

Corruption as a Parameter for Studying the Ease of Doing Business in India- an RTI-based study

Readers will recollect, much has been made of [India's 30-point jump](#) in the latest round of World Bank's rating of 190 countries for the [Ease of Doing Business](#) (EDB). On the eve of International Ant-Corruption Day (9th December), I am sharing with you an argument pointing out a major weakness in the study, namely, the omission of 'corruption' as a parameter and some RTI-based evidence to how poor the State's reaction is to the phenomenon of corruption in some key areas which affect the ease of doing business in major cities like Delhi, Mumbai and Bengaluru.

Background

Many subject experts and segments of the mass media interpreted improvement in India's EDB ranking as an endorsement of the policy reform measures initiated by the National Democratic Alliance Government. While the rapturous reaction to the rating was visible from the very top of the establishment, Opposition leaders do not appear to have subjected this 'good news' to serious scrutiny. Snide remarks from some quarters about match fixing to get positive ranking, may not count for much in the absence of evidence to back up such allegations.

It was left to academics like Dr. Bibek Debroy, who despite being part of the ecstatic establishment that welcomed the EDB findings, pointed out the [problematic methodology of the research](#) and consequently the ranking. Nevertheless, hardly any subject expert has talked about the omission of "corruption" as a parameter for assessing the ease of doing business. Nor is "corruption" included as a factor affecting the ease of doing business in the [2017 study conducted by NITI Aayog-IDFC Institute](#) which ranks States on the basis of certain parameters. Strangely, within 24 hours of releasing this report in August, 2017, a [disclaimer was issued](#) stating that the findings of the study do not represent the views of the Government or NITI Aayog!

Why should "corruption" be factored into studies on the 'ease of doing business'?

Readers will recollect that the World Bank's "Ease of Doing Business Study focuses only on the following **10** parameters:

- a) Starting a Business; b) Dealing with construction permits; c) Getting electricity; d) Registering Property; e) Getting credit; f) Protecting minority investors; g) paying taxes; h) trading across borders; i) enforcing contracts; and j) resolving insolvency.

The detailed methodology does not consider the possibility that several of these parameters are controlled or regulated by public sector agencies where, according to popular perception, corruption is rampant.

In fact the World Enterprise Survey also conducted by the World Bank covers a much broader range of business environment topics such as access to finance, infrastructure, competition, crime, performance measures and “corruption”. The last enterprise survey for India was published in 2014. [Dr. Bibek Deb Roy](#), Chair of the PM’s Economic Advisory Council has recently pointed out that the sample size and the methodology adopted by the World Bank’s Enterprise Survey are more robust than the EDB study. Indeed, the Enterprise Survey sample covered **9,281** small, medium and large businesses across **27 States** involved a diverse range of activities such as food, textiles, chemicals, rubber and plastic products, machinery and equipment, motor vehicles, construction, wholesale, retail, hotels and restaurants, transport, storage and communication and IT services among others.

Of the [9,000 plus firms interviewed for this Enterprise Survey](#):

- a) **43.4% said they expected to give gifts for obtaining an import license;**
- b) **51.5% said they expected to give gifts to get a power supply connection; and**
- c) **52.5% said they expected to give gifts to get a water supply connection.**

Across India [23% of the firms included in the study](#) are said to have experienced at least one bribe request across six regulatory (such as import licensing authority) and utility transactions (such as power and water supply agencies). Given these startling figures EDB studies and any ranking of a country will remain incomplete unless the parameter of “corruption” is also included.

The RTI Intervention:

Last year on International Anti-corruption day, CHRI released its analysis of the States’ response to complaints of corruption over a 15 year period (2001-2015) based on the Government’s own data reported through the National Crime Records Bureau. Our preliminary findings showed how few cases of corruption were registered in comparison with other serious crimes like murder, kidnapping and robbery. We also showed convictions were rarer still. [Click here](#) for the details of this study.

This year I conducted a targeted study to assess the State’s response to corruption in those areas highlighted by the Enterprise Survey conducted by the World Bank. My hypothesis was- if more than 9,000 small, medium and large sized business establishments reported that they faced corruption while obtaining import licences or power and water supply connections surely, the concerned service providers and anti-graft agencies such as the Lok Ayukta and Anti-Corruption Bureaus might be taking robust action to reduce corruption in these areas.

The sampling:

Given the resource constraints, I decided to focus the RTI interventions on three service providing agencies namely:

- 1) The Director General of Foreign Trade (DGFT) who is responsible for issuing import licenses; and
- 2) Suppliers of water;
- 3) Suppliers of power

in three large cities across India, namely, Delhi, Mumbai and Bengaluru. Knowledge of the local language (in which RTI replies were expected from these agencies) was also a deciding factor behind the sampling. As the World Bank's Enterprise Survey was conducted between June 2013 and December 2014, I sought information about action taken on corruption or vigilance and whistleblower type complaints against officers and employees of these bodies during the period April 2013 to February 2017. Another element of my hypothesis was that with the public release of the findings of the Enterprise Survey in 2014, these agencies might have taken more stringent action against corruption. So one would expect to find a large number of corruption related complaints registered, inquired into and sent up for prosecution or disciplinary action or both.

As power supply in Delhi has been completely privatised, I did not file any RTI applications with the private DISCOMS (which are litigating since 2006 before the High Court against the Central Information Commission's order holding them to be public authorities under the RTI Act.)

Additionally, I filed RTI applications with the relevant anti-corruption agencies that have jurisdiction to receive and inquire into complaints of corruption against these service providing agencies. So RTI applications were sent to the Central Vigilance Commission (CVC- which exercises jurisdiction over DGFT), the anti-corruption branch/bureaus and Lokayuktas in the States of Delhi, Maharashtra and Karnataka.

The list of public authorities in each jurisdiction from whom information was sought under RTI, is given below:

Central Government:

- 1) [DGFT](#): CPIO and Dy. DGFT, O/o DGFT, Udyog Bhawan, New Delhi- 110 001
- 2) [CVC](#): CPIO, Central Vigilance Commission, Satarkta Bhawan, Block 'A', GPO Complex, INA, New Delhi – 110023

GNCT Delhi:

- 1) [Delhi Jal Board](#) (DJB): PIO, Delhi Jal Board, Room No. 107, Varunalaya Building Phase-II, Karol Bagh, New Delhi- 110 005

- 2) [Delhi Lokayukta](#): PIO, Office of the Lokayukta, GNCT Delhi, 'G' Block, Vikas Bhawan, I.P. Estates, New Delhi- 110 002
- 3) [Delhi Anti-Corruption Branch](#): PIO, Anti-Corruption Branch, Directorate of Vigilance, Anti-Corruption Branch, Directorate of Vigilance, Government of the National Capital 4th Level, 'C' Wing, Sachivalaya, New Delhi – 110 002

Maharashtra:

- 1) [Municipal Corporation of Greater Mumbai](#) (MCGM for water supply): SPIO, O/o Chief Engineer, Vigilance, 1st Floor, Cement Godown, N. M. Joshi Road, Byculla, Mumbai – 400 011.
- 2) [BEST](#) (for Electricity): SPIO, Vigilance (E.S.) Department, BEST, 3rd Floor, Multistoried Building, Colaba, Mumbai- 400 005
- 3) [Maharashtra Lokayukta](#): SPIO, Office of the Lokayukta and Upa-Lokayukta, Maharashtra State, New Administrative Building, First Floor, Madam Cama Road, Mumbai - 400 032
- 4) [Maharashtra Anti-Corruption Bureau](#): SPIO, Anti-Corruption Bureau, Maharashtra, 6th Floor, Sir Pochkhanwala Road, Worli Police Camp, Worli Mumbai – 400 030

Karnataka:

- 1) [Bangalore Water Supply and Sewerage Board](#) (BWSSB for water supply): SPIO, BWSSB, 2nd Floor, Cauvery Bhawan, Kempegowda Road, Bengaluru – 560 009
- 2) [Bangalore Electricity Supply Company](#) (BESCOM for Electricity): SPIO & Deputy General Manager, Personnel, Room No. 010, Ground Floor, Block-2, Corporate Office, BESCOM, K R Circle, Bengaluru- 560 001
- 3) [Karnataka Lokayukta](#): SPIO, Karnataka Lokayukta, Multi-storeyed Building, Dr. B. R. Ambedkar Veethi, Bengaluru – 560 001
- 4) [Karnataka Anti-Corruption Bureau](#): SPIO, Anti-Corruption Bureau, Karnataka, No. 49, Khanija Bhawan, Race Course Road, Bengaluru- 560 001

The RTI queries:

From the service providers such as DGFT, MCGM, BEST, BWSSB, BESCOM I sought the following information under the RTI Act (every RTI application sought similar information and only minor changes were made to adapt the queries to the nature of service provided):

“I would like to obtain the following information from your public authority under the RTI Act relating to vigilance related and whistleblower complaints received at your headquarters and, during the period 01 April, 2013 to 28 February 2017:

- 1) The year-wise total number of vigilance related and whistleblower complaints received against officers and employees of DGFT;

- 2) The year-wise total number of vigilance related and whistleblower complaints resulting in the launch of prosecution against the accused officers and employees under the *Prevention of Corruption Act, 1988* (PC Act) and Sections 169 and 409 of the *Indian Penal Code, 1860* along with the total number of persons accused in each case;
- 3) The year-wise total number of vigilance related and whistleblower complaints resulting in the conviction of the accused officers and employees under the penal laws specified at para #2 above;
- 4) The year-wise total number of vigilance related and whistleblower complaints resulting in the initiation of disciplinary action against the accused along with the total number of officers and employees proceeded against in each case;
- 5) The year-wise total number of vigilance related and whistleblower complaints resulting in major penalty being imposed along with the total number of officers and employees penalised in each case. Please provide a clear description of the penalty imposed in each case;
- 6) The year-wise total number of vigilance related and whistleblower complaints resulting in minor penalty being imposed along with the total number of officers and employees penalised in each case. Please provide a clear description of the penalty imposed in each case;
- 7) The total number of vigilance related and whistleblower complaints pending disposal as on date of this RTI application along with the current status of action taken in each case.”

From the anti-corruption agencies such as the CVC, Lokayukta and the anti-corruption branch/bureau the RTI queries were tailored with respect to each agency over which they exercised jurisdiction. For example, I asked the CVC for information about complaints of corruption against employees of DGFT. I sought information about corruption complaints against employees of BEST and MCGM in Mumbai from the State’s Lokayukta and the local Anti-Corruption Bureau. Similar information was sought from counterpart agencies in Karnataka as well. A sample RTI application sent to Maharashtra Lokayukta about complaints of corruption in BEST is given below:

“I would like to obtain the following information from your public authority about *vigilance related and whistleblower complaints received against officers and employees of B.E.S.T. Undertaking, during the period 01 April, 2013 to 28 February 2017*:

- 1) year-wise total number of said complaints received against such officers and employees;
- 2) year-wise details of action taken against such persons under the *Prevention of Corruption Act, 1988* and Sections 169 and 409 of the *Indian Penal Code, 1860*- such as launch of prosecution and number of convictions;
- 3) year-wise total number of such persons against whom disciplinary action was launched along with details of major and minor penalty imposed in each case; and

- 4) total number of pending vigilance related and whistleblower complaints against such officers and employees as on date along with the current status of action taken in each case.

In States like Maharashtra and Karnataka I had to file multiple RTI applications to get all the information because the local RTI Rules impose word limits (150 words) and subject matter restrictions. All RTI applications and responses received are accessible at the links given below at the end of this study.

What does the evidence show about State Response to Corruption?

1) Central Government- Import licenses – involving DGFT and CVC:

DGFT: The Vigilance Section of DGFT not only sent some statistics about vigilance and corruption complaints received but also transferred the RTI application to the Vigilance Section, Dept. of Commerce (their parent department) and its regional offices in, Chennai Mumbai, Delhi and Kolkata. During the period under study Between April 2013 and February 2017 various offices of DGFT received **181** vigilance and corruption complaints. **None of them have yet resulted in the launch of criminal proceedings under the Prevention of Corruption Act, 1988. None of the cases have yet resulted in the initiation of disciplinary proceedings under the conduct rules applicable to these officers/employees.** In only one case initiated in 2009, major penalty was imposed on the officer but details of the case were not provided. The regional office of the DGFT in Kolkata did not even bother to send a reply to the RTI application.

The responses from all these offices are tabulated below:

#	Information Sought	Replies of public authorities							
		DGFT- HQ		Addl. DGFT Chennai	Addl. DGFT Mumbai	Addl. DGFT Delhi	Addl. DGFT Kolkata	Dept. of Commerce (Vigilance)	
1.	Year-wise total no. of vigilance and whistleblower complaints received	Vigilance complaints 2013 – 28 2014 – 30 2015 – 41 2016 – 39	Whistleblower complaints 1. 1 complaint against officers in Bangalore –	2013 – 3 2014 – 1 2015 – 1 2016 – 1 2017 - NIL	NIL	2013 – 2 2014 – 2 2015 – 1 2016 – 2 2017 - --	No reply	Vigilance Complaints 2013 – 3 2014 – 6 2015 – 1 2016 – 8	Whistleblower complaints 2013 – 0 2014 – 1 2015 – 1 2016 – 0

		2017 – 7	September 2014 2. 1 complaint against officers in Chennai – December 2015					2017 – 1	2017 - 0
2.	Year-wise no. of vigilance and whistleblower complaints resulting in launch of prosecution under Prevention of Corruption Act	NIL	NIL	NIL	NIL	NIL	No reply	NIL	
3.	Year-wise no. of vigilance and NIL whistleblower complaints resulting in conviction of accused officers and employees under Prevention of Corruption Act	NIL	NIL	NIL	NIL	NIL	No reply	NIL	
4.	Year-wise no. of vigilance and whistleblower complaints resulting in launch of disciplinary proceedings and total no. of officers proceeded against	NIL	NIL	NIL	NIL	NIL	No reply	NIL	
5.	Year-wise no. of vigilance and whistleblower complaints resulting in major penalty being imposed. Description of penalty in each case	NIL	Major penalty imposed in 2017 in a 2009 case	NIL	NIL	NIL	No reply	NIL	

			(details not given)				
6.	Year-wise no. of vigilance and whistleblower complaints resulting in major penalty being imposed. Description of penalty in each case	NIL	NIL	NIL	NIL	No reply	NIL
7.	Year-wise no. of vigilance and whistleblower complaints pending disposal along with state of action taken in each case	NIL	NIL	NIL	NIL	No reply	NIL

CVC: The CVC replied said that it received only three vigilance complaints during the years 2013-15 all of which were referred to the Chief Vigilance Officer (CVO), Ministry of Commerce for action. The CVC did not disclose the ultimate fate of these cases. CVC also received two whistleblower complaints during this period which were forwarded for necessary action to the CVO, Dept. of Commerce. The CVC also admitted that it does not expect any report from the CVO about action taken on these whistleblower complaints!

2) Government of the National Capital Territory of Delhi (GNCTD)- Delhi Jal Board (water supply), Delhi Lokayukta and Anti-corruption Branch of the Directorate of Vigilance:

Delhi Jal Board (DJB) sent a short reply stating that they do not maintain information in the manner sought in the RTI application and invited me to drop in to their office to inspect complaint registers maintained for the years 2013-2017 in respect of any particular case. As DJB admitted that they did not maintain statistics about complaints of corruption and vigilance matters, the opportunity of inspection was not availed of.

The **Delhi Lokayukta** replied that their parent law did not confer on them any jurisdiction to receive or inquire into complaints against DJB as they were empowered to inquire into complaints against Ministers and Municipal Councillors only!

The **Directorate of Vigilance, GNCTD** replied that they do not maintain department-wise information about complaints of corruption or vigilance matters, so they are unable to provide any of the statistical information sought in the RTI application!

NCRB data: According to the [Crime In India Report](#) published by the NCRB, in 2016, Delhi's Lokayukta and ACB together registered 16 cases of corruption under the *Prevention of Corruption Act, 1988* and related offences under the *Indian Penal code, 1860* (breakups between these two agencies are not given). During 2016 these two agencies are reported to have filed chargesheets against the accused in six cases only. It must be remembered that several of these cases may have been instituted in earlier years with the chargesheets being filed only in 2016 after completion of investigation and obtaining the competent authority's sanction for prosecution. These procedures take more than a year to complete. [In 2016 courts ordered acquittals or discharged the accused in six cases investigated by the Lokayukta and ACB while convictions were obtained only in two cases.](#) This is also an indicator that NCRB data covers court cases instituted in years prior to 2016 but completed in 2016.

3) Mumbai: Municipal Corporation of Greater Mumbai (MCGM) and BEST:

MCGM replied that the information sought was voluminous in nature as it was not related to any single complaint. So the Public Information Officer invited me to visit the office to conduct file inspection during office hours. As MCGM admitted that they did not maintain statistics about complaints of corruption and vigilance matters, the opportunity of inspection was not availed of.

BEST sent a list of **eight officials** ranking from Testing Assistant to Sr. Meter Inspector to Deputy Engineer and Charge Engineer against whom complaints of corruption or vigilance had been received during this period (April 2013 – February 2017). **Four of them were acquitted** of all charges after the investigation of the Anti-Corruption Bureau. However, later, **three of those acquitted** (one Charge Engineer one a Junior and Senior Inquiry Inspector **were dismissed from service** after departmental proceedings. **Two other Engineers** (On Charge and one Deputy Engineer) **were dismissed from service** after departmental proceedings but the result of the criminal cases registered by the Anti-Corruption Branch was not revealed. **Departmental proceedings were in progress against two** Sr. Meter Inspectors when the RTI reply was sent in April, 2017.

4) Maharashtra's Lokayukta and Anti-Corruption Bureau:

The **Maharashtra Lokayukta and the Anti-Corruption Bureau** (ACB) of the Government of Maharashtra replied that they do not maintain statistical information as sought in the RTI application. Instead they hold information about individual cases separately. So I was asked to seek information about specific cases, if any.

NCRB data: According to the [Crime In India Report](#) published by the NCRB, in 2016, Maharashtra's Lokayukta and ACB together registered 1,016 cases of corruption under the *Prevention of Corruption Act, 1988* and related offences under the *Indian Penal code, 1860* (breakups between these two agencies are not given). During 2016 these two agencies are reported to have filed **chargesheets against the accused in 997 cases while 20 cases were found to be true but without sufficient prosecutable evidence. [In 2016 courts ordered acquittals or discharged the accused](#) in 348 cases investigated by the Lokayukta and ACB while convictions were obtained only in 91 cases.**

5) Bangalore: Bangalore Water Supply and Sewerage Board (BWSSB), Bangalore Electricity Supply Company (BESCOM):

BWSSB cited a 2012 judgement of the Supreme Court of India in the matter of *Girish Ramchandra Deshpande vs Central Information Commr. & Others*, SLP (C) no. 27734 of 2012 and claimed that the **statistical information sought in the RTI application was covered by Section 8(1)(j) of the RTI Act which protects every person's privacy. So unless the applicant demonstrated the public interest angle involved, the information would not be disclosed!**

BESCOM on the other hand **was more forthcoming with information**. They provided long lists of corruption and vigilance complaints handled by their Vigilance Units (**Jagruta Dala**). BESCOM has established Vigilance Units as police stations to receive complaints against its employees in various parts of Bangalore and neighbouring districts of Ramnagar, Kolar, Tumkur and even faraway Chitradurga. All these units sent substantial responses.

The **Vigilance Unit of Hoskote based in New Yelahanka Town, Bangalore** replied that **23 complaints of corruption and vigilance matters** had been received: 2013 – 5 cases; 2014 – 6 cases; 2015 – 4 cases; 2016 – 6 cases and 2017 – 2 cases. **None of these cases have yet resulted in criminal or disciplinary proceedings against the accused.** No further details were provided.

The **Vigilance Unit based at Indiranagar Police Station, Bangalore** replied that between 2013-2016 they had received a total of **19** complaints between 2013-2016 against officers and employees ranging from Meter Readers, Accounts Officers to a Junior Engineer. Some of the complaints were filed by women and at least one by a group of villagers. Several complaints included that of bribery and disproportionate assets. **Inquiries into these complaints did not confirm any of the allegations.**

The **Vigilance Unit based at Jayanagar Police Station, Bangalore** replied that they had received **28 corruption and vigilance complaints** between April 2013 – February 2017. Officials complained against ranged from Lineman to Junior Engineer. Inquiry is in progress in two

cases – one of which involved a complaint of seeking money from a consumer to the tune of Rs. 5 lakhs. **In the remaining 26 cases, inquiries could not confirm any of the allegations.**

The **Vigilance Unit based at Rajajinagar Police Station, Bangalore** replied that they had received **45 corruption and vigilance complaints between April 2013 – February 2017**. Ranks of officials involved in the cases were not provided. **Inquiries could not confirm the allegations in any of the cases.**

Although the study did not include **Ramnagar district**, the **Vigilance Unit of BESCO** sent details of **24 cases** during this period. **In only one case the inquiry established that a Junior Engineer has caused substantial loss to BESCO due to illegal action.** But details of punitive action taken against the official were not disclosed. **In the remaining 23 cases, inquiries could not confirm any of the allegations.**

Similarly, the **Vigilance Unit based in Tumkur district** (not included in the study) sent a list of 70 cases of complaints of corruption and vigilance matters. Inquiries were progressing in one case each from 2016 and 2017. In the remaining 68 cases, inquiries did not confirm the allegations.

The **Vigilance Unit based in Chitradurga district** (not included in the study) sent a list of 49 cases of complaints of corruption and vigilance matters. Inquiries confirmed the allegations in only 6 cases. Criminal cases have been filed in three of them while in the fourth case a Junior Assistant had been suspended from service. In the remaining cases inquiries did not confirm the allegations.

The **Vigilance Unit based in Kolar district** (not included in the study) sent a list of 49 cases of complaints of corruption and vigilance matters. A section Officer had been suspended as he was found guilty of the charge of neglect resulting in electric shock sustained by workers. Another Meter Reader was suspended on charges of financial embezzlement. In the remaining 47 cases inquiries did not confirm the allegations.

6) Karnataka's Anti-Corruption Bureau and Lokayukta:

The **Anti-Corruption Bureau of Karnataka** replied that it had received **12** complaints of corruption and vigilance matters in **2016** against BWSSB and BESCO officers (the separate replies did not indicate which data pertained to which agency). **Six of these cases were still under enquiry while FIRs had been registered for investigation in two cases.** In 2017 a total of **13** complaints had been received

against **BWSSB and BESCOM officers**. **Nine of these cases were still under inquiry** while **two cases has been registered** for the purpose of investigation. The outcome of the remaining cases was not disclosed.

The Karnataka Lokayukta replied that it was **not obliged to maintain statistical information** about the cases of corruption and vigilance matters that it investigated. Further, citing a 2006 order of the Central Information Commission (which has been rendered obsolete by subsequent RTI case law) the **Lokayukta replied that disclosure of statistical information would violate the privacy of accused officers**, so the information cannot be supplied under the RTI Act unless there is larger public interest involved.

NCRB data: According to the [Crime In India Report](#) published by the NCRB, in 2016, Karnataka's Lokayukta and ACB together registered only 25 cases of corruption under the *Prevention of Corruption Act, 1988* and related offences under the *Indian Penal code, 1860* (breakups between these two agencies are not given). However 201 cases had been sent up for trial during this period while in 48 cases the complaints were found to be true but without sufficient prosecutable evidence. This is another clear indication that the data reported for 2016 includes cases registered during previous years. [In 2016 courts ordered acquittals or discharged the accused in 191 cases investigated by the Lokayukta and ACB while convictions were obtained only in 70 cases.](#)

Preliminary conclusions from the study and policy recommendations:

- 1) **Despite more than 43% of the firms interviewed for the Enterprise Survey reporting that they expected to pay bribes for obtaining import licenses, neither the anti-graft system in the DGFT nor the CVC could establish culpability of any official** in any of the **180+ complaints** of corruption and vigilance received between April 2013-February 2017. This indicates an abysmal gap between the perception of firms and the systemic reaction to complaints of corruption. Either the internal investigation methodology is not robust or the corrupt are so proficient in their actions that they leave behind very little prosecutable evidence. The fate of Whistleblower complaints is not even recorded by the CVC which is a slap on the face of the truth-seeking general public.

Policy recommendation: *The Lokpal and Lokayuktas Act, 2013* should be implemented without further delay so that investigation of complaints and prosecution for offences of corruption may be conducted by an adequately empowered agency. Similarly, the *Whistleblower Protection Act, 2014* must be implemented forthwith without any dilution so that even private firms affected by corruption may come forward to file complaints against bribery and corruption in public authorities and agencies of the Central Government. The amendments to the *Prevention of Corruption Act* pending in Parliament since 2013 must be discussed and passed

without any further delay. All three laws must be interlinked with each other so that there is no room for any confusion or overlap of jurisdiction.

- 2) **Despite more than 50% of the firms interviewed for the Enterprise Survey reporting that they expected to pay bribes for obtaining water and power supply connections culpability of corrupt officials are difficult to establish.** In most cases, the complaints cannot be confirmed and proper investigation launched. Even in the small number of cases where prosecution is launched, convictions are few, hinting to the poor quality of the prosecutable materials collected by the investigation agencies.

Policy recommendation: *The Lokpal and Lokayuktas Act, 2013* requires all States to align their Lokayukta legislation along the pattern of this law and those States which do not have such laws, to enact them along the lines of the Central legislation, within one year. Even as amendments to this law to change some aspects of the constitution of the Lokpal are languishing in Parliament, few States have carried out the mandate of aligning their own Lokayukta law along the pattern of the Central legislation. This exercise must be completed without further delay and details of all work undertaken by the Lokayuktas must be placed in the public domain in a timely manner. Similarly, States have the duty to identify competent authorities within their jurisdiction to receive and inquire into whistleblower complaints under the *Whistleblowers Protection Act, 2014*. This exercise must also be done without further delay so that the law may be implemented as soon as Parliament decides on the fate of the Government proposed amendments.

- 3) Agencies like MCGM, BWSSB and even the Maharashtra Lokayukta do not maintain and publicise data about the number of complaints of corruption or vigilance matters that they receive and handle. The Karnataka Lokayukta is statutorily required to submit a detailed report of work done every year to the State Legislature, through the Governor of the State. However these reports are not available on its website. Instead [some macro-level statistics of action taken on complaints](#) received is uploaded on its website without any breakups identifying the departments or agencies complained against. So the general public gets to know only of individual cases which are reported in the media and nothing more.

Policy recommendation: One of the requirements the *Lokpal and Lokayuktas Act, 2013* is the compulsory reporting of action taken to the respective Legislatures, every year. Enforcement of this law will ensure that the anti-graft agencies will feel motivated to submit detailed reports of action taken on complaints of corruption and vigilance matters. Further, along the lines of Chapter 8C of the Crime in India Report published by NCRB, the respective State Crime Records Bureaus must publish detailed reports about action taken on corruption by sourcing data from the anti-graft agencies such as Lokayuktas and Anti-Corruption Bureaus. This will inspire greater confidence in people to come forward to make complaints about corruption.

- 4) EBD-type surveys conducted by the World Bank or by local institutions within or outside the public sector have not included corruption as a parameter for assessing the relative ease of doing business. This omission makes a big difference in the assessment of realities at the ground level.

Policy recommendation: All EDB type surveys and studies conducted by any agency must include “corruption” as a parameter and the action taken by the government and anti-graft agencies to prosecute the corrupt must be included in such studies to make them more realistic and credible.

RTI intervention, research, analysis and reporting: Venkatesh Nayak for CHRI’s Access to Information Programme.

Contact details:

Venkatesh Nayak

Programme Coordinator, Access to Information Programme, Commonwealth Human Rights Initiative

#55A, 3rd Floor, Siddharth Chambers-1, Kalu Sarai, New Delhi- 110 016, INDIA

Tel: +91-11-43180215; Fax: +91-11-26864688; email: venkatesh@humanrightsinitiative.org; website: www.humanrightsinitiative.org;

Twitter: chri_INT; Facebook: <https://www.facebook.com/chri2017/>; Youtube: <https://www.youtube.com/user/chridelhi>