

Suggestions to PM, Annaji, Sheshanji, Aruna Royji, all MPs and all commons on Adding “Right to Recall corrupt or MNC-agent Lokpal” clauses in all Lokpal drafts

Author : Right to Recall Group (Unregistered)

Website : RightToRecall.com ; RightToRecallindia.com

Facebook : <https://facebook.com/groups/rrgindia/>; <https://facebook.com/rightorecall>

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Respected Standing Committee Chairman,

Respected Shri Annaji (and colleagues), Respected Shri Sheshanji Respected Shrimati Aruna Royji

Respected all MPs of India, and respected all non-80G-activists and commons of India,

Vande Mataram.

This is an open letter to person related to 4 Lokpal bills.

chap-1 to chap-4 have bare text of the additions we propose in each of the 4 Lokpal drafts.

MPs are requested to take any sections/clauses they deem fit.

chap-5 has introduction to this letter/

Remaining chapters explain my logic behind the proposed text in chap-1 to chap-4

1 Proposed Gazette Notification to take citizens feedback on Lokpal bill

I request PM to print following Gazette Notification as soon as possible so that we commons can give feedback on Lokpal and other law-drafts. Below is the raw-draft. A detailed explanation is in later chapter.

#	Officer	Procedure
1	Instruction to District Collector (or Executive Magistrate he designates)	The President hereby orders Collector that : if a woman voter or dalit voter or senior citizen voter or poor voter or farmer voter or <u>ANY</u> citizen-voter in his district submits an affidavit to the Collector (or his designated Executive Magistrate) and requests to be put on the website of Lokpal, the Collector or his designated Executive Magistrate will issue a serial number and put that affidavit on the website of PM for Rs 20 per page. The affidavit must be made before Executive Magistrate on stamp paper of Rs 20 and signed by 2 witnesses. The complainer and witnesses must have voter-IDs and address proofs with them.

#	Officer	Procedure
2	Instruction to Talati, Patwari, Village Officer (or his clerk)	<p>The President orders Patwari (i.e. Talati or village officer) that :</p> <p>(2.1) if a woman voter or a dalit voter or a senior citizen voter or a poor voter or a farmer voter or ANY citizen-voter comes with voter ID, and specifies YES-NO on a complaint submitted on Lokpal's website, the Patwari will enter his YES-NO on the Lokpal's website along with his voter-ID and give a printed receipt for Rs 3 fee.</p> <p>(2.2) The Patwari will also allow citizen to change his Yes-No for Rs 3 fee.</p> <p>(2.3) The fee will be Re 1 for BPL card holder</p> <p>(2.4) The district collector may assign this task to Tahsildaar in case Patwari does not have resources to execute this task.</p> <p>(2.5) In 3 months, the collector may create a system by which citizen may get SMS feed back for the YES-NO he has filed.</p>
3	[To all Citizens, PM, MPs etc]	<p>This section is for transparent complain filing only. It is not a referendum procedure. The Yes-No count will not be a binding on PM, MPs etc. However, if over "a certain number" of women voters, dalit voters, senior citizen voters, poor voters, farmer voters or ANY certain number of citizen-voters register YES on a given affidavit, then PM may or need not take necessary action in two months. Or the PM may resign. The "certain number" will be decided by PM. PM's decision on this will be final.</p>

2 Proposed addition of Transparent Complain Filing Clause in all Lokpal drafts

I request PM, Annaji, Sheshanji, Aruna Royjee and PM to add following extra section and clauses in their respective Lokpal drafts so that citizens can give the complaints to Lokpal in a transparent way :

Section-NN : Transparent Complain/Feedback Filing for Lokpals

#	Officer	Procedure
1	Instruction to District n to Collector (or Executive Magistrate he designates)	<p>The President hereby orders Collector that : if a woman voter or dalit voter or senior citizen voter or poor voter or farmer voter or ANY citizen-voter in his district submits a complaint to Lokpal to the Collector (or his designated Executive Magistrate) and requests to be put on the website of Lokpal, the Collector or his designated Executive Magistrate will issue a serial number and put that affidavit on the website of Lokpal for Rs 20 per page. The affidavit must be made before Executive Magistrate on stamp paper of Rs 20 and signed by two witnesses. The complainer and witnesses must have voter-IDs with them.</p>

#	Officer	Procedure
2	Instruction to Talati, Patwari, Village Officer (or his clerk)	<p>The President orders Patwari that :</p> <p>(2.1) if a woman voter or a dalit voter or a senior citizen voter or a poor voter or a farmer voter or ANY citizen-voter comes with voter ID, and specifies YES-NO on a complaint submitted on Lokpal's website, the Patwari will enter his YES-NO on the Lokpal's website along with his voter-ID and give a printed receipt for Rs 3 fee.</p> <p>(2.2) The Patwari will also allow citizen to change his Yes-No for Rs 3 fee.</p> <p>(2.3) The fee will be Re 1 for BPL card holder</p> <p>(2.4) The district collector may assign this task to Tahsildaar in case Patwari does not have resources to execute this task</p> <p>(2.5) In 3 months, the collector may create a system by which citizen may get SMS feed back for the YES-NO he has filed.</p>
3	[To all Citizens, Lokpal]	<p>This section is for transparent complain filing only. It is not a referendum procedure. The Yes-No count will not be a binding on Lokpal etc. However, if over "a certain number" of women voters, dalit voters, senior citizen voters, poor voters, farmer voters or ANY certain number of citizen-voters register YES on a given affidavit, then the Lokpal may or need not take necessary action in two months. Or the Lokpal may resign. The "certain number" will be decided by Lokpal. Lokpal's decision on this will be final. And all citizens are requested to note that this procedure can be also used to send feedback to Lokpal Selection Committee under section-(6)(10)(b) of this bill.</p>

3 Proposed addition of Right to Recall\Reject\Retain Lokpal clauses in all Lokpal drafts

Section-NN : Citizen's Right to Recall, Reject, Retain Lokpal

#	Procedure for	Procedure / instruction
1	-	<p>(1.1) The word citizen would mean a registered voter.</p> <p>(1.2) This procedure in this section will apply only for one member of Lokpal called as Citizens' Appointee. Initially, he will be appointed by the Lokpal Section Committee. ‘</p> <p>(1.3) And the word "may" in this section means "may or need not" and does not mean any legal or moral binding in any way.</p>

#	Procedure for	Procedure / instruction
2	Instruction to Collector	The President orders Collectors that if any citizen of India above age of 40 wishes to become a member in Lokpal Committee as Citizens' Appointee, and if he appears in person before the District Collector, DC shall accept his candidacy for Lokpal member after taking filing fee same as deposit amount for MP election. The Collector will post his name and serial number on Lokpal's website. No symbol will be issued.
3	Instruction to Talati or Patwari	If a citizen of that district comes in person to Talati's office, pays Rs 3 fee , and approves at most five persons for the Lokpal position, the Talati shall enter his approvals in his computer and would him a receipt with his voter-id#, date/time and the persons he approved. The fee for BPL card holder will be Re 1.
4	Instruction to Patwari	The Patwari or Talati will put the approvals of the citizen on Lokpal's website with citizen's voter-ID number and approvals he gave. The Lokpal will create software interface to do so and the Collector will provide the hardware to the Talati. The Lokpal may create a system that will send SMS feedback to the citizen.
5	Instruction to Patwari	If a citizen comes to cancel his Approvals, the Talati will cancel one of more of his approvals without any fee.
6	Instruction to Lokpal	On every 5th of month, the Lokpal Chairperson may publish Approval counts for each candidate as on last date of the previous month.
7	Instruction to Lokpal Selection Committee	If a candidate gets approval of over 15 crore voters, and it is also 1 cr more than the approval count of existing Citizens' Appointee, then Selection Committee may request existing Citizen's Appointee to resign and appoint the most approved candidate as Citizens' Appointee as a Lokpal. The Selection Committee may decrease or increase the threshold from 15 crores to any number between 12 crore and 36 crore.
8	Right to Retain Lokpal	The citizens may use this procedure to retain, or bring back, a Lokpal member was expelled but citizens wanted him to continue. Hence this section may also be referred as Right to Retain Lokpal.

#	Procedure for	Procedure / instruction
9	Right to Reject Lokpal	If a citizen comes to Patwari's office and gives name of a Lokpal Committee Member and wants to register NO against him, the Patwari will enter his name, voter number and candidate number and give him receipt for Rs 3 fee. If over 24 crore citizens register NO on a Lokpal Member, then Selection Committee may request him to resign from the Lokpal Committee. This clause may be referred as Right to Reject a Lokpal.
10	Instruction to Collector	If any citizen wants a change in this law, he may submit an affidavit at DC's office and DC or his clerk will post the affidavit on the website of Lokpal for a fee of Rs 20/- per page.
11	Instruction for Talati or Patwari	If any citizens want to register his opposition to this law or any section or wants to register YES-NO to any affidavit submitted in above clause, and he comes to Talati's office with voter-ID and pays Rs 3 fee, Talati will enter YES/NO and give him a receipt. The YES-NO will be posted on the website of the Lokpal. The Talati will also allow citizen to change his YES/NO.

4 Jury System in Lokpal

Section-NN : Inquiry by Jury inside Lokpal

#	Procedure for	Procedure / instruction
1	-	(1.1) The word citizen would mean a registered voter. (1.2) The word "may" in this section means "may or need not" and does not mean any legal or moral binding in any way.
2	Instruction to Lokpal	When Lokpal or his officer has filed a charge under the Lokpal act, the Lokpal may order an Inquiry by Jury before filing the case in the court. The decision of Lokpal will be final.

3	Instruction to Lokpal	In the Inquiry by Jury, the Lokpal will select 15 to 80 citizens at random from district/state or entire India, and will allow the accused to filter out about 20% after 1 hour interview with each one of them so that finally there is a Jury of 12 to 64. The Lokpal may work out the norm to decide the size of the Jury and the area from which the Jurors are selected from. The size of Jury may depend on the seriousness of the crime and may also depend on the position of the accused in the administration.
4	Instruction to Inquiry Officer	The Inquiry Officer will allow accused and accusers to speak for 1 hour each alternately for at least 3 days. If over 50% Jurors demand further hearing, then hearings will go on till over 50% Jurors demand end of hearing,
5	Instruction to Inquiry Officer	The Lokpals may file charges as approved by at 75% of the Jurors. If over 25% of Jurors acquit the officer, Lokpal may not file any charges. The decision of Lokpal will be final.

5 Introduction

Respected Standing Committee Chairman,
 Respected Shri Annaji (and colleagues),
 Respected Shri Sheshanji
 Respected Shrimati Aruna Royji
 Respected all MPs of India
 and respected all non-80G-activists and commons of India,

Some of you have submitted proposals for Lokpal bills. I have read two proposals in full – the Lokpal draft submitted by Govt, so called “Sarkari Lokpal” and Lokpal draft submitted by Annaji named as “Janlokpal”. I could not find time to read other proposals.

In both proposals I read – there is a fatal flaw. The flaw is that if the MNCs and other foreign subversive powers manage to plant their agents in Lokpals or if Lokpals after appointment decide to become their agents, then we commons have no direct procedure to remove them. The only indirect procedure given in Sarkari Lokpal and Janlokpal is that Supreme Court judges can remove them. Many of you claim that Supreme Court judges are NOT nepotic, not corrupt etc. I don’t want to dispute your claims here. But IMO, some alternative arrangement is needed in case Supreme Court judges too become agents of same MNCs and foreign subversive powers. This flaw is in both drafts – Sarkari Lokpal draft and Annaji’s Lokpal drafts I read. And I suspect same flaw may be in Sheshanji’s Lokpal as well as Arunaji’s Lokpal drafts.

As a remedy, I propose FULL DRAFTS of “Transparent Complaint Filing”, “Right to Recall Lokpal” and “Jury System in Lokpal”. I request all of you to add these clauses in your respective drafts. And my request to all MPs is – whatever Lokpal draft you pass, pls ensure that your draft has Right to Recall Lokpal clauses.

And most importantly, I have request to all non-80G-activists and commons of India. The Lokpal draft, whether weak Sarkari Lokpal or strong Annaji’s Lokpal, Lokpals will have immense power to imprison any Govt officer till court gives him a bail. This will create a Lokpal-raaj in India.

Not bad as such. But if there is NO Right to Recall Lokpal i.e. no procedure by which citizens can directly expel corrupt or agent Lokpal, then chances are over 100% that MNCs and foreign subversive powers will hire Lokpals' relatives as consultants and use them to threaten all IAS, IPS, Ministers, MPs, MLAs, judges etc. Using them, MNCs and foreign subversive powers can get laws, policies, contracts etc they want. This will lead to enslavement of India. Please note that MNC-domination is a bigger threat than some traffic policemen taking Rs 20 of bribe.

Finally I would give an analogy. Say you have three diseases cold, diabetes and cancer, Say I give you a medicine that cures your cold completely, reduces diabetes by 50% and tripled your cancer. What would you say about this medicine? Would you take this medicine as "something is better than nothing"? Shall we take poison because good medicine is something activist-leaders and MPs do not want? How is this analogy applicable? We have 3 types problems --- corruption at small levels, corruption at high levels and MNC-domination. Lokpal with Right to Recall Lokpal clauses cures ALL three diseases. But Lokpal with NO RTR Lokpal will reduce corruption at small levels, will reduce corruption at high levels but will double the MNC domination. Along with MNCs, the domination of foreign subversive powers, whose goal is to finish all Indic religions such as Hinduism, Sikhism, Jainism, Buddhism etc will also benefit from this Lokpal with NO RTR-Lokpal.

So my request is to you all non-80G-activiosts and commons is – please demand "Lokpal with RTR-Lokpal".

Many activist-leaders will tell you that "take poison now, medicine in next life time" i.e. they will insist that Lokpal bill must pass with NO RTR-Lokpal clauses today and in next life time, they promise take up a struggle for RTR-Lokpal clauses. I request you to ask them to not to wait till next life time.

The chap-1 to chap-4 gives the raw-text of the proposed addition applicable to ALL 4 law-drafts. The subsequent chapters describe them.

If you need any more explanation, pls feel free to call me at 98251-27780 or may send email at MehtaRahulC@yahoo.com . My request to you would be to keep print-outs of these pages with you when you call. Since I have a job to keep, I will not be able to come to Delhi for in-person explanation. But the clauses are so simple, that explanation on phone would suffice. If possible, when you call me, pls record the call, and is possible, pls put the call conversation in public.

6 FAQs and important comments on RTR, Transparent Complaint Filing Procedure

Question-1 : *Can a person purchase citizens' YESes in Transparent Complaint Filing procedure cited in chap-1 or chap-2?*

Answer : NOT viable. Why? Pls see clause-2.2 . Say a wealthy man pays Rs 100 to say 1 crore voters and asks the to register YES. And as per clause-2.2, the voter can change his YES next day. Now even if 1000 richest men pool all the money they have, they cant give Rs 100 everyday. Hence YES-buying is not possible in above Transparent Feedback Filing.

Question-2 : *Can a person purchase citizens' approvals in the Right to Recall Lokpal procedure cited in chap-3?*

Answer : NOT viable. Why? Say a wealthy man pays Rs 100 to say 10 crore voters to get approvals. Pls see clause-5. and asks them to fi to register YES. And as per clause-2.2, the voter can change his YES next day. Now even if 1000 richest men pool all the money they have, they cant give Rs 100 everyday. Hence YES-buying is not possible in above Transparent Feedback Filing.

Comment-3 : *On importance of clause-2 of Transparent Complaint Filing Procedure*

Answer : What if 100,000 citizens have same complaint? Should all send copies complaint to Lokpal? That will simply clutter the Lokpal's office. And what if 1 cr people have same complaint against Lokpal? Should all be asked to personally visit Lokpal's office? Or Collector's offices to submit complaints? This will only create law-order problems. The clause-2 simplifies the problem ---- a few persons can submit the complaint and rest can visit Talati's office and add their names in a peaceful way. Consider section-26.3 of Janlokal-2.2 bill which says complaint against Lokpal's employee's will be put on the Lokpal's website. Section-2 can reduce number of copies of same complaint.

Question-4 : *Will crores of citizens approve a Lokpal candidate?*

Answer : Depends on how bad Lokpals are and how good alternative is. Some 60% to 75% citizens do vote in Loksabha and Assembly elections, even though they have no hopes in any of the alternatives. This shows that citizens do take initiatives to bring change. So if alternate candidate is promising and existing Lokpals are corrupt, then citizens will take initiatives to bring changes.

7 Explanation on RTR-Lokpal

Say you own a factory and have 100 employees and Govt makes a law that you cant expel or even suspend any of the 100 employees for next 5 to 25 years without approval of High Court judges. Then will the level of indiscipline increase or decrease? Well, we citizens are appointing 10 Lokpals and the draft insists that we citizens can expel even one of them without approval of Supreme Court judges !! IMO, such unrecallable Lokpals will become a liability of us commons.

So my suggestion is that at least one out of 10 Lokpals should be recallable by citizens, if not all 10. Many in civil society believe that we commons will appoint only dishonest person. Well, in that case, only 1 out of 10 will be dishonest. The rest will be appointed by Search and Selection Committees and so they will all honest. So just one dishonest person wont be able to do much harm. So why is the opposition to Right to Recall even one out of 10 Lokpals?

RTR is not a foreign concept. Satyarth Prakash says that "Raajaa must be Praja-aadheen or else he will rob citizens and thus ruin the nation". Dayanand Saraswatijee has taken the verses from Atharvaved. So RTR is not an American or foreign concept --- it is very much Indian.

Citizens in USA have right to recall police commissioner and that's the only reason why corruption in USA policemen is low. Likewise, citizens in USA also have right to recall High Court Chief judge and District judges that the main reason why cases go fast and corruption in USA's lower court is low. The citizens in USA have right to recall over Governor, MLAs, District Education Office, Mayor, District/State Public Prosecutors etc. One may note that USA does not any Ombudsman (aka

Lokpal) and despite this USA has low corruption in most departments in State/Districts due to Right to Recall at State/District levels. Same USA has very high level of corruption in Senators and Federal Officers because they do not have right to recall Senators and Federal Officers.

In year 2004, I had suggested that we must put Right to Recall Information Commissioner clauses in RTI Act -- otherwise, most RTI Commissioners will become corrupt and inefficient and RTI applicants will be running from pillar to post. But again, the response I got is that “we must focus on unity, we must support RTI without Right to Recall and we must oppose Right to Recall Information Commissioner now and support RTR on Information Commissioner later”. What is this “later”? Next life time? IMO, this time, we must demand RTR Lokpal clauses in the draft before Jun-30 deadline and not now. I don’t request or insist anyone to support my propose RTR-Lokpal clauses. But I request and insist to all to propose clauses better than RTR-Lokpal clauses I have proposed.

Some persons have insisted that they support Right to Recall, but they oppose discussion to add RTR-Lokpal clauses in Lokpal bill in this lifetime. They insist that RTR must come from Sarpanch to upwards. I wonder why they don’t insist on Lokpal bust at Gram Level and then at Tahsil level and the District, State level and then at National level? Why demand Lokpal at Central Level first?

Saying that RTR should be at Sarpanch level and not at Central/State level is like saying that “here, take this one rupee coin and forget about Rs 100 note, Rs 500 note and Rs 1000 note !!” And also, saying that RTR should be at Sarpanch level today and RTR-PM, RTR Supreme Court Chief judge, RTR Lokpal should “later” , later can mean next life time,

In absence of right to recall, a person in power degenerates as if there is no bottom. Eg recently, **Honorable Supreme Court Chief Justice Khare gave bail to a Swiss multi-millionaire who had raped three eight year old girls and video taped it !!** Honorable Justice Khare gave that bail despite video tape evidence and lower court conviction !! Such judgments come only because we citizens don’t have right to recall Supreme Court Chief Justice. Same way, if we citizens don’t have right to recall Lokpals, Lokpals too will become corrupt/nepotic like Honorable Supreme Court Justices. ‘

8 What if Lokpals become corrupt or agents of MNCs or foreign subversive powers?

I will ask the unaskable - what if Janlokpals become corrupt? Worse, what if Janlokal become agents of MNCs or subversive powers? Or what if Selection Committee of 2012 itself consists of agents of MNCs , who appoint men with honest image, but inside who are agents of MNCs as 11 Lokpals?

MNCs too want Janlokal so that they have to bribe or influence only 11 Janlokpals and no longer need to bribe 1000s of IAS/IPS/politicians/judges. There are 10-15 heads in every districts’ IAS/IPS/judiciary/polity and some 50-75 heads in every State, totaling some 10000 District Level heads and about 2000 State Level heads. To manage them, MNCs and foreign subversive powers have to keep Radia type Lobbyists who add 200% to 500% margins. But once 11 Janlokpals come, MNCs need to bribe only 11 Janlokpals and bingo – all 10000 district level politicians/IAS/IPS/judges and

2000 State/National level politicians/IAS/IPS/judges will come under they will have near complete control over Indian administration via their proxies.

Section-7 says that Supreme Court judges will expel such a corrupt Lokpal. Now do YOU have faith in Supreme Court judges? Shanti Bhushan says that 50% of Supreme Court judges are corrupt. We have seen Supreme Court Chief judge Khare who gave bail to a Swiss multi-millionaire who had raped three eight-year old girls, and videotaped it himself !! And further, what evidences Supreme Court judges will have if Lokpals take bribe via family members or take bribes in Swiss/Mauritius bank? So unless Lokpal is stupid enough to keep all cash at home or deposit it in State Bank of India, section-7 is of no use.

All in all, Lokpal with NO Right to Recall corrupt Lokpal is MNC-pal. The problem of Lokpal becoming corrupt or MNC agent can be reduced by bringing Right to Recall Lokpal. The Lokpal WITH Right to Recall corrupt Lokpal becomes true Lokpal.

As a second last statement, I would re-state the analogy I gave before. Say you have a factory with 100 laborers or highly educated managers, and say Govt makes a law that you cant expel any worker for next 5 to 25 years. Then will the level of indiscipline increase or decrease? Same way, if citizens don't have right to recall Lokpal, then most Lokpals will act like these 100 laborers only.

And the last statement is to all non-80G-activists – if you do not ask you leaders to add RTR-Lokpal clauses and agree with your leaders proposals like “Lokpal now, RTR-Lokpal in next life time” or “RTR-Sarpanch now and RTR-Lokpal in next life time” or “Unity first, Nation next” etc. the nation is more than doomed.

Jai Hind.