

MISUSE OF POWERS BY THE STATE – THE STATE GUEST RULES 1990

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Promises made by the political parties during elections turn out to be false after they get elected to the legislature. And in the end the struggle turns out to be an attempt to have a control over the resources – be it financial resource in the form of money of tax payers, natural resources in the form of mines, forests, water coupled with discretion to allocate these to the favourite ones on the basis of uncanalised power, or control over the human resources.

The Governments hold all resources of the State in the form of a Trust. In other words, it is the trustee of these resources, which are ultimately vested in the people of the State.

However, it often happens that the trust of people reposed in the Government is breached and the resources of the state are used by the Governments for advancing their own interests.

The PeRGo (People for Responsible Governance) has compiled data with respect to the misuse of powers vested in the Government for designating a person as the State Guest and spending huge amounts of money on them from the state exchequer contrary to the rules framed on the subject.

The information, on the basis of which this write-up is prepared, has been sought under Right to Information (RTI) Act for a period between 01.01.2014 to 31.12.2016 and is available with PeRGo.

HP STATE GUEST RULES 1990

The State of Himachal Pradesh has famed HP State Guest Rules 1990, which deal with situations under which a person can be designated as the State Guest and is conferred with hospitality of the state. The hospitality includes complementary stay, food, transport, security cover and facilities of official courtesy. So the State ends up spending huge amount of public towards the expenses incurred on these State Guests. For example, providing appropriate security to the State Guest shall involve the provision of armed police personnel round the clock along with vehicles and other infrastructure.

The rules provide for four categories of State Guests.

The **Category-I** consists of high dignitaries including the President of India, Vice President, Prime Minister, Deputy Prime Minister, Chief Justice of India and Judges of Supreme Court, Chief Ministers, Union Ministers, Governor of States, etc. Except for first four categories, the rest are entitled to the hospitality only for 3 days and up to four family members.

The **Category-II** consists of Chairmen of various Commissions and Boards, Chief Justice of High Courts, Chief Secretaries of State, etc.. However, importantly they shall be treated as the State Guests only if they are on official duty connected with the affairs of State of Himachal Pradesh.

The **Category-III** consists of those Very Important Persons (VIPs), who are on official visit/ tour connected with affairs of the state, and can be declared as the State Guests for a period of 3 days.

The **Category-IV** consists of dignitaries/ delegations that visit state in connection with affairs of any Department/ Board/ Corporation of the State.

DATA

The following data, which is compiled by PeRGo under RTI Act shows that how the power to designate persons as the State Guest is misused at the cost of state exchequer and to please the important and powerful persons. The following persons were designated as State Guests from time to time and importantly, they do not fall in any category. It means that they were granted all the hospitalities of State without having any entitlement under the Rules.

SPECIFIC INSTANCES (Not exhaustive)

1. Raja Rampal, who happens to be former Member of Parliament (MP) and Secretary, All India Congress Committee, was designated as the State Guest on twelve occasions. The purpose of his meeting was to address the Congress meeting at Rajiv Bhawan, Shimla and meeting with the Chief Minister.
2. Raj Babbar, Actor and MP (Rajya Sabha) was also declared as the State Guest to participate in Kisan Satyagrah at Nahan organized by the State Youth Congress on 06.06.2015 and later visit to other parts of the state of Himachal Pradesh.
3. Shri K. Raju, Chairman, All India Congress Committee, Scheduled Caste Department was declared as the Chief Guest for presiding over the Scheduled Caste Convention at Congress Bhawan, Shimla from 13.03.2015 to 15.03.2015.

4. Preity Zinta, Bollywood Actress was declared as the State Guest from 24.10.2015 to 26.10.2015 during her visit to Kangra, H.P.
5. Brahm Rishi Shri Kumar Swamy was declared as the State Guest with effect from 01.05.2016 to 05.05.2016 to preside over a religious function held at Mandi, H.P. Similarly, in other occasions during 2014 & 2015 as well, he was declared as the State Guest.
6. G. Sanjeeva Reddy, M.P. and President, INTUC (Trade Union Wing of the Congress Party) was declared as the State Guest from 26.03.2015 to 27.03.2015 to participate in the Working Committee meeting of INTUC.
7. Girija Vyas, Former Union Minister, was declared as the State Guest with effect from 19.05.2015 to 23.05.2015 to participate in a meeting of Intellectual Wing of H.P. Congress Committee and to promote circulation of Congress Sandesh.
8. Shobha Ojha, President, All India Mahila Congress was declared as the State Guest from 20.05.2015 to 22.05.2015 to attend Mahila Convention at Rajiv Gandhi Congress Bhawan, Shimla organized by the H.P. Congress Committee.
9. Family members of Shri Kapil Sibbal, Advocate and Former Union Minister and Lawyer for former Chief Minister, Shri Virbhadrha Singh were declared as the State Guests during their visit to Chandigarh and Kasauli with effect from 17.07.2015 to 18.07.2015.
- 10.K. Raju, Chairman, All India Congress Committee was declared as the State Guest from 29.10.2015.

11. Shri Uday Kumar, Ex-Editor, Amar Ujala was declared as the State Guest from 05.07.2015 to 06.07.2015.
12. Shri Sudhanshu Srivastava, Editor Hindustan Times (Hindi) was declared as the State Guest from 17.02.2016 to 19.02.2016.
13. Shri Mahender Joshi, Chief Organizer, All India Congress Seva Dal, was declared as the State Guest from 21.02.2016 to 23.02.2016.
14. Nirankari Baba Hardev Singh was declared as the State Guest from 15.09.2015 to 25.09.2015. He was entitled to Z+ category security in addition to other courtesies.

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MISUSE OF POWERS AND EXPENDITURE FROM PUBLIC EXCHEQUER

The above instances are just representative samples. There are many such other instances, which cannot be reproduced here for the sake of brevity. This category of people, who were declared as the State Guests, do not fall in any category. They never visited the State on some official duty connected with the affairs of the state. Apparently, the State lacked power to designate these persons as State Guests. Or in other words, the powers, so vested, were abused. The question would arise, what will be the accountability of those abusing the powers vested in them? We will get back to the question of accountability in next series of this write up. Till then, let us just ponder over the question, as to how such malpractices can be stopped.