

No.419/129/2011-AVD.IV
Ministry of Personnel, PG & Pensions,
Department of Personnel & Training

North Block, New Delhi
Dated 19th October, 2012

To

✓ Shri Subhash Chandra Agrawal,
1775, Kucha Lattushah,
Dariba, Chandni Chowk,
Delhi – 110006.

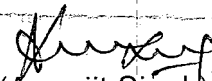
Subject:- CIC Hearing dated 8.10.2012 w.r.t. RTI application dated 17.8.2011 of
Shri Subhash Chandra Agrawal.

Sir,

I am to refer to the proceedings of the CIC Hearing dated 8.10.2012 on the subject cited above. With regard to the issue of the report, sent to PMO by Sh. Manish Tewari which in turn was sent to Secretary, DOPT to place the same before MoS(PMO), is concerned, it is stated that PMO, vide its ID Note dated 3.6.2011, had forwarded the Ref. No. 2081/2011-12 dated 19.4.2011 of Sh. Manish Tewari, Member of Parliament (Lok Sabha), containing the extracts from the Justice P.B.Sawant Commission of Enquiry, appointed by the Govt. of Maharashtra in February 2005, to this Department with request to place it before Hon'ble MoS(PMO & PP). Copy of the same is enclosed. Further, the said reference of Sh. Tewari was received in this Department on 6.6.2011 and action was initiated on this reference in File No. 407/30/2011-AVD-IV on 9.6.2011 and the file was put up for kind perusal and orders of MoS(PMO & PP) in the matter. Subsequently, after perusing the reference of Sh. Tewari, Hon.ble MoS(PMO & PP) directed to file the reference. Copy of the relevant file noting is enclosed.

2. This issues in compliance with the direction of the Hon'ble CIC.

Yours faithfully,


(Amarjit Singh)

Deputy Secretary & CPIO
Tele: 23093028

Copy to Shri Vijay Bhalla, Deputy Registrar, Central Information Commission,
Room No. 306, 2nd Floor, 'B'Wing, August Kranti Bhavan, Bhikaji Cama Place, New
Delhi – with request to apprise the Hon'ble CIC of the position explained above in the
case No. CIC/SM/A/2012/000075.

S.No.1(R)

PRIME MINISTER'S OFFICE

South Block,
New Delhi - 110 101

Please find enclosed, copy of a letter dated 19.4.2011 from Shri Manish Tiwari, Member of Parliament addressed to the Prime Minister enclosing extracts from the Justice P.B. Sawant Commission of enquiry, appointed by the Government of Maharashtra in February 2005 ['Terms of Reference of the Commission' and 'Conclusion of the Commission' with regard to Shri Anna Hazare].

2. The undersigned is directed to request that this may be placed before the Hon'ble MOS (PMO & PP).

Sharmila Mary Joseph K.
(Dr. Sharmila Mary Joseph K.)
Deputy Secretary
Tel. No. 23018485

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Secretary, Department of Personnel & Training

PMO ID No. 600/31/C/65/2011-ES.2

Dated 3.6.2011

S.No.1(R)

PRIME MINISTER'S OFFICE

South Block,
New Delhi - 110 101

47009
PM-2992/6/6/2011
6/6/2011

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Sharmila Mary Joseph K.
(Dr. Sharmila Mary Joseph K.)
Deputy Secretary
Tel. No. 23018485

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Secretary, Department of Personnel & Training

PMO ID No. 600/31/C/65/2011-ES.2

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सत्यमेव जयते

प्रधान मंत्री

Prime Minister

New Delhi
27 April, 2011

Dear Shri Tewari,

I have received your letter of 19 April, 2011
regarding Shri Anna Hazare.

With regards,

Yours sincerely,

Manmohan Singh
(Manmohan Singh)

Shri Manish Tewari, MP
C-1/3, Lodhi Garden
New Delhi - 110003



सत्यमेव जयते

प्रधान मंत्री

Prime Minister

New Delhi
27 April, 2011

Dear Shri Tewari,

I have received your letter of 19 April, 2011
regarding Shri Anna Hazare.

With regards,

Yours sincerely,

Manmohan Singh
(Manmohan Singh)

Shri Manish Tewari, MP
C-1/3, Lodhi Garden
New Delhi - 110003

Manish Tewari
Member of Parliament (Lok Sabha)
National Spokesperson - Indian National Congress
Advocate - Supreme Court of India

Ref. No 2081/2011-12

19th April, 2011

Respected Dr. Manmohan Singh Ji,

The Maharashtra government had appointed the Justice P. B. Sawant Commission of Inquiry on the 1st of September, 2003. The Commission among others enquired into allegations of corruption against Shri Anna Hajare.

The Commission found Shri Anna Hajare guilty of corrupt practices and maladministration.

It would be appropriate to point out that the salient findings of Commission of Inquiry with regard to Shri Anna Hajare.

"Hind Swaraj Trust"

- (i) *The expenditure of Rs. 2.20 lacs from the funds of the Hind Swaraj Trust for the birthday celebrations of Shri Hajare was clearly illegal to a corrupt practice.*
- (ii) *The alienation of the land admeasuring 11 Ares out of the land belonging to the Trust in favour of the Zilla Parishad without the permission of the Charity Commissioner, in contravention of Section 36 of the Bombay Public Trusts Act, though the alienation is invalid, was a case of maladministration.*

"Bhrashtachar Virodhi Janandolan Trust"

- (xxii) *Some of the workers in the Andolan were abusing the platform of the Andolan for anti- social activities, such as, extortion of money, blackmailing, grabbing the properties of others, harassment, goondaism, corruption etc. Although Shri Hajare denied that some of them were his workers, he could not deny that the others atleast were his own workers. These acts on their part were clearly criminal.*

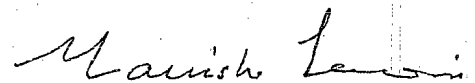
When the complaints were made against some of them, Shri Hajare did not care to investigate them, and when he did inquire into some of them, he only heard his own workers without calling the complainants for the inquiry. This was highly unjust and irregular and amounted to patent maladministration of the Andolan. It only shows that he did not take care to keep control over the anti-social forces, which his Andolan had released.

Even the findings with respect to his four other trusts are exceedingly serious in nature.

It does raise the obvious question that how can a man who has been indicted for corruption by a Commission of Inquiry headed by a retired Judge of the Supreme Court serve on a panel which has been tasked with the responsibility of drafting an anti-corruption law?

Regards,

Yours sincerely,



MANISH TEWARI

Enclosed: Page No. 1 to 5 – Terms of reference of the Commission
Page No. 365 to 372 – Conclusions of the Commission with regard to Shri Anna Hazare.

To:

Dr. Manmohan Singh,
Hon'ble Prime Minister of India,
7, Race Course Road,
New Delhi – 110001.

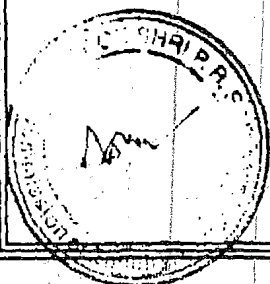
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REPORT

JUSTICE P.B.SAWANT COMMISSION OF INQUIRY

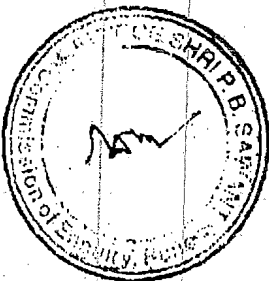
Commission of Inquiry
appointed by
the Government of Maharashtra
vide Notification dated
1st September, 2003

Date of the Report	22 nd February, 2005
Date of Submission	23 rd February, 2005



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CHAPTER I

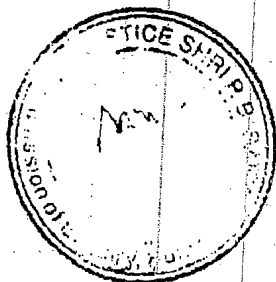
INTRODUCTION

By a Notification dated 1st September, 2003, the Government had appointed the present Commission under the Commissions of Inquiry Act, 1952, to inquire into the allegations of corrupt practices and maladministration into matters specified in Annexures - A and B of the said Notification against (i) Dr. Shri. Padmasinh Patil, Minister (Irrigation), (ii) Shri. Sureshdada Jain, Minister (Food and Civil Supplies), (iii) Shri. Nawab Malik, Minister of State (Housing), (iv) Dr. Shri. Vijaykumar Gavit, Minister of State (General Administration) and (v) Shri. Anna Hajare, and to make report to the Government.

2) The alleged corrupt practices and maladministration by:-

(i) Dr. Shri. Padmasinh Patil were in the administration of (a) Osmanabad District Central Co-operative Bank, (b) Terna Sahakari Sakhar Karkhana, Osmanabad and (c) Terna Public Trust, Terna Nagar, District Osmanabad,

(ii) Shri. Sureshdada Jain, in the administration of (a) Jalgaon District Central Co-operative Bank, (b) Jalgaon



(2)

Municipal Council and (c) Jalgaon Khandesh Bhookamp Sahayata Nidhi (Gujarat) Trust,

(iii) Shri. Nawab Malik, in the matter of re-development of property known as "Jariwala Chawl", T.H. Kataria Marg, Mahim, Mumbai,

(iv) Dr. Shri. Vijaykumar Gavit, in the matter of irregularities found in (a) Sanjay Gandhi Niradhar Yojana, (b) Indira Awas Yojana and (c) Indira Gandhi Rashtriya Vruddhapakalin Yojana in District Nandurbar, and

(v) Shri. Anna Hajare in the administration of (a) Hind Swaraj Trust, Pune, (b) Sant Yadavbaba Shikshan Prasarak Mandal, Ralegan-Siddhi, (c) Bhrashtachar Virodhi Jana Andolan, Ralegan-Shddhi, (d) Parner Taluka Shikshan Prasarak Mandal, Ralegan-Siddhi, (e) World Water Institute, Pune, (f) Sainik Bank - Parner Taluka Sainik Sahakari Bank Ltd. Parner, District Ahmednagar, (g) Adarsh Gramin Patsansatha, Ralegan-Siddhi, (h) Krishna Pani Puravatha Yojana Sahakari Sanstha, Ralegan-Siddhi, (i) Swami Anna Hajare Trust, Ralegan-Siddhi, and (j) Swami Vivekananda Krutadnyata Nidhi, Ralegan-Siddhi.

3) Ultimately, Shri. Sureshdada Jain, who had made the allegations in respect of corrupt practices and maladministration in the ten institutions of Shri. Anna Hajare,



(3)

confined himself to only four institutions viz. (a) Hind Swaraj Trust, Pune, (b) Sant Yadavbaba Shikshan Prasarak Mandal, (c) Bhrashtachar Virodhi Janandolan and (d) Krishna Pani Purvatha Yojana Sahakari Sanstha, and gave up his allegations in respect of the remaining six institutions.

4) Similarly, as regards the allegations made by Shri. Anna Hajare against Dr. Shri. Vijaykumar Gavit, they had to be confined only to two Yojanas viz. (a) Sanjay Gandhi Niradhar Yojana and (b) Indira Gandhi Rashtriya Vruddhopakalin Yojana, which was by consent of the parties correctly understood as "Rashtriya Vridhapakalin Yojana". There was no such "Yojana" as Indira Awas Yojana or Indira Gandhi Rashtriya Vruddhapakalin Yojana.

5) The Commission thus, inquired into the alleged corrupt practices and maladministration, in all, in ten institutions/organisations, one government department and two government schemes or yojanas.

6) The Commission was in search of suitable premises for holding its inquiry, and had visited the premises of the Pune Agricultural College, Pune on 18th September, 2003. That time, on behalf of the Government, the Collector showed the Commission, Dr. Shirname Hall, which was for various reasons,



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not suitable, and instead, the Commission suggested to the Government to make available Prof. Phadtare Hall, which is in the same compound with appropriate changes. This was agreed to. However, in the meanwhile, a preliminary meeting was held in Dr. Shirname Hall on 22nd September, 2003. The meeting was attended by all the ministers, except Shri. Nawab Malik, who was abroad at the time, and by Shri. Anna Hajare, and their counsel. After discussion, the Commission gave the following directions:-

(i) Parties to withdraw the cases filed by them against each other in courts or give an undertaking that the concerned parties will not claim any privilege on that count while giving answers or producing documents.

(ii) The place of inquiry will be at Phadtare Hall in the compound of the Agricultural College, Pune.

(iii) Parties will submit specific statements of allegations to the Commission in triplicate. Before giving the copies to the Commission, the parties will give copies directly to each other. An endorsement of the other side to that effect, should appear on the copy of the Commission.

(iv) Advocates for the parties stated that they would give details of all charges made by them to the other side and



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the Commission, with a list of documents and witnesses on or before 29th September, 2003.

(v) The replies of the respective parties to the charges will be presented by them to the Commission on or before 7th October, 2003, by following the same procedure.

(vi) Procedure to be followed in the inquiry will be investigatory. The Commission will have powers to cross-examine the witnesses and call for witnesses and documents on its own.

(vii) In the absence of the rules made by the State Government, the Commission will follow its own procedure consistent with the principles of natural justice. Where necessary, the Commission may take guidance from the Central Rules.

(viii) English and Marathi languages will be used in conducting the inquiry.

(ix) Working hours will be between 11.00 A.M. to 2.00 P.M. and 2.30 P.M. to 6.00 P.M. having a break between 2.00 P.M. to 2.30 P.M.

(x) The work will go on from day to day, and even on Saturdays, with some exceptions.



auditor for the period 1986 to 1993, there is no denial from Shri. Hajare that this was so. No document has also been produced before the Commission to suggest that the compliance was made. The allegation, therefore, will be deemed to have been proved. Undoubtedly, it is an irregularity on the part of the society. The applicant did not press any other allegation against this society, though they were made in the original charter of allegations.

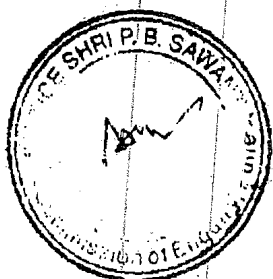
CONCLUSIONS:-

Hind Swaraj Trust

(i) The expenditure of Rs.2.20 lacs from the funds of the Hind Swaraj Trust for the birthday celebrations of Shri. Hajare was clearly illegal and amounted to a corrupt practice.

(ii) The alienation of the land admeasuring 11 Ares out of the land belonging to the Trust in favour of the Zilla Parishad without the permission of the Charity Commissioner, in contravention of Section 36 of the Bombay Public Trusts Act, though the alienation is invalid, was a case of maladministration.

Sant Yadavbaba Shikshan Prasarak Mandal



(iii) The non-submission of the budget of the Trust for all the years, except for the first year i.e. 1984, was a contravention of Section 31A of the Bombay Public Trusts Act and the non- submission of the audited accounts in time for the years 1982 to 2002 was a contravention of Sections 32, 33, 34 of the said Act r.w. Rule 21 of the Rules made thereunder. They are the instances of maladministration.

(iv) The repayments of the handloans taken from the trustees, above Rs.20,000/-, in cash, were in contravention of Section 269T of the Income Tax Act and were, therefore, acts of maladministration.

(v) The acceptance of the handloans, in cash, from the parties other than the trustees, and their repayment in cash were both against law and, therefore, were acts of maladministration.

(vi) The purchase of the three pieces of land, namely, Survey Nos. 602, 603 and part of Survey No. 604 of village Ralegan-Siddhi and the construction made thereon, were not reported to the Charity Commissioner as required by Section 22 of the Bombay Public Trusts Act. This was an irregular act amounting to maladministration.



(vii) The amount of Rs.1,00,000/- given to the Swami Vivekanand Krutadnyata Nidhi as loan and without interest was contrary to the objects of the Trust and, therefore, an illegality.

(viii) The amount of Rs.46,374/- spent on the renovation of Yadav Baba temple was contrary to the objects of the Trust. The amount would be spent only on education and that too secular education. Both the objects were defied by the said expenses incurred on renovation of Yadav Baba temple and therefore, constituted illegalities.

(ix) In as much as, the Trust was depositing its amounts in the non-scheduled banks, namely, Parner Taluka Sainik Sahakari Bank and Adarsha Gramin Bigar Sheti Patsanstha Maryadit, in contravention of Section 35 of the Bombay Public Trusts Act, the Trust was guilty of maladministration.

(x) Since the accounts of all the divisions of the Trust were not consolidated and submitted to the Charity Commissioner for some of the years as pointed out above, the Trust was guilty of maladministration.

(xi) In as much as the source of the amount of Rs.2 lacs which was invested in a fixed deposit with the Parner Sainik



Sahakari Bank Maryadit has not been explained, the transaction is a case of maladministration.

The Trust is also unable to explain where the interest on the said fixed deposit of Rs.2 lacs for about 7 months has disappeared. This is also a case of maladministration.

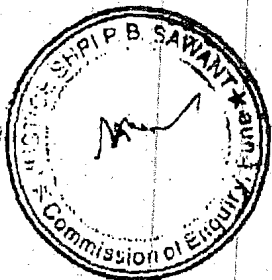
(xii) To the extent that the Trust has spent Rs.17.85 lacs from its own funds on the hostel belonging to the Hind Swaraj Trust, it has clearly committed a violation of law. This act also amounts to maladministration.

(xiii) Shri.Hajare has not explained as to why a separate joint account in his name and in the name of one Dagdu Kisan Mapari was kept in the Adarsha Gramin Bigarsheti Sahakari Patsanstha. This amounts to a clear irregularity and is, therefore, an act of maladministration.

Bhrashtachar Virodhi Janandolan Trust

(xiv) The Andolan was not registered legally as a Society under the Societies Registration Act. This is an act of maladministration.

(xv) The Andolan could not act as Trust legally after 1998, since it did not have the minimum number of trustees, according to the trust deed, to operate as the Trust. It also did not have the minimum number of trustees to form the quorum



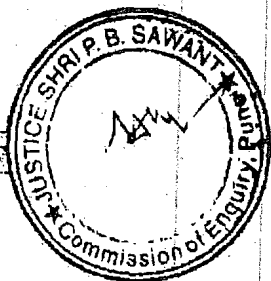
since October, 1999. All the acts of the Andolan as the Trust, after 1998 were, therefore, illegal. There was thus a patent maladministration in the functioning of the Trust.

(xvi) After Father Debrato resigned as a treasurer on 10.11.2001, the maintenance of the accounts of the Trust has not been according to the rules. This was an act of maladministration.

(xvii) There was no control over the collection of funds by the District Committees, their expenditure and the contribution they were supposed to make to the headquarters. This amounted to maladministration.

(xviii) The non-submission of the audited accounts of the Trust to the Charity Commissioner in time, for the years 1998-99 to 2001-02 was violative of Sections 32, 33 and 34 of the Bombay Public Trusts Act and hence amounted to maladministration.

(xix) The receipt of Rs.75,000/- as a loan, in cash, from Ralegan-Sididhi Pariwar and the repayment of the said loan to them, again in cash, were both acts contrary to the provisions of the Income Tax Act. The receipt of the loan without the permission of the Charity Commissioner was contrary to the



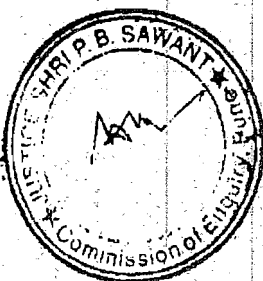
Bombay Public Trusts Act and hence both constituted illegalities and acts of maladministration.

(xx) The appointments of the District Committees by Shri.Hajare after 1998 and the operation of the said District Committees as the Committees of the Trust, were both illegal, and were acts of maladministration.

(xxi) The most of the receipt books issued to the District Committees were lost. There was also no account of the funds collected by the District Committees. This was a case of patent maladministration.

(xxii) Some of the workers in the Andolan were abusing the platform of the Andolan for anti-social activities, such as, extortion of money, blackmailing, grabbing the properties of others, harassment, goondaism, corruption etc. Although Shri.Hajare denied that some of them were his workers, he could not deny that the others atleast were his own workers. These acts on their part were clearly criminal.

When the complaints were made against some of them, Shri. Hajare did not care to investigate them, and when he did inquire into some of them, he only heard his own workers without calling the complainants for the inquiry. This was highly unjust and irregular and amounted to patent maladministration



of the Andolan. It only shows that he did not take care to keep control over the anti-social forces, which his Andolan had released.

The Krishna Pani Puravatha Yojana Sahakari Sanstha

(xxiii) Although Shri.Hajare was not qualified to remain a member of the Society during the period 2001 to 2003 since he did not hold any land within the jurisdiction of the Society during that period, he continued to be the Chairman of the Society. This was patently illegal.

(xxiv) The supply of water to Mahila Mandal and two hostels, namely, Students' Hostel and RPK Hostel, in April and May, 2002 and not fixing the charges either before or after the supply, was irregular. The charges could have been fixed by the Managing Committee before the monies were received from the three institutions. That was not done, and instead ad-hoc sums of Rs.1.50 lacs and Rs.70,000/- were received from the two hostels respectively and a sum of Rs.21,000/- was received from the Mahila Mandal, which was irregular. This irregularity has not been cured till date by getting the approval atleast of the Managing Committee of the Society to the charges received from the three institutions, or by fixing the charges.



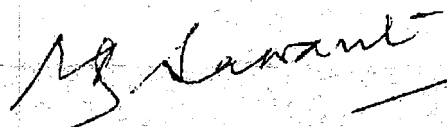
(372)

(xxv) There was no compliance of the objections pointed out by the auditor for the accounts of the period 1986 to 1993. This is an irregularity and amounted to maladministration.

Thus Shri. Hajare was guilty of the corrupt practice mentioned at (i) above and of the acts of maladministration mentioned in the rest of the conclusions.

Place: Pune

Date: 22nd February, 2005


[Justice P.B. Sawant (Retd.)]
Commission of Inquiry



Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training
AVD-IV Section

S.No.1(R)/p.1-20/c

Subject: Complaint against Shri Anna Hazare-Report of Justice P.B. Sawant Commission of Enquiry.

Vide PUC, the PMO has forwarded a copy of letter dated 19.4.2011 from Sh. Manish Tiwari, Member of Parliament addressed to the Prime Minister enclosing extracts from the Justice P.B. Sawant Commission of Inquiry, appointed by the Government of Maharashtra in February 2005 (Terms of Reference of the Commission and Conclusion of the Commission) with regard to Sh. Anna Hazare. **The PMO has requested that this may be placed before Honorable MOS(PMO & PP).**

2. In his letter Sh. Manish Tiwari has said that the Maharashtra Government had appointed Justice P.B. Sawant Commission of Inquiry on the 1st September, 2003. The commission among other things inquired into allegations of corruption against Shri Anna Hazare.

3. He has further pointed out that the Commission found Shri Anna Hazare guilty of corrupt practices and maladministration. He has specifically pointed out findings of the Commission of Inquiry with regard to the acts of corruption and misadministration committed by Shri Anna Hazare with respect to his involvement in the activities of Hind Swaraj Trust, Sant Yadavbaba Shikshan Prasarak Mandal, Bhrashtachar Virodhi Janandolan Trust and Krishna Pani Puravatha Sahakari Sanstha.

4. Sh. Manish Tiwari has further stated that how can a man who has been indicted for corruption by a Commission of Inquiry headed by a retired judge of the Supreme Court, serve on a panel which has been tasked with the responsibility of drafting an anti-corruption law.

5. Submitted for kind perusal and orders of MOS(PMO & PP) please.

JS
9/6/11

R. N. Patel
13/06/11

S.O. (AVD IV)

US (AVD - A) on leave

Dir. (N/A)

Notes above for kind consideration of
MoS(PMO & PP) please.

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AS (JBR)

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