

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO OF 2020

IN THE MATTER OF:

Ashwini Kumar Upadhyay

S/o Sh. Suresh Chandra Upadhyay

[Office: 15, M.C. Setalvad Chambers Block
Supreme Court of India, New Delhi-110001]

Residence: G-284, Govindpuram, Ghaziabad-201013 ...Petitioner

Verses

1. Union of India
Through Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110001
2. Union of India
Through Law Secretary,
Ministry of Law and Justice,
Shashtri Bhawan, New Delhi-110001
3. Government of Andhra Pradesh
Through Chief Secretary
A.P Secretariat Office, Velagapudi - 522503
4. Government of Arunachal Pradesh
Through Chief Secretary
Civil Secretariat, Itanagar - 791111
5. Government of Assam
Through Chief Secretary
Assam Sachivalaya, Dispur - 781006,
6. Government of Bihar
Through Chief Secretary
Main Secretariat, Patna - 800015
7. Government of Chhattisgarh
Through Chief Secretary
Mahanadi Bhawan, Mantralaya, Raipur - 492002
8. Government of Goa Secretariat
Through Chief Secretary
Porvroim, Bardez, Goa - 403521
9. Government of Gujarat
Through Chief Secretary
Sachivalaya, Gandhinagar - 382010

10. Government of Haryana
Through Chief Secretary
Haryana Civil Secretariat, Sector-1, Chandigarh- 160019
11. Government of Himachal Pradesh
Through Chief Secretary
H.P. Secretariat, Shimla - 171002
12. Government of Jammu & Kashmir
Through Chief Secretary
Civil Secretariat, Jammu - 180001
13. Government of Jharkhand
Through Chief Secretary
Project Building, Dhurwa, Ranchi- 834004
14. Government of Karnataka
Through Chief Secretary
Vidhana Soudha, Bengaluru - 560 001
15. Government of Kerala
Through Chief Secretary
Secretariat, Thiruvananthapuram - 695001
16. Government of Madhya Pradesh
Through Chief Secretary
Mantralaya, Vallabh Bhavan Bhopal - 462004
17. Government of Maharashtra
Through Chief Secretary
Main Building, Mantralaya, Mumbai - 400032
18. Government of Manipur
Through Chief Secretary
South Block, Old Secretariat, Imphal-795001
19. Government of Meghalaya
Through Chief Secretary
Rilang Building, Secretariat, Shillong - 793001
20. Government of Mizoram
Through Chief Secretary
New Secretariat Complex, Aizawl - 796001
21. Government of Nagaland
Through Chief Secretary
Civil Secretariat, Kohima- 797004
22. Government of Odisha
Through Chief Secretary
Odisha Secretariat, Bhubaneswar - 751001

23. Government of Punjab
Through Chief Secretary
Secretariat, Chandigarh – 160001
 24. Government of Rajasthan
Through Chief Secretary
Secretariat, Jaipur – 302005
 25. Government of Sikkim
Through Chief Secretary
New Secretariat, Gangtok – 737101
 26. Government of Tamil Nadu
Through Chief Secretary
Secretariat, Chennai – 600009
 27. Government of Telangana
Through Chief Secretary
Adarsh Nagar, Hyderabad-500063
 28. Government of Tripura
Through Chief Secretary
New Secretariat Complex, Agartala-799010
 29. Government of Uttar Pradesh
Through Chief Secretary
Lalbahadur Sastri Bhawan, Lucknow – 226001
 30. Government of Uttarakhand
Through Chief Secretary
Subhash Road, Secretariat, Dehradun – 248001
 31. Government of West Bengal
Through Chief Secretary
Nabanna, Sarat Chatterjee Road, Howrah – 711102
 32. Union Territory Andaman & Nicobar
Through Chief Secretary
Secretariat, Port Blair – 744101
 33. Union Territory of Delhi
Through Chief Secretary
Delhi Secretariat, IP Estate, New Delhi – 110002
 34. Union Territory of Puducherry
Through Chief Secretary
Chief Secretariat, Puducherry – 605001.
 35. Law Commission of India
Through the Chairman/Secretary
Loknayak Bhawan, New Delhi-110003
-Respondents

PIL UNDER ARTICLE 32 SEEKING WRIT/ORDER/DIRECTION TO THE CENTRE AND STATES TO TAKE APPROPRIATE STEPS TO WEED OUT CORRUPTION, BLACK MONEY GENERATION & BENAMI TRANSACTION AND TO IMPROVE INDIA'S PATHETIC RANKING IN THE CORRUPTION PERCEPTION INDEX

To,

THE HON'BLE CHIEF JUSTICE OF INDIA
AND LORDSHIP'S COMPANION JUSTICES
OF THE HON'BLE SUPREME COURT OF INDIA
HUMBLE PETITION OF ABOVE-NAMED PETITIONER
THE MOST RESPECTFULLY SHOWETH AS THE UNDER:

1. Petitioner is filing this writ petition as a PIL under Article 32 of the Constitution, seeking writ, order or direction to the Centre & States to constitute an expert committees to examine the best practices of the countries, ranked among top 20 in Corruption Perception Index and accordingly take appropriate steps to weed-out the menace of bribery, black money generation, benami transaction, tax evasion, money laundering, profiteering, grain hoarding, food adulteration, human trafficking, drug trafficking, black marketing, cheating, fraud, forgery, mischief, dishonest misappropriation of property, criminal breach of trust, dishonestly inducing delivery of property, cheating by personation, concealment of property, falsification of accounts, and economic offences including corporate fraud, capital market fraud and forensic fraud and violation of the laws relating to accounting, company, taxation and information technology.

2. Petitioner is also seeking direction for weeding-out mafias including land mafia, drug mafia, liquor mafia, mining mafia, gold mafia, transfer-posting mafia, betting mafia, hawala mafia, conversion mafia, illegal immigration mafia, superstition and black magic mafia and white-collar mafias, dividing society on the grounds of religion, race, caste, sex and place of birth. Alternatively, being custodian of the Constitution and protector of fundamental rights, this Hon'ble Court may pass directions to weed-out menace of corruption, black money generation, benami transaction & improve India's pathetic ranking in Corruption Perception Index. Alternatively, the Court may direct Law Commission of India to examine anti-corruption laws of developed countries & suggest steps to weed-out corruption, black money generation, benami transactions & money laundering, and to improve India's ranking in Corruption Perception Index.
3. Petitioner name is Ashwini Kumar Upadhyay. G-284, Govindpuram, Ghaziabad-201013, Ph. 8800278866, Email: aku.adv@gmail.com, PAN: AAVPU7330G, AADHAAR: 659982174779. Annual Income is 10 LPA. Petitioner is an Advocate, practices in this Hon'ble Court and a social-political activist, striving for the development of economically and socially downtrodden people and unity and national integration.

4. Petitioner has not filed any other same/similar petition either in this Court or in other Court, seeking same/similar directions, as prayed.
5. Petitioner has no personal interest, individual gain, private motive or oblique reasons in filing this PIL. It is not guided for gain of any other individual person, institution or body. It's in national interest.
6. There is no civil, criminal or revenue litigation, involving petitioner, which has/could have legal nexus, with the issue involved in the PIL.
7. There is no requirement to move concerned authority for the relief sought. There is no other remedy available except filing the PIL.
8. Corruption Perception Index-2019 is **Annexure P-1**. (Page 22-50)
9. The cause of action accrued on 24.01.2020 and continues, when India ranked 80 in the 'Corruption Perception Index-2019'. India has never been ranked among top 50 in Corruption Perception Index [66 in 1998, 72 in 1999, 69 in 2000, 71 in 2001, 71 in 2002, 83 in 2003, 90 in 2004, 88 in 2005, 70 in 2006, 72 in 2007, 85 in 2008, 84 in 2009, 87 in 2010, 95 in 2011, 94 in 2012, 87 in 2013, 85 in 2014, 76 in 2015, 79 in 2016, 81 in 2017 and 78 in 2018] but Centre and States have not taken steps to weed-out bribery, black money generation, benami transaction, money laundering and tax evasion though these menaces brazenly offend rule of law, right to trade and

right to life guaranteed under Articles 14, 19 & 21. No welfare scheme & government department is free from corruption, and this is the reason India scores good in bad parameters viz. 1st in Fresh Water Withdrawal, Illegal Gun Ownership, Homeless Population & Illegal Immigration, 2nd in Intentional Homicides & Traffic Related Deaths, 3rd in CO₂ Emission & 4th in Slavery Index. Due to huge corruption, India badly performs in good parameters viz. 42nd in Employment Rate, 43rd in Quality of Life Index, 51 in Democracy Index, 68 in Rule of Law Index, 84 in Air Quality Index, 102 in Hunger Index, 115 in Human Capital Index, 125 in Gender Discrimination, 130 in Life Expectancy Index, 134 in Youth Development Index, 136 in Global Peace Index, 139 in GDP Per Capita, 142 in Press Freedom Index, 144 in World Happiness Index, 145 in Education Index, 168 in Literacy Rate & 177 in Environment Performance Index. (Source Wikipedia)

- 10.** The injury caused to people is extremely large because corruption is insidious plague, having wide range of corrosive effects on country. It undermines democracy & rule of law, leads to violations of human rights, distorts markets, erodes quality of life and allows organized crime like separatism, terrorism, naxalism, radicalism, gambling, smuggling, kidnapping, money laundering and extortion and other

threats to human security to flourish. Corruption hurts the poor disproportionately by diverting funds intended for development, undermines government's ability to provide basic services, seeds inequality and injustice and discourages foreign aids & investment. Corruption is key element in economic deficit and a major obstacle in poverty alleviation. Corruption distorts public distribution system up to a great extent. It is inimical to fostering of excellence and has adverse impact on EWS-BPL families. Due to massive corruption, even after 73 years of independence, 50% population is in distress leading hand-to-mouth existence and large segments not knowing where next meal is coming from, with abominable health standards and primary education levels. Much of this malaise is traceable to widespread corruption black money generation benami transaction. There is no country in top 50 of Human Development Index, which has significant amount of corruption. Moreover, there is correlation between welfare State with attention to education and public health and absence of corruption. So, it is duty of the State to take steps to weed-out corruption and black money generation. Stern steps must be taken to reaffirm the rule of law, improve transparency and warn looters that betrayal of public trust will no longer be tolerated.

11. Cash transaction in high value currency is used in illegal activities - terrorism, naxalism, separatism, radicalism, gambling, smuggling, money laundering, kidnapping, extortion, bribing and dowry etc. It also inflates price of essential commodities as well as major assets like real estate, gold etc. These problems can be curbed by recalling currency above Rs. 100/-, restricting cash transaction above Rs. 5,000/-, linking assets above Rs. 50,000/- with AADHAAR, seizing cent percent black money benami property disproportionate assets and sentencing looters for life. Black money and disproportionate asset holders would be forced to declare their unaudited properties and it will take years to generate that amount of black money and benami property again. Thus, it will help in putting an end to corruption and black money generation. Another benefit is that people will deposit their cash in banks; thus, State will get good amount of revenue, which can be used for betterment of society and to provide good infrastructure and facilities to needy people.

12. India's anti-corruption laws are weaker than developed country.

Though present government added some teeth to Benami Act but activities to catch benami properties are going slowly. For example, the amended Act came into existence from 1.11.2016 but action taken

is restricted to very few properties and bank deposits. Finding real beneficiary of benami properties is herculean task that is main reason for its slow implementation. To speed up this information gathering, Centre came out with cash reward up to Rs 1 crore but success is less because people are scared that rogue employee of the agencies will leak the information about informer. Similar rules in income tax and custom rules are also not fetching big information.

13. Now, every family has debit card, so asking them to use it for transaction above Rs. 5,000/- is a better option. The advantage is that tax authorities will get details about black money and benami transaction immediately. Several old property deals have happened in fictitious names and they will get stuck immediately. Black money hoarders also used to register properties in other's name after getting their signatures. In these cases, original property documents are kept by 'original owners' and also keep power of attorney signed by '*legal owners*'. The moment benami transactions are detected, tax authorities can approach owners and it can be treated as benami property if owner is unaware / deny knowledge of ownership'. Even if 'owner' takes onus and claims that it is his property, he needs to show 'source of income' for buying that property. The opponents,

due to fear about losing their vested interests, may come out against this move Usual transactions like buying property in the name of spouse, kids, parents, joint names with siblings is already exempt in the Act. They need to show source of money used for purchase. This may amount some discomfort to 'genuine tax payers' but majority will support it because it'll result in unearthing huge black money.

14. Noting that digital transactions help in bringing *irreversible change*, the Prime Minister has reiterated that AADHAAR will work as a *big weapon* to search benami property. Cashless transaction played key role in ensuring that scholarships, pension and subsidies reaches to genuine people. At inaugural session of '*HT Leadership Summit*', the Prime Minister said: "*Linking Aadhaar with mobile and Jan Dhan accounts have evolved such a system which was not even thought of till some years ago -- a system which is irreversible. Earlier, pension money and students stipend was distributed in crores of fake accounts. All that has been addressed with the help of Aadhaar in the last three years.*" Petitioner submits that recalling currency above 100/-, restricting cash transaction above 5,000/- and linking fixed and movable assets above 50,000/- with AADHAAR will weed-out corruption, black money generation and benami transaction.

15. Subramanian Swamy v. Manmohan Singh, [(2012) 3 SCC 64]:

“Corruption not only poses grave danger to concept of constitutional governance, it also threatens very foundation of the democracy and Rule of Law. magnitude of corruption in public life is incompatible with concept of the Socialist, Secular and Democratic Republic. Where corruption begins all rights end. Corruption devalues human rights, chokes development, and undermines justice, liberty, equality and fraternity, which are the values in Indian Preambular vision...”.

16. State of Gujarat v. R.A. Mehta,[(2013) 3 SCC 1]: *“Corruption*

threatens constitutional governance and shakes the foundation of democracy and rule of law. Corruption is opposed to democracy and social order as being not only anti-people, but also due to the fact, that it affects the economy of a country and destroys its cultural heritage. It threatens security of the society, undermines the ethical value and justice and jeopardizes sustainable development. Corruption devalues human rights, chokes development and corrodes the moral fabric of society. It causes considerable damage to the national economy, national interest and image of the country. The very object, the noble and grand vision of the Preamble will be defeated if corruption is not curbed immediately”.

GROUNDS

17. Corruption, black money generation and benami transaction have devastating effects on equality, justice, liberty, fraternity, dignity of individual, unity and national integration and fundamental rights guaranteed under Articles 14, 19 and 21. Even after 73 years of the independence & 70 years after becoming sovereign socialist secular democratic republic, none of the districts are free from bribery, black money benami transaction disproportionate asset tax evasion money laundering, profiteering, grain hoarding, food adulteration, human-drug trafficking, black marketing, cheating, fraud, mischief, forgery, dishonest misappropriation of property, criminal breach of trust, dishonestly inducing property, cheating by personation, concealment of property falsification of accounts, economic offences including corporate, capital market and forensic fraud and violation of accounting company taxation and information technology laws. Similarly, no district is free from the clutches of mafias' viz. land mafia, drug-liquor mafia, mining mafia, transfer-posting mafia, betting mafia tender mafia hawala mafia illegal immigration mafia conversion mafia, superstition-black magic mafia and white-collar political mafia, dividing society on the basis of religion race caste sex

- 18.** Rule of law guaranteed under Article 14; right to trade guaranteed under Article 19; and right to clean air, right to drinking water, right to health, right to peaceful sleep, right to shelter, right to livelihood and right to education guaranteed under Article 21-21A; can't be secured without curbing corruption, black money generation and benami transaction but Centre and States are not taking apposite steps to weed-out these menaces. Moreover, India cannot move forward without clean-transparent governance for which corruption free society is a basic requirement and that is impossible without recalling currency above Rs.100/-, restricting cash transactions above Rs.5000/-, linking assets above 50,000/- with AADHAAR and confiscating cent percent black money, disproportionate assets and benami property and giving rigorous life imprisonment to looters.
- 19.** Right to life guaranteed under Article 21 cannot be secured and the goals of Preamble cannot be achieved without weeding out bribery black money generation, benami transaction and disproportionate assets. Thus, it is duty of government to examine good practices of the countries, ranked among top 20 in Corruption Perception Index, and implement them in order to give strong message that State is determined to fight against the menace of corruption & black money

- 20.** Rule of Law is integral part of Article 14 but due to massive corruption, our performance in the 'Rule of Law Index' is very poor. India ranked 66 in 2011, 67 in 2012, 66 in 2013, 68 in 2014, 59 in 2015, 66 in 2016, 66 in 2017, 66 in 2018 and 68 in 2019.
- 21.** Right to trade & business is integral part of Article 19 but we never ranked even among top 50. In 'Ease of Doing Business Index', India ranked 63 in 2019, 77 in 2018, 100 in 2017, 130 in 2016, 130 in 2015, 142 in 2014, 134 in 2013, 132 in 2012, 132 in 2011, 134 in 2010, 133 in 2009, 122 in 2008, 120 in 2007, 134 in 2006 and 116 in 2005. But, Centre and States have not taken apposite steps to weed-out bribery black money generation benami transaction disproportionate assets.
- 22.** Right to dignity is integral part of Article 21 but our ranking in Happiness Index is extremely low. In 'World Happiness Index', India ranked 140 in 2019, 133 in 2018, 122 in 2017, 118 in 2016, 117 in 2015, 120 in 2014, 111 in 2013, 133 in 2012. Similarly, right to peace is integral part of Article 21 but our ranking is pathetic. In 'Global Peace Index", India ranked 141 in 2019, 137 in 2018, 137 in 2017, 141 in 2016, 144 in 2015, 142 in 2014, 141 in 2013, 144 in 2012, 147 in 2011, 144 in 2010, 144 in 2009, 143 in 2008 and 107 in 2007. but Centre and States have not taken steps to weed-out corruption.

23. The benefits of recalling currency above Rs. 100/-, restricting cash transaction above Rs. 5,000, linking assets above Rs. 50,000/- with AADHAAR, confiscating 100% black money, benami property and disproportionate assets and giving life sentence to looters are:
- (i) adequate tax revenue for Center, States and Local Bodies
 - (ii) transparency in the economy
 - (iii) approx. 10% drop in commodity prices
 - (iv) loan at approx. 5% annual rate of interest
 - (v) approx. 10% reduction in construction cost
 - (vi) terrorist and anti-national activities can be controlled
 - (vii) corruption will be weeded out
 - (viii) cent percent subsidy benefits for all needy
 - (ix) good infrastructure
 - (x) significant growth in agriculture industry and employment
 - (xi) social security
 - (xii) focus shift from tax manipulation to innovation
 - (xiii) Indian business will become globally competitive.
24. Root cause of our 50% problems is corruption, which can't be weeded-out without tax reform, police reform, judicial reform, democratic reform, administrative reform and education reform and many eminent commissions and committees including Law Commission, Election Commission and Venkatchaliah Commission have given more than 500 suggestions in this regard but Centre and States are not interested to implement them.

25. If Centre government recalls currency above Rs. 100/-, restricts cash transaction above Rs. 5,000/-, links fixed and movable assets above Rs. 50,000/- with AADHAAR, enact law to confiscate cent percent black money, benami property & disproportionate assets and give rigorous life imprisonment to looters, it will lead to an increment of 2% in annual GDP. It will also clean electoral process, which is dominated by black-money and benami transactions and thrives on cycle of black investments, capture of power through foul means, use of political strength to amass private wealth, all with disdain of the citizen. There may be some inconvenience for a short period and political leaders who have fostered corruption and have huge black money may focus on the distress to common man but honest citizen won't lose his hard earned savings & nothing will get confiscated.

26. The day higher denomination currency above Rs. 100/- will be recalled, cash transaction above Rs. 5,000/- will be prohibited & country will have digital address for monetary transactions; bribing, money laundering etc will be checked to a great extent. Black money coming into banking system had brought along with it massive data, a "treasure trove" that would enable the government to take action against wrongdoers and ill-gotten wealth will be part of economy.

27. Preamble is not a mere flourish of words, but is an ideal setup for practices and observances as matter of law through constitutional mechanism. Purpose is to clarify who has made the Constitution, what is its source, what is ultimate sanction behind it; what is the nature of polity, which is sought to be established and what are its goals and objectives. Preamble acknowledges, recognizes, proclaims that the Constitution emanates from 'People of India' and not from any external or lesser source and meant for 'Welfare of the People'. So, Constitution must be read as a whole and in case of doubt; it is interpreted consistent with the basic structure to promote the great objectives stated in the Preamble. Welfare of the people is ultimate goal of all laws, State actions and above all the Constitution. The one common object is to promote well-being of the society as a whole. It is impossible to achieve the great golden goals of Preamble without curbing corruption, the greatest menace to democracy-development.

28. India's poor ranking in Corruption Perception Index confirms Centre and State's poor performance on many fronts viz. absence of corruption, violation of fundamental rights, lack of transparency, serious threat public order and security, pathetic regulatory enforcement and ineffective civil and criminal justice system.

Parameter	Rank	Root Casue
Freshwater Withdrawal	1	Corruption & Population Explosion
Homeless Population	1	Corruption & Population Explosion
Illegal Gun Ownership	1	Corruption
Illegal Immigration	1	Corruption
Intentional Homicides	2	Corruption & Population Explosion
Traffic-Related Deaths	2	Corruption & Population Explosion
Carbon Dioxide Emissions	3	Corruption & Population Explosion
Global Slavery Index	4	Corruption & Population Explosion
Global Climate Risk Index	14	Corruption & Population Explosion
Suicide Rate	19	Corruption & Population Explosion
Happy Planet Index	30	Corruption & Population Explosion
Employment Rate	42	Corruption & Population Explosion
Quality-of-Life Index	43	Corruption & Population Explosion
Democracy Index	51	Corruption
Financial Development Index	51	Corruption & Population Explosion
Global Innovation Index	52	Corruption
Social Progress Index	53	Corruption & Population Explosion
Ease of Doing Business Index	63	Corruption
Minimum Wages	64	Corruption & Population Explosion
Global Competitiveness Index	68	Corruption
Rule of Law Index	68	Corruption & Population Explosion
Corruption Perceptions Index	80	Corruption
Air Quality Index	84	Corruption & Population Explosion
E-Government	96	Corruption
Human Capital Index	103	Corruption & Population Explosion
Human Capital Index	115	Corruption & Population Explosion
Index of Economic Freedom	128	Corruption
Human Development Index	129	Corruption & Population Explosion
Life Expectancy	130	Corruption & Population Explosion
Youth Development Index	134	Corruption & Population Explosion
Global Peace Index	136	Corruption & Population Explosion
Per Capita GDP	139	Corruption & Population Explosion
Health Expenditure per Capita	141	Corruption & Population Explosion
Press Freedom Index	142	Corruption
World Happiness Index	144	Corruption & Population Explosion
Education Index	145	Corruption & Population Explosion
Literacy Rate	168	Corruption & Population Explosion
Environmental Performance	177	Corruption & Population Explosion

PRAYERS

Keeping in view the above facts, this Hon'ble Court may be pleased to issue writ/order/direction or writ in the nature of mandamus to:

- a)** direct Centre and States to constitute expert committees to examine good practices of the countries, ranked among top 20 in Corruption Perception Index and accordingly take apposite steps to weed-out bribery, black money generation, benami transaction, tax evasion, money laundering profiteering, hoarding, adulteration, human-drug trafficking, black marketing, cheating, mischief, forgery, dishonest misappropriation of property, criminal breach of trust, dishonestly inducing delivery of property, cheating by personation, concealment of property, falsification of accounts and frauds including corporate fraud, capital market fraud, forensic fraud and accounting fraud;
- b)** alternatively, being custodian of the Constitution & protector of fundamental rights, direct the Law Commission to suggest steps to weed-out corruption, black money generation, benami transaction and improve India's ranking in Corruption Perception Index;
- c)** pass such other order(s) as Court deem fit to weed-out corruption and improve India's ranking in Corruption Perception Index.

New Delhi

12.09.2020

Advocate for petitioner

(Ashwani Kumar Dubey)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO OF 2020

IN THE MATTER OF:

Ashwini Kumar Upadhyay

...Petitioner

Verses

Union of India & others

...Respondents

AFFIDAVIT

I, Ashwini Kumar Upadhyay aged 45 years, son of Sh. Suresh Upadhyay, Office: 15, New Lawyers Chambers, Supreme Court, New Delhi-110001, Residence at: G-284, Govindpuram, Ghaziabad-201013, at present at New Delhi, do hereby solemnly affirm and declare as under:

1. I am sole petitioner above named and well acquainted with facts and circumstances of the case and as such competent to swear this affidavit.
2. I have read and understood contents of accompanying synopsis and list of dates pages (B - G) writ petition paras (1 - 28) pages (1 - 20) and total pages (1 - 53) which are true and correct to my knowledge and belief.
3. Annexures filed with petition are true copies of their respective originals.
4. I have not filed any other petition either in this Hon'ble Court or in any other Court seeking same or similar directions as prayed.
5. I have no personal interests, individual gain, private motive or oblique reasons in filing this petition. It is not guided for gain of any other individual person, institution or body. The only motive is public interest.
6. There is no civil, criminal or revenue litigation, involving petitioner, which has or could have legal nexus, with issue involved in this petition.
7. There is no requirement to move concerned authority for relief sought in this petition. There is no other remedy available except approaching this Court.
8. I have gone through the Article 32 and the Supreme Court Rules and do hereby affirm that the present petition is in conformity thereof.
9. I have done whatsoever enquiry, which was in my power, to collect the data or material, which is available and relevant for the Court to entertain the petition.
10. I've not concealed any data/material/information in this petition; which may have enabled this Hon'ble Court to form an opinion, whether to entertain this petition or not and/or whether to grant any relief or not.
11. The averments made in this affidavit are true and correct to my personal knowledge and belief. No part of this Affidavit is false or fabricated, nor has anything material been concealed there from.

(Ashwini Kumar Upadhyay)

DEPONENT

VERIFICATION

I, the Deponent do hereby verify that the contents of above affidavit are true and correct to my personal knowledge and belief. No part of this affidavit is false nor has anything material been concealed there from. I hereby solemnly affirm and declare it today i.e. the 12th day of September 2020 at New Delhi.

(Ashwini Kumar Upadhyay)

DEPONENT

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO OF 2020

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

ASHWINI KUMAR UPADHYAY

...PETITIONER

VERSES

UNION OF INDIA & OTHERS

...RESPONDENTS

PAPER BOOK

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(ADVOCATE FOR PETITIONER: ASHWANI KUMAR DUBEY)

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PERFORMA FOR FIRST LISTING

Section: PIL

The case pertains to (Please tick / check the correct box):

- Central Act: Constitution of India
 - Section: Articles 14, 19, 21, of the Constitution
 - Central Rule: N/A
 - Rule No: N/A
 - State Act: N/A
 - Section: N/A
 - State Rule: N/A
 - Rule No: N/A
 - Impugned Interim Order: N/A
 - Impugned Final Order / Decree: N/A
 - High Court: N/A
 - Name of Judges: N/A
 - Tribunal / Authority Name : N/A
-

1. Nature of Matter: Civil
2. (a) Petitioner / Appellant : Ashwini Kumar Upadhyay
 (b) Email ID: aku.adv@gmail.com,
 (c) Phone No: 08800278866,
3. (a) Respondent: Union of India and others
 (b) Email ID: N/A
 (c) Phone No: N/A
4. (a) Main Category: 08 PIL Matters
 (b) Sub Category: 0812, others
5. Not to be listed before: N/A

- 6(a). Similar disposed of matter: No similar matter
- 6(b). Similar pending matter: WP(C) 176/2009
7. Criminal Matters: N/A
- (a) Whether accused / convicted has surrendered: N/A
 - (b) FIR / Complaint No: N/A
 - (c) Police Station: N/A
 - (d) Sentence Awarded: N/A
 - (e) Period of Sentence Undergone including period of detention / custody under gone: N/A
8. Land Acquisition Matters:
- (a) Date of Section 4 Notification: N/A
 - (b) Date of Section 6 Notification: N/A
 - (c) Date of Section 17 Notification
9. Tax Matters: State the Tax Effect: N/A
10. Special Category: N/A
11. Vehicle No in case of motor accident claim matters: N/A

Date: 12.09.2019

ADVOCATE FOR PETITIONER

(ASHWANI KUMAR DUBEY)

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SYNOPSIS & LIST OF DATE

Corruption, black money generation and benami transaction have devastating effects on equality, justice, liberty, fraternity, dignity of individual, unity and national integration and fundamental rights guaranteed under Articles 14, 19 and 21. Even after 73 years of the independence & 70 years after becoming sovereign socialist secular democratic republic, none of the districts are free from bribery, black money benami transaction disproportionate asset tax evasion money laundering, profiteering, grain hoarding, food adulteration, human-drug trafficking, black marketing, cheating, fraud, mischief, forgery, dishonest misappropriation of property, criminal breach of trust, dishonestly inducing property, cheating by personation, concealment of property falsification of accounts, economic offences including corporate, capital market and forensic fraud and violation of accounting company taxation and information technology laws. Similarly, no district is free from the clutches of mafias' viz. land mafia, drug-liquor mafia, mining mafia, transfer-posting mafia, betting mafia tender mafia hawala mafia illegal immigration mafia conversion mafia, superstition-black magic mafia and white-collar political mafia, dividing society on the basis of religion race caste sex

Rule of law guaranteed under Article 14; right to trade guaranteed under Article 19; and right to clean air, right to drinking water, right to health, right to peaceful sleep, right to shelter, right to livelihood and right to education guaranteed under Article 21-21A; can't be secured without curbing corruption, black money generation and benami transaction but Centre and States are not taking apposite steps to weed-out these menaces. Moreover, India cannot move forward without clean-transparent governance for which corruption free society is a basic requirement and that is impossible without recalling currency above Rs.100/-, restricting cash transactions above Rs.5000/-, linking assets above 50,000/- with AADHAAR and confiscating cent percent black money, disproportionate assets and benami property and giving rigorous life imprisonment to looters. Right to life guaranteed under Article 21 cannot be secured and the goals of Preamble cannot be achieved without weeding out bribery black money generation, benami transaction and disproportionate assets. Thus, it is duty of government to examine good practices of the countries, ranked among top 20 in Corruption Perception Index, and implement them in order to give strong message that State is determined to fight against the menace of corruption & black money

Rule of Law is integral part of Article 14 but due to massive corruption, our performance in the 'Rule of Law Index' is very poor. India ranked 66 in 2011, 67 in 2012, 66 in 2013, 68 in 2014, 59 in 2015, 66 in 2016, 66 in 2017, 66 in 2018 and 68 in 2019.

Right to trade & business is integral part of Article 19 but we never ranked even among top 50. In 'Ease of Doing Business Index', India ranked 63 in 2019, 77 in 2018, 100 in 2017, 130 in 2016, 130 in 2015, 142 in 2014, 134 in 2013, 132 in 2012, 132 in 2011, 134 in 2010, 133 in 2009, 122 in 2008, 120 in 2007, 134 in 2006 and 116 in 2005. But, Centre and States have not taken apposite steps to weed-out bribery black money generation benami transaction disproportionate assets.

Right to dignity is integral part of Article 21 but our ranking in Happiness Index is extremely low. In 'World Happiness Index', India ranked 140 in 2019, 133 in 2018, 122 in 2017, 118 in 2016, 117 in 2015, 120 in 2014, 111 in 2013, 133 in 2012. Similarly, right to peace is integral part of Article 21 but our ranking is pathetic. In 'Global Peace Index', India ranked 141 in 2019, 137 in 2018, 137 in 2017, 141 in 2016, 144 in 2015, 142 in 2014, 141 in 2013, 144 in 2012, 147 in 2011, 144 in 2010, 144 in 2009, 143 in 2008 and 107 in 2007. but Centre and States have not taken steps to weed-out corruption.

The benefits of recalling currency above Rs. 100/-, restricting cash transaction above Rs. 5,000, linking assets above Rs. 50,000/- with AADHAAR, confiscating 100% black money, benami property and disproportionate assets and giving life sentence to looters are:

(i) adequate tax revenue for Center, States and Local Bodies **(ii)** transparency in the economy **(iii)** approx. 10% drop in commodity prices **(iv)** loan at approx. 5% annual rate of interest **(v)** approx. 10% reduction in construction cost **(vi)** terrorist and anti-national activities can be controlled **(vii)** corruption will be weeded out **(viii)** cent percent subsidy benefits for all needy **(ix)** good infrastructure **(x)** significant growth in agriculture industry and employment **(xi)** social security **(xii)** focus shift from tax manipulation to innovation **(xiii)** Indian business will become globally competitive.

Root cause of our 50% problems is corruption, which can't be weeded-out without tax reform, police reform, judicial reform, democratic reform, administrative reform and education reform and many eminent commissions and committees including Law Commission, Election Commission and Venkatchaliah Commission have given more than 500 suggestions in this regard but Centre and States are not interested to implement them.

If Centre government recalls currency above Rs. 100/-, restricts cash transaction above Rs. 5,000/-, links fixed and movable assets above Rs. 50,000/- with AADHAAR, enact law to confiscate cent percent black money, benami property & disproportionate assets and give rigorous life imprisonment to looters, it will lead to an increment of 2% in annual GDP. It will also clean electoral process, which is dominated by black-money and benami transactions and thrives on cycle of black investments, capture of power through foul means, use of political strength to amass private wealth, all with disdain of the citizen. There may be some inconvenience for a short period and political leaders who have fostered corruption and have huge black money may focus on the distress to common man but honest citizen won't lose his hard earned savings & nothing will get confiscated.

The day higher denomination currency above Rs. 100/- will be recalled, cash transaction above Rs. 5,000/- will be prohibited & country will have digital address for monetary transactions; bribing, money laundering etc will be checked to a great extent. Black money coming into banking system had brought along with it massive data, a "treasure trove" that would enable the government to take action against wrongdoers and ill-gotten wealth will be part of economy.

Preamble is not a mere flourish of words, but is an ideal setup for practices and observances as matter of law through constitutional mechanism. Purpose is to clarify who has made the Constitution, what is its source, what is ultimate sanction behind it; what is the nature of polity, which is sought to be established and what are its goals and objectives. Preamble acknowledges, recognizes, proclaims that the Constitution emanates from 'People of India' and not from any external or lesser source and meant for 'Welfare of the People'. So, Constitution must be read as a whole and in case of doubt; it is interpreted consistent with the basic structure to promote the great objectives stated in the Preamble. Welfare of the people is ultimate goal of all laws, State actions and above all the Constitution. The one common object is to promote well-being of the society as a whole. It is impossible to achieve the great golden goals of Preamble without curbing corruption, the greatest menace to democracy-development.

12.09.2020: India's poor ranking in Corruption Perception Index confirms pathetic performance on many fronts viz. absence of corruption, violation of fundamental rights, lack of transparency, threat to public order-security, and bad regulatory enforcement but Centre and States have not taken appropriate steps. Hence, this PIL.