



सत्यमेव जयते
Government of India

NCGG

National Center for Good Governance

The Torch Bearer of Good Governance

Two-Day National Colloquium on 'Combating Corruption and Promoting Good Governance'

21- 22 March, 2015

REPORT

**Organised by:
National Centre for Good Governance**

**In Association with
IBA-CLE Chair, National Law School of India University, Bengaluru;
Menon Institute of Legal Advocacy Training, Trivandrum and
National Law University, New Delhi**

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National Centre for Good Governance (NCGG) gratefully acknowledges the support and partnership of its key partners in the Two-Day National Colloquium on 'Combating Corruption and Promoting Good Governance'. The presence of Shri Rajiv, IPS, Central Vigilance Commissioner as the Chief Guest for the event underscored the significance of the colloquium and highlighted the magnitude of the challenge that corruption poses in way of Good Governance agenda of the existing government.

Padma Shree Shri N.R. Madhava Menon (Eminent Jurist and Professor of Law) provided overall guidance and strategic direction for the programme. Shri Sanjay Kothari (Secretary, DoPT) and Shri Alok Kumar (DG, NCGG) steered the vision of the colloquium and guided the process of translating the vision into this colloquium. Professor (Dr.) Ranbir Singh (Vice Chancellor, National Law University, Delhi) has been a great support and graciously agreed to provide infrastructure services to conduct this programme.

Prof. (Dr.) Venkat Rao, Vice Chancellor, National Law School of India University, Bengaluru addressed the Conference which encouraged the organisers and the participants alike.

NCGG is thankful to the Panellists for each Panel session –

- Panel Session I, Legal and constitutional framework for Combating Corruption: Shri Anil Dewan (Senior. Advocate, Supreme Court of India, New Delhi), Shri Prashant Bhushan (Senior Advocate, Supreme Court of India, New Delhi), Shri Vasudeva Acharya (Sr. Advocate and Former Advocate General, High Court of Karnataka)
- Panel Session II, Role of Constitutional Courts in the Fight against Corruption: Shri Anil Dewan (Senior. Advocate, Supreme Court of India, New Delhi), Shri Prashant Bhushan (Senior Advocate, Supreme Court of India, New Delhi).
- Panel Session III, Role of Anti-Corruption/ Vigilance Agencies and Lok Ayukta: Shri Man Mohan Sarin (Former Chief Justice of High Court of Jammu and Kashmir, and Lok Ayukta for National Capital Territory of Delhi), Shri R. Besant (Senior Advocate and Former Judge, Kerala High Court), Shri M.L. Sharma – IPS (Retd.) and former Special Director CBI.
- Panel Session IV, A Recommended Curriculum for Training in Police/ Civil Service / Judicial Academies: Professor (Dr.) N. R. Madhava Menon (Eminent Jurist, Thiruvananthapuram, Kerala), Shri R. Besant (Senior Advocate and Former Judge Kerala High Court) and Prof.(Dr.) G.S. Bajpai, Registrar, National Law University, New Delhi.
- Panel Session V, Detection and Investigation of Corruption Cases: Shri D. C. Jain (IPS), Shri Loknath Bahera (IPS), Shri Abani Kumar Sahu (Advocate).

- Panel Session VI, Prosecution, Trial and Sentencing of Corruption Cases: Shri Vasudeva Acharya (Senior Advocate and Ex-Advocate General), Shri R. Besant (Senior Advocate and Former Judge, Kerala High Court), Shri D. C. Jain (IPS).
- Panel Session VII, Preventive Strategies in Combating Corruption: Role of RTI Act, Public Services Act, Ombudsman, Election Commission, Human Rights Commission, Media and Professions with Special Reference to Lawyers: Shri Dushyant Dave (Senior Advocate & President, S.C. Bar Association), Shri P. C. Sharma (IPS, Retd.) and former Human Rights Commissioner, NHRC; Professor (Dr.) Ranbir Singh (Vice Chancellor, National Law University, Delhi), Professor J. S. Mann.

NCGG extends special thanks to the participants - including officers of the Central Bureau of Investigation, Central Vigilance Commission, Directorate of Enforcement, Public prosecutors and civil servants and academicians- who contributed to a dynamic exchange of ideas and experiences during the workshop.

Team from the National Centre for Good Governance, including Consultant, Associate Professors, Administrative and Finance Officers, Office staff provided logistical support for execution of the workshop.

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EXECUTIVE SUMMARY

The National Centre for Good Governance (NCGG), Department of Personnel and Training, Government of India, along with the IBA-CLE Chair, National Law School of India University (NLSIU), Bengaluru, Menon Institute of Legal Advocacy Training, Trivandrum and National Law University (NLU), Delhi organized Two Day National Colloquium on 'Combating Corruption and Promoting Good Governance' on 21st and 22nd March, 2015 at the National Law University, Delhi.

NCGG aspires to be a Centre of Excellence to assist the government and various departments towards creating citizen-centric governance. Considering the enormity of the challenge posed by Corruption towards delivering Good Governance, NCGG with strategic direction from Professor (Dr.) N. R. Madhava Menon organised this very significant workshop. He is one of the noted legal luminaries in the country, and is also the member of Governing Body of NCGG. The colloquium was pioneered and guided by him.

The aim of this colloquium was to 1) understand the impact of corruption on Constitutional Governance, Rule of Law, and Socio-Economic Development; 2) evaluate the existing legal and administrative framework for fighting corruption; 3) examine the prospects of strategies for prevention of corruption; 4) strengthen the anti-corruption machinery by mounting an effective training programme for civil servants, police, prosecution, judiciary and others; 5) suggest reforms and establish a network of institutions and individuals interested in promoting good governance practices.

Officers of the anti-corruption agencies, concerned departments, and training institutions of the Government involved in fighting corruption participated in the programme and facilitated an enriching exchange of ideas.

Professor (Dr.) N. R. Madhava Menon stated the significance of the colloquium and outlined the objectives to the participants. Shri Rajiv, IPS, Central Vigilance Commissioner was the Chief Guest and inaugurated the workshop. He highlighted the efforts of CVC in combating corruption. Professor (Dr.) Ranbir Singh, Vice Chancellor, NLU welcomed the participants. Shri Alok Kumar, Director General, NCGG gave a brief introduction of NCGG and briefed on the outline and methodology of the programme. Professor Venkat Rao, Vice Chancellor, NLSIU, Bengaluru, was the guest of honour.

The colloquium agenda included seven sessions, namely - Panel Session I: Legal and constitutional framework for Combating Corruption; Panel Session II: Role of Constitutional Courts in the Fight against Corruption; Panel Session III: Role of Anti-Corruption and Vigilance Agencies and Lok Ayukta; Panel Session IV: A Recommended Curriculum for Training in Police and Civil Service and Judicial Academies; Panel Session V: Detection and Investigation

of Corruption Cases; Panel Session VI: Prosecution, Trial and Sentencing of Corruption Cases; Panel Session VII: Preventive Strategies in Combating Corruption: Role of RTI Act, Public Services Act, Ombudsman, Election Commission, Human Rights Commission, Media and Professions with Special Reference to Lawyers.

The sessions saw a series of addresses made by eminent dignitaries who were panelists in the sessions, including Professor (Dr.) N. R. Madhava Menon (Eminent Jurist, Thiruvananthapuram, Kerala), Shri Anil Dewan (Senior Advocate, Supreme Court of India, New Delhi), Shri Prashant Bhushan (Senior Advocate, Supreme Court of India, New Delhi), Shri Man Mohan Sarin (Chief Justice of High Court of Jammu and Kashmir, and Lok Ayukta for National Capital Territory of Delhi), Shri R. Besant (Senior Advocate and Former Judge, Kerala High Court), Shri M.L. Sharma – IPS (Retd.), Shri Dushyant Dave (Senior Advocate & President, S.C. Bar Association), Professor (Dr.) Ranbir Singh (Vice Chancellor, National Law University, Delhi),

The colloquium began with an Inaugural Session followed by Panel Sessions spreading over two days. Key discussion points and recommendations are presented in the proceedings.

BACKGROUND

The Government of India has established the National Centre for Good Governance (NCGG), under the aegis of the Department of Personnel and Training (DoPT) to act as an apex think-tank of the country on governance, policy, advocacy and capacity building issues. It is expected that this initiative shall propel implementation of governance reforms in the country and foster democracy. The NCGG is envisaged to provide an Institutional framework for guiding effective service delivery. It shall employ its knowledge, skills and experience on research and policy analysis to provide actionable policy inputs to the Government Agencies to improve governance at the national and sub-national level. Further, it shall also facilitate knowledge exchange with other countries with a vision to disseminate good governance practices for the benefit of the developing world at large.

It is envisaged that NCGG would be an institute of excellence that works with the government. Specifically, its repertoire shall include research on good governance practices across administrative, social, financial and political spheres, through assorted means - including (but not limited to) establishing academic collaboration, fostering synergies across various government agencies, developing a national repository of information, establishing educational, research and academic platforms. The over-arching intended principle is to employ an eclectic approach for research, advocacy and dissemination of good practices for inclusive and responsive governance with 'perceptible' and 'sustainable' transformation of the least developed" as the end-in-view.

Moving forward on this mandate, and recognising the urgent need to overcome the massive threat of corruption in the nation to its democratic principles of governance, NCGG partnered with esteemed institutions to organise a professional colloquium on "Combating Corruption and Promoting Good Governance". The overarching vision of the colloquium was to bring together stakeholders that constitute the country's anti-corruption task-force, for deliberating on the effectiveness of the existing legal and administrative framework for fighting corruption in India, and; to suggest reforms for strengthening of anti-corruption machinery, in addition to establishing a network of institutions and individuals interested in promoting good governance practices.

NCGG partnered with distinguished law institutes in the country National Law School of India University (NLSIU), Bengaluru; Menon Institute of Legal Advocacy Training, Trivandrum; and National Law University (NLU), Delhi. The National Law School of India University, Bengaluru (NLSIU), the first Law University in the country established under an Act of the Karnataka State Assembly. It has an independent unit supported by the International Bar Association for continuing legal education of legal personnel in the country. It conducts professional development training workshops for advocates, judges, law teachers in association with law schools in different parts of the country.

Menon Institute of Legal Advocacy Training, Trivandrum (MILAT) is a registered society, established in Trivandrum, with the aim of enabling law graduates and advocates to advance in professional development; law teachers and law students to acquire specialized training in emerging areas of legal knowledge and skills; and to conduct research on socio-legal issues relevant to legal development and administration of justice. MILAT headed by Prof. (Dr.) N.R. Madhava Menon designs and conducts training programmes in association with Bar Associations, law schools and training institutions all over the country.

The colloquium included participation from officers of the Central Bureau of Investigation, Central Vigilance Commission, Directorate of Enforcement, Public prosecutors and civil servants and academicians. The methodology was simple and included an inaugural session that outlined the objectives of the programme. There were seven technical sessions that were conducted during the two-day programme to examine the various processes and influences that restrain the functioning of anti-corruption laws and organisations in the country. Specifically, the technical sessions dealt with the following themes: The existing Legal Framework for Combating Corruption, Role of Constitutional Courts, Anti-Corruption/ Vigilance Agencies, Lok Ayukta, RTI Act, Public Services Act, Election Commission, Human Rights Commission, Ombudsman, Media and Lawyers in fighting against corruption, Detection, Investigation, Prosecution, Trial and Sentencing of Corruption Cases and a proposed curriculum for Training on Combating Corruption for Law students, Police/ Civil Service/ Judicial Academies.

INAUGURAL SESSION

The Inaugural Session started with a welcome Address by **Professor (Dr.) Ranbir Singh**, *Vice Chancellor, National Law University (NLU), Delhi*. He welcomed the Chief Guest, Shri Rajiv, Chief Vigilance Commissioner; Professor (Dr.) N.R. Madhava Menon; Shri Alok Kumar, Director General, NCGG, and all the participants for being a part of the colloquium. He recapped the history of Legal Education in the country with focus on the Law School's journey from 1988 till date.

He gave a brief introduction on the National Law University, Delhi. He informed that the National Law University, established in 2008, has entered into partnerships with law commissions and ministries and is also undertaking high quality research work and training of trainers activities in the field of law. He made a special reference to one of NLU's project with the Law Commission of India focussed on broad based issues like Communication Governance, E-filing and Delay in Courts. He also shared his vision to produce the best of lawyers who are technically sounded, professional and socially responsible, through the University.

He conveyed his thanks to the National Centre for Good Governance (NCGG) for partnering with NLU for this significant event. He further conveyed a special thanks to Professor (Dr.) N. R. Madhava Menon for playing a pro-active role in guiding this colloquium and bring all major stakeholders to this platform.



Shri Alok Kumar, Director-General, NCGG, greeted the Chief Guest and the esteemed members on the dais. He introduced the participants with the mandate of NCGG, the composition of its Governing Body and Management Committee. He informed that NCGG strives to propel governance reforms across the Ministries and Departments of both Central and State Governments, by establishing a platform for sharing of ideas, best practices and policy initiatives. He highlighted that NCGG, being at its nascent stage still, has the advantage of being guided by an “Evolving Mandate”. Nonetheless, he mentioned policy analysis and formulation as one of the prime areas of interest for NCGG. He further mentioned that corruption removal is indispensable for fostering Good Governance; and hence the significance of the workshop is evident in light of the mandate of NCGG.

He further introduced the colloquium including its objectives and methodology. He also mentioned that NCGG would organise another seminar on ‘Relevance of Simplification to Good Governance’ which is inter-related with the theme of this workshop. He mentioned that since both transparency and simplification are equally important for propelling governance reforms; the outcomes from both these seminars could be mutually benefitting and concurrent.

Prof. (Dr.) Venkat Rao, Vice Chancellor, National Law School University, Bengaluru congratulated NCGG for its efforts in bringing this workshop together. He recollected Mahatma Gandhi’s saying about morality having prominent place in all aspects of life, and thus highlighted the relevance of this workshop. He further felicitated **Professor (Dr.) N.R. Madhava Menon** for his herculean efforts for striving to achieve the best of legal education.

Shri Rajiv, IPS, Central Vigilance Commissioner, and Chief Guest for the colloquium, highlighted the changing paradigm and dimensions of corruption. He emphasised the need for capturing synergies in the issues involved in combating corruption. He discussed the emerging role of the civil society and the media in flagging cases of corruption. He further emphasised the relevance of RTI as a means to destroy opaqueness existing in Government Functioning. He referred to the changing face of corruption in view of the changing economic scenario. He also mentioned corruption in the corporate sector as an issue of concern along with that in the government sector.

He further mentioned that while Good Governance itself is an anti-corruption measure, corruption has an impairing effect on the policies targeted at delivering Good Governance. He stated that Good Governance is fundamental for economic growth, while also being vital to reduce the trust deficit towards government. He asserted that anti-corruption measures directly lead to effective service delivery. He expressed that increasing fear, transparency and accountability could be the means to reduce corruption. He stated that autonomy and accountability go hand-in-hand. He emphasised the need for better project management and transparency in public procurement and contracts for combating corruption.

He briefed on CVC’s three-pronged strategy to reduce corruption, and its activities. He mentioned that CVC has emerged as one of the effective instruments in prevention and combating institutional corruption with a wide network of Chief Vigilance Officers. He further

informed that in matters related to corruption, CVC has supervising role over the Central Bureau of Investigation (CBI). He also conveyed that NCGG, being a think tank and capacity building institution, has a great potential to bring about perceptible transformations for Good Governance. He expressed that the colloquium shall validate new thoughts, and hoped that NCGG and NLU would continue to work together to advance the outcomes of this colloquium into actionable policy inputs.

Professor (Dr.) N.R. Madhava Menon discussed in detail the objectives of the programme. He emphasised three distinct objectives of the programme to propel further discussions as 1) Exchange of Ideas and Experiences to understand why systems fail 2) Educational Training or improvement in human conduct; and 3) Critical Appreciation of Legal and Judicial Systems. During his discourse, he remarked that due to the ever evolving nature of policies and economy, training on tools and technology of anti-corruption has to be continuous. He referred to institutions, norms and humans at head of institutions as the three legs of Governance, whereby humans can overcome deficits in Institutions and Norms. With this, he reinforced that education and capacity building of Civil Service Officers on Good Governance as per the Constitution is the prime mover for Good Governance. He then moved on to briefly outlining the structure and methodology for the colloquium. He expressed that the workshop is worthy of delivering unambiguous recommendations on policy and processes for further action and implementation.

Shri Shiv Shankar Singh, Consultant, NCGG delivered the vote of thanks.

Key Messages

- Considering that Integrity and Professionalism of officers are crucial in combating corruption, it is imperative that the selection process, training and freedom of action for the government officers are given proper attention.
- Since the policies for combating corruption are not static, the structure and operations of NCGG cannot be planned in advance and have to be maintained in a state to evolve with the changes in technology, governance and laws and NCGG could potentially play a crucial role in revision of policy plans on a regular basis.
- There is imminent need for moral and ethical re-armament in society and the government.

SESSION I

Legal and constitutional framework for Combating Corruption

Panellists

- **Shri Anil Dewan,**
Senior Advocate,
Supreme Court of India, New Delhi
- **Shri Prashant Bhushan,**
Senior Advocate,
Supreme Court of India, New Delhi
- **Shri Vasudeva Acharya,**
Senior Advocate and Former Advocate General,
High Court of Karnataka



Background:

Corruption in public service subverts Rule of law and perceived as threat to democratic rights of people. Corruption in India is a low risk enterprise with highly profitable rewards. In India, the role and functioning of CBI is also being questioned constantly by the Supreme Court about inaction after investigation, and delays. Therefore, there is an urgent need for strong and competent investigation machinery. This session was aimed to overview the existing frameworks for combating corruption, as well as to understand the limitations in their functional role.

Proceedings:

- During the session each panellist shared their views on the topic. Shri Anil Dewan started the discussion of this session.

Shri Anil Dewan, Senior Advocate, stressed the need for developing ‘calculated’ individual assertiveness, keeping in view the constraints of public services. He cited that the Right to Information Act (RTI) has resulted in transparency in working of Government and disclosures. He laid emphasis on 1) disclosure of assets; 2) Reduction of complex processes and simplification of procedures and processes; 3) Use of technology to combat Corruption; 4) reduction of discretionary powers.

Shri Prashant Bhushan, Senior Advocate, remarked that corruption induces formulation of policies that are not in public interest. He further commented that corruption creates a mafia consisting of politicians, bureaucrats and corporate entities that together pose a threat to democratic institutions of the nation and democratic principles. He further noted that liberalization of the Indian Economy failed to achieve its envisaged objective of reducing corruption. Instead, privatisation has provided means of exploitation of natural resources. He further commented that the Prevention of Corruption Act does not deal with Conflict of Interest at all – which is a major lacunae in the act. He also pointed out that there are no provision for recovery of assets amassed through corruption is provided in Prevention of Corruption Act. The Act, thus needs amendment in these regards.

He further suggested that despite the supervisory role assigned to CVC over CBI, the CVC does not exercise supervisory guidance over CBI. He noted that since CVC only has functional independence and not financial independence, the CVC cannot be the nodal agency for whistle-blower protection. He shared that in many cases the details of the whistle blowers are shared with CVO of the department for further action on the complaint. He emphasised that this should not be done by the CVC as the Chief Vigilance Officers are part of the organizations themselves, and in many cases are not worthy of being the authority to offer protection to the whistle-blower. He further noted that financial independence of CVC is important for having adequate staff for carrying out all its functions. He further opined that selection and appointment of Judges, CVC and other important positions should not be at the sole discretion of the government. He

suggested that a powerful, robust and independent Lokpal – who would supervise CBI and the CVC - could be a potential solution to such corruption cases. He further suggested that Judicial Reforms to avoid delayed and long-running prosecution & trial are essential to combat corruption.

Shri Vasudeva Acharya commented on section 19 of Prevention of Corruption Act which provides for sanction of prosecution. He emphasized deletion of this provision in view of the provision of section 197 of the Criminal Procedure Code. He asserted that section 19 of Prevention of Corruption Act hinders cases where investigation agencies have compiled evidence but the sanction for prosecution has not been given. He elaborated on the relationship between CVC and the CBI, whereby the CVC has a supervisory role over the CBI in corruption related cases, provided the CVC does not give direction in specific cases under the CBI.

Summary / recommendations:

From the discussions the following key recommendations emerged:

- Prevention of Corruption Act needs amendment in view of provision of Section 197 of CrPC. Further, provisions for confiscation of illegally earned property and assets needs to be provided for. In addition, provisions for dealing with cases of 'conflict of interest' also needs to be deliberated.
- The Central Vigilance Commission should exercise its supervisory guidance over the CBI pro-actively. It should take the initiative to examine that cases dealing with corruption under the CBI are being properly investigated. Professor (Dr.) N.R. Madhava Menon suggested for periodic review of corruption cases under the CBI by CVC. He further suggested that the CBI should develop a protocol for investigating cases dealing with corruption on the basis of constitution and laws. The protocol would be used by prosecuting and investigating officers. He pointed out that NCGG could provide its advisory and technical services for developing this protocol.
- The CBI needs to be given total independence not only in terms of securing finances, but also in regard to selection and removal of officials.
- CVC should also develop some effective mechanism to ensure sanction of prosecution within prescribed time frame.

SESSION II

Role of Constitutional Courts in the Fight against Corruption

Panellists

- **Shri Anil Dewan,**
Senior Advocate,
Supreme Court of India, New Delhi
- **Shri Prashant Bhushan,**
Senior Advocate,
Supreme Court of India, New Delhi



Background:

The Session has been structured towards constitutional aspects of combating corruption. The session was marked by intense discussion on corruption cases and their outcomes. The deliberations focussed on recapitulating the role of courts in combating corruption, and to

examine opportunities for further strengthening of the Judicial machinery for combating corruption.

Proceedings:

Shri Anil Dewan suggested that there is a need to conduct a Judicial Review under Article 32 of the constitution. He pointed out that the provisions of Article 14 of the Constitution have been recognized as sources of power to fight against corruption. He further shared that 'Continuing Mandamus' is being effectively used to combat corruption by the Supreme Court. He also called for a special focus on media, media trials, paid news and the links between media houses and corporate houses. He highlighted that Judicial interference has resulted in enrichment of anti-corruption laws in several countries.

Shri Prashant Bhushan highlighted the role of Constitutional courts as guardians of the fundamental rights of the people. In view of interpretation of Article 21 of the constitution – Right to Life- as Right to a dignified Life -- a corruption-free society is viewed as a fundamental right. He further discussed the progress achieved through 1) Public Interest Litigations; 2) appointment of special courts and; 3) appointment of very independent and robust public prosecutors.

Summary / recommendations:

From the discussions the following key recommendations emerged:

- Highest judicial standards and accountability for clean and strong judicial system should be enforced.
- The CBI should provide for an Internal Ombudsman for the organization.

SESSION III

Role of Anti-Corruption/ Vigilance Agencies and Lok Ayukta

Panellists

- **Shri Man Mohan Sarin,**
Former Chief Justice of High Court of Jammu and Kashmir, and,
Lok Ayukta for National Capital Territory of Delhi
- **Shri R. Besant**
Senior Advocate and Former Judge
Kerala High Court
- **Shri M.L. Sharma – IPS (Retd.)**
Former Special Director,
Central Bureau of Investigation



Background:

The session aims to look into the scope of functioning of the agencies established to deal with cases of corruption in India. This session would spells out the effectiveness, loop-holes and challenges faced by such agencies in combating corruption. The session is also intended to enlist recommendations for further strengthening of anti-corruption/investigation agencies.

Proceedings:

- During the session each panellist shared their views on the topic. Thereafter, a question and answer session ensued Shri Man Mohan Sarin started the discussion of this session.

Shri Man Mohan Sarin started his discourse by tracing the origin of corruption to materialism and erosion of ethical values. He highlighted that the masses are suffering from administrative injustice. He moved on to proposing that institutions and moral - rearmament bear the potential to address the roots of the issue of corruption. He shared his experiences during his tenure as the Lokayukta for Delhi. He identified that apart from 'hard-core' corruption based cases, there are a significant number of cases dealing with violation of norms of integrity. He shared that the intended purpose of Lokayukta was to provide a mechanism for enabling Governments to carry out corrections in the areas of mis-governance. This, he observed, was not being achieved under the current times. He commented that the 'Competent Authority' – which needs to evaluate the recommendations of the Lokayukta – does not function.

He expressed relief that despite the failure of the administrative machinery, the democratic system has proved its efficacy evident from the fact that none of the candidates that were assessed to be guilty by the Lokayukta have thereafter won democratic elections.

He then presented his recommendations for developing a 'model' Lokayukta Act. The case of Karnataka Lokayukta was discussed in detail as a success story for taking prompt action against the offenders.

Shri M. L. Sharma, discussed on the role of Anti-corruption agencies. He started with discussing the issues faced by the CBI in dealing with cases of corruption. He pointed out that the CBI is notably under-staffed, and is thus able to register only about 600 cases in a year. He further shared that most of the staff of the CBI gets involved in investigation of big scams, and not enough staff is available to take on investigation of other cases of corruption. He pointed out that post the Lokpal Act, the significant function of CVC is supervision of the CBI. He suggested that the CVC should be merged with the Lokpal. He also discussed the role of CVOs in combating corruption. He commented that the officials are not willing to take up vigilance assignments. He also pointed out that in some cases, CVO's job is given to the Joint Secretary – who is also over-loaded with his own work. Thus, the vigilance work is often neglected. He further discussed the role of Anti-Corruption Bureaus in the States. He pointed out that several local influences operate in investigating in a state government set-up, thus, making the investigation process more complex and demanding. He further pointed out that Anti-corruption Bureau do not collect or publish any statistics or data pertaining to cases under their purview. He also discussed the role of Lokpal in combating corruption. He pointed out that the Jurisdiction of the Lokpal is too wide, and given that the Lokpal Bill was forced by political circumstances, and not by political interest, it is unlikely to be successful. He also pointed out that the punishment for filing a false complaint under the Lokpal Act is too onerous, and thus deters individuals to file complaints under the Lokpal Act. He further highlighted that the Lokpal Act lacks Suo Moto

Jurisdiction. He highlighted that the Prevention of Corruption Act only deals with corruption in the Public Sector, and does not address corruption in the corporate sector.

Shri R. Besant started his discussion by identifying Mal-Governance, Mis-Governance and non-governance as manifestations of Governance. He spoke about the existing trust deficit in the public against the government and the police. He suggested that to make the Prevention of Corruption Act effective, the investigating agency should not be an appendage of the police machinery, and should not be under the dictates of the party in power. He also suggested giving more power to the investigating agencies. He called for developing an independent, un-biased and morally strong force to combat corruption. He further suggested that there is need to develop legal provisions for compulsory audit of the accounts of politicians, bureaucrats, judges and corporate, and others officials.

Summary / recommendations:

From the discussions the following key recommendations emerged:

- The Lokayukta Act should be amended to incorporate the following amendments:
 - The Lokayukta should be granted Suo Moto powers.
 - The Competent Authority / Governments should be mandated to give reasons for non-acceptance of the recommendations of the Lokayukta, particularly, when they are a part of the Lokayukta's Report. Further, there needs to be a mechanism for ensuring that the recommendations of the Lokayukta are implemented by the administration within a prescribed time-frame.
 - The Jurisdiction of the Lokayukta should encompass all key officers of the Government.
 - The Lokayukta Act should have provision for allocation of funds. The Lokayukta should be provided sufficient infrastructure and man-power to be able to carry out its functions efficiently.
 - Provisions for asset confiscation and seizure need to be incorporated in the Lokayukta Act.
- The CVC should be merged with the Lokpal.
- The Jurisdiction of the Lokpal should be limited to officers of the level of Joint Secretary and above, Members of the Parliament and the Prime Minister.
- Punishment for filing a false complaint under the Lokpal Act should be relaxed from its present provisions.

- The Prevention of Corruption Act should be amended to address corruption in the corporate sector as well. Further, provisions for recovery of assets amassed through corruption are desirable.
- Vigilance and Anti-Corruption Bureaus in the States need to be given more independence.
- Legal provisions for mandating compulsory audit of the accounts of officers and officials prone to corruption should be developed.

SESSION IV

A Recommended Curriculum for Training in Police/ Civil Service / Judicial Academies

Panellists

- **Professor (Dr.) N. R. Madhava Menon,**
Eminent Jurist and Legal Educationist,
Thiruvananthapuram, Kerala
- **Shri R. Besant**
Senior Advocate and Former Judge
Kerala High Court
- **Professor (Dr.) G.S. Bajpai**
Registrar
National Law University, New Delhi



Background:

The session was intended for deliberating on the appropriateness of the structure, methodology and content of the proposed curriculum on Corruption and Good Governance for Public Service

Officers and LLB students. The session invited comments from the participants for enhancing the relevance and usability of the course by various professionals.

Proceedings:

Professor (Dr.) N. R. Madhava Menon introduced the panel session. He shared his views on the need and purpose of the proposed module on anti-corruption laws. He shared that he envisages the proposed course to be incorporated in LLB programmes at law schools, as well as a part of mandatory training for officers of the All India Services through the Sardar Vallabhbhai Patel National Police Academy (SVPNPA) and the Lal Bahadur Shastri National Academy of Administration (LBSNAA) and National Judicial Academy as a specialised module. He expressed that he anticipates the course to be a part of the LLB programme at almost 300 Law Teaching Institutes across India, next academic session onwards. He called-on the LBSNAA, SVPNPA, State ATIs and Judicial Academies to incorporate the module in the curriculum.

He briefed on the content for the course comprising one-third each on International treaties & statutes; court cases; and best practices & comments. He shared that the course can be adapted to be used in the class room method through case studies; with components of both research (through internships) and project work (through report writing, seminar, presentation etc.). He further informed that the course has been developed as a 70 class-hour module comprising of both in-class and in-field learning. He gave an overview of the five modules developed for LLB programme. He shared that the Pedagogy would evolve during the delivery of the course for LLB students.

He stressed that a pool of well-informed and competent resource persons and trainers is required to deliver the module. He further suggested that interactions with the trainers for this course at institutes and academies, would help to further enrich the pedagogy for the course.

The panel was then opened for a question and answer session. Deriving from the ensuing discussions, the following recommendations emerged:

Summary / Recommendations:

- A semester-long course on Corruption and Good Governance needs to be compulsorily introduced in the training agenda of Civil Service Officers, Prosecutors, Judges and Police. This course should also be introduced into the LLB programmes.
- Apart from only targeting the officers mentioned above, the course should also be delivered to officers of Railways, Customs, CAG. It was further suggested to consider adoption of a sector-wise approach for delivering training on combating corruption to officers of various departments like Education, Health, Labour, Investment, Banking and

Insurance – whereby, the core component of the course shall be mandated for all public services; and the remaining component would comprise of options appropriate to the relevant sectors where the officers are proposed to work.

- Chartered Accountants were also identified to be an important group where the proposed course would be relevant.
- An extensive ‘Training of Trainers’ programme is essential to enable effective delivery of the course on anti-corruption laws in universities, schools and professional institutions.
- NCGG could support development of a Text Book for the proposed course on anti-corruption laws. NCGG could also lead in developing a Master’s Programme on combating corruption on the lines of a similar programme being offered at the Harvard University. Universities should take a lead in developing Corruption as ‘teachable’ topic.

SESSION V

Detection and Investigation of Corruption Cases

Panellists

- **Shri D. C. Jain (IPS)**
- **Shri Loknath Bahera (IPS),**
ADGP, Kerala
- **Shri Abani Kumar Sahu**
Senior Advocate,
Supreme Court of India



Background:

This session was intended to discuss and highlight the procedural deficiencies in the legislation dealing with cases of corruption, as well as to appraise the participants with the challenges faced by the investigating officers while investigation against a corrupt official. The session is also intended to briefly deliberate on the reforms needed to propel efficient, fair and fast investigation in corruption cases.

Proceedings:

- Professor (Dr.) N. R. Madhava Menon gave an overview of the key recommendations from the previous session. Thereafter, he introduced the panel members of this session, and invited Shri D. C. Jain to address the participants on Investigation of Corruption Cases.

Shri D. C. Jain began his address by thanking Professor Menon for making him a part of this very important event, and then congratulated NCGG for its initiative. He delivered a presentation on Investigation of Corruption Cases., highlighting the challenges and difficulties faced by the investigating officers. He discussed the Prevention of Corruption Act, with special focus on Sections 7, 8, 9, 10, 11 and 12. He briefed on the four types of offences under the Prevention of Corruption Act and pointed out the opportunities therein for combating corruption and corrupt officials. He also discussed section 12 of the Act and stressed upon the relevance of 'Reverse-Trapping' to combat corruption. He emphasised that the officers should be encouraged to inform the agencies when they are confronted with an offer for bribe. He also shared that maintaining confidentiality during the investigation process— especially where independent witness are involved and verification is necessary as per the law; or where co-ordination with various agencies/ bodies is required – is a major challenge faced by Investigation Agencies. Further, he highlighted that the corrupt officials are increasingly becoming aware of the traps used by investigation agencies. As such, the officials have evolved ways and means to evade such traps – this deters the process of collection of evidence. Arranging money for laying a trap is also a major challenge as the complainant is reluctant to block his/her own money for a long duration. He also appraised the audience with the tactics used by the corrupt officials to delay/crash the trap. He suggested that there should be a mechanism to record surprise calls/ actions from the corrupt official to the complainant.

He further highlighted the importance of testimony of independent witnesses in the cases involving bribery. He stressed that the Bureau fails to involve independent witnesses in the investigation process, and therefore, they remain oblivious of the technical process and language used in the investigation process. Some of them turn hostile during legal prosecution. He further highlighted that the Investigating Officers themselves lack the training to investigate cases involving technical knowledge; and there is a need to have a procedure to address this concern. He also spoke about the challenge of appropriately allocating 'collective responsibility' of each of the responsible officials in case of corruption by an entity.

Shri Loknath Bahera shared his opinion on the Prevention of Corruption Act. He termed it as substantive law and not a procedural law. He stressed that there is a need to have a good procedural law to deal with corruption cases. He called on for developing an effective legislation with procedures and SOPs to enable unambiguous and fair investigations. He emphasized that officers should be given proper training before being inducted into vigilance.

Shri Abani Kumar Sahu highlighted the apparent non-credibility of the statements recorded by the police in India. He further commented that the state of affairs in the CBI is due to excessive work load and non superintendence by CVC. He suggested that there is an urgent need to insulate officers of the CBI. He further pointed out the need for having good public prosecutors.

Professor Menon suggested to consider having a special cadre for the CBI officers in order to provide them with insulation.

Summary / Recommendations:

- An effective and procedural legislation should be developed to deal with cases of corruption.
- Training of officers being inducted into vigilance should be mandatory.

SESSION VI

Prosecution, Trial and Sentencing of Corruption Cases

Panellists

- **Shri Vasudeva Acharya**
Senior Advocate and Ex-Advocate General
High Court of Karnataka
- **Shri R. Besant**
Senior Advocate and Former Judge,
Kerala High Court
- **Shri D. C. Jain (IPS)**
Inspector General of Police
Jaipur, Rajasthan



Background:

This session was intended to deliberate on the procedures for prosecution and trial of cases of corruption; and to highlight the procedural and administrative deficiencies that jeopardise timely

delivery of justice in such cases. The session brought out key areas that need intervention and improvement for fair conviction of the guilty.

Proceedings:

Shri Vasudeva Acharya initiated the discussion and highlighted that it is the duty of the judge to be fair to the prosecution. He shared that it has been observed that at times, the public prosecutor is hand-in-glove with the accused. He further shared that in several instances, the public prosecutor is politically appointed. He appraised the participants on the legal means and procedures for preventing a witness from turning hostile. He termed that the public prosecutor is the “repository of public confidence”, and hence should be carefully appointed. He stressed that there is a need to reduce delays between event and the trial. He further emphasized on the role of the Judge in the manner in which a trial proceeds. He stressed that the selection and appointment of the Special Judge should be based on the expertise, competence and integrity of the Judge. He proposed that in the cases under the Prevention of Corruption Act, proceedings of the trials should go on a day-to-day basis.

Justice R. Besant carried forward the points of discussion raised by Shri Vasudev Acharya. He shared that in certain cases, the accused is not offered genuine assistance. He further shared that at times, the innocent are prosecuted. He highlighted that the choice of Prosecutor is important to provide a level playing ground for trial. He highlighted that in several instances, the prosecutors are incompetent. He enlightened that a Judge can play an important role in selection of an appropriate prosecutor, in cases where consultation on appointment of prosecutor is mandatory. He emphasized that all functionaries, and especially, the Judges, have to play their role effectively. He stressed that the special Judges should have a zero-tolerance on corruption, and great competence and expertise. He emphasized that the choice of personnel in the Judicial System is very important. He stated that the Judge should be conscious that he is not a mere on-looker in the trial, but, is also a participant in the trial. He emphasized on self-discipline of Judges in Judgement. He highlighted that fact findings and punishment are two important elements in trial. He emphasized that lag between event and punishment should be brought down with a reasonable amount of time given to each party to present their case. He stressed on ensuring the certainty and quickness of punishment. He stated that the delay in justice hurts the criminal Judicial System. He pointed out that enhancement of sentence does not enhance the deterrence in crime; and what is required is immediateness of punishment. He called on for ‘indigenization’ of the legal system.

Shri D. C. Jain, IPS stressed on the certainty and speed of trial, along with severity of punishment. He shared that the general perception is that the system is too soft and lenient. He presented the findings of his research thesis on trial and sentencing in cases under the Prevention of Corruption Act in Special Courts of Rajasthan. He briefed on the changes in duration of sentences with changes in law. He shared that in 93% of the cases of Prevention of Corruption Act, under his study, the punishment awarded to the guilty was less than three years. Further, he found that across the four types of offences under the Prevention of Corruption Act, the punishment awarded to the guilty was less than three years, in more than 90% of the cases. He

further pointed out that in all the decided cases under his study, only concurrently running sentences were awarded. He shared that in more than 97% of the cases, the fine imposed on the guilty was less than USD1000. He revealed that his study deciphered that in only 35 cases, out of the 793 cases under study, the appeals have been decided within five years. He further shared that out of these 35 cases, conviction has been set aside in 31 cases, while the conviction was upheld in only four cases. He concluded that his study indicated enormous delay in decision of appeal cases, including appeal cases, as well as highlighted the non-severity of punishment awarded to the guilty.

Summary / Recommendations:

- Special judges should be appointed on the basis of their expertise, competence and integrity of character. They must have 'zero-tolerance' on corruption'.
- Proceedings of trial for cases under the Prevention of Corruption Act, should go on a day-to-day basis.
- The Judicial System needs to ensure the certainty and speed of trial and punishment. The lag between event and punishment should be brought down with only a reasonable amount of time given to each party to present their case. He stressed on ensuring the certainty and quickness of punishment.

SESSION VII& VIII

Preventive Strategies in Combating Corruption: Role of RTI Act, Public Services Act, Ombudsman, Election Commission, Human Rights Commission, Media and Professions with Special Reference to Lawyers

Panellists

- **Shri Dushyant Dave**
Senior Advocate & President,
S.C. Bar Association
- **Professor (Dr.) Ranbir Singh**
Vice Chancellor,
National Law University, Delhi
- **Professor J. S. Mann**
Associate Professor of Law,
National Law University, Delhi
- **Shri P. C. Sharma (IPS, Retd.)**
Former Director,
Central Bureau of Investigation



Background:

The objective of the session was to explore and understand the effect of various “outside influences” in combating corruption. The deliberations in the session would intend to yield a synopsis of the inter-linkages between corruption and various other legislations, professions, organisations and institutions; and elucidate how dynamics of each of these stimulate or impede corrupt practices.

Proceedings:

- Professor Menon introduced the session and elucidated on the importance of the theme towards achieving delivery of Good Governance. He introduced the panellists and invited Shri Dushyant Dave to address the participants.

Shri Dushyant Dave began his address by attributing corruption to lack of transparency in the process of decision-making. He shared that judicial systems are manipulated by the Judges and Bar. As such, the independence of Judiciary is compromised. He commented that the Bar Associations are usually headed by lawyers who are politically ambitious and could be easily influenced. Therefore, the moral fibre and ethical base of the Bar Associations have been compromised. He noted that despite being aware of the state of affairs in the Judicial system, Bar Associations have remained a silent spectator. He further commented that the Bar Council of India is a highly political body and the elections of the Bar Council are marred with instances of indirect bribery and corruption. He emphasized that a structural change in the legal system is required. He highlighted that it is unfortunate that neither the legislature, nor the Executive or the media stand-up against the Judiciary for its non-accountability.

Shri P. C. Sharma (IPS, Retd.) emphasized that public functionaries should know their role and wherever the roles are ambiguous or not defined at all, they should be clearly defined to establish accountability. He added that the Police is a very important wing of law enforcement agency. He stressed that officers of the Investigating Agencies need to be trained in latest scientific techniques. He further pointed out that there is a need to provide legal guidance to such officers. He suggested functional re-structuring of the CVC to make it more effective. He underscored the role of the RTI Act in prevention of corruption. He appreciated the Election Commission for being successful in safeguarding and fostering democracy in the country. He added that the Election Commission is a very good example of delivery of Good Governance. He discussed the important roles of the CAG, CBI and Directorate of Enforcement in combating organised institutional sources of corruption.

Professor J. S. Mann highlighted that access to information is one of the effective tools to check corruption. He explained that it has a deterring effect on the corrupt officials by instilling fear in them. He thus, considered transparency and accountability as the prime propeller of Good Governance. He commented that the U.N. Convention on Corruption has not been implemented in the right spirit. He stressed that protection of RTI Activists and Whistle-blowers, must be

ensured. He further advised that Ministries and Departments of the Government must include on their websites, all requisite information, as stipulated under RTI Act, 2005.

Professor (Dr.) Ranbir Singh shared that the colloquium has been successful in terms of meeting its objectives to review the existing framework and procedures for combating corruption and to churn out recommendations and areas of further review for enhancement of the institutional and operational framework for combating corruption. He stated that the colloquium has been path-breaking in proposing the semester-long course on Corruption and Good Governance for LLB programme, Civil Service Officers, Prosecutors, Judges and Police. He stressed on the need for value-orientation for officers and young students for fostering a corruption free society.

Summary / Recommendations:

- The CVC needs to be functionally re-structured and its role needs to be widened.
- Officers of the Investigating Agencies need to be trained in latest scientific techniques. Further, such officers should be provided appropriate legal guidance.
- Roles and Responsibilities of public functionaries need to be unambiguously defined so as to establish accountability.
- Protection of RTI Activists and Whistle-blowers must be ensured.
- Officers and young students should be re-oriented towards safeguarding moral and ethics.

**NATIONAL COLLOQUIUM ON
COMBATING CORRUPTION AND
PROMOTING GOOD GOVERNANCE**

21-22 MARCH, 2015

**AT
NATIONAL LAW UNIVERSITY, DELHI**

READING MATERIALS

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NATIONAL COLLOQUIUM ON COMBATING CORRUPTION AND PROMOTING GOOD GOVERNANCE

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Annexure 2: Policy Recommendations on constitutional Governance

Policy Recommendations on Constitutional Governance:

Policy recommendations in the light of deliberations in two days National Colloquium on “Combating Corruption and Promoting Good Governance” organized on March 21-22, 2015 by National Centre for Good Governance (NCGG) in association with IBA-CLE Chair, National Law School of India University, Bengaluru, Menon Institute of Legal Advocacy Training, Trivandrum and National Law University, New Delhi

NCGG organized the two day colloquium in which Professor N.R. Madhava Menon provided overall guidance and strategic directions during the deliberations. Although, several recommendations emerged out of discussions but following recommendations are significant in respect of major policy changes:

1. Amendment in The Prevention of Corruption Act – two major amendments have been suggested:
 - 1.1 Deletion of Section 19 from the Prevention of Corruption Act – The Section 19 of the Anti-corruption Act provides for sanction of prosecution. It has been strongly recommended that the above section should be deleted forthwith as the provisions of Section 197 CrPC provide for previous sanction for prosecution.
 - 1.2 The Act should be amended to incorporate provision for confiscation of ill-gotten property/wealth.

It has been noted that some people amass huge wealth and even undergo sentence and afterwards enjoy such wealth. The proposed confiscation would act as effective deterrent.
2. Introduction of semester long course on anti-corruption in LLB and also mandatory part of induction training part of IAS, IPS and Judicial Officers
3. CBI should have internal Ombudsman to look into the conduct of hearing officers and punish them.
4. **Other Recommendations:**
 - a. Time Bound Sanction of Prosecution in Corruption Cases
 - b. Preparation of SOP for Investigation Officers
 - c. Training of Officers of Vigilance Departments
 - d. Speedy trials in Anti-corruption cases, the lag between event and punishment should be reduced.
 - e. Training in latest scientific techniques for investigating officers.
 - f. Effective mechanism for protection of RTI activists and whistle blowers, CVC should not refer such matters to CVOs to ensure their effectiveness and anonymity as well as safety and security.

Annexure 3: List of Panellists

S.N.	Name & Address	Office	Contact Nos. Mobile	E-mail/ Fax
1.	Prof.(Dr.) N.R. Madhava Menon IBA-CLE Chair in Continuing Legal Education, NLSIU, Bangalore, Devi Priya, TC 17/2166, Sairam Road, Poojapura, Trivandrum - 695 012, Kerala		09496750292	profmenon.milat@gmail.com Tel/Fax : 0091-471-234 1762
2.	Prof. (Dr.) Ranbir Singh Vice Chancellor, National Law University Sector 14, Dwarka, New Delhi – 110 078	011- 28034991	9711332269	
3.	Shri R. Besant, Sr. Advocate & Former Judge, Kerala High Court	8800398652		
4.	Prof. (Dr.) G.S. Bajpai Registrar, National Law University Sector 14, Dwarka, New Delhi – 110078	011- 28034255	9711332268	
5.	Justice Man Mohan Sarin Former Chief Justice & Delhi Lok Ayukta, 2 nd Floor, 109, Golf Links, New Delhi	9818000210		justice.sarin@gmail.com
6.	Shri Anil Divan Sr. Advocate, Supreme Court of India New Delhi, B-39, Gulmohar Park, New Delhi – 110 049	011- 26862616/ 26863664	9810438047	
7.	Shri Prashant Bhushan Sr. Advocate, Supreme Court of India New Delhi, B-16/14, Noida		9811164068	
8.	Shri Vasudeva Acharya Sr. Advocate and Former Advocate General, High Court of Karnataka, Bangalore		09632818665	
9.	Shri D.C. Jain, IPS Inspector General of Police Jaipur Range, Jaipur, Rajasthan		09414080909	jaindharam@hotmail.com
10.	Shri Loknath Behera IPS Additional Director of General of Police Govt. of Kerala, Trivandrum, Kerala			
11.	Prof. J.S. Mann, National Law University New Delhi			
12.	Shri Abani Kumar Sahu, Advocate, Supreme Court of India, New Delhi			
13.	Shri M.L. Sharma IPS (Retd.)	9871712220		
14.	Shri P.C. Sharma IPS (Retd.) Member NHRC New Delhi	9810068111		
15.	Shri Dushyant Dave Sr. Advocate & President, S.C. Bar Association	9810311000		

Annexure 4: Panellists Profile

Prof. (Dr.) N.R. Madhava Menon Eminent Jurist	<p>Prof. (Dr.) N.R. Madhava Menon is an alumnus of Faculty of Law, Aligarh Muslim University and is presently Honorary. Professor and IBA Chair on Continuing Legal Education at the National Law School of India University, Bangalore. He is also Chancellor of Central University, Chhattisgarh. Earlier, he was Professor at Faculty of Law, University of Delhi.</p> <p>Prof. Menon led the setting up the Bangalore-based National Law School of India University. After his 10-year tenure at the University in Bangalore, when he relinquished the job, Professor Menon was then invited by the West Bengal Government to set up the West Bengal National University of Juridical Sciences (NUJS) on the lines of the Bangalore initiative.</p> <p>Before Professor Menon could complete his term as the Vice-Chancellor of NUJS, the Supreme Court of India asked him to take over as the first Director of the newly established National Judicial Academy for training Judges, at Bhopal.</p> <p>Professor Menon was conferred with Padma Shree for distinguished public service in the year 2003 by the President of India.</p>
Shri Anil Devan Sr. Advocate, Supreme Court of India	<p>Shri Anil Dewan was enrolled in November 1951 and started practice in Bombay High Court in January 1952. He has held many notable positions during his professional career, including serving as the Former President LAWASIA (1991-1993) and Former President of the Bar Association of India. (Sept. 2010 – Sept.2014). He has also been appointed “Amicus Curiae” by the Supreme Court of India in Public Interest Litigations involving high level political and bureaucratic corruption including Cabinet Ministers and Members of Parliament.</p> <p>He has served as the Counsel for State of Karnataka in Inter-State Water disputes relating to river Cauvery and river Krishna. His other notable cases include – The Shriram Fertilizer Case (Oleum Gas Leak Case) (1987) 1 SCC 395 and the Bhopal Gas Leak Case (for Union Carbide Corporation Inc.) (1989) 1 SCC 674, (1989) 3 SCC 38; Dr. Subramanian Swamy vs. UOI : (2014) 8 SCC 682; Jain Hawala Case [Vineet Narain v. Union of India : (1998) 1 SCC 226]; the Chandraswami Case [Anukul Chandra Pradhan v. Union of India : (1996) 6 SCC 354]; and the Indian Bank Scam Case [Dr. Subramanian Swamy v. Director CBI - W.P. (C) 38 of 1997, Order dated 24.02.1997]; Shanti Bhushan v. UOI (2009) 1 SCC 657; Pensioners’ Case [D.S Nakara v. Union of India for “Common Cause” : (1983) 1 SCC 305 = AIR 1983 SC 130]; and Shri Kumar Padma Prasad vs. UOI : (1992) 2 SCC 428 (High Court Judge’s appointment quashed) and N. Kannadasan vs. Ajoy Khose : (2009) 7 SCC 1 (Appointment of Justice Kannadasan as President, State Consumer Disputes Redressal Commission quashed).</p> <p>He is appearing ‘Pro bono’ for Ram Jethmalani & Ors. (Black Money Case) for bringing back illicit Money kept in Foreign Tax Havens by Indians. In addition, he has served on International Law Association (ILA) Committees on Water Resources and Biotechnology, and is a regular contributor of Articles in National Newspapers like “the Hindu”, “the Indian Express”. He has contributed many papers in international conferences.</p>

<p>Shri Dharam C. Jain Inspector General of Police, Jaipur Range, Jaipur, Rajasthan</p>	<p>Shri Dharam C. Jain joined Indian Police Service in the year 1991 and belongs to Rajasthan Cadre. He has worked as District Superintendents of Police in Bundi, Jhalawar and Kota Districts of Rajasthan. He has also worked as Superintendent of Police, security and Crime Branch in the State. He has worked in the United Nations Mission in Kosovo for a year during 2000-2001 and contributed in raising the new police force for Kosovo.</p> <p>He joined the Central Bureau of Investigation on Deputation in September 2002. He has done the prestigious 49th training course at the National Defence College, New Delhi in 2009. He returned to his Cadre in April 2010 and worked as Inspector General of Police, Anti Corruption Bureau, Rajasthan and as Inspector General of Police, Jodhpur range at Jodhpur. He joined back Anti Corruption Bureau, Rajasthan as Inspector General January 2014. He has been working as Inspector General of Police, Jaipur range, Jaipur since. Mr. Jain is recipient of the Police Medal for meritorious services in the year 2006.</p> <p>Mr. Jain has handled many important and high profile cases in CBI which includes Chandigarh High Court Judge case, Ghaziabad Provident Fund scam case, Tehelka tape cases, various defence deals, Cooperative Group Housing Societies scam case and CAT examination paper leak case. Shri Jain was part of the Indian Delegation which negotiated and finalized Extradition Treaty and Mutual Legal Assistance Treaty in Criminal Matters with Mexico in 2006.</p> <p>He has earned a Bachelors of Engineering in Electronics. He completed his Master's in Applied Criminology and Police Management on part time basis from the Institute of Criminology in the Cambridge University on full scholarship. The topic of his Master's thesis is 'An Exploratory Study of Sentencing in Corruption Cases in the Indian state.</p>
<p>Shri P. C. Sharma IPS (Retd.) and Member NHRC, New Delhi</p>	<p>Shri P. C. Sharma is a retired officer of the Indian Police Service. He joined the Indian Police Service in 1966.</p> <p>Mr. Sharma has served as the Director of the Central Bureau of Investigation of India from (2001–2003). He was the first CBI director to be appointed after the Supreme Court set new guidelines after the Vineet Narain case As CBI chief, he focused on speedy investigation, modernisation of the force and training of its personnel. Mr. Sharma dealt with several high-profile cases during his tenure as CBI Director.</p> <p>He also served as the head of the National Bureau of Interpol. He played an instrumental role in the extradition of underworld don Abu Salem. He was appointed the Director General of Police, Sikkim in 1996. Mr. Sharma was appointed to the National Human Rights Commission of India in 2004.</p> <p>Mr. Sharma is an avid reader and an author.</p>
<p>Shri Abani Kumar Sahu Advocate, Supreme Court of India, New Delhi</p>	<p>Shri Abani Kumar Sahu graduated with Economics (Hons) and LL.B from Delhi University. He is a Practicing Lawyer in Supreme Court since 1988. His practice includes various field of law specially Criminal and Constitutional. He has filed many PILs in the Supreme Court for upholding the Rule of Law; National Investigating Agency (NIA) to investigate Terrorism cases in India is a creation of his petition. He was appointed as an Amicus Curie in the famous Jain Hawala case, Indian bank cases and Chandraswami case. He was also appointed as a Founder Convenor of Lok</p>

	<p>Adalat by then Chief Justice of India Justice P. N. Bhagwati and inducted as a Member of the Supreme Court Legal Aid Committee in 1986.</p> <p>He has served as the Member of the Expert Group on Witness Protection of the UN Office on Drugs and Crime (UNODC), and as Member of the Indian Delegation to the Judicial Academy of USA in Atlanta</p>
<p>Shri M.L. Sharma IPS (Retd.) Information Commissioner</p>	<p>Shri M. L. Sharma is a retired officer of the Indian Police Service, 1972 batch, Rajasthan Cadre. He has a Master's degree in Economics from Delhi School of Economics (1971). He has served as a Lecturer in Economics in Sri Ram College of Commerce, New Delhi (1971-72).</p> <p>He has held various notable positions during his service which include: Inspector General of Police, CID Crime Branch, Rajasthan, Jaipur (2000-2004) and Addl. DGP (Vig.), Rajasthan (2004). He has been awarded the Police Medal for Meritorious Service, 1988; and President's Police Medal for Distinguished Service, 1995.</p> <p>He was involved in extradition of Om Prakash Srivastava, Abu Salem and A. N. Ghosh.</p> <p>He has served in the Central Bureau of Investigation as Joint Director – (1995-2000), Additional Director (2005 – 2006), and as Special Director.</p>
<p>Shri Prashant Bhushan Sr. Advocate, Supreme Court of India, New Delhi</p>	<p>Prashant Bhushan is an Indian lawyer, activist and politician. He is noted for his use of public Interest Litigation (PIL) to support a number of causes related to corruption, environmental protection and human rights.</p> <p>He holds a degree in law from Allahabad University. He was a prominent member of the India Against Corruption (IAC) movement, which supported Anna Hazare's campaign for the implementation of the Jan Lokpal Bill. After a split in IAC, he helped form the Aam Aadmi Party and is a senior party leader. Following an AAP National Council meet on 28 March 2015, Bhushan was removed from various leadership posts in the Aam Aadmi Party following a party vote.</p> <p>In 2009, Prashant Bhushan represented activist Subhash Aggarwal, asking for the Supreme Court and High Court judges to be brought under RTI. The judges were forced to declare their assets and post it on the court websites.</p> <p>He has also successfully challenged the Prime Minister and Home Minister's decision to appoint PJ Thomas as the head of the Central Vigilance Commission. Acting on his PIL, SC directed the CVC to apprise it of actions taken on complaints by whistleblowers in the country.</p> <p>His notable publications include: <i>The Case that Shook India</i> (1978) and <i>Bofors, the Selling of a Nation</i> (1990).</p>
<p>Shri Loknath Behera, IPS Additional Director of General of Police, Kerala</p>	<p>Shri Loknath Behera is an officer of the Indian Police Service (Kerala Cadre, 1985 batch). Currently, he is additional Director General of Police, Government of Kerala. He has 25 years of experience in various facets of Policing such as Investigation of Crimes, Maintenance of Law & Order, Enforcement of Traffic Regulations, Security including VIP Security, Planning, Policy Formulation, Counter Terrorism Strategies, Project work, Resource Management at State, National & International level, IT application and Management.</p>

	<p>Shri Behera has been instrumental in the establishment of a state-of-the art Interrogation Centers in the CBI and is the main architect of the state-of-the art CBI Command Centre and Kerala Police Command Centre set up on the model of the FBI Command Centre in Washington, USA.</p>
<p>Justice Manmohan Sarin Former Chief Justice & Delhi LokAyukta, New Delhi</p>	<p>Justice Manmohan Sarin, is a Bachelor of Laws from Faculty of Law, University of Delhi, Campus Law Centre. He has done a Post Graduate course in Industrial Law and Labour Relations from Indian Law Institute.</p> <p>He worked as in-house Counsel of IBM, World Trade Corporation for 10 years until 1979. Thereafter, he practised as an Advocate in the High Court of Delhi and Supreme Court of India. He served as the Senior Panel Counsel for the Government of India during 1990 to 1995, and represented the Union of India in a variety of matters in Writ jurisdiction, Civil, Original and Appellate side, complicated Service Matters relating to Army and Para Military Forces, Take-over of Banks, PILs etc. He was the Vice President of Delhi High Court Bar Association for the years 1990 & 1991.</p> <p>He served as a Judge in the High Court of Delhi during 1995 to 2008. In 2008, he was appointed as the Chief Justice, High Court of Jammu & Kashmir. In November 2008, he was sworn-in as the Lokayukta for National Capital Territory of Delhi.</p>
<p>Professor (Dr.) Ranbir Singh Vice-Chancellor, National Law University, Delhi</p>	<p>Professor (Dr.) Ranbir Singh, Vice-Chancellor of National Law University, Delhi, has previously served as the Founder-Director/Vice-Chancellor of NALSAR University of Law, Hyderabad.</p> <p>Professor Singh gained his Ph. D. degree from Kurukshetra University. He has also served as a Faculty member in the Department of Law in the same University. He joined the Maharshi Dayanand University at Rohtak in 1978 as part of the founding Faculty and continued till 1998 in various capacities as Professor, Head, Dean and Proctor. He has also served as Professor of Law, National Law School of India University, Bangalore, during 1996-97.</p> <p>He is a member of the Standing Committee of the Association of Indian Universities and has been appointed as a member of the Working Group constituted by the NHRC to formulate the National Action Plan to improve the national promotion and protection of Human Rights.. He is also Member of the Committee appointed by the Ministry of Home Affairs, to draft a new Police Act.</p> <p>Prof. Ranbir Singh has played a critical role in reviving legal education in the country and recasting it so as to make it more relevant to contemporary concerns. As a member of various policy making bodies like the Legal Education Committee of the Bar Council of India, amongst others, he has played an important role in concretizing policy commitments and moulding the law to serve the ends of social justice.</p> <p>He has been associated in an advisory capacity with several national and international organizations like Indian Law Institute, National Committee in IPR, CII, Indian Society of International Law, Committee of Experts on Law, National Institute of Criminology and Forensic Science, DNA Profiling Advisory Committee, SAARCLAW India Chapter, Commonwealth Legal Education Association; amongst many others. He was member of the General Council of the Indian Law Institute, New Delhi. He has authored more than 50 research publications and has won awards for his</p>

meritorious work as a teacher.

Prof. (Dr.) G.S. Bajpai
Registrar, National Law
University, Delhi

Dr. G. S. Bajpai serves as Professor & Registrar at NLU, Delhi. Previously, he has served as Professor & Chairperson at the Centre for Criminal Justice Administration, National Law Institute University, Bhopal (MP), India. He has also officiated as Director and Registrar, National Law Institute University, Bhopal. He has more than twenty years of active research/teaching experience at the UG/PG level. His specialization is in the area of criminal law, criminology and criminal justice studies.

Dr. Bajpai was conferred the title of 'Fellow of Indian Society of Criminology (FISC)' by the Indian Society of Criminology (ISC). He is the recipient of G. B. Pant Award, awarded (2005) coveted 'Prof. S. S. Srivastava Memorial Award' for excellence in research/teaching in criminology. He was also conferred the award of 'Best Social Scientist' by the Indian Society of Criminology (2014) at RGNUL, Patiala. Recently, he was also identified to confer the highest award of the Indian Society of Victimology (2014).

Prof Bajpai has been extending services and consultancy to several Universities and state/union public service commissions. He is on the Board of editors of many national and international journals and is also the member of many key professional organizations. As researcher and author, Dr. Bajpai has authored eight books and more than eighty papers, ten project reports and several monographs. His notable publications include books 'Witness & Criminal Justice Systems', 'Cyber Crime & Cyber Law', 'Situational Crime Prevention & Crime Reduction', 'Criminal Justice System Reconsidered' and 'Victimological Narratives on Gender Violence'.

Prof. Bajpai held many prestigious international assignments for advanced research in criminal law and criminal justice. He has been to the University of Paris (France) under UGC Indo-French Cultural Exchange Programme (1999) to work on 'Victim's position in French Criminal Justice System'. He was also the recipient of prestigious Commonwealth Academic Staff Fellowship at the Department of Criminology, University of Leicester, UK for an advanced research and teaching (in Crime reduction) for the year 2003-04. He was also selected under the Indo-Hungarian Cultural Exchange Programme to carry out research in Budapest (2009). In 2010, Prof. Bajpai was conferred a visiting fellowship of ICSSR under the Indo-NWO Exchange of Scholars and under this visit he carried out significant research at the International Victimology Institute, Faculty of Law, University of Tilburg in the Netherlands. He has been identified by the John Jay College of Criminal Justice, New York to author a case study on 'Bhopal Gas Tragedy' which was published from the Cambridge Press, U.S. He has been invited as Visiting Professor to teach selected courses in criminal law & criminology at the Faculty of law, University of Wurzburg, Germany under DAAD programme (2015).

Dr. Jeet Singh Mann
Associate Professor of
Law, NLU,
New Delhi

He has obtained his LL.M. Degree from the Jodhpur University in 1996, M.B.A (HR) from the National Institute of Personnel Management, Kolkata. He has been awarded his Ph.D. from Faculty of Law, M.S. University, Baroda, Gujarat. He is currently working as Associate Professor (Law) at NLU, Delhi.

He has previously worked as an Honorary Lecturer at Faculty of Law

	<p>M.S.U. Baroda, Editor at the Tax Publisher, Jodhpur and Assistant Professor (Law) at NLU, Jodhpur. He is an External Expert on Moderation Boards of some Universities.</p> <p>He has also presented Special lectures (50) on Labour Law, Administrative Law, RTI, Legal Research and Legal Education including Teaching Learning methodology, at BPST Lok Sabha, Parliament of India, NATRSS, Ministry of Labour, Govt of India, Haryana Institute of Public Administration, Govt of Haryana, UGC (ASC) Indore University, NLU Jodhpur, IIFT New Delhi, VV Giri National Labour Institute, Indian Institute of Public Administration New Delhi, Divisional Training Centre, HIPA Haryana, etc.</p> <p>He has been conferred, the UGC Research Award in Law in 2014. He has authored 50 Research Papers, published in various International and National Law Journals. He has authored a book titled The Comprehensive Social Security Scheme for Workers in India”.</p>
<p>Justice R. Besant, Senior Advocate and Former Judge, Kerala High Court, Kerala</p>	<p>Justice. R. Besant launched his legal career as a junior to noted criminal lawyer K. Bhaskaran Nair at Kozhikode. He continued to exhibit his mastery over criminal law after he joined the judicial service as Second Additional District and Sessions Judge at Thiruvananthapuram through direct selection. His tryst with Kerala High Court started in 2002 when he was appointed as Additional judge and later as permanent judge in 2004. He is widely acclaimed as a judge with a humane approach and high integrity. In the initial phase of his career as High Court judge, Mr. Basant displayed the moral courage to take bold decisions.</p> <p>He was additional special prosecutor in the controversial murder case of engineering student Rajan, which led to major upheavals in the State politics. His was the lone dissent note in the famous verdict by a Kerala High Court Full Bench headed by then Chief Justice J.L. Gupta staying the operation of the Government Order fixing the fee for 50 per cent Government quota in self-financing medical colleges on a par with the fees charged in Government medical colleges in September 24, 2003 was testimony to this.</p>
<p>Shri Vasudeva Acharya Sr. Advocate and Former Advocate General, High Court of Karnataka, Bangalore</p>	<p>Shri B. V. Acharya started law practice in 1957. He is a senior advocate, and has practised in all branches of law, besides practising in courts at all levels in the country.</p> <p>He has been a member of the Law Commission of India. He has been appointed as Advocate-General of the Karnataka High Court five times. He was among the counsel engaged in the legal battle related to JMM bribery scandal and the Moily tape episode, among others.</p> <p>He was Special Public Prosecutor (SPP) in many sensational criminal cases, and he is now SPP in the disproportionate assets case against Tamil Nadu Chief Minister Jayalithaa.</p>
<p>Shri Dushyant Dave, Senior Advocate & President, S. C. Bar Association</p>	<p>Shri Dushyant Dave is a Senior Advocate of the Supreme Court of India and commands practice across India. He has been at the Bar for over 30 years.</p> <p>He is presently a member of the Council of the International Council of Commercial Arbitration (ICCA), Member of the Board of the American</p>

Arbitration Association (AAA), Foundation for International Arbitration Advocacy of Switzerland (FIAA) and Vice-Chair of the Arbitration Committee in the International Bar Association (IBA). He was on the Court of the London Court of International Arbitration (LCIA) between 2003 and 2008 and is presently President of Asia Pacific Users' Council of LCIA. He has also been a Member of the National Legal Services Authority (NALSA) constituted under the Act of Parliament for promotion of legal aid.

His practice is comprehensive and includes Commercial, Arbitration, Corporate, Constitutional and Administrative Laws. He represents some of the largest corporations from within and outside India and has done so on extensive basis in the past. He has also represented Government of India, various State Governments and large Public Sector Corporations and Banks from time to time. He also commands large practice in the field of arbitration law and has been briefed in several international arbitrations in and out of India.

Annexure 5: List of Participants

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Annexure 6: Programme Agenda

Day One: Saturday - 21 March 2015

08.30 am-09.00hrs am		Registration
Inaugural Session 09.00hrs am-10.15hrs am	09.00hrs -09.10hrs	Welcome Address by Prof (Dr.) Ranbir Singh, Vice Chancellor, National Law University, New Delhi
	09.10hrs -09.20hrs	Address by Shri Alok Kumar, Director General, NCGG
	09.20hrs-09.50hrs	Address by Chief Guest Shri Rajiv, IPS Central Vigilance Commissioner (CVC), New Delhi
	09.50 hrs-10.15hrs	Prof. (Dr.) N.R. Madahva Menon
	10.15 hrs	Vote of Thanks by Shri Shiv Shankar Singh Consultant NCGG

10.20hrs am – 10:30hrs am		TEA BREAK
10.30hrs am – 11:45hrs am		Legal and Constitutional Framework for Combating Corruption AD/PB/VVA
11.45hrs am – 1:30hrs pm		Role of Constitutional Courts in the Fight Against Corruption AD/PBN

01.30hrs pm – 02:15hrs pm		LUNCH
02.15hrs pm – 03:45hrs pm		Role of Anti-Corruption/Vigilance Agencies and Lok Ayukta MMS/RB/MLS

03.45hrs pm – 04:00hrs pm		TEA BREAK
04.00hrs pm – 05:30hrs pm		A Recommended Curriculum for Training in Police/Civ Service/Judicial Academies NRMM/RB

Day Two: Sunday - 22 March 2015

09.00hrs am 11.00hrs am	Detection and Investigation of Corruption Cases DCJ/LB/AKS
11.00hrs am 11.30hrs am	TEA BREAK
11.30hrs am 01.30hrs pm	Prosecution, Trial and Sentencing of Corruption Cases VA/RB/DCJ
01.30hrs pm 02.30hrs pm	LUNCH
02.30hrs pm 04.30hrs pm	Preventive Strategies in Combating Corruption: Role of RTI Act, Public Services Act, Ombudsman, Election Commission, Human Rights Commission, Media and Professions with Special Reference to Layers DD/PCS/RS/JSM



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