

India Rejuvenation Initiative (IRI)

(A forum for probity in public life)

Date: 30.8.13

My dear Ranjit Sinha,

I am writing this letter on behalf of IRI, a forum of concerned citizens who have come together for bringing back probity in public life. Besides taking up several public related issues, we have also been campaigning for grant of autonomy to the Central Bureau of Investigation for the last few years, and a writ petition was filed in the Supreme Court (Writ Petition Civil No. 283 of 2013) which is pending before the Supreme Court.

We are however dismayed with the functioning of the CBI in quite a few cases, in which the organization has played it cool to the extent of dragging its feet. On the other hand, there have been cases where the organization has been over enthusiastic. The unmistakable impression one gets is that the CBI interest in a particular case is directly proportional to the ruling party's interest in the matter. If the government wants a case to remain in cold storage, the CBI ensures that. Conversely, if the government wants a case to be given acceleration, the CBI obliges accordingly. This is a very disturbing state of affairs.

Our concern and anxiety stems from the following cases, which are illustrative and not exhaustive.

Mulayam Singh's case

The CBI registered a preliminary inquiry on 5.3.2007 against S/Shri Mulayam Singh Yadav, Akhilesh Yadav, Prateek Yadav, Smt. Dimple Yadav and unknown persons in compliance to Supreme Court's order dated 1.3.2007 in Writ Petition Civil No. 633 of 2005 filed by Vishwanath Chaturvedi. It was alleged in the petition that Shri Mulayam Singh Yadav, the then Chief Minister of UP and his family members, viz. Shri Akhilesh Yadav, MP, Smt. Dimple Yadav wife of Shri Akhilesh Yadav and his second son, Shri Prateek Yadav had acquired huge assets disproportionate to their known source of income. The petitioner also alleged that Shri Mulayam Singh Yadav on becoming a Minister for the first time in 1977, declared his assets to be worth Rs 77,000/- only but subsequently acquired assets worth crores by abusing his power and authority which are disproportionate to his known sources of income. It was also alleged that these properties were undervalued while the market value of these properties was ten times more than value mentioned in the affidavits and sale deeds submitted by the above mentioned persons.

Campaign Committee

Justice R.C. Lahoti,
Former Chief Justice of India

Shri J.M. Lyngdoh,
Former Chief Election
Commissioner

Shri V.K. Shunglu,
Former Comptroller & Auditor
General of India

Shri J.F. Ribeiro,
Former Director General of
Police

**Air Chief Marshal
S. Krishnaswamy,**
Ex-Chief of Air Staff

Prof S.K. Joshi,
Former D.G., C.S.I.R.

Dr. Hari Gautam,
Former Chairman, U.G.C.

Sri Arvind Verma,
Former Secretary to GoI

Shri S.A.T. Rizvi,
Former Secretary to GoI

Shri Bhure Lal,
Former Secretary to GoI

Sri I.C. Dwivedi,
Former D.G.P.

Shri Prakash Singh,
Former D.G.P. U.P.

Shri S.P. Taluqdar,
Former Special Director,
Intelligence Bureau

Prof. H.C. Pande,
V.C. Emeritus

Sri S.N. Shukla,
I.A.S. (Retd)

Prof. S.K. Dubey,
Former Director, IIT
Kharagpur



India Rejuvenation Initiative (IRI)

(A forum for probity in public life)

The Hon'ble Supreme Court, vide its order dated 1.3.2007 directed the CBI to enquire into the alleged acquisition of wealth by the respondents to find whether the allegations made by the petitioner with regard to possession of disproportionate assets to the known sources of income of respondent is correct or not and further to conduct a Preliminary Enquiry into the assets of all the respondents to see if a case is made out and thereafter take further action in the matter.

The enquiry revealed that Shri Mulayam Singh Yadav and others had amassed disproportionate assets to the tune of Rs. 2,63 crores during the period 1.4.1993 to 31.3,2005. In this computation, the following were not considered:

- (a) Receipt of gifts worth Rs. 1.07 crores which were based on false/forged documents.
- (b) Actual cost of the construction of properties at Lucknow, Saifai and Etawah which was more than Rs. 1 crore.
- (c) Assets worth Rs. 2.8 crores acquired in the name of Smt. Sadhna Yadav, the second wife of Shri Mulayam Singh Yadav and Shri Prateek Yadav which were acquired during this period.

The aforesaid items would increase the amount of disproportion to about Rs. 4.8 crores.

The enquiry also revealed that 5 residential plots (alleged to be benami assets of Shri Mulayam Singh Yadav) had been allotted in Vipul Khand, Gomti Nagar, Lucknow, in which one plot had been allotted to Shri RCS Rawat, father--in-law of Shri Akhilesh Yadav and four others to the members of Bhojwani family of Etawah. The aforesaid five plots were actually a part of the 28 plots which were carved out from a vacant land earmarked for institutional use as per Master Plan of 2001 of the Lucknow Development Authority (LDA). The change of land use from institutional to residential was proposed and recommended by the LDA and was approved by Shri Mulayam Singh Yadav in his capacity as Minister (Housing) in utter disregard of the laid down procedures. These 28 plots were carved out and distributed amongst a select group of public servants and their associates in an illegal manner by preparing false allotment letters. This prima facie disclosed commission of offences of criminal conspiracy and criminal misconduct by the public servants.

On the basis of above inquiry, it was recommended that a regular case under Section 13(2) r/w 13 (1) (e) of PC Act, 1988 be registered against Shri

India Rejuvenation Initiative (IRI)

(A forum for probity in public life)

Mulayam Singh Yadav and under Section 109 IPC r/w 13(2) r/w 13 (1) (e) of PC Act 1988 against Shri Akhilesh Yadav and others.

Subsequently, S/Shri Mulayam Singh, Akhilesh Yadav, Prateek Yadav and Smt. Dimple Yadav filed review petitions before the Supreme Court against its order of March 1, 2007. The review petitions were disposed of by the Hon'ble Court on December 13, 2012 with the following directions:

- i. The CBI shall drop the inquiry into the assets of Smt. Dimple Yadav wife of Shri Akhilesh Yadav;*
- ii. The CBI may take such independent action, as it considers fit, on the basis of the inquiry conducted by it pursuant to the directions given by this Court in the judgment under review, without seeking any direction from the Union of India or on the basis of any direction that may be given by it.*

It is more than eight months since the Court directed the CBI to take such "Independent action" as it may consider appropriate. It is surprising that there has been no follow up action. Actually, the Supreme Court's directions were initially given on March 1, 2007. If we were to calculate from that date, more than six years have passed and the matter is still hanging fire.

Mayawati / Jayalalithaa Cases

There is a disproportionate assets case against Mayawati of Bahujan Samaj Party also. The CBI has been investigating the matter since 2004. According to information in the public domain, her assets, valued at Rs. 52 crore in 2007, jumped to 111.64 crore in 2012. The Supreme Court, on August 8, 2013, declined to review its order scrapping the FIR against Mayawati in the disproportionate assets case. The Court however, clarified that its July 6, 2012 order wherein it held that the CBI had exceeded its jurisdiction in filing the second FIR, did not deal with the merits of the DA case investigation, which was never in dispute. As observed by the Court:

"We have not gone into any other aspect relating to the claim of CBI, intervener or the stand of the writ petitioner (Mayawati) except the directions relating to Taj Heritage Corridor Project which was the only dispute before us in writ petition."

What follow up action the CBI has taken since then? It would appear that the organization is waiting for appropriate signals from the establishment depending upon the power equation between the BSP and the ruling party.

India Rejuvenation Initiative (IRI)

(A forum for probity in public life)

Jayalithaa's assets, according to available information, took a quantum leap from Rs.24.7 crores in 2006 to Rs.51crores in 2011. She was charged under Section 12 of the Prevention of Corruption Act but acquitted by the Madras High Court. The CBI has challenged her acquittal, but the matter needs to be pursued with a sense of urgency.

Rail-gate Case

There was the Railgate scandal involving payment of cash for appointment in the Railway Board. Vijaya Singla, nephew of the Railway Minister, was caught taking a bribe of Rs. 90 lac to provide a plum posting on the Railway Board to an aspiring officer. The allegation was that the entire deal was for Rs. 10 crores and that Rs. 90 lac was only the first installment. The then Railway Minister, Shri Pawan Bansal, has been made a prosecution witness in the case. It was a laughable move by the CBI. Even a probationary sub-inspector, with conscience, would not have given this benefit to a person who was, by all accounts, the principal beneficiary in the transaction. Your statement, which appeared in the media, that there was no evidence of Bansal taking money and that close proximity does not prove anything, was very unfortunate.

Gujarat Encounter

In the Ishrat Jahan case of Gujarat, we see an altogether different CBI. An organization which was described a "caged parrot" by the Supreme Court, has suddenly become a vulture. The CBI appears to be bulldozing in this case, disregarding all considerations of propriety, inter-departmental relations and even larger national interests. There was a preposterous suggestion by a member of CBI/SIT team that the governments of the day were responsible for orchestrating the terror attack on parliament and the 26/11 attack in Mumbai. For the first time in the history of independent India, we are witnessing the sordid spectacle of a triangular controversy, if not fight, between the CBI, the Intelligence Bureau and the NIA. Could it be that the CBI has been advised to extend the noose to an important political leader of the Opposition? This kind of over-enthusiasm at the instance of partisan political leadership can hardly be appreciated.

If this is how the investigation of high profile cases is done by the CBI, we would be forced to think if the organization really deserves autonomy and whether its head should have an assured tenure of two years.

India Rejuvenation Initiative (IRI)

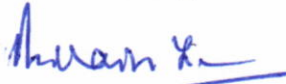
(A forum for probity in public life)

We shall be grateful for a response, formal or informal, from you. We would be happy to be told that our suspicions are misplaced and our apprehensions unwarranted.

It hardly needs to be emphasized that what is at stake is not only the credibility of the CBI but also the future of the country insofar as it depends, to a fairly large extent, on whether the State gives appropriate treatment or not to people, howsoever highly placed, for their misuse of office and looting of public money and resources.

With best wishes

Yours sincerely,



(Prakash Singh)