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To,
The Home Minister
Government of India
North Block,
New Delhi-110001

Sir,

Dated: 04 March 2013

Subject: Selection and Appointment of Mr. Neeraj Kumar IPS as Commissioner of Police, Delhi - Representation thereof

As you are well aware, virtually the whole country rose in anger and anguish against the gang-rape incident that rocked the national capital on 16 December 2012. Nationwide shock and outrages were expressed over the brutal incident in which a 23 year-old girl was tortured and gang-raped allegedly by six members in a moving bus in south Delhi. The young girl after desperately struggling for her life died few days later.

Spontaneous outbursts of public sentiment following this horrid incident were the voices against the rot that had set in virtually every form of governance today. Through the voices of the protestors, the people were demanding to be governed by a system that is just and public officials with unblemished integrity.

With this in mind, some of us, concerned senior citizens who have served the country and the governments in various capacities, submitted a Memorandum on 27 December 2012 to the President of India bringing forth the blemished track record of the person heading the police force of the nation's capital, which was felt to be at the root cause of the horrid tragedy. Copy of the same is annexed herewith and forms part of this representation.

Selection and appointment Mr. Neeraj Kumar as Commissioner of Police, Delhi on 28-06-2012 was bad from the beginning as the criteria rendering him ineligible for being considered for the post were existing even on that day. To be more specific, the appointment, besides being violative of the All India Service Rules and other Rules governing IPS officers, was also in utter defiance of the law laid down by the Hon'ble Supreme Court of India on 03-03-2011 in the PJ Thomas's case [W. P. (C) No. 355 of 2010], wherein a three Judges Bench of Apex Court while striking down the appointment of PJ Thomas former Chief Vigilance Commissioner, holding that 'Institutional Integrity and competence' should be of paramount consideration. *Inter alia* Supreme Court had ruled: "The past or present of an eligible person should be without any blemish whatsoever and that they should not be appointed merely because they are eligible to be considered for the post. While making the recommendations, the service condition of the candidate being a public servant or civil servant in the past is not the sole criterion...."

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Law laid down by Supreme Court and the blemished records of Mr. Neeraj Kumar were known to various authorities who participated in the process for selecting and appointing Commissioner of Police, Delhi. Yet he was appointed to the post and subsequently took over on 01-07-2012. The said appointment is vitiated by fraud, illegality and deception and *ab initio* invalid. The integrity and competency of the office of the Commissioner of Police, Delhi has been severely compromised by the appointment of such a tainted Mr. Neeraj Kumar. In fact, allegations and charges against Mr. Neeraj Kumar are far more serious than what were against PJ Thomas, whose appointment was quashed by the Supreme Court!

What is more, soon after Mr. Neeraj Kumar's appointment as CoP, Delhi, a Selection Committee was constituted by Govt. of India in October 2012, consisting of the following six members to recommend a panel of suitable police officers for the post of Director CBI:

- (i) Chief Vigilance Commissioner;
- (ii) Two Members of Central Vigilance Commission;
- (iii) Union Home Secretary
- (iv) Secretary, Department of Personnel
- (v) Outgoing Director of CBI

This Committee examined the suitability of a number of senior police officers for the post of Director of CBI including the name of Mr. Neeraj Kumar, in its meeting held on 30.10.2012 and after considering his career record as well as complaints and allegations pending against him rejected his name. The question is, how an official who has been found unfit to be empanelled for the office of Director, CBI on the basis of such adverse records, despite having served as Joint Director CBI for 9 (nine) long years, was selected and appointed as the Commissioner of Police, Delhi just a few months earlier?

Mr. Neeraj Kumar has misused his official position to dig out the complaints against him and pursue the complainants. He is also in a habit of misusing his official position and official machinery for his personal benefit and issues.

In this context a PIL was filed in Delhi High Court, which was disposed of on 27-02-2013 as W.P. (C) 1296/2013 with the Hon'ble Judges saying that an order cannot be passed as there is no representation to the competent authority before approaching the court, with further direction that the representation be sent within one week to the competent authority (Union Home Minister), who shall look into the grievances and decide it within eight weeks. Hence this representation duly supported by documents enclosed herewith.

Through this representation we would seek the following:

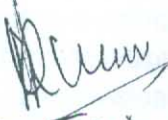
1. A comprehensive Inquiry into all the allegations and issues contained in the annexed Memorandum and documents as well as various complaints and representations pertaining to Mr. Neeraj Kumar sent by other sources to Prime Minister, Home Minister, Principal Secretary to Prime Minister and other concerned authorities.
2. Such Inquiry should be held by a Committee of three headed by the Chief Vigilance Commissioner that should not include the incumbent Home Secretary.
3. The Inquiry should also fix responsibility as to who recommended the appointment of Mr Neeraj Kumar, as Commissioner of Delhi Police just four months prior to his rejection of even being put on the selection list for the post of CBI Director in defiance

of established Rules and law set forth by the Supreme Court in the PJ Thomas case and take strict and stringent action against those responsible.

4. During the Inquiry we will be presenting documents and other proof/evidence to establish the various allegations contained in the Memorandum. For this I should be allowed to be represented by my legal counsel.
5. To facilitate free and fair Inquiry, pending the same, Mr. Neeraj Kumar, should be sent on leave or transferred to a non-sensitive post so that he cannot influence the Inquiry misusing his official position.

In this representation I am joined by **Admiral (Retd) L. Ramdas; Mr. BS Raghavan IAS (Retd); Veteran Journalist Sam Rajappa; General (Retd) VK Singh; Lt. General (Retd) Prakash Katoch; Brigadier (Retd) V. Mahalingam; Colonel (Retd) Karan Kharb; Mr. Rajivan Krishnasamy IAS (Retd)** who have endorsed the same.

Yours Truly,



M.G. Devasahayam

CC for information and initiation of appropriate action at their end:

1. Prime Minister of India, South Block, New Delhi-110001
2. Chief Vigilance Commissioner, Satarkata Bhavan, INA, New Delhi-110023
- ✓ 3. Lt. Governor, Delhi, Raj Niwas, 6, Raj Niwas Marg, New Delhi - 110054
- ✓ 4. Chief Minister, Govt. of NCT of Delhi, Secretariat, New Delhi - 110002

Senior Citizens Group

WZ 80, Mohan Nagar
Pankha Road
New Delhi - 110046

To,
His Excellency The President of India
Rashtrapati Bhawan
Raisina Hill, New Delhi.

Your Excellency,

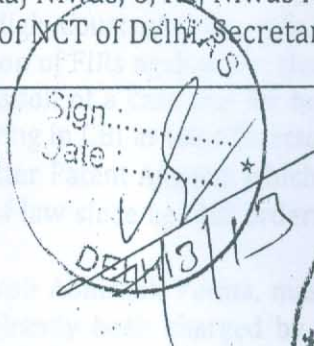
Subject: The rot that is Delhi and national shame

We, former senior members of the All India Services and Armed Forces make this submission to you as the Head of the Republic and custodian of the Constitution.

1. Sir, as you yourself have seen, virtually the whole country has arisen in anger and anguish against the gang-rape incident that rocked the national capital recently. Nationwide shock and outrages have been expressed over the brutal incident in which a 23 year-old girl was terribly



ANNEXURE



December 27, 2012

beaten and gang-raped allegedly by six members in a moving bus in south Delhi. The young girl is desperately struggling for her life.

2. Outpouring of anger by thousands of youngsters cutting across sections of society at Raisina Hill, where you live, and India Gate and different parts of the country has jolted the government to announce some measures to mitigate the public sentiments and outrage. This includes formation of a three-member Commission of Inquiry headed by former Chief Justice J.S. Verma that "will suggest ways to make stricter rape laws." according to Home Minister Sushilkumar Shinde. Just that and nothing more!
3. Two days prior to these government announcements, nation saw the strange spectacle of Mr. R.K. Singh, Union Home Secretary sitting with Mr. Neeraj Kumar, Commissioner of Police of Delhi complimenting Delhi Police for outstanding work in cracking the case in no time. For lapses, no accountability was fixed by the government. We wonder why Home Secretary was openly exhibiting a mother-hen like protective approach towards the incumbent Delhi Commissioner of Police.
4. Primary concern of governance and governments is Rule of Law, safety and protection of people, especially women and children, and upholding of their civil, political, social, economic and cultural rights and dignity. For this purpose, it is the constitutional obligation of the State to provide professional, impartial and efficient Police Service for safeguarding the life, livelihood and dignity of the citizens.
5. Commissioner of Police, Delhi heads one of the largest police forces in the country. Being head of the police force in the national capital, he or she should not only be an officer of unimpeachable integrity and unblemished career but also an impartial and efficient police officer having respect for human rights and dignity of the people.
6. But, from the records and documents made available to us, we are of the considered opinion that the present Commissioner of Police, Neeraj Kumar does not fit the bill. There are many serious charges of corruption and criminalisation pending against him. Briefly mentioned these are:-
 - (a) 2 FIRs: Hon'ble High Court of Delhi vide two separate orders dated on 26.6.2006 had directed registration of FIRs against Mr. Neeraj Kumar for fabrication of documents during course of investigation of a case and for humiliating, torturing and harassing an innocent citizen while working in CBI as Joint Director. He managed an illegal stay from the Division Bench through Letter Patent Appeals which are not maintainable in criminal cases. This is blatant sabotage of law since against orders on Criminal OPs in HC only remedy is SLP in Supreme Court.
 - (b) Very close links with Abhishek Verma, master scamster and notorious Arms and Hawala Dealer who has already been charged by CBI for compromising country's security and integrity in Naval War Room Leak case and presently in judicial custody again on account of his arrest by CBI in another case booked under Official Secrets Act for illegally obtaining highly sensitive and secret defence documents and selling the same to foreign countries. As Joint Director, CBI, Neeraj Kumar had used all his power and authority to protect and shield Abhishek Verma from various stringent legal actions.
 - (c) As Director General of Prisons, Neeraj Kumar was negotiating deals for purchase of arms including assault rifles with Abhishek Verma who was representing a foreign arm manufacturer and was confined in Tihar Jail. In various communications including emails sent from Tihar Jail Abhishek Verma claims that Neeraj Kumar is his personal and family friend and a lot can be achieved through him in short span of time. In the very same capacity Neeraj Kumar has reportedly extorted huge amount of money in cash from 2G scam accused lodged in Tihar Jail for providing them luxuries and facilities like AC, computers, mobiles and rich food.

(v) The role of successive PMs, Home Ministers, Finance Ministers and Home Secretaries and Finance Secretaries in defending and protecting this congenitally corrupt official and in appointing him to related posts?

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(d) There are allegations that Neeraj Kumar is reportedly holding 3 accounts in Switzerland and other tax heavens and parking huge funds in them. Account Numbers are mentioned in the complaint that gives this information. But no verification has been done.

7. Recently Neeraj Kumar was found to be unfit for being included in the panel of officers for appointment to the post of Director of CBI by the Selection Committee headed by Chief Vigilance Commissioner on account of the above charges which he is facing. Yet, shockingly, with same criminal and corrupt antecedents, Neeraj Kumar was earlier appointed to the sensitive post of Commissioner of Police, Delhi.

8. Obviously, Under Neeraj Kumar's watch, the efficiency and efficacy of police force in Delhi has come to the lowest ebb since there is an atmosphere of complete lawlessness prevailing in the capital city of Delhi and commission of heinous crimes like rapes, murders and thefts have become the order of the day. Such crimes are being committed by criminals with the active collusion and complicity of the police officers. Most of these criminals are serial offenders and their criminal records are already with police and yet they continue committing such heinous crimes and go scot free after bribing local police or paying 'hafta' to them which is shared up to the top. Strangely enough, as per media reports Delhi Police identified and picked up the rape-bus from the list of *hafta* (bribe) givers circulating among all the Delhi traffic policemen who are in collusion with the drivers'/owners' who indulge in illegal activities.

9. It is the horrendous rot in the system that has led to the appointment of such an abominable person to head the Delhi Police. The spontaneous outburst of public sentiment and the voices that are being raised are against such rot which has set in virtually every form of governance today. Through the voices of the protestors, the people are today demanding to be governed by a system that is just and above all, whose integrity cannot be questioned. It is this aspect that needs to be addressed seriously and sincerely. Police Commissioner's response to all these is to intimidate the lady Magistrate recording the statement of the rape victim and slap murder charges against young protestors after letting loose worst form of violence and repression on them. There are serious doubts that the post-mortem report has been fudged! This cannot be ruled out considering the fact that Neeraj Kumar, as Joint Commissioner of Police, Delhi was involved in the controversy of 'Ansal Plaza' fake encounter on 4.11.2002 wherein two innocent persons were killed!

10. We are of the considered view that the stink in Delhi Police is part of the larger 'kleptocratic-mafia' that seem to be running the country. In the event we, senior citizens, request you to direct the Government of India that is in power 'under your pleasure' to respond to the valid posers we raise below:

- (i) How, with such horrendous ill-repute and adverse career record, Neeraj Kumar was selected and appointed to the sensitive and crucial post of Commissioner of Police, Delhi? What is the role of Union Home Secretary and Lt. Governor, Delhi in this?
- (ii) How was he selected and appointed as Joint Director of CBI and allowed to remain in that post for a record period of 9 years which is prohibited under service Rules?
- (iii) Why, despite several complaints from various responsible quarters to the Prime Minister, Home Minister, PMO, CVC and Director CBI supported by authentic records establishing Neeraj Kumar's close proximity and relationship with notorious serial offender Abhishek Verma, no action has been initiated?
- (iv) On 25-09-2012, one Manish Aggarwal of 'Citizens of India against Corruption' sent a complaint to the Prime Minister giving details and specific information on the huge corruption and extortion racket indulged in by Neeraj Kumar. Was this complaint enquired into and truth ascertained? If not why not?
- (v) What has been the role of successive PMO's, Home Ministers, Finance Ministers and Home Secretaries and Finance Secretaries in defending and protecting this congenitally corrupt official and in appointing him to coveted posts?

- (vi) Who are the prominent politicians and bureaucrats who are patronizing Neeraj Kumar and sharing in the loot and money-laundering that he seem to be effortlessly indulging in cohort with underworld dons?
- (vii) In the midst of so much rot, corruption and laxity what purpose will the Commission constituted to "suggest ways to make stricter rape laws" serve?

Your Excellency, these are specific and pointed posers. But considering the mood of the nation it would be eminently appropriate if you as Head of the Republic should advise the political parties to seek the immediate resignation all MPs and MLAs who are presently facing proceedings in Court on criminal charges, particularly heinous ones like rape and murder. You should also direct the Government to immediately enact law/rules to implement the long-pending recommendations of the Election Commission to ban charge-sheeted politicians to contest election to any public body in future. These steps will have an electrifying effect on the psyche of the nation in general and youth in particular.

The whole nation wants an immediate answer to these posers and instant action to remedy the stink. We look forward for early action and appropriate response

Yours Truly,

CV Narasimhan IPS (former Director, CBI)

BS Raghavan IAS

SP Ambrose IAS

MR Sivaraman IAS

M.G.Devasahayam IAS

Arun Kumar IAS

M. Raman IAS

Rajivan Krishnaswamy IAS

Admiral L Ramdas

General VK Singh

Lt. Gen. Prakash Katoch

Maj. Gen. Ashok Kalyan Verma

Brig V. Mahalingam

Col. Karan Kharb

Col. K. Maliappan

(Note: Signatories have been District Magistrates, Secretaries to State and Central Governments, Navy and Army Chiefs, Corps, Division and Brigade Commanders)