

Dated: 14th October 2010

To

Dr Manmohan Singhji,

The Prime Minister of India,

7, Race Course Road,

New Delhi.

Dear Dr Manmohan Singh,

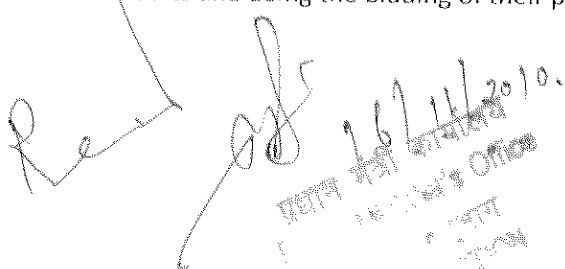
The scale of the alleged corruption in Commonwealth Games is shocking. Unfortunately, the government's reaction to it appears totally inadequate. Before the games, you and Mrs Sonia Gandhi made strong statements that no one will be spared. But the measures taken so far in the name of enquiries and investigations are hardly encouraging.

Ineffective enquiries going on so far:

Based on the information available to the public, the enquiries which are underway at the moment seem to be the following:

1. **Central Vigilance Commission:** The CVC is looking into just about 18 contracts or so, as against thousands of contracts and much bigger ones that have not been touched so far.
2. **Central Bureau of Investigation:** CBI is also believed to be looking only at a handful of contracts relating to Queen's Baton controversy. With the range of politicians facing allegations, CBI can be least entrusted to do an honest investigation, as it is directly under the government and takes its orders from the same set of politicians.
3. **Enforcement Directorate:** ED is looking into only foreign exchange related matters like controversies surrounding Queen's baton etc.
4. **Comptroller and Auditor General of India:** One is not sure of the ambit of CAG's enquiries but both CAG and CVC do not have the jurisdiction and powers to peep into the role of politicians.

From all this it appears that so far no one has the mandate and authority of investigating the politicians involved, even though it is widely believed that corruption of this scale would not have been possible without the knowledge and collusion of at least some politicians. All these agencies will merely be concentrating on tenders and papers and questioning middle level officers who were at best merely conduits and doing the bidding of their political masters.

 16/10/2010
Dr Manmohan Singh's Office
New Delhi

Though you have set up the Shunglu committee, this committee neither has powers nor jurisdiction to conduct the most basic enquiries. Forget politicians, it does not even have the powers to call for records from an ordinary clerk. Suppose it calls for records from a particular department and that department refuses to comply. What powers does Shunglu committee have to enforce its directions? Does it have powers to summon officers, politicians or contractors to question them or record their statements? Agencies like the CVC and CAG draw their powers under various laws. Despite that, even they find it difficult to get their orders implemented from obdurate and corrupt government machinery. CVC has repeatedly said that the government departments do not respond to its queries. How would the Shunglu Committee get its orders implemented? It would be unrealistic to believe that the bureaucracy would oblige just because the Shunglu Committee has been appointed by the Prime Minister.

It is extensively being reported in media that Mr Shunglu has been given the “powers” of a Supreme Court judge, which obviously is a myth. He has not been given the “powers” but the “status” of a Supreme Court judge.

In any investigation, time is of essence. Else precious evidence is lost. By the time the Shunglu committee submits its report, most evidence would have been wiped out.

We have made the police complaint:

There are serious allegations of corruption, forgery, cheating, breach of trust and conspiracy in the conduct of Commonwealth Games by various government agencies. These are serious criminal offences under Indian Penal Code and Prevention of Corruption Act. As per law, criminal cases should have been immediately registered in each of the allegations. However, we sadly note that barring a street lighting case, no FIR has been registered in any other allegation.

We, the undersigned, therefore, as concerned citizens went to the Parliamentary Police Station and filed police complaints in some of the allegations, which were reported by the media in the last few months. We have also filed similar complaints with the CBI. We are attaching a copy of the same for your reference. We hope that your government would direct the CBI/police authorities to register criminal cases in each of the allegations.

Who will do the investigations now?

Having made the police complaint, we come to the larger and more critical issue – who would investigate these complaints? Delhi Police and CBI directly report precisely to the same set of people, some of whom are accused in this complaint or they are politically so well connected (or critical to the continuance of UPA government) that it would be foolhardy to believe that CBI or Delhi Police would ever dare to raid them or question them.

In 2G spectrum case, CBI registered a criminal case almost a year back. Despite severe admonition by the Supreme Court on several subsequent occasions, CBI is yet to make any headway in that case. Since CBI is directly under the control of the government, whose existence depends upon the support of the prime accused Mr A Raja's party, it would be foolhardy to believe that CBI would do any honest

investigations into that case. When it is becoming so difficult for you to seek resignation of Mr Raja, how could one even imagine that an honest criminal case would be allowed to be launched against him, unless he falls out of favours of UPA.

Therefore, having filed police complaint, we do not believe that there is any agency in the country which is independent and has adequate powers to investigate and prosecute the guilty honestly.

The country has been witness to a series of scams in the last few years, including 2G Spectrum, Adarsh Housing Society, mining contracts, Commonwealth Games etc. The need of the hour is to realistically tackle this menace in a manner that has a good chance of succeeding.

Not a single effective anti-corruption agency in our country:

A look at all anti-corruption laws and agencies indicate that all of them suffer from internal contradictions. There is not a single effective anti-corruption agency in our country. In the structure and functioning of each of these agencies, there are critical loopholes so as to make it ineffective. For instance, the CVC is an independent body but does not have powers to take any action. It is merely an advisory body. Plus, it does not have jurisdiction over politicians. CBI has the powers but is not independent. It is directly controlled by the government. Also, CBI needs government's permission to initiate investigations and to launch prosecution in any case. So, one agency has the powers but is not independent. The other agency is independent but does not have the powers.

The Proposed Lokpal Bill

Government has announced the setting up of yet another agency, called Lokpal, by December. According to the government's proposal, Lokpal would have jurisdiction over politicians but not bureaucrats, as if politicians and bureaucrats indulge in corruption separately. So, almost every case will need to be investigated by both CVC and Lokpal - CVC will look into the role of bureaucrats and Lokpal will look into the role of politicians. But is this a practical or desirable approach? The obvious question is why can't the same agency investigate both? And the most interesting part is that even the Lokpal is being made an advisory body! It would merely recommend to the government to initiate prosecution against, say some of its ministers. Surely it would be very unlikely that most governments would follow such advice.

We, therefore, demand the following action from the government immediately:

Take immediate steps to protect the evidence:

1. The first thing that any investigating agency would do is to prevent the accused from being able to access critical evidence. Therefore, to begin with, the ministers of all those ministries in Delhi Government and central government, which dealt with commonwealth games money and are suspect, should be immediately asked to step down. Key officials in these ministries should also

be moved elsewhere and in any case prevented from accessing the papers and evidence related to the accusations. Let all these people join back if they are proved innocent by the enquiries.

Create effective machinery to do honest and effective investigations and hand over these cases to them:

2. A Special Investigative Team (SIT) headed by a police officer of proven integrity should be constituted and should be given complete powers and independence to do honest investigations into the allegations of corruption in Commonwealth Games. These investigations should be done in a transparent manner to re-establish the faith of the people and reduce possibilities of wrongdoings in investigations.

There is a public outcry against corruption in the country. Use this opportunity to establish effective anti-corruption systems in India:


3. An Independent Commission Against Corruption (ICAC) should be set up through a law which has the powers and resources to investigate complaints of corruption and prosecute the guilty. What should be the ingredients of such a body? A meeting of eminent people took place in August 2010. It was attended by some very senior people who have been connected with administering anti-corruption systems in our country like Justice Santosh Hegde (Lokayukta of Karnataka), Mr P Shankar (former CVC), Mr Pratyush Sinha (former CVC) and Mr J M Lyngdoh (former Chief Election Commissioner). The meeting discussed the deficiencies in our present anti-corruption set up and what needs to be done. They all concurred that all the anti-corruption agencies should be merged into one agency, say Independent Commission Against Corruption (could be called Lokpal), which should have the following ingredients:
 - a. It should be completely independent of the government.
 - b. It should have jurisdiction over both politicians and bureaucrats.
 - c. It should have the power to initiate investigations and prosecution in any case without needing any approvals or permissions.
 - d. This body should also have the powers and resources to provide protection to whistleblowers, both within and outside the government.
 - e. The appointments to Lokpal should be transparent and participatory.
 - f. The functioning of Lokpal should be completely transparent and accountable to prevent it from becoming a hub of corruption itself.

Though a copy of the minutes of this meeting has already been sent to you earlier, we are again attaching the minutes for your ready perusal.

On these lines, we have also drafted a law. We will forward a copy of the same if your government shows interest to work on the above lines.

The alleged corruption in the Commonwealth Games has seriously shaken the confidence of the people of India in the resolve and ability of your government to prevent corruption. If these allegations are not transparently and effectively investigated and if the guilty go unpunished, then there will be widespread despair and cynicism among the people of this country. Therefore, we earnestly urge you to immediately take the various measures listed above and assure you that if your government does not immediately do all that is required and expected, we shall be left with no option but to take all possible steps within our command to initiate a nationwide agitation against corruption and the corrupt.


Warm regards


(Swami Ramdevji)

Patanjali Yogpeeth, Haridwar, UP

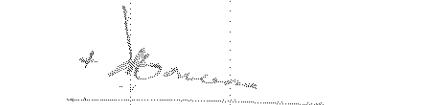

(Devinder Sharma)

C-66, II Floor, Sector 30, NOIDA, UP



(Anna Hazare)

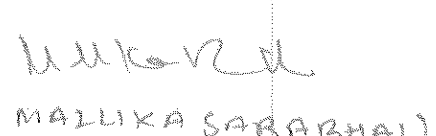
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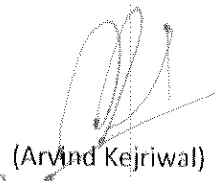
Ahmednagar, Maharashtra

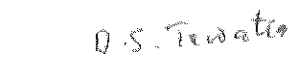

(Arch Bishop Vincent M Concessao)

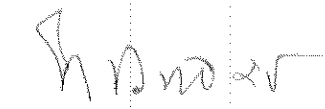
Arch Bishop House, New Delhi - 1



(Kiran Bedi)
Former IPS Officer,
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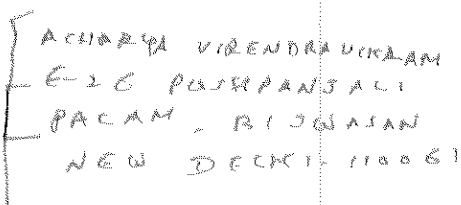

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(Arvind Kejriwal)
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