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all the aspirants of civil services. Lack of infrastructure and the inadequate capability of personnel is a major factor which need to be taken into account. All new national policies on subjects having large public interface and amendments to existing policies should be made in a manner which would not be a burden on the state. The Code of Conduct The authority for ensuring the observance of the present Code of Conduct is the Prime Minister in the case of Union Ministers, the Prime Minister and the Union Home Minister in the case of Chief Ministers, and the Chief Minister concerned in the case of Ministers of the State Government. Civil society here refers to formal as well as informal entities and includes the private sector the media, NGOs, professional associations and informal groups of people from different walks of life. Proceedings of the court have to be held on a day-to-day basis with stringent Penalties. It is, therefore, crucial that cases of corruption are handled by efficient prosecutors whose integrity and professional competence is above board. Section 5(A) was amended so as to empower the State Governments to authorize officers of the rank of Inspectors of Police to investigate cases under the Act. Note: In India the company act 1956 provides the statutory framework which governs the internal processes of company. Filing Assets and Liabilities Statement A new Section, 75A (the Representation of the People (Third Amendment) Act, 2002), has been inserted which stipulates that every elected candidate for a House of Parliament or the Legislature of the State, shall, within ninety days from the date on which he/she makes and subscribes an oath or affirmation, files the details of his/her assets/liabilities to the Chairman of the Council of State or the Legislative Council. They now have to seek re-election if they defect and cannot continue in office by engineering a 'split' of one-third of members, or in the guise of a 'continuing split of a party'. Various institutions which are working at Union level are: The Central Vigilance Commission Vigilance Units in Ministries Central Bureau of Investigation Central Vigilance Commission (CVC) The central vigilance commission was set up as per Santhanam Committee recommendation and it was accorded a statutory status following a judgment of Supreme Court in Vineet Jain v. A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned. The first thing that caught my attention from the report summary was a statement saying, "The examination structure has been designed to test candidates against their knowledge of basic things." 2nd ARC Report Summary Vision IAS PDF In Hindi is a very important book for IAS aspirants. The confidential reports of officials are not always recorded with due care. Arguments against Prime Minister's inclusion under Lokpal If the Prime Minister's conduct is open to formal scrutiny by extra-parliamentary authorities then government's viability is eroded and parliament's supremacy is in jeopardy. State Governments should take steps on similar lines, especially in local bodies and authorities, which have maximum 'public contact'. Coalition partners change partnerships mid-stream and new coalitions are formed, primarily driven by opportunism and craving for power in utter disregard of the common minimum programme agreed prior to government formation. AuthorDargpLanguage EnglishNo. of Pages139PDF Size1.6 MBCategoryGovernment Also, Download Drishti IAS 2nd ARC Summary Report PDF RTICapacity BuildingEthics Second Administrative Reforms Commission Origoal Full Reports 2nd ARC Report Summary PDF Ethical Values in Politics play an important role in setting the public discourse while it is unrealistic and simplistic to expect perfection in politics in an ethically imperfect environment, the standards set in politics influence other aspect of governance. A Guideline for Rajya Sabha Members Members must not do anything that brings disrepute to the Parliament and affects their credibility. It derives its powers from the Delhi Special Police Establishment Act, 1946. which are already being examined by other bodies. Acts of harassment or victimization of or retaliation against, a whistleblower should be criminal offences with substantial penalty and sentence. The United Nations has also prepared a model law on money laundering and proceeds of crime. Annual Reports providing details including transgressions may be placed on the Table of the respective Houses. Conflict between private financial/family interest should be resolved in a manner that the public interest is not jeopardized. A reward system for reporting cases of corruption could also help in bringing to light cases of corruption. Audit The audit authorities often do not convey information which has come to their knowledge in respect of serious irregularities in which criminal misconduct is involved, to the anti-corruption bodies. The Task Force may, in particular, recommend whether any amendment in the existing legal framework like the Indian Contract Act, and the Prevention of Corruption Act is required to make such agreements enforceable. Thus made defections virtually impossible and is an important step forward in cleansing politics. A system of Local Bodies Ombudsman for a group of districts to check corruption at local level. A risk management system to prevent corruption should seek to minimize risk by ensuring that 'low risk personnel' should hold 'high risk jobs' and vice versa. Steps have to be taken to ensure that judges declared as Special Judges under the provisions of the Prevention of Corruption Act give primary attention to disposal of cases under the Act. A suitable mechanism for this may be put in place. Recommendation The corrupt public servants (forfeiture of property) Bill as suggested by the law commission should be enacted without further delay. Institutional Framework The Administrative Vigilance Division of the Department of Personnel & Training is the nodal agency for dealing with vigilance and anti-corruption cases. A Judge shall not accept gifts or hospitality except from his family, close relations and friends. Such a protection is not required for offences which are basically based on the direct evidence of: Demand or acceptance of bribes. Simplifying Transactions Hierarchies cause diffusion of responsibilities, multiplicity of layers in decision making process breeds corruption. The loss sustained could be monetary or non-monetary as in the form of pollution or other social costs. A Judge should practice a degree of aloofness consistent with the dignity of his office. A Serious Frauds Monitoring Committee should be constituted headed by the Cabinet Secretary, should have the Chief Vigilance Commissioner, Home Secretary, Finance Secretary, Secretary Banking - Financial Sector, a Deputy Governor RBI, Secretary, Department of Company Affairs, Law Secretary, Chairman SEBI etc as members. Anti-corruption policies lay down by United Nations Convention: Each State Party shall endeavor to establish and promote effective practices aimed at the prevention of corruption. This report should include specific cases of violations, if any, and the action taken thereon. The Supreme Court of India in its Full Court Meeting held on May 7, 1997 unanimously adopted a charter called the 'Restatement of Values of Judicial Life', generally known as the Code of Conduct for Judges. Recommendations The Constitution should be amended to incorporate a provision making it obligatory on the part of State Governments to establish the institution of Lokayukta and stipulate the general principles about its structure, power and functions. International cooperation is not merely between governments but also between international private sector business and professional bodies and the national chapters, and international networking and mutual assistance between civil societies in the task of prevention of corruption in the public and private sectors. Members should desist from giving certificates to individuals and institutions of which they have no personal knowledge and are not based on facts. This exercise may be carried out in a time bound manner, say in one year, and a road map laid down to reduce 'monopoly' of functions. Recommendation Steps should be taken for immediate implementation of the Benami Transactions (Prohibition) Act, 1988. The crucial question is one of ensuring a balance between equality before law and protection of an honest civil servant who has his reputation to safeguard, unlike a corrupt one. The commission is of the view that the Lokpal should be a three member body for bringing expertise, ensuring transparency and objectivity. However, the rules should provide that for each such case the official responsible for the delay must be proceeded against. A Prime Minister facing formal enquiry by a Lokpal would cripple not only the government but the authority of Prime Minister with parliamentary support is synonymous with nation's dignity and prestige, therefore if Prime-minister is indeed guilty of serious indiscretions then parliament can remove him by no-confidence. Asset recovery is a fundamental principle of the Convention even though the needs of the countries seeking illicit assets have to be reconciled with the legal and procedural safeguards of the countries whose assistance is sought. Members must keep uppermost in their mind the fundamental duties listed in Part-IV of the Constitution. Enforcement of code of conduct by Election Commission. However if private officials are performing public services and NGOs receiving state aid both their officials should come under ambit of Prevention of Corruption act. The person who brought the suit shall be suitably compensated out of the damages recovered. Leaving aside specific sectoral requirements, the broad principles of such reforms must be: adoption of 'single window' approach, minimizing hierarchical tiers, stipulating time limits for disposal etc. Apart from enquiring into each complaint and fixing responsibility for the lapses, if any, the complaint should also be used to analyze the systemic deficiencies so that remedial measures are taken. Recommendations Legislation on the lines of the US False Claims Act should be enacted, providing for citizens and civil society groups to seek legal relief against fraudulent claims against the government. Ministries and Departments should be asked to coordinate this task in their organizations/ offices and complete it within one year. Risk profiling of government officials poses a challenge in the sense that the present system of performance evaluation discourages a reporting officer from giving anything 'adverse'. Political Parties should take a lead in building a consensus to fight against the corruption by enacting legislation. The State Panchayati Raj Acts and the Urban Local Bodies Act should be amended to include this provision. The Chief Vigilance Officer (CVO), while taking a decision in each case, considers the advice of the committee. If the false claim is established in a court of law, then the person/ agency responsible shall be liable for penalty equal to five times the loss sustained by the exchequer or society. There is a Ministerial Code in UK, in the US Senate a Code of Conduct and in Canada a 'Guide for Ministers'. Supervision Most governments and their agencies have a hierarchical structure. Abuse of authority unduly favoring or harming someone. The Rashtriya Lokayukta should consist of a serving or retired Judge of the Supreme Court as the Chairperson, an eminent jurist as Member and the Central Vigilance Commissioner as the ex-officio Member. A Judge shall not enter into public debate or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination. Each Tribunal should comprise a High Court Judge and a senior civil servant with at least 5 years of experience in the conduct of elections (not below the rank of an Additional Secretary to Government of India/Principal Secretary of a State Government). The supervisory officers in the investigating agencies should ensure that only those public servants are prosecuted against whom the evidence is strong. The professional agency should contact these persons and get their feedback. The substantial delay in obtaining sanction for prosecution from government, with the result that corrupt officials are often not brought to book. Recommendations 'Public Service Values' towards which all public servants should aspire, should be defined and made applicable to all tiers of Government and parastatal organizations. Civil Society engagements to fight Corruption The Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan, a well-known NGO, started uncovering corruption in local public works by gaining access to employment rolls, vouchers, beneficiary lists, and completion and utilization certificates and then, handing them over to the concerned villagers for scrutiny in public hearings called Jan Sunwai. The reporting officer should then give his specific comments on this. The Commission also recommends that similar amendments may be made in Article 194(2) of the Constitution in respect of members of the state legislatures. A case under the Prevention of Corruption Act can only be registered by the Special Police Establishment of the CBI or the anti-corruption agency of a state and not by the civil police. A similar exercise may be done at the level of State Governments and local bodies. Obtaining valuable things without or with inadequate consideration. Prohibition of 'Benami' Transactions The Law Commission, in its 57th and 130th Reports, had recommended enactment of a legislation prohibiting Benami transactions and acquiring properties held Benami. Each supervisory officer should carefully analyze the activities in his/her organization/office, identify the activities which are vulnerable to corruption and then build up suitable preventive and vigilance measures. Section 165A was inserted in the IPC stipulated that all corruption related offences should be tried only by special judges.





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