

**Administrative Reforms Commission's 4<sup>th</sup> Report titled 'Ethics in Governance'  
- list of accepted recommendations**

<b>S. No.</b>	<b>Recommendations made by Administrative Reforms Commission</b>	<b>Government's Decision</b>	<b>Status of action taken by Administrative Ministry / Department</b>
1.	<p><b>11. (2.7.12) Code of Ethics for Civil Servants</b></p> <p>(a) 'Public Service Values' towards which all public servants should aspire, should be defined and made applicable to all tiers of Government and parastatal organizations. Any transgression of these values should be treated as misconduct, inviting punishment. <b>(19)</b></p>	(a) Accepted	<p><u>Department of Personnel &amp; Training</u></p> <p>(a) "Public Service Values" have been incorporated in the draft 'Civil Services Performance Standard and Accountability Bill',2010.</p> <p>The draft Bill was prepared in consultation with the Legislative Affairs Department. The Bill was sent to PMO on 24.02.2011. A meeting on the draft Bill was taken by PS to PM on 23.02.2012. In the said meeting it was decided that a background note on constitution of Central Civil Services Authority could be prepared for consideration by a GoM (orders of the PM could be solicited for having this matter to be examined by the GoM which has been constituted to suggest measures for tackling corruption). Accordingly, Background note on the constitution of Central Civil Services Authority was prepared and duly approved by MoS(PP). The note was sent to PMO on 29.05.2012 for</p>

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2.	<p>(b) Conflict of interests should be comprehensively covered in the code of ethics and in the code of conduct for officers. Also, serving officials should not be nominated on the Boards of Public undertakings. This will, however, not apply to non-profit public institutions and advisory bodies.(20)</p>	<p>(b) Partially accepted. As serving officials provide an important linkage between the Government and PSUs, it may not be appropriate to accept the recommendation about not nominating serving officials on the</p>	<p>consideration by GoM. PMO vide their I.D dated 03.07.2012 directed that the matter might be kept in abeyance at present for consideration at a more appropriate time. The recommendations of the ARC need to be taken forward for full implementation first.</p> <p>In compliance with PMO's directions detailed above, a proposal has been floated to incorporate all the elements of Civil Services Values and Code of Ethics, as contained in the Civil Services Standards Performance and Accountability Bill, 2010, in existing framework of the AIS (Conduct) Rules, 1968. Necessary amendments would be carried out after going through the mandatory consultation process.</p> <p>(b) Provisions related to conflict of interest have been incorporated in the draft Civil Services Bill.</p> <p>A detailed section relating to "Integrity &amp; avoidance of conflict of Interest" is under consideration in revised AIS Conducts Rules.</p>

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		<p>Board of Public Undertakings. However, conflicts of interest can be effectively handled by further strengthening the Conduct Rules. The guidelines on corporate governance of Public Sector Undertakings issued recently also take note of this concern.</p>	
3.	<p><b>12. (2.8.5) Code of Ethics for Regulators</b></p> <p>(a) A comprehensive and enforceable code of conduct should be prescribed for all professions with statutory backing.(21)</p>	(a) Accepted.	<p><b><u>Department of Personnel and Training</u></b></p> <p>Planning Commission has prepared a draft 'Approach to Regulation of Infrastructure' and a 'Draft Regulatory Reform Bill'. DOP&amp;T is to furnish decisions relating to terms and conditions of service of Chairperson and Members of Regulatory Bodies to Planning Commission.</p> <p>A draft Cabinet Note on terms and conditions of service of Chairperson and Members of Regulatory Bodies was submitted by DOP&amp;T for approval of Hon'ble PM. The PMO has desired that a comparative statement of Umbrella Legislation being drafted by DoLA may be prepared. DoLA is preparing the comparative statement. D/o Expenditure is</p>

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			separately considering grant of revised pay package to the Chairpersons and Members of the remaining identified Regulatory Bodies. Planning Commission has since moved a Draft Cabinet Note on Regulatory Reforms Bill, 2013 inter alia seeking to establish an overarching uniform regulatory framework for public utilities in infrastructure.
4.	<p><b>13. (2.9.23) Ethical Framework for the Judiciary</b></p> <p>(a) A National Judicial Council should be constituted, in line with universally accepted principles where the appointment of members of the judiciary should be by a collegium having representation of the executive, legislature and judiciary. The Council should have the following composition:</p> <ul style="list-style-type: none"> <li>• The Vice-President as Chairperson of the Council</li> <li>• The Prime Minister</li> <li>• The Speaker of the Lok Sabha</li> <li>• The Chief Justice of India</li> <li>• The Law Minister</li> <li>• The Leader of the Opposition in the Lok Sabha</li> <li>• The Leader of the Opposition in the Rajya Sabha</li> </ul> <p>In matters relating to the appointment and</p>	(a) Accepted in principle, other than the composition suggested by ARC.	<p><b><u>Department of Justice</u></b></p> <p>(a) (b)&amp; (f) The Judicial Standards and Accountability Bill' was introduced in the Lok Sabha on 01.12.2010 and was referred to the Department Related Parliamentary Standing Committee for examination and report. The Committee has submitted its report. Some amendments were proposed in the Bill. The same was approved by the Cabinet in its meeting held on 13.12.2011. The Bill was moved in Lok Sabha and first discussion took place on 28.12.2011 during Winter Session of Parliament. The Bill was moved again in the Budget Session 2012, and was passed by the Lok Sabha</p>

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5.	<p>oversight of High Court Judges, the Council will also include the following members:</p> <ul style="list-style-type: none"> <li>• The Chief Minister of the concerned State</li> <li>• The Chief Justice of the concerned High Court <b>(22)</b></li> </ul> <p>(b) The National Judicial Council should be authorized to lay down the code of conduct for judges, including the subordinate judiciary.<b>(23)</b></p>	(b) Accepted	<p>on 29.03.2012. However, the Bill could not be discussed in the Rajya Sabha as the Parliament was adjourned. This is pending to be moved in the Rajya Sabha. Meanwhile, a few official amendments are proposed to the Bill, which the Cabinet has approved in its meeting held on 13.12.2012. Further amendments to be Bill are being considered. A Cabinet Note in this regard has been prepared.</p>
6.	<p>(f) A Judge of the Supreme Court should be designated as the Judicial Values Commissioner. He/she should be assigned the task of enforcing the code of conduct. Similar arrangement should also be made in the High Court.<b>(27)</b></p>	(f) Accepted	
7.	<p><b>16. (3.2.3.2) Sanction for Prosecution</b></p> <p>(b) The Prevention of Corruption Act should be amended to ensure that sanctioning authorities are not summoned and instead the documents can be obtained and produced before the courts by the appropriate authority.<b>(33)</b></p>	(b) Accepted	<p><b><u>Department of Personnel &amp; Training</u></b></p> <p>(b) The matter is now under examination.</p>
8.	<p>(d) The requirement of prior sanction for prosecution now applicable to serving public servants should also apply to</p>	(d) Accepted	<p>(d) The proposal regarding amendment to Section 19(1) (a) &amp; (b) of the Prevention of Corruption</p>

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	retired public servants for acts performed while in service.(35)		<p>Act, 1988 to extend protection of previous sanction to public servants who would cease to be in service was agreed to by the GoM. In its meeting held on 08.08.2008, the Cabinet approved the proposal for incorporating the recommendations of the GoM in the draft Prevention of Corruption (Amendment) Bill.</p> <p>The Bill introduced in the Lok Sabha was passed on 23.12.2008. But the Bill could not be passed in the Rajya Sabha and it lapsed with the dissolution of the 14<sup>th</sup> Lok Sabha.</p> <p>Subsequently, after approval of the PM, a Cabinet Note was submitted to the Cabinet Secretariat in April,2013 containing proposal for amendments, <i>interalia</i>, including a proposal for amendments as recommended by the GoM. The Cabinet in its meeting held on 01.05.2013 approved the proposal. A Bill for amendment of the PC Act has been introduced in Rajya Sabha on 19.08.2013 during Monsoon Session of Parliament. The Bill stands referred to the Departmental related Standing Committee on Personnel, Public Grievances, Pensions, Law &amp; Justice for</p>



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			Courts constituted under the Prevention of Corruption Act have been instructed to give primary attention to the trial and disposal of cases under the said Act and to avoid unwarranted adjournments during the trial of such cases and to conduct the trial of such cases on day to day basis.
11.	<p><b>18. (3.2.5.6) Speeding up Trials under the Prevention of Corruption Act:</b></p> <p>(d) The Supreme Court and the High Courts may lay down guidelines to preclude unwarranted adjournments and avoidable delays.(41)</p>	(d)Accepted.	<p><b><u>Department of Personnel &amp; Training</u></b></p> <p>(d) Hon'ble Chief Justice of India has addressed letters to Chief Justices of all the High Courts to ensure that cases in respect of Prevention of Corruption Act,1988, be fast tracked and taken up on priority basis both at the High Court and District levels. Hon'ble Chief Justice of India has directed the Registry of Supreme Court of India to undertake similar exercise to fast track cases in respect of offences under Prevention of Corruption Act,1988, which are pending for consideration. The Hon'ble High Court of Kerala also informed that the Presiding Officers of the Courts constituted under the Prevention of Corruption Act have been instructed to give primary attention to the trial and disposal of cases under</p>

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			the said Act and to avoid unwarranted adjournments during the trial of such cases and to conduct the trial of such cases on day to day basis.
12.	<p><b>20. (3.4.10) Confiscation of Properties Illegally Acquired by Corrupt Means.</b></p> <p>(a) The Corrupt Public Servants (Forfeiture of Property) Bill as suggested by the Law Commission should be enacted without further delay. <b>(44)</b></p>	(a)Accepted.	<p><b><u>Department of Personnel &amp; Training</u></b></p> <p>(a): The proposal for inserting a new Chapter in the Prevention of Corruption Act, 1988 providing for the attachment, confiscation and the forfeiture of property of corrupt public servants on the lines of the Criminal Law (Amendment) Ordinance, 1944 that would make the provisions under the Prevention of Corruption Act, self-contained and comprehensive, has been agreed to. The Cabinet has approved the proposal for inserting a new Chapter in the Prevention of Corruption Act, 1988 providing for the attachment / confiscation, forfeiture of property of corrupt public servants on the lines of the Criminal Law (Amendment)</p>

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			<p>Ordinance, 1944. The Bill was passed by the Lok Sabha on 23.12.08 and it was introduced in the Rajya Sabha, but could not be passed. With the dissolution of the 14<sup>th</sup> Lok Sabha, the Bill lapsed.</p> <p>Subsequently, after approval of the PM, a Cabinet Note as submitted to the Cabinet Secretariat in April,2013 containing proposal for amendments, interalia, including a proposal for amendments as recommended by the GoM. The Cabinet at its meeting held on 01.05.2013 has approved the proposals. A Bill for amendment of the PC Act has been introduced in Rajya Sabha on 19.08.2013 during Monsoon Session of Parliament. The Bill stands referred to the Departmental related Standing Committee on Personnel, Public Grievances, Pensions, Law &amp; Justice for consideration and report.</p>
13.	<p><b>21. (3.5.4) Prohibition of 'Benami' Transactions</b></p> <p>(a) Steps should be taken for immediate implementation of the Benami Transactions (Prohibition) Act 1988.(45)</p>	(a)Accepted.	<p><b><u>Department of Revenue</u></b></p> <p>(a): The Govt has introduced the Benami Transaction Prohibition (Bill),2011 ( Bill No. 45 of 2011) in Lok Sabha on 18<sup>th</sup> August,2011 during Monsoon Session of the</p>

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			<p>Parliament. This Bill proposes to replace the Benami Transaction Prohibition Act,1988.</p> <p>The Bill was referred to the Standing Committee on Finance by Lok Sabha for its examination. The report is being examined in the Ministry in the light of the recommendations of the Standing Committee. Amendments (s), if any, will be placed before the Parliament for its consideration.</p>
14.	<p><b>22. (3.6.4) Protection to Whistle-blowers</b></p> <p>(a) Legislation should be enacted immediately to provide protection to whistleblowers on the following lines proposed by the Law Commission:</p> <ul style="list-style-type: none"> <li>• Whistleblowers exposing false claims, fraud or corruption should be protected by ensuring confidentiality and anonymity, protection from victimization in career, and other administrative measures to prevent bodily harm and harassment.</li> <li>• The legislation should cover corporate whistle-blowers unearthing fraud or serious damage to public interest by willful acts of omission or commission.</li> <li>• Acts of harassment or victimization of or retaliation against, a whistleblower should be criminal offences with substantial penalty and sentence.(46)</li> </ul>	(a)Accepted.	<p><b><u>Department of Personnel &amp; Training</u></b></p> <p>The Whistle Blowers Protection Bill,2011, was passed in the Lok Sabha on 27<sup>th</sup> December,2011 and is presently before the Rajya Sabha.</p>



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	look into general public grievances.(68)		Sabha and introduced a new comprehensive Lokpal and Lokayuktas Bill,2011 in the Lok Sabha on 22.12.2011 to establish the institution of Lokpal at the Centre and Lokayukta at the level of States. The Bill provides a uniform vigilance and anti corruption road map for the nation, both at Centre and States. Further, the Government introduced
18.	(d)The Lokayukta should deal with cases of corruption against Ministers and MLAs.(69)		Constitution
19.	(e) Each State should constitute a State Vigilance Commission to look into cases of corruption against State Government officials. The Commission should have three Members and have functions similar to that of the Central Vigilance Commission. (70)		116 <sup>th</sup> Amendment Bill, 2011 to provide the Constitutional status to these bodies in the light of recommendations of the Standing Committee.
20.	(f) The Anti Corruption Bureaus should be brought under the control of the State Vigilance Commission.(71)		These Bills were taken up for consideration by the Lok Sabha on 27.12.2011. The Lokpal and Lokayukta Bill, 2011 was passed with certain amendments. However, the
21.	(g) The Chairperson and Members of the Lokayukta should be appointed strictly for one term only and they should not hold any public office under government thereafter.(72)		Constitution
22.	(h) The Lokayukta should have its own machinery for investigation. Initially, it may take officers on deputation from the State Government, but over a period of five years, it should take steps to recruit its own cadre, and train them properly.(73)		116 <sup>th</sup> Amendment Bill, 2011 could not be passed with the requisite majority required for Constitutional amendments. The
23.	(i) All cases of corruption should be referred to Rashtriya Lokayukta or Lokayukta and these should not be referred to any Commission of Inquiry.(74)		The

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			<p>Lokpal and Lokayuktas Bill, 2011 was taken up for discussion and passing in the Rajya Sabha on 29.12.2011. The discussion remained inconclusive and the Lokpal and Lokayuktas Bill, 2011, was yet to be passed by the Rajya Sabha. Subsequently, the Rajya Sabha adopted a motion on 21.05.2012 and referred the Bill to a Select Committee of the Rajya Sabha for examination and report. The Select Committee of Rajya Sabha submitted its report to the Rajya Sabha on 23.11.2012. The said Bill was taken up for consideration and passing in the Rajya Sabha during the Winter Session, 2013 and the Rajya Sabha passed the Bill on 17.12.2013 with amendments. The amendments made by the Rajya Sabha were also agreed to by the Lok Sabha on 18.12.2013. The assent of the Hon'ble President was received on 01.01.2014. The Bill has thus become "The Lokpal and Lokayuktas Act, 2013 (1 of 2014) vide Ministry of Law</p>



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			<p>Govts of Bihar, HP, Haryana, Chattisgarh, Orissa, Rajasthan and Tripura are also taking action to cover the functionaries of the local bodies under the State Lokayukta. No State has so far informed about their intent to establish the system of local body Ombudsman.</p> <p>One of the recommendations of the 13<sup>th</sup> Finance Commission required States to appoint an Ombudsman for looking into complaints of corruption and maladministration against the functionaries of Municipalities and Zila Parishads. As an alternative, they can be brought under the existing Lokayukta.</p> <p>Ministry of Finance ( D/o Expenditure) vide their O.M dated 23.09.2010 issued guidelines to all States for compliance ,interalia, of this recommendation by 31.03.2011 to be eligible to draw Performance Grant Component for local bodies under the 13<sup>th</sup> Finance Commission Award, which would be payable from 2011-12.</p> <p>On 04.03.2011, Secretary, MoPR, has again written to Chief Secretaries of all States /</p>

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			<p>UTs regarding the need for establishment of Ombudsman for local bodies.</p> <p>Ministry of Urban Development informed that many States have either complied or are in the process of compliance for establishing independent Local Body Ombudsman. Minister of Urban Development has written a D.O letter dated 21.02.2011 on this issue to Minister of State for Planning wherein he has brought out that it has been making efforts for implementation of the said recommendation of the 2<sup>nd</sup> ARC. He also stated that the 13<sup>th</sup> Central Finance Commission has also recommended for establishment of an independent local body Ombudsman as one of the nine conditions to be fulfilled by the State Governments to enable access to performance grants. He has informed that the response from State Governments has been found to be encouraging and most of them have committed to establish an independent local body Ombudsman who will look into complaints of corruption and maladministration against the functionaries of local bodies by March,11. Further, the</p>



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			<p>provide funds in this respect to States, but the response in this regard is not encouraging.</p> <p><b><u>Department of Personnel &amp; Training</u></b></p>
28.	(b) The investigative agencies should acquire multi-disciplinary skills and should be thoroughly conversant with the working of various offices/ departments. They should draw officials from different wings of government. <b>(78)</b>	(b),(c ),(d), (e), (g): Accepted.	(b) to (g): The Central Vigilance Commission and the CBI have been requested vide letter dated 4 <sup>th</sup> July, 2008 to consider the recommendations of the ARC contained in para (b), (c), (d) and (e). The Departments of Revenue, Financial Services, Economic Affairs and the Ministry of Corporate Affairs have been requested vide OM dated 21 <sup>st</sup> May, 2010 to consider the recommendation of the ARC contained in para (b), (c), (d), (e) and (f). These Ministries / Departments including CVC & CBI have been reminded on 4.1.2011.
29.	(c) Modern techniques of investigation should also be deployed like electronic surveillance, video and audio recording of surprise inspections, traps, searches and seizures. <b>(79)</b>		
30.	(d) A reasonable time limit for investigation of different types of cases should be fixed for the investigative agencies. <b>(80)</b>		
31.	(e) There should be sustained step-up in the number of cases detected and investigated. The priorities need to be reoriented by focusing on 'big' cases of corruption. <b>(81)</b>		The Department of Financial Services has informed that it has already advised all Public Sector Banks, Insurance Companies and other financial institutions falling under their administrative control including IBA and IRDA to take necessary initiatives towards implementation of the said recommendation.
32.	(g) The anti-corruption agencies should conduct systematic surveys of departments with particular reference to highly corruption prone ones in order to gather intelligence and to target officers of questionable integrity. <b>(83)</b>		

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			<p>The CBI has informed that it has provisions for taking officers /officials of different department with difficult skills on deputation basis for having multi disciplinary skills. CBI has recently taken 33 bank officials on secondment basis. In order to provide expert advice during investigation, technical advisory unit for Engineering, banking, Insurance &amp; Taxation and Foreign trade have been created in CBI. CBI has also been allowed to engage 75 technical personnel on contractual basis. CBI has used multi disciplinary teams for investigation of important cases as per requirement of the case like Satyam Corporate fraud case, Obulapuram Mining case, Gyaneswari Train derailment case etc.</p> <p>CBI is using scientific technologies during investigation of cases, laying traps and seizures etc. Technical &amp; Forensic Support Units (TAFSU) has been created at Zonal level. Proposal for upgradation /creation of TAFSUs has already been approved by the Govt. amounting to Rs. 3.89 crores during current year. Training programmes are being conducted for the IOs and Prosecutors regularly. CBI has also</p>

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			<p>submitted an e-governance plan amounting to Rs. 40.53 Crores for upgrading infrastructure.</p> <p>Time limits have already been fixed by the CBI for the disposal of cases &amp; enquiries.</p> <p>CBI fixes annual targets for registration of cases, disposal of cases from investigation and trial. The quality of registration is also fixed and monitored in periodical meetings conducted at various levels. Focus Areas and Priorities are identified and fixed annually. Focusing on 'big cases of corruption are also one of the focus areas and priorities. Periodical Nationwide special drives are conducted against corruption in sectors having higher level of corruption and affecting common people.</p> <p>To enable the CBI to tide over the shortage of prosecuting officers, they have now been allowed to engage 60 prosecutors on a contractual basis. The Government has also created 284 additional posts in CBI comprising of one prosecutor and three supporting staff for conducting cases in the 71 additional Special Courts. It has been found that</p>

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			<p>there is a need for creation of 71 additional Special Courts of Special Judges to try cases under the Prevention of Corruption Act by CBI. Out of 71 Special Courts, orders have been issued for setting up 54 Special Courts. 16 Courts (3 in Mumbai, 3 in Chennai, 2 in Madhya Pradesh and 6 in Uttar Pradesh) have become operational. Mos (PP) has recently written to Chief Ministers of concerned States for expediting the operationalization of remaining Courts. Proposal for setting up 14 more Courts have been received and are under process of DoPT. These include 4 Courts in Bihar, 6 in Jharkhand and 4 in Andhra Pradesh. CBI has submitted a scheme for engaging Prosecutors and support staff for these courts on contractual basis, till the post are filled up regularly. The same is under examination in the consultation with Department of Legal Affairs. CBI has recently created 8 new full fledged branches by upgrading their existing units, for which 360 posts have been sanctioned.</p> <p>In order to strengthen the Central Vigilance Commission, it has been given a statutory basis on</p>

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			<p>account of which it can function in an independent and objective manner. CBI, the prime agency for fighting corruption in public offices, has been brought under the purview of the CVC to ensure greater objectivity and accountability in its functioning. The CVC is being strengthened by IT enabling of core CVC processes which would enhance the efficiency of the Commission in handling complaints and processing of investigation reports. Further, the Government has created 12 more posts in the Commission which includes 6 posts of Directors/Deputy Secretaries.</p> <p><b><u>Ministry of Home Affairs</u></b>  (b), (c), (d), (e) &amp; (g): The investigation of crimes is done by CBI and police agencies. In order to help CBI and police agencies, the Central Forensic Science Laboratory (CFSL), and Directorate of Coordination, Police Network (DCPW) provide a great help. CFSL, New Delhi, has been accredited by National Accreditation Board for Test and Calibration Laboratories (NABL) under Department of Science and Technology. The Laboratory has prepared a</p>

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			<p>Comprehensive Quality Manual and Working Procedures Manuals for analytical and scientific test to be carried out in respect of various crime exhibits to each of its Division. DCPW is a nodal agency for coordinating various police communication services in the country and it not only acts as a technical adviser to the Ministry of Home Affairs and State / Central Police Organizations in all Police Communication matters, but also operates Inter-State Police Wireless network through its offices at all State / UT capitals. Crime and Criminal Tracking Network System (CCTNS) scheme has been approved by the Cabinet Committee on Economic Affairs (CCEA) on 19.06.2009 with a provision of Rs.2000 crore as 100% Centrally Sponsored Scheme to be implemented during the remaining part of the 11<sup>th</sup> five year plan period (2009-12). CCTNS aims at creating a comprehensive and integrated system for enhancing the efficiency and effective policing at all levels and especially at police station level through adoption of principles of e-Governance, and creation of a nationwide networked infrastructure for evolution of IT enabled state of the art tracking system. The</p>

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			<p>CCTNS project covers all 35 States and Union Territories. Within the States, 14,000 + police stations and 6,000+ higher offices (including District HQ, Range Offices, Commissionerates, State HQs etc.) are covered.</p> <p>The scheme for 'Modernization of State Police Forces' is a significant initiative of the MHA toward capacity building of the State Police Forces, especially for meeting the emerging challenges of internal security in the form of terrorism, naxalism etc. Some of the major items for which funds are provided under the Scheme include construction of secure police stations, outposts, ensuring mobility, security etc. States have been categorized into 'A' and 'B' categories with 100% and 75% Central funding respectively. While J&amp;K and eight North Eastern States have been classified as 'A' category States, the remaining 19 States fall in 'B' category. The scheme also includes a special component for strengthening the police infrastructure in 76 naxal affect districts at the rate of Rs.2 crore per district per year initially for a period of five years. Similarly, a provision has been made</p>

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			<p>for Rs.1 crore per district per year initially for a period of 5 years for the 30 districts situated on international borders i.e. Indo-Nepal and Indo-Bhutan borders. Substantial amounts of Central assistance has been released to States since 2000-01. In 2009-10, Rs.1230 crore has been released to States. The main objective of the scheme is to meet the identified deficiencies in various aspects of police administration, which were worked out by the Bureau of Police Research and Development (BPR&amp;D) in study done in 2000. The scheme has made perceptible impact in all the States and has provided much needed assistance and impetus to police modernization.</p> <p>Further, a new concept 'Mega City Policing(MCP)' was introduced in 2005-09 under the scheme for Modernization of State Police Forces covering seven cities of Mumbai, Bangalore, Hyderabad, Chennai, Delhi, Kolkata and Ahmedabad. The respective States are required to include MCP proposals in their Annual Plan. The Plan has to be based on a study on specific problem areas of mega city policing</p>

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33.	(f) The prosecution of corruption cases should be conducted by a panel of lawyers prepared by the Attorney General or the Advocate General in consultation with Rashtriya Lokayukta or Lokayukta as the case may be. <b>(82)</b>	(f)Accepted.	<p>including details like demographic growth pattern, special problems faced in policing in large urban areas and crime investigation, traffic management etc.</p> <p>'Desert Policing' is another new concept which formed a part of Police Modernization Scheme from 2005-06. This is primarily for Gujarat and Rajasthan to address the problems regarding policing in large and scattered desert areas.</p> <p>While recognizing the crucial role of Special Branches / Intelligence set up in States / UTs, the MHA has laid emphasis on earmarking up to 5% of the total allocation under MPF towards strengthening of their Special Branches in terms of modern equipment, gadgets for communication etc.</p> <p>(f): All the State Governments have been requested to take appropriate action in the matter on 1<sup>st</sup> January, 2009. As far as the consultation with Rashtriya Lokayukta in the matter of prosecution of corruption cases is concerned, the updated position is as follows:-</p>

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			<p>“As far as prosecution of corruption cases investigated at the instance of Lokpal is concerned, Section 12 of the Lokpal &amp; Lokayuktas Act, 2013, as passed by the Lok Sabha provides for prosecution of public servants involved in such cases by the prosecution wing of Lokpal headed by Director of Prosecution.”</p> <p>Further, on a reference from the PMO, the matter of setting up of State Vigilance Commission was also examined separately. However, it was revealed that the State Governments were not very enthusiastic to proceed in the matter and they feel that the present system in the States is adequate to address the menace of corruption. Therefore, a view emerged in the Department that as establishment of Lokayuktas / State Vigilance Commission falls in the domain of the State Governments it would be appropriate if the matter is left to the State Governments for appropriate action. Therefore, with the approval of PMO, it was decided that the appropriateness of having the institution both of the Lokayukta and State Vigilance Commission</p>

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			<p>should be left to the State Government for taking appropriate measures with regard to combating corruption by public servants in their jurisdiction in accordance with our federal polity. In view of this, no further action is required by DoPT in the matter.</p>
34.	<p><b>31. (5.1.12) Citizens' Initiatives</b></p> <p>(a) Citizens' Charters should be made effective by stipulating the service levels and also the remedy if these service levels are not met. <b>(85)</b></p>	<p>(a) : Accepted.</p>	<p><b><u>Department of AR&amp; PG</u></b></p> <p>a): All the Ministries /Departments of the Government of India have been requested on 5<sup>th</sup> December, 2007 to revise their Citizens' Charters, which should necessarily contain the details of business transacted or general services provided name, address and phone numbers of key officials, procedure to avail services information on costs of service provided, standard of services (Time limits etc.), Grievance Redress Mechanism with names, addresses, phone numbers and email of officials in charge of Grievance Redress System and duties of citizens to avail the services.</p> <p>A mechanism or system should also be put into place in each government department or organization to ensure monitoring of standards of services</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
			<p>defined in the Citizens Charter. The Citizens' Charter should be reviewed periodically after taking the feedback from users &amp; stakeholders and they should be involved in review of the Charter.</p> <p>Further, all Ministries / Departments have been requested vide Deptt of AR &amp; PG's D.O letter No.G-11022 /2 /2009-PG dated 09.05.2009. They were also requested to include the action taken report in their Annual Report as per provisions of Central Secretariat Manual of Office Procedure. Subsequently, they were again requested vide D.O letter No. K-11022/3/2010-AR dated 23.02.2010 to implement the recommendation.</p> <p>72 Central Govt. Ministries/ Departments and 729 State Government Departments have already formulated their charters.</p> <p>For making the Citizen's / Client's Charters more effective, and also with a view to having uniformity in content of the citizen's / client's charters, the DARPG revised the charter format to include two new aspects , namely (i) service standards to be indicated against each main service and (ii)</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
			<p>name and contact details of an officer to be contacted to report instances if the service standards are not met. For imparting training to make the Charters more effective through service standards based service delivery, the DARPG organized four workshops in August – September 2010 in which 62 Central Ministries / Departments participated. The new format for Citizen's / Client's Charters was also disseminated during these workshops.</p> <p>Post- workshop help for the creation of new / revised charters, was also provided through the DARPG Help Desk at <a href="mailto:sevottam@nic.in">sevottam@nic.in</a> and <a href="mailto:cpgrams-darpg@nic.in">cpgrams-darpg@nic.in</a> Both the Help Desks continue to function</p> <p>After creation / revision, the citizen's / client's charters have been placed in public domain by uploading on the websites of the ministries / departments concerned.</p> <p>In the year 2011-12, another series of four Workshops on Capability Building for Sevottam, that includes Sevottam Compliant Citizens Charter, were organized. Two Workshops were for all the 82 Central Ministries / Departments /</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
35.			<p>Organizations and two Workshops were for senior officers from six select social sectors, from all the States / Union Territories. The two Workshops for States / UTs, had Capability Building for public service delivery with Gram Panchayat as its hub, and focused on ICDS, PDS, PHC, Primary Education, Panchayat Services and Rural Development sectors. Outputs from the workshop included six process - maps and creation of viable service standards for Panchayat level service delivery units, and corresponding services at the State /UT level organizations, to be included in the respective Citizen's Charters.</p> <p>Department of Administrative Reforms and Public Grievances has introduced 'The Right of Citizens For Time Bound Delivery of Goods And Services And Redressal of Their Grievances Bill, 2011' in Lok Sabha on 20.12.2011. Notice for moving amendments to the said Bill has also been issued to Secretary General, Lok Sabha on 14.11.2013 and 21.01.2014.</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
36.	<p>(b) Citizens may be involved in the assessment and maintenance of ethics in important government institutions and offices. <b>(86)</b></p> <p>(c) Reward schemes should be introduced to incentivise citizen's initiatives.<b>(87)</b></p>	(b)& (c): Accepted.	<p><b><u>Department of AR&amp;PG</u></b></p> <p>(b) &amp; (c): Central Vigilance Commission (CVC) was consulted for guidelines. The Commission has emphasized the role of preventive vigilance. To promote the same, it had advocated system improvements and use of information technology. It had also suggested that for purpose of assessing satisfaction levels of citizens, a roadmap should be prepared. Each Department should come up with survey format to assess the satisfaction levels.</p> <p>An inventory should be made by each Department of the systems and processes in place to deliver a particular service, including use of technology for the purpose. Such assessment should include level of disposal, help to citizens to enable them to fill up application form, ease and simplicity of the same, potential for delays and the monitoring systems to avoid them.</p> <p>Secretary (AR &amp; PG) vide the D.O letter dated 18.07.2012, addressed to Secretaries of all Ministries / Departments and the D.O dated 30.07.2012 addressed to the Chief Secretaries / Administrators of all States / UTs, has requested to</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
37.	(d) School awareness programmes should be introduced, highlighting the importance of ethics and how corruption can be combated.(88)	(d) Accepted.	<p>take necessary steps for involving citizens in the assessment and maintenance of ethics in important government institutions and offices and to introduce reward scheme to incentivise citizens' initiatives.</p> <p><b><u>Ministry of Human Resource Development</u></b></p> <p>(d): The Ministry of Human Resource Development has taken up the matter with NCERT and they have informed them that the issue of corruption has been covered in the NCERT textbooks.</p> <p>Issue of corruption was dealt in the context of governance as well as business. NCERT text books based on NCE-2005 in various disciplines such as Political Science, Sociology, Economics and Business Studies discuss – using narratives, dialogues and cartoons-transparency and accountability of the Government, the Right to Information (RTI) Act, business ethics, consumer rights, harmful effects of corruption on the society and the ways to combat corruption.</p>

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38.	<p><b>32. (5.2.5) False Claims Act</b></p> <p>(a) Legislation on the lines of the US False Claims Act should be enacted, providing for citizens and civil society groups to seek legal relief against fraudulent claims against the government. This law should have the following elements:</p> <p>(i) Any citizen should be able to bring a suit against any person or agency for a false claim against the government.</p> <p>(ii) If the false claim is established in a court of law, then the person/agency responsible shall be liable for penalty equal to five times the loss sustained by the exchequer or society.</p> <p>(iii) The loss sustained could be monetary or non-monetary as in the form of pollution or other social costs. In case of non-monetary loss, the court would have the authority to compute the loss in monetary terms.</p> <p>(iv) The person who brought the suit shall be suitably compensated out of the damages recovered. <b>(89)</b></p>	(a) Accepted.	<p><b><u>Department of Personnel and Training</u></b></p> <p>(a): An Inter-Departmental Committee constituted by the Department on 1<sup>st</sup> August,2011 ( under the Secretary, Central Vigilance Commission ) to draft a legislation on False Claims with Whistleblower provisions. The Committee, after detailed discussion in its several meetings, has submitted its report and finalized the draft of 'The Recovery of False Claim Bill,2013'. The draft Bill has been sent to concerned Ministries / Departments for their views / comments on 18.11.2013 followed by reminders. The last reminder issued on 26.12.2013. Comments from some Ministries / Departments are being awaited.</p>
39..	<p><b>33.(3.5) Role of Media</b></p> <p>(a) It is necessary to evolve norms and practices requiring proper screening of all allegations/ complaints by the media, and taking action to put</p>	(a)Accepted.	<p><b><u>Ministry of Information &amp; Broadcasting</u></b></p> <p>(a) : There is already an established system in the Ministry of Information and Broadcasting for screening of reports in the media.</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
40.	<p>them in the public domain.(90)</p> <p>(b) The electronic media should evolve a Code of Conduct and a self regulating mechanism in order to adhere to a Code of Conduct as a safeguard against malafide action. (91)</p>	(b)Accepted.	<p>Directions have been issued to all the Departmental Publicity Officers (DPIOs) that as and when the officers notice any adverse reports in the media, they may apprise Secretary of the Ministry / Department concerned for further necessary action.</p> <p>(b) The Ministry has been attempting to build a consensus on the setting up of an independent Broadcast Authority.</p> <p>A draft Broadcasting Bill, 2007 which, <i>inter alia</i>, provides terms of reference, objectives, functions, powers and composition of the proposed Broadcasting Services Regulatory Authority was posted on this Ministry's website <a href="http://www.mib.nic.in">www.mib.nic.in</a>.</p> <p>However, there has been stiff opposition from the broadcasters and others, on the issue of regulation of content and very little progress was made.</p> <p>Ministry constituted a Task Force under the Chairmanship of Secretary (I&amp;B) on 27<sup>th</sup> November,2009, to hold wide ranging consultations with stakeholders to</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
			<p>understand their perspective on the need, scope, jurisdiction, organizational structure, powers and functions of an independent Broadcast Regulator and the issues relating to regulation of content as envisaged in the self Regulations Guidelines,2008 and furnish its recommendations to the Government.</p> <p>The report of the Task Force is awaited.</p> <p>While Task Force was firming up its final views on the Regulator, the Indian Broadcasting Federation (IBF), an industry body representing major satellite TV channels, in consultation with the Ministry, has drawn up a two tier framework for self regulation of entertainment channels.</p> <p>The first tier at the level of the broadcaster and the Broadcasting Content Complaints Council' (BCCC) at the second tier.</p> <p>The BCCC is proposed to be a 13 Member Body consisting of a Chairperson being a retired judge of Supreme Court or High Court and 12 other Members.</p> <p>The BCCC will have the</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
41.	(c) Government agencies can help the media in the fight against corruption by disclosing details about corruption cases regularly.(92)	(c) Accepted.	<p>mandate to look into all complaints relating to violation of Code by entertainment channels, and give suitable directions to concerned channels to modify or withdraw any objectionable content.</p> <p>Presently, IBF is in the process of setting up BCCC.</p> <p><b><u>Department of Personnel &amp; Training</u></b></p> <p>(c) All Ministries/ Departments have been requested on 3<sup>rd</sup> July 2008 to continue giving emphasis on anti-corruption mechanisms and give due publicity to various anti-corruption measures taken, through both electronic and print media. Special emphasis may, in particular, be laid on publicizing system reforms for reducing opportunities for corruption minimizing scope for discretion, streamlining procedures and bringing about improvement in transparency using web based technology etc. Cases of deterrent punitive action, which have reached finality both in regard to conviction, and major penalties of dismissal, removal from service and compulsory retirement may also be</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
			<p>appropriately publicized on a periodic basis. However, it will also be necessary to notify the change in status, if any on account of any further orders including those passed in Appeal/ Revision /Review or by the CAT/Courts in regard to these cases. It will also be necessary to ensure that the details regarding individuals may not be divulged till the cases have reached finality keeping in view the due sensitivities involved in the matter.</p> <p>The websites of CVC and CBI are regularly updated on anti-corruption measures. DoPT has been requested action on anti-corruption measures may be highlighted in the media as well.</p>
42.	<p><b>34. (5.4.2) Social Audit</b></p> <p>(a) Operational guidelines of all developmental schemes and citizen centric programmes should provide for a social audit mechanism. <b>(93)</b></p>	(a)Accepted.	<p><b><u>Planning Commission</u></b></p> <p>(a): The Dy. Chairman, Planning Commission has written to all concerned on 8.3.2007 regarding the financial assistance from Planning Commission for monitoring public services through Social Audit (MPSSA). Planning Commission has also requested all concerned on 24.12.2008 that "Social Audit" should be included in the operational guidelines on the monitoring of the following Flagship Programmes of</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
			<p>the Government of India: (i) Sarva Shiksha Abhiyan (SSA), (ii) Mid-day Meal Scheme (MMS), (iii) Rajiv Gandhi Drinking Water Mission, (iv) Total Sanitation Campaign, (v) National Rural Health Mission, (vi) Integrated Child Development Scheme, (vii) National Rural Employment Guarantee Scheme, and (viii) Jawaharlal Nehru National Urban Renewal Mission. In response to the DO letter of Deputy Chairman, Planning Commission, some of the states have requested the Commission to extend financial assistance to conduct Social Audit in respect of one or two major cities of their states. In addition, during Annual Plan discussions with the States, the issue is being taken up on priority. The Social Audit is being carried out for schemes such as MGNREGA.</p> <p>It has also been informed that the Standing Committee of Finance of Parliament for the Ministry of Planning in its third Report has suggested to undertake Social Audits for all Centrally Sponsored Schemes (CSSs). In this regard, Planning Commission has issued a letter to all the Central ministries / Departments</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
			<p>on 14.12.2009. In addition, in all the programmes of Ministry of Rural Development, Social Audit has been included.</p> <p>Further, to ensure that guidelines of various schemes provide for social audit and in terms of the CoS decision taken in the meeting dated 04.04.2012, Department of Expenditure has been requested on 19.06.2012 to incorporate the provisions for social audit in all developmental schemes and citizen-centric programmes in the guidelines for submission of agenda notes for EFC/PIB etc.</p>
43.	<p><b>35. (6.2.5) Promoting Competition</b></p> <p>(a) Every Ministry/Department may undertake an immediate exercise to identify areas where the existing 'monopoly of functions' can be tempered with competition. A similar exercise may be done at the level of State Governments and local bodies. This exercise may be carried out in a time bound manner, say in one year, and a road map laid down to reduce 'monopoly' of functions. The approach should be to introduce competition along with a mechanism for regulation to ensure performance as per prescribed standards so that</p>	(a) to (c) Accepted	<p><b><u>Department of AR &amp; PG</u></b></p> <p>(a) to (c): Vide letter No.33013 /3 /2008-O&amp;M dated 4<sup>th</sup> July, 2008 all the Ministries/Departments of the Government of India, State Governments and UT Administrations have been requested to formulate appropriate policies relating to promoting competition and in a "time bound" manner. On 30.05.2011, Central Ministries / Departments/ State/UT Governments have again been requested to provide an updated and consolidated action taken report.</p>

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44.	<p>public interest is not compromised. <b>(94)</b></p> <p>(b) Some Centrally Sponsored schemes could be restructured so as to provide incentives to States that take steps to promote competition in service delivery. <b>(95)</b></p>		<p>The Central Ministries/ Departments and State/UT Governments have in turn advised their field units like PSUs, attached, subordinate offices etc. to take action and send reports on action taken directly to the Department of Administrative Reforms. A large number of responses of action taken or being taken; of steps to promote competition have been received.</p> <p>Central Vigilance Commission (CVC) guidelines relating to tenders are being followed by the Ministries/departments. The Govt. of India has set up Competition Commission of India through an Act of the Parliament. The Competition Commission of India enforces equity among producers and reduce rent-seeking behaviour on their part.</p>
45.	<p>(c) All new national policies on subjects having large public interface (and amendments to existing policies on such subjects) should invariably address the issue of engendering competition. <b>(96)</b></p>		

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
46.	<p><b>36. (6.3.5) Simplifying Transactions</b></p> <p>(a) There is need to bring simplification of methods to the center-stage of administrative reforms. Leaving aside specific sectoral requirements, the broad principles of such reforms must be: adoption of 'single window' approach, minimizing hierarchical tiers, stipulating time limits for disposal etc. <b>(97)</b></p>	<p>(a) to (d) Accepted. As regards, recommendation at (d), time limits for processing of identified permissions/licenses have to be worked out realistically.</p>	<p><b><u>Department of AR&amp;PG</u></b></p> <p>(a) to (d): Vide letter No.33013/2/2008-O&amp;M dated 4<sup>th</sup> July, 2008 all the Ministries / Departments of the Government of India, State Governments and UT Administrations have been requested to take appropriate action, in a "time bound" manner to simplifying transaction as indicated in the recommendation. On 30.05.2011, Central Ministries / Departments/ State/UT Governments have again been requested to provide an updated and consolidated action taken report.</p> <p>The RTI Act-2005 hosted on the websites, Information Facilitation Centers and Citizens Charters spread information which enable the citizens to get their problems resolved in the Government of India in a simplified manner. As per the National e-Governance Plan ((NeGP) 27 Mission Mode Projects (MMP) spanning multiple Ministries/Departments have been initiated. The MMPs have been developed by re-engineering the processes and simplifying the transactions.</p>
47.	<p>(b) The existing Departmental Manuals and Codes should be thoroughly reviewed and simplified with a responsibility on the Head of the Department to periodically update such documents and make available soft-copies on-line and hard copies for sale. These manuals must be written in very precise terms, and phrases like 'left to the discretion of', 'as far as possible', 'suitable decision may be taken' etc should be avoided. This should be followed for all rules and regulations governing issue of permissions, licenses etc. <b>(98)</b></p>		
48.	<p>(c) A system of rewards and incentives for simplification and streamlining of procedures may be introduced in each government organization. <b>(99)</b></p>		
49.	<p>(d) The principle of 'positive silence' should generally be used, though this principle cannot be used in all cases. Wherever permissions/licenses etc are to be issued, there should be a time limit for</p>		



S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
52.	(c) For computerization to be successful, computer knowledge of departmental officers needs to be upgraded. Similarly, the NIC needs to be trained in department specific activities, so that they could appreciate each other's view point and also ensure that technology providers understand the anatomy of each department. <b>(103)</b>		<p>Support Infrastructure viz. establishment of 100,000 Common Service Centers (CSCs) have also been identified as part of the NeGP. With respect to each MMP or component, nodal line Ministries responsible for implementation are expected to target specific processes for redesign and re-engineering to achieve targeted services and levels for citizens and businesses. DIT is also implementing critical MMPs like National e-Governance Service Delivery gateway for ensuring interoperability, e-District for delivery of residual services at District level etc. A lot of progress has also been made for the schemes under e-Governance groups like SWAN, CSC, State Services Delivery Gateway (SSDG) and SDCs.</p> <p>(c ): DIT has intimated that operational and project specific training are being envisaged under various e-Governance projects. The incorporation of such training as part of the project proposal is being ensured by DIT at the time of evaluating individual project proposals forwarded by the Line Ministries / Departments. For enhancing available institutional capacity of</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
			<p>various technology service provider agencies within the domain of e-Governance, DIT has constituted a committee to scientifically assess present capacity of institutions like NIC, STQC, NICS I etc. During its deliberations, the committee has appreciated the need for expertise with respect to government processes and the need to establish teams having both technical and domain expertise for project implementation. The committee recommendations are expected to address institutional gaps and issues of capacity building with in the above mentioned institutions.</p> <p>Further, the Capacity Building Scheme involving an outlay of Rs.313 crore, for all the States /UTs under National e-Governance Plan across the country, has been approved by CCEA on 10.1.2008. The scheme is mainly for providing technical and professional support to State level policy and decision making bodies and to develop specialized skills for e-Governance. The scheme is for a period of three years and will be implemented by DIT.</p> <p>27 States / UTs have completed the</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
			institutional framework for state level strategic decision making including setting up of SeMTs and deployed personnel through wet-leasing. Recruitment of professionals for SeMTs from open market / deputation has been completed for 29 States and candidates are in the process of joining in their States.
53.	<p><b>38. (6.6.4) Integrity Pacts</b></p> <p>(a) The Commission recommends encouragement of the mechanism of 'integrity pacts'. The Ministry of Finance may constitute a Task Force with representatives from Ministries of Law and Personnel to identify the type of transactions requiring such pacts and to provide for a protocol for entering into such a pact. The Task Force may, in particular, recommend whether any amendment in the existing legal framework like the Indian Contract Act, and the Prevention of Corruption Act is required to make such agreements enforceable. <b>(104)</b></p>	(a): Accepted.	<p><b><u>Department of Expenditure</u></b></p> <p>(a) Department of Expenditure vide their O.M dated 19.07.2011 has advised all Ministries /Departments to take suitable action on use of 'Integrity Pact' , based on the recommendations of the task force constituted by the Department.</p>
54.	<p><b>39. (6.7.3) Reducing discretion</b></p> <p>(a) All government offices having public interface should undertake a review of their activities and list out those which involve use of discretion.</p>	(a) Accepted	<p><b><u>Department of AR&amp;PG</u></b></p> <p>(a) &amp; (c): The recommendations of the ARC have been sent to Govt. offices and State Govts. Vide letter dated 4<sup>th</sup></p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
55.	<p>In all such activities, attempt should be made to eliminate discretion. Where it is not possible to do so, well-defined regulations should attempt to 'bound' the discretion. Ministries and Departments should be asked to coordinate this task in their organizations/offices and complete it within one year. <b>(105)</b></p> <p>(c) State Governments should take steps on similar lines, especially in local bodies and authorities, which have maximum 'public contact'. <b>(107)</b></p>	(c) Accepted	<p>July, 2008 for implementation. On 30.05.2011, Central Ministries / Departments / State/ UT Governments have again been requested to provide an updated and consolidated action taken report.</p> <p>Many Ministries / Departments/ States have reported action on it.</p>
56.	<p><b>40.(6.8.7) Supervision</b></p> <p>(b) Each supervisory officer should carefully analyze the activities in his/her organization/office, identify the activities which are vulnerable to corruption and then build up suitable preventive and vigilance measures. All major instances of loss caused to the government or to the public, by officials by their acts of omission or commission should be enquired into and responsibility fixed on the erring officer within a time-frame. <b>(109)</b></p>	(b) Accepted.	<p><b><u>Department of Personnel &amp; Training</u></b></p> <p>(b): Chief Vigilance Officers/ Vigilance Units of Ministries / Departments / PSUs / Organizations have been addressed on 24.6.2008. All Ministries/Departments have been requested to associate supervisory officers with the process of identifying areas vulnerable to corruption and build suitable preventive measures and send a quarterly compliance report to the Central Vigilance Commission. CVC informed that it had prescribed a monthly report format as well as annual report formats for CVOs. This format of reporting of vigilance</p>

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			<p>activities of all CVOs includes various preventive vigilance measures / systems improvements indicating identification of areas vulnerable to corruption, identification of sensitive posts in organization etc., undertaken by the CVO/ Organization. The CVOs are furnishing such monthly/annual reports to the Commission which contain details of pending cases, penalty imposed, all such preventive vigilance activities, training courses conducted, system improvement initiatives undertaken, leverage of technology etc. Further, during annual performance of CVOs, by the Commission, preventive vigilance measures undertaken by the organizations are one of prime import as an agenda item for review. In addition to above, the Commission in individual cases investigated by CVOs and reported to the Commission has prescribed that CVOs would suggest systemic improvements for plugging such areas vulnerable to corruption. Such suggestions / recommendations are considered and necessary system reforms / changes in procedure are advised by the Commission on continuous basis.</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
57.	(e) Supervisory officers should ensure that all offices under them pursue a policy of suo motu disclosure of information within the ambit of the Right to Information Act. (112)	(e) Accepted	(e) In response to the requirements of the RTI Act, 2005, an amendment has already been carried out by a new formulation regarding communication of official information in rule 11 of the CCS (Conduct) Rules, 1964.
58.	<b>(6.9.4) Ensuring Accessibility and Responsiveness</b> (a) Service providers should converge their activities so that all services are delivered at a common point. Such common service points could also be outsourced to an agency, which may then be given the task of pursuing citizens requests with concerned agencies. (113)	(a) to (c) Accepted	<b><u>Department of AR&amp;PG</u></b>  (a) to (c): Department of Administrative Reforms and Public Grievances has introduced 'The Right of Citizens For Time Bound Delivery of Goods and Services And Redressal of Their Grievances Bill,2011' in Lok Sabha on 20.12.2011. Notice for moving amendments to the said Bill has also been issued to Secretary General, Lok Sabha, on 14.11.2013 and 21.01.2014.
59.	(b) Tasks, which are prone to corruption, should be split up into different activities that can be entrusted to different persons. (114)		
60.	(c) Public interaction should be limited to designated officers. A 'single window front office' for provision of information and services to the citizens with a file tracking system should be set up in all government departments. (115)		
61.	<b>42. (6.10.2) Monitoring Complaints</b> (a) All offices having large	(a) to (c) Accepted	<b>Department of AR&amp;PG</b>  (a): A Centralized Public

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	<p>public interface should have an online complaint tracking system. If possible, this task of complaint tracking should be outsourced. <b>(116)</b></p>		<p>Grievance Redress and Monitoring System (CPGRAMS) was launched in June, 2007 for online lodging and of grievances/complaints by citizens for redress. The details of grievances received and disposed during the last 3 years are given below as per the CPGRAMS data base:</p> <table border="1" data-bbox="981 817 1377 974"> <thead> <tr> <th>Year</th> <th>Total Receipts</th> <th>Total Disposed</th> </tr> </thead> <tbody> <tr> <td>2013</td> <td>235268</td> <td>243296</td> </tr> <tr> <td>2012</td> <td>201197</td> <td>168307</td> </tr> <tr> <td>2011</td> <td>172519</td> <td>147029</td> </tr> </tbody> </table> <p>Department of Administrative Reforms and Public Grievances has prepared a Draft Bill called "The Right of Citizens For Time Bound Delivery of Goods and Services And Redressal of Their Grievances Bill". This is a comprehensive rights based bill for the citizens of the country, providing statutory backing for getting timely services and goods specified in citizens charters of public authorities from Gram Panchayat, Block, District, State up to Central Level. Any violation of the citizens charter will be dealt as a grievance and</p>	Year	Total Receipts	Total Disposed	2013	235268	243296	2012	201197	168307	2011	172519	147029
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2013	235268	243296													
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62.	(b) There should be an external, periodic mechanism of 'audit' of complaints in offices having large public interface. <b>(117)</b>		<p>institutional mechanism has been provided for time-bound grievance redressal and malafide action on the part of responsible officers will lead to penalty / disciplinary action. The Bill was introduced in Lok Sabha on 20.12.2011.</p> <p>(b): To ensure implementation of CPGRAM system in all Ministries/Departments its effective usage and in order to keep close vigil on grievances, an Action Plan has been drawn up. This plan includes organizing monthly meetings of 20-25 Ministries where grievances of these Ministries / Departments are reviewed and progress of CPGRAM is monitored at the level of Joint Secretary and Secretary (AR&amp;PG). All the Secretaries of Departments / Ministries have been requested to conduct periodic review on pending grievances, in case of inordinate delay in disposal, it was requested to take corrective measures. Under RFD, 2011, performance under CPGRAMS has been made a mandatory indicator and evaluation would be done by the external experts.</p>

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63.	(c) Apart from enquiring into each complaint and fixing responsibility for the lapses, if any, the complaint should also be used to analyze the systemic deficiencies so that remedial measures are taken. <b>(118)</b>		<p>(c): The CPGRAMS has provision for each Ministry/Department to categorize codes. The software provides 16 suggestive categories. This System facilitates the Ministries to analyze systemic deficiencies apart from addressing individual grievances.</p> <p>Besides Grievance feedbacks also are helpful in analysing systemic deficiencies for taking remedial measures.</p>
64.	<p><b>43. (6.12.7) Risk Management for Preventive vigilance</b></p> <p>(a) Risk profiling of jobs needs to be done in a more systematic and institutionalized manner in all government organizations. <b>(119)</b></p>	(a)&(b): Accepted.	<p><b><u>Department of Personnel &amp; Training</u></b></p> <p>(a) &amp; (b): The recommendation is under consideration in consultation with CVC who have been requested to consider and advice regarding detailed feasible modalities for implementation of the recommendation. The CVC was last reminded on 26.12.2013.</p>
65.	<p>(b) Risk profiling of officers should be done by a committee of 'eminent persons' after the officer has completed ten years of service, and then once in every five years. The committee should use the following inputs in coming to a conclusion: <b>(120)</b></p> <p>(i) The performance evaluation of the reported officer.</p> <p>(ii) A self-assessment given by the reported officer focusing on the efforts he/she has made to prevent corruption in his/her career.</p>		



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			<p>Commission in para 6.14.2 has suggested some measures and the position on these is as under:-</p> <p>As regards "Timely submission and scrutiny of assets and liabilities statements of public servants" the requisite provisions already exist in the AIS (Conduct) Rules, 1968 and CCS (Conducts) Rules, 1964. The provisions in CCS (Conducts) Rules and AIS (Conducts) Rules, 1968 are being reiterated from time to time for compliance by all concerned. The recommendation regarding putting these statements under public domain is under consideration.</p> <p>As regards preparation of Annual lists of public servants of doubtful integrity in consultation with the anti-corruption agencies, is already in existence.</p> <p>Under FR 56(J) and on completion of 30 years under Rule 48 of CCS (Pension) Rules, 1972, the Government has an absolute right to retire a Government servant after giving him 3 months notice or 3 months pay after the age of 50/55 years. Further, under Rule 16(3) of the All India Services (Death-cum-re-Retirement Benefits) Rules, 1958</p>

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			<p>provides for review of records of the All India Service Officers for their suitability for continuance in service after the completion of 30 years service or 50 years of age.</p> <p>The Central Vigilance Commission has been requested vide letter dated 8<sup>th</sup> August 2008 to advise on the feasibility of providing for reward to government Servants exposing corruption.</p> <p>As regards protecting the Government servants, who display exemplary capacity to identify major irregularities and scandals, and protection from victimization, the same is presently available under the Whistle Blower Resolution of April 2004. Enactment of Whistle Blower Bill is separately under consideration.</p> <p>As regards public shaming of known corrupt officers, all Ministries/ Departments have been advised vide OM No.372/3/2008-AVD-III dated 3<sup>rd</sup> July, 2008 to appropriately publicize on a periodic basis cases of deterrent punitive action which have reached finality both in regard to conviction and major penalties of dismissal, removal from service and compulsory retirement.</p>

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			CBI and the CVC are already displaying such information on their websites.
70.	<p><b>46. (6.15.2) Intelligence Gathering</b></p> <p>(a) Supervisory officers should assess the integrity of his/her subordinates based on his/her handling of cases, complaints and feedback from different sources. This could then become an important input for risk profiling of officers. <b>(125)</b></p>	(a) Accepted	<p><b><u>Department of Personnel &amp; Training</u></b></p> <p>(a): The Central Vigilance Commission has suggested that it would be necessary to have proper documentation of the feedback envisaged in the recommendation. The Commission has been requested to advise on detailed modalities for implementation of the recommendation. The CVC was last reminded on 26.12.2013..</p>
71.	<p><b>47. (6.16.2) Vigilance Network</b></p> <p>(a) A national database containing the details of all corruption cases at all levels should be created. This database should be in the public domain. Identified authorities should be made responsible for updating the database regularly. <b>(126)</b></p>	(a) Partially accepted. Database can be created with restricted access only to pending cases. Decided cases can be put on the official website.	<p><b><u>Department of Personnel &amp; Training</u></b></p> <p>(a): The Central Vigilance Commission has been requested to consider establishing such a national database. The CVC was last reminded on 26.12.2013.</p>
72.	<p><b>48. (7.9). Protecting the Honest Civil Servant</b></p> <p>(a) Every allegation of corruption received through complaints or from sources cultivated by the investigating agency against a public servant must be examined in depth at the initial stage itself before initiating any enquiry. Every such allegation must be analyzed to assess whether</p>	(a) to (g) Accepted	<p><b><u>Department of Personnel &amp; Training</u></b></p> <p>(a) to (g): The Central Vigilance Commission and CBI have been requested to consider issuing suitable guidelines for laying down detailed framework for implementation of the recommendations.</p> <p>The CBI was also</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Status of action taken by Administrative Ministry / Department
73.	<p>the allegation is specific, whether it is credible and whether it is verifiable. Only when an allegation meets the requirements of these criteria, should it be recommended for verification, and the verification must be taken up after obtaining approval of the competent authority. The levels of competent authorities for authorizing verifications/enquiries must be fixed in the anti-corruption agencies for different levels of suspect officers. (127)</p> <p>(b) In matters relating to allegations of corruption, open enquiries should not be taken up straightaway on the basis of complaints/source information. When verification/secret enquiries are approved, it should be ensured that secrecy of such verifications is maintained and the verifications are done in such a manner that neither the suspect officer nor anybody else comes to know about it. Such secrecy is essential not only to protect the reputation of innocent and honest officials but also to ensure the effectiveness of an open criminal investigation. Such secrecy of verification/ enquiry will ensure that in case the allegations are found to be incorrect, the matter can be closed without anyone having come to know of it. The Inquiry / Verification Officers should be in a position to appreciate the sensitivities involved in handling allegations of</p>		<p>requested to issue suitable instructions for implementation of the recommendation of ARC.</p> <p>The CBI has informed that the recommendation pertain to the standardization of the process of verification of the Complaints and Source Information Reports and appreciation of evidence collected during the course of enquiry/investigation. These aspects have been dealt with suitably in the CBI (Crime) Manual. The complaints are taken up for verification only after the approval of the competent authority is obtained and verification is carried out discreetly keeping in mind the sensitivities involved in such matters. The evidence collected is critically analyzed to decide further course of action. The officers handling the complaints of complex nature have briefing sessions with the officers conversant/acquainted with the issues that are subject matter of the complaints. Office Memorandum dated July 29, 2008 has been issued by the CBI to its officers reiterating the recommendations of the Commission.</p> <p>The expert' advice is taken in complex issues and the Law Officers and the</p>

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74.	<p>corruption.(128)</p> <p>(c) The evaluation of the results of verification/enquiries should be done in a competent and just manner. Much injustice can occur due to faulty evaluation of the facts and the evidence collected in support of such facts. Personnel handling this task should not only be competent and honest but also impartial and imbued with a sense of justice.(129)</p>		<p>Executive officers examine every aspect before arriving at decisions.</p> <p>There is sustained training of officers at CBI academy and other institutions.</p> <p>The evidence collected is critically and legally analyzed by the CBI before deciding to prosecute the suspect / accused official.</p>
75.	<p>(d) Whenever an Inquiry Officer requires to consult an expert to understand technical / complex issues, he can do so, but the essential requirement of proper application of mind has to take place at every stage to ensure that no injustice is caused to the honest and the innocent.(130)</p>		
76.	<p>(e) Capacity building in the anti-corruption agencies should be assured through training and by associating the required experts during enquiries /investigations. Capacity building among public servants who are expected to take commercial / financial decisions should be built through suitable training programmes. (131)</p>		
77.	<p>(f) The supervisory officers in the investigating agencies should ensure that only those public servants are prosecuted against whom the evidence is strong.(132)</p>		

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78.	(g) There should be profiling of officers. The capabilities, professional competence, integrity and reputation of every government servant must be charted out and brought on record. Before proceeding against any government servant, reference should be made to the profile of the government servant concerned.(133)		
79.	<p><b>48. (7.9). Protecting the Honest Civil Servant</b></p> <p>(h) A special investigation unit should be attached to the proposed Lokpal (Rashtriya Lokayukta)/State Lokayuktas/Vigilance Commission, to investigate allegations of corruption against investigative agencies. This unit should be multi-disciplinary and should also investigate cases of allegations of harassment against the investigating agency. Similar units should also be set up in States.(134)</p>	(h) Accepted.	<p>(h): Section 38 of the Lokpal and Lokayuktas Act,2013 contains detailed procedure for dealing with complaints or allegation or wrong doings against any officer or employee or agency ( including CBI) which is under or associated with the Lokpal.</p> <p>Section 63 of the Lokpal and Lokayukta Act,2013, also provides for setting up of Lokayuktas in States to deal with complaints relating to corruption against certain public functionaries.</p> <p>Further, on a reference from the PMO, the matter of setting up of State Vigilance Commission was also examined separately. However, it was revealed that the State Governments were not very enthusiastic to proceed in the matter and they feel that the present</p>

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			<p>system in the States is adequate to address the menace of corruption. Therefore, a view emerged in the Department that as establishment of Lokayuktas / State Vigilance Commission falls in the domain of the State Governments it would be appropriate if the matter is left to the State Governments for appropriate action. Therefore, with the approval of the PMO, it was decided that the appropriateness of having the institution both of the Lokayukta and State Vigilance Commission should be left to the State Governments for taking appropriate measures with regard to combating corruption by public servants in their jurisdiction in accordance with our federal polity. In view of this no further action is required to be taken by DOPT in the matter.</p>

## Administrative Reforms Commission's 4<sup>th</sup> Report titled 'Ethics in Governance'

### Recommendations not accepted

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Action Taken
1.	<p><b>6. (2.1.6.3) Expediting Disposal of Election Petitions</b></p> <p>(a) Special Election Tribunals should be constituted at the regional level under Article 323B of the Constitution to ensure speedy disposal of election petitions and disputes within a stipulated period of six months. Each Tribunal should comprise a High Court Judge and a senior civil servant with at least 5 years of experience in the conduct of elections (not below the rank of an Additional Secretary to Government of India/Principal Secretary of a State Government). Its mandate should be to ensure that all election petitions are decided within a period of six months as provided by law. The Tribunals should normally be set up for a term of one year only, extendable for a period of 6 months in exceptional circumstances.(6)</p>	<p>(a) Not accepted. Setting up of tribunals may only cause delay as writ jurisdiction of High Courts and the Supreme Court is entrenched.</p>	<p>(a) No action called for.</p>
2.	<p><b>8. (2.4.5) Ethical Frame-work for Ministers</b></p> <p>(a) In addition to the existing Code of Conduct for Ministers, there should be a Code of Ethics to provide guidance on how Ministers should uphold the highest standards of constitutional and ethical conduct in the performance of</p>	<p>(a) to (f) Not accepted. The recommendation of the ARC to prepare a Code of Ethics for Ministers has been considered by the Empowered Committee constituted for this</p>	<p>(a) to (f): No action called for.</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Action Taken
3.	<p>their duties.<b>(8)</b></p> <p>(b) Dedicated units should be set up in the offices of the Prime Minister and the Chief Ministers to monitor the observance of the Code of Ethics and the Code of Conduct. The unit should also be empowered to receive public complaints regarding violation of the Code of Conduct.<b>(9)</b></p>	<p>purpose and it has been decided that the 'Code of Ethics' is not considered necessary in the context of the existence of the Code of Conduct. The Code of Ethics would only be duplication and may not serve any purpose.</p>	
4.	<p>(c) The Prime Minister or the Chief Minister should be duty bound to ensure the observance of the Code of Ethics and the Code of Conduct by Ministers. This would be applicable even in the case of coalition governments where the Ministers may belong to different parties.<b>(10)</b></p>		
5.	<p>(d) An annual report with regard to the observance of these Codes should be submitted to the appropriate legislature. This report should include specific cases of violations, if any, and the action taken thereon.<b>(11)</b></p>		
6.	<p>(e) The Code of Ethics should inter alia include broad principles of the Minister-civil servant relationship and the Code of Conduct should stipulate the details as illustrated in para 2.4.3.<b>(12)</b></p>		
7.	<p>(f) The Code of Ethics, the Code of Conduct and the annual report should be put in the public domain.<b>(13)</b></p>		

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Action Taken
8.	<p><b>13. (2.9.23) Ethical Framework for the Judiciary</b></p> <p>(c) The National Judicial Council should be entrusted with the task of recommending appointments of Supreme Court and High Court Judges. It should also be entrusted the task of oversight of the judges, and should be empowered to enquire into alleged misconduct and impose minor penalties. It can also recommend removal of a judge if so warranted.(24)</p>	<p>(c) Recommendation regarding entrusting the task of recommending appointments of Supreme Court and High Court judges to the National Judicial Council is not accepted. However, the suggestion regarding entrusting the task of oversight of the judges to National Judicial Council is agreed to.</p>	<p><b>Department of Justice</b></p> <p>(c) In view of the provisions contained in 'The Judicial Standards and Accountability Bill, 2010' and lapse of 'The Judges (Inquiry) Amendment Bill, 2008', the earlier proposal to constitute National Judicial Council to be entrusted with the task of oversight of the Judges may be treated as dropped.</p>
9.	<p>(d) Based on the recommendations of the NJC, the President should have the powers to remove a Supreme Court or High Court Judge.(25)</p>	<p>(d) Not accepted</p>	<p>(d) No action called for.</p>
10.	<p>(e) Article 124 of the Constitution may be amended to provide for the National Judicial Council. A similar change will have to be made to Article 217. Also, since the Council is to have the authority to oversee and discipline judges, further changes will need to be made to Article 217 (Clause 4).(26)</p>	<p>(e) Not accepted. Amendment of constitution is not required. Provision can be made in the Judges Inquiry Bill, 2006.</p>	<p>(e) No action called for.</p>
11.	<p><b>14. (3.2.1.10) Defining Corruption</b></p> <p>(a) The following should be classified as offences under the Prevention of Corruption Act:</p>	<p>(a) Not accepted</p>	<p>(a) No action called for.</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Action Taken
	<ul style="list-style-type: none"> <li>• Gross perversion of the Constitution and democratic institutions amounting to willful violation of oath of office.</li> <li>• Abuse of authority unduly favouring or harming someone.</li> <li>• Obstruction of justice.</li> <li>• Squandering public money.(28)</li> </ul>		
<p>12.</p> <p>13.</p> <p>14.</p>	<p><b>15. (3.2.2.7) Collusive Bribery</b></p> <p>(a) Section 7 of the Prevention of Corruption Act needs to be amended to provide for a special offence of 'collusive bribery'. An Offence could be classified as 'collusive bribery' if the outcome or intended outcome of the transaction leads to a loss to the state, public or public interest;(29)</p> <p>(b) In all such cases if it is established that the interest of the state or public has suffered because of an act of a public servant, then the court shall presume that the public servant and the beneficiary of the decision committed an offence of 'collusive bribery';(30)</p> <p>(c) The punishment for all such cases of collusive bribery should be double that of other cases of bribery. The law may be suitably amended in this regard.(31)</p>	<p>(a) to (c) Not accepted. It may not be feasible to attribute <i>mens rea</i> at the time of taking decision /action for subsequent loss to the State, public and public interest. Possibility of loss in commercial decisions in particular may not always be attributable to only the decision/action in the past due to changing commercial environment.</p>	<p>(a) to (c) No action called for.</p>
<p>15.</p>	<p><b>16. (3.2.3.2) Sanction for Prosecution</b></p> <p>a) Prior sanction should not be necessary for prosecuting a public servant who has been trapped red-handed or in cases of possessing assets</p>	<p>(a) Not accepted. Prior sanction would be necessary for prosecuting a public servant who has been</p>	<p style="text-align: center;"><b>DOP&amp;T</b></p> <p>(a) In pursuance of direction of Hon'ble High Court of Delhi, guidelines have been issued on 6<sup>th</sup></p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Action Taken
16.	<p>disproportionate to the known sources of income.(32)</p> <p>(e) In all cases where the Government of India is empowered to grant sanction for prosecution, this power should be delegated to an Empowered Committee comprising the Central Vigilance Commissioner and the Departmental Secretary to Government. In case of a difference of opinion between the two, the matter could be resolved by placing it before the full Central Vigilance Commission. In case, sanction is required against a Secretary to Government, then the Empowered Committee would comprise of Cabinet Secretary and the Central Vigilance Commissioner. Similar arrangements may also be made at the State level. In all cases the order granting sanction for prosecution or otherwise shall be issued within two months. In case of refusal, the reasons for refusal should be placed before the respective legislature annually. (36)</p>	<p>trapped red-handed or in cases of possessing assets disproportionate to the known sources of income. However, in cases of entrapment, sanction for prosecution should be given at the earliest, and in no case it should be more than 3 months from the date on which the prosecution sanction is sought.</p> <p>(e) Not accepted. Keeping in view the objective to extend prior protection to honest civil servants, the power to accord sanction may continue as per the present provision with the authority competent to remove him, as they will have the holistic perspective of acts of omission/ commission of public servants.</p>	<p>November, 2006 for checking delay in grant of sanction for prosecution. The guidelines stipulate time-frame for disposal of cases within a period of three months.</p> <p>(e) No action called for.</p>
	<b>18. (3.2.5.6) Speeding up Trials</b>		



S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Action Taken
	<p>and prosecute all such cases in Special Courts constituted for this purpose. The SFO should be staffed by experts from diverse disciplines such as the financial sector, capital and futures market, commodity markets, accountancy, direct and indirect taxation, forensic audit, investigation, criminal and company law and information technology. The SFO should have all powers of investigation as stated in the recommendation of the Mitra Committee. The existing SFIO should be subsumed in this.<b>(49)</b></p>		
21.	<p>(d) A Serious Frauds Monitoring Committee should be constituted to oversee the investigation and prosecution of such offences. This Committee, to be headed by the Cabinet Secretary, should have the Chief Vigilance Commissioner, Home Secretary, Finance Secretary, Secretary Banking/ Financial Sector, a Deputy Governor, RBI, Secretary, Department of Company Affairs, Law Secretary, Chairman SEBI etc as members.<b>(50)</b></p>		
22.	<p>(e) In case of involvement of any public functionary in a serious fraud, the SFO shall send a report to the Rashtriya Lokayukta and shall follow the directions given by the Rashtriya Lokayukta (see para 4.3.15).<b>(51)</b></p>		
23.	<p>(f) In all cases of serious frauds the Court shall presume the existence of mens rea of the accused, and the burden of proof</p>		

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Action Taken
	regarding its non-existence, shall lie on the accused.(52)		
24.	<p><b>24. (3.8.5) Prior Concurrence for Registration of Cases: Section 6A of the Delhi Special Police Establishment Act, 1946</b></p> <p>(a) Permission to take up investigations under the present statutory arrangement should be given by the Central Vigilance Commissioner in consultation with the concerned Secretary. In case of investigation against a Secretary to Government, the permission should be given by a Committee comprising the Cabinet Secretary and the Central Vigilance Commissioner. This would require an amendment to the Delhi Special Police Establishment Act. In the interim the powers of the Union Government may be delegated to the Central Vigilance Commissioner, to be exercised in the manner stated above. A time limit of 30 days may be prescribed for processing this permission.(53)</p>	<p>(a) Not accepted. Existing provisions are adequate as only the Central Government can have a precise understanding of the intricate issues involved in decision making.</p>	<p>(a) No action called for.</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Action Taken
<p>25.</p> <p>26.</p>	<p><b>25. (3.9.4) Immunity Enjoyed by Legislators</b></p> <p>(a) The Commission, while endorsing the suggestion of the National Commission to Review the Working of the Constitution, recommends that suitable amendments be effected to Article 105(2) of the Constitution to provide that the immunity enjoyed by Members of Parliament does not cover corrupt acts committed by them in connection with their duties in the House or otherwise.<b>(54)</b></p> <p>(b) The Commission also recommends that similar amendments may be made in Article 194(2) of the Constitution in respect of members of the state legislatures.<b>(55)</b></p>	<p>(a) &amp; (b) Not accepted.</p>	<p>(a) &amp; (b) A Committee was set up by the Speaker, Lok Sabha to consider these recommendations and that Committee has made the following observations regarding amendment of Articles 105(2) &amp; 194(2) of the Constitution:-</p> <p>'The Committee are of the view that the Houses have ample powers to punish members for acts of corruption related to their functioning in the Houses or Committees and such matters may be looked into by the Ethics Committee of the respective House. Therefore, the Committee feels that there is no need for any amendment of the Constitution as suggested by NCRWC.' No further action called for.</p>
	<p><b>26. (3.10.24) Constitutional Protection to Civil Servants – Article 311</b></p>	<p>(a) to (d): Not accepted.</p>	<p>(a) to (d) No action</p>

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Action Taken
27.	(a) Article 311 of the Constitution should be repealed. <b>(56)</b>		called for.
28.	(b) Simultaneously Article 310 of the Constitution should also be repealed. <b>(57)</b>		
29.	(c) Suitable legislation to provide for all necessary terms and conditions of services should be provided under Article 309, to protect the bona fide action of public servants taken in public interest; this should be made applicable to the States. <b>(58)</b>		
30.	(d) Necessary protection to public servants against arbitrary action should be provided through such legislation under Article 309. <b>(59)</b>		
	<b>39. (6.7.3) Reducing discretion</b>		
31.	(b) Decision-making on important matters should be assigned to a committee rather than individuals. Care has to be exercised, however, that this practice is not resorted to when prompt decisions are required. <b>(106)</b>	(b) Not accepted. The system of Committees is prevalent for advising on major policies. However, Committees are only recommendatory bodies; decisions are taken by competent authorities. Decision making by the Committee can lead to dilution of accountability.	(b) No action called for.
	<b>40. (6.8.7) Supervision</b>		
32.	(a) The supervisory role of officers needs be re-emphasised. It bears reiteration that supervisory officers are primarily responsible for curbing corruption among their subordinates, and they should take all preventive measures for this purpose. <b>(108)</b>	(a) Not accepted.	(a) No action called for.



**Administrative Reforms Commission's 4<sup>th</sup> Report titled 'Ethics in Governance'  
- Recommendations referred to other fora**

<b>S. No .</b>	<b>Recommendations made by Administrative Reforms Commission</b>	<b>Government's Decision</b>	<b>Action Taken</b>
1.	<p><b>1. (2.1.3.1.6) Reform of Political Funding</b></p> <p>(a) A system for partial state funding should be introduced in order to reduce the scope of illegitimate and unnecessary funding of expenditure for elections. <b>(1)</b></p>	<p>(a) All the matters related to electoral reforms or legislative issues are being addressed in a comprehensive manner in various other fora. Hence, it is decided that the GoM constituted to consider ARC Reports need not take any decision in this regard.</p>	<p align="center"><b><u>Legislative Deptt</u></b></p> <p>With a view to carrying out comprehensive electoral reforms, a Core- Committee has been constituted on 01.01.2010 under the chairmanship of the Additional Solicitor General. The talking points of the Committee included (i) Criminalization of Politics; (ii) Funding of elections; (iii) Conduct and better management of Elections; (iv) Regulation of Political Parties; (v) Audit and Finance of Political Parties; (vi) Review of Anti-Defection Laws. The Committee under the aegis of Legislative Department and in co-sponsorship of the Election Commission of India conducted regional consultations at Bhopal, Kolkata, Mumbai, Lucknow, Chandigarh and Bengaluru, wherein the stakeholders have been consulted, who interalia, included leaders and workers of the political parties, legislators, legal luminaries, representatives of NGOs, eminent</p>
2.	<p><b>2. (2.1.3.2.4) Tightening of Anti-Defection Law</b></p> <p>(a) The issue of disqualification of members on grounds of defection should be decided by the President/Governor on the advice of the Election Commission.<b>(2)</b></p>	<p>(a) All the matters related to electoral reforms or legislative issues are being addressed in a comprehensive manner in various other fora. Hence, it is decided that the GoM constituted to consider ARC Reports need not take any decision in this regard.</p>	
3.	<p><b>3. (2.1.3.3.2) Disqualification</b></p> <p>(a) Section 8 of the Representation of the People Act, 1951 needs to be amended to disqualify all persons facing charges related to grave and heinous offences and corruption, with the modification suggested by the Election Commission.<b>(3)</b></p>	<p>(a) All the matters related to electoral reforms or legislative issues are being addressed in a comprehensive manner in various other fora. Hence, it is decided that the GoM constituted to consider ARC Reports need not take any decision in this</p>	

S. No.	Recommendations made by Administrative Reforms Commission	Government's Decision	Action Taken
4.	<p><b>4. (2.1.4.3) Coalition and Ethics</b></p> <p>(a) The Constitution should be amended to ensure that if one or more parties in a coalition with a common programme mandated by the electorate either explicitly before the elections or implicitly while forming the government, realign midstream with one or more parties outside the coalition, then Members of that party or parties shall have to seek a fresh mandate from the electorate.(4)</p>	<p>regard.</p> <p>(a) All the matters related to electoral reforms or legislative issues are being addressed in a comprehensive manner in various other fora. Hence, it is decided that the GoM constituted to consider ARC Reports need not take any decision in this regard.</p>	<p>persons, civil servants (serving and retired), students etc. and views have been gathered. A regional consultation in the North-East region (Guwahati) was held. A National Consultation at New Delhi is also proposed to be held. On the basis of inputs received in all these consultations, legislative process as may be considered necessary will be initiated by the Government in due course.</p>
5.	<p><b>5. (2.1.5.4) Appointment of the Chief Election Commissioner / Commissioners</b></p> <p>(a) A collegium headed by the Prime Minister with the Speaker of the Lok Sabha, the Leader of Opposition in the Lok Sabha, the Law Minister and the Deputy Chairman of the Rajya Sabha as members; should make recommendations for the consideration of the President for appointment of the Chief Election Commissioner and the Election Commissioners.(5)</p>	<p>(a) All the matters related to electoral reforms or legislative issues are being addressed in a comprehensive manner in various other fora. Hence, it is decided that the GoM constituted to consider ARC Reports need not take any decision in this regard.</p>	<p>(a): Legislative Department has been requested to provide ATR.</p>
6.	<p><b>7. (2.1.7.3) Grounds of Disqualification for Membership</b></p> <p>(a) Appropriate legislation may</p>	<p>(a) All the matters related</p>	<p>(a) Legislative</p>

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	<p>be enacted under Article 102(e) of the Constitution spelling out the conditions for disqualification of Membership of Parliament in an exhaustive manner. Similarly, the States may also legislate under Article 198(e).(7)</p>	<p>to electoral reforms or legislative issues are being addressed in a comprehensive manner in various other fora. Hence, it is decided that the GoM constituted to consider ARC Reports need not take any decision in this regard.</p>	<p>Department has been requested to provide ATR.</p>
7.	<p><b>9. (2.5.7.6) Enforcement of ethical norms in Legislatures</b></p> <p>(a) An Office of 'Ethics Commissioner' may be constituted by each House of Parliament. This Office, functioning under the Speaker/ Chairman, would assist the Committee on Ethics in the discharge of its functions, and advise Members, when required, and maintain necessary records.(14)</p>	<p>(a)&amp; (b) All the matters related to electoral reforms or legislative issues are being addressed in a comprehensive manner in various other fora. Hence, it is decided that the GoM constituted to consider ARC Reports need not take any decision in this regard.</p>	<p><b>Ministry of Parliamentary Affairs (MoPA)</b></p> <p>(a) In Rajya Sabha the Committee on Ethics is in its sitting held on 17.05.2007 took suo moto notice of the recommendations contained in the report of Second Administrative Reforms Commission. It took note of the relevant recommendations concerning 'Ethical framework for Legislature'. With regard to the operative part of the recommendations of the Second ARC, the Committee noted that issues raised therein had already been addressed by it &amp; that no action was called for in this regard.</p> <p>In Lok Sabha the Committee to inquire into misconduct of Members of the Lok Sabha has already been constituted by the</p>

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8.	<p>(b) In respect of states, the Commission recommends the following:</p> <p>(i) All State legislatures may adopt a Code of Ethics and a Code of Conduct for their Members.</p> <p>(ii) Ethics Committees may be constituted with well defined procedures for sanctions in case of transgressions, to ensure the ethical conduct of legislators.</p> <p>(iii) 'Registers of Members' Interests' may be maintained with the declaration of interests by Members of the State legislatures.</p> <p>(iv) Annual Reports providing details including transgressions may be placed on the Table of the respective Houses.</p> <p>(v) An Office of 'Ethics Commissioner' may be constituted by each House of the State legislatures. This Office would function under the</p>		<p>Hon'ble Speaker of Lok Sabha on 16.05.2007 which is presently considering the matter of 'various facets of misconduct and basic attributes of standards of conduct / behaviour expected of members and the recommendations of the Administrative Reforms Commission (ARC will be brought to the notice of this Committee.</p> <p>(b) MoPA has circulated the recommendation to States / UTs for necessary action.</p> <p><b>Delhi</b> has constituted Ethics Committee. Ethics Committee will maintain Register of Members' Interests. Chairman, Ethics Committee will see all matters.</p> <p><b>Chattisgarh Legislative Assembly</b> has adopted a Code of Ethics and a Code of Conduct for the Members.</p> <p>The Ethics Committee of <b>Himachal Pradesh Vidhan Sabha</b> has adopted the Code of Conduct for its Members formulated by Ethics Committee of Raja</p>

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	<p>Speaker/Chairman, on the same basis as suggested for Parliament(15)</p>		<p>Sabha for the Members of Rajya Sabha with modifications conforming to the State Legislature The Ethics Committee was constituted on 20.04.2000 with the main functions such as to lay down Code of Conduct and guide lines for privileges and status MLAs as also to consider the case of ethical, moral and other misconducts of MLAs .The Register of Members' Interest is not maintained.</p> <p>A Code of Ethics and a Code of Conduct have been adopted in <b>Kerala</b> Legislative Assembly. Code of Conduct for the members of Kerala Legislative Assembly has been incorporated in the Rules of Procedure and Conduct of Business in Kerala Legislative Assembly. The task of ensuring the ethical conduct of the Legislators of Kerala Legislative Assembly have been entrusted with the Committee of Privileges during the year 1999 and thereafter, the Committee has been renamed as the 'Committee of Privileges and Ethics'.</p>

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			<p>The <b>Haryana Vidhan Sabha</b> has not adopted a Code of Ethics and Code of Conduct for their Members so far. There is sufficient provision in the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly to take any decision to deal and regulate the conduct of Members. The Ethics Committee has not been constituted. There is no necessity of constituting such Committees as the House and Presiding Officer is fully empowered for taking any decision. The Register of Members 'Interests' is not maintained. As far as placing the Annual Reports providing details including transgression on the Table of the House is concerned, the Secretariat is of the view that the same is not necessary. It has also been felt that constitution of an Office of Ethics Commissioner is neither necessary or expedient so to do.</p> <p><b>Maharashtra</b> State - Legislature has not yet adopted a Code of Ethics and a Code of Conduct for its Members. The Ethics Committee has also not</p>

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			been constituted.
9.	<p><b>10. (2.6.12) Office of Profit</b></p> <p>(a) The Law should be amended to define office of profit based on the following principles:</p> <p>(i) All offices in purely advisory bodies where the experience, insights and expertise of a legislator would be inputs in governmental policy, shall not be treated as offices of profit, irrespective of the remuneration and perks associated with such an office.</p> <p>(ii) All offices involving executive decision making and control of public funds, including positions on the governing boards of public undertakings and statutory and non-statutory authorities directly deciding policy or managing institutions or authorizing or approving expenditure shall be treated as offices of profit, and no legislator shall hold such offices.</p> <p>(iii) If a serving Minister, by virtue of office, is a member or head of certain organizations like the Planning Commission, where close coordination and integration between the Council of Ministers and the organization or authority or committee is vital for the day-to-day functioning of government, it shall not be treated as office of profit.</p> <p>(The use of discretionary funds at the disposal of legislators,</p>	<p>(a) to (c): All the matters related to electoral reforms or legislative issues are being addressed in a comprehensive manner in various other fora. Hence, it is decided that the GoM constituted to consider ARC Reports need not take any decision in this regard.</p>	<p><b>Legislative Deptt</b></p> <p>The Joint Committee to examine the constitutional and legal position relating to office of profit presented its report to the Lok Sabha on 22.12.2008 which was laid down in Rajya Sabha on the same day. On the basis of the recommendations of the Committee, a Constitutional (Amendment) Bill further to amend the Constitution of India, inter alia, to define the expression 'Office of Profit' for the purposes of articles 102(1) (a) and 191(1) (a) of the Constitution has been attempted and forwarded to the State Governments/ Union Territory Administrations as well as various Ministries / Departments of the Government of India on 25.10.2010 and 28.10.2010 respectively seeking their views / comments of the proposed Bill which seeks to implement the recommendation of the aforesaid Committee. Periodical reminders have also been sent to those Departments /</p>

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10.  11.	<p>the power to determine specific projects and schemes, or select the beneficiaries or authorize expenditure shall constitute discharge of executive functions and will invite disqualification under Articles 102 and 191, irrespective of whether or not a new office is notified and held.)(16)</p> <p>(b) Schemes such as MPLADS and MLALADS should be abolished.(17)</p> <p>(c) Members of Parliament and Members of State Legislatures should be declared as 'Public Authorities' under the Right to Information Act, except when they are discharging legislative functions.(18)</p>		State Governments which did not furnish their comments / views.
12.	<p><b>16. (3.2.3.2) Sanction for Prosecution</b></p> <p>(c) The Presiding Officer of a House of Legislature should be designated as the sanctioning authority for MPs and MLAs respectively.(34)</p>	<p>(c) All the matters related to electoral reforms or legislative issues are being addressed in a comprehensive manner in various other fora. Hence, it is decided that the GoM constituted to consider ARC Reports need not take any decision in this regard.</p>	<p>(c) Legislative Department has been requested to provide ATR.</p>
13	<p><b>17. (3.2.4.3) Liability of Corrupt Public Servants to Pay Damages</b></p> <p>(a) In addition to the penalty in criminal cases the law should provide that public servants who cause loss to the state or</p>	<p>(a) The recommendation may be referred to GOM on Corruption.</p>	<p><b>DOP&amp;T</b></p> <p>(a) Referred to GOM on Corruption, by the GOM on ARC, in the meeting held on 14.3.2011.</p>



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17.	amended to provide for a national ombudsman to be called the Rashtriya Lokayukta. The role and jurisdiction of the Rashtriya Lokayukta should be defined in the Constitution while the composition, mode of appointment and other details can be decided by Parliament through legislation. <b>(60)</b>	Lok Pal Bill are being addressed independently in a comprehensive manner. Hence, it is decided that the GoM constituted to consider ARC Reports need not take any decision in this regard.	intimated that on consideration of the recommendations of the Standing Committee, the Government withdrew the Lokpal Bill, 2011 pending in the Lok Sabha and introduced a new comprehensive Lokpal and Lokayuktas Bill, 2011 in the Lok Sabha on 22.12.2011 to establish the institution of Lokpal at the Centre and Lokayukta at the level of States. The Bill provides a uniform vigilance and anti corruption road map for the nation, both at Centre and States. Further, the Government introduced
18.	(b) The jurisdiction of Rashtriya Lokayukta should extend to all Ministers of the Union (except the Prime Minister), all state Chief Ministers, all persons holding public office equivalent in rank to a Union Minister, and Members of Parliament. In case the enquiry against a public functionary establishes the involvement of any other public official along with the public functionary, the Rashtriya Lokayukta would have the power to enquire against such public servant(s) also. <b>(61)</b>		Constitution 116 <sup>th</sup> Amendment Bill, 2011 to provide the Constitutional status to these bodies in the light of recommendations of the Standing Committee.
19.	(c) The Prime Minister should be kept out of the jurisdiction of the Rashtriya Lokayukta for the reasons stated in paras 4.3.7 to 4.3.11. <b>(62)</b>		These Bills were taken up for consideration by the Lok Sabha on
20.	(d) The Rashtriya Lokayukta should consist of a serving or retired Judge of the Supreme Court as the Chairperson, an eminent jurist as Member and Central Vigilance Commissioner as the ex-officio Member. <b>(63)</b>		
	(e) The Chairperson of the		

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21.	<p>Rashtriya Lokayukta should be selected from a panel of sitting Judges of the Supreme Court who have more than three years of service, by a Committee consisting of the Vice President of India, the Prime Minister, the Leader of the Opposition, the Speaker of the Lok Sabha and the Chief Justice of India. In case it is not possible to appoint a sitting Judge, the Committee may appoint a retired Supreme Court Judge. The same Committee may select the Member (i.e. an eminent jurist) of the Rashtriya Lokayukta. The Chairperson and Member of the Rashtriya Lokayukta should be appointed for only one term of three years and they should not hold any public office under government thereafter, the only exception being that they can become the Chief Justice of India, if their services are so required.<b>(64)</b></p> <p>(f) The Rashtriya Lokayukta should also be entrusted with the task of undertaking a national campaign for raising the standards of ethics in public life. <b>(65)</b></p>		<p>27.12.2011. The Lokpal and Lokayukta Bill, 2011 was passed with certain amendments. However, the Constitution 116<sup>th</sup> Amendment Bill, 2011 could not be passed with the requisite majority required for Constitutional amendments. The Lokpal and Lokayuktas Bill, 2011 was taken up for discussion and passing in the Rajya Sabha on 29.12.2011. The discussion remained inconclusive and the Lokpal and Lokayuktas Bill, 2011, was yet to be passed by the Rajya Sabha.</p> <p>Subsequently, the Rajya Sabha adopted a motion on 21.05.2012 and referred the Bill to a Select Committee of the Rajya Sabha for examination and report. The Select Committee of Rajya Sabha submitted its report to the Rajya Sabha on 23.11.2012. The said Bill was taken up for</p>

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			<p>consideration and passing in the Rajya Sabha during the Winter Session, 2013 and the Raja Sabha passed the Bill on 17.12.2013 with amendments. The amendments made by the Rajya Sabha were also agreed to by the Lok Sabha on 18.12.2013. The assent of the Hon'ble President was received on 01.01.2014. The Bill has thus become "The Lokpal and Lokayuktas Act, 2013 (1 of 2014) vide Ministry of Law and justice (Legislative Department)'s Gazette Notification dated 1<sup>st</sup> January, 2014.</p>