



# TRANSPARENCY INTERNATIONAL INDIA

**Quarterly**

## EDITORIAL

### It is never too late

The people on the one hand and the Law Commission and Election Commission on the other had been studiously seeking electoral reforms. One of the issues under constant consideration was the disqualification of criminals from contesting elections. Baby steps, yet extremely important for adulthood, were taken in two judgments of the Supreme Court that decreed all elected representatives to be 'public' officials and hence not immune to the operation of the Prevention of Corruption Act; and information on the background, including criminal record, of the candidates seeking election to be available in the public domain so that they could make an informed choice. Whereas the former decision is yet to be taken to its logical conclusion as the system of indicating sanctioning authority is yet in the limbo, the latter is fully operational thus exposing criminal antecedents of the candidates.

However, recent decisions of the Central Information Commission and the Supreme Court have created a visible dent in the political bastion with strong walls and deep moats built to prevent transparency and insist upon secrecy and ingress. The decision of the CIC to bring political parties within the ambit of the Right to Information Act and direction to them to appoint Public Information Officers on the basis that they are beneficiaries of the largesse of the government as being 'substantially financed' is a landmark in the sense that 'We the People' can now ask inconvenient information with regard to political funding, internal democracy, and other issues zealously guarded by

silos of opacity that give authoritarian powers to leaders to run party as personal fiefdoms.

Whereas there has been a demand for ineligibility of those charged with heinous offences six months before the announcement of elections, the current decision has gone a step further and dealt a strong blow by striking down the provision of the Representation of People's Act that enabled convicted member to continue till the decision of the appeal which never happened during the tenure. So as per the landmark judgment, the sitting member is disqualified instantly along with the conviction. The other decision upholding the judgment of the Patna High Court is equally significant as it debar persons in custody from contesting elections. This would do away with the sad and deplorable anomaly of persons behind bars showing V-signs after filing their nominations. The apex court has with one stroke achieved for the people which could not be delivered by the political class, immersed in self-interest of seeking support of criminals and supporting them to gain or retain political power, an ignominious act of bad faith.

It is a sad commentary upon political leaders who are unhappy and have not supported the good intentions of the court in declaring a just, reasonable, and fair stipulation. However, notwithstanding the displeasure of the political class and its efforts to get the decision diluted either by judicial process or legislation, the latter being a suspect option, the message is loud and clear. It is symbolic of the revolt of the masses against dirty, personalized, and power-immersed politicians. The process of cleansing the stables has started. It is unstoppable. The independent institutions and the civil society are in the vanguard.

### BOARD OF MANAGEMENT MEETING

ON 13 MAY 2013

Justice K Nath, who look over the TI India chairmanship, thanked to former TII Chairman P S

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Bawa for extending his contribution. He emphasized the need for finalizing a system for better working relationship. Accordingly, a four-member Sub-committee was constituted to finalize 'Performance Manual' under the chairmanship of Col. C. M. Ramakrishnan at the earliest. It was decided to get the registration of the amended Rules & Regulations from the Registrar of Societies at the earliest. It was also decided that the Exec. Director should ensure the execution of all decisions taken at the Executive and Board meetings.

Shri P. S. Bawa expressed his concern about continuation of correspondence directly with TII/MAC without TII'S permission. Dr. S K Agarwal, Vice Chairman, pointed out that the action could be taken against such persons under R&R Rule No. 3.6.6.

As proposed by Shri Shambhu Dutta, Shri Pankaj Agarwal's name was approved as Vice Chairman in his place.

**Active Membership** - The Board accepted the Screening Committee's recommendations for 26 Members to be Active Members, and the Executive Committee's recommendation for nine applicants as TII Members. It was also decided that Shri M L Kumar, being the oldest Member, would continue to act as Chairman of the TII Screening Committee.

**Regional Pacific Meeting (RPM):** Chairman Justice K. Nath and ED Ms Anupama Jha participated in the RPM on 12-14 June at Cambodia. They, inter alia, discussed issues pertaining to (i) TII re-accreditation with the Asia Pacific Regional Director, and the Regional Coordinator South Asia; (ii) development of TII's Strategic Plan including assessment of existing laws, strengthening anti-corruption bodies, peoples' engagement, especially the youth, and public awareness program through ALAC; (iii) stakeholders meetings for planning the Strategy; (iv) widening the network with other civil society organizations; (v) entering into an MoU with Asia Pacific Department to perform tasks which TII could carry out in collaboration with some other Asia Pacific chapters; (vi) fund raising with active initiative of TI-S; (vii) role of ED in TII management; and (viii) restriction on direct contact and communications with TI-S to avoid misunderstanding.

**State Chapters:** It was decided (i) to shift Uttrakhand Chapter's headquarter to Dehradun with Dr Nitin

Pandey as General Secretary; and (ii) to revitalize the Karnataka State Chapter with the initiative of new members.

### INTEGRITY PACT

IP Cell & Partnership for Transparency Fund (PTF) organized a global launch of a book by Pierre Landell-Mills, titled "*Citizens Against Corruption - Report from the Frontlines*", by Delhi Justice Manmohan Sarin, Lokayukta, on 30 April. This book delineates the courageous and dedicated efforts of people across the world who had participated in a wide range of initiatives aimed at curbing corruption.

A Conference on "Transparency in Defence Procurement" was organized on 15 May. It was inaugurated by Shri A. K. Antony, Defence Minister. He also released the "Manual for Examination of Public Procurement Process". It was attended by representative from TI-S, UK, Nepal, and Sri Lanka.

Another conference on "Promoting Transparency in Construction Industry" was organized on May 27. It was attended by the representative from CVC, CCI, and various Public Sector Undertakings.

Besides, Director (IP) had meetings with CVO and Nodal officer of KIOCL Ltd. during his Bangalore visit. The Case Study on "Cartel and Collusion in Indian Industries" has been circulated among the Board Members for approval.

### PROJECT PAHAL

**Bihar:** In response to their RTI application, Pahal volunteers received government records of MNREGA in Nawani Panchayat of Madhubani district in the month of May. Its audit by the Mahadalit Mazdoor Mahilas in the Panchayat revealed that the women received only a total of Rs. 4,000 as their wages against a payment of Rs 80,000 shown in the records. These women also alleged that their job cards were kept with Rojgar Sevak. A complaint based on this information has been sent to Civil SDO for further action.

Nawani Panchayat conducted its mandatory Social Audit on June 13. As usual, it was taking place without the presence of beneficiaries and villagers. Few Pahal volunteers who got this information mobilized villagers to participate in the social audit.

Villagers, including beneficiaries, reached the venue to participate in the social audit and demanded to conduct it as per the standard procedure demonstrated in earlier Pahal programs with complete transparency.

Record of Indira Awas allotment in Nanaur Panchayat of Andhrathari block was obtained by the volunteers to cross check the details of BPL beneficiaries. Irregularities were found. These were sent to civil SDO, Panchayat Secretary, BDO and other relevant stakeholders for further action.

**Odisha:** Two RTI & RTS training programs were organized to educate 88 villagers of Badajhada village of Kijhar Gram Panchayat in Nayagarh district of Odisha on April 14 and in Singapada village of the Singapada Gram Panchayat on May 5.

### ALAC

**Internship program** – Due to coordinated efforts, 75 interns from some of the Law Universities of India were trained on various tools of good governance, administrative and legal rights at ALAC during April–June. All the interns are likely to act as our flag bearer and use the RTI to seek redress of problems.

**New initiative:** A new initiative called **ALAC @ Campus - Youth Against Corruption** with the slogan “POWER TO EMPOWER” has been started to reach to a larger constituency. Some volunteers from different law colleges were shortlisted to provide free-legal advice in different states and to support ALAC’s core objectives by acting as cashless manpower that would create a wider reach of the program in the country.

### Publicity

- **ALAC Website** – [www.alacindia.org](http://www.alacindia.org) is now functional.
- **TII Helpline 26232323** was advertised at Delhi Metro stations to invite attention of commuters.
- **ALAC News letter:** A Quarterly Newsletter containing the progress and future course of action in fight against corruption has started since April to create awareness among people of their legal rights and duties.
- A conference on “Strengthening Public Grievance System and Role of Civil Society” was

held in Delhi on June 25. Justice Manmohan Sarin, Lokayukta of Delhi, delivered keynote address. He warned that like a snowball corruption was increasing in society due to the indifferent attitude of people. He advised citizens to start naming and shaming the corrupt officials. Shri S. C Agarwal, noted RTI activist, spoke about importance of protection of whistleblowers. He informed that he received many anonymous tips which provided important facts that helped enormously in seeking information. The conference was attended by members from the Resident Welfare Associations so as to involve them with issues and methods of dealing with problems in their areas. Delhi Public Grievances Commission (PGC) Chairman P.K Tripathi also spoke on the occasion.

### UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

TII and Amity Law School jointly organized a 2-day workshop on the status of UNCAC as capacity building exercise for the students to engage them in the fight against corruption. Different technical sessions on combating corruption through criminal legislation, bribery and money laundering, anti-corruption tools, corruption and repression were discussed.

### DEVELOPMENT PACT (DP)

ED Anupama Jha made a presentation on DP at the 14<sup>th</sup> Annual Global Development Conference in Manila on 19<sup>th</sup> to 21<sup>st</sup> June.

### LECTURES/SEMINAR

- ED spoke on the importance of anti-corruption in realising development goals at the United Nations Global Compact Conference on 9<sup>th</sup> April at New Delhi.
- ED also spoke on RTI at the National Academy for Training and Research in Social security at Delhi on 7 May. (Where? Indicate)
- TII former chairman P. S. Bawa spoke at the consultation workshop on UNCAC organized by the Amity Law School.

## CHAPTER ACTIVITIES

## Rajasthan

The PIL filed in November 2012 regarding unwarranted collection of toll tax by National and State Highways contractors has been transferred for hearing in the Supreme Court. Another PIL has been finally disposed of in favor of TII Rajasthan Chapter directing the State Government to file replies in all the stay cases pending in the High Court against officers for issue of prosecution sanctions by empowered authorities.

The Chapter has entered into tie-up with Rajasthan State Legal Authority which has agreed to allow TI members to participate actively in their awareness camps to highlight need for transparency in government offices to ensure exercise of rights by citizens.

The Chapter has launched essay and debate programs for city schools and colleges to bring about awareness among students for ethical conduct in life.

The Chapter is also organizing an essay competition amongst the students aspiring for the IAS/RAS services in the Parishkar Institute in Jaipur.'

**APPLICATION FOR ACTIVE MEMBERSHIP**

All the TI India members, who are desirous of becoming Active Member, are requested to send their application on the prescribed form. This Form can either be downloaded from TI India's website:

**www.transparencyindia.org** or may be obtained from TI India's Delhi office.

**TI India's Advocacy & Legal Advice Centre  
(ALAC) Anti-Corruption Help-Lines**

<b>Delhi</b>	<b>011- 2623 2323</b>
<b>Patna</b>	<b>09304 22 0023</b>
<b>Ranchi</b>	<b>09334 40 2323</b>
<b>Jaipur</b>	<b>0141- 2742 799</b>
<b>Bhubaneswar</b>	<b>0674 - 2555 525</b>

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