

Speech of the Hon'ble Chief Justice of India at the valedictory function of the Golden Jubilee Celebrations of CVC



I extend my warm felicitations to all the dignitaries present in this august gathering. I am delighted to have the opportunity to be a part of the Golden Jubilee Celebrations of our country's premier institution namely Central Vigilance Commission, which has been instrumental in combating corruption for decades. I wish to see this day as not to commemorate the mere existence of Central Vigilance Commission but to commemorate those unnamed and unsung heroes who in the past have fought courageously against social ills and to those who have made it a mission of their lives to fight the evils of corruption. On this memorable occasion, I congratulate the members and officers of the Central Vigilance Commission for their dynamic and forcible support in combating corruption in the largest democracy of the world.

2. Corruption is the biggest threat to democracy. In a healthy democracy, institutions must be independent and strong that helps facilitate good governance, accountability and transparency. However, six decades of independence in our country have witnessed a steep rise in the magnitude and complexity of corruption in public life. Values in public life and perspective of these values have undergone tremendous change. It seems that the

consequences of corruption are well known, perhaps not well realised. It is because, either we have given up hope of making our country a less corrupt or we have come to terms with corruption, accepting it as a facet of life. Both these attitudes are hazardous for working of our democracy. The Central Vigilance Commission being apex integrity institution entrusted with the task of overseeing vigilance administration and implementing government policies against corruption has greater responsibility in addressing the issue. Undoubtedly, the Commission has always been committed to mitigate corruption at all levels by stressing on various preventive and punitive measures.

3. Ladies and Gentlemen, the Commission's role as a watchdog became more crucial after the Supreme Court judgment in the Vineet Narain case popularly known as Jain Hawala Case. After this judgment, with the enactment of Central Vigilance Commission Act 2003, the Commission acquired statutory authority, namely the superintendence over functioning of CBI in so far as cases handled by it under Prevention of Corruption Act. Recognising the eminence of the Commission in dispensing the functions enumerated in the Act, the Supreme Court has on more than one occasion, reposed faith in the Commission and has entrusted highly sensitive cases to assist the Court in monitoring them. Thus, it is obligatory on every officer of the Commission to function in a manner to ensure, fair, impartial and unbiased functioning of the agency and ultimately uphold and preserve the trust of the people in the institution of democracy. I have learnt that the Commission has undertaken many new initiatives for combating and preventing corruption. Leveraging of technology to combat corruption is one such significant initiative. Central Vigilance Commission has been continuously emphasising Public Sector undertakings and other organisations for adoption of latest technological initiatives like e-tendering, e-procurement, e-payment etc. Further, the Commission has also laid down guidelines for promoting strong internal control mechanism for transparency, fair play, objectivity in matters related to public administration. With the advent of Lokpal and Lokayukta Act 2013, I foresee a greater co-operation and interaction between these institutions, with their strength coming together to make good governance a reality in this country. Further, delay in receiving sanction for prosecution of public officials will not be an issue anymore in view of the provisions in Lokpal Act. Another significant, yet, ignored factor is that in order to improve vigilance administration, it is necessary to sensitise the citizens of this country about corruption. If we want to make things happen, we must first believe that it can happen. As said by Russell, every opinion becomes respectable if you hold it for a sufficiently long time. Today, the citizens of this

country view corruption as inevitable, but as a French thinker remarked, the inevitable becomes intolerable the moment it is perceived to be no more inevitable. Spreading awareness about the ill effects of corruption and the ways of fighting, it is the most effective strategy to reduce corruption. Awareness leads to empowerment. India, in the recent past, has been more vocal than ever before in denouncing the act of corruption. Central Vigilance Commission must work more vigorously for safe guarding the trust of the people. Nevertheless, the problem of corruption is pervasive and reach of vigilance institutions is limited. While anti-corruption agencies are striving to address the widespread problem of corruption, their task cannot be truly accomplished without active participation of all stake holders. It must be realised that corruption in our country not only threatens the concept of constitutional governance but also degrades the institution of democracy and the rule of law. Our Constitution does not grant liberty to anyone to be corrupt. The efficacy of every single fundamental right, originally envisaged are a product of judicial activism depends on immunity from corruption in public and political life. The Constitution of India is envisaging a democratic culture, does not the permit the exploitation of public resources, power, position and pre-eminence for private gains. The Commission has been stressing on predictive, proactive and participative vigilance measures in addition to building of public awareness to fight corruption. The Vigilance Awareness Week which is being observed every year at the instance of CVC with different themes and focus has been making good impact amongst all stake holders including civil society.

4. Role of media in combating corruption is equally significance. Today, we are in transitional phase where old values are crumbling and new values are formed. Media also plays extremely vital role in our lives. It is like a mirror to the society which reflects contemporary thoughts and action and shapes people's perception. It wields enormous power to affect their opinion. In such a backdrop, media owns huge responsibility of disseminating true and fair information about scams or scandals. Neither the truth should be suppressed nor untruth exaggerated. An unbiased, ethical and fair publication can result into virtual cycle of transparent policy making, clean government and faster economic growth. Besides, the enactments like Right to Information Act, 2005, the public awareness has grown. It has also necessitated greater transparency and accountability in public life which are positive signs of healthy democracy.

5. Then I want to say something about delay in disposal of cases. Despite, timely amendments and strict interpretation rendered by Courts to the provisions of the Prevention

of Corruption Act, corruption tends to be like a cancer in our society. One of the primary factors is the delay caused in disposal of corruption cases. Delay in trial allows the guilty to get away as they are not awarded the punishment which they deserve whereas, to double jeopardy for the innocent persons to suffer frivolous, malicious cases. Now, I am going to cite one illustration; in the case of V.S. Achutanandan Vs R.Balakrishna Pillai & others, this is from Kerala, this case has been reported in all journals of the Supreme Court, 2011 (Vol.3) Supreme Court cases 370. I am the author of the judgment, I had the occasion to highlight the grim reality of corruption cases involving public servants which normally take longer time to reach its finality. Now I am to give various dates. In that case, the contract in question was of the year 1982 and the State Government initiated prosecution only in 1991 after 9 years. The trial prolonged for nearly 9 years and the Special Court passed the order convicting the accused only in 1999. The appeal was decided by the High Court in 2003 and finally by Supreme Court in 2011. In that case, it is observed, I quote one paragraph from that judgment, “Though the issue was handled by a Special Court constituted for the sole purpose of finding out the truth or otherwise of the prosecution case, the fact remains it had taken nearly 2 decades, in 2011, to reach its finality. We are of the view that when a matter of this nature is entrusted to a Special Court or a Regular Court, it is proper on the part of the Court concerned to give priority to the same and conclude trial within a reasonable time. The High Court having overall control and supervisory jurisdiction under Article 227 of the Constitution of India, is expected to monitor and even call for quarterly report from the Court concerned for speedy disposal. In as much as the accused is entitled to speedy justice, it is the duty of all incharge of dispensation of justice to see that issue reaches its end as early as possible.” Unquote. Stopping for a moment, yesterday, a senior most judge of Supreme Court from Japan alongwith her colleague visited Supreme Court and she came and met me in my chamber. When we exchanged, the judicial system, she informed me in Japan there is a legislation – every case either civil or criminal or constitutional matter should be disposed of within 2 years. Unfortunately, here we are not having that system, but certain cases, for example, cases against women, rape, after filing of charge-sheet, the Court is expected to dispose it of within 6 months, but unfortunately, we the Courts are not in a position to complete the same within the time. So this one illustration, this case and the quotation just now I read may be a message to all the Courts dealing with this kind of cases. That is the reason the Government constitutes special courts for this type of cases. And I request through this august gathering and through our friends in media, the courts dealing with such corruption matters should make all endeavour for early completion of the trial.

6. Coming to our subject, the trend is continuing even today, that delay is continuing even today. Our Chief Commissioner has furnished certain details about the pending matters. As Head of the judiciary it is my duty to inform, as on 31/12/2013, over 6500 cases are under trial under Prevention of Corruption Act, of which around 3500 cases are more than five years old. The Chief Commissioner has said that ten year old cases, I am giving five year old cases. As a matter of fact, when I assumed office as Chief Justice of India in July, first letter I have written to all the Chief Justices to identify the cases arising from Prevention of Corruption Act, cases pertaining to women and give priority not only in High Court but also in all Special Courts, wherever it is pending and I am asking them to send the periodical compliance reports. For example, now January is over, now they have to send how many cases have been listed in the High Court and subordinate courts under this caption and they have to inform how many have been disposed of. If there is any problem they are free to inform, I am ready to take up the matter with the Government. And from the moment I assumed office, I have been requesting the Central and State Governments to set up more Special Courts for speedy disposal of such cases and Government is equally interested in this issue. Besides, I have directed the Registry of the Supreme Court to list such matters that is cases arising under Prevention of Corruption Act at the top of the list for speedy disposal.

7. I am also very glad that CVC has been actively engaging with various international anti-corruption agencies/organisations as a measure of international cooperation creating knowledge management system for International Association of Anti-Corruption Authorities (IAACA), has been one of the collaborative initiatives which is laudable. As far as Golden Jubilee is concerned, the CVC has drawn a detailed plan for not only celebrations but also for meaningful and purposeful deliberations. A commemorative postal stamp to mark the Golden Jubilee of CVC has been released. The CVC has also come out with Coffee Table Book, titled 'The Untiring Eye'. I am also pleased to release the documentary just now specially made for this occasion. The theme of the Seminar "Combating corruption: *Role of Accountability Institutions, Investigating Agencies, Civil Society and Media*" arranged as a part of celebrations is a very timely and of interest. Needless to mention, that a number of constructive ideas for action have emerged out of these deliberations and I am sure that the CVC would be making use of these ideas taking it forward for implementation. These changes are not difficult to bring in, it is the will which is missing. Perils of democracy are the result of loopholes within it. To plug them, we need to fight enduringly until it is completely eradicated. As slavery was once a way of life and now whatever analogous in

economic duress remain, has become obsolete and incomprehensible. So the practice of bribery in the central form of exchange of payment for official action will become obsolete.

8. Before parting, I would like to deal with comments made by the Hon'ble Law Minister regarding complaints against judges, I read it in the newspaper. Now, I have a highest regard for our Hon'ble Law Minister, unfortunately he was not given accurate and proper information about the role of the judges and how the judiciary functions. The mechanism to deal with complaints against sitting judges of the Supreme Court and High Courts is provided in the in-house procedure. Complaints received by the Chief Justice of India are examined and ultimately if it is found that deeper probe is required into the allegations contained, a three member committee is constituted for making fact finding inquiry. If the committee reports that the misconduct disclosed is serious as to call for initiation of proceedings for removal of the concerned judge, the Chief Justice of India (i) may advise the concerned judge to resign or seek voluntary retirement, (ii) withdraw judicial work and the government may be intimated that this has been done since allegations are so serious as to warrant initiation of proceedings for removal of the concerned judge in terms of the constitutional provisions. A copy of the report is furnished to the concerned judge. At present, Ladies and Gentleman, for information, in a reply to the Minister's statement, I am making, at present, no request of the government or any of its agencies is pending in the Supreme Court. So far as, this is about judges of the high court and supreme court. So far as the judges of the sub-ordinate courts are concerned, according to our constitutional scheme, the control over district courts and courts sub-ordinate thereto in all respects vest in the high court. Different High Courts have over the years, evolved procedures for exercising the control over the subordinate courts. Judicial officers are also governed by service rules which also provide procedures with regard to disciplinary proceedings etc.

9. Not only this, collectively, the issue has also been addressed at various intervals at the higher levels. In the Chief Justices' conference held in 2009 in the very same hall, the issue pertaining to strengthening of vigilance cell in the High Courts was discussed and it was resolved that the vigilance cells will be under direct control of the Chief Justices of the High Court and all complaints in the first instance, will be placed before the Chief Justice of the High Court, who will refer the same to the vigilance officer of that Court. Normally, the vigilance officer is senior District Judge. Vigilance officer upon inquiry will submit a report to the Chief Justice in that regard. In case, an inquiry is to be proceeded with, for the purpose of imposing minor or major penalty, the complaint will be referred to a Committee of

Hon'ble Judges –minimum 3 Judges Committee to be nominated by the Chief Justice of the High Court which may also include the Hon'ble Judge incharge of the place where the delinquent officer is discharging his function, that is called Administrative Judge or Portfolio Judge. The cases relating to major penalties only such as compulsory retirement, dismissal or removal be placed before the full court of the High Court. After approval by the High Court, then it will be forwarded to the Government for passing orders. Complaints and enquiries be disposed of as early as possible but not later than one year. So why I am mentioning it, as far as you take it from me, judiciary is concerned, we are answerable to the public and Constitution, whatever comes definitely, we will take note of and by virtue of the powers conferred under our Constitution, we have a separate mechanism, that is why I want to by way of reply, I highlighted these provisions and our scheme.

10. So I once again thank you for giving me the pleasure of being part of Golden Jubilee Celebrations of the Central Vigilance Commission. Thank you very much.
