

TRANSPARENCY INTERNATIONAL INDIA

(Swadeshi initiative against corruption)

July 2016 (April - June 2016)

Vol.- XIII: Number 2

Quarterly

EDITORIAL

The Enigma of Silence

Silence may be golden in ascetic terms when loudness is disturbing to the meditative mind. But silence can also be killing liability when it is necessary to be broken. In this case it subsumes aspects of secrecy, opacity, or deliberate muzzling of facts that, if revealed, could either cause discomfort or cleanse the clouds of mind. Therefore, silence disturbs. Kierkegaard says that concealment is ethically culpable. It is contrary to transparency that is a negation of silence by setting to rest sounds of doubt, guesses, and speculation. Silence conveys the disdain of the 'other' who is either not worth communicating with as he may be immature, cantankerous, or undesirable or he is bereft of the proper understanding. It is a deliberate act of denouncement of the 'other'. Whatever be the absurdity of silence, there is a hope of vindication once its basis gets conveyed. However, the unreasoning silence in the midst of cry for justice is a condition of incomprehension. Openness and truth is therefore the best form of appeasement when even the loser realizes that he got the best desserts. Hence speaking is the way of communication whereas silence leaves things to imagination, thereby frustrating communication.

Transparency International, the parent body, by not informing Indian national chapter about its displeasure, dissatisfaction, or a feeling about an absence of 'appetite in seeking reforms', has not articulated its concerns and thus denied the latter the opportunity of speaking truth by presenting proof to the contrary and undoing the vague impressions based upon false, sentimental, and distorted assessment. TII had been keen to learn from its faults, if informed in specific terms.

Pointing out the faults, acceptance thereof, and endeavor to change are dialectics of progress. The path to progress is recognition of inadequacies and then improving upon the same. Despite repeated pleas there has been no disclosure of the mind of the apex body and reasons for their withdrawal from the fight against corruption and desire for good governance.

There are seven 'whys' that remain unanswered and have been tormenting the national chapter. Why was a notice for 'withdrawal of accreditation' given, the basis thereof; why was the copious response to that and defense of the chapter not taken proper note of and disagreements not conveyed; why was the final order and its basis not conveyed; why was plea for 'reconsideration' not accepted; why were 'proposals for transformation' not shared in writing; why were these withdrawn even when accepted by the general body; why was request for mode of informal 'arbitration' not accepted, even responded. Disclosure of reasons is an ethical demand else silence assumes a demonic form. So long the sphinx remains silent the unease with national chapter shall continue. It shall forever have a feeling that it has been sinned against without attributing any cause. It has a right to seek information that is denied not on basis of reason but by stonewall of silence.

In this case, silence is not golden. It is lethal.

Elected Board of Management Members 2016

Consequent upon the 'withdrawal' by TI in December 2015, all Board members had resigned. Fresh elections to the Board were held and following fifteen contestants declared elected.

- 1 Shri Ajay Dubey – Bhopal (Madhya Pradesh)
- 2 Shri Ashok Kumar Jain – Noida (U.P.)
- 3 Shri H. L. Chouhan – Jaipur (Rajasthan)
- 4 Shri I. C. Srivastava - Jaipur (Rajasthan)
- 5 Shri Jagdananda – Bhubneswar (Odisha)
- 6 Mrs. Kiran Aggarwal – Chandigarh (UT)
- 7 Mrs. Madhu Bhalla – Delhi
- 8 Shri M. N. Krishnamurthy - Bangalore (Karnataka)
- 9 Shri M. S. Kochar – Gurgaon (Haryana)
- 10 Shri Padamjit Singh – Patiala (Punjab)

Transparency International India

Qr. No. 4, Lajpat Bhawan, Lajpat Nagar-IV,
New Delhi-110 024, India

Tel. (011) 2646-0826 / 4063-4797

Fax : (011) 2642-4552

Editor : P. S. Bawa

E-mail: info@transparencyindia.org

Website: www.transparencyindia.org

- 11 Mrs. Pratibha Puranik – Gurgaon (Haryana)
- 12 Shri S. R. Wadhwa – Delhi
- 13 Shri Sachin Rai – Ujjain (Madhya Pradesh)
- 14 Shri V. Balasubramanian – Bangalore (Karnataka)
- 15 Shri V. K. Singhvi - Jaipur (Rajasthan)

For the fifteenth position, there was a tie with 37 (thirty seven) votes each among the following candidates: (1) Shri Anup Krishan Mehra (2) Mrs. Deepak S. Gulati (3) Shri Jagdananda

A draw of lots was conducted in sealed envelopes. Shri Jagdananda was declared elected at No.15

Integrity Pact

- ◆ **Integrity Pact Training:** TII conducted a one day training program for the empanelled vendors of City and Industrial Development Corporation of Maharashtra (CIDCO), Navi Mumbai, on May 13, 2016. The event was inaugurated by Shri Bhushan Gagrani, Vice Chairman and Managing Director, CIDCO. The theme of the training was to understand the role of Independent External Monitors (IEM), and other aspects of IP which were relevant to the vendors, besides making them aware of the utility of the tool.
- ◆ **Vendor Perception Survey:** TII conducted a vendor perception survey for the empanelled vendors of CIDCO. The survey aimed at gauging what the vendors thought of IP adopted by CIDCO, their familiarity with the tool, the procedural hassles, if any, and recommendations for effective implementation. The report on the survey would be published.
- ◆ **Integrity Index:** The Central Vigilance Commission invited bids for crafting an Integrity Index for 25 Public Sector Undertakings across eleven sectors. Transparency International India along with Deloitte Touche Tohmatsu Limited prepared a detailed proposal which was submitted on June 29, 2016.
- ◆ **Memorandum of Understanding with Maharashtra Airport Development Corporation (MADC):** TII signed MoU with Maharashtra Airport Development Corporation on June 6, 2016. The MADCO becomes the second Maharashtra PSU to agree for training their staff and vendors on public procurement and Integrity Pact. Under the MoU, TII will conduct two staff and vendor training courses. TII will also facilitate the adoption of Integrity Pact in the organizations'

procurement processes and conduct tender analysis on all the tenders under IP.

- ◆ **Participation in Governance Lab:** It was organized by Government of Andhra Pradesh, June 27-29, 2016, Hyderabad: In a series of consultations conducted by Government of Andhra Pradesh, Vision 2020, a consultancy wing of Government of AP invited Transparency International India to participate in the consultation on best practices in Public Procurement and Public Service Delivery. TII was represented by Ms. Jot Prakash Kaur, Project Director, IP. She made a presentation on the Integrity Pact and elaborated on the merits of the tool. As part of the recommendations to the Chief Minister, IP's adoption in procurement processes by AP government was included as a take away from the consultation.
- ◆ **Letter to Government Departments:** On May 20, 2016, letters were sent to all Defense Companies and Public Sector Banks who have adopted the Integrity Pact to seek details of Independent External Monitors (IEMs) as these were not in the public domain. TII also suggested to the Chief Vigilance Offices to put details of IEMs on the company website.
- ◆ **World Bank Survey on Public Procurement for India:** TII participated on May 19, 2016, in a discussion at the World Bank to consider benchmarking Public Procurement. TII pointed out dearth of a well crafted public procurement policy at the Central government level.
- ◆ **Assistance provided to Public Sector Undertakings**
 - TII assisted Madras Fertilizers Limited (MFL), June 17, 2016, and Engineers India Limited (EIL), May 2, 2016 with the steps to be followed in adoption of Integrity Pact in procurement and service contracts, respectively.
 - Hindustan Aeronautics Limited (HAL), May 16, 2016: TII furnished all the Central Vigilance Commission circulars pertaining to the HAL.

Advocacy & Legal Advice Centre (ALAC)

36 complaints were received at Delhi on anti-corruption helpline during the quarter April-June.

Ajay Kumar, Program coordinator and four Law Interns from TII, participated in "Interaction with senior Police officials" organized by Delhi Residents's Welfare Associations at PHD house, Khel Gaon Marg, New Delhi-110016, on 4 June

2016. More than 300 participants from the Resident Welfare Associations, Delhi Police, Civil Society Organisation and others participated in this program.

Success Stories

1. ALAC received complaint on our Anti Corruption helpline number New Delhi from Shri Mitin Agarwal (name changed) against M/s Outlook Communication regarding fraud and cheating. We advised him to immediately inform the police on the matter. We drafted Legal Notice & consumer court case on behalf of Shri Agarwal. After hearing he got a favorable decision. The District Consumer Dispute Redressal Forum ordered the respondent to pay the refund claimed with interest along with costs of litigation and compensation for mental harassment.
2. ALAC successfully intervened in a complaint by Mrs. Mridula against Tata Sky regarding restoration of High Definition service. Shri. Pankaj Kumar, Director, ALAC, worked very hard on this case.
3. ALAC helped Gurpreet Singh receive return of Rs 48000/- from M/s Harshit Enterprises after sending advising him to send legal notice, prepared by TII vigorously following it up.

Engagement with the Government

1. The Chairman wrote letters to
 - ◆ Shri Raghav Chandra, Chairman, National Highway Authority of India on 18 May 2016 to provide training facilities and other clarifications on the implementation of the Integrity Pact.
 - ◆ Shri Vijay Kumar Chaudhary, Hon'ble Speaker, Legislative Assemble of Bihar on 15 June 2016 to request for an enquiry regarding the educational record of Smt. Usha Sinha, former Member of the Bihar Legislative Assembly, from Hilsa, District Nalanda, who, it is alleged, had completed various academic courses much earlier than the period required for the same.
 - ◆ Shri Mahesh Sharma, Minister of State, Ministry of Civil Aviation on 28 May, to appreciate the move of the Ministry of Civil Aviation, on pointing out by TII, to rein in the Airlines for being reasonable during emergent situation, like the one caused by the Jat agitation in Haryan. The Government of India has decided to announce measures to curb high airfares during such calamities.

2. Chairperson P S Bawa, and Executive Director Rama Nath Jha had a meeting with Dr Anoop Kumar Mittal, Chairman and Managing Director, National Buildings Construction Corporation Ltd. (NBCC) to explore synergies between TII and NBCC to forward the governance agenda and for transparent procurement.

Activities of State Chapters

Rajasthan

- 1) Shri SS Bissa, Secretary, delivered lectures to IAS & State trainee-officers on Transparency, Ethics and Good Governance at Harish Chandra Mathur Rajasthan State Institute of Public Administration (Officer Training School)
- 2) Shri RK Saxena, Consultant, CHRI & Life Member, TII, addressed officer trainees of RAS, Prison Service & interns of CHRI on Human Rights, Transparency & Good Governance.
- 3) Shri I.C. Srivastava, Chairman and Shri R.Bhanawat IAS Retd & Member, Managing. Committee, contributed articles on topics of education, freedom of expression, monitoring of maintenance infrastructure and credibility of governments in Daily Rashtrdoot, Jaipur, during April-June.
- 4) Chairman, Shri Srivastava, wrote a letter CM. Rajasthan supporting restoration of lessons on RTI in Secondary Classes curriculum.

Uttar Pradesh

- (a) The matter regarding criminal cases pending against sitting M.Ps./M.L.As is being pursued .
- (b) Some of the notifications issued by State Govt. under "U.P.Janhit Guarantee Adhiniyam, 2011" are not as per the statute. The notification does not contain mention of first appellate authority and second appellate authority. The U.P. Chapter has taken up the matter with the authorities.
- (c) U.P. Government had issued Notification to appoint Justice (Retd.) Sri Mirza Imtiyaz Murtaza, single member Commission of Enquiry to enquire into the incident of June 2, 2016 at Jawahar Bagh, District Mathura, leading to death of Santosh Yadav, Station House Officer of P.S.Farah, and Mukul Dwivedi, S.P.City, by Swadheen Bharat Vidhik Satyagraha/Swadheen Bharat Subhash Sena, on the land owned by the Horticulture Department.

Not satisfied with the terms of reference, the Chapter proposed amendments to the notification to find out how and since when Ram Briksh Yadav and party remained in unlawful possession of land, and the circumstances which allowed the encroachers to continue in such possession, erect structures, set up civic facilities like water and electric supply, and gather illegal arms and weapons of assault.

India ranks 70th

on 'Good Country' Index, Sweden first

Sweden has been voted as the best country in the world serving interests of its people and contributing to the common good of humanity while India figured low at 70th position on a list of 163 nations.

According to the 'Good Country Index' 2015 which seeks to measure how countries contribute to the global good, Sweden, relative to the size of its economy, does more "good" and less harm than any other country. The report ranked a total of 163 countries taking 35 different UN and World Bank indices into account, including global contributions to science, culture, peace and security, climate change, health and equality.

The top 10 best countries included Sweden, Denmark, the Netherlands, the UK, Germany, Finland, Canada, France, Austria and New Zealand, whereas Libya was ranked as the least "good" country in the world. India figured at 70th position overall, three places below China, with the best ranking (27th) in 'international peace and security' and the worst (124th) in 'prosperity and equality'.

While the country stood at 37th position in health and wellbeing and 62nd in science and technology, it was ranked 119th in culture, 106th in climate and 100th in world order. 'The Good Country Index is pretty simple: to measure what each country on earth contributes to the common good of humanity, and what it takes away, relative to its size,' the report said.

**TI India's (ALAC)
Anti-Corruption Help-Line
New Delhi (011-26 23 23 23)**

Request for payment of Annual Subscription FY 2016-17

As per the Annual General Meeting held on 20 December 2014 and Special General Meeting held on 14 February 2015 had approved a new policy regarding regular annual subscription. Accordingly, all Members of TII are required to pay the Annual Subscription of Rs. 250. **The Annual subscription for the year 2016-17 is to be paid latest by August 31, 2016**, through cheque/draft in favour of '**Transparency International India**', and sent at Qr. No. 4, Lajpat Bhawan, Lajpat Nagar-IV, New Delhi – 110024. Members may consider paying of subscription for 3-4 years.

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.

Donation Received

Name of Donor	Receipt No.	Rs.
1. Justice Kamleshwar Nath Gunjan, C- 105, Nirala Nagar Lucknow - 226020 Uttar Pradesh	1173	20,000/-
2. Lt. Col.(Retd.) H. P. Jauhar 4/70-A, Raksha Puram Mawana Road Meerut - 250001 Uttar Pradesh	1174	4,750/-