



# TRANSPARENCY INTERNATIONAL INDIA

EDITORIAL

**Quarterly**

## Optimism of Will

The recent controversy over irregular deals in defense equipment, the complicity of national level politicians in colluding for personal gain, the out-of-way acquisition of land within the framework of old law combined with liberal and biased interpretation for personal appropriation, the indulgence of ministers in scams pertaining to food, health, rural employment, and even taking money for proxy jobs, the arrest of a number of ministers, etc., are full of tragic sarcasm and create an abhorrence thus pushing one to an abyss of apathy. This heralds the defeat of hope for a brilliant India.

But where hope may not succeed, the will shall triumph. The will shows the way. The will of people for clean governance, the will of the ordinary and the small to seek answers from the all-powerful, the atmosphere of shaming the big by not only arresting them but keeping them in well-deserved detentions, the forfeiture of property of those who are involved in amassing wealth recovered from their vaults and construction of palatial houses, are all indicators of will to rectify and erase marks of indiscipline in public administration. The narratives of small voices, through a certain act of will, reflected in refusal to grant power to those who betrayed the strength of institutions is a welcome sign. So-far-and-no-further is the modern leitmotif. The Right to Service Act in

thirteen states, on the promptings of TI India, is another tool in the hands of people. These are all acts of will.

The disadvantage of 'hope' is that the act of hoping is not enough, though it is considered to be so. Hope is in the air, the will is on the ground seeking activity, reflexivity, and rebellion. The will to get out of trap of secrecy, the will to refuse denial of rights and contest the wrongs, the will not to tolerate injustice of any hue – gender, disability, geography, equality, development – is the only hope for sustainability and progress.

Let the warriors against corruption not hope in vain and live in a make-believe world. Let hope not be threatened by the enormity of the task. Let them strengthen the muscles of will by constantly exercising vigil, pursuit of positive ends, and commitment to a cause. Let the will triumph by consistent pursuit of the desirable and seeking improvement, howsoever piecemeal it may be. Small successes shall become victories in the end.

## Integrity Pact

- A Report on 'Assessment of the Integrity Pact in IP Compliant Public Sector Undertakings' was released on 16 January at the India International Centre by Shri R Srikumar, Vigilance Commissioner, CVC. TI India has initiated process of follow up on the report.
- TI India organized one day conference on "Enhancing Frameworks for Transparent Public Procurement and Strengthening Public Grievance System" at Patna on 11 February.
- Shri Ashutosh Kumar Mishra, Dir. (IP) Participated in a Vendors Meet, organized

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by Telecommunications Consultants India Limited (TCIL) on 29 Feb. to take feedback from vendors on implementation of Integrity Pact in TCIL. Shri Madhukhar and Shri K. N. Singh, IEMs of TICL, Shri Vimal Vakhlu, CMD, Shri Selvakumar, Chief Vigilance Officer, Directors and senior officials of TCIL, about 30 Vendors of the TCIL and Shri Binod Bhattarai (TI-Nepal) participated.

- A meeting was held at the office of the Confederation of Indian Industry (CII), Delhi, on 23 February to implement the Integrity Pact in the corporate sector. Chairman, ED, and Director (IP) made presentation to representatives from prominent business houses.
- ED participated in conference by the Red Flag on Strategic Oversight Corporate Governance, held at India International Centre (ICC) on 3 March.
- ED gave a presentation on IP to officers of Bihar Road Development Corporation, Patna, on 23 March.

### PAHAL

TI India organized one day Citizen Group Workshop at M.R.M. College for Women, Darbhanga, on 13 Feb. to raise awareness about RTI Act, the citizens' charter, Right to Service Act, and various social security schemes of the government among citizens. Students, academics, media persons and civil society representatives participated in Workshop. There was a lot of enthusiasm, especially among the students. The TI India State Chapters may also consider such programs for students in colleges.

### ALAC

- Shri Rama Nath Jha, Director (Advocacy & Legal Advise Centre) participated in a program at Baku (21-8 January) for training in connection with his project to advise victims of corruption and whistle blowers.
- ALAC, Patna (Helpline No. 09304 22-00-23)

was launched on 11 February during a seminar attended by senior officers of Government of Bihar, volunteers for civil society, students, and media.

- ALAC, Bhubaneshwar (Helpline No. 0674-25-555-25) was inaugurated by Justice Indrajeet Mohanty, Odisha High Court, in presence of a massive gathering.
- More Helplines are scheduled to be launched at Ranchi and Delhi during April.

There has been a good response from people who have started contacting the help lines

### Development Pact

- A review meeting on the DP was conducted at Madhubani on 12 March. It held the elected representatives of the local bodies accountable for performance in their areas in the presence of Additional District Magistrate (Development). A free and frank discussion was the highlight of the event that brought into focus the utility of the DP as a tool of dealing with problems at the ground level as people were pestered by the middlemen. The TI India Chairman, ED, and representatives of the Asia Foundation funding the project participated in the open house. The Chairman expressed the potential of the DP as a tool of dealing with corruption and a method of seeking good governance.
- A *Jan Sunwai* was held at Jhanjharpur, a sub-division of Madhubani, on 24 March. A large number of women, NGOs, and elected representatives attended the deliberations. It provided an opportunity to understand the public delivery system and the need for adequate response from authorities.

### FK Meeting Nepal:

Ashutosh Mishra Director (IP) and Sanjeev, Accountant, attended the meeting from 13-16 Feb. It was agreed that FK Fellows would be exchanged between Nepal and India under this program.

## Right to Service Bill

TII has actively advocated the adoption of Right to Service Act by Various State Governments. States of Madhya Pradesh, Bihar, Uttar Pradesh, Delhi, Punjab, Haryana, Jammu & Kashmir, Kerala, Jharkhand, Rajasthan, Goa, Himachal Pradesh, Uttarakhand, Chhattisgarh and Karnataka to enact the Right to Service Act.

### Obituary

#### Shri A. C. Talwani

TI India is deeply grieved at the passing away of Shri Arun Talwani, Vice Chairman, on 8 April 2012 after a brief illness.

Shri Talwani was a pillar of strength to the organization. A silent guide who was constantly involved with issues of integrity, he constantly sought the participation of the private sector companies in the adoption of Integrity Pact as his experience provided him the insight into the need for this move.

A study, under his guidance, on the evasion of stamp duty during transfer of property by undervaluing the transaction thus incurring a heavy loss to the government exchequer, led to a landmark decision of the Government of Delhi to introduce the concept of Area Circle Rates. This not only added to the revenues and but also reduced the onslaught of black money. TI India shall, forever, recall his contribution in this respect.

Besides his involvement with TII, Shri Talwani was closely associated with humanitarian activities of the Lok Sevak Sangh and various other outfits functioning at Lajpat Bhawan. Here was a life dedicated to the social causes. It was a fulfilled life of a committed man. He shall be missed.

### Board of Management Meeting

During the quarterly meeting on 10 March, project-related activities were reviewed. The BOM approved five applications for TII's life membership.  
*April 2012*

Shri Pratush Sinha, former CVC, was also accepted as an Active Member. The Board had decided to request him to become a Member of the Board due to vacancy caused by demise of Shri B.R. Lall.

### Applications for Active Membership

All the TI India members, who are desirous to become Active Member, are requested to send their application on the prescribed form at the earliest but not-later than May 31, 2012. This Form can either be downloaded from TI India's website [www.transparencyindia.org](http://www.transparencyindia.org) or may be obtained from TI India's Delhi office.

### Tamil Nadu Chapter's Activities

The chapter organized six RTI Act camps at Madurai for about 150 women from the slum areas.

### Observations of Supreme Court in 2G Spectrum Case

In *Dr. Suramanian Swamy vs. Dr. Manmohan Singh and another*, Civil Appeal No. 1193 of 2012, the Honorable Supreme Court observed 'Today, corruption in our country not only poses a grave danger to the concept of constitutional governance, it also threatens the very foundation of Indian democracy and the Rule of Law. The magnitude of corruption in our public life is incompatible with the concept of a socialist, secular democratic republic It cannot be disputed that where corruption begins all rights end. Corruption devalues human rights, chokes development and undermines justice, liberty, equality, fraternity which are the core values in our preambular vision. Therefore, the duty of the Court is that any anti-corruption law has to be interpreted and worked out in such a fashion as to strengthen the fight against corruption. *That is to say where two constructions are eminently reasonable, the court has to accept the one that seeks to eradicate corruption to the one which seeks to perpetuate it.*' (Italics added)

On the issue of sanction to prosecute, the Supreme Court has suggested the parliament

to consider constitutional imperative of Article 14 (due process of law) by 'introducing time limit in Section 19 of the PC Act 1988 for its working in a reasonable manner' by proposing the following guidelines for consideration:

- (a) All proposals for sanction placed before any Sanctioning Authority ..... must be decided within a period of three months of the receipt of the proposal by the concerned authority ...
- (b) Where consultation is required with the Attorney General or the Solicitor General or the Advocate General of the State ... and the same is not possible within the three months ..... an extension of one month may be allowed.....
- (c) At the end of the extended period of time limit, if no decision is taken, sanction will be deemed to have been granted to the proposal for prosecution .....

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20. SJVNL Limited Electrical Contract Dept., Surajkund Bldg., New Shimla-09	757	50,000/-
21. Shri M. L. Kumar 137, Nilgiri Apartments Alaknanda, New Delhi - 19	760	850/-

#### Request

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