

## Apex court refuses to frame guidelines on CAG's appointment

The Supreme Court Monday refused to entertain a lawsuit seeking its guidelines for appointment of the Comptroller and Auditor General (CAG) of India.

A bench of Chief Justice K.G. Balakrishnan refused to frame guidelines or issue directions to the government, saying: 'We cannot frame guidelines for the appointment. You have to find it in the constitution.'

'Guidelines have to come through some legislation in accordance with the constitution,' observed the bench, which also included Justice P. Sathasivam.

The lawsuit was filed by non-government organisation Public Cause Research Foundation.

The petitioner demanded the guidelines contending that the CAG's post was equivalent to that of an apex court judge and there should be proper procedures and guidelines for the appointment.

Appearing for the petitioner, counsel Kamini Jaiswal contended that the government often appoints its favourite bureaucrat as CAG for six years when they are on the verge of retirement.

She contended that in the absence of any guideline or procedure, the retiring bureaucrats even without any experience of accounting get the coveted post.

Jaiswal pointed out that the bureaucrats who get appointed generally happen to be secretaries retiring from various sensitive ministries, like defence or petroleum, while as CAG they may be called upon to probe the legality of their own decisions taken a few years ago in a particular ministry.

This often leads to a clash of interests, she said.

But the bench did not appear impressed with her arguments. 'They are senior IAS (Indian Administrative Service) and IRS (Indian Revenue Service) officers.'

Jaiswal said the government appointed the present CAG Vinod Rai when her petition seeking guidelines for the appointment was pending before the court.

At this, the bench cautioned her saying: 'You are confining your argument to a particular person.'

As the court refused to pass any order on the petition, Jaiswal withdrew her petition.

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