



# TRANSPARENCY INTERNATIONAL INDIA

Quarterly

## EDITORIAL

### Awaiting a new dawn

Many law enforcement officers feel that human rights have been imposed under the influence of affluent countries and are considered as another stroke of the colonial mindset of the rich countries with hegemonic influence. They argue that the concept was incorporated in the Constitution of India only after the Universal Declaration of Human Rights (UDHR). That this is not true was recently highlighted during the Transparency International India's Sixth Annual Lecture, delivered by Shri Soli Sorabjee, former Attorney General of India. Without getting into the emotional depth of the past, he cleared the baffled ignorance of many by informing that the concept of fundamental rights was espoused by Lokmanya Tilak in his call for Swaraj. This idea was reiterated by Annie Besant, and leaders of the National Congress during various sessions. The UDHR was announced in 1948, whereas the fundamental rights preceded the international document.

The words press, prisons, travel, speedy trial, compensation, etc., do not exist in the Constitution. Yet there is freedom of press as a right, and rights for treatment of prisoners, right to speedy trial, right to travel abroad (remember, it was a privilege to get a passport before the judgment in *Maneka Gandhi* case), right to privacy, right to bail, etc. This miracle has been performed by the Supreme Court that had, through creative interpretation of the articles on fundamental rights have conferred these rights on

all individuals. Included in the creativity was the invention of the public interest litigation that could draw the attention of the apex court through a postcard, a letter, a news item, or an article in the press, and the court felt duty bound to look after the plight of the sufferers. In the process, the rule of locus standi was relaxed which permitted anyone to fight for the rights to the indigent, the illiterate, and the dispossessed.

Till now the Supreme Court has expanded the ambit of rights to include many more than indicated in the articles. Similarly, there are many landmark decisions on collective rights that have attended to the issues of environment. What is now hoped for is the interpretation of corruption as a violation of human rights. Though the Court has called corruption a cancer and a malignant disease, and has also penalized the culprits without any concession, whatsoever, by taking a practical and contemptuous view of the abominable disease, yet its focus on corruption as a human rights issue is eagerly awaited. It is a fact that every crime is a violation of one of the fundamental rights or legislation under the Directive Principles of State Policy. The act of corrupt official diminishes the dignity of the individual, diverts to his personal advantage what is due to the poor person as an investment for his education, health, environment, employment, and quality of life. Thus a corrupt official deprives the people of their rights. Every act of corruption, collusive or coercive, is a robbery of sorts and must be seriously viewed not only as a crime under the Prevention of Corruption Act or economic offences, but also one that deprives people of their right in one form or the other. Such an interpretation shall be a prelude to the right to good governance.

A new dawn shall arrive. It is a matter of time.

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## India 37<sup>th</sup> among 102 in govt. transparency index

According to Washington-based World Justice Project report, released on March 26, India ranks 37 out of 102 countries on the Open Government Index 2015 on how transparent the governments are and the ease with which citizens can hold their government accountable. Those that topped the list are high income countries such as Sweden, New Zealand, Norway, Denmark and Netherlands “as they have more resources and more people connected to the internet.”

Of the four parameters used to rank countries, India ranked 27 for publicized laws and government data. But it ranked 66 on Right to Information index. The study showed that worldwide 40% of those surveyed were aware of laws supporting their right to access government data. The survey in India was carried out in Mumbai, Delhi and Bangalore.

### Special Board Meeting

During the Special BOM meeting was held on Jan 17 to discuss the Report of Enquiry Committee. Dr. S K Agarwal, the outgoing Chairman, welcomed all the Board members, particularly the newly elected ones, namely, Dr Raka Arya, Ms Anju Bala, Shri Ajay Dubey and Shri A K Jain. He gave a brief summary of the decisions taken in the last BoM Meeting, including the highlights and recommendations of the Enquiry Committee Report prepared by Shri I C Srivastava. Thereafter, he proposed the name of Shri P. S. Bawa for TII Chairman. It was endorsed by all members unanimously.

The new Chairman took over the charge. He informed that Shri Kohli had obtained the stay from the Delhi High Court against any action on the Report of the Enquiry Committee. The Chairman read the order that whatever decision was taken by the TII Board or General Body shall not be given effect to till further orders. There being no bar on the Board to consider the Enquiry Report and take a decision, Shri I C Srivastava briefed the Board about the major issues and the recommendations made in his report. The affected members were requested

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to present their viewpoints and the Board members offered their comments. The BOM decided the issues and delegated to the Chairman to write the decision. The case against TII is sub-judice in the Hon'ble High Court of Delhi. The decision of the Board shall await the final decision of the High Court.

### Special General Meeting

A Special General Body Meeting was held on 14 Feb. to consider the amendments of TII's Rules & Regulations, as approved in the AGM in December 2014. After due discussion on all the proposals, three important proposals were approved, viz. (1) Enhancement of Life Membership fee from Rs. 1000 to 2,500 at the initial stage in joining the organization and subsequent subscription of Rs. 250 annually for all members. (2) Provision for arbitration as an alternative to resolve disputes. (3) Jurisdiction for any legal action limited to the concerned Delhi Court.

### Integrity Pact

- The Integrity Pact Advisory Committee discussed various IP-related issues and complaints on 21 January. The Committee recommended proper implementation of E-procurement, need for up-gradation of manual for tender processing, development of Transparency Index, review of the threshold level, etc.
- ED made a presentation on Integrity Pact at TCIL vendors' meet on 21<sup>st</sup> January in Delhi. He also participated in “Multi Stakeholder Dialogue on CSR and Development” in Odisha on 27 January, and made a presentation on the IP.
- TII prepared a report on “Assessment of Integrity Pact in IP compliant PSUs” in collaboration with the Global Compact Network of India.
- ED made presentation on IP & Irregularities in Public Procurement at Tehri Hydro Development Corporation, Rishikesh, in January.
- TII and Konkan Railways are likely to sign MoU for IP's adoption.

### ALAC

During the quarter, 107 complaints were received at various Anti-Corruption Helplines, ALAC Walk-in Centers, and Mobile ALAC. Four complaints relating

to corruption in Provident Fund and labour issues were drafted, besides pursuing the claim of old age pension of a widow and petition of harassment under the Welfare and Protection of Parents and Senior Citizen's Act.

### **PAHAL**

Awareness camps were organized in six selected panchayats of four districts of Madhubani, Muzaffarpur, Darbhanga, and Supaul in Bihar. The themes pertained to ill effects of corruption in interfering with peoples' entitlements under various welfare schemes, invoking the Right to Information Act to obtain the same, and facility of contacting the ALAC to secure their rights.

### **DEVELOPMENT PACT**

An attempt was made in selected areas of Jhanjharpur district in Bihar to prepare a Citizens' Report Card with a view to reviewing performance of Nagar Panchayat representatives who were signatories of the Pact, understanding needs of people at the grass root level, preparing a card to enumerate performance of elected representatives, empowering people by organizing Ward Sabhas and review meetings, persuading and convincing elected members to include peoples' development agenda and convincing political representatives to ensure a transparent and accountable system of governance.

### **CONFERENCES & MEETINGS**

#### **Meeting with Central Vigilance Commission**

A meeting was held with Shri Alok Kumar, Secretary, CVC, on 5 March, to discuss IEM's related issues. CVC was requested to direct non-IP compliant PSUs to sign MoU on IP with TII.

#### **International Conference**

TII collaborated with the Centre for Transparency and Accountability in Governance, National Law University, Delhi, in organizing a conference on the theme of "Transnational Corruption: Challenges and Resolutions". Delegates from India and abroad participated in the deliberations. The conference

was inaugurated by Justice Pathak, Retired Judge of the Supreme Court of India.

#### **Delegates from Yemen**

ED participated in an interaction session with the delegation from the Yemen's Supreme National Authority for Combating Corruption (SNACC), Republic of Yemen, on 20 January.

#### **Promoting transparency in medical sector**

Shri Pankaj Agarwal, Vice Chairman, participated in a Round Table Meeting on promoting transparency in pharmaceutical sector, organized by TI UK at London.

#### **Business Integrity Workshop**

ED shared India's experience of promoting Integrity Pact in Transparency International's Cross-Regional Business Integrity Workshop on 24 to 26 March in Berlin.

#### **Seminar**

ED made a presentation on "Nuances of Dealing with Indian Govt. in the context of the UK's Anti-Bribery law" in Confederation of British Industry (CBI)-Vodafone India Seminar on 5 Feb.

#### **Report**

TII prepared a report on "Complaint Handling Mechanism in Indian Railways and way forward".

#### **Engagement with Government**

Chairman wrote letters to

- Shri Arvind Kejriwal, Chief Minister of Delhi, for adoption of IP in all departments, like the Municipal Corporations, Public Works department, Flood Control Department, etc. that are involved in procurements.
- Justice Shri K. G. Balakrishnan, Chairman, National Human Rights Commission, on prison reforms.
- Delhi Government Minister, Home Department, for (1) consideration of the Report on Working of the Prosecution Branch, pending for the last 15 years, and (2) adoption of the Prison Manual, similarly pending.

These issues shall be pursued.

## ACTIVITIES OF STATE CHAPTERS

### Rajasthan Chapter

- At the beginning of Year 2015, Shri Panchsheel Jain, Active Member, undertook a 3-day campaign for transparency in public life and righteous conduct in private life.
- On 28 January, Chairman I.C. Srivastava addressed participants of a World Bank supported workshop organized by the NGO CUTS at Jaipur for setting up a Monitoring Laboratory for Implementation of Rajasthan Transparency in Public procurement Act, 2012.
- Shri S.S. Bissa, Secy. Rajasthan Chapter, delivered lectures to trainees at State HCM Rajasthan Institute of Public Administration (OTS), Jaipur, and students of Prakrit Bharati Academy, Jaipur, on
  - a) Role of Ethics in Administration
  - b) Ethics and organizational excellence
  - c) Good Governance and best practice of grievance redress in Rajasthan
- Rajasthan Chapter participated in a workshop on Anti-Corruption, organized on March 29, by Jaipur Arya Samaj Pradeshik Sammelan. It was also addressed by Shri S.S. Kothari, Lokayukta Rajasthan, Justice (Retd) P C Jain of Rajasthan High Court, Shri N.L. Tibrewal, Ex. Governor of Rajasthan.  
An MOU was signed between Rajasthan Chapter and NGO Bharat Mera Garv Abhiyan: to collaborate in awareness programme in schools and colleges through documentary and lecture series. The program has so far been conducted in 47 schools and colleges.

To receive the TI India's Quarterly e-News Letter, please intimate your email ID at [info@transparencyindia.org](mailto:info@transparencyindia.org) or subscribe on TII's Website [www.transparencyindia.org](http://www.transparencyindia.org)

**TI India's Advocacy & Legal Advice Centre  
(ALAC) Anti-Corruption Help-Line  
New Delhi (011-2623 2323)**

### Appeal

All members are requested to send their proposals and views on the TII activities.

### Applications for Active Membership

TII members, who are desirous to become Active Member, are requested to send their Application Form with details of activities on the prescribed form. This Form can either be downloaded from its website [www.transparencyindia.org](http://www.transparencyindia.org) or may be obtained from its Delhi office.

### TI INDIA'S DONORS

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4. Dr. Bhupinder Singh C8 - 8680, Vasant Kunj New Delhi - 110070	1124	1,000/-

### Request

We depend upon our well wishers to provide financial support of any amount. We value their contributions, which may be sent to Transparency International India, Qr. No-4, Lajpat Bhawan, Lajpat Nagar-IV, New Delhi-110 024, by cheque or draft alongwith your PAN Card Number. Such contributions are exempted from Income Tax under Section 80 G of the Income Tax Act.