



# Transparency Review

Journal of Transparency Studies

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**Editor: Annu Anand**

## Form IV

- 1 Place of Publication : Centre for Media Studies  
(CMS), Research House,  
Community Centre,  
Saket, New Delhi - 17
- 2 Periodicity of its  
publication : Monthly
- 3 Printer's Name : Dr. N Bhaskara Rao  
Nationality : Indian  
Address : Centre for Media Studies,  
Research House,  
Community Centre,  
Saket, New Delhi - 17
- 4 Publisher's Name : Dr. N Bhaskara Rao  
Nationality : Indian  
Address : Centre for Media Studies,  
Research House,  
Community Centre,  
Saket, New Delhi - 17
- 5 Editor's Name : Annu Anand  
Nationality : Indian  
Address : Centre for Media Studies,  
Research House,  
Community Centre,  
Saket, New Delhi - 17
- 6 Name and address of  
individuals who own the  
newspaper and partners or  
share holders holding more  
than one percent of the total  
capital : Dr. N Bhaskara Rao  
Centre for Media Studies,  
Research House, Community  
Centre, Saket, New Delhi -  
17

I, N. Bhaskara Rao, hereby declare that the particulars given above are true to the best of my knowledge and belief.

Dt: 01/06/2018

Sd/-  
Signature of Publisher  
N. Bhaskara Rao

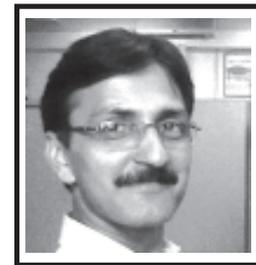
# Ethics of evaluation demands right based approach

Alok Srivastava

**S**ustainable Development Goals (SDGs) are an inter-governmental set of aspiration Goals with 169 targets post Millennium Development Goals (MDGs) to transform the world in which poverty is eliminated by 2030. The 17 goals identified relate to Poverty, Food, Health, Education, Women, Water, Energy, Economy, Infrastructure, Inequality, Habitation, Consumption, Climate, Marino systems, Ecosystems, Institution and Sustainability. In Indian context, all SDGs are very relevant and critical. India is a SDG signatory and has ambitious targets that were missed out during MDGs. As far as MDGs are concerned, India missed the target on 8 out of 12 targets identified as important from India's perspective.

To track the progress and outcomes of set targets it is important for governments at national and sub-national (state) levels to ensure that Monitoring & Evaluation of all programmes and schemes, aiming at different SDGs, is conducted in a rationale, robust and regular manner. While monitoring is a regular process, and most of the Ministries/departments including NITI Aayog undertake monitoring to keep track of the inputs and outputs, evaluation is periodic but more insightful to assess the 'qualitative change' that happened due to policy and programme intervention. Evaluation also helps to identify the gaps and hurdles, and in turn take corrective

measures to avoid any deviation in the progress of scheme towards its goal and if needed bring change at policy level as well. Evaluation helps to see the outcomes, both short and long-term, for policy intervention.



In Indian context, evaluation process for development policies, programmes and schemes is not completely missing in government machinery. In fact, the objective of Programme Evaluation Organization (PEO) set up in 1952, as an independent agency, in the erstwhile Planning Commission of India was to mainly evaluate those programmes which were funded under Government of India's Five Year Plans. The evaluation exercise by the PEO has also helped to evaluate the performance of states/UTs, as far as implementation status in respective states/UTs is concerned. In addition, the respective ministries and departments from time to time also commission evaluation studies, undertaken by independent agencies and referred as a 'Third party evaluation'.

## Rights to Participation of Community

Even after nearly seven decades of government sponsored evaluation

The two most important aspects of evaluation are largely missing in its culture. The first one is lack of participation of community in designing of evaluation protocol for any development programme, regardless of the fact that community plays an important role not only as beneficiary or receiver of the programme intervention but in intervention itself.

programmes in India, ethics of evaluation don't find a place in the work of different organizations undertaking evaluation and research. The two most important aspects of evaluation are largely missing in its culture. The first one is lack of participation of community in designing of evaluation protocol for any development programme, regardless of the fact that community plays an important role not only as beneficiary or receiver of the programme intervention but in intervention itself.

The second one is not keeping the community abreast with latest results or findings of the evaluation procedure. Both these, 'pre-evaluation and post-evaluation' activities are considered to be community's rights under the purview of the 'ethics of evaluation'.

In fact, under evaluation exercise, to decide the approach of evaluation and also know the results of evaluation should be identified as rights to participation of community. Rights to participation of community means that the target population of the programmes and schemes intervention have a voice in deciding the evaluation process as well as are informed about the results of evaluation. Community members should not be simply treated as a 'subject' or 'respondent' in the evaluation exercise but are engaged and consulted in finalizing the evaluation techniques. Post evaluation where rights of participants needs to be ensured is-to share the findings of the evaluation with the target population. Currently, the findings mainly remain with the donors of the evaluation exercise or with the programme implementers to take corrective measures for improving the reach of programme/schemes. The community hardly get the information about the findings of the evaluation and not much efforts are being made to make the community members agree and own the findings and participate with vigor and interest to fulfill the programme objectives in their community.

The relevance of ensuring rights of participants is more relevant and crucial

in India as nearly two-third of 1.3 billion population in India is living in 638,000 villages. To add to the complexity is the fact that India is a religiously, culturally diverse multi-lingual society. With such a socio-culturally diverse population, designing a robust evaluation, which is uniformly acceptable and in concurrence with the ethical norms, is challenging but necessary. In fast growing professional world of evaluation, relevance and importance of practicing ethical norms is very critical as it ensures objectivity, promotes truth and knowledge and ensures lesser occurrence of error.

### **Advantages of ethical norms**

Considering ethical norms in evaluation prohibits immoral approach towards information/data collection. Further, restricts misrepresentation of information/data and restricts researchers from being biased. Also, to an extent, emotional conflicts of surveyed population are addressed properly. In addition, on evaluators' part, accountability of evaluators towards the community gets ensured and organizations likely to fund evaluation can trust the quality and integrity of evaluation.

CMS is one of the few non-government institutions in India which has a duly recognized Institutional Review Board (CMS-IRB) to review non-clinical evaluation (including research) protocols from ethical perspective and ensure rights of participants is taken care by the evaluating agency.

The process of review involves wherein the Principal Investigator of the evaluation exercise shares the protocols which include, information about purpose and objectives of evaluation, scope of evaluation, target and sample population to be covered, information on how confidentiality of participants' opinion will be ensured, expected risks and benefits of participation.

The protocol also includes participant's consent form, which explains about the

evaluation and their voluntary participation with no harm being caused if they refuse to participate; evaluation/research tools to be used and findings' dissemination plan are also shared with the Review Board. In turn, the Board provides its inputs/comments for revision of the protocol. Subsequently, an IRB Approval Certificate is issued, after ensuring that all ethical aspects are safeguarded and an undertaking is given by the Principal Investigator.

### **Need for National Evaluation Policy**

In order to promote and strengthen the culture and practice of evaluation and ethics in India, in February 2018, a consultation was organized in CMS during EvalFest 2018 on the subject of 'Ethical Standards in Social Research and Evaluation: Indian and International Perspectives and Practices in SDG era.'

During the consultation, key issues emerged from the discussion were that there is a dire need for a National evaluation policy with well laid out guidelines on ethics of evaluation.

Such kind of evaluation policy will ensure standardization and integration of evaluation component in all policies, programmes and schemes. It is envisaged that an evaluation policy will avoid ad-hoc arrangement of evaluation, which is usually taken up just for the records and documentation purposes rather than to assess and learn from the outcome of the intervention.

An evaluation policy can make it mandatory to take up evaluations at pre-defined time intervals and follow the well-laid process guideline to be followed by the national and state governments; ministries and departments; policies, programmes and schemes.

It was also observed that the contextualization of ethical standards and norms at community level in Indian context is very relevant and important. For instance, due to a low literacy level, particularly in remote rural areas, insisting for written consent from participants is a tough proposition and may lead to non-participation of a large section of marginalized and vulnerable community members. Similarly, due to cultural norms and practice, a male, and that too from outside the village, interacting/interviewing a female or even male for that matter may not be able to elicit frank and free opinion, on sensitive issues such as maternal health, sexual abuse etc.

Further it was observed that hundreds of evaluation studies are being carried out in the country every year, but there is not much information available about the follow-up actions taken on the findings emerged after evaluation. Thus comes the concept of utilization of evaluation and NEP guidelines should include this aspect.

### **Need for Utilization of Evaluation**

Utilization of evaluation can be broadly categorized as, one, to sensitize and make the evaluators' community aware about the approach and process followed in evaluation of a particular development programme. This will act as a knowledge repository and help evaluators to understand, identify and accordingly adapt evaluation approach for future studies on same or on any issue they take up. In a way, information available will sort of avoid reinventing the wheel i.e. creating the approach again and will further help the evaluators to learn from the challenges and limitations of the earlier study(s) and improve their evaluation approach. This

It is envisaged that an evaluation policy will avoid ad-hoc arrangement of evaluation, which is usually taken up just for the records and documentation purposes rather than to assess and learn from the outcome of the intervention.

in turn will ensure creation of a robust evaluation approach.

Other way of utilizing an evaluation is dissemination of the findings. Evaluation directly affects decision-making and influence changes in the programme or policy under review. Therefore, post completion of a study, the findings of the evaluation must be shared with the stakeholders.

In other words, the dissemination of evaluation approach and findings will help to optimize the resources used to conduct evaluation on similar as well as other issues.

Dissemination too should be done in a time bound manner i.e. within a given time frame, both evaluation approach and findings should be made public through proper dissemination channel(s) such as workshop, seminars, press release and uploading on websites.

Even key findings in local language could be send through audio messages on mobile phones. Posters with key findings can be circulated and pasted at *panchayat ghars, anganwadi centres or schools for wider reach.*

Delay in disseminating and utilizing the evaluation findings, will make the entire effort futile. Sharing of evaluation findings with community in a simplified manner will help community to assess their contribution in scheme's progress and take ownership of change or even no change due to project intervention.

It should be expected from the evaluation funding agency that an update be shared with evaluating agency/ evaluators about the dissemination of the findings, as and when carried out with different stakeholders.

Further, as part of utilization of evaluation, implementing partners should keep commissioners of evaluation such as Ministries/departments or evaluation funding agencies and even evaluators updated with an action taken on the findings of the evaluation. In case no action has been taken that should also be reported along with the limitations and

constraints in doing so. Financial allocation should ensure dissemination of evaluation findings as one of the expenditure heads.

### **Need for Institutionalizing Evaluation in India**

With the governments at national and state levels in India aspiring for more transparency and accountability, it is expected and pertinent for all the nodal ministries/departments and even NITI Aayog to go beyond just monitoring of outputs vis-à-vis inputs of activities under various development programmes and schemes. Mandatorily, nodal agencies should go for assessing performance and progress in a very scientific and systematic manner.

A National Evaluation Policy (NEP) with scope for states to adapt while the core principles of evaluation guidelines remain intact across all states' evaluation policy/ guidelines, will be helpful in this regard.

Currently the scenario is not very encouraging. As a matter of fact, it would be surprising to know that in spite of having PEO since early 1950, at state level, Karnataka is the first, and till date the only state in India to have an institutional body for transparent, effective and efficient practice of evaluation of the development programmes and schemes, known as Karnataka Evaluation Authority (KEA).

Advocacy for NEP and imbibing 'evaluation is a must' using rights based approach be therefore initiated at all levels, right from policy makers, which include Parliamentarians, to donors and funding agencies, programme implementers to community members. Sensitizing and capacity building across these stakeholders on the relevance of a systematic evaluation of development policies and programmes, with the right to participation of community at the core, is need of the hour, when country is aiming at SDGs.

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## Voting Process: Ballot Box to EVM

Chandra Bhushan Kumar

Indian Constitution created electoral participation as constitutional right of every eligible citizen without any discrimination of religion, race, caste, sex or any of them<sup>1</sup>. In 1950, it meant a sudden jump in the size and the spread of electorate in comparison to the colonial India. In the background of large illiterate population with sporadic political education, especially in approximately 600 princely states, it was a colossal effort to work out a simple but effective voting process for 173 million voters in the diverse geographical spread of the country. The Election Commission of India (hereinafter referred as the Commission), which came into existence one day prior to the date of republic, spearheaded this onerous task under the formidable leadership of Mr. Sukumar Sen<sup>2</sup> against all difficulties. The ingenuity of Mr Sen and his team laid a solid foundation of the electoral process which brought 51% voters to the poll.

Ease of the voting process is an essential ingredient to the success of election. Acknowledging the challenges of illiteracy and administrative diversity, the Commission devised a simple method: allocate each candidate a ballot box with the allotted symbol pasted outside. This needed designing symbols, allocation process, design of ballot box, paper seals, ballot papers, and indelible ink.

In first two elections-1951-52 and 1957- this simple method of casting the vote was effectively put to use. By the third elections in 1962, viewing the successful participation of majority of voters, it was considered apt to move to the marking

system. The new system helped in bringing absolute secrecy for the voters. The voter was given a ballot paper and arrow mark seal to put the mark against



her/his chosen candidate in an enclosed voting compartment. All ballots were then put in a single ballot box. However, at least three major issues came to light in subsequent elections: first, increase in number of invalid votes because of wrong marking; second, unnecessary long hours in counting; and third, in some cases, ballot box irregularities using muscle power in the polling stations.

During 1970s, the concept of Electronic Voting Machine (EVM) drew attention of the electoral management bodies world over. In 1977, the Commission in collaboration with the Electronic Corporation of India Ltd. (ECIL), Hyderabad started working on development of EVM to overcome the existing challenges in the use of ballot boxes. In consultation with political parties, EVMs were first used in a bye-election in Kerala in May, 1982. However, in the absence of specific law for its use the Supreme Court nullified that election. Subsequently the Parliament amended the Representation of the People Act, 1951 in 1989 to provide for the use of EVMs. Two public sector undertakings-ECIL and Bharat Electronics Ltd (BEL), Bangalore were given the task of manufacturing the EVMs. In 1990s, the Commission continued its use in select elections to

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build the trust and to train its machinery. In 2004 general elections, first time EVMs were used in all 543 parliamentary



*(Source: Photo division, Ministry of Information & Broadcasting on display in Election Museum, O/O CEO, Delhi)*

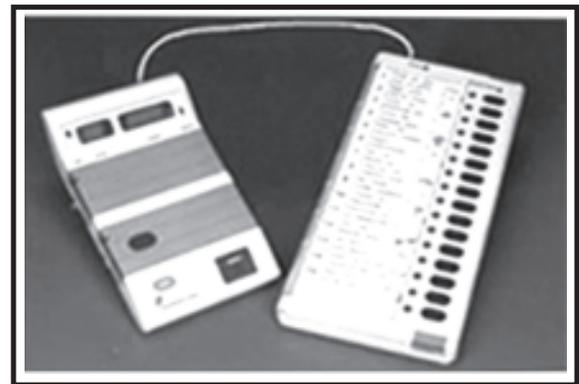
constituencies. Altogether one million machines were deployed. In 2014 general elections, more than 500 million voters voted on EVMs. The use of EVM brought fresh winds in the voting process. The voters loved it. The electoral machinery, after considerable training, became adept in its operation. The counting time reduced from days to few hours. The use of EVMs helped in overcoming the challenges encountered in the use of ballot boxes.

However, sometimes, the use of EVMs was questioned by various political parties, mostly who lost the elections. This prompted the Commission to organize open challenge for anybody to come forward and tamper with the machine in front of the Commission. None came forward to take up the challenge. In various judicial pronouncement, the use of EVMs was appreciated. High Court, Karnataka (2004) held that *'this (EVM) invention is undoubtedly a great*

*achievement in the electronic and computer technology and a national pride.'*

In 2013, in another development the Commission promised before the Supreme Court to start using Voter Verifiable Paper Audit Trail (VVPAT) along with the EVMs to paper audit the vote casted. Now, the Commission has decided to use VVPATs in all the polling stations in the country. This is massive in scale. In 2017, its use in Himachal Pradesh and Gujarat Assembly elections brought another dimension when the Commission introduced the pilot testing of VVPAT counting in one randomly selected polling station in each assembly constituency. As expected, all the VVPAT counting matched with EVM counting cementing the trust, the credibility, and the fairness in the voting process in India.

In last seven decades, the voting process in India has witnessed, barring few exceptions, smooth transition from ballot boxes to EVMs with VVPATs. This was made possible because the Commission, in consensus with its stakeholders, developed a detailed framework of



*(An EVM set: Control unit and Ballot unit)*

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storage, operation, capacity building, and awareness on regular basis. The ease of voting saw a considerable jump in electoral participation by nine percent in 2014 over 2009 general elections.

Now, the Commission is going to induct the latest generation of EVMs and VVPATs with a view to detect slightest malafide



**(An EVM set: Control unit, Ballot unit, and VVPAT)**

handling of EVM and making it non-useable without getting it repaired at the original equipment manufacturer's works (factory). All such measures are taken to enhance the level of trust amongst all the stakeholders.

In democracy, transparency in the voting practices is an essential ingredient of the electoral ecosystem. The Commission has recognized it since its inception and has brought necessary changes from time to time. From the ballot boxes of 1950s to the EVMs and VVPATs of 21st century, it has been eventful journey of evolving voting practices, which is firmly embedded in our electoral democracy.

**(Footnotes)**

<sup>1</sup> Article 324 of the Constitution of India.

<sup>2</sup> He assumed the charge of Chief Election Commissioner on 21st March 1950.

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# No Good Governance without Citizen Activism!

Dr N Bhaskara Rao

In the ultimate analysis what distinguishes a Government from another? From an *aam aadmi* perspective more particularly what should differentiate a Government? When would a Government qualify to be described as a good Government? In my analysis one of the common denominator is when ordinary people get basic public services delivered promptly without having to pay any “extra” or and without requiring a “contact” or an “approach” to get at. There would be anywhere between ten to twenty basic public services that a citizen tries to seek from one or other Government departments with one frequency or other. A good government is the one which is concerned and ensures delivery of these services transparently and responsively. But ‘good governance’ requires not only what the government does as a minimum responsibility but also what role civil society plays in that process and how citizen and civil society is encouraged for such an active role.

While the responsibility for service delivery is that of the government, it should also be the concern of the civil society to ensure that citizens can avail basic services. To facilitate this process, governments have created recently certain administrative mechanisms. This kind of mechanism work better and more reliably with intervention and initiatives of civil society.

A series of annual India Corruption Surveys of CMS in the last decade (2005-

2018) have indicated that between five to twelve percent citizens seeking one or other basic public services did not avail the services as they could not afford to pay the extra amount (bribe) or had no approach or a contact to get at. This is a challenge. No governance could be good if the percent of such deprived people is more than one percent at any one point, in any one public service and in any community. This is a source of citizen grievance. And when such grievances get accumulated, it causes protests and even agitations.

A better way for ensuring good governance is not more and more reforms or proliferating government, but ensuring existing instruments or mechanisms are taken seriously and implemented both by the government agencies and the civil society groups. This is what I call citizen centric approach.

In this approach, these enabling instruments work better in combination rather than expecting any one approach to yield desired outcomes. RTI activists should also take to Citizen Charter and Right to Delivery of Public Services Act (which more than a dozen states had already adopted) together to make their interventions far more effective notwithstanding provisions in the whistle-blower legislation.



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## **Decline in Debates, Rise of Activism**

The decline of debates in elected bodies on basic issues which concern people at grassroots level has contributed for citizen and civil society activism. There is ample evidence to show that legislative bodies don't meet the required number of days in a year, there is also decline in the number of legislative bills they ever discussed before passing. The 'tyranny of whip' system has made elected representatives abdicate their responsibility to their constituents in favour of the political party they belong at that time.

All these factors seem to have its effect on the extent of citizen sensitivities and scope of civil society activism in the country. It is evident in the number of places and locations where citizens gather to deliberate on an issue of concern and frequency of meets to protest.

On the other hand, Govt. expects people to help in the implementation of its schemes and support its policies. How do people in turn do so? They extend solidarity or endorse by way of statements, by taking action and by mobilising support of more citizens. And, of course, by voting in a rating of the service, if there is one. For example, citizens in different cities gather to discuss or analyse a Government scheme and take to a plan of action in the case of massive programmes like tree plantations or Swach Bharat or against or for some correctives. Some such schemes cannot be successful without

citizen groups taking interest or initiatives and cooperate. Different sections of citizens have to congregate and chalk out a plan by taking to rallies, presentations, protests, etc. Civil society has no dedicated or easily accessible infrastructure to organise their meets as and when. By allocating space for citizen activities (as the Govt. provides for Senior Citizens, Resident Welfare Societies, ex-army people, schools, stadia, temples, etc.), a Govt. would be helping itself too. Anything otherwise would amount to comatosing democracy?

## **How Democracies Die?**

Democracies, despite regularity in elections, die slow death and shrink with authoritarian trends gaining ground. This is what a recent Harward University supported study by the Economic Intelligence on global democracy for 2017 has concluded. The eight parameters used in the study included; behaviour of leaders and parties during poll campaigns; commitment to civil liberties; and how protests are allowed – restricted – carried out. It also include restrictions on watch-dog agencies, intolerance of dissent and challenges, suppression of protests and dissidence, threat to journalists, declining economy, polarisation in politics; authoritarian self-righteousness, free press and fake news, legitimacy to opponents, rudeness in public discussion and threats to social activists. Citizen activism in terms of right to dissent, demonstrate, protest and agitate, organise people and

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network are indicative of vibrancy of democracy. Political parties tend to be exceeding their role and cause imbalance in governance.

### **Decline of Political Parties, Rise of Citizen Activism**

The father of Nation, Mahatma Gandhi, had better insight of political parties despite he himself was not a functionary of national Congress Party. A few months before he was assassinated in January 1948, he suggested that Congress party be wound up as a political party and be converted into a social service organisation. Why did he advise that?

Gandhi visualised much before any political parties cease to be truly representation of people and their concerns once in pursuit of power and authority would be self-seeking. Even Baba Saheb Ambedkar hinted of such a possibility. And that is when Praja Palana (rule of people) becomes one of Party Palana (rule of party). Mahatma Gandhi reiterated that best bet to safeguard democracy is citizens themselves and it is their activism that safeguards governance, resists authoritarianism, upholds citizen rights and sustains democracy.

It was logic of Mohan Das Gandhi that explains why no one argues today against citizen activism. The role political parties were expected should be played now by citizen and civil society groups as political parties are busy otherwise, in holding on to power. They no longer represent people and reflect their interest as citizens and communities as they were expected. They try to represent a section of voters. Today surge in citizen activism is expected as a better bet to reinvigorate democracy, expedite development and sustain good governance. Places of frequent citizen congregation signal such a trend and are the symbols of functional democracy and incubators of democracy.

### **Social Media Supports Citizen Activism**

Neither new media nor popular Social media have clashed or eroded significance of physical gatherings of civil society groups anywhere in the country.

On the contrary, it is increasingly realised that social media are enhancing the very scope, structure, speed and size of gatherings of citizen activists at popular locations in cities whatever be the occasion or context. That is how mobilisations of concerned and sensitive citizen are increasingly becoming modus operandi. Signature campaigns and endorsement statements out of such mobilisations have increased significantly. In this process, blocks and hurdles of authorities no longer stand in the way of public opinion mobilisation.

Also, Word of mouth has not lost out to the intensity and extensive penetration of new and social media. Hotspot gatherings or citizen mobilisations are adding and multiplying power of word of mouth. These hotspot events of citizen activism have now acquired power of networked citizens and civil societies.

These hotspots of citizen activism have curbed mobocracy significantly.

Few years back there was a trend of mobocracy with hidden (often anti-social) agenda where more people come together in a helter-skelter way without any common concern, more importantly, without any transparency.

'Re-tweeting' provision in Social media is a boom now for quick and simultaneous targeted reach with a uniform message. Push of a button the message reaches thousands irrespective of their location, distance and boundaries. Support is galvanised in no time all across and activities are multiplied parallel across a state or the country.

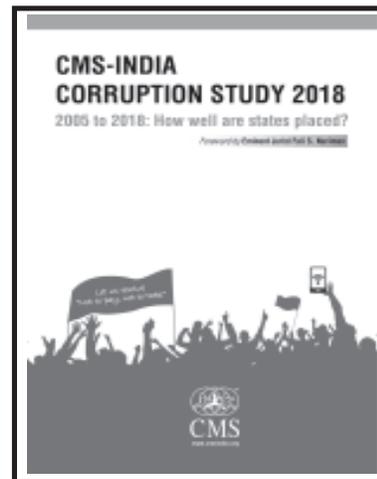
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# Highlights of CMS-India Corruption Study 2018

*Corruption in India is deep rooted and it has been increasing day by day. Corruption doesn't only effect the economic growth of the country but it hampers the country's development significantly. Different governments have tried different strategies to curb this menace but couldn't get much success. Though there are anti - corruption laws and other central agencies to tackle the problem of corruption, but yet statistics show that success rate of handling the corruption cases are very low.*

*It exists in different forms and sizes. There are different types of corruptions which exist in our daily life. The access to public services, which every citizen has right to get, is not easy to avail without paying the bribe to service providers.*

*CMS has been bringing out the CMS -India Corruption study on petty corruption across major states since 2000 and its findings show every year that the task of getting major need based services aren't easy without paying bribe. The latest release of the study for the year 2017-2018 have shown the same old trends: Excerpts :-*



**T**welfth round of CMS India Corruption Study (CMS-ICS) across 13 states and 11 public services brings out that the state governments have not stood to the expectations of the people of their respective states.

Overall, 75% of the surveyed households opined that the level of corruption has increased or remained same during the last one year in their respective states.

To add to it, around 27% of the households experienced corruption while availing public services in their states is a matter of concern for the country as a whole. Even getting basic Identification documents are not corruption-free, as 7% had to pay bribe to get Aadhaar while 3% paid to get Voter ID.

CMS ICS 2018 estimates that households in 13 states will have paid between Rs 2,500 crores and Rs 2,800 crores as bribe during a year to avail 11 public services.

During the release of the report, Shri Prakash Singh, Former DG, BSF; DGP UP and DGP Assam, in his keynote address

said, “Corruption must be contained, else it would contain India’s progress and development - *sabka vikas* would become a pipe-dream.” Padma Vibhushan, eminent Jurist Fali S. Nariman, in his foreword of the report raised concern about the corruption that has engulfed India, known as ‘tidal corruption’ - that floods the entire State apparatus including those at the centre of power.”

Compared to previous round (2017) of CMS-ICS, the households experiencing corruption has seen an insignificant decline- from 31% to 27%. In fact, in some states, more than one out of every three households paid bribe in at least one of 11 public services. These include, 73% households in Telangana, followed by Tamil Nadu (38%), Karnataka (36%), Bihar (35%). While in states like Delhi (29%), Madhya Pradesh (23%), Punjab (22%) and Rajasthan (20%) too a significant percentage of households paid bribe to avail public services, during the last 12 months. The key public services where households experiencing bribe demand was high include, Transport

(21%), Police (20%), Housing/land records (16%) and Health/hospital services (10%).

**Reasons for paying bribe remain same over the years:** The findings of the study raised a very disturbing but critical point that reasons for paying bribe continues to be the primary functions which public services offer such as getting a PDS/ration card; as in-patients in hospitals; for school admission; correction of inflated electricity bills; get/renew driving license; registering complaint/FIR, among others. This is more so because for these households dependency on public services for essential services continues to be high in spite of private players coming in to picture. With key public services such as PDS, health/hospital services, electricity, 70 percent or more households availed their services during the last 12 months. With banking services too, as high as 84% interacted with to avail their services.

**Digital Inclusion, long way to go:** This round of CMS-ICS also captured households' willingness to go for digital payment as a mode to ensure lesser cash/informal money transfer for the services availed. More concerted efforts need to be made for digital inclusion of common citizens. Only 10% of the households regularly use digital payment mode. Digital inclusion may slow down or people will hesitate to use it, if government agencies such as Police and Banks, on a pro-active and faster mode, does not resolve the cyber-crime faced by people. Around 10% of the households received fraudulent phone calls asking for Bank debit cards' PIN by posing as a bank representative. The hard earned money siphoned off by fraudsters will be a big dent on the 'Digital India' initiative.

### **States' Performance on Curbing Corruption and Citizen Activism**

CMS ICS 2018 using critical indicators developed a score sheet of states on the basis of People's Perception and Experience with Corruption while

availing Public Services. Of 13 states, Tamil Nadu, Punjab, Telangana, Andhra Pradesh, Gujarat and Rajasthan emerged among the *relatively poor performing* while West Bengal, Maharashtra, Madhya Pradesh, Uttar Pradesh and Bihar among the *relatively better performing* states.

States' position on the basis of Citizen Activism such as use of RTI; online complaint registering; participation in public protest rally against corruption; Use of Digital payment gateway, having Aadhaar brings out that Maharashtra, Delhi, Gujarat, Bihar and Telangana among *relatively better performing* states and states namely, Andhra Pradesh, West Bengal, Karnataka, Uttar Pradesh and Madhya Pradesh, among *relatively poor performing* as far as citizen activism against corruption in public services is concerned.

**Union Governments' Commitment to Curb Corruption:** Apart from states, the opinion about Union government (or Modi government as it is commonly referred to) too has not been satisfactory as far as efforts made in curbing corruption from public services is concerned. Compared to 2017, the percentage who feel 'Union government is committed towards reducing corruption' has come down from 41% to 31% in 2018.

*About the Study:* CMS-ICS 2018 using PEE(Perception+Experience+Estimation) Model, covered more than 2000 households from over 200 rural and urban clusters of 13 states namely, Andhra Pradesh, Bihar, Delhi, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Telangana, Uttar Pradesh and West Bengal. The 11 public services covered are PDS, Electricity, Health/hospital, School Education, Water Supply, Banking Services, Police, Judicial Services, Land/Housing and Transport and MGNREGS (only rural) related services.

**Full report is available on [www.cmsindia.org \(http://cmsindia.org/cms\\_ics18/CMS\\_ICS\\_2018\\_Report.pdf\)](http://cmsindia.org/cms_ics18/CMS_ICS_2018_Report.pdf)**

# Where anything goes

*Message of Cobrapost sting: Media subservience to power, its contempt for the citizen.*

**Pratap Bhanu Mehta**

The credibility of India's news-producing infrastructure has long been in tatters. There are brave journalists, risking even death, who still have some fidelity to truth. But a number of prominent media institutions have over the years become a toxic amalgam of veniality, fanaticism, irresponsibility and subservience to power. The media has gone from being the saviour to democracy to being one of the principal threats to it.

This perception does not require a back story; the content peddled speaks for itself. In such a context, the Cobrapost sting operations will be seen as exposing the rot in Indian media. But it is unlikely that the operation will be the beginning of soul-searching. It will cast a shadow even over the good institutions without producing accountability in the bad ones. It will deepen a cynical nihilism.

There are legitimate concerns about such sting operations. The ethics of the operation, the credibility and antecedents of those conducting it, the murkiness of their motives, and the indeterminacy of what the taped conversations might have led to in terms of actual contracts or content. But even after acknowledging all those concerns, it is hard to escape the rotten odour that comes through in these tapes from so many media houses.

Some conclusions are hard to brush off. Content in Indian media houses is for sale, not just at the margins, but whole-scale. These deals are struck not just by low-level marketing operatives, but seem to

be negotiated by India's biggest media barons and are constitutive of the business model.

There seem to be few limits to what they might contemplate carrying. Some are willing to contemplate a cultural recalibration, others fomenting communal polarisation. The willingness to bend to the government of the day is apparent. The lines between editorial and marketing have blurred. But that would be an understatement. The situation is worse because the blurred line is between editorial and contracting. Marketing still assumes a certain deference to the consumer. Content is shaped to defer to consumer tastes. But contracting is entirely supply side driven. It depends upon who can show up with the big contracts. It seeks to manipulate and shape, not defer to consumers.

What comes through, loud and clear, is the thorough contempt Indian media has for the Indian citizen. The owners seem to think of citizens as infantilised fools. Owners seem to boast about how the thinnest veneer, the smallest gesture of pretending that you cover news, will allow you to get away with masses of propaganda. Since the people do not pay, accountability is only to those who allocate capital or use political power. There is a curious phenomenology of authoritarianism at work in these tapes. Just like the political leaders think they can use the veneer of democracy to imprison us in propaganda in our own

The lines between editorial and marketing have blurred. But that would be an understatement. The situation is worse because the blurred line is between editorial and contracting.

name, sections of the media think they can use the fig leaf of a market to essentially subvert market values. We matter neither as citizen nor as consumer. The Cobrapost expose may have intended at producing more accountability.

But don't hold your breath. For one thing, the means deployed and the certainty of the result matter. Sting operations may give an occasional high. But since they started, they have cheapened and coarsened media. Two very rare conditions for sting operations do not exist; Absolute credibility and accountability of those who carry out the sting, and a consequent ability to follow through. Second, it will not happen because if the sting is true, the joke is on us, not the media.

It implicates virtually large sections of viewership and readership in creating and sustaining the conditions where media barons can be so contemptuous of us. Since, barring a very small number, everyone has been tarred, no one will really be affected.

The few institutions that have escaped this net will be seen as merely lucky or protected by some partisan deal.

There is a paradoxical lesson here. Large-scale muckraking does not produce more accountability; it simply deepens cynicism. For accountability and influence, you have to produce exemplars whom people trust.

The rot in the media can be stemmed not just by crying corruption but by creating exemplary institutions that inspire trust. Projecting trustworthiness becomes so much harder under conditions of generalised distrust. We might win the battle but will lose the war.

The biggest gainers from this expose are the political class. The lower the credibility of India media, the more it suits them. Try to imagine how anyone in the media will be able to raise conflict of interest issues with a straight face. The line that this operation exposes the Hindutva agenda will not stick long. It is the veniality and subservience to the

government of the day, not the ideological moorings of what the media houses were being asked to do that will stick more. The operation exposes the intent of media owners, not politicians. It also shifts the spotlight away from politics. Society is, it turns out, even more corrupt than politics. It is society that knows no moral limits; there is rampant instrumentalism. A distrust of civil society, the sense that the pure people need to be rescued from themselves, is the bedrock of authoritarianism.

Will the sting produce reform? Judging from the denials of some large organisations, there is the possibility that this operation might produce some own goals.

The denial by one of the big media houses seems to rest on three incompatible premises that should undermine its own defence. That the operation was doctored, that the group was engaged in a counter sting, and that the content of what they were proposing to carry was innocent. Perhaps a few small organisations might take corrective measures.

But this will happen only where the top management is not implicated in the sting. Some organisations may try to compensate for the image the sting created. Cynically change their content and editorial stance briefly to project independence.

But the operation will not improve democracy. When almost no news source can be trusted, people will have the license to believe whatever they were pre-disposed to believe even more. Our vicarious thrill in the momentary shaming of some large media houses will soon give way to a more cynical foreboding. Hegel once said that in modernity the newspaper will substitute for the morning prayer, taking the measure of our soul. Now we are a democracy without a measure, where anything goes.

***The writer is vice-chancellor, Ashoka University. Views are personal  
(Courtesy: [www.indianexpress.com](http://www.indianexpress.com))***



## National parties under RTI Act, EC clarifies

The Election Commission on Monday said national parties are public authorities under the RTI Act as declared by the Central Information Commission, a day after the poll panel's appeal order on an RTI application saying political parties are out of the purview of RTI Act was reported.

In a statement issued on Monday, the Election Commission of India clarified that it goes by the CIC order of June 3, 2013 that declared national parties as public authorities for the purposes of RTI Act.

In pursuance of this, the CIC order had said, all the information about the contributions received by these parties as well as their annual audited accounts, as

and when submitted to the Commission, are put in public domain.

The appeal order had come on an RTI applicant Vihar Dhurve who had sought details of donations, through electoral bonds, collected by the six national parties declared as public authorities under the RTI Act by the CIC — Congress, BJP, NCP, BSP, CPM and CPI.

In its order deciding his first appeal, a senior official of the Election Commission had said, "Requisite information is not available in the Commission. This is related to political parties and they are out of purview of the RTI." The political parties were brought within the ambit of the RTI Act by the commission on June 3, 2013.

*PTI*

## More than 50 lakh cases disposed on National Lok Adalats

The National Lok Adalats held every two months across the country is significantly contributing to disposal of cases. Statistics compiled by the Law ministry show more than 50 lakh cases have been disposed of every year on an average in the last three years by these courts.

Seen as an alternate dispute resolution forum, the National Lok Adalat had disposed of more than 61 lakh cases, which are a combination of cases pending in courts and those in the pre-litigation stage, in 2015. The next year the total of such cases disposed of were almost 50 lakh, and in the nine month till December 2017 these Lok Adalats disposed of over 29 lakh cases. For bringing down the pressure on regular courts, where the

total pendency of cases has remained at more than 3.15 crore over the last decade, the government with the help of the Supreme Court has been encouraging alternate dispute resolution forums such as disposal of cases through the Lok Adalats which adjudicates cases in the pre-litigation stage as well as those pending in courts.

Additional funds have been released for holding morning and evening courts to increase the court working hours using the existing infrastructure. The government has also provided additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice.

*Times of India (Feb 15, 2018)*

# A new TRP philosophy

***Rights and responsibilities must be harmonised for the sake of democracy. It would be appropriate for the media to dedicate itself to the promotion of Truth in a Responsible and Professional manner.***

**M. Venkaiah Naidu**

**A**nimal and human kingdoms differ on account of the orderly existence based on rules of conduct for the latter. Otherwise, it will be a jungle raj where the big cats rule the roost. Social order is a negotiated equilibrium, implying that none of the constituents has a right to absolute freedom of any kind. The Indian Constitution guarantees certain fundamental rights, but with certain riders. This applies to the Right to Freedom of Speech and Expression as well. But this is no justification to muzzle free media, especially in the largest and most vibrant democracy of the world.

Democracy is all about self-governance. Its success depends on the informed participation of its citizens in public life and developmental efforts. Empowering people with all the necessary facts and figures concerning all aspects of daily life and the functioning of the “state apparatus” holds the key for a free, fair and real democracy. MEDIA should be a Means of Empowerment for Development through Informed Actions. It is critical for any aspirational nation like ours.

Development being a shared goal, harnessing the positive energies of the nation could be a tool.

But then why some restrictions on the freedom of press? During the extensive debates in the Constituent Assembly, one view was for unfettered freedom and the other that nowhere in the world was such freedom absolute. The latter prevailed. The Supreme Court is the ultimate guardian of the fundamental rights of citizens, including the Freedom of Speech and Expression under Article 19(1)(a). Press freedom is implied in this

constitutional provision. The apex court has been zealously defending freedom of the media over the years in this framework. The settled position is that no restrictions can be imposed on media beyond those applicable to individual citizens. Article 19(2) provides for certain restrictions on free speech in the interest of friendly relations with foreign states, public order, preventing incitement to an offence, sovereignty and integrity of India, security of the state, decency and morality, contempt of court and defamation. Incidentally, the first three of these restrictions were provisioned by the Constitution (First Amendment) Act, 1951, and the fourth through the 16th Constitution Amendment in 1963. All during the Nehru era.

One’s freedom of speech ends when the other’s begins. This was the view taken by the Privy Council in *Channing Arnold v. King Emperor*. The Council observed: “The freedom of the journalist is an ordinary part of the freedom of the subject and to whatever length, the subject, in general, may go, so also may the journalist, but apart from statute his privilege is no other and no higher. The range of his (journalist’s) assertions, his criticisms or his comment is as wide as, and no wider than that of any other subject.”

In *Union of India v. Association for Democratic Reforms*, the apex court asserted that “one-sided information, disinformation, misinformation and non-information, all equally create an uninformed citizenry which makes democracy a farce. Freedom of speech and expression includes the right to impart and receive information which includes freedom to hold opinions”.

Given the critical role of media in nation building, there is no justification for obstructing access to information and its dissemination. Since the freedom of expression of media flows from constitutional provisions, any additional restriction should flow from an enacted law and not through executive actions. With the form and space of the media being redrawn with technological advances bringing with it new “genuine” challenges, any regulation should stand scrutiny.

India is a vast, diverse and complex society requiring responsible public discourse. An explosive expansion in media is resulting in the trivialisation of content and distorted priorities. This has a huge bearing on time and resources, besides the making of minds as Young India strives to fulfil its aspirations. It is time for a reset so that media could play out its sacred function as the space for the citizen to speak his mind and enrich his thought processes.

For long, the regulation of media has been more a bone of contention between the State and the fourth estate. But no longer, with the huge emergence of new, “privacy invading” forms of media. Any new regulation of content needs to be viewed in this perspective. While the state is a major player in developing societies, the emergence of the

“individual” with a certain right to protection of privacy calls for new models of communication with inbuilt security. The reputation of individuals is a valuable asset and privacy is intrinsic to this.

The media has played a stellar role in pre- and post-independent India and shall continue to do so. There have been some instances of the organs of the State, organisations and individuals seeking to influence the media over the years. The media is entitled to a set of rights. A harmonisation of rights and responsibilities is needed for a free media to flourish.

Sensationalism is senseless. Rumour-mongering and yellow journalism are self-defeating. Information further to confirmation is the best ammunition for media, which can in turn fire the imagination of the people. On the Press Freedom Day, it would be appropriate for the media to resolve to dedicate itself to a new TRP philosophy — the promotion of Truth in a Responsible and Professional manner. All other stakeholders too need to do their bit by creating an enabling environment for such a media to flourish, as all of us have a huge stake in democracy and nation building.

*The writer is Vice-President of India  
Indian Express May 3, 2018*

## Only 4% of the govt departments proactively disclosing information under RTI: Survey

India’s first transparency audit has revealed only 4 per cent of the surveyed central ministries and departments have been proactively disclosing information to the citizens under the Right to Information (RTI) Act.

Under Section 4 of the transparency legislation, every government department has to voluntarily disclose information through annual reports and websites, which include directory of its officers, their remuneration, functions, list of

beneficiaries of government schemes, minutes of board meetings and other updated information.

A transparency audit, conducted for Central Information Commission (CIC) by the Indian Law Institute has revealed that most of the public authorities have not been following the rulebook in maintaining public records and proactive disclosure.

Out of 2,023 public authorities registered with the transparency

watchdog, 963 were surveyed on quality of information being disclosed by them.

The audit has found that 196—or 20% of the central ministries surveyed— had not made any disclosure under Section 4 of the RTI Act. A grading—A, B and lower— of quality of information provided was done in the audit.

An audit was undertaken on the basis of a proforma prepared by former

information commissioners M M Ansari and A N Tiwari.

The proforma included criteria such as has the ministry disclosed basic information like organisational chart, remuneration of its employees and overseas trips undertaken by employees, how many times information has been updated, and have files been declassified and put up on websites.

*The Economic Times April 17, 2018*

## PSBs rejecting information requests under RTI Act: Study

**Nidhi Sharma**

**P**ublic sector banks are increasingly rejecting information requests under the Right to Information Act, an independent study has found.

A study conducted by Commonwealth Human Rights Initiative on the 2016-17 statistics furnished by 25 public sector banks and the Reserve Bank of India to the Central Information Commission (CIC) reveals that while the banks account for 9% of the total applications received, they account for 33% of the rejections of requests.

The report found that 15 of 25 public sector banks reported an increase in the number of RTI applications as compared to the previous year.

In 2016-17, more people sought information from banks as compared to other public authorities under the finance ministry.

The most number of applications – 25,300 – were received by State Bank of India, accounting for more than a third (33.20%) of the total number of RTI applications received by public sector banks. The RBI

reported receiving more than 13,000 RTI applications in 2016-17 – an increase of over 14% over the previous year.

Though there has been an increase in the number of RTIs being filed in the banks, statistics show there is not much load on individual branches.

In fact, a PSU bank branch handles on an average one RTI request in a year. Only 3 PSBs, namely, State Bank of India (1.39), State Bank of Bikaner and Jaipur (1.25) and Punjab National Bank (1.10) averaged more than 1RTI application per branch in 2016-17.

Venkatesh Nayak of CHRI said, “it is quite possible that some branch offices might receive more RTI applications than others.

It is important to conduct a third party assessment of the spread of RTI applications between bank branches and then identify measures to assist those branches receiving a large number of RTI applications to deal with them speedily.”

More than flow of RTIs, what has got activists worried is the rejection rate of public sector banks.

*The Economic Times April 20, 2018*

# Repatriation of CIC secretary is a setback to RTI, say activists

Chetan Chauhan

The CIC had earlier this month implemented the directive of the cabinet committee of appointments to send back its secretary Anjali Anand Srivastava to her parent cadre of the Comptroller and Auditor General (CAG).

In what is perceived as another setback to Right to Information (RTI), the government has repatriated the administrative head of the Central Information Commission, the body mandated under law to hear appeals against government for denial of information, to her parent cadre.

The CIC had earlier this month implemented the directive of the cabinet committee of appointments to send back its secretary Anjali Anand Srivastava to her parent cadre of the Comptroller and Auditor General (CAG).

“Upon acceptance of the premature repatriation order of the competent authority... Anjali Anand Srivastava is relieved of her duties as secretary, the Central Information Commission,” said an order issued by Shanti Priya Beck, joint secretary at the commission.

RTI activists consider it as another blow to the provision as the commission is

already working on a depleted strength of six information commissioners and a chief information commissioner. By December this year, another four information commissioners, including the chief, will retire.

“We are already seeing that non-filling of vacancies in the commission has led to a rise in the pendency of cases. And, this has had a detrimental impact on the efficacy of the RTI law that empowered citizens to ask questions,” said RTI activist Lokesh Batra, whose many appeals are pending with the CIC.

Anjali Bhardwaj of the National Campaign for People’s Right to Information (NCPRI) said the government is also trying to “weaken” the CIC by downgrading the status of information commissioners. The government has proposed that the information commissioners should get salary and allowances equivalent to a secretary, government of India. At present, it is the same as that of a Supreme Court judge.

Activists also say repatriation of Srivastava is part of a series of attempts to dilute the impact of the transparency law.

*Hindustan Times April 19, 2018*

## Rural, OBC kids more competent

**Assessment survey has girls outperforming boys in all categories**

A nationwide study conducted by the government to assess the standard of education in Classes 3, 5 and 8 has shown that students in rural areas perform better than those in urban areas; girls outshine boys in mathematics and English; and, students belonging to other backward classes (OBC) do better than all others.

Still, the overall numbers paint a dismal picture: Only 64.3% in Class 3 could answer a math question meant for Class 3 students correctly; the proportion went down to 54.14% in Class 5 (for a question meant for Class 5 students); and 42.07% in Class 8.

The corresponding numbers in English were not particularly good either: 67.7%

in Class 3; 58.43% in Class 5; and 56.7% in Class 8.

Apart from mathematics and English, the students of Classes 3 and 5 were also tested in environmental science. Students of Class 8 were tested in four subjects, the fourth being social studies.

The results of the National Assessment Survey (NAS) conducted by the National Council of Educational Research and Training (NCERT) will be used as inputs for planning and designing pedagogical interventions to improve learning outcomes at district, state and national levels. Learning outcome is the description of what a student should know after being put through a certain curriculum.

The competency test covered 2.2 million students from 1.10 lakh schools across the country. The questions were framed to reflect the learning outcomes which were recently incorporated in the Central Rules for the Right To Education Act by the government.

Karnataka emerged as the best performing state with 75.6% students getting the required attainment levels in Class 3 in the three subjects, followed by Andhra Pradesh (75.17%) and Rajasthan

(74%); Arunachal Pradesh was the worst performer with 49.6%.

In Class 8, Rajasthan performed the best with 62% students answering questions correctly, followed by Karnataka (54.8%) and Jharkhand (54.6%). Arunachal (36.3%) and Puducherry (34.8%) performed the worst.

Overall, the numbers suggest a poor level of education in schools, notwithstanding the differences in the performance different categories of students.

For instance, when Class 8 students were tested in mathematics, the girls did slightly better than boys with 42.31% answering it correctly, against 41.82% for boys.

“Classrooms don’t have a good learning environment. Teachers are not enough even in Delhi. They have not been through an adequate teacher education programme. There are systemic problems that need to be concertedly worked on. These don’t allow meaningful learnings to happen but children should not be held responsible for this state of affairs. Also, states must not be ranked like this” said Anita Rampal, Professor of Education, Delhi University.

## 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. CMS Transparency has been providing significant database and momentum to create responsive governance systems in our country.

The team will continue to establish links with civil society groups and design campaigns for RTI to further social objectives like transparency in elections, exposing corruption and improving civic services.

*"I am happy to note that Centre for Media Studies (CMS) has been carrying out the exceptional good work in various areas having substantial public interest. One of their initiatives is the study on corruption in the country in particular in certain geographical areas or on a theme."*

...K.V.Chowdary, Central Vigilance Commissioner, Central Vigilance Commission (2015)



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Freelancers are eligible to apply provided they fulfil all other conditions.

## How to Apply?

Applicants must submit the following items to [mediaapplications@cmsindia.org](mailto:mediaapplications@cmsindia.org)

A 300-350 words proposal outlining story ideas and proposed plan for field visit.

Updated CV (containing information on relevant work experience, designations held, approximate number of stories published/broadcast, educational qualifications).

An undertaking that, in the event of their selection, the applicant will produce a letter of support from their respective editor/competent authorities, indicating support during the Fellowship. The letter must also mention that they are on contract with an established, mainstream media outlet in India.

Two recent examples of their work published in newspapers or on website or portals/broadcast.

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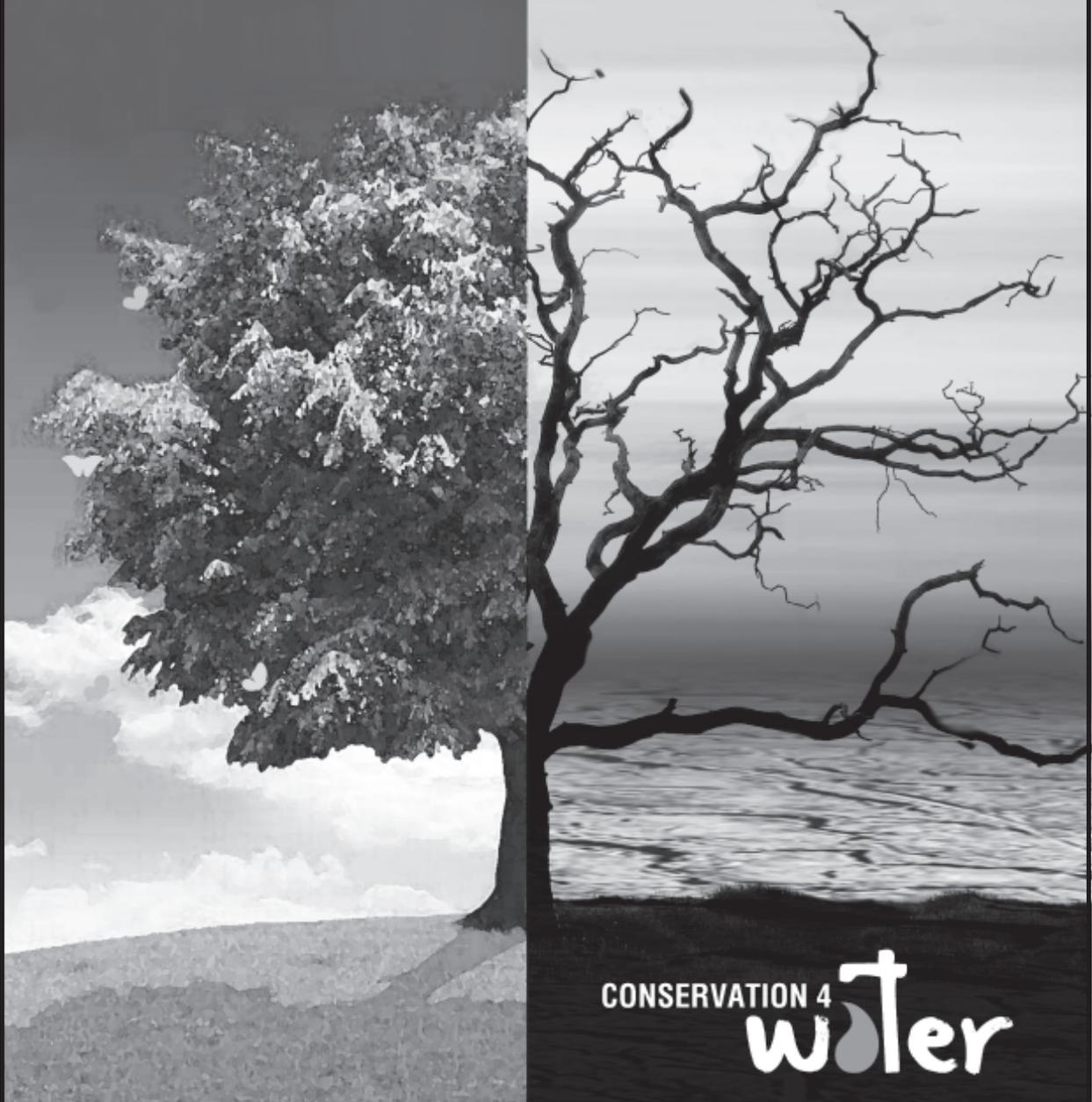
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