

## DR. M.VALLUVAN AS MUNICIPAL CHAIRMAN -- PART II

### IRREGULARITIES IN THE PURCHASE OF STATIONERY

On 14<sup>th</sup> August 2006, a municipal council meeting was convened. This was attended by members of the finance committee, secretary of the consumers' protection council, office bearers of various colony welfare associations, and members of the anticorruption movement. as people's representatives.

A resolution passed earlier on 31-01-2005, approved the proposal to purchase stationery items including registers for a value of Rs.2.50 lakhs. Based on this, the council's approval was sought in the current meeting mentioned above for the payment of bills for supply of the stationery articles by the women's cooperative societies, Tambaram. On a perusal of the receipts, a number of corrections, and double entries were noticed. Also the number of items was noted as 37 as against the 33 approved. Besides the amount of Rs.2,68,570 placed for ratification of the Council was in excess of the approved amount by Rs.18,570/-.All these caused suspicion on the genuineness of the bills and credibility of the purchase. The Commissioner was asked to explain these discrepancies and also to report the stationery stock balances. There was no response nor any sort of cooperation to this. The concerned staff were asked to attend the council meeting and explain in person and clear the doubts. But no staff attended the meeting. This was an apparent proof that there was actually an attempt to defraud. What made them opt to stay away from the council meeting?

What are the points of doubt raised by the Council?

- 1) After approval by the council, tenders should have been obtained from at least 3 firms. and the work order placed on the lowest. This was not done. Why?
- 2) Why it was given directly to a single firm selectively?
- 3) Why the number of items was increased to 37 from approved list of 33?

- 4) Why there are a number of corrections in the bill?
- 5) What is the reason for double entries in the bill? Was it an attempt to tally the discrepancy in the totaling.
- 6) The materials were said to be taken from Tambaram on 6-7-2005 by ABT parcel Service. That they were received in the Municipality the same day is in the normal course unbelievable.

The officers were afforded an opportunity to explain and clear these reasonable apprehensions. They could have sent a written reply. As there was no any kind of response It became apparent that there was actually an attempt at fraud. Therefore a public hearing was arranged. The documents were verified by people's representatives, who agreed that the bills were dubious.

The council considered the course of action. If it returned the bills without passing, they could be got regularized later by the next council. Dr.Valluvan and the council members wanted to ensure that this was not allowed to repeat and that the future chairman and members should derive a lesson from this incident.

Corruption and bribery among the municipal staff were brought to the notice of the higher officers with evidence. There was no action.

Hunger strike by the chairman was resorted to, to draw the attention of the District collector to set right the matters but to no avail.

The irregularities were reported to the Director of Vigilance and Anticorruption. No tangible action was taken.

Government were requested to accord permission to file cases against the delinquent officials. The permission is not forthcoming.

After exhausting all the above legitimate processes, Dr.valluvan decided to carry the fight by the same legal process by preferring a police complaint in order not to let the perpetrators of the fraud go scot free. The enquiry meeting was arranged with a view to ensure that the innocent are not punished and the culprits are not set at large. The failure of the officials to be

present at the meeting, was proof enough for the planned fraud, and hence the council decided to file a police complaint. Section 355 1 (b) of the Tamilnadu District municipalities Act required the police to step in when the officials of the municipality failed to cooperate in carrying out the council resolutions. The Act also states that if the police officers do not take action, they could also be proceeded against. On all these considerations, a complaint was filed with the sub-inspector of police, Vridhachalam regarding the stationery fraud. The following day, policemen came to the municipality and collected information, but no case was registered. On the other hand the police advised the Regional Joint Director of Municipal Administration to enquire and take action on the annual audit reports. But the fact remains that the accounts were not submitted to regular annual audits. Therefore the futility of the police action in tendering such advice to the RDMA was pointed out. Yet no case was registered.

The whole sordid matter was brought to the notice of the Chief Secretary to and CM's special cell without any response. The irony of the matter is that even after assuring that there were irrefutable evidence of the fraud on hand, the police did not take cognizance of the complaint. Dr.Valluvan was apprehensive that if the records were left with the municipality they will abscond in no time. He was very stubborn in that not a single pie of the tax payers money should be allowed to be swindled by any one. He therefore approached the High court praying for directions to the police to register the case.

In the mean while, the term of Dr,Valluvan as the municipal Chairman was ending up by 24-10-2006 and the preparations were in full swing for the conduct of the local body elections. It was disturbing for Dr.valluvan to imagine as to what would be the fate of the elections if they were held under the supervision of such a corrupt municipal commissioner.As a further attempt Dr.valluvan knocked at the doors of the State Election commission. The election commission referred the complaint to the municipal commissioner but the result was nil as usual. The next municipal council also was formed. The looters felt safe and wondered what Dr.Valluvan could do at that stage. But they were in for a shock by

an order of the High court. On 15-02-2007, the High Court passed an order that the police should seize all the connected records, enquire and file a case in court within 6 months. This order was received by the police on 5-3-2007. Based on this, the records were taken into police custody, and complaints under sections 467,468,491,and 409 IPC were registered against five persons viz. previous and present commissioner, manager, dealing assistant, and the municipal engineer and the enquiry commenced. After registering this complaint, the municipality filed a complaint against Dr.Valluvan alleging that Dr.Valluvan was in illegal possession of the municipal records after relinquishing the office of the Chairman.The police seemed to have taken this on file and went about seriously. The approach of the police in readily accepting a false complaint after dilly dallying for long to register a known fraud, exposes the power of the bribe money. Dr.Valluvan obtained the records relating to the false complaint by an application under the RTI Act.

Thus, by sheer grit and relentless crusade Dr.Valluvan was able to prevent the misappropriation of public money to the tune of Rs.2,68.570/-, and ensured the culprits were brought under the scan of law. The offenders may suffer punishment, severe or mild, but the important point is that open loot of public money was prevented and a strong note of warning has been given to those who may have such sinister motives in future.

Dr.Valluvan's motto was that tax payers money should be made fully and equitably beneficial to the all citizens.

## ANOTHER EPISDE

Dr.Valluvan resorted to street corner meetings to create awareness among the people against corruption and bribery. He also undertook 'tax retrieval' crusades in order to bring to light as to how people's hard earned money collected as taxes was not being put to proper use by corruptive elments.

Dr.Valluvan unearthed quite a number of irregularities committed in the municipality, and reported to the vigilance directorate. He made repeated pleas to the authorities to post a honest and hard working commissioner for the municipality. He went on a hunger strike calling for District Collector's intervention.

A number of council resolutions were not carried out. Dr.Valluvan collected a token contribution of Re.one each from the public and filed a case in the high court seeking direction to carry out the resolutions. He also sat on a hunger strike demanding more autonomous powers for the municipalities.

Dr.Valluvan's concerted efforts at preventing drainage of public money by way of false bills for stationery purchase were now well known. His fight against corruption and bribery did not stop with this, but continued even after he stepped down from office.

Even an order of the High Court would not move the officials in to action. Nor would they respond to the peoples'queries about the execution of pending welfare schemes. This was before 2005, and not after that. The passing of the RTI Act-2005 by the Parliament made it obligatory on the part of the govt officials to provide the information sought.

Dr.Valluvan who had earlier openly declared that he was not a person who planned his actions with an eye on the subsequent elections, took recourse to the RTI Act to pose questions and ensure that many of the resolutions passed during his tenure were got carriedout.

RTI Act-2005 is an excellent tool to get all the details of public welfare schemes from various government authorities. Under this Act, the public information officer in any govt office is bound to provide the information within 30 days. In the case of an Assistant PIO it

should be given in 35 days. If the information is not given within the stipulated time, the appellate authority has to be petitioned, who should also in normal course respond within 30 days. Failing which an appeal lies with the the State Information Commission. The commission will examine and pass appropriate orders. The Information commission is empowered to impose penalty for delay on the PIOs, at the rate of Rs.250 per day ,to a maximum of Rs.25,000/-

When a query is raised under the RTI Act about the stage of implementation of a resolution, the authorities will try t carry out the resolution in order to give a convincing and suitable reply.

Resolutions numbering 14,relating to, house tax, water tax, audit reports, e-governance, solid waste management were all got done by raising queries under the RTI Act.

## SOLID WASTE MANAGEMENT

Solid waste management, involves separating wastes into perishable and non perishable types and using perishable waste for processing into manure and the nonperishables to be recycled for further suitable use.

The council resolution No.1446 dated 26-06-2005 provided for the purchase of certain vehicles, equipment and baskets for the implementation of solid waste management.

As per the information from the Commissioner of municipal administration an amount of Rs.148.98 lakhs was given principle clearance, but the wok was not done obviously because the forces inimical to Dr,Valluvan were against Dr,Valluvan. cornering the credit for the project.

Dr.Valluvan sought to know the stage of execution of the above project from the PIO of the commissionerate of municipal administration. As the information given was incomplete, Dr.Valluvan appealed to the state commission. After enquiry, the commission ordered to provide the information within 15 days. This prompted the municipality to immediately go in for the purchase of the vehicles and equipment and put the project track.

Even now people, little know that the resolution was passed during the chairmanship of Dr.Valluvan, who also got it executed by resorting to the use of the RTI Act-2005. Nevertneless Dr.Valluvan has the satisfaction that he has been able to be of some service to the people of the town.

## E-GOVERNANCE

Municipal council resolution No.1144 of 19-09-2003, provided for the introduction of e-governance in full, in running the affairs of the municipality with complete transparency for the benefit of the public. This was decided on Dr.Valluvan's initiative and enthusiasm. Even though it was proposed to introduce on line service from 2-10-2003, nothing has been done so far after a lapse of so many years. Dr.Valluvan sought to know the stage of the matter through RTI Act. With poor response, he had to go on appeal to the State Information commission. The Commission directed the Commissioner of Municipal Administration to furnish the correct information, fixing a dead line. It was revealed that out of 21 items, action was taken only on 10 items. After Dr.Valluvan's enquiry through the RTI Act, it was learnt that action has been taken on 19 more items, which included, property tax, professional tax, and water charges.

This was a tremendous success for Dr.Valluvan's persistant efforts using the provisions of the RTI Act.

## AUDIT REPORT

In the audit report of Virudhachalam municipality for the year 1999-2000, para 200 required that the replies to the audit remarks should be submitted within 2 months after getting council approval. Para 201 specified that there were 1945 pending audit items totaling to a value of Rs.6,95,03,439 which needed to be settled.

The earliest audit remark relates to the year 1965. Starting with an amount of barely one hundred rupees in that year, the amount has increased by leaps and bounds reaching to the current mammoth amount of nearly seven crore rupees. It is astonishing that no one at any level has cared to take any action. If action had been taken at the beginning itself to fix responsibility and recover the losses, the amount under objection would not have risen to such alarming proportions.

In any case, with an eagerness to safeguard public money, Dr.valluan took steps to clear the audit remarks. He wrote to the Commissioner a number of times to examine and provide reply for the various points of objection. There was no response.

Dr.Valluvan then wrote to the Chief Minister highlighting the unsettled audit objections and the huge amount involved. He also brought the issue to the notice of the local fund audit officials in Cuddalore. No one bothered. No action was taken to reply to the audit nor to recover the amount involved from the officials concerned.

On 8-4-2005, the issue was raised in the Tamilnadu assembly by Thiru VelMurugan MLA. Panrutti constituency. He asked about the pending audit reports and also wanted the audit department to function more effectively.

Subsequently, Dr. Valluvan tried to get the following information through the RTI Act.

- 1) Out of 1945 audit remarks how many has been attended to?
- 2) Was any amount recovered and credited to public funds?
- 3) Who were found responsible for the lapses and what action has been taken on them?

As the belated information received was incomplete and insufficient, Dr. Valluvan appealed to the state Information commission. Acknowledging the complaint the Commission called for a meeting of the departmental officials and Dr. Valluvan. The Information Commissioner wondered as to how audit reports could be kept pending for as long as 35 years, and wanted to know the reason for it. It was replied on the officials side that the 'joint meeting' had not been held. Commissioner's query as to when it would be held brought out a casual and lethargic reply, 'soon'. Dr. Valluvan pointed out that if the amount is so much in one municipality, how much would it come to in respect of all the municipalities and other local bodies in the state. The Commissioner saw the gravity in Dr. Valluvan's argument and remarked that it was very disturbing and desired that special squads be formed to settle the audit reports. The Commission further ordered that correct and full information should be furnished before 8-1-2007, and waived all the fees and ordered refund.

Dr. Valluvan is of the strong view that municipalities could be financially self sufficient by proper fiscal management. With honest administration, the municipalities apart from being self sufficient could go to the help of neighbouring villages also. There is no need to run to international lending agencies with a beggar's bowl, asserts Dr. Valluvan.

TUFIDCO (Tamilnadu Urban Finance and Infrastructure Development Corporation Ltd.)

Dr. Valluvan's long term perspective was reflected in his handling of the TUFIDCO facilities. When many people are not even aware of the existence of TUFIDCO Dr. Valluvan

saw the organization as a boon to fulfill his ambition of carrying out all possible welfare measures for the people of the town which would bear his name even after he stepped down from office. As per council resolution 1872, he got prepared a project report for Rs.882.50 lakhs for taking up 207 works. He approached Govt. for a 90% grant, while contributing 10% of the cost from the municipality. He wanted to meet the Hon'ble Minister for local administration and wrote through the Commissioner of municipal administration.

Dr.Valluvan was eager to know the stage of the matter. He applied to the PIO/Office of the commissioner of municipal administration for information under the RTI Act. He got a reply that the project report was defective and that it has to be prepared in consultation with TUFIDCO, The municipal commissioner had also been so informed. But no action has been taken by the municipal commissioner. This failure had denied the opportunity for the municipality to stand a chance of getting the grant some time in the future. It is disturbing and surprising that the officials had not shown any eagerness or initiative in the matter by which the people are made ultimate losers.

The Officials Of The Municipality, from the Commissioner down to the last man, do not care to turn out work commensurate with the salary they are paid. They are more intent on getting adequate bribe for the work they do. Any type of work , however unimportant it is, with the possibility of filling up the officials' pocket will, get precedence . Whereas works which do not afford scope for corruption would not see the light of the day at all. The Govt officials, particularly in the municipalities, have such scant respect for the rule of law. After all who could do any thing to them, the Lords?

## MUNICIPALITY AND ITS FUNCTIONS

What is the role of a municipality?

It is the duty of the municipal council, a body of elected representatives to pass resolutions for taking up works for the benefit of the people. It is the duty of the officials to carry out these resolutions. But the officials do not act sincerely and without any bias.

All that is required in a municipal town are ;

Watersupply for all house holds,

Good roads everywhere

Lights for all streets

? For all streets

Healthy environment on all streets

If all these five factors are taken care of, in a span of 5 years the municipality will get self sufficient on these fronts. With proper tax collection and judicious use of central and state govt. grants all the basic amenities of the municipality could be got fulfilled. This requires a committed band of officials. But how these so called public servants with the backing of higher ups conduct themselves is a shame by itself. These public servants, once they take up their jobs in the Govt. feel secure and act as business men and commission agents. In the guise of doing some work they will always look of greener pastures in the field of work.

People are aware that public money is being looted. They are also subjected to harassment by the demand for bribe for all the works to be got done in various Govt offices. It's true that most of them are not willing players in the act of palm greasing. But what to do? Where to go?

Where does the remedy lie? Times are past when there were upright control officers and honest police. Alas, they are now hand in gloves with such corrupt elements. We are only too well aware of the attitude of the police when it comes to taking action against perpetrators of fraud, what with Dr. Valluvan's tryst with the police in the stationery case.

Some people tend to place trust in the vigilance and anticorruption wing. Dr.Valluvan has a case in point against this. He detected fraud in the purchase of mosquito repellent fluid by the virudhachalam municipality during the period earlier to his. An astounding amount of Rs.25 lakhs was spent in a single year for the purchase of mosquito repellent fluid, where as, people in the town were not sure when and where the repellent was sprayed. The stock book entries appeared dubious. This was referred to the vigilance and anti corruption wing and the enquiry is going on and on for the past five years. By the time the case is finalized the concerned officials may retire. In the mean time they may happily indulge in such glorious activities wherever they work.. If all the machinery set up by the Govt. function with sincerity and independence, corruption would be on the wane. But the virus of corruption seems to have afflicted these arms of the Govt also.

People detest bribery and corruption. But they don't complain. They choose to remain silent. Because there is no reliable authority to listen to their complaint and come to help. Even if some action is initiated with great difficulty, there is always this inevitable delay, delay and more delay. And at last the culprit is allowed to escape. People are wary that it is futile to fight corruption and bribery. For the simple reason that even after being caught red handed the corruptive elements are given all assistance and opportunities to wriggle out unscathed. Well, in such a scenario, where the vigilance and anticorruption wings of the Govt are rendered ineffective, what then is the way out. Dr.Valluvan comes with the following suggestions.

To start with, People should elect men of integrity and selflessness to the local bodies, which would go a long way in containing corruption.

An independent and autonomous supervisory set up on the lines of the Election Commission should be put in place to monitor the functioning of the local bodies.

This set up may consist of experts in various fields who would ensure that the projects are implemented according to specifications and schedule. A close watch on the execution of projects would greatly contribute to curbing corruption.

All complaints should be disposed of within a time limit, say 3 to 6 months. Hearing should be done on day to day basis. Punishment should be prompt and severe as in the case of Court martial. Eye wash actions like suspension and disciplinary proceedings will not serve the purpose.

Can honest men ensure transparency and good administration by having such a Commission? 'It is absolutely possible' asserts Dr.Valluvan citing instances from his own experience..

1) Unlike in the past, additional school buildings were constructed in his time by judicious management of revenue from education tax.

2) Issue of Birth and death certificates and approval of building plans, were done within a specific time limit without any one having to pay up bribe to anybody.

3) Assessment of property tax was based on Patna model, facilitating owners of buildings to assess and remit the property tax by themselves. The avenues to extort bribe by the municipal staff was thus completely obviated and the revenue from property tax rose considerably.

4) By additional filling up of the water tank the distribution efficiency was improved by 50% without extra expenditure.

5) The huge amount collected as bribe by the staff of the water works dept for giving water supply house service connections was completely eradicated, and only the amount fixed as per rules was collected from consumers. People were made aware of the procedures and the correct tariff through local cable TV net work.

- 6) Municipal council meetings were video recorded, and telecast over local cable net work for the information of the public to ensure transparency in the administration.
- 7) Fraud to the tune of Rs.25 lakhs in the purchase of mosquito repellent was detected and reported to the vigilance for enquiry.
- 8) attempt at misappropriation of about Rs.2.5 lakhs in the dubious purchase of stationery was thwarted by timely action.
- 9) More than 500 new street lights were installed in many unserved localities, driving away the darkness that prevailed for more than 20 years.
- 10) Audit reports of the municipality spanning over 35 years involving a whopping Rs.7.00 crore rupees were taken out and reported to Govt. The assistance of the State Information commission has been sought for getting necessary information for settling the matter and fixing responsibility.
- 11) Mobile phones were provided to all the employees of the municipality, and the numbers were publicised to enable the public to contact the officials without having to visit the office.
- 12) More significantly, by sheer hard work, dedication and judicious planning, and with the cooperation of the willing public, Dr.Valluvan ensured that the municipality made a miraculous turn around financially. At the time of his taking over as Chairman in the year 2001, the municipality was in the red to the tune of Rs.50 lakhs, and the poor employees of the municipality were not paid their salary for 5 months. At the end of his term in 2006, the municipality had a healthy balance of Rs.2.4 crores.

All this was achieved by Dr.Valluvan in the face of heavy odds, such as dishonest councilors, non-cooperative municipal staff, higher officials who backed them due to personal ulterior motives, political interference, and sabotage by unsocial elements and the like.

If Dr.valluvan could achieve commendable success in such an adverse situation, the sky is the limit for achievements if all the cited elements are honest, unselfish, society conscious,

and patriotic. These men, if not on their own, have to be made honest by the people who should be vigilant. Besides, the rule of law should prevail.

To reiterate what was said before, what is of paramount importance is that people should elect as their representatives, men of impeccable integrity and high intellectual acumen. Govt. should for their part, establish an independent autonomous commission to watch, follow up and punish corrupt officials. It is enough if a legislation is passed and implemented. India can get out of the list of most corrupt countries. Not only that; we need not go after rich countries and world bank begging for loans. If corruption and bribery are rooted out, municipalities can ensure excellent service to the people, besides adopting some adjoining ailing villages. A corruption free country can automatically attain the status of a super power in pretty short period.

Dr. Valluvan's successful stint as the Chairman of Virudhachalam municipality is an outstanding testimony of what a honest person can achieve and how he could dish out superlative service to the community and make it flourish. The people of Virudhachalam would stand witness to the meritorious services rendered by Dr. Valluvan at the expense of his lucrative practice as an ophthalmic surgeon.

According to Dr. Valluvan honest administration is possible and must. The youth of today should come forward to create such a dream India. They should breath honesty, live honestly, and work honestly. People should stand united behind such honest crusaders. They should keep a high vigil to ensure that unscrupulous and dishonest elements do not by hook or crook come to occupy the seats of power. If this could be achieved, we can then witness the resurrection of the noble India that Lord Macaulay saw in the year 1835.

Honesty can do it. Come one. Come all. Join us.