

**IN THE HIGH COURT OF DELHI AT NEW DELHI
WRIT PETITION (CIVIL) NO. _____ OF 2022**

IN THE MATTER OF:

ASHWINI KUMAR UPADHYAY

...PETITIONER

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

SYNOPSIS & LIST OF DATES

Petitioner is filing PIL seeking writorder or direction to governmentto ascertain the feasibility of confiscating 100% black money, benami property, disproportionate assets and awarding life imprisonment in offences relating to disproportionate assets, money laundering,tax evasion,bribery, black money, benami property,profiteering, hoarding, adulteration, black marketing, human-drug trafficking and dishonest misappropriation of property by cheatingfraud forgery.

Alternatively, being custodian of Constitution and protector of fundamental rights, the Court may constitute an expert committee or direct the Law Commission of India to examine the most stringent anti-corruption laws of the developed countries, particularly the laws relating to bribery, black money, benami property, disproportionate assets, tax evasion, money laundering,profiteering, hoarding, adulteration, human and drug trafficking, black marketing, dishonest misappropriation of property

by cheating fraud forgery, and prepare a comprehensive report within three months.

Total budget of Centre, States & Local bodies is 70 lacs crore but due to massive corruption in every public department, around 20% of the budget i.e., Rs. 14 lacs crore becomes black money. Government can save this huge money by recalling currency above Rs. 100, restricting cash transaction above Rs. 5000, linking assets above Rs. 50,000 with AADHAAR, confiscating 100% disproportionate assets, black money, benami property and awarding life imprisonment to looters. Due to Government's inaction, even after 75 years of independence and 72 years after becoming socialist secular democratic republic, none of districts are free from bribery, black money, benami property, disproportionate assets, tax evasion, money laundering, profiteering, hoarding, adulteration, human and drug trafficking, black marketing, corporate fraud, capital market fraud, forensic fraud and dishonest misappropriation of property by cheating, fraud and forgery. Due to weak anti-corruption laws, not even a single district is free from land mafias, drug-liquor mafias, mining mafias, hospital mafias, transfer-posting mafias, betting mafias, tender mafias, hawala mafias, school-coaching mafias,

infiltration mafias, conversion mafias, superstition-black magic mafias and white-collar political mafias, who divide our society on the basis of religion, race, caste, sex and place of birth.

Corruption undermines democracy and 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. It hurts EWS-BPL families excessively by diverting the funds intended for their development, undermines government's ability to provide basic services, seeds inequality and injustice and discourages foreign aids and investment. Corruption is key factor in economic underperformance and main obstacle in poverty alleviation. Right to life-liberty guaranteed under Article 21 cannot be secured and the golden goals of Preamble cannot be achieved without curbing corruption. So, Centre and State must implement the stringent anti-corruption laws in order to give strong message that it is determined to weed-out corruption, black money generation, benami transaction and money laundering. Centre must take steps

to reaffirm the rule of law, improve transparency and to warn looters that betrayal of public trust will no longer be tolerated.

The injury to BPL families is large because corruption distorts and disrupts public distribution system. It is inimical to fostering of excellence and has adverse impact on BPL group. Due to corruption, even after 75 years of independence, 50% population is in distress, leading hand-to-mouth existence and not knowing where next meal is coming from with abominable health standards and education levels. Much of this malaise is traceable to extensive black money and benami transaction. There is no country in top 50 of Human Development Index, which has significant amount of corruption. There is correlation between welfare State with attention to education, public health and absence of corruption. So, Centre & State must take steps to confiscate 100% black money benami properties and disproportionate assets and award life imprisonment to looters.

Injury caused to people is large because corruption is insidious plague, having wide range of corrosive effects on society. Due to very weak anti-corruption laws, India ranked 85 in Corruption Perception Index 2021. It confirms India's poor performance on many fronts viz. absence of corruption,

fundamental rights, open government, public order and security, regulatory enforcement and civil and criminal justice system. Corruption has devastating effects on right to life liberty dignity and equality, badly affects social economic justice, fraternity, dignity of individual, unity and national integration and offends other fundamental rights guaranteed under Articles 14-21.

The cause of action accrued on 24.1.2022 when Transparency International put India at 85 in Corruption Perception Index. India ranked 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, 78 in 2018, 80 in 2019, 86 in 2020. Due to weak and ineffective anti-corruption laws, India has never been ranked even among top 50 in Corruption Perception Index but government has not strengthened them to weed-out the corruption, which brazenly offends rule of law as well as right to life liberty dignity and equality guaranteed under Articles 14 and 21.

Due to outdated rubbish laws, none of the welfare schemes and government departments are corruption free and this is the reason, India ranked 1st in fresh water withdrawal, illegal gun

ownership, homeless population and illegal immigration, 2nd in intentional homicides and traffic related deaths, 3rd in CO2 emission and 4th in slavery index. Due to massive corruption, India ranked 43 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, 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 and 177 in Environment Performance Index but Centre and State have not amended the anti-corruption laws and policies.

World Happiness Index: Right to live happily with dignity, is guaranteed under Article 21 but due to huge corruption, our ranking in Happiness Index is very low. In World Happiness Index, India ranked 139 in 2021, 136 in 2020, 140 in 2019, 133 in 2018, 122 in 2017, 118 in 2016, 117 in 2015, 120 in 2014, 111 in 2013 and 133 in 2012.

Global Peace Index: Right to live peacefully is integral part of Article 21 but due to gigantic corruption, our ranking is extremely low and Centre and State are doing nothing. In Global Peace Index,

India ranked 135 in 2021, 139 in 2020, 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.

Rule of Law Index: Rule of Law is integral part of Article 14 but due to wild corruption, our ranking in “Rule of Law Index” is extremely low and government did nothing. India ranked 66th in 2011, 67th in 2012, 66th in 2013, 68th in 2014, 59th in 2015, 66th in 2016, 66th in 2017, 66th in 2018, 68th in 2019, 69th in 2020 and 79th in 2021.

Right to trade is guaranteed under Article 19 but due to huge corruption, our international ranking is very low. In **Ease of Doing Business Index**, India ranked 63 in 2020, 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. We never ranked even among top 50 in the Ease of Doing Business Index but Centre-States are not implementing best anti-corruption laws and policies of developed countries.

13.11.2020: Petitioner filed a similar PIL [WP(C)1301/2020] in Apex Court seeking similar relief as prayed in this petition.

11.12.2020: Petitioner withdrew the PIL [WP(C)1301/2020] with liberty to approach Law Commission (Annexure-1)

21.06.2022: Rule of law guaranteed under Article 14, right to trade guaranteed under Article 19 and right to clean air and water, right to health, right to peaceful sleep, right to shelter, right to livelihood guaranteed under Article 21 and right to equal quality education guaranteed under Articles 21A; can't be secured without weeding-out corruption and black money generation but Centre and State are not taking appropriate steps. Hence, this PIL.

**IN THE HIGH COURT OF DELHI AT NEW DELHI
WRIT PETITION (CIVIL) No. _____ of 2022
[PIL UNDER ARTICLE 226 OF THE CONSTITUTION]**

IN THE MATTER OF:

ASHWINI KUMAR UPADHYAY ...PETITIONER

VERSUS

UNION OF INDIA & OTHERS ...RESPONDENTS

**PIL UNDER ARTICLE 226 FOR CONFISCATING 100% BLACK
MONEY, BENAMI PROPERTY, DISPROPORTIONATE ASSETS**

To,

THE HON'BLE CHIEF JUSTICE

AND LORDSHIP'S COMPANION JUSTICES

OF THE HON'BLE HIGH COURT OF DELHI

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 226 of the Constitution of India seeking appropriate writ order or direction to the Centre and Delhi Government to ascertain the feasibility of confiscating 100% black money, benami property, disproportionate assets and awarding life imprisonment in offences relating to disproportionate assets, money laundering, tax evasion, bribery, black money, benami property, profiteering, hoarding, adulteration,

- black marketing, human-drug trafficking and dishonest misappropriation of property by cheating fraud forgery.
2. Alternatively, being custodian of Constitution and protector of fundamental rights, the Court may constitute an expert committee or direct the Law Commission of India to examine the most stringent anti-corruption laws of the developed countries, particularly the laws relating to bribery, black money, benami property, disproportionate assets, tax evasion, money laundering, profiteering, hoarding, adulteration, human and drug trafficking, black marketing, dishonest misappropriation of property by cheating fraud forgery, and prepare a comprehensive report within three months.
 3. Total budget of Centre, States & Local bodies is 70 lacs crore but due to massive corruption in every public department, around 20% of the budget i.e., Rs. 14 lacs crore becomes black money. Government can save this huge money by recalling currency above Rs. 100, restricting cash transaction above Rs. 5000, linking assets above Rs. 50,000 with AADHAAR, confiscating 100% disproportionate assets, black money, benami property and awarding life imprisonment to

- looters. Petitioner submits that black money is used in anti-national activities.
4. Due to Government inaction, even after 75 years of independence and 72 years after becoming socialist secular democratic republic, none of Districts are free from bribery, black money, benami property, disproportionate assets, tax evasion, money laundering, profiteering, hoarding, adulteration, human and drug trafficking, black marketing, corporate fraud, capital market fraud, forensic fraud and dishonest misappropriation of property by cheating, fraud & forgery. Due to weak anti-corruption laws, even our one district is not free from land mafias, drug-liquor mafias, mining mafias, hospital mafias, transfer-posting mafias, betting mafias, tender mafias, hawala mafias, school-coaching mafias, infiltration mafias, conversion mafias, superstition-black magic mafias and white-collar political mafias, who divides our society on the basis of religion, race, caste, sex and place of birth.
 5. Injury caused to people is very large because corruption is insidious plague, having wide range of corrosive effects on society. Due to very weak anti-corruption laws, India ranked 85 in Corruption Perception Index 2021. It confirms India's poor performance on many fronts

viz. absence of corruption, fundamental rights, open government, public order and security, regulatory enforcement and civil and criminal justice system. Corruption has devastating effects on right to life liberty dignity and equality, badly affects social economic justice, fraternity, dignity of individual, unity and national integration and offends other fundamental rights guaranteed under Articles 14-21.

6. Corruption undermines democracy and 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. It hurts EWS-BPL families excessively by diverting the funds intended for their development, undermines government's ability to provide basic services, seeds inequality and injustice and discourages foreign aids and investment. Corruption is key factor in economic underperformance and main obstacle in poverty alleviation. Right to life-liberty guaranteed under Article 21 cannot be secured and the golden goals of Preamble cannot be achieved without curbing corruption. So, Centre and State must implement the stringent anti-

corruption laws in order to give strong message that it is determined to weed-out corruption, black money generation, benami transaction and money laundering. Centre must take steps to reaffirm the rule of law, improve transparency and to warn looters that betrayal of public trust will no longer be tolerated.

7. The injury to BPL families is large because corruption distorts and disrupts public distribution system. It is inimical to fostering of excellence and has adverse impact on BPL group. Due to corruption, even after 75 years of independence, 50% population is in distress, leading hand-to-mouth existence and not knowing where next meal is coming from with abominable health standards and education levels. Much of this malaise is traceable to extensive black money and benami transaction. There is no country in top 50 of Human Development Index, which has significant amount of corruption. There is correlation between welfare State with attention to education public health and absence of corruption. So, Centre & State must take steps to confiscate 100% black money benami properties and disproportionate assets and award life imprisonment to looters.

8. The cause of action accrued on 24.1.2022 when Transparency International put India at 85 in Corruption Perception Index. India ranked 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, 78 in 2018, 80 in 2019, 86 in 2020. Due to weak and ineffective anti-corruption laws, India has never been ranked even among top 50 in Corruption Perception Index but government did nothing to weed-out corruption, which offends rule of law as well as right to life liberty dignity and equality.
9. Due to outdated rubbish laws, none of the welfare schemes and government departments are corruption free and this is the reason, India ranked 1st in fresh water withdrawal, illegal gun ownership, homeless population and illegal immigration, 2nd in intentional homicides and traffic related deaths, 3rd in CO2 emission and 4th in slavery index. Due to massive corruption, India ranked 43 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, 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 and 177 in Environment Performance Index but Centre and State have not amended the anti-corruption laws and policies.

10. World Happiness Index: Right to live happily with dignity, is guaranteed under Article 21 but due to huge corruption, our ranking in Happiness Index is very low. In World Happiness Index, India ranked 139 in 2021, 136 in 2020, 140 in 2019, 133 in 2018, 122 in 2017, 118 in 2016, 117 in 2015, 120 in 2014, 111 in 2013 and 133 in 2012. **Global Peace Index:** Right to live peacefully is integral part of Article 21 but due to gigantic corruption, our ranking is extremely low and Centre and State are doing nothing. In Global Peace Index, India ranked 135 in 2021, 139 in 2020, 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.

11. Rule of Law Index: Rule of Law is integral part of Article 14 but due to wild corruption, our ranking in “Rule of Law Index” is extremely low and government is doing nothing. India ranked 66th in 2011, 67th

in 2012, 66th in 2013, 68th in 2014, 59th in 2015, 66th in 2016, 66th in 2017, 66th in 2018, 68th in 2019, 69th in 2020 and 79th in 2121.

12. Right to trade is guaranteed under Article 19 but due to huge corruption, our international ranking is very low. In **Ease of Doing Business Index**, India ranked 63 in 2020, 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. We never ranked even among top 50 in the Ease of Doing Business Index but Centre-States are not implementing best anti-corruption laws and policies of developed countries.

13. Petitioner filed a similar PIL [WP(C)1301/2020] in Apex Court seeking similar relief as prayed in this petition but withdrew it with liberty to approach Law Commission. Order is **Annexure-1. (Page 41)**

14. On 29.9.2014, Spaniard Lopez Tardon was sent to prison for 150 years in money-laundering case. He was guilty of a conspiracy charge that carried up to 20 years in prison and guilty of 13 money-laundering charges that carried up to 10 years each. In US judge had authority to craft prison term that effectively added up to life term.

Major John Cockerham, while working as Army contracting officer, awarded contracts for services to be delivered carrying more than \$9 million in bribe process. He directed contractors to pay Carolyn Blake, his sister of Sunnyvale, Texas and wife Melissa and others in order to conceal receipt of bribe payments. Wife Melissa Cockerham admitted to have stored the cash in safe deposit boxes at banks in Kuwait-Dubai. Carolyn Blake admitted to accepting over \$3 million bribe proceeds on behalf of her brother. Blake expected 10% of the amount she collected. Having pleaded guilty in March, 2009 before US Magistrate Judge in the Western District of Texas, San Antonio Division, the sister Carolyn Blake faces 20 years in prison and fine upto \$500000 or two times the value of laundered funds, whichever is greater. Cockerhams were also convicted on their pleas and faced imprisonment and fine of the similar quantum. **A List of Prisoners, sentenced to more than 100 years is Annexure P-2.(pages 42-51)**

15. Rule of law guaranteed under Article 14, right to trade guaranteed under Article 19 and right to clean air and water, right to health, right to peaceful sleep, right to shelter, right to livelihood guaranteed under Article 21 and right to equal quality education guaranteed under Articles 21A; can't be secured without weeding-out corruption

and black money generation but government not taking apposite steps.

16. Cash transaction in high value currency is used for 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. Hence, these problems can be curbed by recalling currency above 100, restricting cash transaction above 5000, linking assets above 50,000 with AADHAAR, confiscating 100% black money, benami property and disproportionate assets and awarding life imprisonment. These 5 steps will weed-out corruption & black money. Another benefit is that the looters would be forced to declare their unaudited fixed-movable assets and deposit their cash in banks; thus, not only Centre but also States and Local Bodies will get sufficient revenue, which can be used to develop good quality infrastructure and best facilities throughout the country and for welfare of the citizens.

17. If Centre recalls currency above Rs. 100/-, restricts cash transaction above Rs. 5,000/-, links assets above Rs. 50,000/- with AADHAAR, confiscate 100% disproportionate assets, award life imprisonment to

looters, it will lead to an increment of 2% GDP. It will also clean election, which is dominated by black-money benami transactions and thrives on cycle of black investments, capture of power through foul means, use of political strength to amass wealth, with disdain of the citizen. There may be some inconvenience for a short period and politicians who have black money benami property disproportionate assets may focus on the distress to common man, but not even one honest citizen will lose his savings and nothing will get confiscated.

18. India's anti-corruption laws are very weak and ineffective and failed to control corruption. The Benami Transactions Act, passed in 1988 was gathering dust without action. Though present government added some teeth to it but activities to catch benami properties are still going very slow. For example, amended Act came into existence from 1.11.2016 but action taken is restricted to few immovable properties and bank deposits after demonetization. Finding real beneficiary of benami properties is herculean task and that is the main reason for its slow implementation. To speed up this information gathering, Centre came out with cash reward up to Rs 1 crore for '*secret informers*' but, success is less because people are scared that the rogue employee of the investigation agencies will leak

information about the informer. Similar scheme by Income Tax and Customs Department has also failed in fetching big information.

19. Benefits of recalling currency above 100, restricting cash transaction above 5,000, linking assets above 50,000 with AADHAAR and confiscating cent percent benami properties-disproportionate assets and awarding life imprisonment are: **(i)** clean-transparent economy **(ii)** 20% more revenue for Centre States Local Bodies **(iii)** 20% drop in commodity prices **(iv)** bank loan at 5% annual interest rate **(v)** 10% reduction in construction and infrastructure cost **(vi)** 50% reduction in terrorism separatism and fundamentalism **(vii)** 50% reduction in casteism communalism linguism regionalism **(viii)** 20% more subsidy to EWS-BPL families **(ix)** world class infrastructure across the country **(x)** 20% growth in industry agriculture and service sector **(xi)** significant growth in employment **(xii)** more social security benefits for citizens **(xiii)** focus shift from tax manipulation to innovation **(xiv)** Business will become globally competitive **(xv)** better rule of law **(xvi)** security of right to life liberty and dignity.

20. Every family has debit card and AADHAAR therefore restricting cash transaction above Rs. 5,000/-

and linking property with AADHAAR is feasible. The advantage is that the tax authorities will get details about black money benami transaction immediately. Looters used to register their properties in other's name and keep original property documents with themselves. Such property deals in fictitious names would be identified very easily. The moment benami transaction is detected, tax authorities can approach the owner and if owner is unaware or deny knowledge of the ownership, property can be treated as benami property. Even if owner takes onus and claims that it is his property, he needs to show the source of income for buying it. Opponents may come out against this move. Will this amount to harassing the genuine tax payers as the opponents will put it? No, because there are several provisions in Benami Act to protect them. Usual transactions like buying property in the name of spouse, kids, parents, joint names with siblings is exempted in the Benami Act. However, they need to show the source of money used for such purchase. This may cause some discomfort to genuine tax payers but majority would support above steps because it will result in unearthing the massive black money and benami properties.

21.Root cause of 50% problems is corruption and it can't be controlled without tax reform police reform judicial reform democratic reform administrative reform and legal reform. Many eminent commissions including the Law Commission Election Commission Venkatchaliya Commission and Administrative Commission have given more than 500 suggestions to weedout corruption and secure the democracy but Centre did nothing to implement them. Petitioner submits that Black money coming into banking system will brought along with massive data, a treasure-trove that would enable the Centre to take action against looters and Ill-gotten wealth will be part of economy.

22.In monthly addresses to the nation, the Prime Minister has reiterated his plan to weedout black money benami properties. This is because a major part of black money is held in form of benami properties. Demonetization, announced on 8.11.2016, was the first step towards the fight against black money. Noting that digital transactions help in bringing *irreversible change* in people's interest, the Prime Minister reiterated that it will work as a big weapon to weed-out corruption. Cashless transaction played key role in ensuring that scholarship pension and subsidies reaches real poor. At inaugural session of *Hindustan Times Leadership Summit* 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.*"

- 23.** In Nirbhaya Case [Criminal Appeal 607-608 of 2017], three Judges Bench of this Hon'ble Court has very categorically observed: "**144.** *Society's reasonable expectation is that deterrent punishment commensurate with the gravity of the offence be awarded. When the crime is brutal, shocking the collective conscience of the community, sympathy in any form would be misplaced and it would shake the confidence of public in the administration of criminal justice system. As held in Om Prakash v. State of Haryana [(1999) 3 SCC 19], the Court must respond to the cry of society and to settle what would be a deterrent punishment for what was apparently abominable crime.*
- 145.** *Bearing in mind the above principles governing the sentencing policy, I have considered aggravating and mitigating circumstances in the present case. Imposition of appropriate punishment is the manner in which the courts respond to the society's cry for justice against the crime. Justice demands that the courts should impose*

punishments befitting the crime so that it reflects public abhorrence of the crime. Crimes like the one before us cannot be looked with magnanimity. Factors like young age of the accused and poor background cannot be said to be mitigating circumstances. Likewise, post-crime remorse and post-crime good conduct of the accused, the statement of the accused as to their background and family circumstances, age, absence of criminal antecedents and their good conduct in prison, in my view, cannot be taken as mitigating circumstances to take the case out of the category of “rarest of rare cases”. The circumstances stated by the accused in their affidavits are too slender to be treated as mitigating circumstances.”

24. In *State of Andhra Pradesh v Vasudeva Rao* [(2014)9SCC 319] the Apex Court has very categorically reiterated that “Corruption is one of the most talked about subjects today in the country since it is believed to have penetrated into every sphere of the public activity. It is described as wholly widespread and spectacular. Corruption as such has reached dangerous heights and dangerous potentialities. The word 'corruption' has wide connotation and embraces almost all the spheres of our day to day life the world over.”

25. In *B.C. Goswami v. Delhi Administration* [AIR 1973 SC 1457], the Supreme Court very categorically observed: *“Now the question of sentence is always a difficult question, requiring as it does, proper adjustment and balancing of various considerations which weigh with a judicial mind in determining its appropriate quantum in a given case. The main purpose of the sentence broadly stated is that the accused must realize that he has committed an act which is not only harmful to the society of which he forms an integral part but also is harmful to his own future, both as an individual and as a member of the society. Punishment is designed to protect society by deterring potential offenders as also by preventing the guilty party from repeating the offence; it is also designed to reform the offender and re-claim him as a law abiding citizen for the good of the society as a whole. Reformatory, deterrent and punitive aspects of punishment thus play their due part in judicial thinking while determining this question. In modern civilized societies, however reformatory aspect is being given somewhat greater importance. Too lenient as well as too harsh sentence both lose their efficaciousness. One does not deter and the other may frustrate thereby making the offender a hardened criminal.”*

26. In *State of M.P. v Ram Singh*, [(2000) 5 SCC 88] Court held:

“Corruption in a civilised society is a disease like cancer, which if not detected in time, is sure to malignise the polity of the country leading to disastrous consequences. It is termed as a plague which is not only contagious but if not controlled spreads like a fire in a jungle. Its virus is compared with HIV leading to AIDS, being incurable. It has also been termed as royal thievery. The socio-political system exposed to such a dreaded communicable disease is likely to crumble under its own weight. Corruption is opposed to democracy and social order, being not only anti-people, but aimed and targeted against them. It affects the economy and destroys the cultural heritage. Unless nipped in the bud at the earliest, it is likely to cause turbulence – shaking of the socio-economic-political system in an otherwise healthy, wealthy, effective and vibrating society.”

27. In *Subramanian Swamy v Manmohan Singh* [(2012)3SCC 64] the

Apex Court very reiterated: *“Corruption not only poses a grave danger to concept of constitutional governance, it also threatens the very foundation of the democracy and the Rule of Law. The 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...”.

28.In *State of Gujarat versus R.A. Mehta*, [(2013) 3 SCC 1], the Court observed: *“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 Preamble will be defeated if corruption is not curbed immediately”.*

29.Preamble is not a mere flourish of words, but is an ideal setup for practices & observances on matters of law through Constitutional mechanism. The purpose of Preamble 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 by the

Constitution and what are its goals and objectives. Preamble acknowledges, recognizes, proclaims that the Constitution emanates from 'People of India' and not from any external source and meant for 'Welfare of the People'. Constitution must be read as a whole and in case of doubt; it is interpreted consistent with basic structure to promote great objectives stated in the Preamble. Welfare of the people is ultimate goal of all laws, State actions and above all the Constitution. They have one common object that 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.

30. The punishment for white collar crimes is not sufficient as we can see in the Coal Scam. As per CAG, the scam was of 1,85,591 crores, which affected the entire nation but the maximum punishment awarded was 3 years with fine of Rs 50,00,000. Likewise, CWG scam was a 70,000 Crore, which not only affected our economy but also the integrity of the nation. In this case accused were charged with conspiracy, forgery, and misconduct and under provisions of PC Act. This clearly shows that not only the sentence under the PCA should be increased but also it should be consecutive.

31. On 30.04.2016, Justice Arijit Pasayat (Chairman of SIT-Black Money) called for a more stringent Prevention of Money Laundering Act with increased jail term. He was of the opinion that the 3-7 years sentence prescribed under the PMLA is too less. Justice Pasayat cited example of United States where such offenders are sentenced for upto 150 years. He said: *“How I wish we had such sentencing here. Those stealing one rupee and those laundering Rs 300 crores are given the same sentence here,”* Justice Pasayat said: *“While murder and attempt to murder are predicate offences, tax offences are still not included in the category. If you are evading massive amount of tax, that is murder of the economy which will eventually impact people,”* Moreover, in catena of decisions, this Hon’ble Court has reiterated that corruption is menace of our social and economic development. [*State of MP v. Ram Singh (2000) 5 SCC 88; State of AP v. V Vasudeva Rao (2004) 9 SCC 319; Subramanian Swamy v. Manmohan Singh (2012) 3 SCC 64; State of Gujarat v. R. A. Mehta (2013) 3 SCC 1*] This Hon’ble Court has reiterated that there is no sentencing principle [*State of Punjab v. Prem Sagar (2008) 7 SCC 550; Soman v. State of Kerala (2013) 11 SCC 382*]. However, Centre has not taken any steps till date.

32. The Supreme Court has indicated the need of consecutive sentence in three decisions. [*Mohammad Akhtar Hussain v. Assistant Collector of Customs (1988) 4 SCC 183; O. M. Cherian v. State of Kerala (2015) 2 SCC 501; Muthu Ramalingam v. State (2016) 8 SCC 313*] However, due to Centre's inaction, India doesn't have a defined policy of consecutive and concurrent sentence till date.
33. The Supreme Court has observed about sentencing principle of proportionality thrice. [*Om Prakash v. State of Haryana (1999) 3 SCC 19; Jai Kumar v. State of MP (1999) 5 SCC 1; Alister Anthony Pareira v. State of Maharashtra (2012) 2 SCC 648*] However, Centre has not taken appropriate steps in this regard till date.

DIRECTION TO THE LAW COMMISSION TO PREPARE REPORT

34. **GUJARAT URJA VIKAS NIGAM [(2016)9 SCC 103 PARA 41]** *We are of the view that in the first instance the Law Commission may look into the matter with the involvement of all stakeholders. Para 43. The questions which may be examined by Law Commission are:*
- 43.1.** *Whether any changes in statutory framework constituting various tribunals with regard to persons appointed, manner of appointment, duration of appointment, etc. is necessary in the light of judgment of this Court in Madras Bar Association (2014)10SCC 1]*

*or on any other consideration from point of view of strengthening the rule of law? 43.2. Whether it is permissible and advisable to provide appeals routinely to this Court only on a question of law or substantial question of law which is not of national or public importance without affecting the constitutional role assigned to the Supreme Court having regard to the desirability of decision being rendered within reasonable time? 43.3. Whether direct statutory appeals to the Supreme Court bypassing the High Courts from the orders of Tribunal affects access to justice to litigants in remote areas of the country? 43.4. Whether it is desirable to exclude jurisdiction of all courts in the absence of equally effective alternative mechanism for access to justice at grass root level as has been done in provisions of the TDSAT Act (S. 14-15). 43.5. Any other incidental or connected issue which may be appropriate. **Para 44.** We request the Law Commission to give its report as far as possible within one year. Thereafter matter may be examined by authorities concerned.*

35. BCCI v Bihar Cricket Association (2016) 8 SCC 535 Para 93. *We are not called upon in these proceedings to issue direction insofar as the above aspect is concerned. All that we need say is that since BCCI discharges public functions and since those functions are in the*

*nature of a monopoly in hands of BCCI with tacit State and Centre approvals, the public at large has right to know/demand information as to the activities and functions of BCCI especially when it deals with funds collected in relation to those activities as a trustee of wherein the beneficiary happens to be the people of this country. As a possible first step in the direction in bringing BCCI under the RTI, we expect the Law Commission to examine the issue, make a suitable recommendation. Beyond that we do not consider it necessary to say anything at this stage. **Para 94.** So also the recommendation made by the Committee that betting should be legalised by law, involves the enactment of a law which is a matter that may be examined by the Law Commission and the Government for such action as it may consider necessary in the facts and circumstances of the case.*

36. Babloo Chauhan v Govt. Of Delhi (2017) SCC DEL 12045 “Para

11. Third issue concerns the possible legal remedies for victims of wrongful incarceration and malicious prosecution. The report of Prof. Bajpai refers to the practice in United States of America and the United Kingdom. He points out that that there are 32 states in the USA including District of Columbia (DC) which have enacted laws that provide monetary and non-monetary compensation to people

wrongfully incarcerated. There are specific schemes in the UK and New Zealand in this regard.17. The Court, accordingly, requests Law Commission of India to undertake a comprehensive examination of the issue highlighted in paras 11 to 16 of this order and make its recommendation thereon to the Government of India.”

37.AP Pollution Control Board v Prof M.V. Nayudu[(2001)2 SCC 62]

***Para 73.** Inasmuch as most of the statutes dealing with environment are by Parliament, we would think that the Law Commission could kindly consider the question of review of the environmental laws and the need for constitution of Environmental Courts with experts in environmental law, in addition to judicial members, in the light of experience in other countries. Point 5 is decided accordingly.*

38.Mahipal Singh Rana [(2016) 8 SCC 335] **Para 58,** *In view of the*

above, we request the Law Commission to go into all relevant aspects relating to regulation of legal profession in consultation with all concerned at an early date. We hope that the Government will consider taking further appropriate steps in the light of the report of the Law Commission within six months thereafter. The Central may file an affidavit in this regard within month after expiry of one year.

39. Naresh Kumar Matta v DDA [2013SCC ONLINE DEL 2388] *Para 12*

Delay of five years in computing the cost of a flat is totally incomprehensible. The Court is of the opinion that the Law Commission should consider preparation of an enactment to recover damages/compensation from officers who take unduly long time in taking decisions or do not take a decision.

40. Pravasi Bhalai Sangathan (2014) 11 SCC 477]*Para 29* *However, in*

view of the fact that the Law Commission has undertaken the study as to whether the Election Commission should be conferred the power to derecognise a political party disqualifying it or its members, if a party or its members commit the offences referred to hereinabove, we request the Law Commission to also examine the issues raised herein thoroughly and also to consider, if it deems proper, defining the expression “hate speech” and make recommendations to Parliament to strengthen Election Commission to curb the menace of “hate speeches” irrespective of whenever made.

41. Petition is not guided by self-gain or for gain of any other individual person, institution or body. Petitioner is filing this PIL to secure the fundamental rights guaranteed under Articles 14-21.

42. Petitioner is able to bear the cost if imposed by the Court.

43. Petitioner has no personal interest or individual gain, private motive or oblique reasons in filing this PIL. It is totally bona-fide and in the interest of socially economically downtrodden citizens.
44. The source of averments made in this PIL is personal knowledge, Judgment of Supreme Court and High Court, Constitution Assembly Debates and the information collected from government websites.
45. Present petition is for the benefit of poor, disabled, economically weaker section and socially-economically down trodden citizens. As they are incapable of accessing this Hon'ble Court themselves, petitioner is filing this PIL to secure their fundamental right guaranteed under Articles 14- 21 of the Constitution.
46. Centre and State is likely to be affected by the orders sought in this petition, they have been impleaded as Respondent. Petitioner submits that to its knowledge, no other persons, bodies, institutions are likely to be affected by the order sought in this petition.
47. Petitioner is Ashwini Kumar Upadhyay. _____, Email: aku.adv@gmail.com, PAN: _____, AADHAAR: _____. Annual Income is Rs. _____. Petitioner is Advocate and a social-political activist, striving for the development of socially-economically downtrodden citizens.

48. Petitioner has not submitted any representation to the respondents.

There is no requirement to move concerned authority for relief sought in this writ petition. There is no other remedy available.

49. Our Anti-Corruption Laws are weak and ineffective. For Example:

S.N	LAWS	CURRENT PUNISHMENT
A.	PCA	
1	S.7 Public servant taking illegal remuneration	Imprisonment up to 5 years. No provision to forfeit 100% property
2	S.8 Taking gratification by illegal means	Imprisonment up to 5 years. No provision to forfeit 100% property
3	S.9 Taking gratification to influence public servant	Imprisonment up to 5 years. No provision to forfeit 100% property
4	S.10 Punishment for abetment by public servant	Imprisonment up to 5 years. No provision to forfeit 100% property
5	S.11 Public servant obtaining valuable thing	Imprisonment of up to 5 years. No provision to forfeit 100% property
6	S.12 Punishment for abetment of offences	Imprisonment up to 5 years. No provision to forfeit 100% property
7	S.13 Criminal misconduct by public servant	Imprisonment of 1-7 years. No provision to forfeit 100% property
8	S.14 Habitual offender under sections 8, 9 and 12	Imprisonment of 2-7 years. No provision to forfeit 100% property
9	S.15 Punishment for attempt	Imprisonment of 1-3 years. No provision to forfeit 100% property

B.	BENAMI PROPERTY ACT	
1	S.53 Penalty for Benami transaction	Imprisonment of 1-7 years. No provision to forfeit 100% property
C.	MONEY-LAUNDERING ACT	
	S.4 Punishment for Money laundering	Imprisonment of 3-7 years. No provision to forfeit 100% property
D.	FCRA 2010	
1	S.33 Making of false statement, declaration or delivering false accounts	Imprisonment for a term which may extend to 6 months or with fine No provision to forfeit 100% property
2	S.34 Penalty for contravention of section 10	Imprisonment of 1-3 years. No provision to forfeit 100% property
3	S.35 Punishment for contravention of provision	Imprisonment of 1-5 years. No provision to forfeit 100% property
4	S.36 Power to impose additional fine where article or currency or security is not available for confiscation	Punishable with fine not exceeding 5 times the value of article or currency or security or one thousand rupees, whichever is more, if such article or currency or security is not available for confiscation, and the fine so imposed shall be in addition to any other fine which may be imposed on such person under this Act
5	S.37 Penalty for offences where no separate punishment been	Punishable with imprisonment for a term which may extend to one year.

	provided	No provision to forfeit 100% property
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PRAYERS

The Court may issue writ, order or direction to Centre and State to:

- a) direct the Centre and State to ascertain the feasibility of confiscating cent percent black money, benami property, disproportionate assets and awarding life imprisonment in offences relating to black money, benami property, money laundering, disproportionate assets, bribery, profiteering, hoarding, adulteration, black marketing, human-drug trafficking, tax evasion and dishonest misappropriation of property by cheating fraud forgery (like America Singapore China);
- b) Alternatively, being custodian of Constitution and protector of fundamental rights, the Court may constitute an expert committee or direct the Law Commission of India to examine the most stringent anti-corruption laws of the developed countries, particularly the laws relating to bribery, black money, benami property, disproportionate assets, tax evasion, money laundering, profiteering, hoarding, adulteration, human and drug trafficking, black marketing, dishonest misappropriation of property

by cheating fraud forgery, and prepare a comprehensive report within three months.

- c) pass such other order(s) as the Court may deem fit and proper.

New Delhi

Petitioner-in-Person

21.06.2022

(Ashwini Kumar Upadhyay)

Annexure-2

A LIST OF PRISONERS, SENTENCED TO MORE THAN 100 YEARS

Country	Name	Year	Term	Description
USA	Thomas Halliday	2013	1870 years	Convicted of 234 counts of sexual abuse, creating and possessing child pornography for abusing a teenage girl for four years, filming and photographing the abuse.
USA	Ronnie Shelton	1989	3,195 years	Serial rapist known as Cleveland's "West Side Rapist", terrorized Ohioans for over 5 years in the 1980s, amassing 49 counts of rape, 230 criminal charges overall
USA	Ronald Yarber	2017	1,652 years	Convicted of raping a disabled child over twelve years.
USA	Richard Speck	1972	1,200 years	Murderer who systematically tortured, raped, and murdered eight student nurses from South Chicago Community Hospital on July 14, 1966. Sentenced originally to death in the electric chair in 1967, sentence commuted in 1972.
USA	Reyes Collin Gualip	2011	6,060 years	Soldiers sentenced for their roles in the 1982 Dos Erres massacre.
USA	Rene Lopez	2016	1,503 years	Convicted of repeatedly raping his daughter over four-year. Based on a diary in which she recorded attacks, corroborated by other evidence, he was convicted of 186 separate assaults. He had rejected 13 and 22 year plea bargain deals, as he maintained his innocence.
USA	Pedro Pimentel Ríos	2012	6,060 years	Soldiers sentenced for their roles in the 1982 Dos Erres massacre.
Spain	Otmanel-Gnaoui	2007	42,924 years	Sentenced for their roles in the 2004 Madrid train bombings. Under Spanish law, the maximum sentence that any of them can serve is 40 years.

USA	Moses Sithole	1997	2,410 years,	Serial killer responsible for most of "ABC Murders" in Gauteng province, South Africa. Found guilty of 40 counts of rape, 38 counts of murder and robbery.
Spain	Mikel San Sebastián	2010	1,040 years	Perpetrators of the 2006 Madrid-Barajas Airport bombing.
Spain	Mattin Sarasola	2010	1,040 years	Perpetrators of the 2006 Madrid-Barajas Airport bombing.
Spain	Manuel Pop	2011	6,060 years	Soldiers sentenced for their roles in the 1982 Dos Erres massacre.
Spain	Juan Antonio Olarra Guridi	2007	1,243 years	Perpetrator 1995 Vallecas bombing
Spain	José María Arregi Erostarbe	2003	2,354 years	Perpetrator of the 1987 Zaragoza Barracks bombing.
Spain	Jamal Zougam	2007	42,922 years	Sentenced for role in 2004 Madrid bombings.
Spain	Inés del Río Prada	1989	3,828 years	Perpetrator of the Plaza República Dominicana bombing and other attacks by ETA.
Spain	Igor Portu	2010	1,040 years	Perpetrators of 2006 Madrid Airport bombing.
Spain	Henri Parot	1990	4,797 years	ETA member found guilty of 26 murders and 166 attempted murders between 1978-1990.
Spain	Henri Parot	1994	1,802 years	1987 Zaragoza Barracks bombing.
Spain	Francisco Mujika Garmendia	2003	2,442 years	Perpetrator of the 1987 Zaragoza Barracks bombing.
Spain	Emilio Suárez Trashorras	2007	34,715 years	Sentenced for their roles in the 2004 Madrid train bombings.
Spain	Daniel Martínez Martínez	2011	6,060 years	Soldiers sentenced for their roles in the 1982 Dos Erres massacre.
USA	Charles Scott Robinson	1994	30,000 years	Longest jail term to a single American on multiple counts. Sentenced to 5,000 years for each of the six counts against him.

Spain	Carlos Antonio Carias López	2011	6,060 years	Soldiers sentenced for their roles in the 1982 Dos Erres massacre.
Spain	Antón Troitiño	1989	2,232 years	Perpetrator of the Plaza República Dominicana bombing.
USA	Allan Wayne McLaurin	1994	20,750 years	Accomplice of Darron Bennalford Anderson.
Spain	Ainhoa Múgica Goñi	2007	1,243 years	Perpetrators of the 1995 Vallecas bombing.
USA	Shawn Ryan Thomas	2015	915 years	Convicted on 59 counts of possession of child pornography.
USA	Joseph Dyre Morse	1966	888 years	imprisoned for rape and murder of a coed in Colorado University.
USA	David Hall	2015	825 years	10 counts of promoting child pornography and 45 counts of possession of child pornography after creating an online blog
Spain	Domingo Troitiño	1989	794 years	Perpetrators and instigator (Santi Potros) of the 1987 Hipercor bombing.
Spain	Josefa Ernaga		794 years	
Spain	Rafael Caride Simón	2003	790 years	
Spain	Santiago Arróspide Sarasola		790 years	
Mexico	Juana Barraza	2008	759 years	for killing and robbing sixteen elderly women in Mexico City,
USA	Darrell Wayne Delp	2014	755 years	Found guilty on 50 counts of producing child pornography and 10 counts of aggravated sexual battery.

USA	Mark Anthony Beecham	2012	744 years	Given 99 years each for six counts (one of first-degree kidnapping, two counts of first-degree rape and three counts of first-degree sodomy), 20 years for felony first-degree theft of property, and 10 more for felony first-degree bail jumping. Previously sentenced to 120 years for other rapes.
USA	Lonnie James Pebley	2012	736 years	Sentenced for shooting at police officers with an AK-47
Spain	Antonio Izquierdo	1994	684 years	Perpetrators of Puerto Hurraco massacre. Died in prison.
Spain	Emilio Izquierdo		684 years	
Mexico	Alán Nelson Lozada Garay	2012	617 years, 6 months and 17 days	Business associate and criminal accomplice of José Luis González González.
USA	Joseph Baldino	2014	525 years	Convicted of one count of soliciting for sex over the internet, four counts of transmitting child pornography and 100 counts of possession of child pornography. He was sentenced to five years in prison for each of the 105 counts to run consecutively.
UK	Bernard Henry McGinn	1999	490 years	IRA member specialized in explosives. Released in 2000 as per the Good Friday Agreement.
USA	Guillermo Ocampo	2009	480 years	Convicted of 13 felony counts including 4 counts of aggravated sexual assault on a child, and five counts of lewd acts on a child.
USA	Robert Hansen	1983	461 years	Serial killer who abducted prostitutes and hunted them for sport in the forests of Alaska. Died in 2014, aged 75.
Spain	José Antonio Rodríguez Vega	1991	440 years	Serial killer who raped murdered at least 16 elderly women in Santander, Spain. Murdered by two other inmates in 2002.

USA	Dwayne Whitaker	2014	439 years	Convicted in San Francisco on two counts of first degree burglary, one count of first degree robbery, one count of attempted robbery, two counts of assault and elder abuse.
USA	Mark Goudeau	2011	438 years	Serial killer rapist known as the Baseline Killer, who was active in Phoenix, Arizona. Sentenced to 438 years in prison for the sexual charges alone, and to nine death sentences for his murders.
USA	Robert Lee Yates	2000	408 years	Serial killer who pled guilty to 13 murders in order to avoid the death penalty. Was sentenced to two death penalties the following year for other murders, but they will not be carried out until the earlier sentence is completed.
USA	Harvey Carignan	1975	400 years	Serial killer known as "The Want-Ad Killer".
USA	Antonio Sanchez	1999	360 years	Former Mayor of Calauan who masterminded rape and murder of Eileen Sarmenta and murder of her boyfriend, Allan Gomez.
USA	Larry Nassar	2018	360 years, minimum 131 years	Sex offender who abused at least 150 women during his tenure as Team Doctor for USA Gymnastics.
USA	Kirby Anthoney	1987	357 years	Raped and murdered a mother and her two underage daughters in Anchorage, Alaska. The victims were relatives of Anthoney.
USA	Colin Ferguson	1995	315 years 8 months+	Perpetrator of the 1993 Long Island Rail Road shooting.
Spain	Jesús María Zabarte Arregui	1984	300 years	ETA gunman involved in the September 1982 Rentería attack and other shootings.
Brazil	Francisco de Assis Pereira	1998	268 years	Serial killer known as "The Park Maniac" who raped and murdered 11 women in Sao Paulo.
USA	Eyad Ismoil	1995	240 years	Sentenced for his role in the 1993 World Trade Center bombing.

Brazil	Marcos Willians Herbas Camacho	1999	234 years	Sentenced for his role in the 2006 São Paulo violence outbreak and for the leadership of the Primeiro Comando da Capital, one of the most powerful criminal organizations in Brazil.
USA	Heriberto Seda	1998	232 years	Copycat of the Zodiac Killer.
USA	David Parker Ray	2001	224 years	Serial abductor, rapist torturer of women active in New Mexico for over forty years. Nicknamed the "Toy-Box Killer" after the name he gave to the homemade torture chamber in his mobile home, but he released all the victims that were proven beyond doubt to be his, after erasing their memory of the attacks with drugs. He was a suspected serial killer with up to 60 victims. Died in 2002.
USA	Eugene de Kock	1996	212 years	Leader of secret Counterinsurgency Unit 10, also known as C10 or "Vlakplaas", which abducted, tortured and murdered hundreds of anti-apartheid activists in the 1980s. Personally found guilty of 89 charges, including six murders. Was granted parole in 2015.
USA	Joel Rifkin	1994	203 years	Serial killer known as Joel Ripper
USA	Mikeal Shane Pruett	2015	200 years, minimum 50 years	Raped and impregnated his own granddaughter.
USA	Morton Berger	2003	200 years	He was convicted in 2003 of 20 counts of second-degree dangerous crime against children in Arizona for possessing 20 pornographic images of children. He was sentenced for 10 years for each count, served consecutively. The Arizona Supreme Court upheld his sentence, and the U.S. Supreme Court declined to hear the appeal. The sentence also prohibits probation, parole, pardon or executive clemency.

USA	Howard Christensen	1937	200 years	Sentenced to life without parole for the murder of a teacher in 1937, when he was 16, along with a 17-year-old accomplice who hanged himself in prison in 1943. His sentence was commuted to 200 years in the mid-1970s.
USA	Richard Cottingham	1981	197 years,	Serial killer who dismembered women in New York. Nicknamed "the Torso Killer."
Spain	Carlos García Juliá	1979	193 years	Main perpetrators of the Atocha massacre. García Juliá was granted parole in 1991, which he promptly broke, and fled to South America. He was imprisoned for drug trafficking in Bolivia in 1996. In 2000 he was sentenced in absentia to an additional 3,855 days in prison in Spain for breaking parole.
Spain	José Fernández Cerrá		193 years	
USA	Francisco Antonio García López	1968	185 years	Known as "Toño Bicicleta" ("Tony Bicycle"). Original sentence for murdering his wife with a machete. His numerous escapes and later murders made his life part of Puerto Rican folklore.
USA	James Timothy McCarthy	2012	182+ years	Convicted of numerous acts of child sexual abuse, including continuous sexual abuse of one child. Sentenced to 32 years in prison followed by 150 to life.
Spain	Fernando Silva Sande	2011	178 years	GRAPO member convicted of four murders in three trials, including the killing of two security guards during the robbery of an armored car in Vigo in 2000.
USA	Keith O. Wood	2008	160 years	Home invader who raped five women in Pittsburgh between 2000 and 2001.
USA	Nathaniel White	1993	150 years	Serial killer who beat and stabbed six women to death while he was in parole for another crime.

Spain	Alfredo Galán	2005	142 years and 3 months	Serial killer who murdered six people and wounded three in Madrid. Called "the Deck of Cards Killer" because he would leave a playing card at each scene as his signature.
USA	Robert George Irwin	1938	139 years	Artist-sculptor who killed three people in the Easter weekend of 1937. Died in 1975.
USA	Gonzalo Rodríguez Cordero	1995	136 years	Perpetrate Mutxamel bombing.
Spain	José Gabriel Zabala Erasun		136 years	
USA	Nathaniel Bar-Jonah	1999	130 years without parole	Short order cook convicted of abducting, raping and torturing three children, but believed to have committed many more crimes going back to the 1970s. While searching his home, police found a human boy's bone, an African-American male's hair in a meat grinder, and a handwritten cooking book with cannibalistic recipes such as "little boy pot pie", "french fried kid" "roasted child".
Brazil	Pedro Rodrigues Filho	2003	128 years	Vigilante who claims to have killed 100 criminals, including his own father and 43 other prison inmates. Further sentences added his total count to 400 years, but he was released in 2007 as he had completed the 30 years in prison allowed under Brazilian law.
Spain	Joan Vila	2014	127 years and 6 months	Nursing home watchman who poisoned 11 elderly patients between 2009 and 2010.
USA	Colton Simpson	2007	126 years	Member of the Crips convicted of robbery, burglary and grand theft, sentenced under California's three-strikes law.

USA	Marco Antonio Sián Chávez	2014	122 years	Member of Mara Salvatrucha. 87 other gang members were given shorter sentences in same trial.
Mexico	José Luis González González	2012	2,035 years	Convicted of repeated fraud starting in 2000. Longest sentence ever handed in Mexico.
Thailand	Chamoy Thipyaso	1989	141,078 years	World's longest sentence for corporate fraud according to Guinness World Records 2006. She defrauded more than 16,000 Thais in a pyramid scheme worth \$204 million at time.
USA	Darron Bennalford Anderson	1994	11,250 years	Found guilty of larceny, robbery and kidnapping, sentenced to 2,250 years. He was reconvicted, re-sentenced and received an additional jail term of 9,500 years, later reduced by 500 years.
USA	Gregory Aaron Gadlin	2013	967 years	Convicted on 16 counts of robbery, plus being a felon in possession of a weapon and ammunition.
USA	Sholam Weiss	2000	845 years	Found guilty of participation in the bankruptcy of National Heritage Life Insurance Corporation in New York. One time featured in the FBI most wanted list. He appealed for lesser sentence but denied.
Turkey	Onur Kopçak	2013	334 years, 7 months and 10 days	Hacker convicted of several charges related to bank and identity fraud.
USA	Norman Schmidt	2008	330 years	Promised attractive high rates to hundreds of investors but used the money to cover personal expenses instead of investing it. Found guilty of fraud-money laundering.

USA	Daniel Holtzclaw	2016	263 years	Police officer sentenced for abusing women while on duty.
Mexico	Jorge Iniestra Salas	2015	241 years	Sentenced for keeping a woman and 2 girls imprisoned for 5 years.
Lanka	Velupillai Prabhakaran	2002	200 years	Leader of Tamil Tigers sentenced in absentia for planning the truck bombing on Central Bank of Sri Lanka
USA	Gregory Williams	2017	190 years, fined \$4,750,000	Convicted of selling 19 unregistered Drop which can convert semi-automatic weapons to fully automatic weapons. Sentenced on each conviction to 10 years and a \$250,000 fine.
USA	Diana Franklin	2015	190 years	Convicted of physically abusing her adopted daughter.
USA	Bernard Madoff	2009	150 years	Admitted defrauding thousands of investors in a Ponzi scheme which had been running since early 1990
USA	Richard Allen Minsky	2001	146 years	Used car salesman charged with over 80 instances of theft, larceny, lewd and lascivious behavior, oral copulation and prison escape. Also committed scams in California, Florida, Georgia, Massachusetts, and Pennsylvania.
USA	Dwight York	2004	135 years	Leader of the Nuwaubian Nation. Convicted of financial crimes.
