distribution system, take hospitals.

In fact, CMS has developed a package just now, we have not yet offered to anybody but two channels are discussing with us about next six months concentrate on education, there is corruption in education, I am sure many of you are familiar with it, if you cant eliminate corruption in education where else can you eliminate it, where else can you curb it. So, how do you go about it. Just take the corruption in the education system, a TV channel could take six months to do, it could bring down to zero corruption level. So, there is a model. In fact personally I believe and I have been talking about it for a number of years that what government could not do in 60 years, television channels could do in 60 months. We have enough data, enough models, enough methodology to offer it free and there is lot more things I wanted to talk about this media model, how they could be proactively help bring down the corruption and I am quite sure they could bring down if they could take the similar kind of interest that they are taking at the instance of some corporates like the NDTV has shown some models. So, there are other things they could achieve, they could show that curbing corruption is possible. If you get into this syndrome everything is corruption, everywhere is corruption, or corruption is going up, we will never be able to get out of it. I think it is time that we take a realistic view. Let us not be influenced by the perception index, it is useful index, we need to know about it but we should not be focused all the time, then we go to PR, public relations people only will solve the problems of the country if we depend on the perception index.

Mr Sanjaya Baru

Respected chairman, Mr Kartikeyan, ladies and gentlemen, first my word of apology for not joining you in the morning and for being a bit late for this session. This is a conference on integrity and the obverse of it obviously is corruption and we are talking about corruption. I will make two very simple points. One, I agree with my predecessor Mr Bhaskar Rao that media tends to focus more on the negative than on the positive but that is the nature of the beast. One of the basic lessons of journalism is that when a dog bites a man it is not news, when a man bites the dog it is news. That is the ABC of journalism. So, it is quite natural that what is the norm does not get as much attention as what is not the norm. So, if corruption or incidents of corruption get played up more than the facts of greater adherence to norms and less amount of corruption in normal life, it is quite natural that the former gets more attention than the latter.

I also agree with him that in the day to living experience of most Indians actual levels of corruption have come down. People don't realize it, particularly young people, now I think of myself as an old man with lot of grey hair, don't realise it that even 15 years ago you could not get a car if you wanted off the shelf unless you bribed someone to jump the queue, you could not buy a motorcycle certainly without jumping a queue, you could not get a ticket easily in a train without bribing someone unless you are willing to wait for two hours in a long queue, we all lived in that era in which we had to bribe someone or the other for the basics. These days with online booking of railway tickets and with off the shelf availability of many of these things you find that in our normal life you don't encounter so many situations of corruption. I keep asking people in dinner table conversations people talk about corruption, I say how many times in the last one year did you pay a bribe. Then they say, well actually last year I did not but so and so did. So, normally it is all about other people's experience and the fact is that in our day to day lives fewer and fewer incidents. If you ask me, how many times in the last five years have I had to offer a bribe or commission, the honest answer is once.

It is not merely a perception created by the media. Thank God, media is focusing on it, because if it does not our democracy itself will be endangered. I am not talking about the scams for the reason that these are still under investigation but I want to say that corruption has entered every walk of life, from food adulteration, i.e. adulteration of raw vegetables, pulses, milk, pharmaceuticals, piracy in films, music, automobiles, branded goods, counterfeit industry, in every walk of life. And corruption is increasing in all these walks of life

because everywhere the law enforcement agency chooses to shake hands with the big business rather than doing their business. While the scandals in education, health is a sector which has highest amount of corruption, education next, judiciary is higher than the police according to the surveys and all that I want to say is that there is nothing wrong with the laws, it is the question of enforcement. If we cannot curtail the delay which takes place in the disposal of cases there is no hope for us being able to ensure integrity. If people are going to go scot-free, the Director CBI in the morning said 25% of the cases being investigated by the CBI are pending for more than 10 years, what is the use of that investigation or what is the use of those trials which are pending for 10 years or 20 years or 30 years. It only means that a miniscule of people are caught but they know that if you are caught for taking corruption or giving corruption you can also get out of it by corrupt means and the delay itself is on account of the corruption. It is the question of enforcement and management of the court systems. If we cannot dispose of the cases within a time limit the corruption is going to gallop further and it is



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sure to endanger even democracy. Thank you.

Mr PP Rao

Thank you Mr Kartikeyan, friends, ladies and gentlemen, I must congratulate the organisers for this conference, which is one of the burning topics. It has been a burning topic for a long time but the burning is becoming more and more with the passage of time. Some of us will not know when it ends.

When Mr Kartikeyan asked me to share my thoughts with you, I thought I would avail this opportunity because this is the first phase of action. Corruption is not an unexpected development. Way back in 1922, which is 25 years before we attained independence, C Rajagopalachary in his diary he wrote an entry his reflection at that time, he said elections and their corruption, injustice, and the power and tyranny of wealth, inefficient administration will make a hell of life as soon as freedom is given to us. Men will look regretfully back to the old regime of comparative justice and efficient, peaceful, more or less honest administration, i.e. during the British rule. But it did not happen as soon as we got independence, as he forecast, it took some time. Initially we started off exceedingly well. He added, hope lies only in universal education by which right conduct, fear of God and love will be developed among the citizens from childhood. It is here that we have failed. [

The exceeding high premium placed on capturing power by fear or foul means is because of the elected representative's conviction that power is the

passport to personal prosperity, corruption in the governing structures has therefore corroded the very core of elective democracy. How true it is. Then another quote, the certainty of scope of corruption in the governing structure has heightened opportunism and unscrupulousness among political parties causing them to marry and divorce one another at will, seek opportunistic alliances and coalitions often without the popular mandate. The last quote from his lecture is, casteism, corruption and politicisation have eroded the integrity and efficiency of our civil service structure. This was his analysis. It was in 1988.

If you analyse things, according to me corruption starts with elections and breach of law starts with that. Every candidate is supposed to take an oath by swearing allegiance to the constitution and the law. Very first thing what happens in most cases the election expenses returns which they file does not reflect actual money spent on election. For an assembly seat crores of rupees would be invested and what for so much being spent, we all know that, I don't want to further on that. Then this corruption has been spreading like a forest fire very fast, engulfing more and more areas, destroying everything and it is very difficult to extinguish. The latest casualty of corruption is the judiciary. What to do about it. It is possible to contain corruption but it requires a few radical amendments to the constitution and the laws. But who will amend. The law maker has to amend. Parliament has become captive of money power and muscle power. The constitution opens with the words, we the people of India, giving the impression that people...may be they are on paper and in theory.



The fact is the voters have become helpless visitors to the polling booths once in five years or less with restricted choice of candidates fielded by political parties who have deserted long back their ideology and today all of them have a common programme of capturing power by hook or crook, making false promises to electorate and engage in converting public property into private wealth most of the time. Barring honourable exceptions here and there the general culture is this. Encashing power of appointments, transfer, granting largesses, leases, licences etc. No wonder the extremists have been steadily gaining ground in different parts and particularly those bordering our neighbours – China, Nepal, Bangladesh and Pakistan. They are advancing if you notice what is happening. Not a single day goes without encounters between the security forces, the police and the extremists in some part or the other and there are certain powers around India who are interested in destabilizing India. So, this is a trend which we cannot ignore.

The judiciary is struggling to resist the invasion of corruption. Unless corrective measures are taken quickly it may turnout to be a losing battle. If the last citadel falls, that will be the end of rule of law. The country is passing through a crisis from evolution to devolution i.e. rolling back to, if you remember our Dasavataras are correlated with Darwin's theory of evolution. Life started in water, matsyavatara, fish is the first living creature, then came kurma, i.e. tortoise mostly in water, and for a while on land also it can survive. Then came varaha which is drawn to water and survives in marshy land, then came narasimhavatar, half animal, half human. I have a feeling we are rolling back now from evolution, ultimately finally we came to Ram, Shri Ram was supposed to be the most mature human being, representing the best. Then Buddha. Now, we are rolling back to half man, half human and half...otherwise how do you explain a legislator committing rape on a minor girl getting arrested, what kind of stories we are hearing. So, these events are very shocking. But then the question is what do we do.

I have just few suggestions. Everyone has his own prescription. These are my thoughts I would like to share with you. Amend the constitution to get rid of public servants of doubtful integrity. Present mechanism Prevention of Corruption Act has become expansion of Corruption Act. Two Acts we had, one in 1947 and 1988. They have not prevented corruption, they have not checked it, they have been unable to cope with it. Tightening the provisions governing recruitment to services and posts starting with the UPSC, and public service commissions upto staff selection boards, departmental promotion committees and selection committees, make ministership and high public

offices inaccessible except to the most deserving and able persons with impeccable integrity. Facilitate appointment of a few experts as ministers from outside and make them ex-officio MPs for handling crucial portfolios. Till the above changes are affected, make a provision by an ordinance or even notification for the appointment of a competent advisor to every Minister whose advice shall be followed except for good reasons to be recorded by the Minister in which case the matter should go to the Prime Minister. Constitute search committees to assist the collegium in the Supreme Court and High Courts in selection of candidates for judgeship. Strengthen the Election Commission by conferring more powers including power to derecognize political parties and cancel their registration.

Mr DR Kaarthiskeyan

Hon'ble Chairman, Shri Harish Salve, Shri Rao, ladies and gentlemen, when I wrote to the Hon'ble Chairman of the Law Commission and met him later, he was very happy about the conference being held. He said he will not only come for the valedictory function, he would also like to attend some of the sessions as an observer and he wanted a report of the proceedings of the report to be sent to him for consideration of the Commission and he was gracious enough to be present here this morning. He was of course in the audience, he refused to come on the stage.

Sir, as promised I will give a summary of the proceedings today and before that some references were made to the Election Commission. The Chief Election Commissioner Mr Qureshi was very keen on coming and he had accepted but he had to go to Sweden for an important international conference. Similarly, Mr GK Pillai, the Home Secretary was keen to come and make some observations. He had to go to Dhaka for the Home Secretary level conference between India and Bangladesh. Of course another officer Vigilance Commissioner Sreekumar was very keen to come and make some comments on the new approach paper of the Central Vigilance Commission. He had to go to Singapore for a global level conference of anti-corruption officers. Anyhow we have had eminent personalities from different walks of life making a huge contribution. I will just try to summarize.

We are all products of our system and unfortunately we are forced to indulge in corruption, how much ever hard we try. How do we overcome this challenge. Mr Arun Kumar made a distinction between what is extortionary corruption where people were left with no choice if we want to continue in whatever we are doing extortion money is paid. Then, the collusionary

corruption. Integrity is not restricted to public life alone. It needs to be upheld in private business enterprises and more importantly in our personal life. Only when we have person integrity can it reflect in our professional spheres. Just as charity begins at home, integrity too needs to begin at home. This has been reiterated by most of the speakers. Our existing laws have not been able to stem corruption and encourage integrity. The opinion by and large has been corruption has increased, more people are becoming corrupt and more money is being made. The Law Commissions can only recommend and it eventually is the responsibility of the government to take it forward.

Mr Harish Salve

Justice Reddi, Rao Sahib, Mr Kartikeyan, Shri Arun Kumar, ladies and gentlemen, I am grateful to the organisers for giving me this opportunity come and share a few ideas and few thoughts on a subject which I think I can say without fear of contradiction is upper most in the mind of every right thinking Indian. As we entered the year 2011 there was a thick fog for that hung over capital hill of Delhi and this was a fog caused by lot more than mere moisture on a very cold morning. I dare say there have been very few new years if any, which this nation has entered with such a sense of despondency and that is an interesting paradox because if you look at the various economic reports which we read while the United States continues to reel under the onslaught of an uncontained recession, stories of growth are few and far between. Europe is in a delicate condition, almost fragile, worried that the day Greece collapses it will take Spain with it and if Spain goes Portugal goes with it and God knows what happens to the European Union. United Kingdom is already talking in terms of...[break in audio for 2 min]...kind of ethnic dissimilarities as India can boast of a Parliament now for 60 years where governments have come and governments have gone by the ballot alone. How many people can boast of a media which is as fiercely free, at times a little over free, and yet why is it that we are in the stage of gloom?

We are in this state of gloom because of the massive structural aberrations. It happens when one muscle in your body fails others compensate. But it cannot be a permanent state of affairs. I think the time has come for us to look and look hard at where these structural aberrations have come in and look for certain fundamental solutions. The time has come to shed stereotypes, the time has come to shed prejudices and look at reality. We have a dysfunctional parliament. The tax payer has paid a lot of money for 500 people to come for 3 weeks and do nothing. Protest of course of the opposition

is a valid defence and it is a valid step, oppositions must protest. Paralyzing parliament and I am not supporting that the government was right in saying no JPC or the government was wrong in saying no JPC. Paralyzing parliament meant that three supplementary grants were passed without parliamentary scrutiny. What is Parliament meant for? Your and my hard earned income goes into the exchequer and that money is to be spent when that expenditure is scrutinized by our representatives. If they choose to sit in central hall after protesting and drink coffee while by a voice vote the government passes democracy has failed.

The opposition demands JPC, their demand has a strong point of view which says we must demand how the governments work. But the truth is do we need a JPC to tell us that there are lobbies in Delhi. We did not know that the likes of Nira Radia exist, why are we fanning this horror and whom are we trying to fool that if we have neutralized one Nira Radia there are not 500 more operating today as we speak in Delhi. We have become a nation of gestures. Catch one person, hang one person and life goes on. Life goes on merrily and life goes on in its own decrepit way until we deal with the fundamental problems which beset us. All these gestures are not going to solve any problems. First of all let us be clear, our fight is not against corruption, our fight is against egregious corruption. As the late Mr Palkiwala used to always say, in any society there is a small number of people who are incorrigibly honest, who will be honest in any circumstances. There are a small number of people who are incorrigibly dishonest, who will be dishonest come what may. But the bulk of society and especially Indian society consists of intelligent, hardworking people who given a fair regime would prefer to live honestly, would prefer to live a life of dignity, of fairness in which they can sleep well. Have we created such a society? Why have we not created such a society, where have we gone wrong?

Let us talk of the big problems. I heard a comment in Mr Kartikeyan's sum up, ask people who travel abroad to declare their bank accounts. Do you think the problem in India is solved by those who are willing to file affidavits? Do you think the problem in India is solved by those who have bank accounts? Or is the problem in India created by those who have bagfuls and sack-fulls of cash, who have wire transferred money stashed away in accounts ask them to file affidavits and you will have a lot of humbug on your hands. We Indians have encouraged this because we have for the last 30 years learned to live with lies, with deceit, with dishonesty. We encourage that because we have become hypocrites, we have to stop being hypocrites.

Let me give you the first example of political dishonesty which all of us as Indians inculcate in. No election will cost more than Rs.30,000 in non-sensical limit. So, when you join parliament you join with a falsehood saying I have spent less than Rs.30,000. Every politician who fought the election seriously filed an affidavit saying I have fought the election in less than Rs.30,000. Why, because we must show that we are honest. We must show we are frugal. This is where dismantling democracy begins. We must all wear khadi, said the largest political party at that time. It does not matter if you are drinking Black Label in the evening but wear khadi when you are doing it. This hypocrisy has become a part of our daily life and we have to shed this hypocrisy if we have to attack this monster of egregious corruption.

How many of us would stand up on public platforms and abuse corrupt ministers only to fraternize with them in the evening. We need to build a society where a corrupt person should not find a friend. But all of us are happy today. How many of us can keep our hand on our heart and say when we step out of this meeting and if we have a friend who has been corrupt we will not have a drink with him in the evening. How many of us will have the courage to tell him don't visit me from

today. If we do not change that mindset we are not going to move ahead.

Recently you must have read about the allegations of diversion of funds in the House of Lords. When the figures came out an Indian who is now settled in England says, he says, my God, look at these chaps, the kind of money which they have embezzled if you offered it to the peon of a Minister in India, he would be offended. Somebody was alleged of diverting 8000 pounds, somebody was alleged of diverting 10000 pounds, 8 lakhs, 6 lakhs, 10 lakhs, but those Members of Parliament, senior Lords were produced before a magistrate and you had to see a large body of English society standing outside the Magistrate's court and you had to see the revulsion on their faces. These eminent peers did not know where to hide their face. When will we see that revulsion on the Indians face every time we see a corrupt minister, every time we see a corrupt politician, every time we see a corrupt civil servant? When will we see that revulsion on our face every time we pay a bribe? If that mindset cannot be developed all these attempts at seeking affidavits, setting up institutions is all a waste of tax payer's money.

Of course we need structural change. What are the



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changes we need. We need regulation, we need regulators, we have to do away with discretion. We have proved in the last 50 years, we Indians do not know how to handle discretionary power. We must have transparent regulators. If the power to distribute spectrum had been given to the Telegraph Regulatory Authority, half this nonsense which we are reading about would not have happened. There would have been an open public debate on whether it should be by auction, or whether it should be by old prices, there would have been an open public debate on who should be invited, how they should be invited, consultation papers would have been issued, it would have been out as they say sunlight is the best disinfectant. Anything done in government offices today comes out tainted, grant

of mining leases, allotment of lands, allocation of spectrum. An average Indian ever notices, see the lower middle class Indian, if he needs a small change, a small mutation from the DDA, if he needs his name entered in the municipal register, if he needs a gas connection, if he needs a water connection, he has to climb a mountain and large corporates get policy changes done in a matter of moments. What sort of a country are we living in and who is this country being run for. We therefore need regulation, more and more transparent regulation, less and less discretion.

Secondly, we need transparency in our appointments to institutions and I mean all institutions. It is a sad day today that the appointment of the Chief Vigilance Commissioner is being scrutinized by the Supreme Court. The Supreme Court is a co-equal institution of governance. If the Chief Justice of India even asked a question as to the appointment of the CVC, the government should have resolved the matter instead of contesting the matter. Why should anybody insist on continuing in the post of a Chief Vigilance Commissioner if the Chief Justice of India

and his two colleagues feel that it is worthy of scrutiny. Caesar's wife must be above suspicion. We need transparency in appointment of regulators. That day the Chief Justice asked a very important question, he says, how are regulators appointed. My only response was, please don't ask the question lest you hear a truthful reply. We are creating or rather, we have created a Frankenstein. We have created a Frankenstein in our regulators what we have now done is we have created independent bodies, extremely important. They are not answerable to the executive government, yes, because they have to be independent, they are not answerable to Parliament, excellent, who are these people, how are they appointed. Today, the head of the SEBI can destroy a business house if he comes

up with a wrong policy. How is he appointed. Today the petroleum regulator can fix the price of petroleum products which affects the life of each India, how is he appointed. The air regulator can interfere with fares being

charged to each one of us, how is he appointed. Has anybody asked that question. Government has successfully slipped this one by us. If the Minister made a wrong decision he is answerable at the hustings, he is answerable to Parliament. If the civil servant made a wrong decision he is answerable to the Minister, he is answerable to the Parliamentary Committee who would haul him up. If SEBI comes up with a disastrously wrong policy, who is to ask him the question. The court will be told this is policy, beyond judicial review, the minister will be told I am independent. If there are serious allegations, for example, the Telegraph Regulatory Authority came up with a policy slanted in favour one telecom company who is to ask the question. The Telegraph Regulatory Authority and the government says, appeals don't lie from policy decisions of regulators. If appeals don't lie from policy decisions of regulators, you now have one single individual, earlier at least you had a cabinet



with whom we all complained saying this is lack of transparency. You now have one single individual, the regulator, who is determining policy over telecom, who is determining policy over oil, who is determining policy over aviation sector, the most powerful sectors are under individuals and how are they appointed, don't ask. We need to fix this.

Thirdly, we need to fix the judiciary and we need to do that urgently. We need accountability of the judiciary. The appointment process is as opaque as opaque can be and there is no process by which a corrupt judge can be removed. What then happens is the unseemly spectacle which we are seeing allegations rife in the air. Some serious, some worthy of scorn but why do these kind of allegations do the round because the people who do the allegation say what else do we do, we can only use the media. A committee for judicial accountability has been on the cards for the last 10 years. I remember as Solicitor General when the Atal Bihari Vajpayee government was there, there was a proposal to have a Committee for appointment of judges and the politicians in the last 10 years have not been able to agree as to who should be in this committee. Partly the judges hijack it by saying no no, it should be only of judges, which is wrong. The government of the day insists it should be the Prime Minister who heads and so and so who heads it and the leader of the opposition says, no no it must be equally balanced and so on. Surely we can agree, it does not take 11 years for us to agree on who should be a committee for such an important issue. But we have not been able to do anything about it and that is how we go on.

We have to realize that there is one and only one important paradigm by which a democracy is run and that is the rule of law, not the rule of men. We have descended into the rule of men because our criminal justice system has collapsed. Rao sahib gave that example that when a girl complains of rape she is put in jail. On the one hand it is used oppressively, on the other hand depending on who is on the other side it is used against the victims themselves. Why has this happened. Frankly, because the criminal justice system has collapsed. We heard so much about the fodder scam in Bihar. I remember in 2000 the Supreme Court transferred those cases to Jharkhand. In 2011 the cases are still pending. What happened? This is how serious we are about corruption. Many of the accused have been in the cabinet in the State and in the centre, continuing merrily, their terms have come to an end, cases are going on. We have lost the fear of the law. In place of fear of the law, and Kartikeyan sahib is sitting here he will bear me out, we have now taken a very dangerous short cut, fear of embarrassment. So, today, and this becomes a very

handy tool in the hands of governments. Today we are not seeing convictions. Today a person is guilty if there is a raid on his house, there is as the young media journalist will tell you incriminating evidence found, immediately. He is arrested and put in jail, released three days later and no trial. His reputation is damped. I was watching with great interest when the Nira Radia raids were going on, now they have found the hard disk of a computer, how does that youngster know, or is the CBI official leaking to him, most probably he is. Why, because the CBI official knows like in the famous hawala case this is going to get nowhere, this investigation is going to most probably come to naught but today he is in the limelight so he is leaking information. Maybe it is true, what if it is not. Is there somewhere we can recompense that lady. The CBI has leaked information about that poor father and mother whose daughter has died, the Aarushi Talwar case, one CBI team says they are innocent, public pressure comes saying you can't file a closure report so they file a closure report and then make insinuations from the back saying actually the father is guilty. What sort of a system have we come to? Why, because we now want shortcuts. Public pressure mounts on the CBI, on the police. Whenever there is a gruesome crime they know at the end of the trial, I have been doing the Ansal Uphaar case, the fire happened if I remember correctly in 1998, the appeal is pending in Supreme Court in 2011. The Enron was one of the most complex commercial frauds. One year start to finish from the commencement of investigation to the incarceration of Enron officers, one year. I have had large corporate clients from the United States who are in panic if the justice department of the US starts an enquiry, and mind you they are the kind of clients who pay large amounts every year to the Presidential election, to the senatorial elections, they have large presence on Capitol Hill but if the justice department starts an enquiry they are in a state of panic. When will we build those institutions?

I think we need to ask ourselves these hard questions and we need to fix our institutions which are in disrepair, the most of all the criminal justice system. We need more judges. We are not going to get judges at the salaries we pay. I don't know if there has been any improvement but six years back when the Supreme Court and Solicitor General called me and said why don't you look into it, we are not getting members for the district forum. I went and looked at it and the truth was the all found salary to a member of the district forum who had the power to impose a punishment of 25 lakhs, the all-found salary per month was Rs.5000 less than what I was paying my driver. In Rs.5000 why would somebody agree to become, and in today's time if he was an honest man, he would have to live in somebody's servant's quarter if he is earning

Rs.5000 and he would be the member of the district forum. Why would anybody agree to this job unless for him the salary was pocket money and he had another source of income in that job. This hypocrisy which we live in, the kind of salaries which we pay today are the primary and the beginning, the first cause of corruption. A reasonably honest officer driven to this is then left with two choices – live in stark poverty or join the rest of the gang. It requires a man of great integrity to say I will live in poverty rather than join the gang. And corruption begins in small favours. If you want to get your child admission, you bend one rule. Why, because without that you are not going to get your child admission. You need a house, you have to go and sit outside some Secretary's office or some Minister's office to get a house which you are entitled to. You bent the second rule. The third time when somebody offers you a bribe your resistance is lower. We need to fix these institutional problems, we got to shed our hypocrisy, we got to come to terms that India cannot live where in the private sector you have such generous emoluments and civil servants live with one-tenth as much. We cannot live like that. Even a young civil servant aspires to buy a nice car, to have a washing machine, to have a dishwasher, to have a television set, and he is entitled to. Does he do less work than his corporate counterpart, he does not. Come to terms with this reality, pay reasonable salaries, fix our institutions. Our judges, I can tell you and I will just take a minute more, what did we do to our judges. When the 9th Pay revision came we said judges and civil servants are not on the same plane. The judges salary is revised like this. Fine. Judges were left out. They went to court, the court said, how can you not revise their salaries, the government said no, no, they are separate. So, the Shetty Commission is constituted. Shetty Commission gives a report, the first objection filed by the government is he has delinked the salaries from the civil servants salaries. So, you set up a separate commission saying that they cannot be linked to civil servants salaries when the report comes you find the salaries have gone high, you say this is because it is not done. I attended that cabinet meeting and in complete breach of the Official Secrets Act I always say this, I attended that cabinet meeting when objections were raised. The figure, the enormous financial burden under which the government would have crumbled if salary hike given was Rs.6000 crores. I only asked the Finance Minister Mr Jaswant Singhji one question. I said, sir, your banks have lost more than that in the financial scam and it has not even caused a blip in their balance sheets, I think India can afford Rs.6000 crores if that is the price of fixing our justice system. Of course they did not agree and later on I believe some review was filed which hopefully was trashed by the Supreme Court. Rao

sahib asked one important question, who will do these, who will make these changes. These changes will be made when you and I make this an electoral issue. Each one of who can has to reach out to the next generation. I always feel my generation has failed India but I see great hope in the next generation. The young students of India are far more spirited than us. I think we owe it to them to mobilize public opinion until restoring the institutions, restoring the judicial system, restoring the faith in Parliament, restoring accountability, becomes a matter of votes, we are not going to get changes. Let us always remember, democracy is a ceaseless endeavour, it is not a safe harbour. Thank you.

Valedictory Address
Shri PV Reddi,
Chairman, Law Commission of India

Dr Kartikeyan, respected senior advocates PP Raoji and Harish Salveji, Mr Arun Kumarji, distinguished invitees and participants, this conference is aimed at expressing concern over the menace of corruption and to find the possible solutions for controlling this rampant malady. It is not one of those routine or formal conferences. A genuine feeling and an urge to find some solutions to this malady is at the back of the organisers of this conference and there is light from many lamps and eminent personalities have participated in this conference. I am here to learn many things from you and to get the necessary inputs for undertaking the needed law reforms. I am not going to say anything new especially after the enlightening and powerful addresses of Mr PP Rao and Harish Salveji.

Corruption has become the greatest, in fact, quite often in the recent times many people ask why corruption is on the rise, why it is on the rise of late. We are hearing about so many scams and scandals involving the nexus of politicians and bureaucrats. I keep answering by saying that it has not increased, it has been there, for at least 3-4 decades it has been on the rise but by coincidence many such scams have come to light during the year 2010 and naturally they are under public gaze. So, that corruption has become the greatest malady afflicting the society and disrupting the social fibre. Standing at the beginning of this 21st century we find no words to describe the intensity and evil effects of corruption. We hear horrendous, bewildering and sometimes interesting stories of corruption. Of course for want of time I don't want to divulge those interesting stories. We have legends in literature and research papers on corruption. Corruption is on everybody's lips, in every household but it is not leading to any positive action. Corruption is at the root of many problems and the ills that pays the society. It has become a

stumbling block in achieving the goal of welfare state ordained by the Constitution. The paradox is that in spite of a vigilant press and cherished freedoms guaranteed by the Constitution as one of my preceding speakers have pointed out, corruption in India is still exceptionally high.

Based on 13 independent surveys, you know Transparency International prepared a list known as corruption perception index giving the ranking to the countries in the world in terms of corruption. India stands at 84th position among 180 countries. Of course New Zealand, Denmark, Singapore, Sweden, Switzerland, Australia and Canada are the least corrupt countries, UK and USA stand at position No.17 and 19 respectively. We have a solace that 96 more countries big and small which are more corrupt than our country. However, we have improved our position a little when compared to previous years. China has a little higher ranking when compared to India, that is also considered to be a very corrupt country, it is 5 places above India, Russia is one amongst the topmost corrupt countries.

Further it is seen from the index, the countries which are well developed in terms of economy and education are less corrupt. A well known economist and editor Mr PS Jha I think has narrated an interested account of corruption which he heard in the course of a conference at Singapore. He said, the fund managers and corporate executives reveal that the main reason why they were not prepared to mesh India into their global production plans was that even after they had obtained all the clearances from the Central and State governments they remained at the mercy of the local bureaucrats and politicians. Any one of them could stop their operations and threaten to do so if they were not given an adequate inducement. Every change of government in a State led to a fresh set of demands and a fresh set of negotiations with the new incumbents. To sum it up, the Chinese took larger bribes but delivered security of investment in return. Petty bureaucrats would transgress this principle received a bullet in the back of the head in a football stadium. In India by contrast they prospered while the enterprise sickened or died. That is the account which he gave. It only shows that even in countries where there are harsh laws and swift justice dispensation corruption remains unabated. It needs a study as to why such a situation exist in those countries vis-à-vis the corruption.

Of course Benjamin Disraeli said in 19th Century, I quote, when men are pure, laws are useless, when men are corrupt, laws are broken. We are in the second category. Corruption has been there in all ages and it is interesting to note that in the classic

treatise of Arthashastra written by Kautilya in 4th Century BC gave a vivid account of corruption as it prevailed in Mauryan kingdom. That was a situation in spite of the fact that during those days harsh penal laws were in force and the legal process was much less complex. However, the material difference between the past and the present is one of degree. The level at which it is flourishing especially during the last 3 or 4 decades is unparalleled. The steady deterioration of fundamental human values in every walk of life has contributed to this situation as one of the learned speakers has pointed out. The desire to make quick money while in office is a product of deeply entrenched greed, our craving for luxurious living. Mahatma Gandhiji said, on this earth there is enough for everyone's need but not enough for their greed. The despicable acts borne out of greed and selfishness are inhuman and unpardonable as they affect the fellow human beings whom the public servants is expected to serve.

Martin Luther King Junior said many decades back, our scientific power has outrun the spiritual power, we have guided missiles and unguided men. This statement is of greater relevance in the present day context. The fusion of values dear to human life into the development process is a necessary ingredient of progress in right direction. The exciting new era of development and in technological advances has had its effects on the mindset, attitudes and cultural moorings of the people. Though by and large the transformation of economy has contributed to the prosperity and growth of the nation, it has promoted materialism and the lure to make money by hook or crook. The globalization had its indirect but definite impact on our socio-cultural fabric. However, the technological tools and simplification of procedures and other steps taken to promote transparency together with judicial activism had checked the growth of corruption to some extent. In tune with the deteriorating values of life there would have been higher degree of corruption but for such measures taken. However, the corruption persists like a dreaded disease, it has become all pervasive. The money allocated for welfare schemes is frittered away by corrupt officials in league with middlemen. The beneficiaries of those schemes are hard hit in this process.

It is a matter of grave concern that corruption prevails in our country even in securing routine services i.e. the common man getting the simple benefits which by law they are entitled to. Corruption is distorting the allocation of scarce public resources. We talk of corruption and deprecate it in strongest possible terms indoors and occasionally outdoors at a conference of this nature. The worst part of it is that the people have become

tolerant to corruption and got reconciled to the fact that corruption has become a part of the life of the society. People are disillusioned with the machinery to tackle corruption. There is little or no resistance to the malpractices and manipulations resorted to by the corrupt public officials, at times with the connivance of elected representatives. People do not come out openly to point out the corrupt activities known to them, maybe for fear of reprisal or on account of indifference. The most quoted one liner of [unclear] that is the accomplice to the crime of corruption is frequently our own indifference is very apt. It is this indifference that is encouraging the corruption in public service as pointed out by the preceding speakers. The galloping growth of this evil and trends of its manifestation has established that it is more of a social problem emanating from a diseased society. It needs a multipronged approach to tackle corruption. Tackling corruption ought not to be left to the government alone. What could really contain corruption is the active role played by the public including the NGOs, the professional associations and the eminent persons like those present here. Let us shed our indifference to corruption and assume a proactive role to the extent we can, just as we have done today by organising this conference.

Friends, there must be either respect for law or fear of law. Fear of law is one aspect which has been very rightly highlighted by Mr Harish Salve. Certainly there is no respect for law. Therefore the endeavour should be to instil the fear of law. The fear of law cannot be instilled by merely having stringent laws on the statute book. There are enough laws in our country. But there are enough of bad people to restrain good laws. The bane of our society is the ineffective enforcement of laws on account of various reasons. The systems in vogue, the indifference of public and the confidence on the part of the wrong doer that the rule of law will not be able to touch him for the factors that aggravate and encourage the corruption, tackling corruption is not an easy task. Yet, we must move forward in all the directions to stem the rot. The administrative systems and procedures have to be so harnessed as to reduce the scope for corruption and expose the risk of corruption. We must identify the corruption prone areas and the breeding sources of corruption and appropriately devise the ways and means and find ante-dotes to contain it. Of course preventive action is more important than the punitive action. Moreover we must think of solutions which are practical and practicable. The present laws relating to corruption are sufficiently deterrent and they would be more deterrent with some additions suggested by Law Commission of India earlier. But the emphasis must be to spread the dragnet of law so that as many corrupt public servants as possible could be brought to book. The provisions in the

statute book should be made more functional. That is the direction in which we should proceed.

It is unfortunate that the pace of prosecution in corruption cases is tardy and there is much to be desired in the manner of conducting the prosecutions. The trial also gets delayed for reasons right or wrong in spite of the special courts having been set up. In some states unfortunately the disposal of appeals is taking longer time than trials. A morally ill deserved but a legally inevitable acquittal has become very common. The bottlenecks leading to delays in filing charge sheets and case disposals have to be removed. It is heartening to note that recently the Chief Justice of India has sent communications to all the High Courts to ensure that priority is given to the corruption cases pending and in the Supreme Court also corruption appeals were directed to be listed high on board. Corruption is one of the top priority areas to be attended to diligently and with all resources at the command of the State.

The political will to check the menace of the corruption coupled with the activism on the part of the public are the two key factors that would keep the corruption under control. There is every need to strengthen the machinery and mobilize the resources to check the corruption. A review of the anti-corruption machinery in force in the country would reveal many shortcomings and deficiencies. Anti Corruption Bureau is not considered to be as important as regular police department in the eyes of the government. Quite often the officers unwanted in regular department are posted to the ACBs. ACB Director and other senior officials are posted and transferred according to the choice of political executives. ACB is not insulated from interference by political bosses. The government takes its own time to accord sanction for prosecution. The usual problem of inadequate personnel and vacancies remaining unfilled haunt the ACBs in the States. There is hardly any specialisation in ACBs, nor is there an adequate intelligence network which is very essential for keeping track of the corrupt activities and officials. As far as CBI is concerned, it is apparently an independent and more specialised agency. However, CBI is overburdened with work and it appears that there is shortage of manpower with the result the quality of investigation suffers. Perhaps an exclusive wing in CBI specialised in anti-corruption strategies is a need of the hour.

CVC or a body of the same stature should be empowered to recruit and train the officials and staff without depending on deputation or ad hoc arrangements. Presently the presence of CVC is not felt everywhere as it ought to be. A more dynamic role is expected of it and the government should

give prompt attention to CVC's proposals to strengthen it. There is also a need to undertake impact assessment of the performance of the CVC and CBI post Vineet Narayan's case. All this would lead to effective implementation of corruption laws and tend to instil the fear of detection which will go a long way to curb the corruption. Side by side there is need to organise village level and Taluk level committees consisting of cross section of the public selected by an independent body. Such committees at the grassroots level can spread awareness in respective localities and also coordinate with ACBs and the like bodies. Building of public opinion against corruption and prompting the public to be vigilant and sensitive towards corruption should be a significant component of the action plan to curb corruption. Social consciousness will serve as an anti-dote to the unholy nexus between the corrupt elected representatives and the corrupt officials colluding with them. A colloquium of this type with all the talent and experience its members have should come forward with definite proposals on these aspects.

Another important step to be taken is to prescribe corruption as a subject of study at the secondary or high school level just as environment is now a part of school syllabus by reason of the directive given by the Supreme Court. More than environment, the children of tender years and the adolescents should have sufficient exposure to the serious problem of corruption. The awareness, attitude and prejudice towards corruption should develop from home and the schools during the childhood. A boy or girl in formative years of growth should be able to raise his/her finger against corruption and even stand up against the parent indulging in corruption. A child's attitude towards corruption will certainly have an influence on the conduct of the parent. The feelings of hostility towards corruption should get firmly implanted in the young minds which in turn will have a salutary effect on the elders prone to corruption.

Another important aspect is to control the discretion to the extent possible and that has been highlighted by some of the learned speakers. The experience shows wherever there is discretion it is liable to be misused in our country from top to bottom. Better the discretion is minimised in every sphere of the governmental activity by framing definite rules and criteria meant to be followed strictly. Then we have the formidable problem of political corruption which is very acute. We have inherited the legacy of clean politics and honest administration. Corruption at higher levels of bureaucracy or judiciary was practically unknown. But unfortunately that legacy could not be sustained for long. The regime and controls and permits,

widespread developmental activities and the perceived need to spend money in elections has contributed to the growth of corruption in post independent India. Political corruption as has been pointed out starts with the elections. Huge amount of money is spent by the candidates having the chance of winning. Black money and liquor flow during election time. Some of the candidates are able to muster the support of the local officials who would turn a blind eye to the brazen illegal activities indulged in by the candidates in whom he is interested. When such candidate is elected the bond of corruption between them grows and nurtures further. We have the reports of elected representatives and influential leaders earning money in contracts and distribution of government largesse. Even tender conditions are frequently tailor made to suit a pre-ordained contractor. In some instances the contracts are obtained benami, in the name of their puppets with the active connivance of public officials. Substandard works are allowed to be carried out by the contractors with impunity and in flagrant violation of public trust as they have the backing of political leaders. Unauthorized constructions spring up with the blessing of officials acting under the influence of political big weights.

How to tackle this menace is the most complex problem. If the political corruption lessens automatically the corruption in public service gets reduced. An elected representative of the people conscious of his responsibilities and committed to public service is the best check against corruption in the area. But if he remains indifferent to the corruption or encourages corruption what firm steps could be taken in keeping with the democratic principles and rule of law is the million dollar question that remains to be answered. I am sure that this issue would have been discussed in the conference and some possible solutions mooted. There must be an appropriate mechanism to curb unscrupulous...[unclear]...I am told that the law ministry in collaboration with the Election Commission is likely to come forward with proposals to reform the electoral process which is a welcome step.

Effective enforcement of money laundering law is another area on which the attention has to be focused. We hear reports that the tainted money is stimulating drug trafficking as it is used to bribe the corrupt officials and influential persons. From time to time the Law Commission submitted its report suggesting law reforms on certain aspects relating to corruption and corruption issues. Of course in the aftermath of Vineet Narayan's the Commission prepared the Central Vigilance Commission Bill and also two Constitutional amending bills concerning Delhi Special Police Establishment Act and Foreign

Exchange Regulation Act. The Commission suggested that the CVC should be a multi-member body. As regards to improvement in infrastructure and methods of investigation the Law Commission referred to the organisational set up for investigation of offences by Serious Fraud Office (SFO) which is existing in UK, in sensitive cases involving issues relating to fiscal fraud the need to have a multidisciplinary investigative team was stressed in that report. Then the Commission suggested providing CBI and Enforcement Directorate a separate trained police force. The Commission emphasised the need for taking measures to complete trials involving high level public men with utmost expedition.

In the 166th Report the Law Commission had drafted a Bill titled the Corrupt Public Servants Forfeiture of Property Bill. The existing provisions in the Prevention of Corruption Act providing for confiscation of property in excess of known sources of income is inadequate since the forfeiture follows conviction only. The Commission through the analogy of subpoena 1997 in recommending the introduction of this new Bill for forfeiture of property on enquiry. Then another important recommendation made by the Law Commission in its 179th report was in respect of whistleblower law. A draft bill entitled the Public Interest Disclosure and Protection of Informers Bill 2002 was prepared which was meant to encourage the people to disclose corrupt practices and protecting honest informants from any type of victimisation. The recommendations regarding CVC have been partially acted upon and some of the other recommendations of Law Commission of India seem to be under active consideration of the government.

Then we have the Section 5 of the Benami Transactions (Prohibition) Act 1988 which contains a provision that all properties held benami shall be subject to acquisition by such authority in such manner and after following such procedure as may be prescribed. So far no rules have been framed. The result is that Section 5 of that Act remains on paper. Perhaps this provision can be usefully pressed into service against corrupt public servants who acquired properties through close relations and friends.

These are some of the aspects which I thought I should highlight. The record of deliberations here would certainly generate fresh ideas and would give a fresh impetus for the Law Commission to have a relook into the needed reforms to minimize the corruption. Thank you very much for giving me this opportunity.

MAJOR FINDINGS & RECOMMENDATIONS OF THE CONFERENCE

The following are major findings and recommendations:

- A credible legislative bill to be passed that addresses integrity on the whole
- The right to information to be made a fundamental right provided for the constitution. The RTI to be strengthened further and its loopholes plugged. An effort is being made to dilute it that should be resisted and should not be allowed to happen.
- Confiscation of property to be made stringent and compulsory in all corruption there are prima facie offences established and of course after conviction.
- Mandatory for those travelling abroad, of course there is a dispute about that, there is a suggestion made, it should be made mandatory for those travelling abroad to submit an affidavit declaring bank accounts they may hold in foreign countries. This has been disputed saying that there are lot of practical problems involved in that and honest people may be subjected to unnecessary harassment.
- Electoral reforms is essential, as the corruption starts with the elections and as Mr Naveen Jindal also pointed out in the name of elections huge funds are collected, much more than what is necessary for election and those people who take the money keep it for their own purposes.
- Political control over investigative agencies need to be broken.
- Fresh police laws need to be enacted which will make the investigative agencies more independent and the police equipped with latest legislative framework.
- Timely issue of ordinary requirements of

citizens like ration cards, passports and other public utility service cards in a quick and transparent manner.

- Judicial reforms to be brought about that would enable independent appointment of judges and facilitate quick dispensation of the huge backlog of cases, also, judiciary to be held accountable.
- There is also a crying need to bolster the capacity of the investigating agencies. These requires an urgent updating of outdated laws to facilitate better policing.
- The agencies also require adequate augmentation of human resources, particularly skilled investigators in the middle and lower ranks to help address the huge backlog of cases. The Director CBI was here telling that 50% of the sanctioned posts are vacant in the CBI and some of the CBI are cases are pending trial for more than 10-15 years.
- There is severity of laws but there is no certainty of punishment. This only encourages corruption. Also there is a need to address the people who have the capacity to be corrupt.
- There is also an urgent need to develop a positive vigilance culture.
- Speedy disposal of cases, not only the courts, speedy disposal of all matters before the various authorities. It is the delays and secrecy which makes it possible for corruption to succeed. If we can speed up disposal of file at various levels and if they can make the process transparent, the scope for corruption will come down considerably.
- To stem corruption one more factor is accountability and increased transparency.
- The biggest enemy for the State is not external threat but rather corruption which is internal and corrosive.
- There is also a need to make the vigilance oversight bodies independent. At this moment vigilance bodies are located

within the organisational structure, i.e. about the vigilance officers in the Ministries and each of the government agency. This hampers a transparent investigation of allegations raised against the officers in that ministry or department. There is therefore an urgent need for an independent but single body to oversee corruption.

- India requires a stable government which is held together with adequate checks and balances. Just as an organization cannot sustain if it is not looked together, the nation cannot progress if it is not looked together with instruments that stem corrupt practices and encourages accountability and transparency.
- There is the huge gap between the actual levels of corruption and the public perception of corruption. This gap has been created and come about due to the role media has played in highlighting corrupt practices. As the number of media houses have increased, people's perception on corruption has increased correspondingly. Media is a major actor and has managed to achieve things in far less time which the government could not do in the last 60 years.
- It would benefit if the media could take upon itself to address elements of corruption in particular areas, for instance, corruption in the educational system as a subject that media could choose to work for about 6 months or so. The change that this would bring about would be tremendous.
- The biggest corruption challenges that the media is facing is the corruption from within. It hardly gets focused on. Since on one hand it is aware of it, no measure has come about to address it. Professional management of media has come down.
- Combination of business and political interests dominate corruption in the media.
- Most in the media have also learned to live with the privileges and assume that

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they are entitled to it.

- Professional bodies which cannot adhere to the codes of conduct have had to face disciplinary actions.

Some of the major issues that have been highlighted in the sessions are:

- India has institutional framework, the problem is how to make use of this framework.
- Some of the laws of India are old and archaic. How to make them contemporary and updated.
- Need for a credible Lokpal Bill. Everybody said it should be brought about immediately and it should include all levels, not only the politicians but it should include the bureaucrats also.
- RTI should become a fundamental right.
- How to ensure that the business houses are willing to lose so as to ensure business ethics?
- How to develop a positive vigilance culture?
- How to promote honest people to come forward?
- How to ensure that the corrupt do not feel that they can get away with anything?
- How to address corruption at the common and lowest levels from the beginning?
- How to ensure that corruption does not increase as Indian economy improves?
- How can people's power be assembled and channelized against corruption?
- How to enhance professional management of the media?
- What can we do to get out of the perception trap which we are currently

caught in?

- How to bring more justice in the criminal justice system that is marked by huge backlogs?
- How do we improve the criminal justice system?

Major recommendations of the conference are:

- Institute a credible Lok Pal institution.
- RTI should be made a fundamental right.
- Remote political control over investigative agencies and the police.
- The largest majority are honest and silent. They should unite and ensure they do not remain silent.
- Amend the CrPC and make registration of crime more user friendly and easy.
- Ensure institutions and existing laws that deal with corruption do not contradict that the corrupt not be asked to investigate his or her own department and give a verdict.
- Media should play a major role as the watchdog but not as a jury nor as a lap dog by exposing corruption.
- The Press Council should be given more teeth to provide functional oversight.
- There are many suggestions about the shift system of courts functioning. I am told in States like Gujarat it is functioning normally and effectively and thousands of minor cases have been disposed of.
- Law to regulate functioning of political parties. There shall be a separate law.
- Declassification of crimes i.e. minor offences to be decriminalised so that they can be disposed of by methods like plea bargaining.