

December 12, 2014

Hon'ble Mr. Justice M.B. Shah'
Chairman
Special Investigation Team on Black Money
Department of Revenue
Ministry of Finance
Government of India
New Delhi

Subject: Submission on black money

Dear Justice Shah,

- 1 This is in response to the notification published in the Extraordinary Gazette no.131 dated the 29th May, 2014, vide F. No. 11/2/2009-Ad. E.D., setting up the Special Investigation Team (SIT) in pursuance of the Order of Hon'ble Supreme Court of India passed in Writ Petition (Civil) No. 176 of 2009, on July 04, 2011.
- 2 Para 2(iv) of the 'terms of reference' of the Special Investigation Team reads as follows:

"The Special Investigation Team shall also be charged with the responsibility of preparing a comprehensive action plan, including the creation of necessary institutional structures that can enable and strengthen the country's battle against generation of unaccounted monies, and their stashing away in foreign banks or in various forms domestically."

- 3 Association for Democratic Reforms (ADR) is a non-political, non-partisan organisation working for improvement of governance and democracy in the country. The mission of ADR is reproduced below:

"Our goal is to improve governance and strengthen democracy by continuous work in the area of Electoral and Political Reforms. The ambit and scope of work in this field is enormous, Hence, ADR has chosen to concentrate its efforts in the following areas pertaining to the political system of the country:

- *Corruption and criminalization in the political process.*
- *Empowerment of the electorate through greater dissemination of information relating to the candidates and the parties, for a better and informed choice.*
- *Need for greater accountability of Political Parties.*
- *Need for inner-party democracy and transparency in party-functioning."*

- 4 It would not be out of place to mention here that on May 02, 2002, Your Honour, along with Hon'ble Mr. Justice Bisheswar Prasad Singh and Hon'ble Mr. Justice H.K.Sema, delivered a judgment in CIVIL APPEAL NO. 7178 OF 2001 (Union of India vs Association for Democratic Reforms & Another), with WRIT PETITION (C) No. 294 OF 2001 (People's Union for Civil Liberties (PUCL) & Another vs Union of India & Another), directing the Election Commission "to call for information on affidavit by issuing necessary order in exercise of its power under Article 324 of the Constitution of India from each candidate seeking election to Parliament or State Legislature as a necessary part of his nomination

paper, furnishing therein, information on the following aspects in relation to his/her candidature:-

1. Whether the candidate is convicted/acquitted/discharged of any criminal offence in the past - if any, whether he is punished with imprisonment or fine?
 2. Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the Court of law. If so, the details thereof.
 3. The assets (immovable, movable, bank balances etc.) of a candidate and of his/her spouse and that of dependants.
 4. Liabilities, if any, particularly whether there are any over dues of any public financial institution or Government dues.
 5. The educational qualifications of the candidate."
- 5 We, in ADR, feel very strongly that the task of "preparing a comprehensive action plan, including the creation of necessary institutional structures that can enable and strengthen the country's battle against generation of unaccounted monies, and their stashing away in foreign banks or in various forms domestically," as mentioned in Para 2(iv) of the 'terms of reference' of the SIT and reproduced above under item 2, cannot be completed unless due attention is paid to the possible use of unaccounted money in the electoral and political processes of the country.
- 6 It is in pursuance of the above that we would like to submit the attached memorandum (along with its annexures) for the consideration of the SIT.

We hope the attached memorandum will be of use to the SIT in carrying out its terms of reference.

If we can be of any further assistance to the SIT, including making presentations in person, it will be our privilege to do the same in the national interest.

With regards,



Jagdeep S. Chhokar, Ph.D., LL.B.
Founder-Trustee,
Association for Democratic Reforms.
(Former Professor, Dean, and Director In-charge,
Indian Institute of Management, Ahmedabad)