

- f) Senate fully empowered to confirm or reject all important appointments including ministers made by the President. Also empowered to impeach any official in the legislative, judicial or executive branch including the President if found guilty of bribery, treason or other high crimes**
- g) Power to impeach President vests with the Senate**
- h) Nixon was on the verge of being impeached when he preferred to resign**

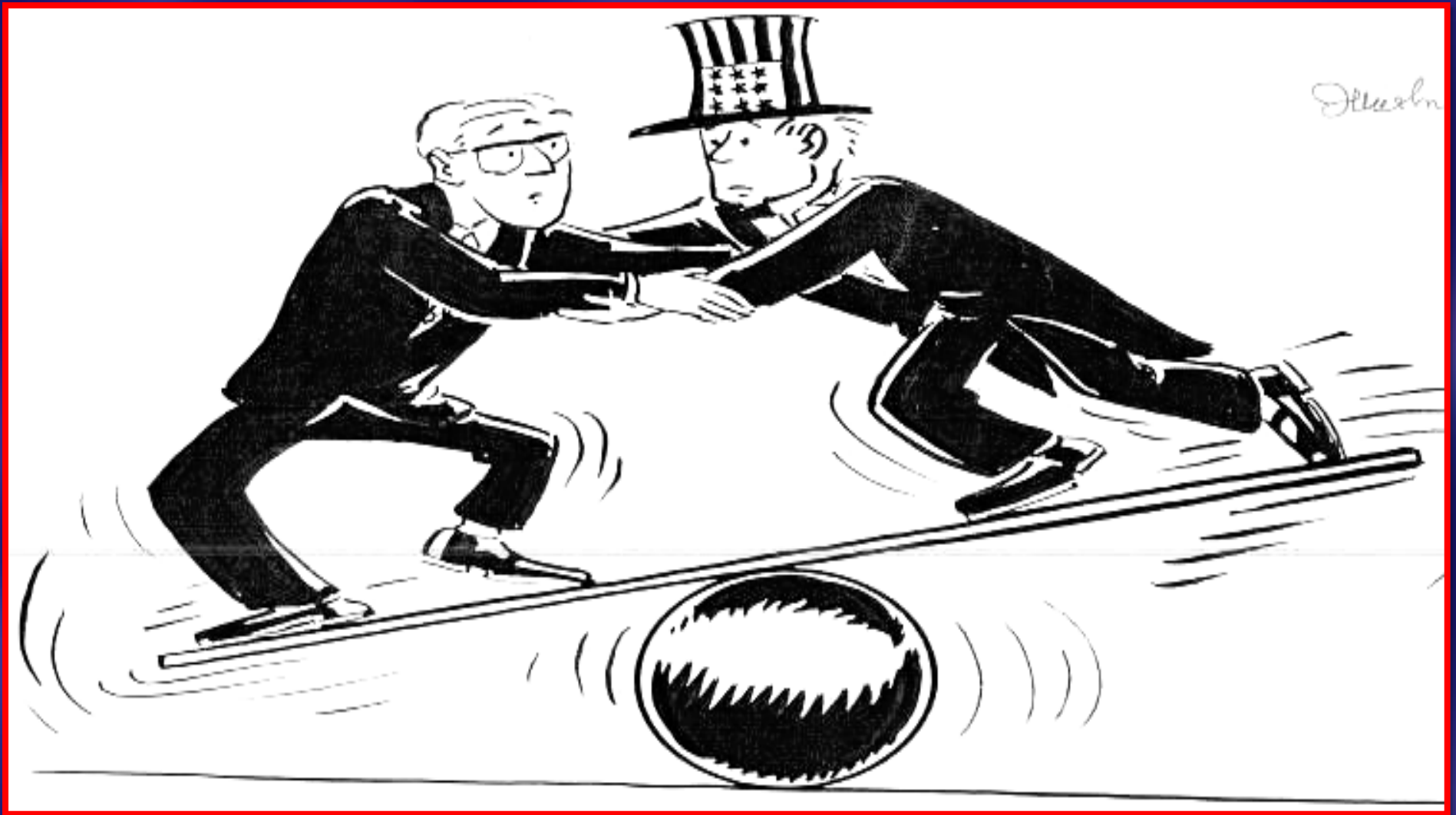
- j) Any foreign treaty has to be rectified by the Senate**
- k) Senate has been given wide powers of investigation of all departments of government**
- l) President can declare war but the Senate has the power of withdrawal of troops within 60 days**
- m) President or Governor cannot remain in Power for more than 2 terms**
- n) Judiciary fully empowered to repeal any legislation violating fundamental rights provided in the Constitution**



Under constant surveillance!



No More!



President vs Congress – A Delicate Balance!

- **Examples of Presidential democracy leaning towards autocracy or not ideal models (All models provide for direct election of President and ensures stable government)**
- **Mexico** – President empowered to pass all legislations. They cannot be vetoed by legislature or challenged in Court of Law
- **Sri Lanka** – Cabinet selected from legislature
- **France** – President empowered to dissolve legislature (In **USA**, no President is allowed to do so).

Corruption

**Our present
parliamentary system**

v/s

**Presidential democracy
with checks & balances**

Corruption at an Alarming Proportion

- It has spread like Cancer and affected all levels of administration. The most disturbing scenario, even armed forces and judiciary are now affected with this virus.
- With every passing year, we are scaling new heights.
- The resources of the country whether mining leases or allotment of land or award of contracts or even the postings in government services etc. are all distributed like their personal 'jagir' by our politicians with the help of obliging babus.
- 'I have no doubt that the bureaucracy is absolutely corrupt. I have been referring them as conjoined twins, the political as well as the executive legislature' – Santosh Hegde (Karnatak Lokayukta)

(contd.)

Transparency International's corruption perception Index – India ranked 85 in 2008 (from 72 in 2004)

Some of the African countries such as Malawi, Ghana & South Africa rank better than India

We have almost lost track of the scams.

Spectrum 2G – involving great Raja! and others (mind boggling Rs.1.76 lakh crores!)

2010 Commonwealth games scandal.

Original estimate in 2003 - Rs.1620 crores.

In 2010 - the final cost Rs.30000 crores!

(contd.)

Adarsh Housing Scam involving politicians, bureaucrats, defense and armed forces they have all made us forget about the past scams.

Such as Printing of bogus stamp papers, etc. Maharashtra (**Telgi scam** - estimated **Rs.10,000-25,000 crores**), **Fodder scam** in Bihar (**Rs.950 crores** involving Laloo Prasad Yadav and his team), Jharkhand Mining scam (**Rs.4000 crores** – involving **Madu Koda**, Ex-Chief Minister of Jharkhand and his team. These are only few.

Corruption – whom does it affect most?

- The Rich? The Middle Class? or The Poor?
- Everyone, but most affected, poorest of the poor.
(Based on the data provided by Shri N. Vittal, Ex-Chief Vigilance Commissioner year 2001 (when he was invited as a Chief Guest to speak on the Seminar held by the Forum on Minimizing Corruption in a Democratic Set-up).
- 31% of food grains and 36% of sugar meant for PDS (Public Distribution System) is siphoned off. In terms of money this comes to Rs.5000 crores p.a.
- In Delhi alone, every month Rs.40 crores collected as bribes by Police and Municipal Officers from Hawkers, Vendors and Rickshaw Pullers. (Shri Vittal managed to reduce this by convincing Vajpayee to remove licensing for this class of people).

It is said that this is only the 'Tip of the Iceberg'

CBI has lost its credibility and has become a virtual tool at the hands of the ruling party.

The most striking example

Directed by Supreme Court – March 2007 to probe case of disproportionate assets of Mulayam Singh

- October 2007 CBI claims to have sufficient evidence
- July 2008 complete turn around by CBI (an outcome of Mulayam's party giving support to UPA alliance to win No confidence motion on civil nuclear deal ?)
- December 5, 2008 – CBI moved Supreme Court to withdraw the application to register case against Yadav.
- Supreme Court Bench remarked 'this clearly means CBI is not acting independently but on behalf of the Government'.

When things turned sour on distribution of seats in UP between Congress and CPI alliance during Lok Sabha elections of 2009, CBI shamelessly made another 'U' turn stating that 'it stands by its recommendation of October 2007 that a disproportionate assets case is now made out against Mulayam Singh'. In the process, CBI has made a laughing stroke of themselves.

Should we call CBI as

'Corrupt Bureau of Investigation' ?

or

'Collaborating Bureau of Investigation'?

Political corruption – root cause

- **'Yatha Raja Tatha Praja'**
- **Relationship between MPs – MLAs – Ministers**
- Prime Minister / Chief Minister – their very survival often depends on MPs / MLAs / Ministers. Irrespective of their (corrupt) background.
- PM / CM virtually helpless to take any action against them
- **MPs** too have their own **vested interest** to bear with corrupt C.M. / Prime Minister.
- Result :- Undeclared partnership of **mutual interest**

- The honest bureaucrats are demoralised as the Money openly demanded and paid for creamy (!) postings.
- **Even the lowest recruitment of Hawaldar has a price to be paid.**
- Ministers have **wide powers** to influence bureaucrats to toe their line, including power to transfer.
- Resulting in **low morale** of Bureaucrats
- Eventually **Both prefer to serve each other's interest .**



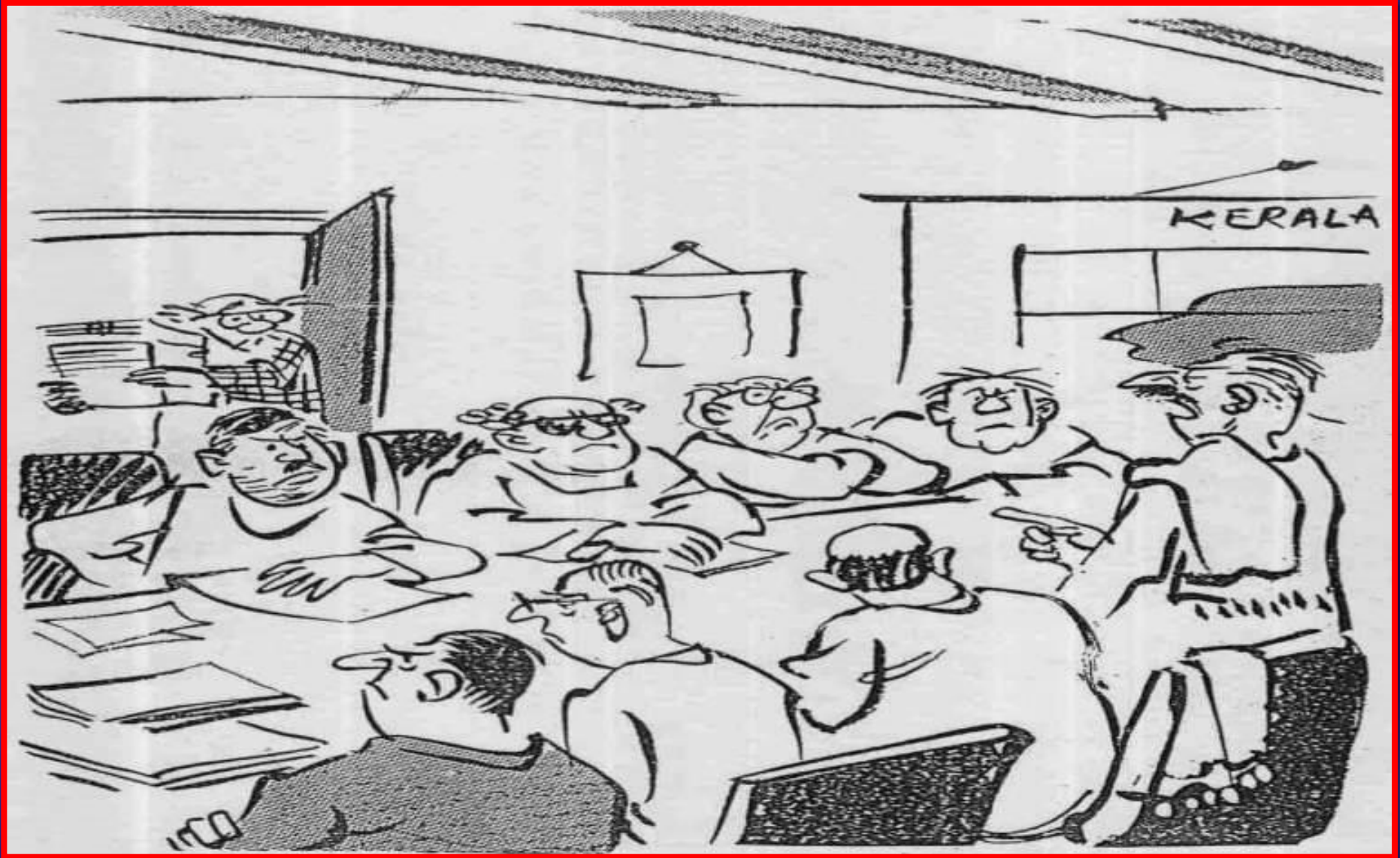
Afraid of Holding Enquiries !



A Farcial Exercise !



Help, The Party and Me !



I am more honest than you are. There are eight corruption charges against you and only six against me!

Effective Check on Corruption (Presidential Democracy)

- **Corruption can never be eliminated but minimized by inbuilt checks & Balances within system**
- **Separation of Executive (President & his team) and legislature play a vital role.**
- **President's team vetted by more than one source before induction in the cabinet. Confirmation of Senate necessary**
- **Total time period of 10 weeks for cabinet to be sworn-in after election of the President.**

(contd.)

- **The Congress (Legislature) has no vested interest as Legislatures do not part of cabinet.**
- **Provides independence to stand against President or his Cabinet even if they belong to same party as President's.**
- **President not reluctant to investigate or remove a corrupt minister as it does not affect his stability.**
- **Ministers themselves have no reason to collect funds in the name of Party as they are non-political**
- **Independent Judiciary also a contributing factor.**

● **What Lord Buddha had said 2500 years ago**

“If an important Minister of state neglects his duties, works for his own profit or accepts bribes, it will cause a rapid decay of public morals. People will

cheat one another, a strong man will attack a weaker one, noble will mistreat a commoner or a wealthy man will take advantage of the poor, and there will be no justice for anyone; mischief will abound and troubles will multiply. Under such circumstances, faithful ministers will retire from public service, wise men will keep silent from fear of complications, and only flatterers will hold government positions, and they will use their political power to enrich themselves with no thought for the sufferings of the people.

(contd.)

Under such conditions the power of the government becomes ineffective and its righteous policies fall in to ruins.

Such unjust officials, are the thieves of people's happiness, yet are worse than thieves because they defraud both ruler and people and are the cause of the nation's troubles. The king should root out such ministers and punish them”.

Extracts from "The Teaching of Buddha" – Bukkyo Dendo Kyokai. (8 million copies published in 39 languages)

Buddhism was a major religion in India till 10-11 centuries after his death. It must have had profound effect on the erstwhile rulers as the Golden era of India coincided with this period.

In a truly democratic presidential system where the Cabinet is selected based on background and proven track record of ministers, there is every possibility that there may be return of Golden Era to India.

What are Forum's views on Lokpal Bill?

- Following Annaji's fast and nation wide agitation the government was under tremendous pressure for passing Lokpal Bill.
- Lokpal – An independent authority empowered to investigate and prosecute any bureaucrat or politician for corruption charges.
- Lokpal cannot be panacea for eradicating corruption
- The most effective and logical way would be to ensure appointment of honest and capable people at top and have a system of checks and balances in place.
- When large majority of politicians and bureaucrats are outright corrupt, how many Lokpals or how large a mechanism of Lokpal would be required and what will be the guarantee that the institution of Lokpal itself will remain clean?
- The institution of Lokpal may not be necessary if we have legislature where all members of both the houses such as in USA the Senate (having 100 members) and Lower House (having 421 members) are all able to play their due role. It may have more positive and effective role to play as a final recourse.

Promotion of Leadership Qualities

- Failure to produce leaders who could command confidence of the people
- The quality of leadership has gone down over a period of time. **Is it the failure of system or the people?**
- Not encouraged under our present system.
- The tenure of Prime Minister or Chief Ministers is insecure
- Their hands are tied down whether it is
 - Selection of ministers or
 - Implementation of policies or
 - Taking action against incompetent and corrupt ministers etc.
 - They have to perforce please everybody including Delhi-Durbar.

(contd.)

- **Our large metropolitan cities have failed to provide grass-root leaders.**
- **Our Mayors elected for a short tenure are mere figure heads / show pieces – their names not known to citizens even when in office.**
- **Our M.Ps. or State Legislators lack confidence as they have hardly any freedom to vote independently on major issues.**