

NOTHING TO DECLARE

Officers are hiding behind a lacuna in rules to prevent full disclosure of assets

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By Shyamlal Yadav

The All India Service (Conduct) Rules framed in the 1960s are explicitly in favour of transparency for officers of the IAS, IPS and Indian Forest Services. According to the rules, every officer must “on their first appointment to the service, submit a return of his assets and liabilities giving full particulars regarding: the immovable property owned by him, or inherited or acquired by him or held by him on lease, either in his own name or in the name of any member of his family or in the name of any other person; shares, debentures, postal Cumulative Time Deposits and cash including bank deposits inherited by him or acquired or held by him; other movable property inherited by him or similarly owned, acquired or held by him; and debts and other liabilities incurred directly or indirectly.”

Those requirements stand seriously diluted if the information on the assets and liabilities of serving secretaries to the Government of India, accessed by INDIA TODAY through RTI, are an indicator. It was not easy getting access to even this limited information, on just the immovable assets of around 120 secretary-rank officers. It took two years of argument and persuasion with the Department of Personnel and Training (DOPT) and the Central Information Commission (CIC) to finally get the information.

Civil servants have exploited a lacuna in procedure to prevent the declaration of moveable assets. While rule 16 of the AIS Rules has a provision for movable and immovable property declarations at the time of selection into service, the annual Immovable Property Returns (IPRs) submitted to the DOPT only requires officers to update the status of their immovable properties.

This is in sharp contrast to those in politics: all electoral candidates, members of legislatures and members of



INTERVIEW | **K.M. CHANDRASEKHAR**

“Rules will have to be amended”

Cabinet Secretary K.M. Chandrasekhar, spoke to Shyamlal Yadav on many issues regarding bureaucracy. Excerpts:

Q. Is there a proposal to put the assets of bureaucrats on websites like in Bihar and Madhya Pradesh?

A. I have given instructions that any query under the RTI Act about my returns need not be referred to me. I have no problems about declaration of assets. It would be useful to put assets of officers on websites.

Q. Bureaucrats not need to file movable assets annually under the present rules.

A. Under the present circumstances, it would be a good thing to declare all assets of officers.

Q. Is there any need to amend the rules to revise the format?

A. It will have to be amended and the format will have to be changed. I think the DOPT is working on it.

Q. There were over 1,000 Group-A officers at the Centre who did not file their annual IPR till two months ago. But there is no penalty for defaulters.

A. Just like we follow up the case of ministers, we should follow up the case of bureaucrats.

Q. You had announced your office will be paperless from April 2011. Is it really going to happen?

A. It has already started. There are some sensitive papers which we cannot put online. But the rest of it is increasingly coming under the e-filing system.

Q. Shouldn't officers dealing with RTI be given some incentives?

A. The officers will have to wait till the next pay commission. But we are trying to introduce the performance management system. Once this system is in place we can link that too. ■

council of ministers are supposed to declare all their assets, movables and immovable. Following a 2003 Supreme Court order, electoral candidates are required to give the details of “cash, deposits in banks, bonds, debentures and shares, other financial institutions, motor vehicles, jewellery, other assets, agriculture land, non agriculture land, commercial and residential buildings, houses and apartments with current market value of each of them and loans and government dues.” DoPT sources concede that the format for bureaucrats is not so detailed. Says Arvind Kejriwal, RTI activist, “There is a lacuna in the service conduct rules. There must be annual declaration of all movable and immovable assets and their sources.”

Many officers are not even ready to declare immovable assets. According to DoPT sources, 26 officers of secretary and additional secretary rank in the Government of India had not submitted their IPRS for the year 2009 until November 2010. The deadline for submission of the details was January 31, 2010. According to DoPT sources, 150 directors, 207 deputy secretaries and 799 under secretaries had also not submitted their returns on time. The declaration is mandatory but there is no provision for punishment or penalty for the defaulters.

More than 20 secretaries refused to reveal information about their immovable assets to INDIA TODAY. TCA Anant, Secretary, Statistics, wrote to INDIA TODAY saying, “Property returns containing details of property, its value etc. as furnished by me is purely personal information and therefore, the same may not be disclosed under RTI Act.” The CIC, in its August 25, 2010 order, had said while these declarations are not confidential, since these have third party information, the DoPT should take the views of officers concerned before disclosing them. At least some officers seem to have opted to hide behind the CIC’s nuance. Speaking to INDIA TODAY, Cabinet secretary K.M Chandrasekhar said for complete transparency, the rules “will have to be amended and the format changed. The DoPT is working on it,” he said. ■



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GUJARAT

Justice After Godhra

In the next eight riot cases, the accused are Hindus

The Godhra verdict on March 1, in which 11 accused were sentenced to death and 20 to life imprisonment for burning the Sabarmati Express and killing 59 kar sevaks have passed off peacefully. But this may also be the beginning of a rancorous phase in politics, judiciary and society, with verdicts in eight 2002 Gujarat riot cases due in the next few months.

Unlike in the Godhra case, the accused in all these cases are Hindus and the victims Muslims. Some of the top names in the accused list include former BJP minister Mayaben Kodnani and VHP leader Jaideep Patel who face the charge of instigating crowds at Naroda in Ahmedabad.

Three of these cases—Naroda Patiya, Narodagam and Gulberg Society—belong to Ahmedabad city while the rest are from rural areas in north and central Gujarat. The most gruesome of all these are the two from Naroda Patiya and Gulberg Society. In Naroda Patiya, 98 Karnataki Muslims were killed by a Hindu mob of 25,000. In Gulberg Society, 69 persons were killed, including Congress leader

Ehsan Jafri. Says public prosecutor Sudhir Brahmabhatt, “The judgment in almost all these cases will be delivered in less than six months except in the Naroda Patiya case where 190 witnesses are yet to be examined”.

While the Muslims will clamour for rioters to be taken to task, delivering justice in these eight cases will be more difficult than in the Godhra case. There are three big differences between Godhra and these cases. In Godhra, some accused were apprehended by the police from the spot of the incident but that didn’t happen in these cases. The mob at Godhra was just around 1,000 while in other cases, the number of rioters varied from 10,000 to 25,000. It makes the task of pinning down the accused much tougher. In Godhra, the accused faced conspiracy charge but in these eight cases, the attacks were spontaneous.

The investigation by the Supreme Court-appointed Special Task Force also proved that some charges were wrongly levelled by Muslims at the insistence of human rights activists. This may work in favour of some of the accused.

by Uday Mahurkar