

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Second day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice B.PUGALENDHI

WP(MD) No.14481 of 2020

A.P.SURYAPRAKASAM

... PETITIONER

Vs

- 1.STATE OF TAMIL NADU,
REP BY ITS SECRETARY,
CIVIL SUPPLY DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.
- (*)2.THE CHAIRMAN-CUM-MANAGING DIRECTOR,
TAMIL NADU CIVIL SUPPLIES CORPORATION LIMITED,
NO.12, THAMBUSAMY ROAD, KILPAUK,
CHENNAI - 600 010
- 3.THE SECRETARY TO GOVERNMENT,
CO-OPERATION,
FOOD AND CONSUMER PROTECTION DEPARTMENT,
SECRETARIAT, CHENNAI - 600 009.
(R2 AND R3 ARE SUOMOTU IMPEADED VIDE COURT
ORDER DATED 15.10.2020 IN WP(MD)No.14481/2020
BY NKKJ AND BPJ)
- (**)4.THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE,
STATE OF TAMIL NADU, SECRETARIAT, CHENNAI
- 5.THE SECRETARY TO GOVERNMENT,
MINISTRY OF HOME AFFAIRS,
UNION OF INDIA, NORTH BLOCK, NEW DELHI.
- 6.THE SECRETARY TO GOVERNMENT,
MINISTRY OF LAW AND JUSTICE,
UNION OF INDIA, SHASTRI BHAWAN, NEW DELHI.
- 7.THE SECRETARY TO GOVERNMENT,
MINISTRY OF PARLIAMENTARY AFFAIRS,
UNION OF INDIA, PARLIAMENT HOUSE, NEW DELHI

8. THE CHIEF SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU,
FORT ST. GEORGE, CHENNAI.

9. THE VIGILANCE COMMISSIONER,
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT,
STATE OF TAMIL NADU, FORT ST. GEORGE,
CHENNAI.

10. THE DIRECTOR, DIRECTORATE OF VIGILANCE AND
ANTI CORRUPTION, NO.293, MKN ROAD, ALANDUR,
CHENNAI.

(**) R4 TO R10 ARE SUOMOTU IMPLEADED VIDE COURT
ORDER DATED 02.11.2020 IN WP(MD)NO.14481/2020
BY NKKJ AND BPJ ... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or direction directing the respondent to consider the petitioner's representation dated 10.10.2020.

ORDER : This petition coming on for orders, on this day upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.P.SURYAPRAKASAM, Party in Person and of Mr.VIJAY NARAYAN, Advocate General assisted by Mrs.J.PADMAVATHI DEVI, Special Government Pleader for R1 to R4 and R8 to R10 and of Mrs.VICTORIA GOWRI, Assistant Solicitor General for R5 to R7, the court made the following order:-

(Order of the Court was made by **N. KIRUBAKARAN, J.**)

The second respondent / Managing Director, Tamil Nadu Civil Supplies Corporation has filed a counter affidavit as well as a report, dated 27.10.2020.

2. Mr. Vijay Narayan, learned Advocate General, assisted by Mrs. J. Padmavathi Devi, learned Special Government Pleader appeared on behalf of the respondents.

3. Mr. A. P. Suryaprakasam, petitioner / party-in-person, would submit that there are contradictions between the report and the counter affidavit filed by the second respondent.

4. In paragraph No.8 of the counter affidavit, it has been stated that irrespective of the moisture content, whether the paddy contains 17% moisture or not, the procurement centres have been directed to procure the paddy from the Agriculturists. However, in the report, it has been stated that only after the moisture is dried

and it comes below 17%, the same is procured. It seems there is a contradiction between the report and the counter affidavit.

5. That apart, paragraph No.10 of the counter affidavit reads thus:

"10. I further submit that the allegation that officials are demanding Rs.30 to 40/- per bag for procurement of paddy is absolutely false. Six special teams have been formed and they conduct regular and surprise inspections in the Direct Purchase Centres. During the last KMS season which ended on 30.09.2020, 1725 inspections have been conducted and action has been taken against 105 officials who have been found guilty during the inspection. Hence, the allegations that the State Government and the corporation are not taking proper steps in curbing the alleged malpractices and short comings is not correct."

6. The first sentence in paragraph No.10 of the counter affidavit reads that no corrupt practice is taking place in the procurement centres. However, contrary to the same, the second sentence reads as if 1725 inspections have been conducted and 105 officials have been found to be guilty during the inspection. Be that as it may, even the details as to on what basis the officials have been termed guilty are not given, i.e., the details as to the illegalities / irregularities committed by them are not given.

7. Therefore, the second respondent / Managing Director is directed to file an additional affidavit meeting out the contradictions pointed out supra and to furnish the details, as to

i) the acts that have been done by the officials, who are found to be negligent or guilty;

ii) the action taken as against the delinquent officials, both departmental and criminal action; and

iii) how much unaccounted money have been found and seized from the delinquent officials?

8. Since the matter relates to agricultural products, this Court *suo-motu* impleads the Secretary to Government, Department of Agriculture, State of Tamil Nadu, Secretariat, Chennai, as party respondent / 4th respondent to this proceedings.

9. Mr.Vijay Narayan, learned Advocate General takes notice for the newly impleaded fourth respondent and the fourth respondent shall file a report as to the steps / actions taken by the Government based on the report of Thiru.M.S.Swaminathan, Architect of Green Revolution in India.

10. It is reported in the media, especially, in the visual media, that during inspection in the Procurement Centres, large sums of money have been seized. In fact, very recently, it is reported in a news item that a raid was conducted in the Pullarambakkam Procurement Centre, Tiruvallur District, wherein, a sum of Rs.2,00,000/- has been seized from the officials. These raids and the seizure of amounts would only support the contention of the petitioner that a sum of Rs.30/- to Rs.40/- is being demanded by the officials as a bribe from the Agriculturists, who bring their produce to the Procurement Centre.

11. Though the learned Advocate General has referred to about the prevailing Act, namely, the Prevention of Corruption Act and its procedures, the menace of corruption has not come down. Prevention of Corruption Act is a Central Act, enacted by the Central Government as early as in the year 1947, followed by several amendments, with the latest amendment in the year 2018, giving elaborate procedures to be followed along with punishment and penalties. People are compelled to accept corruption as normal one. Corruption has become deep rooted and has spread like Cancer. Every day, it is reported in the media that many officials are caught red handed, while taking bribes. Hence, the punishment needs to be enhanced. Therefore, this Court is of the view that there should be a re-visit and the Act should be strengthened and stringent penalties should be imposed to curb the menace of corruption. The Central Government may consider imposing punishment, such as, "hanging" or "death penalty", for corrupt practices or for demanding and accepting bribes, like in China, North Korea, Indonesia, Thailand and Morocco. Hence, this Court *suo-motu* impleads,

i) the Secretary to Government, Ministry of Home Affairs, Union of India, North Block, New Delhi;

ii) the Secretary to Government, Ministry of Law and Justice, Union of India, Shastri Bhawan, New Delhi; and

iii) the Secretary to Government, Ministry of Parliamentary Affairs, Union of India, Parliament House, New Delhi

as party respondents / respondents 5 to 7 to this proceedings.

12. Mrs.Victoria Gowri, learned Assistant Solicitor General of India takes notice for the newly impleaded respondents 5 to 7.

13. At this juncture, this Court feels it appropriate to refer to one of the orders passed by one of us [Hon'ble Thiru Justice B.PUGALENDHI] in W.P.(MD)No.7833 of 2020 and CrI.RC.(MD)No.599 of 2016, dated 30.09.2020, wherein, the report of the Administrative Reforms Committee, headed by Dr.Justice A.K.Rajan [Retired Judge of <http://www.madras.hc.go.in> High Court], dated 25.04.2008, has been referred to. The said

committee was constituted by the Government vide G.O.Ms.No.65, Personnel and Administrative Reforms (AR-I) Department, dated 09.03.2007, to ensure corruption free and transparent administration. Based on the report of the committee, the Government has taken a policy decision to accept certain recommendations and passed the Government Order in G.O.Ms.No.24, Personnel and Administrative Reforms (AR-I) Department, dated 17.02.2010.

14. One of the recommendations which has been accepted by the Government is delegation of powers and fixing of accountability on every Government Servant, at every stage and every level. All the Secretaries to Government and Heads of Department were directed to issue necessary orders fixing the accountability, while issuing orders on delegation. This Court would like to know the further action taken by the Government in this regard. Therefore, this Court *suo-motu* impleads

i) the Chief Secretary to Government, State of Tamil Nadu, Fort St.George, Chennai;

ii) the Vigilance Commissioner, Personnel and Administrative Reforms Department, State of Tamil Nadu, Fort St.George, Chennai; and

iii) the Director, Directorate of Vigilance and Anti Corruption, No.293, MKN Road, Alandur, Chennai;

as party respondents / respondents 8 to 10 to this proceedings.

15. Mr.Vijay Narayan, learned Advocate General accepts notice on behalf of the newly impleaded respondents 8 to 10.

16. Call on **09.11.2020**, along with W.P.(MD)No.7833 of 2020 and Cr1.RC.(MD)No.599 of 2016, for the response affidavits of the respondents.

sd/-
02/11/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SECRETARY,
STATE OF TAMIL NADU,
CIVIL SUPPLY DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.

<http://www.judis.nic.in>

2.THE CHAIRMAN-CUM-MANAGING DIRECTOR,
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ORDER
IN

WP(MD) No.14481 of 2020
Date :02/11/2020

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TK/VR/SAR.3/02.11.2020/6P/11C