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New Lease of Life Needed for RTI

Dinesh C Sharma

After nearly a decade of active struggle by civil society, advocacy with law makers, public interest litigation in the Supreme Court and long legislative rigmarole, India got its first Right to Information law in 2005. The RTI Bill was passed by both the houses of the parliament in May 2005 and the President gave his assent to the Bill on June 25, 2005. The RTI Act formally came into force on October 12 the same year. The year 2015 thus marks ten years of this landmark legislation which empowers citizens to seek information from government departments about any subject barring those mentioned in an exemption list. Under this Act, citizens can seek any information from government ministries and departments as well as other public authorities, take copies of government documents such as files, inspect government departments, inspect government works, and also take samples of materials used in any public works such as construction of roads bridges etc.

It took some time for all rules and regulations under the Act to be notified and requisite procedures such as appointment of public information officers to be in place. The spread of the internet helped in creating awareness

about the law as all government departments could make public procedures for people to obtain information using the provisions of the new law. Public information officers, appellate authorities were also notified by each government department. The law provides for making available certain basic information about government departments to be made public such as functions of the departments, contact details of key persons, salaries etc. Along with all such steps were established state information commissions as state level appellate bodies and the Central Information Commission as the apex appellate body to hear disputes and cases relating to adjudication.

In the initial phase, there was both euphoria and disappointment. People started filing RTI applications in various ministries and state departments seeking all sorts of

information about public expenditure, money spent on foreign trips of ministers, reasons for delay in projects and public works, deaths due to clinical trials etc. All this made available a lot of new information in public domain, which percolated to media in the form of news stories and exposes. Journalists also started using the act to elicit information which was not available to them via traditional channels. The impact of

“Constant attempts have been made to dilute the reach and effectiveness of RTI, be it delays in appointment of commissioners or cutting down budgets of commissions. We need to be constantly on vigil to protect this right and further strengthen it, and also push for second-generation reforms. The battle for transparency has just begun with RTI”

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About CMS Transparency

The CMS Transparency team focuses on issues of good governance, raising awareness about the Right to Information Act (RTI) and empowering citizens to benefit from the legislation.

The Right to Information Act 2005 represents a historic breakthrough in recognising the citizen's democratic rights to monitor measures affecting the public good. Following adoption of the Act by the Parliament of India, the CMS has set up a Transparency Studies wing to document, examine and publicise the interrelation between governance and society in all its aspects. It facilitates dissemination of relevant material, confers with experts and field workers and networks with the media to promote implementation and awareness.



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RTI in towns and rural areas was different, as people sought details of public works in area, information about minimum wages and about entitlements etc. All this did not make headlines in newspapers, but the tool of RTI helped unearth several scams and instances of misuse or diversion of funds. This was the purpose with which grassroots organizations like the Mazdoor Kisan Shakti Sangathan had struggled for right to information.

However, pretty soon certain disturbing trends emerged. Governments departments began to create hurdles in smooth implementation RTI. They would not part with information easily and would make applications linger till the deadline of one month. They also adopted diversionary tactics like telling applicants that required information was not in their purview and inputs were needed from other departments. In some departments, officers stopped writing detail notes on files or would write with pencil (so that it can be erased later) or use sticky notes. All this was to prevent information about decision making to flow to public via RTI. At times, applicants would be asked to pay huge amounts of money for making copies of information sought. Some government employees also misused RTI to get information about internal personnel matters like transfers and promotions, while vested interests used RTI applications to elicit information with motive of blackmailing corrupt government officials. Most disturbing trend, however, was direct physical attacks on RTI activists seeking information about public works or approvals from departments known for corruption. Many RTI activists have been killed in such attacks.

The biggest blow to RTI came in 2011, amidst mega corruption scams, from Prime Minister Manmohan himself. RTI, he said, should not “adversely affect the deliberative processes in the government. We must also take a critical look at the exemption clauses in the RTI Act to

determine whether they serve the larger good and whether a change is needed in them.” Singh also articulated concerns of senior bureaucrats about RTI discouraging honest public servants from giving full expression to their views. If these views are made public in isolation they may present a distorted picture of deliberative process, Singh asserted. This sent a signal to government departments to lower their alertness with regards to RTI. Several amendments to the Act were mooted to limit the reach of RTI and discourage applicants. When the issue of bringing political parties under RTI purview came, all political parties opposed it.

The attempts to dilute RTI by direct and indirect means have continued since then, even after the new BJP government came to power in May 2014. One such means is to starve central and state commissions of funds and personnel. The unexplained delay in appointment of the Central Information Commissioner is a case in point. Many state



commissions are being run without the full sanctioned strength. As a result, these authorities have become like judicial courts with huge pile of pending cases. The denial of information from the PMO, security agencies and other wings of the government has become a routine, and in the absence of CIC appeals against many such rejections could not be heard in the past one year. The new CIC will have to work overtime to clear the backlog. At the same time, little progress has been made to implement second-generation instruments for transparency and accountability such as the Whistle Blowers Protection Bill, Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, Lokpal and Lokatyukta Bill etc.

The experience with RTI in its first decade shows that we need to be constantly on vigil to protect this right and further strengthen it, and also push for second-generation reforms. The battle for transparency has just begun with RTI.

RTI at 10 : Concerns and Challenges

The Right to Information Act was passed in 2005 and gradually implemented all over the country. It was supposed to herald an era of openness and transparency in governance and empower the common man. The law provided people a new tool to fight for their rights, expose corruption and improve functioning of government departments. For the first time, government files and notes became a subject of public discussion. At the same time, people in the government began to create hurdles in its implementation and started delaying the process of providing information. The power of the information also threatened vested interests, resulting in attempts on lives of RTI activists. Several of them were brutally murdered. It was also feared that process of decision making is getting hampered because of this dose of transparency. Attempts were made to dilute the provisions of the law and make it ineffective from time to time. It has been a mixed experience with RTI in the past ten years. Here is what key people feel about RTI at ten.

“Death by vacancies”

Aruna Roy, Mazdoor Kisan Shakti Sangathan

The Modi government’s attitude to the RTI has, from the very start, been one of malignant neglect and deliberate destruction. Event management and gimmicks have taken over while established systems for sharing information lie neglected. The PM promises to tweet but does not face citizens to answer obligatory queries under a law created for this purpose. In fact, the Central Information Commission, which has the mandate to channel applications to the PMO, the Defence Ministry and other important ministries in the Union government, has been headless since August 23, 2014 – that is, for most of Modi’s tenure so far.



An RTI was filed to inquire about the appointment of the CIC and the minutes of the meeting convened. The answer received in writing said that no minutes had been kept. For the right to information and good governance, record maintenance is a critical link to accountability.

Disclosing information is a fundamental requirement of a transparency regime. The free flow of information from government to citizen has promoted engagement in local and national issues. In the past year, we have seen an ominous lack of transparency. This government too fights shy of implementing Section 4 of the RTI dealing with the proactive disclosure of information: “It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.”

Lack of transparency is clear in the prevention of any consultative process prior to legislation. The RTI, NFSB, Domestic Violence Act etc. established a democratic consultative process of drafting legislation. Before being introduced in Parliament, the text of bills must be put in the public domain in compliance with the government’s stated Pre-legislative Consultation Policy (PLCP).

For instance, the text of the Whistleblower Protection amendment bill was only made public on May 11, 2015 after it was introduced in Parliament. RTI requests seeking information on the nature of amendments were denied on the pretext that the relevant file had been submitted to “higher authorities” for placing the matter before cabinet. Lack of availability of the text of the amendment bill thwarted discussion in the public domain about the appropriateness of the amendments.

Source: The Wire.in (May 27, 2015)

“Politicians, bureaucracy are stumbling blocks”

Shailesh Gandhi, former Central Information Commissioner and RTI activist

Most of the established institutions are unhappy with the RTI. When the power equation changes between those in power and the ordinary citizen, resistance is expected. Everyone in power generally feels transparency is good for others, whereas they should be left to work effectively. It is implied that transparency is a hindrance to good governance.

The bureaucracy is also hardening its stand and in most cases has realised that the commissioners are not really committed to transparency. This coupled with the long wait at the commissions and the stinginess of the commissions in imposing penalties is slowly making it difficult to get sensitive information which could aid citizens to expose structural shortcomings or corruption.

A greater danger comes from the selection of information commissioners as a part of political patronage. Most have no predilection for transparency or work. Their orders are often biased against transparency and in many places, a huge backlog is being built up as a consequence of their inability to cope. Consequently, a law which seeks to ensure giving information to citizens in 30 days on pain of penalty gets stuck for over a year at the commissions. Eternal vigilance is the price for democracy. We have a very useful tool to make our democracy meaningful and effective. It will work and grow if we struggle to ensure its health. We need to put pressure on various institutions so that they restrain from constricting our right, ensure a transparent process of selection for commissioners and adequate disposal of cases at the Commissions. If we are lazy, this right will also putrefy.



Source: Deccan Herald (May 12, 2015)

“Government making RTI dysfunctional”

Subhash Chandra Agrawal, veteran RTI activist



“The replies you get nowadays are vague and the information which used to be provided easily earlier is now being denied. The post of the Chief Information Commissioner lying vacant since the last incumbent, Rajiv Mathur, retired in August 2014. The work has come to a complete standstill in two registries.

The worrying aspect for him is that petitions filed before key offices like Rashtrapati Bhawan, the Prime Minister’s Office, Supreme Court and High Courts are getting dumped there as the CIC used to himself address them. The work of the registry he handled before becoming CIC and the one he handled as a commissioner have both been impacted. So the pendency of cases being handled by these is likely to go up to three years.

Another area of concern is the quality of orders which are being issued by the Central Information Commission. As CIC, Wajahat Habibullah used to deliver detailed orders which could make for complete stories. But now, very often, the orders are really short and often do not contain the background, which makes it difficult for the media to comprehend what they are all about.

The working of the CIC has also suffered as the Centre has questioned its authority and powers to increase the salaries of staff taken on contract. Rajiv Mathur had engaged several people through outsourcing of jobs, and their salaries were raised about 10 per cent every year. But the Department of Personnel and Training not only questioned this but also moved for recovery of enhanced salaries and arrears, adversely affecting its functioning.”

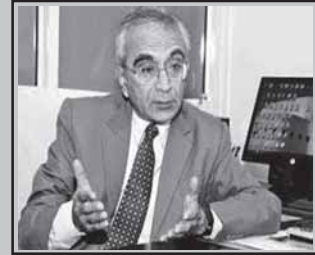
Source: The Wire.in (May 11, 2015)

“Most appeals to CIC should have been disposed at government level”

Vijai Sharma, Chief Information Commissioner

“Clearing pending cases is a challenging task. In May 2014 the pendency was 29,000, but now it is close to 40,000. Some experimentation will have to be done. Some new ground will have to be broken. But the commission’s biggest worry is that most applications and appeals coming to CIC could have been disposed at the government department’s or first appellate authority’s levels.

All these months, cases of certain ministries were not heard because there was no chief. That should not happen. We should have a system so that no department should be without an information commissioner attending to the work. When one is about to retire, his departments should be redistributed among the present information commissioners.”



Source: **Economic Times (June 19, 2015)**



“Every single RTI threatens the concentration of power in a small or big way. When you get the information out, it is the first success. There are cases in which the information that is brought out would have to be made part of a larger political campaign. For instance, one single application was not enough to campaign against Bt. brinjal. When campaigns use the RTI, then its applicability extends far beyond accessing that information. It is information in the context of a big issue. In some cases, individuals find it difficult to extract information. That is why RTI groups support each other and help out people who have come into conflict with vested interests.” - **Nikhil Dey, MKSS**

Source: **The Hindu (May 31, 2015)**

“I think the role of RTI in unearthing big corruption has been rather over-emphasised. Government leaders don’t really need to be concerned about all this. Yes, sometimes an embarrassing fact or two might come out in the short term but if corrective action is taken, it helps the government. For example, in a case I handled, it turned out that the Parliament and Supreme Court complexes did not have fire clearance. The Supreme Court immediately took corrective steps but Parliament did not. A fire broke out in Parliament some time later”. -

Madabhushanam Sridhar, Central Information Commissioner



Source: **Hindustan Times (May 17, 2015)**

The new government also indicated its disinclination to maintain a transparent stance with its reluctance to disclose information about the selection process of the Padma awardees this year. During the UPA’s tenure in the centre, the Union Ministry for Home Affairs had adopted the practice of publishing all information that was relevant to the selection of the awardees on its website almost immediately after the declaration of the awards on the eve of Republic Day. This year however, in a response to Subhash Chandra Agrawal’s [comprehensive query](#) on the subject, the Ministry of Home Affairs said, “the process is not yet completed.” By its own admission, the government appeared to be readily admitting that it had given away the prestigious awards even before the selection process had been completed.

Source: **Caravan (April 8, 2015)**

Saving RTI from Becoming Archaic

Dr N Bhaskara Rao

As RTI Act enters tenth year, it is but natural to expect that its implementation has taken roots and the stakeholders are holding to their enthusiasm. In the initial years of the Act, it acquired a momentum and raised hopes of corruption coming down.

On an overview of the nine tumultuous years, I feel that the Act has kept up despite repeated attempts by the Government to water down its potential. In fact, there is no other example where an Act remained a scare for political parties and the bureaucracy and yet retained its teeth. It is mostly because of vigilant civil society activists and vigilant news media. However without renewed initiatives and efforts chances of the Act gaining further ground are bleak.

Slowly but steadily the Act has been loosing its punch and grit over the last couple of years. And yet there is no evidence of serious effort to rejoinate its implementation at any level. On the contrary some stakeholders seem to be happy. Particularly because no sooner the new Government came in, BJP reversed its stand about political parties coming under the preview of RTI.

The government, both at the centre and in states should immediately enforce Whistle Blower Act and declare their determination to transparently scout and fill vacancies in Information Commissions.

I have been advocating from the very outset the need to appoint at least one woman from public service and someone from rural background. At end of the second year I pointed that the reason for hardly ten per cent applications being from women and from rural areas was that there was

no sensitivity and no Commissioners to identify with.

The Prime Minister himself should express his resolve to enforce transparency in the working of the government. He should more specifically call for enforcing section 4 of RTI. With recent emphasis on e-governance and digital India, suo motto disclosure under that clause should be possible without excuses.

Equally pertinent for reviving the potential of RTI act is for political parties and news media more specifically to volunteer themselves to come under

the purview of RTI. This would in fact enhance the credibility of both the institutions. The court had earlier rightly ruled that political parties are public authorities. Conflict of interest in the operation of media is too obvious. Once both these institutions come under purview of

“Slowly but steadily the Act has been loosing its punch and grit over the last couple of years. And yet there is no evidence of serious effort to rejoinate its implementation at any level. On the contrary some stake holders seems to be happy. The Prime Minister himself should express his resolve to enforce transparency in the working of the government”

RTI, not only the number of information activists multiply, but the impact of this would be more direct in cleansing many other public bodies.

Information Commissions are functioning on slashed budgets and with hardly any dedicated support staff. The budget of Central Information Commission has even been reduced for 2015-16.

I had argued in 2008 that bureaucracy too would be a beneficiary of RTI Act as it meant a relief from pressures of work load. Once pro active disclosures become routine at all levels of Government Offices. Even a need to apply for information may no longer exist. In fact only then it could be said that transparency era has come in.

These are minimum initiatives needed to rekindle the Act. Information on activists should include other provisions like service guarantee, RTE, RTF etc. in their campaigns.

MKSS Struggle for RTI

In 1994, MKSS made a specific demand for copies of financial records of expenditure incurred in the local government institutions including Panchayats. However, since there was no legal entitlement to access relevant information even within the Panchayat, MKSS had to rely on informal means and sympathetic officials for access to these documents.

Once procured, these records were closely examined by the people of the concerned Panchayats. Public hearings were organised where residents came together to verify and audit the work of their Panchayat through individual and collective testimonies. Thus, the demand for transparency, accountability, and redressal through social audit (physical audit by the people), began to take shape.

The first public hearing MKSS organised in December 1994 established the importance of information for the people, and exposed the official opposition to disclosure of records. This flagged off the struggle for the people's Right to Information.



When government officials refused to part with records, and the Rajasthan Chief Minister failed to keep assurances made in the state assembly in 1995, a three-year long struggle was waged to secure relevant amendments in the Panchayati Raj Act and enact a comprehensive legal entitlement for the People's Right to Information.

In July 1997, the Government of Rajasthan amended the Panchayati Raj Rules. The Rajasthan State Right to Information Act was formally passed by the State

Legislature in May 2000 as the campaign became increasingly visible and popular.

However, the Rajasthan Act suffered from many lacunae and the Right to Information Campaign continued to highlight these shortcomings through its use of the Act. Public Hearings continue to be held, and have moved beyond development works to many other areas of human, development and democratic rights. These have been powerful illustrations of the scope and potential of the right of citizens to question, examine, audit and finally control every act of a democratic government.

Source: mkssindia.org

RTI : The Journey

- ~ 1975 – Supreme Court declared the citizens right to know flows from the fundamental right to freedom of speech and expression in Art 19(1)(a) of the constitution
- ~ 1990 – Prime Minister V.P Singh stressed the importance of Right to Information as a legislated right
- ~ 1994 – MKSS started a grassroots campaign for right to information which resulted in the enactment of a law in 2000
- ~ 1996 – Press Council of India under guidance of its Chairman Justice P.B Sawant drafted a law “Freedom of Information Act, 1997”
- ~ 1997 – The Working group appointed by the United Front Government under the Chairmanship of Mr H.D Shourie drafted a law called the Freedom of Information Bill, 1997
- ~ 1997 – Tamilnadu became the first state in India to pass a law
- ~ 1997 – The MP Govt issues executive orders to 36 departments to implement Right to Information later issued in more than 50 departments
- ~ 1997 – Goa legislature enacted a law on RTI
- ~ 1998 – The Government of Madhya Pradesh passed a Bill on Right to Information
- ~ 1998 – P M Vajpayee announces that a Law on right to information shall be enacted soon
- ~ 2000 – Karnataka, Rajasthan, Maharashtra pass legislations and UP issued Code of Access to some departments
- ~ 2000 – Freedom of Information Bill, 2000, tabled in Parliament and referred to the Parliamentary Standing Committee on Home Affairs
- ~ 2002 – Maharashtra government passed an RTI Ordinance overriding the Maharashtra RTI Act 2000
- ~ 2003 – Parliament passed FOI Act and notified in 2003
- ~ 2003 – On Jan 31, Madhya Pradesh government passes MP RTI Act
- ~ 2003 – In August, Maharashtra converted its Ordinance into new RTI Act
- ~ 2005 – The Right to Information Act was passed by the Parliament in June 2005 and it came into effect on October 12, 2005

Needed: Proactive Disclosures

Nearly 70% of the RTI applications seek information that should have been proactively made public without citizens having to file an RTI application. 49% sought information which should have been proactively provided under section 4 of the RTI Act (or other similar sections in other laws), while 18% sought information that should have been proactively provided to the applicant without her having to file an RTI application either because they were responses that should have been given as per prescribed office procedures or under other laws.

Despite a very strong provision for proactive (suo motu) disclosure under section 4 of the RTI Act, there is poor compliance by public authorities. This forces applicants to file applications for information that should be available to them proactively, and consequently creates extra work for themselves, for the concerned public authorities, and for information commissions. 65% of the public authority premises inspected did not have a board with the required proactive disclosures and 59% did not have any publications or other material available in their office which the public could inspect in order to access the information that should be proactively available. Here are some recommendations on how to deal with the situation:

~ Given the very poor implementation of section 4 by most public authorities, the DoPT and the state nodal agencies should direct all public authorities (PAs) to designate one or more PIOs as responsible for ensuring compliance with all the provisions of section 4. Where these directions are not complied with by the public authorities within a reasonable period, the ICs should use Section

19(8) (a) (ii) to “require” that each public authority designate one or more PIOs responsible for ensuring compliance with all the provisions of section 4.

~ Where a complaint is received against non-compliance with any provision of section 4, especially 4(1) (b), (c), and (d), the commission should institute an enquiry against the designated PIO or any other official responsible. If the PIO or any other official is found guilty, an appropriate penalty should be imposed by the IC.

~ Where an appeal or complaint comes before an IC relating to information that should rightly have been made available suo motu under section 4 of the RTI Act, but was not, the IC should also exercise its powers under S. 19(8)(b) and award compensation to the appellant/complainant for having to waste time and energy seeking information that should have been provided proactively.

~ To ensure that the information proactively put out is up to date, the RTI nodal agencies should direct all PAs that each web site, and other medium and publication, relating to section 4 compliance must carry the date (where appropriate for each bit of information) on which the information was uploaded/printed and the date till which it is valid/it would be revalidated.

~ Though the DoPT has developed some comprehensive templates to facilitate proactive disclosure of information these are not yet being widely used. Also, many more templates are required for proactive disclosure of many other types of information. Therefore, appropriate governments and competent authorities should

New CIC Appointed

Vijai Sharma (Indian Administrative Service:1974), Information Commissioner in the Central Information Commission, has been appointed as the Chief Information Commissioner.

Sudhir Bhargava (Indian Administrative Service:1979), retired Secretary, Ministry of Social Justice and Empowerment, has been appointed as the Information Commissioner in the Central Information Commission, New Delhi.

These appointments have been made for a term of five years from the date on which they enter upon their office or till they attain the age of sixty five years, whichever is earlier.

commission professional agencies to develop additional templates and to promote their use across public authorities.

~ Professional agencies can be encouraged to help the PAs do this, and even in some cases to take the responsibility of effectively displaying and regularly updating the information, on behalf of the PA. In many countries, including the USA, agencies external to the PA are given the responsibility of ensuring that public declarations required under the law are easily accessible, accurate, comprehensive, and updated.

~ In addition, appropriate governments and competent authorities should encourage the setting up of information clearing houses outside the government, especially by involving NGOs and professional institutions for subjects related to their area of work. Such clearing houses could function as repositories of electronic information accessed from the concerned public authorities. They can also send out alerts regarding information that

needs the urgent attention of the general public or of some special interest groups. However, such clearing houses should not absolve public authorities of their own obligations under the RTI Act and should actually motivate governments to be more proactive and organized while disclosing information.

~ Learning from Mizoram, all appropriate governments and competent authorities should make a rule that no fee or additional fee would be charged for any application seeking information that should have been proactively provided or disclosed, but was not. ICs should also order refund of fee and additional fee when it comes to their notice that such fee has been charged for information that should actually have been, but was not, available proactively.

Source: From “People’s Monitoring of RTI Regime in India” prepared by RTI Assessment and Advocacy Group and Samya-Centre for Equity Studies

Wanted: Political Parties under RTI

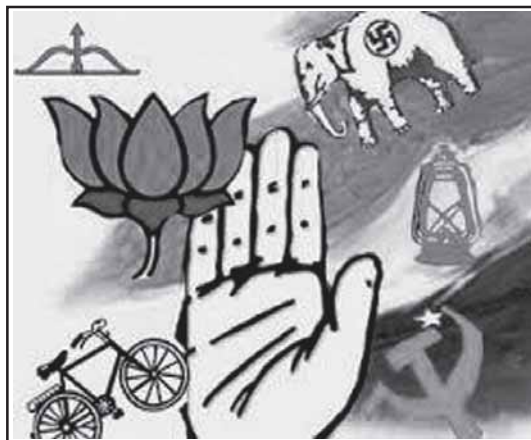
The Association for Democratic Reforms (ADR) and RTI activist Subhash Chandra Agrawal filed a petition on May 20, 2015 in the Supreme Court to declare all national and regional political parties as “public authorities” and bring them within the ambit of the Right to Information (RTI) Act.

Seeking transparency and accountability in the functioning of recognised national and regional political parties, the plea also urged the court to direct all such parties to disclose details regarding their income and expenditure. The petitioners also sought the entire details of donations and funding received by the political parties, irrespective of the amount donated as well as the full details of the donors making donations to them and to the electoral trusts. It is to be noted that currently, political parties are

required to disclose information of only those donors who donate above Rs 20,000. As this is required only to enjoy tax exemption, those parties who do not submit their contribution reports are not penalised.

“This petition has been necessitated by the arrogant defiance of the lawful decision of the Central Information Commission by six national political parties. The decision of the Supreme Court will determine whether the law of the land applies to political parties or are political parties above

the law. We certainly hope the Supreme Court will uphold the law,” said Jagdeep Chhokar, Founder Trustee, ADR. Central Information Commission (CIC), on June 3, 2013, had declared six national political parties, namely the INC, BJP, CPI(M), CPI, NCP and BSP to be “public authorities” under



Section 2(h) of the RTI Act, on a complaint filed by the petitioners. However, none of the six political parties complied with the said order. After 22-month-long wait on non-compliance, the CIC on March 16, 2015 declared that its June 3, 2013 order was “legally correct” and “final”. The CIC lamented that the RTI Act does not provide the Commission with adequate powers to deal with the contempt and non-compliance of its orders by the political parties.

The following are the grounds for filing of petition:

~ Under 10th Schedule of the Constitution, political parties enjoy a stronghold over their elected MPs/MLAs and this power is not only confined to the manner of voting but it also extends to their conduct.

~ Under Section 29A of the Representation of People Act, 1951 all political parties specifically affirm to bear true faith and allegiance to the Constitution and such allegiance is made compulsory for the purpose of registration.

~ Political Parties enjoy a total tax exemption under Section 13A of the Income Tax Act.

~ Political parties receive huge sums of money in the form of donations and contributions from corporate, trusts and individuals.

~ Political parties also adopt the coupon system for the purposes of collecting funds and majority of the cash donations received by them remain unaccounted.

~ Information about political parties, their income, expenditure and details of donors is not disclosed by political parties for public scrutiny.

~ Law Commission of India had in its 170th Report on ‘Reform of the Electoral Laws’ dated May 29, 1999 as well as in its 255th Report on ‘Electoral Reforms’ dated March 12, 2015 recommended for transparency and accountability in the functioning of political parties.

~ Election Commission of India had also in its report on ‘Proposed Electoral Reforms’ (2004) made recommendations for compulsory maintenance and auditing of accounts of political parties.

The Right to Information is a part of the fundamental rights in terms of Article 19(1)(a) of the Constitution of India. Because of the criticality of the role being played by these political parties in our democratic set up and the nature of duties performed by them, these parties must furnish information to the public. It is the right of the common voters to have all the requisite information about a political party before exercising their right to vote. To achieve this purpose, political parties must come within the purview of the RTI Act.

Source: adrindia.org

Why should political parties be under RTI

Political Parties are Substantially Financed by the Central Government: INC, BJP, CPI (M), CPI, NCP and BSP have been substantially financed by the Central Government and hence considered public authority under section 2(h) (ii) of the RTI Act.

~ **Allotment of land in Delhi:** Indirect Financing of Political Parties by Allotment of large tracts of land to them in prime areas of Delhi either, free of cost, or at concessional rates.

~ **Allotment of land in State Capitals:** Allotments of land to Political Parties in State Capitals as well

~ **Accommodations/Bungalows at Concessional Rentals:** Directorate of Estate has allotted Bungalows to Political Parties in Delhi at highly concessional rates; this is also a form of indirect financing of the Parties.

~ **Total Tax Exemption:** Central Government also provides to Political Parties total exemption from the payment of income tax against the incomes of the Parties (under section 13 A of the Income Tax Act)

~ **Free Airtime on Doordarshan & All India Radio:** During Lok Sabha Elections and State Assembly Elections, Political Parties are allotted airtime slots on Doordarshan and All India Radio absolutely free of any charge

Public Character: The criticality of the role being played by these Political Parties in our democratic set up and the nature of duties performed by them also point towards their public character, bringing them in the ambit of section 2(h).

~ ***The Political Parties are the life blood of our polity:*** Elections are contested on party basis. Political Parties affect the lives of citizens, directly or indirectly, in every conceivable way and are continuously engaged in performing public duty.

~ ***Political Parties are the unique institution:*** Political Parties are essentially political institutions and are non-governmental. Their uniqueness lies in the fact that inspite of being non-governmental, they come to wield directly or indirectly influence on the exercise of governmental power. It would be odd to argue that transparency is good for all State organs but not so good for Political Parties, which, in reality, control all the vital organs of the State.

~ ***Preamble of RTI Act:*** The preamble of RTI Act aims to create an 'informed citizenry and to contain corruption and to hold government and their instrumentalities accountable to the governed. Needless to say, Political Parties are important political institutions and can play a critical role in heralding transparency in public life. Political Parties continuously perform public functions which define parameters of governance and socio-economic development in the country.

Constitutional/legal provisions: Political Parties have constitutional and legal rights-and-liabilities because of the following:

~ ***Registration of Political Parties:*** Political Parties are required to be registered with the ECI under section 29A of the R.P. Act, 1951 – a Central Legislation. An association or body gets the status of a political party on its registration. ECI awards symbols to Political Parties under the Election Symbols (Reservation and Allotment) Order, 1968, only after registration.

~ ***Filing of Election Expense and Contributions:*** The ECI calls for details of expenses made by the Political Parties in the elections. Contributions of the value of Rs. 20,000/- and above received from any person or a Company by a Political Party are required to be intimated to ECI under section 29C of the R.P. Act.

~ ***ECI superintendence:*** ECI is vested with the superintendence, direction and control of elections under Article 324 of the Constitution. ECI is also vested with the authority to suspend or withdraw recognition of a political party in certain contingencies.

~ ***Tenth Schedule of Constitution:*** Political Parties can recommend disqualification of Members of the House in certain contingencies under the Tenth Schedule

Performance of Public Duty:

~ ***Setting up of CPIOs:*** The Presidents, General/Secretaries of these Political Parties are hereby directed to designate CPIOs and the Appellate Authorities at their headquarters in 06 weeks' time. The CPIOs so appointed will respond to the RTI applications extracted in this order in 04 weeks' time.

~ ***Voluntary Disclosure:*** The Presidents/General Secretaries of the above mentioned Political Parties are also directed to comply with the provisions of section 4(1) (b) of the RTI Act by way of making voluntary disclosures on the subjects mentioned in the said clause.

Source: CIC Judgment (June 3, 2013)

How Security Agencies Dodge RTI

It appears that India's security and intelligence organizations do not like any public scrutiny and want to keep away from RTI. About 11 of the 25 security agencies including Intelligence Bureau, RAW, National Security Council Secretariat (NSCS), Aviation Research Centre among others have not reported the number of RTI applications received, rejected or information given under RTI since 2007. In many cases, even the budget for the organization is not known. All 25 organizations are exempt from responding to RTIs except in cases of corruption and human rights violation. The organizations, however, are mandated to provide information to the Central Information Commission on the number of applications and appeals they receive.

This has emerged in data analyzed by the Delhi-based Commonwealth Human Rights Initiative. "Despite being exempt organizations, they have a statutory duty to submit RTI statistics to the CIC either on their own or through their parent ministry every year but they have not done so," pointed out Venkatesh Nayak from CHRI. They have to appoint public information officers and submit reports to the Central Information Commission about the number of RTI applications received, amount of fees collected and details of cases where access to information was rejected.

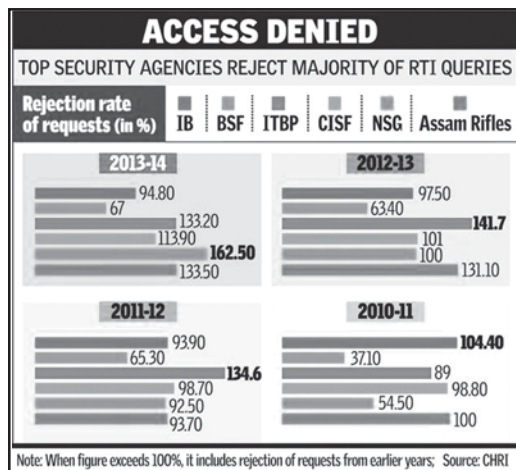
The Central Bureau of Investigation (CBI), for instance, has not submitted information since 2012 while the Directorate of Revenue Intelligence (DRI), which last reported RTI data, had a rejection rate of 100%. However, the Directorate of Income Tax (Investigation) and Central Reserve Police Force have reported data for some years and have also reduced their rejection rate.

Even among the agencies which do submit data to the CIC, the rate of rejection is very high, the data shows. The Intelligence Bureau's rejection rate between 2008 and 2014 averaged 98 per cent, the Directorate of Revenue Intelligence rejected all RTI requests it received, and the Narcotics Control Bureau rejected 87 per cent of all requests. The Border Security Force and the Central Reserve Police Force did relatively better — the BSF rejected just over half of all queries it received and the CRPF rejecting just over a third.

"Most of the intelligence agencies are not established by any law made by Parliament. Many of them do

not even have their budget and expenditure figures mentioned in the documents submitted to Parliament for approval every year. There is simply no Parliamentary oversight on their functioning," Venkatesh Nayak, coordinator, CHRI's Access to Information programme, said.

"These trends go completely against the promise of transparency and accountability made by the NDA government when it came to power last year. It is strange that the highest offices of power in the country — cabinet secretariat and the PMO — cannot get their own exempt organizations to report RTI data to the CIC in any year. While the statistics should have been published for the year when UPA was in power, the reporting obligation fell in the year when NDA was in power. Both governments have failed to make these bodies transparent even in the matter of giving harmless information such as RTI stats. This is why people have begun to think of them as '5-star organizations' — answerable neither to Parliament nor to the people but only to their political masters," he said.



Compiled from reports published in *The Hindu* and *Times of India*, April 2015

User Feedback is the Key to Success of Citizens' Charters

Alok Srivastava

Developing Citizens' Charters was one of the key decisions taken way back in 1997 during a conference of the then Prime Minister and state chief ministers. It was decided to make it mandatory to develop an 'Action Plan for Effective and Responsive Government' at the centre and state levels. As a consequence, various government ministries and governments began developing Citizens'/ Clients' Charters (CCCs). However, the quality of these charters was uneven in the absence of any common framework or guidance. In order to address this, a High Power Committee on Government Performance chaired by Cabinet Secretary in 2010 decided to include "Development of Citizens'/ Clients' Charters" in Results Framework Documents (RFDs) of all ministries and departments as a mandatory indicator of their performance.

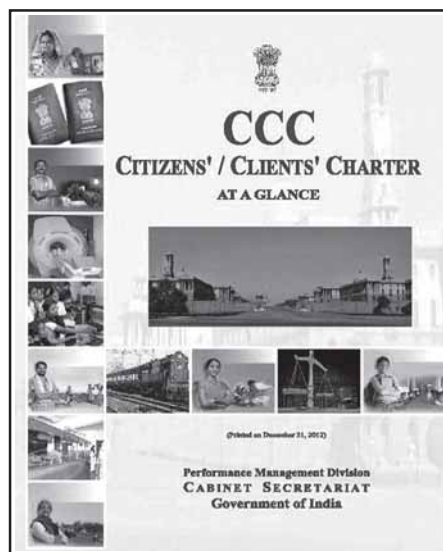
Subsequently, several ministries/departments prepared their CCCs and 50 of them were found to be of acceptable quality. These details were published as a compendium in 2012. By mid-2014, sixty six ministries/departments of the central government had CCC as per the prescribed format. The charters of these ministries and departments are available on their respective websites as well as on the website of Performance Management Division, Cabinet Secretariat (www.performance.gov.in).

As mandated in RFDs, first independent audit of implementation of CCCs was undertaken in 2013 with six success indicators. The independent audit of implementation of these for 2013 and 2014 was carried out by Centre for Media Studies (CMS).

In 2014, the independent audit of implementation of citizens' charters included a new and very important component - users or citizens' feedback on implementation of the charters. In addition to this success indicator, similar to 2013, audit team members made verification visits to each ministry/department's office, team members interacted with nodal officers of some services provided by the respective ministries/departments, observed visibility of CCC in terms of display as well as availability of the charter at reception or facilitation desks. Further, phone calls were made to nodal officers to check the response rate. Another important component of the audit was to analyze the quality of self-assessment report submitted by each ministry/department. Self assessment score provided through Result Framework Management System (RFMS) on their compliance with the service standards indicated in CCC by each ministry/department was also included and given high weight in the Audit.

The indicators covered under the audit included degree of visibility of CCC in relevant area, awareness of departmental officers/staff about CCC, degree of accuracy of numbers and names of contact persons mentioned in charters, response rate for phone calls made to contact persons, quality of self-assessment report, CCC Score as calculated by the ministry/ department and feedback of users about the implementation of the charter.

To maintain consistency, methodology and approach were similar to the one followed in the first round of the audit carried out in 2013.



In order to ensure transparency, objectivity and fairness, all ministries and departments were informed well in advance about the audit methodology and process, like the previous round of audit. By including “Feedback of Citizens/Clients about their experience in dealing with the ministry/department” as one of the success indicators, the audit was made more participatory in nature as it included not only ranking of ministries/departments on the basis of visits by CMS audit team members and self-assessment score of respective ministries/departments but users’ feedback was also included. Therefore, in a way this year the audit moved beyond just assessing preparedness and practice of ministries and departments but also feedback of users on these charters.

Since most of the users of a central government ministries/departments are either other central ministries/departments or state departments and institutions, a high proportion of the users had an e-mail ID on which link of online feedback survey form was sent for their feedback. The feedback form had four critical aspects on which users’ views were solicited. These included comprehensiveness of CCC, clarity of CCC, adherence to promised standards

of services; and update of contact details of concerned officials of services and grievance redress mentioned in CCC.

Feedback is important for improving services. In other words, it acts as “feed-forward”. Hence officials in all ministries/departments should ensure to give their feedback on charters of other ministries and departments in context of the earlier discussed components. This will help the concerned ministry or department to improve their service delivery, which in turn will improve the overall performance of the government. To begin with, orientation of staff should be taken up on a priority basis to sensitize about CCC as a self-assessment tool for improving departments’ performance. Any doubt on CCC’s utility or effectiveness should be addressed promptly. In coming year, the users’ feedback should go beyond online and include postal feedback survey as well to cover common citizens, who do not have e-mail IDs. This will be particularly important for ministries/departments such as Posts, Social Justice and Empowerment, Pension and Pensioners Welfare, and Rural Development among others, which have comparatively larger public interface.

What is a Citizen’s Charter?

Citizen’s Charter is a document which represents a systematic effort to focus on the commitment of the Organisation towards its Citizens in respects of Standard of Services, Information, Choice and Consultation, Non-discrimination and Accessibility, Grievance Redress, Courtesy and Value for Money. This also includes expectations of the Organisation from the Citizen for fulfilling the commitment of the Organisation.

Whether Citizen’s Charter is legally enforceable?

No. The Citizen’s Charter is not legally enforceable and, therefore, is non-justiciable. However, it is a tool for facilitating the delivery of services to citizens with specified standards, quality and time frame etc. with commitments from the Organisation and its clients.

What are the components of a Citizen’s Charter?

A good Citizen’s Charter should have the following components: vision and mission statement of the organization, details of business transacted ; statement of services including standards, quality, time frame etc. provided to each citizen/client group separately and how/ where to get the services; details of grievance redress mechanism and how to access it; additional commitments such as compensation in the event of failure of service delivery.

**Source: Department of Administrative Reforms and Public Grievances,
Government of India**

Is Privatizing Primary Education a National Pursuit?

Dr N Bhaskara Rao

There is a deliberate pursuit to privatize education even at the primary level across our country. This is without any public debate or policy, and despite it being against the spirit of Constitutional expectations and provisions of the Right to Education Act.

It is obvious that private schools imply an economic burden for many households and deprive the poor access to basic education and pushes primary education to the mercy of private schools - most of which are profit making ventures not covered under any regulatory norms.

Towards preparing the ground for privatization, Government schools and their standing is being defamed, very consistently. As a result, the efforts put in and the resources allocated over the decades for setting up of a huge network of public schools with infrastructure in every nook and corner of the country have been undermined. There is no doubt that primary education is languishing on several counts, as study after study has brought out more recently. Instead of correcting the ills and restructuring the system, public schools are being condemned with convenient research findings on enrolment and quality criteria. This trend has now reached a high pitch in some states, as if public schools are on their way out.

On critical analysis it comes out that many of the political leaders in the country have interests, directly or indirectly, in the business of private schools. Since many Government schools are on their own premises more often in prime locations, now those interested in real estate too have joined this bandwagon against public schools. Governments are trying to further

diffuse the scene in the name of model schools, smart schools, gurukul schools, cluster schools and Kasturba schools, etc. under different management systems. Many schools are already under Sarva Siksha Abhyas scheme.

What are the core issues in this trend?

First, should we continue to offer primary education under two different streams and standards? On the one hand, there's a large network of public schools providing free schooling and on the other is the mushrooming of private schools, with frequent increase in tuition fees and without any norms and guidelines. Another most important question is should we have a common curriculum with in each state or should private schools set their own? Third, the status of teaching English at the primary level. Fourth, are we on right course for universal education pursuing free and compulsory enrolment? Fifth, should private schools reimburse tuition fees for enrolling a certain percentage of children?

Nearly a thousand primary and upper primary schools are likely to be closed in the 13 districts of Andhra Pradesh on the criteria of enrolment of only ten or less students. The children from these schools may be accommodated in cluster schools proposed in these mandals for five kilometer radius. What's disappointing is that the State Education Minister didn't make a bid to increase enrollment in such schools. It has also been hinted that Government would pay private schools Rs.6 to 10 thousand for each such child deprived of closing down of Government schools on joining private school. If State Governments

“Public schools are suffering on several counts despite much better offerings. The linkage of the school with village and parents need to be activated and vacancies of teachers need to be filled. Teachers should not be overburden with so many other activities that have nothing to do with education. The supply of school books, uniforms etc should be in time”

start reimbursing 25 percent of children in private schools, it will be a death knell of public schools in primary education as well. That is the more public schools are closed, the better it is for private schools in more than one way. The Minister even hinted an Idea of floating schools under public-private mode. The enrollment in more than half of schools (11000) in the Telengana district last year was less than 40. In 4000 schools, the enrolment was within 20. In the last decade, the number of private schools in these two States has doubled and enrolment increased by 40 percent.

That there has been an overall decline in enrollment and outcomes both in the case of private and public is indicated in some reports. The comparison between private and public schools is not fair. Children who go to private schools are relatively from better off families, where at least one parent is educated and likely to give special attention to the child at home. And since a fees is paid, they tend to be more concerned and in that process take some interest, unlike in the case of parents of children in public schools. But, overall, there is ample evidence that children who went to gone public schools have made as much or better difference in the society and in their careers.

A few months ago, an NCERT sponsored study on implementation of RTE Act among private schools in Punjab indicated that the Government has failed to ensure admission of poor children in private schools, despite propagating in 2010 that all children of 6 and 14 age should be given free and compulsory education at neighborhood private schools. Punjab Government however had de-recognized 12 percent of nearly 10,000 private schools for non compliance of RTE norms. There must be many more such non recognized private schools across the state. This study also reminded that there was no uniformity in curriculum of these private schools and that they do not have proper infrastructure, including student-teacher ratio. It further said that nearly half of teachers in these schools were under qualified or not trained at all and their salary level is less than the prescribed wages under Minimum Wage Act of 1948. Plus, there is no transparency in the functioning of private schools. The situation in

many other States is no better and in some, it is even worse than in Punjab. The Delhi High Court had asked Delhi Education Department last week not to pretend ignorance of increase in tuition fees of some private schools.

Private schools are of two types. While corporate schools in cities showcase glitter and glamour and yet provide quality education at very high cost, bulk of schools particularly in villages are a misnomer of their names as they neither have minimum infrastructure nor follow any of the norms as brought out by the study in Punjab. A few private schools of course are run even idealistically. But most private schools are out to lure meritorious children from Government schools to showcase better outcomes of their school in their big budget advertising. An impression has gone around that students from private schools with English, who wear boots and a tie, are more likely to get jobs. Some 25 lac students were reported to have shifted from public to private schools in the last decade in the combined Andhra Pradesh state.

Government schools in some states are trying to catch up by giving a subject option of English. These schools in some districts are trying to gear up by taking to personalized coaching after school hours, explaining to parents unique facilities and opportunities their school offers by showcasing merit of a group of local students. There are a number of public schools in a few districts that I visited in Telengana that have reversed the trend both in enrollment and outcomes with this step. In such situations, private schools intensify their promotional efforts.

Public schools are suffering on several counts despite much better offerings. First and foremost, the linkage of the school with village and parents needs to be activated. Second, teacher vacancies are too many and their attendance reliability calls for special attention. In Gujarat for example there are more than 25,000 vacancies in Government schools. In Andhra, some 1500 Government schools have no teacher at all. Third, supply of school books, uniforms etc should be in time. The mid-day meal arrangement should be made attractive for all sections of the local community. Fourth, special attention to get back boys (more girls than boys

are in public schools) to public schools is required by way of games, imparting communication skills, better and more interactive book reading and updated technology. Over and above, supervision and monitoring of school operations has to be far more effective.

I first wrote in March 2012 and again in May 2013 in Transparency Review about the trend towards privatization of primary education in the country and the moves of some State Governments to close down Government schools instead of taking initiatives for ensuring free and compulsory enrollment. Since the momentum has now gained, neither political parties nor civil society leaders are coming out to express

concern. Even news media are not highlighting these issues, other than few exceptions like Eenadu and Sakshi. It was a Telugu feature film Golkonda High School a couple of years ago that brought out the menace of nexus of real estate lobby and politicians thriving in school business.

It needs to be ensured that private schools have a uniform curriculum, trained teachers and basic infrastructure. Since public schools alone will not be able to serve or meet the demand for 'education for all', private schools could step in on the condition of being transparent in their operations. We need a more affirmative national policy on free and compulsory enrollment for primary education.

Transparency in Medical Research can Save Lives

The World Health Organisation (WHO) has issued a public statement calling for the disclosure of results from clinical trials for medical products, whatever the result. The move aims to ensure that decisions related to the safety and efficacy of vaccines, drugs and medical devices for use by populations are supported by the best available evidence.

"Our intention is to promote the sharing of scientific knowledge in order to advance public health," said Dr. Marie-Paule Kieny, WHO Assistant Director General for Health Systems and Innovation. "It underpins the principal goal of medical research: to serve the betterment of humanity."

"Failure to publicly disclose trial results engenders misinformation, leading to skewed priorities for both R&D and public health interventions," said Kieny. "It creates indirect costs for public and private entities, including patients themselves, who pay for suboptimal or harmful treatments."

For example, in a study that analysed reporting from large clinical trials (more than 500 participants) registered on clinicaltrials.gov and completed by 2009, 23% had no results reported. These unreported trials included nearly 300 000 participants. Among clinical trials of vaccines against five diseases registered in a variety of databases between 2006-2012, only 29% had been

published in a peer-reviewed journal by the WHO recommended deadline of 24 months following study completion.

"We need the collaboration of all these actors to enforce transparency in their jurisdictions in order to increase the benefits and decrease the risks for patients, clinical trial volunteers and the general public," concluded Dr. Kieny.

WHO's call for disclosure includes older unreported clinical trials, the results of which may still have an important bearing on scientific research today. WHO also reaffirms the need for all clinical trials to be registered on a WHO primary clinical trial registry so that they can be accessible through the International Clinical Trials Registry platform. This will ensure transparency as to which clinical trials have occurred, and allow verification of compliance with public disclosure requirements.

The recent WHO move expands on a 2005 call for all clinical trials to be registered, and the subsequent establishment of the International Clinical Trials Registry Platform. This registry platform regularly imports trial records from Clinicaltrials.gov, ISRCTN, EU Clinical Trials Register, Australia New Zealand Clinical Trial Registry and Clinical Trial Registries from China, India, Brazil, Republic of Korea, Cuba, Germany, Iran, Japan, Sri Lanka, The Netherlands and Thailand.

Source: WHO

Bringing Sanity back in Public Service Advertising

Dinesh C Sharma

The judgment of the Supreme Court on government advertising is landmark as it concerns a subject of great public importance. The ban imposed on using pictures of politicians in state-funded advertising campaigns is a welcome one. Political parties, however, are looking at it from narrow prism of likely beneficiaries and losers due to the judgment. Regional parties are particularly peeved as they will not be able to project their leaders through government ads, while a national party like BJP, they feel, could still use images of its national leader. The public debate on the subject has so far centered on political gainers and losers. This is particularly so because, of late, it has been observed that government -funded advertising has been reduced to an exercise in building image of Prime Minister and state chief ministers. This was never the purpose of government advertising.

Ad campaigns are undertaken by various government ministries, state governments, public sector undertakings and state corporations to highlight new public works, schemes and to raise awareness about issues of public importance. These ads are generally prepared by government wings meant for publicity - the Directorate of Advertising and Visual Publicity (DAVP) in the central government and departments of information and public relations in states. There are broad guidelines about rates and media outlets where such ads can be placed. But there are absolutely no guidelines about content of such advertising, as it emerged during the public interest litigation heard by the Supreme Court. No safeguards are available to prevent misuse of public funds on advertisements in order to gain mileage by political establishment.

In the absence of any such framework, government ads are routinely misused to project central ministers, chief ministers, members of parliament and MLAs of ruling party and so on, with an objective to project as if new public works

are a result of work done by political personalities or people associated with the incumbent government. At times, chief ministers place full-page ads in newspapers to 'thank' the prime minister for one announcement or the other. Obviously this happens only when both the PM and CM belong to the same party. Similarly, one fails to understand why anti-malaria and anti-dengue campaigns, which should normally tell people about disease causing vectors, carry pictures of political animals.

If providing information to public about a new scheme is one of the goals of government advertising, it would be safe to conclude that this objective is hardly fulfilled when bulk of the space in an ad is taken by smiling face of a political leader.

Advertising is also supposed to motivate people to take some action or change their behavior. In the case of commercial advertising, it is meant to motivate people to buy the product or service being advertised. Judged by this criterion, it remains doubtful if government ads serve this purpose. They are so poorly designed and lack creativity that they can hardly be motivating. In addition, efforts are lacking to gather data about their effectiveness or reach in target audience. Some research is available on effectiveness of specific campaigns such as those relating to immunization, health promotion, tobacco control etc.

The 'jago grahak jago' campaign of the Department of Consumer Affairs has been executed well and has caught people's attention. The one run by the election commission to motivate young voters to exercise their franchise was also creatively executed. These are good examples of public ads. For any campaign to be successful, it has to be sustained and backed by proper infrastructure like help lines, websites, information brochures etc.

The SC judgment has given us an opportunity to restore faith in public advertising and to depoliticize it completely.

Source: Metro India (May 17, 2015)



Journalists in India Most Vulnerable in South Asia : IFJ

Journalists in India are among the most vulnerable in the South Asia, because attackers generally go scot-free, says a report of the International Federation of Journalists.

“The 2014 Impunity Index, published by the Committee to Protect Journalists, had revealed that Sri Lanka, Afghanistan, Pakistan and India as the worst offenders on impunity in the region. The situation, unfortunately, remains much the same,” noted the report titled ‘Freedom Frontier: Press Freedom in South Asia 2014-15’.

The report was jointly released by the International Federation of Journalists and the South Asia Media Solidarity Network (SAMSAN) at a national consultation on the freedom of media, organised jointly by the Unesco and PrasarBharati to observe World Press Freedom Day here on Friday.

The report criticised the Indian government for banning the telecast of a documentary ‘India’s Daughter’, produced by British filmmaker Leslee Udwin, saying, it “clearly” showed that India was yet to shed the “rather heavy burden of the public order argument” for restraining media freedom despite years of evolving jurisprudence on the matter.

Anomalies in India’s media freedom regime were “evident” in the number of journalists arrested and

charged over the years under provisions of the law dealing with sedition and waging war against the state, it said.

“And this has occurred despite a categorical ruling by the Supreme Court that the sedition clause in Indian penal law is violative of the fundamental rights provisions save in a situation of imminent violence. The year gone by brought one such instance, with television journalist Jaikhlong Brahma being arrested on September 2, 2014 in Kokrajhar in the North-Eastern Indian state of Assam,” the report added.

The report also took note of the controversial “presstitute” remark made Union Minister and former Army chief Gen V K Singh (retired) and reports about the West Bengal state government issuing a directives in December last year that journalists found at any spot other than the media corner in Kolkata’s secretariat building should be detained.

The report also took note of the various targeted attacks on journalists in different parts of the country. It expressed over the reports of paid news, saying, “In India, compulsions of the market, politics and the media industry put fundamental ethics of journalism to test with the phenomenon of paid news continuing to blur the difference between news and advertisement.”

Source: Deccan Herald (May 08, 2015)

Digital Journalist in UP Burnt Alive

Attacks on journalists in Uttar Pradesh are on the rise. In a ghastly incident, a web journalist was allegedly burnt alive while in another incident an attempt was made on the life of a TV stringer.

The Allahabad High Court has directed the Uttar Pradesh government to file a status report within one week in the murder of a journalist in Shahjahanpur, in which a state minister and five others have been booked. The court asked

government counsel to inform it about the stage of investigation by June 24 along with their objections raised during course of hearing the matter.

The journalist, Jagendra Singh, was allegedly set on fire by policemen on June 1 during a raid at his house at Vikas Colony in Sadar Bazar, Shahjahanpur. Singh died during the treatment at a hospital in Lucknow on June 8. An FIR was registered against Minister of State for Backward Welfare Minister Ram Murti Singh Verma and five

“A 40-year-old journalist was allegedly burnt to death in Madhya Pradesh by three persons, suspected to be closely linked to sand mafia. The burnt body of Sandeep Kothari, who was abducted from Katangi tehsil in Balaghat district two days back, was found lying near railway tracks at Sindi town in Wardha district of east Maharashtra on Saturday night. Bahujan Samajwadi Party has demanded a Central Bureau of Investigation probe into the murder, saying the scribe’s family was being “tormented” by the sand mafia in the past as he had “exposed” their activities. Kothari was falsely implicated in more than 12 criminal cases”

others, including the policemen. The journalist had reportedly invited Verma’s ire by posting reports on Facebook about “illegal” mining activities and land grabbing by the minister. The video footage of dying declaration has gone viral on news channels and social media showing Singh saying, “Why did they have to burn me? If the minister and his goons had a grudge, they could have beaten me instead of pouring kerosene and burning me.”

In another incident in Piliphit, Haidar Khan, stringer for a television news channel and a resident of Sherpur Kalan, was tied to a motorcycle and dragged for exposing a murky land deal. Khan was told to come to a village where wanted robber had supposedly got injured in an accident. When he

arrived at the spot, Haidar was allegedly attacked by Arvind Prakash and accomplices, who tied him up and dragged him behind motorcycles till he lost consciousness. Left for dead by his attackers, Khan was taken to Puranpur Kotwali police station by unknown individuals, from where he was shifted to government hospital, Pilibhit, for treatment. Khan has been reporting on Arvind Prakash’s alleged usurpation of six acres of agricultural land belonging to the latter’s brother, who is visually impaired. “A few days ago, Prakash brutally beat up his father to force him to transfer the land to his (Prakash’s) name. I had flashed the story, which is why Prakash, who has a criminal background, attempted to kill me,” alleged Khan.

EU’s Trade Secrets Law could Affect Journalists, Whistle Blowers

The new European Union trade secrets directive could make it much harder and riskier for whistleblowers and investigative journalists to operate within Europe. Members of the French National Assembly have urged EU to uphold its commitments to freedom of expression and freedom of information by exempting journalists from the new rules on protecting commercial secrets.

The initial draft of the trade secrets directive was introduced by the European Commission in November 2013. According to the directive, the European Commission is working to harmonise various national laws on the protection against the misappropriation of trade secrets, so that companies can “exploit and share their trade secrets with privileged business partners across the Internal Market, turning their innovative ideas into growth and jobs.”

But critics fear that the broadly-framed measures will allow companies to sue whistleblowers and

journalists when they leak and publish information that is confidential but in the public interest. As the site “Stop Trade Secrets” explains: “The proposal contains no general exception for investigative journalists nor for NGO researchers and whistleblowers, although their work is essential for any modern democratic society. There is also no exception for information which impacts on fundamental rights, in particular regarding public health and the environment.”

The commission, however, that “Journalists will remain free to investigate and publish news on companies’ practices and business affairs, as they are today.” But if the EU trade secrets directive is passed in its current form, journalists, whistleblowers and NGOs with limited resources might find the mere risk of being taken to court by aggrieved companies, with the huge legal costs this would entail, too great. As a result, leaks will be fewer, and less dramatic, and the public will lose an important source of information about what is happening behind the closed doors of corporates.

Source: <http://arstechnica.co.uk/>

Defence Firms under Anti-Corruption Scanner

Anti-corruption watchdog, Transparency International, has ranked French company Dassault Aviation among the world's least transparent defence companies, with the lowest monitoring of ethical violations and corruption. India is set to buy 36 Rafale fighters from this company, on a single-vendor basis, with no price transparency, after an unexpected request from Prime Minister Narendra Modi, on his visit to France this month.

Transparency International has ranked Dassault Aviation in "Band F", the lowest grading, alongside 56 other companies like Pakistan Ordnance Factories, King Abdullah II Design and Development, and a raft of Chinese and Russian arms companies. Transparency International says it evaluated each company based on 41 indicators, using "publicly available information relating to [companies'] ethics and anti-corruption programmes." Companies with "Little or no" programme are placed in "Band F". Dassault Aviation has not responded to a request for comments.

Two Indian companies -Ordnance Factory Board (OFB) and Tatra Trucks are also in "Band F". Both face ongoing corruption investigations by the Central Bureau of Investigation (CBI).

Transparency International also evaluated three other Indian defence companies. Hindustan Aeronautics Ltd (HAL) is ranked in "Band D", which means it only has "Limited" ethics and anti-corruption mechanisms. Bharat Earth Movers

Limited (BEML) and Bharat Electronics Limited (BEL) are ranked even lower in "Band E", which indicates they have "Very limited" ethics and anti-corruption programmes.

Only four defence companies of the 163 evaluated by Transparency International are ranked in "Band A", or those with "Extensive evidence" of ethics and anti-corruption programmes. All are American corporates: Lockheed Martin; Raytheon; Bechtel, and Fluor Corporation.

Interestingly, Finmeccanica, which the CBI is investigating in India after Italian prosecutors arrested its chief executive in 2013 for allegedly paying bribes to sell the Indian Air Force (IAF) 12 AW 101 VVIP helicopters, ranks highly in "Band B" as a company with "Good" ethics and anti-corruption mechanisms. The Italian courts have cleared Finmeccanica of wrongdoing; CBI is continuing its probe but has failed to file a chargesheet so far.

TI assessed ethics and anti-corruption programmes of 163 defence companies from 47 countries using publicly available information. Of these, 63 companies provided detailed internal information this year, almost double the number that did so in the last report in 2012. Overall, Transparency International finds "most large defence companies still show little evidence of ethics and anti-corruption programmes... However, many defence companies are increasingly addressing corruption risks".

Source: Business Standard (April 27, 2015)

Editors Guild Raps Minister for Her Tweet

The Editors Guild of India has deplored a tweet by External Affairs Minister Sushma Swaraj concerning a woman journalist and said it was an "attempt to intimidate the media". In a statement, the Guild said the minister had set an "unfortunate precedent". "The Editors Guild has deplored the attempt to intimidate the media by Minister for External Affairs Sushma Swaraj. The minister by personally naming a woman journalist and casting aspersions on her in a tweet has set an unfortunate precedent," the statement said.

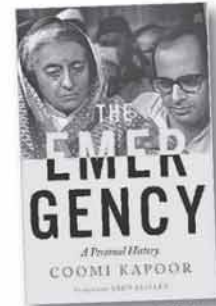
It said such remarks can be viewed as a threat to silence journalists. "While the media should be open to criticism, such statements by persons in power can be viewed as a threat meant to silence journalists and discourage them from carrying out their legitimate professional duties," the statement said.

Sushma Swaraj had targeted a senior journalist of a news channel that was reporting on the Lalit Modi episode. "Look who is preaching propriety - of all the persons Navika Kumar!" she wrote in here tweet posted on June 14.

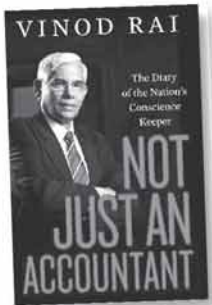
BOOK SCAN

In June 1975, Coomi Kapoor was a young reporter at the Indian Express in Delhi, when Indira Gandhi declared a state of Emergency, suspending civil liberties and sending the opposition leaders to prison. In the dark days that followed, she personally experienced the full fury of the Emergency—her journalist husband was imprisoned on flimsy charges under the draconian Maintenance of Internal Security Act, and her brother-in-law, Jana Sangh MP Subramanian Swamy, was on the run to evade arrest, while her family faced constant threats and harassment from the security forces.

This eyewitness account of the Emergency vividly recreates the drama, the horror, as well as the heroism of a few, during those nineteen months, forty years ago, when Indian democracy was derailed.



—Viking
350 pages, Price ₹ 599



—Rupa Publications
288 pages, Price ₹ 500

Not just an accountant is an incisive, no-holds-barred account of India's eleventh comptroller and auditor general and a symbol of the anti-corruption movement, Vinod Rai.

Through a narrative, rich in anecdote and inside information, Rai sheds light on the major scams that shook the country. Among the case studies—chosen for the diversity of failures they highlight are - the procedural irregularities in the issuance of licenses for second generation spectrum allotment, the last minute quick-fixes in the conduct of the XIX commonwealth games, the loss of national resources while allocating coal blocks, the flouting of systems and the clear display of crony capitalism in the exploration of hydrocarbon and the tragic tale of civil aviation in India.

Through these illustrations, Rai wishes to not only expose government malfeasance, but also probe the mandate of the CAG as a watchdog. Equally, he hopes to push for long-term solutions to corruption and bring home the urgent need for ethics—for the pursuit of excellence, accountability, probity and transparency within governments, the bureaucracy, corporate enterprises and public life.

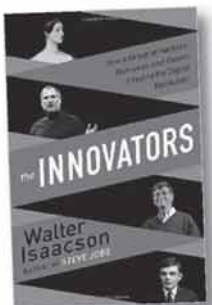
This book examines the role of the media in environmental politics and activism in the 21st century. It highlights how politics is mediated in myriad ways through newspapers and news channels, through mobile telephony and through social networking sites. Further, it shows how the media creates and influences relevant discourses, builds campaigns and awareness, and adopts and discards issues.

With a range of perspectives on issues of environmental justice and equity, the volume scrutinizes how the media discourse on environment shapes our politics, and the role of international politics, finance, youth, newspapers, magazines and 24-hour television.

Bringing together academics, activists and media persons, this highly topical book will serve as significant reading for researchers and scholars of development studies and media studies, as well as policymakers, NGOs and environmental campaigners.

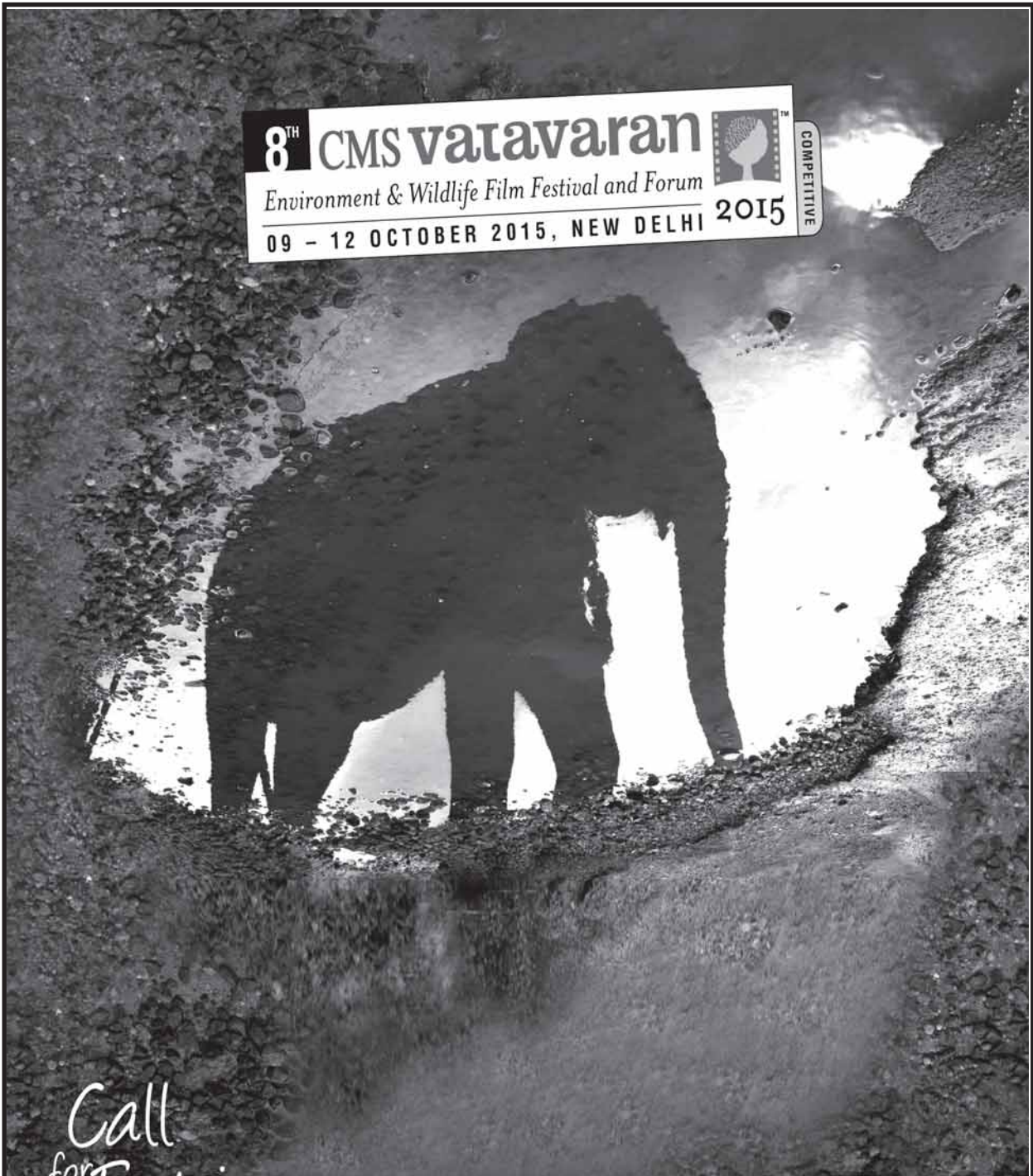


Routledge
232 pages, \$120



—Simon & Schuster
560 pages, ₹ 799

Following his blockbuster biography of Steve Jobs, *The Innovators* is Walter Isaacson's story of the people who created the computer and the Internet. It is destined to be the standard history of the digital revolution and a guide to how innovation really works. What talents allowed certain inventors and entrepreneurs to turn their disruptive ideas into realities? What led to their creative leaps? Why did some succeed and others fail? In his exciting saga, Isaacson begins with Ada Lovelace, Lord Byron's daughter, who pioneered computer programming in the 1840s. He then explores the fascinating personalities that created our current digital revolution, such as Vannevar Bush, Alan Turing, John von Neumann, J.C.R. Licklider, Doug Engelbart, Robert Noyce, Bill Gates, Steve Wozniak, Steve Jobs, Tim Berners-Lee and Larry Page. This is the story of how their minds worked and what made them so creative. It's also a narrative of how their ability to collaborate and master the art of teamwork made them even more creative. For an era that seeks to foster innovation, creativity and teamwork, this book shows how they actually happen.



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