

## **BIRTH AND BURIAL OF A PENSION REFORM**

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1. For years, I have been writing orders and judgments and in the last few years, reports of Lokayukta. Today, I wish to narrate a story with a caption 'Birth and Burial of a Pension Reform'. It is symbolic of the fate of many suggested reforms for curbing of maladministration and corruption.
2. On the morning of 22<sup>nd</sup> October, 2009, "Dainik Jagran" carried a report titled "Pension ke Badle Parshad Vasul Rahe Hain Chanda". News report described the modus operandi of a Municipal Councillor, who extracted money from old, widows, handicapped and helpless pensioners, who were made to pay an annual subscription of Rs. 1100/- for a religious magazine run by the Councillor. Once subscription was paid, pension card number would be written on the subscription receipt, enabling the pensioner to collect the cheque of pension.
3. Suo moto cognizance of the news report was taken. Inquiry was conducted into the allegations against the Councillor for violation of the norms of integrity and conduct in demanding and extracting money for release of pension. In the inquiry, affected Pensioners, concerned officials, witnesses and the Councillor were examined. During the proceedings, Councillor had procured affidavits from some of the pensioners, saying they had

subscribed to the magazine voluntarily. These persons were found to be illiterate, who could neither read nor write and had no plausible answer for subscribing to the magazine. Hence no credence was given to their affidavits. A journalist, whose parent's pension had been withheld, issued two cheques for subscription of the magazine, obtained the endorsement of pension numbers in the Councillor's hand and collected the pension cheques. He then stopped the payments of the cheques issued. Oral and documentary evidence was tendered of the above transaction.

4. Municipal Councillor was indicted after enquiry. Recommendation was made, to apply the doctrine of 'name and shame' by publishing the factum of his indictment in the constituency, to act as a deterrent for others inclined to commit similar misdemeanor and misconduct. However, the recommendation of "naming and shaming" was not accepted. A Special Report was submitted, pointing out the acceptability of the doctrine in domestic as well as foreign jurisdictions. Illustration of Central Vigilance Agency naming officers, whose integrity was suspect or doubtful on its website, or cases where sanction for prosecution had been granted or was pending for over four months was cited. Recommendations for wide publicity at the time of inviting applications for grant of pension and careful scrutiny to ensure only eligible and deserving got the benefit of pension were made.

5. A significant recommendation made was for pension to be remitted by ECS in the pensioners' account, since handing over of cheques by Councillor or Sanitary Inspector or in Pension Melas, led to malpractices and corruption.
6. Lt. Governor accepted the indictment and recommendations, except the suggestion of "naming and shaming" of the Municipal Councillor. The Lt. Governor as Administrator directed the MCD that the disbursement of the pension be done through ECS. It was also directed that wide publicity be given at the time of the inviting applications and careful scrutiny be done to ensure that only eligible persons get pension.
7. There was a sense of relief that henceforth there would be no hurdles in disbursement of pension. Alas! It was not to be so. The reform directing payment of pension by ECS suffered a premature burial. During another inquiry it came to my notice that the South Delhi Municipal Corporation passed a resolution negating the recommendation of Lokayukta and directions issued by the Lt. Governor as administrator. South Delhi Municipal Corporation resolved that pension is not to be remitted through ECS but through cheques to be handed over to pensioners through Sanitary Inspector.
8. This was sought to be justified by saying that the Corporation needed to physically verify that the pensioner is alive and residing in the same ward through the Sanitary Inspector.



Further if a Pensioner had died or shifted residence, it would be difficult to recover the amount. The above overlooks that more than 5 million pensioners of Central and State Governments get their pension through ECS. All that is required is that the pensioners submit periodically a certificate of existence to the Bank. This system has worked well and there is no reason why it would not be successful in case of SDMC. It appears that the resolution of Municipal Corporation is to retain the Councillors hold over grant and disbursement of pension.

9. Each Municipal Ward has a quota for grant of old age pension. Earlier, there was continuity in the old age pension. It ceased only on death of pensioner or pensioner's migration from ward or pensioner becoming ineligible by acquiring a source of income. An elected Councillor could only fill up a vacancy arising in the above contingencies. The proposed amendment in the Rules provides that a newly elected Councillor has the right to select pensioners of his choice. This would create a regime, where eligible pensioners with no source of income, would get their pension discontinued as soon as a new Councillor was elected. It becomes apparent that this move has been proposed to create and perpetuate a hold on voters by assuming unbridled power to sanction pension to persons owing allegiance to Councillors. The attempt is clearly to retain control over distribution of pension as largesse to be distributed as per their own whims. The resolution for payment of pension cheques through Sanitary Inspector is again part of the effort to exercise control over the pensioners.

10. Payment of pension to old age, widows, helpless, poor and destitute persons is a welfare measure of the state and needs to be implemented selflessly, honestly with total integrity. The requirement is total commitment to the welfare of the people by successful implementation of this welfare measure. Councillors as holder of public office are to abide by the well recognized principles laid down by Committee of Standards in Public Life in United Kingdom and recognized by the 2<sup>nd</sup> Administrative Reforms Commission of India. Some of those principles are:
- (i) Selflessness (ii) Integrity (iii) Objectivity (iv) Accountability (v) Openness (vi) Honesty and (v) Leadership
11. Let our Councillors also display selflessness and integrity in their zeal to serve the public and implement this welfare measure. Resolution passed by the SDMC and the amendment to the Rules is a retrograde step running contrary to the well recognized and cherished principles noted above.
12. The present impasse deserves to be immediately corrected by the Lt. Governor, as Administrator, by passing directions to the SDMC under Section 490-A read with Section 487 of the Delhi Municipal Corporation Act, 1957, directing continuity of pension, except for a contingency such as migration from area, acquiring a source of income, death, etc. and the disbursement of pension through ECS.

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