



Transparency Review

Journal of Transparency Studies

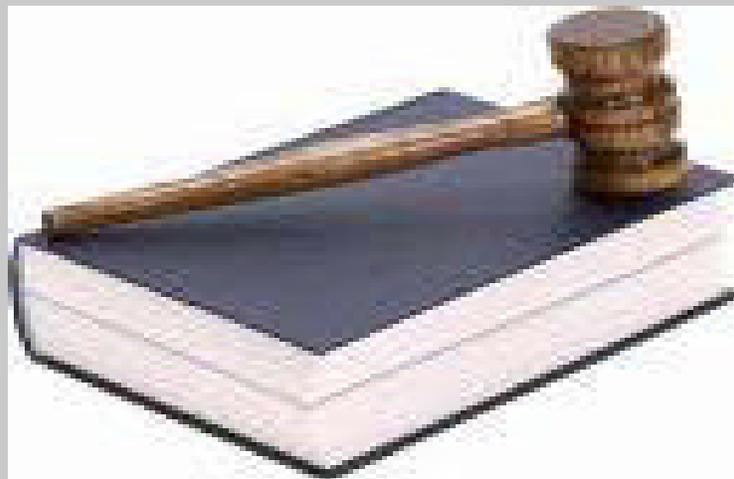
HISTORIC JUDGMENT ON RTI

When the first issue of Transparency Weekly appeared nearly four years ago, the heading on the cover was “The Journey Begins.” Implemented six months earlier, the Right to Information Act had made a limited impact but was encountering serious bureaucratic hurdles. We described its mission as “nothing less than to transform the culture of secrecy inherited and maintained from colonial times to the culture of administrative transparency required in a truly democratic society.”

The long distance travelled since then is recognised by the recent landmark judgment of the Delhi High Court describing Right to Information as “the most significant event in the life of Indian democracy.” As reported in this issue, the judgment declares that even the Chief Justice of India is accountable to RTI. It spells out the all-inclusive range of the Act in unmistakable terms: “Wielders of power

– legislative, executive and judicial — are entrusted to perform their functions on condition that they account for their stewardship to the people who authorise them to exercise such powers,” The judgment will go down in history.

In our section on Right to Work we note basic differences between the authors of NREGA and C.P. Joshi, Minister for Rural Development. aroused by his move to dovetail plans for his Bhilwara constituency. The diversion of NREGA for constructing panchayat buildings has sparked the dispute



A regular Media Review section has been started in

response to the widespread concern aroused by articles on Paid News, Vice-President Hamid Ansari’s lucid, wide-ranging address sets the tone. Critics maintain that in view its role as the Fourth Estate, a mechanism should be devised to extend RTI to media as well.

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TRANSPARENCY STUDIES

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.

The functions of Transparency Studies include:

- Publishing and distribution by electronic mail of Transparency Review, a journal designed to publicise news, articles and documentation concerning developments in Right to Information and the overall interface between governance and society. Priority is given to right to education, especially of children; right to work; right to justice and associated human and social rights, especially at the grassroots.
- Operating Transparency Features to disseminate articles and information on the above.
- Linking with civil society groups to further common objectives like exposing corruption, monitoring elections, improving civic services.
- Arranging discussions on emerging issues and problems between specialists and mediapersons.



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CHIEF JUSTICE OF INDIA HELD ACCOUNTABLE UNDER RTI

Krishnadas Rajagopal

The Delhi High Court has declared the judiciary, including the Chief Justice of India, accountable to the common man under the Right to Information Act, saying “sunlight is the best disinfectant” for the judiciary in a democratic society

In a ruling that judicial independence is subject to a citizen’s right to know under the transparency law, a special three-judge bench, led by Delhi High Court Chief Justice A P Shah, assured peers in the Supreme Court that “well-defined and publicly known standards and procedures complement, rather than diminish, the notion of judicial independence”.

“Democracy expects openness and openness is concomitant of free society. Accountability of the judiciary cannot be seen in isolation. Wielders of power — legislative, executive and judicial — are entrusted to perform their functions on condition that they account for their stewardship to the people who authorise them to exercise such power,” said the bench also comprising Justices Vikramjit Sen and S Muralidhar.

With this, the court threw out the Supreme Court’s contention that a fiduciary relationship exists between Supreme Court judges and the CJI. The apex court, through Attorney General G E Vahanvati, had aggressively argued that information on the assets of Supreme Court judges was held by the CJI in a personal capacity, did not come under the public domain.

“The CJI cannot be a fiduciary vis-a-vis judges of the Supreme Court. The judges of the Supreme Court hold independent office, there is no hierarchy in their

judicial functions, which places them at a different plane than the CJI. The assets declarations are not furnished (by the SC judges) to the CJI in a private relationship, but in discharge of the constitutional obligation,” the bench said.

Reminding the Supreme Court that the CJI is a public authority under the RTI Act, the bench observed: “Chief Justice of India besides discharging the prominent role of “head of judiciary” also performs a multitude of tasks specifically assigned to him under the Constitution or various enactments.”

To the persistent stand from the Supreme Court that its own resolutions were not “legally binding” but only moral in nature, the three-judge bench told the apex court that it was better to abide by judicial

values and ethics prescribed by the May 7, 1997 Full Court Resolution of the Supreme Court, which calls for the disclosure of assets, than wait for Parliament to “compel judges to disclose their assets and undermine judicial independence”.

The court said if an “entry level Magistrate” is bound by the 1997 resolution to annually disclose his assets, why not judges of the high courts and the Supreme Court.

“As regards accountability and independence, it cannot possibly be contended that Judicial Magistrate at the entry level in the judicial hierarchy is any less accountable or independent than the judge of the high



court or the Supreme Court. If the declaration of assets by a subordinate judicial officer is seen as essential to enforce accountability, then the need for declaration by judges of the constitutional courts is even greater,” the bench said.

The court held that, unlike draft judgments, “notes and jottings” made by judges in open courts while hearing a case should be disclosed under the RTI if they form part of the official records.

It agreed that the disclosure of assets of Supreme Court judges on the website was the “complete answer” to questions on the manner and extent to which judicial officers of the high courts and Supreme Court should reveal their personal wealth.

“Assets disclosure on website shows that judges have perfectly understood how much information should be disclosed and in what manner they have to put it on the website,” the bench said.

The Supreme Court had posted the assets of its judges on the official website after a single judge of

the Delhi High Court declared last September the CJI as a public authority.

The bench found today’s hearing an opportune moment to announce that the Delhi High Court judges too would post their own personal assets on the official website by next week.

The independence of judiciary, the bench said, has to take second place to transparency in the justice delivery system as even a “single dishonest judge” can cause the public to lose faith in the entire judiciary. “A single dishonest judge not only dishonours himself and disgraces his office but jeopardise the integrity of the entire judicial system.”

Judicial independence is not the “personal privilege” of the individual judge, but a responsibility cast on him. “Public confidence in the administration of justice is imperative for its effectiveness, because ultimately ready acceptance of a judicial verdict alone gives relevance to the judicial system,” the bench observed.

Courtesy: The Indian Express

SUPREME COURT TO DECIDE

J. Venkatesan

The issues of applicability of the Right to Information Act to the office of the Chief Justice of India should be finally decided by the Supreme Court as substantial questions of law and general importance were involved, Attorney-General G.E. Vahanvati said.

Speaking to *The Hindu*, Mr. Vahanvati, who appeared on behalf of the Secretary-General of the Supreme Court, said: “Various people have publicly expressed their views that no further appeal should be filed challenging the [Delhi] High Court judgment. In fact, some have even alleged that I, in my capacity as Attorney-General, am keen that an appeal be filed.”

He pointed out that the High Court itself had granted a certificate of appeal to the Supreme Court as substantial questions of law were involved in the case. A Full Court of the Supreme Court would take the final decision on whether or not to prefer an appeal.

Mr. Vahanvati said certain issues dealt with by the Supreme Court collegium on appointment of judges, personal opinions given by judges, and response to complaints against judges could not be revealed. Doing so would affect the independence of the judiciary. “You must accept that there are various constitutional obligations where strict confidentiality is required.”

If reasons given by judges for non-selection of a judge for elevation or for some other appointment were to be disclosed, then no judge in the know of things would give a free and frank opinion. “In such matters, it is pointless to proceed on public perception, and the collegium will be justified in its wisdom not to make reasons public.”

Not only the judiciary but also the offices of the President and the Prime Minister dealt with various sensitive issues day in and day out, and there was a constitutional mandate and fiduciary principle that these must be kept confidential, Mr. Vahanvati said. “Who will tell the CJI or the judge concerned that everything he says has to be made public?”

Referring to the criticism that the Supreme Court “is deciding its own case,” Mr. Vahanvati said “this is absurd” and added “several administrative decisions have been set aside on the judicial side.” He said: “I have taken up this case on behalf of the Supreme Court not just as a matter of legal duty but on the basis of a firm conviction that the independence of the judiciary cannot be compromised by exposing every aspect of the work of the courts to public scrutiny.”

Courtesy: The Hindu

SUPREME BUT FALLIBLE

Rajeev Dhavan

Justice A.P. Shah's judgment in the Delhi High Court on the applicability of the Right to Information (RTI) Act is as fine as any bench of the Supreme Court could deliver. This is not surprising because Justice Shah is one of the best judges in India today. What was at issue was the right to know information about "assets" officially reposed with the Chief Justice of India (CJI) pursuant to a resolution of the Supreme Court on May 7, 1997 and the chief justices conference of December 1999. If the Supreme Court needed to be reminded of the obvious, Justice Shah declared that these resolutions were binding on the judges. Not to accept their binding nature would have made a mockery of the solemnity of the resolution process. The thought that the Supreme Court and high courts are not bound by their own promise can only undermine confidence in the judiciary as an institution. Information about assets was to be placed with the CJI not in his personal capacity but in the institution of the CJI. Many CJIs have come and gone since the resolution was passed. None of them claimed the information was personal.

The Delhi high court took both a wide-angled constitutional view of the issue as well as a narrow view flowing from the RTI Act. The wide-angled constitutional view was that from 1973 the Supreme Court itself has recognised a right to know as part of free speech, election law and, indeed, in the judicial appointment case of 1982. It was on this basis that in 2002 the Supreme Court gave to the people the right to know about an MP or MLA's full background, including financial assets. How come judges were exempt from the very right to know under which parliamentarians had to make a full disclosure to the

people? The right to know is a fundamental right following the free speech — Article 19(1)(a) — and life and liberty provision — Article 21 — and international conventions. The significance of this was insightfully acute in two ways. In the first place, even if there was no RTI Act, a citizen or subject could claim to know about things like the financial assets of those who rule us, including the judiciary. Second, that in interpreting the RTI Act a bold and expansive rather than a narrow interpretation would have to be given — even if it affected the judges who could not interpret themselves above the law.

As far as the RTI Act is concerned, it surely applies to all "public authorities" established or constituted under the Constitution — Section 2(h). Indeed, recognising this, the Supreme Court had appointed an Information Officer — Section 2(c). The right to information included all information right down to notes and diskettes "held under the control of any public authority" — Section 2(j). The attorney general's view that this information had to be held under some law is fallacious. Ninety nine per cent of information held by most authorities is not retained under a "law" but executive authority. The terms of the act are clear. Such an approach does a disservice to Parliament's clear intentions.

All this being settled, the next question was whether the Supreme Court could hide behind any of the ten exemptions provided by the act (Section 8). The Supreme Court's counsel concentrated on the fiduciary relationship clause — Section 8(1)(e) — and the personal information or "privacy" clause — Section 8(1)(j). Significantly the RTI Act overrode all legislations (Section 22). The "fiduciary clause" was really not relevant. Every law student knows

What was at issue was the right to know information about "assets" officially reposed with the Chief Justice of India (CJI) pursuant to a resolution of the Supreme Court on May 7, 1997 and the chief justices conference of December 1999. If the Supreme Court needed to be reminded of the obvious, Justice Shah declared that these resolutions were binding on the judges

that “fiduciary” relations have a special meaning relating to the administration of trusts including corporate management. To expand this further would swallow the act. This is equally true of the idea of “confidentiality”. No authority can get out of the RTI Act simply by marking information “confidential”. If so, the RTI Act would be ruined. The “privacy” exemption relates to personal information which has no relation to “public activity or interest”. Tax returns, medical information, private relations would all be protected, subject to the public interest. Once the Supreme Court (for itself and MPs) had declared that information about financial assets related to public duty and accountability, this did not invade privacy. Most judges in India accept this, why should the Supreme Court argue otherwise as a litigant?

The Delhi High Court rightly emphasised that disclosures about financial assets are part of judicial accountability including norms of transparency. Ironically, when the Supreme Court judges in 2009 decided in favour of disclosure, they cautiously added possible restraints — not yet elaborated. Taking a balanced view, the high court held that a judge’s notes

and draft judgments not placed on record could not be disclosed. The efficient functioning of judiciary was protected but accepted international standards of information accountability were to be adhered to.

If at the attorney general’s behest the secretary general of the Supreme Court was before the court, the latter cannot but have been instructed by the chief justice. Having placed itself before the High Court, the Supreme Court should not exercise its right to appeal, so that it sits in judgment over itself. The chief justice has declared that the full court will decide whether to appeal. If that happens, no judge would be entitled to hear the case as they would be both litigant and judge.

The RTI Act is clear. If the Supreme Court wants the act changed, this has to be done by Parliament not by one-sided judicial law-making. Until such a law is made (and it should not be) the Supreme Court should not allow itself to twist the law in its favour. The attorney general wants to appeal. Is this his view or that of his client, the Supreme Court, and perforce, the CJI? Forbearance is an option. .

Courtesy: The Indian Express

RTI NOT TO QUESTION VERDICTS

Krishnadas Rajagopal

The Supreme Court has said the Right to Information Act would not be used to question the intention of a judge for giving a particular verdict.

A judge need not furnish reasons under the RTI on why he chose to give this verdict and not another, noted a Division Bench headed by Chief Justice of India K G Balakrishnan.

“He (a judge) cannot go on explaining his judgments. The judgment itself is the reason. No one has the right to ask for any further information under the RTI Act,” the court observed.

The apex court made these observations on a petition by 76-year-old agriculturist Khamaguram Gandaiah of Andhra Pradesh who had alleged “judicial dishonesty” against a Principal District Judge who

had ordered injunction against him in a property dispute on an 8-acre land in 2006.

The septuagenarian had criticised the district judge’s order against him as “patently erroneous” and filed an RTI application seeking an explanation from the judge on how he could rely on “fabricated” documents produced before him to arrive at his decision.

The judge in question is M Seetharama Murthy, who is currently Register General of the Andhra High Court.

“The petitioner did not even go for an appeal against the injunction order. Instead he filed an RTI application accusing the judge of dishonesty. When that too failed, he came straight to us. What is this?” the court noted, dismissing the petition.

Courtesy: The Indian Express

NO AMENDMENTS TO RTI

Shailesh Gandhi

Unhappy with the delay of the Government in sending the minutes of an important consultation with Information Commissioners. Mr. Shailesh Gandhi, Central Information Commissioner released them himself. They rejected official proposals for amendment of the RTI Act. Later, however, Union Law Minister Veerappa Moily, suggested that amendments in respect to the judiciary were under consideration

Secretary, DOPT had promised to send the minutes of the meeting to all the Information Commissioners. This has not been done though over three months have passed. My colleague, Mr. Satyananad Mishra and I had given reminders to the Secretary in this matter.

It is disrespectful to the Institution of the Information Commissions if a consultation with over 50% of the Information Commissioners across the Country were to be treated casually and go unrecorded.

I am therefore sending the minutes of the meeting which had deliberated on a very important matter during which DOPT had sought the views of the Information Commissioners on amending the RTI Act. In the spirit of transparency, I am putting these minutes in the public domain.

Minutes of the Consultative Meeting held by DOPT with Central and State Information Commissioners on 14 October 2009.

DOPT had called a meeting for consultation with the Information Commissioners across the Country on 14 October 2009 on ways of strengthening the RTI Act. Around 60 Central and State Information Commissioners were present for this meeting.

Mr. Prithiviraj Chavan, Minister DOPT outlined the Government's thinking that there was a need to strengthen the RTI Act by amending it. The papers circulated at the start of the meeting gave an idea of the amendments which the Government had in mind. Mr. Wajahat Habibullah Chief Information Commissioner who spoke next, very lucidly explained

his view that there was no need to amend the RTI Act presently. After this the DOPT officers gave a point by point presentation of the amendments they were proposing to the Commissioners. They outlined seven amendments. The Information Commissioners almost unanimously pointed out that the first five points needed no amendments. The seven proposals had five which needed no amendments and two which would dilute the RTI Act and would need an amendment to the Act:

1) Constitution of benches: DOPT held that the present constitution of benches, where cases are heard by a single Information Commissioner, is not legal. The Commissioners pointed out that this was not the correct position, and the Central Information Commission had already ruled on this matter. Even if the DOPT's argument was accepted, only a change of rules would be required.

DOPT was proposing that all benches should be two member benches, which would increase the expenditure per case by nearly 100%, and most Commissions would be overwhelmed by the cases, since they would not be able to cope.

2) Removal of 9 exempted public authorities from the list in Schedule 2: There is no need for an amendment, as a few public authorities have already been included and deleted through a notification as per Section 24(2) of the RTI Act.

3) Include Citizens Charter in Section 4 declarations of each public authority: Here again, there is no need to amend, as it can be included under Sec 4(1)(b)(xvii), which says, 'Such other information as may be prescribed'.

It is disrespectful to the Institution of the Information Commissions if a consultation with over 50% of the Information Commissioners across the Country were to be treated casually and go unrecorded

4) Defining what is meant by 'substantially financed' under 2(h)(d)(ii). : This already being judicially defined by Information Commissioners.

5) Facilitate Indians abroad to use RTI Act through embassies.: This can be done very easily by making appropriate rules.

The two proposals which needed an amendment to the Act proposed by DOPT:

6) Adding 'frivolous & vexatious requests' to the list of Section 8 exemptions. Commissioners pointed out that the decision of what constitutes 'vexatious' or 'frivolous' would have to left to the PIOs. This would result in large-scale rejections by PIOs and would go against the present principle that no purpose needs to be given by applicants. Most Commissioners spoke against such an amendment, while two stated that it was necessary.

7) Excluding discussions / consultations that take place before arriving at governmental decisions; in

other words, exclusion of file-notings, which would render the working of the government completely opaque to citizens. This would mean that Citizens will know the reasons for taking decisions only after the decisions have been taken and never know why certain decisions in their benefit were not taken. All the Information Commissioners who spoke gave their verdict that for the first five objectives there was no need to amend the RTI Act. On point 6, two Commissioners spoke in favour of amending the Act to prevent frivolous and vexatious RTI queries, whereas over half a dozen opposed these. On point 7 also, the Commissioners expressed a clear view that no amendment was desirable. Some Commissioners pointed out that any change in the RTI Act would lead to unnecessary confusion in implementation and the minds of Citizens and PIOs.

The Information Commissioners had almost unanimously given their clear and unequivocal stand, that no amendments were necessary to the RTI Act.

MOILY HINTS AT RTI AMENDMENTS

Union Law and Justice Minister M. Veerappa Moily has hinted that the Centre was working out a proposal to amend the Right to Information (RTI) Act relating to the judiciary.

However, he made it clear to journalists here that the proposal was independent of the Delhi High Court verdict on January 12 this year. In its judgment against the Supreme Court, the High Court had held that the office of the Chief Justice of India came within the purview of the RTI Act, stating that judicial independence was not a judge's privilege but a responsibility cast upon him.

"There is some proposal being contemplated. It is in comparison to other judiciaries in the world. But it has nothing to do with the Delhi High Court judgment. It is independent of it." The subject would be dealt with by the Department of Personnel and Training. The general principle was that the judiciary should

be transparent, Mr. Moily said. The Supreme Court had suggested amendments to the Act to provide insulation from disclosure of information pertaining to appointment of judges and decisions of the collegium.

On the proposed Judges Standards and Accountability Bill, the Minister said that while the power to impeach a member of the higher judiciary would rest with Parliament, the Bill would have details on issues of "commission and omission" by judges.

About reforms proposed by the Election Commission, he said the State funding (to candidates) of elections, equal powers to all the three Election Commissioners (including the Chief Election Commissioner) and the removal of two Election Commissioners only be Parliament through impeachment (like the CEC) were part of the reforms, he said.

Courtesy: The Hindu

TAX RETURNS OPEN TO SCRUTINY

Vidya Subrahmaniam

Are income-tax returns filed by individual citizens open to public scrutiny under the Right to Information? Yes, says the Central Information Commission.

In a controversial December 14 ruling with far-reaching implications, the CIC held that individual assesses could not invoke privacy concerns to prevent an unrelated “third party” from inspecting returns filed with the Income-Tax Department. Sources in the Commission said the ruling must be seen as a trendsetter that could eventually lead to the tax returns of all citizens being put up on the department’s website.

The ruling by Information

Commissioner Shailesh Gandhi came on a specific application filed under the RTI Act, 2005. Rakesh Kumar Gupta had applied to the Commissioner of Income Tax in Delhi seeking to inspect the IT returns filed by various branches of the Escorts Heart Institute as well as by a heart surgeon, previously in the hospital’s employ. The applicant said an earlier RTI application filed by him revealed tax evasion by those named in his current application, and that this was confirmed by the IT Commissioner.

Mr. Gupta went in appeal to the CIC after his application was rejected successively by the Public

Information Officer and two appellate authorities attached to the IT Commissioner. The hospital and the surgeon strongly objected to the application, arguing that the information sought included certain personal documents and details which were part of the Income-Tax proceedings and whose disclosure could endanger their safety. They also invoked various sub-sections of Section 8 (1) of the RTI Act, which sets the grounds on which information might be denied.

These include sovereignty and security, commercial confidence, fiduciary relationship, and privacy of the individual.

Section 8(1) of the RTI Act, which sets the grounds on which information might be denied. These include sovereignty and security, commercial confidence, fiduciary relationship, and privacy of the individual.

Mr. Gandhi rejected the grounds cited by them, arguing that the claim to privacy was not a universal right applicable to all humans in all circumstances.

The Right to Information had been codified, and in a conflict between privacy claims and the Right to Information, the latter must prevail. He held that filing tax returns was a statutory obligation and must be treated as a public activity open to scrutiny. As a tax assessee had already provided information to the state as part of his or her legal duties, its disclosure to “another person cannot be construed as an unwarranted invasion of privacy of the individual.”

Courtesy: The Hindu

RTI HERO KILLED

Tusha Mittal

A college dropout, unmarried, and without a paid job, Satish Shetty, 39, son of a former restaurant owner, wasn't an average middle class Indian. He had far too many enemies to be ordinary. From fake ration-card sellers, locals forced to give up illegal property, and corporate honchos red-faced over a mega-cross scam- Shetty's list of foes was oddly long for the small town of Talegaon, the Pune suburb where he grew up. Perhaps that is why he died oddly – brutally hacked in broad day-light during his morning walk, 500 meters from a police station. Shetty wanted to protect poor farmers being cheated off their land. He died on January 13, 2010, trying to keep the idea of India alive.

The eldest of four siblings, Shetty never aspired for the conventional life. "He was a maniac for social service," says brother Sandeep, an advertising professional in Pune. "Our income was enough to sustain him. He rarely had needs. Just food and some clothes. He was wasn't materialistic."

From his early twenties, Shetty helped villagers with tasks – from booking railway tickets to getting loans. "He began to see corruption everywhere," Sandeep says. Satish joined an anti-corruption drive by activist Anna Hazare, and later formed the Bhrashtachar Nirmulan Samiti.

Shetty's breakthrough came in 1996 as he exposed a fraud worth Rs 1.5 crore in the Public Distribution System, in which a ration seller had made at least 200 fake rations cards. A court cancelled the seller's license and ordered him to pay the money.

Shetty's list of enemies grew in 2004, when he busted the mayor and other politicians who had encroached on railway land. Their bungalows were demolished. The mayor lost his post. One such bungalow owner, local lawyer Vijay Dabhade is now a key suspect in Shetty's murder.

For Shetty, the battle then had just begun. He found his strongest weapon in the RTI Act of 2005. At that time, the construction of the Mumbai-Pune expressway triggered a real estate boom. Land rates surged on one end; land was snatched at the other. Farmers, small and big, began approaching Shetty with countless stories of land-grab. Shetty found loopholes that allowed land to be registered and bought

without someone selling it willfully. "He started work on a small piece of land, but chanced upon a Rs 3,000-crore fraud," says Sandeep. "That's probably why he is not alive today."

After years of collecting proof, Shetty complained to the Inspector General of Registrars (IGR) about hundreds of illegal land registries in the Badgam-Maval area, around the Pune expressway. In November 2009, the IGR initiated an audit of 2,000 registered documents, and found at least 930 to be fake. The registrar was suspended. Ideal Road Builders (IRB), a mega crore infrastructure company, was one of the worst defaulters. "1,800 acres of land acquired by IRB came into question. They stood to lose a great deal of money and credibility," says Sandeep.

Anticipating trouble, Shetty asked for police protection on November 24, 2009. None was given. The police say his application was "being processed". "When we'd ask why he takes such risks, he would say it's for the greater good of society," Sandeep. But Shetty's death is about a malaise deeper than the inefficiency of local police. The systemic loopholes he was trying to expose are perhaps the ones that swallowed him whole.

The investigation into his murder has now been transferred to another police officer at Lonavla. Five people have been arrested. The primary accused Dabhade was arrested after the testimony of a vegetable vendor Santosh Shinde. Police claim the vendor himself approached them and confessed that he had been offered a *supari (contract)* by Dabhade to kill Shetty, which he refused to accept. Of the four others, police claim one is Dabhade's assistant and three are contract killers. The FIR registered by Shetty's family named IRB as the prime suspect. Senior officers from IRB have been questioned, but no arrests have been made.

For now, what gives the family hope is the Mumbai High Court's *suo moto* order that all the RTI documents collected by Shetty be presented before the court. "At least someone will look into the material now," Sandeep says. "Killing my brother will not stop the process of justice."

Courtesy: Tehelka



NREGA AUTHORS OPPOSE MINISTER

J.P.Yadav

Union Minister for Rural Development and Panchayati Raj, C.P. Joshi, plans to make his constituency, Bhilwara, in Rajasthan, a model for the many schemes under the charge. But fears are expressed by the authors of NREGA that this may reintroduce a top down approach, replacing labour intensive with contractor-friendly works in panchayat construction

Congress leader C P Joshi, who heads the Rural Development and Panchayati Raj Ministry, has chosen his own constituency, Bhilwara in Rajasthan, as the laboratory for all development schemes of his Ministry. He has been working overtime with officials of the Congress-led Rajasthan government on an ambitious pilot project to turn Bhilwara into a “developmental model” for the country.

The elaborate roadmap entails the convergence in Bhilwara of all ongoing schemes of the two departments of Rural Development and Panchayati Raj so that the constituency can be showcased as a role model.

“The aim is to achieve holistic development of the area through convergence of all our ongoing schemes

in a concentrated way so that it becomes a model for others to come and see how it has been done and replicate the idea,” Rural Development Secretary, Rita Sharma told The Indian Express.

Senior Ministry officials have made several trips to Bhilwara to prepare the Joshi roadmap in consultation with district officials.

Sources said that immediately after taking charge of the Ministry, Joshi got on to the job — he had lost by just one vote in the last Assembly elections, a defeat that dashed his hopes of pipping Ashok Gehlot to the Chief Minister’s chair. People close to him said he has still not given up his dream of becoming CM and monitors Rajasthan very closely. He continues to be state Congress president and chief of the Rajasthan Cricket Association.

DREZE, ROY BOYCOTT FUNCTION

Noted NREGS activists Jean Dreze and Aruna Roy on Tuesday boycotted the fourth anniversary celebration of the job scheme, attended by Prime Minister Manmohan Singh and UPA chairperson Sonia Gandhi, alleging that Rural Development Minister C P Joshi’s move to allow construction of panchayat buildings under the name of Rajiv Gandhi would turn into a “dangerous” entry point for “corrupt contractors”.

“This (Rajiv Gandhi Sewa Kendra) is a dangerous step towards displacement of labour-intensive NREGA works by material-intensive works. This top-down construction programme is also likely to be a new entry point for corrupt contractors,” said a letter which Dreze and Roy wrote to Joshi.

The boycott holds significance since both Dreze and Roy are members of the Central Employment Guarantee Council (CEGC), the apex body monitoring the NREGA implementation. Dreze had worked closely with Sonia and conceptualised the flagship scheme in the UPA’s first term.

Bharat Nirman Rajiv Gandhi Sewa Kendra scheme allows the construction of panchayat buildings under NREGA. In August last year, Dreze and Roy had raised their concern over implementation of the scheme. Joshi, however, ignored it and announced the scheme without consulting the CEGC.

“We are sorry to note that in spite of your assurances of a prompt response to these concerns, none of them have been addressed so far. It is difficult to avoid the impression that the Council is being deliberately kept in this dysfunctional state,” the letter added.

Officials spent more than six months in detailed field surveys and identifying families for the schemes. These officials are now giving final touches to Joshi's plan. No extra funds are being used but the budget for the plan, sources said, has worked out to nearly Rs 300 crore.

"The planning is over. Now they are giving final touches to identification of families and the benchmark survey. The benchmark survey is crucial because only then will we be able to ascertain how it has raised income levels as a result of the convergence and interventions," Sharma said.

The project will basically work on three fronts. Firstly, the National Rural Employment Guarantee Scheme (NREGS), the flagship scheme of the department, will be used as a base to converge with others like agriculture, water resources, horticulture, forestry, animal husbandry for all-round development.

Secondly, the National Rural Livelihood Mission (NRLM) funds will be used to bring people,

particularly women, into Self Help Groups (SHGs) and impart them training for cottage industries like dairy, agro-processing. The project will also market products of the SHGs. The NRLM will also be used to impart training to rural youths who can then be absorbed in the textile units in Bhilwara. Thirdly, the Panchayati Raj department's Backward Region Grant Fund (BRGF) will be used for overall development of the pan chayats. The BRGF often goes unutilised.

"All pilot projects are headed for Bhilwara. But the country is diverse and what may work in Rajasthan may not work in other areas," said one of the officials involved in the project groundwork.

Already, the foundation stone for the country's first Rajiv Gandhi Seva Kendra — multipurpose panchayat building — has been laid in Bhilwara and another pilot project of introducing kiosks for the NREGS is being tried out in Bhilwara.

Courtesy: The Indian Express

ECHOING THE GREEN REVOLUTION

Rita Sharma

For a country seeking a second Green Revolution, the Mahatma Gandhi National Rural Employment Guarantee Scheme (MNREGS) offers hope and promise of rich dividends.

With India's GDP posting a growth of 7.9 per cent in the third quarter of this fiscal, it appears that the overall economy is back on a track of accelerating growth. Yet the brighter outlook cannot quell a nagging unease at the negative performance of the farm sector battered by widespread drought followed by floods in two states.

Propelling agriculture onto a high growth trajectory is imperative for inclusive growth. With almost 60 per cent of population deriving its livelihood from land, a poorly performing farm sector, in the midst of an accelerating broader economy, will widen the rural-urban divide and further marginalise the rural poor.

While the first Green Revolution of the 1960s and 70s proved to be a double-edged sword, impressively boosting agricultural productivity, yet raising serious misgivings about its sustainability, a Second Green Revolution piggy-backing on MNREGS will be mindful of past mistakes, safeguard natural resources and ensure equitable rewards from agricultural growth.

This could well be an "evergreen revolution" or "doubly green revolution".

In its four years of implementation, MNREGS has sprouted enough green shoots for a fruitful alliance with agricultural development strategies. Five elements, germane to MNREGS, can create an enabling environment to usher in the next Green Revolution, more sustainable than its earlier cousin.

First, recharge of groundwater aquifers, improvement of soil fertility and conservation of biodiversity lie at the heart of MNREGS. Work priorities are mandated under the legislation. Consequently, water conservation, water harvesting, drought-proofing, flood protection, land development and afforestation together account for over 80 percent of all activities undertaken on both public and private lands.

The recent expansion of the scope of MNREGS to include works on the lands of small and marginal farmers is a strategic step towards increasing irrigation potential and drought-proofing small-holder agriculture in rainfed areas. Land development practices reduce soil erosion and loss of organic matter. This constant rejuvenation of the natural resource base through MNREGS is a paradigm shift

from the earlier Green Revolution where yield increases came at the cost of groundwater aquifers and soil health.

Second, convergence of MNREGS with other development programmes increases durability and productivity of assets. It also suggests a larger role for conservation style agriculture which includes the use of stress-tolerant, climate-resilient varieties of seeds, drip irrigation, zero-tillage, raised-bed planting and systems of rice intensification. This improves water-use efficiency, optimising productivity per unit of water, thereby producing 'more crop per drop'.

Large number of water bodies being restored and renovated, village tanks being deepened and de-silted, farm ponds being constructed — all create major potential for aquaculture as a means of improved nutrition and income generation. A pond-based farming technology for rainfed water logged areas, integrating rice and fish cultivation, raises water productivity and net returns to the farmer.

Contrasted with the wheat-rice led Green Revolution, a latter day productivity boosting regime synergised by MNREGS will be characterised by diversified farming systems, more suitable to rainfed areas. Less water-intensive crops such as pulses and oilseeds, coarse cereals, dryland horticulture, agro-forestry, fodder and pasture development are likely to gain as a result. Diversification will be the hallmark of such a Green Revolution.

Third, MNREGS has its maximum impact in the rainfed areas. The first phase 200 districts are primarily rainfed where single cropping leaves the small-holders unemployed or severely under-employed for a significant part of the year. Market wage rates prevailing are usually lower than the MNREGS wage. Hence workers turn out in large numbers for MNREGS works. Of the nearly 4 crore households provided employment in 620 districts so far this year, nearly half are in the first phase 200 districts. Moreover, of the 25 lakh households who have completed 100 days of employment, 50 per cent are in these districts. More than half the total expenditure of Rs. 20,000 crore so far has been spent here.

Contrasted with the earlier Green Revolution, which by-passed the rainfed areas, the next Green Revolution following on the heels of MNREGS could bring about major productivity transformation in the rainfed areas.

Fourth, through its sheer size and scale, MNREGS can positively influence the farm sector by injecting sizable public investment on both community and private lands. The estimated expenditure under MNREGS in 2009-10 is Rs. 45,000 crore. Public investment of this order on an annual basis will boost gross capital formation, which in turn will further induce private investment. The gross public capital formation in agriculture in 2007-08 was Rs. 33,350 crore. Dug wells on farmers' fields constructed under MNREGS have led to private purchase of water-lifting devices, farm equipment, quality seed and planting material. A more dramatic increase in gross capital formation as a result of MNREGS can be expected.

MNREGS could enable a new and dramatic boost in agricultural productivity

Fifth, Panchayati Raj Institutions (PRIs) play a pivotal role in implementing the MNREGS. There is a major role also for Civil Society Organisations (CSOs) in awareness generation, capacity building and catalysing convergence. The setting up of the Bharat Nirman Rajiv Gandhi Seva Kendras in every village panchayat as a Knowledge and Resource Centre with an ICT and e-governance hub under MNREGS will empower the rural community through information access. PRIs, CSOs and ICT enabled services will bolster the official agriculture extension machinery of the state governments, which has seriously weakened over the years. Participatory processes, transparency and accountability in rural governance are being strengthened by the MNREGS.

In an era of technological optimism, a second Green Revolution enabled by MNREGS is within reach, which will be more sustainable than the earlier one. States, especially those with predominance of rainfed farming, need to recognise the opportunities unleashed by MNREGS. Agriculture production strategies cleverly crafted can forge unique synergies for improving the individual and collective livelihoods of the poor. It is time for Lakshmi, that fickle goddess of wealth, to turn her eye towards the bottom of the rural pyramid.

Courtesy: The Indian Express

CAN WE BANK ON BANKS?

Anindita Adhikari & Kartika Bhatia

The government of India has shifted from cash payment of wages under the renamed Mahatma Gandhi Employment Guarantee Scheme to settlement through bank accounts. This has been done in order to prevent defrauding of workers and to give them greater control over their wages. Has this been achieved after the switch?

The survey findings are, in some ways, encouraging. We found that the direct transfer of wages into workers' bank accounts is a substantial protection against embezzlement, provided that banking norms are adhered to and that workers are able to manage their own accounts. Respondents had a fairly positive attitude towards bank payments, and an interest in learning how to use the banking system. While the rushed transition to bank payments (in 2008) created a certain amount of confusion and chaos, the prospects of effective use of banks as a payment agency for NREGA seem reasonably good.

However, the survey points to some serious issues related to the use of post offices as a payment agency, including poor record-keeping and their inability to cope with mass payments of NREGA wages (these issues require further probing, given that there were few post offices in our sample). In remote areas, large distances to the nearest bank or post office also cause much hardship to the NREGA workers.

Further, it is important to realise that that this new system of wage payments is far from foolproof. As

workers familiarize themselves with the banking process, cases of embezzlement through “deception” and “exploitation” will reduce (in fact, they have already declined substantially), but the possibility of embezzlement through “collusion” remains. The risk of manipulation is particularly high in areas with a feudal and exploitative social structure, where NREGA workers are easily manipulated. This is, perhaps, the main message of the Deogarh scam, where the banking system was swiftly integrated in a powerful nexus of corrupt contractors, politicians and bureaucrats. Even in Allahabad and Ranchi districts, a similar situation emerged in specific gram panchayats.

Ultimately, the best protection against embezzlement is the empowerment of NREGA workers. As they learn to defend their rights under the NREGA, manage their own bank accounts, and even build collective organisations, the crooks are likely to find it much harder to manipulate the system.

Courtesy: EPW

RAJASTHAN BANKS LINE UP

Ravish Tiwari & J P Yadav

In a game-changing equation between the banks and the rural poor, the banks which were earlier demanding that the government pay for opening bank accounts and disbursing wages to the poor under the NREGS are now competing with each other to disburse the wages under the scheme in Rajasthan and that too, without charging any fee. This change can be attributed mainly to the huge amount being spent by the government towards wage payments under the NREGS.

The banks are clamouring for this amount as they can leverage the huge sums through financial instruments like call money market to write off the

costs involved in running zero balance accounts for the NREGS beneficiaries and deploying business correspondents for wage disbursement in remote areas.

Senior official sources in the Union Rural Development Ministry revealed that several public sector banks in Rajasthan — Central Bank of India, State Bank of Bikaner and Jaipur, Oriental Bank of Commerce, Bank of India — have expressed their willingness to handle the entire NREGS fund flow to the state without any charge to the government.

Courtesy: The Indian Express

SWIPING SMART NREGS CARDS

Tarannum Manjul

In 2009, the Rural Development Department introduced biometric smart card attendance system in 10 villages of two blocks. In 2010, it plans to extend it to at least one block in each of the 71 district

Fake entries and wrong entries have been the bane of the government's flagship welfare plan — the National Rural Employment Guarantee Scheme (NREGS). However, Uttar Pradesh has found a way out. Starting July 2009, the state Department of Rural Development introduced the biometric smart card attendance system in 10 villages of two blocks, and in 2010, it plans to extend the same to at least one block in each of the 71 districts of Uttar Pradesh.

Here's how it works. Along with a job card, every NREGS worker is given a smart card the size of a credit card, containing his/her name, picture, age, village, panchayat, block, district, registration date and name of the family's head. The electronic data entry card is verified by the Block Development Officer, who also has a list of those who have been issued these cards.

The cards have microprocessors and an integrated chip, which have biometric records of the cardholder's right and left thumb impressions.

All one needs to do is punch the card in a biometric machine, integrated with a thumb impression recorder

and a global positioning system (GPS) device, and his or her attendance, along with details like site name, village name and district are recorded immediately. The GPS ensures that the details are recorded on the spot, and if not recorded on site, the fake entries are immediately exposed.

The data entry, recording attendance and volume of work, is then transmitted through wireless technology to a server, eliminating manual filling up and subsequent fudging of muster rolls. The instant updating of transactions, open to both beneficiaries and the public, also improves the management and monitoring of the programme.

So far, the scheme has covered around 2,000 workers in Nawabganj and Asoha blocks of Unnao district, some 50 km from the state capital, and the reaction has been enthusiastic. Says Girjesh Kumar: "The cards are so small that I could not understand how they would compete with the big registers used for muster rolls. But now, things seem easier as I don't have to put my thumb impression anymore."

Janaki Devi feels at par with city women with the card in her purse. "I carry the card in a small purse

E-SHAKTI CARD IN BIHAR

Bihar government has decided to issue over one million E-shakti, a biometric muster roll-cum-job card, by March 31, 2010. Patna was chosen as the first district to extend benefit of the smart card. The service provider Smaartech Technologies limited will cover beneficiaries in over 1300 villages spread over 23 blocks in the district.

The E-shakti project was inaugurated on February 24, 2009 in the Paliganj block of Patna district by Chief Minister Nitish Kumar and till now around 8.76 lakh village labourers of 14 blocks have been registered under it. Over 3,000 smart cards have already been distributed.

E-Shakti card will be distributed among 24 million NREGA beneficiaries in approximately 39,000 villages spread over 534 blocks in next four years.

E-shakti project is an initiative by the department of rural development for successful implementation of NREGA in the state. Since there had been allegations that the NREGA had no proper system for work measurement, taking attendance and disbursing wages, E-shakti card will have all such details as permanent address, bank account number and number of days the holder worked and got wages for in a year.

and the moment I come to the site, I put it in the machine and my attendance is recorded. This is such a city style and I feel really nice.”

The Rural Development Department plans to take the cards eventually to all the 820 blocks in the state. “The initial hiccups like setting up the machines or having technical people to handle the same are being dealt with. Also, we have to ensure that the data is updated with the NREGA national website too,

towards which we are working. But in 2010, we want to cover at least 50 per cent blocks of the state, if not all. Talks are on with banks and IT solution-providers,” says Principal Secretary, Rural Development, Shrikrishna.

If the tie-up with banks works out, a card holder can punch his details and the number of mandays against his bank account too.

Courtesy: The Indian Express

CORPORATES TO TRAIN POOR YOUTH

Gunjan Pradhan Sinha

Companies such as L&T, IL&FS, Dr Reddy’s and NIIT will soon train and employ youths from Below Poverty Line (BPL) families, based on the success of a pilot project in Rajasthan and Chhattisgarh, implemented under the National Rural Employment Guarantee Scheme (NREGS).

The National Rural Livelihoods Mission, to be taken to the Cabinet by the Rural Development Ministry soon, envisages the training of 1.1 lakh unskilled youth over the next year.

“Under the scheme, private sector companies and non-government organisations (NGOs) will train such youths for 2-3 months. The government will spend Rs 10,000 per individual. The trainers will have the obligation to absorb at least 75 per cent of the people they train. The idea is to equip the youth with skills that will provide long-term employment with a starting salary of about Rs 4,000 a month,” Rita Sharma, Secretary, Rural Development Ministry, told *The Indian Express*.

The Ministry has projected an outlay of Rs 10,500 crore for the scheme in the next fiscal. The idea

emerged after some states sought the expansion of NREGS to provide 150 days of employment in a year.

The Ministry has found partners in a host of companies including Anil Ambani’s NIS Sparta, Mukesh Ambani’s Tally Solutions Pvt Ltd., Lupin Labs, Construction Industry Development Council,

Don Bosco and Drishtee Foundation, besides the ones mentioned above.

“It’s not just infrastructure and retail sectors, but even service sectors including private security, etc. that hold the key to providing employment to less educated poor youth,” Sharma said.

There is a huge demand for skilled labour in infrastructure projects in mining, oil exploration, drilling, roads and ports. Youths employed under NREGS can be trained for such works. “There is a need for such people and it is evident since infrastructure players are participating with us,” she added.

The skills acquired through training could be of use in areas ranging from healthcare to basic banking at the rural grassroots. Some agencies like Don Bosco will train people and send them abroad for services like housekeeping, Sharma said.

Courtesy: The Indian Express



Media Review

INDIAN MEDIA IN THE NEW CENTURY

Vice-President Hamid Ansari

The topic for this year's Memorial Lecture is timely. The Indian media today is indeed a new phenomenon. The statistics themselves are staggering. It is estimated that we have:

- over 400 million TV viewers
- over 400 million mobile phone users
- over 300 million newspaper readers
- over 150 million listening to the radio and
- around 50 million using the internet.

Media content has thus rapidly permeated our lives through various formats that are constantly being upgraded through new technologies.

However, the most important change in this century is neither these mind-boggling numbers nor the dazzling new technologies. The purpose of journalism and the objectives of media enterprises

have undergone a fundamental change. The evolution of the process bears recalling.

The pre-Independence period witnessed the use of newspapers for reform and emancipation and for advocacy in social and public discourse. The media also became a principal instrument in the fight against colonial rule and in consolidating our national consciousness. Political journalism was the staple and provided the sense of purpose.

In the post-Independence era, the media was caught between asserting the fundamental right of freedom of speech guaranteed by the Constitution and the pursuit of the commercial motive.

By the 1990s, our tradition of a free press had been firmly established. However, the winds of economic liberalization brought

with them the elements of the market economy that have changed the DNA of our media organisations. Four of its principal features need to be noted:

“Vibrant journalism is based on professional ethics and should be the rule rather than the exception it has come to be.”

This section of *Transparency Review* is devoted to media. It responds to the interest generated by the campaign against ‘media for sale’ conducted by concerned organisations, newspapers and the last issue of this journal. In keeping with our overall mission, the primary object is to underline the need for transparency in media institutions on whose credibility the democratic process depends.

We are fortunate that the vital questions raised in the debate have been thoughtfully analysed by Shri Hamid Ansari, Vice-President of India, in a comprehensive address on January 26, which was inadequately reported. It appears on the following pages.

The Editors Guild of India took serious note of the malaise. We publish its appeal to editors to commit

themselves against publication of media for sale material.

We provide two examples of the tendency of TV news to distort or underplay important events to provoke a discussion: coverage of London meet on Afghanistan and the Copenhagen summit.

Media Review will not be limited to print and visual media. It will draw attention to developments in important but less noticed media agencies, including radio and especially community radio.

Brief comments and suggestions are invited. They should be addressed to:

Editor, *Transparency Review*, B-34, Research House, Community Centre, New Delhi 110017.

E-mail: cmstransparency@cmsindia.org

First, there has been a rampant growth of broadcasting media, principally television, along with new delivery modes such as Satellite TV, Cable TV, Mobile TV, IPTV, etc. The print media too has grown and India is today estimated to be the world's second largest print market. The phenomenon of convergence between news media, entertainment and telecom has meant that the demarcation between journalism, public relations, advertising and entertainment is rapidly eroding.

Second, it is now clear that amongst the pillars of democracy, it is only the Fourth Estate that has an identifiable business and commercial persona. Today's media organizations are large business entities with thousands of employees and huge financial and other assets. Thus their primary professional duty to their readership has been diluted by the commercial logic of catering to the interests of the shareholders of the holding companies.

Third, commercial success of media organisations has become a function of advertising revenues rather than subscription and circulation figures. The advertisers have thus replaced the recipients of media products. By the same logic, circulation figures, meant to attract advertising, became more important than content.

Fourth, the pursuit of profit has altered the profile of the media entrepreneur. Today, a media enterprise is seen as a necessary subsidiary for a growing business enterprise, a political party and even individuals seeking to leverage public influence for private gain. On the other hand deception, opaque flow of political information, or slanted economic data prevents political and economic actors from exercising rational and well considered choices. They impede the democratic process and could lead to public disenchantment.

In this context, the recent practices of leveraging political and economic content in our media for overt and covert revenue generation have the malevolent potential to tarnish our polity and even destabilise the economy. This has led the Editors Guild and the Press Council to investigate the phenomenon of electoral malpractices of paid news and coverage packages.

The public purpose of journalism that guided us in an earlier era thus stands changed. How many of us remember that Gandhi ji was probably the first editor in the history of Indian journalism to have started a newspaper for the express purpose of breaking the law governing the publication of newspapers; or that he was also one of the first editors to be prosecuted for sedition.

In a changed and changing world, it would be useful to remember that vibrant journalism in a democracy

is watchdog journalism. It monitors the exercise of power in the State and stands for the rights and freedoms of citizens. It informs and empowers citizens rather than entertains and titillates them.

Vibrant journalism is based on professional ethics and should be the rule rather than the exception it has come to be.

Before I conclude, allow me to draw attention to three questions on which introspection is necessary:

- Is there a public debate on issues of concern to the common citizen?
- Is sufficient media space given for the concerns of the marginalized, the dispossessed and the vulnerable?
- To what extent has our media contributed to upholding the social and political objectives of the Constitution?

The recent practices of leveraging political and economic content in our media for overt and covert revenue generation have the malevolent potential to tarnish our polity and even destabilise the economy

WHEN THE MEDIA SET THE AGENDA

Hasan Suroor

The obsession of the India media with Pakistan in their pursuit of easy headlines turned the London meet on Afghanistan into a sideshow

A lot of Indian television viewers and newspaper readers could be forgiven if they thought that last week's conference of world leaders in London was about India and Pakistan's running feud over the 26/11 attacks rather than Afghanistan, and that the whole thing ended up in a "war of words" between External Affairs Minister S.M. Krishna and his Pakistani counterpart Shah Mahmood Qureshi.

For this was how it was treated by a section of the Indian media, especially TV channels, with their breathless reporting of Krishna-Qureshi exchanges giving the impression that this sideshow (how it was contrived, we will come to that in a bit) was the real thing.

But banish the visions of an India-Pakistan riot at Lancaster House. The fact is that despite their differences — including over Afghanistan — the two countries were at their civilised best throughout the conference and, in the end, helped produce an important agreement with both expressing satisfaction with the outcome.

The entire controversy around the Krishna-Qureshi row was instigated by TV channels to spice-up what otherwise would have made for dull television. What? An international conference with India and Pakistan in starring roles and no fireworks? What an awful waste of precious footage that would have been!

No wonder, they showed little interest in the conference except to use it as a "peg" for the sexier India-Pakistan story.

It is important to stress that on the eve of the conference there was no hint of the "storm" to follow. Both Mr. Krishna and Mr. Qureshi had only friendly words for each other. For example, when it was reported that Mr. Qureshi wished to have bilateral discussions with his Indian peer on the sidelines of the conference, Mr. Krishna responded warmly that he would be only too happy to meet him. And when they met in the course of the summit they were courteous to each other, if not exactly ecstatic.

According to Mr. Qureshi, they shook hands and said "hello".

Within hours, however, their tone had hardened with Mr. Qureshi accusing India of "sulking" over the Mumbai attacks and "shying away" from a dialogue — and Mr. Krishna returning the compliment with a sharp jibe about Pakistan's terror links. "People who are sitting in the epicentre of terror, I think they should look inwards and they should introspect," he said curtly, reacting to Mr. Qureshi's remark that the Indian "polity" was "divided" over resuming the dialogue with Pakistan.

So what changed?

On the face of it, nothing happened at the conference that can be said to have provoked the row that followed. But, yes, something did happen outside the conference hall; and it was this: a well-known TV journalist from New Delhi appeared on the scene and effectively hijacked the agenda as far as the Indian media coverage of the summit was concerned by focussing on India-Pakistan tensions in interviews with Mr. Qureshi and Mr. Krishna.

Neither said anything new or particularly provocative. With a few new adjectives thrown in, Mr. Qureshi basically repeated the old line accusing India of petulance and insisting that Pakistan was doing its best to deal with New Delhi's grievances while Mr. Krishna reiterated the well-known Indian official position. But in TV terms anything said "live" on camera and with an "exclusive" tag attached to it (not to mention the backdrop of an international summit, and in a major western capital to boot) is presented — and perceived — as big news.

And once it is on TV, others find it hard to ignore; especially if it purports to be a public spat between India and Pakistan at the highest level: Foreign Ministers feuding in London on the margins of a world meet!

No prizes are offered for guessing what is more likely to make the headlines: A "stabilisation" plan for Afghanistan? Or Qureshi "slams" India; and Krishna,

Qureshi “spar” over Mumbai attacks? Naturally a lot of the Indian media plumped for the latter.

The fact, though, remains that it was a spurious controversy tailored to the demands of 24/7 rolling TV news without regard for the consequences. If as a result of this row India-Pakistan relations get worse, then for once it would be hard to disagree with those who may blame it on the media.

No doubt, it has become fashionable to dismiss every controversy as a “media creation” and often there is not enough appreciation of the pressures on

TV journalists to produce headlines (that is the nature of the beast they must feed to remain in business) but there are times when, as a viewer, if one knew how a story was created and packaged, one would feel cheated. And this was one of those occasions.

The episode also underlined Indian media’s obsession with Pakistan in their pursuit of easy headlines which in the case of TV channels, of course, translate into ratings. Yes, yes, the hacks across the border are similarly obsessed with India (if anything, even more) but I am talking about us.

Courtesy: The Hindu

EDITORS GUILD FOCUS ON PAID NEWS

At its annual general meeting, the Editors’ Guild of India took up the issue of ‘paid news’, which has generated widespread concern in recent weeks. Members of the Guild felt strongly that the practice of putting out advertising as news amounted to grave journalistic malpractice. It also threatened the foundations of the media, and of the journalist profession, by eroding public faith in the credibility and impartiality of news reporting.

Members felt that editors and other journalists should stand up to defend their credibility, and make public declarations on the subject in order to restore the reading and viewing public’s faith in the media by undoing the damage that has already been done. The Guild therefore has decided to make this issue, and the campaign to tackle the ‘paid news’ menace, the focus of its activities through 2010.

As a follow-up measure, we are now writing to every editor to endorse and sign an ‘Editorial Statement’ as a taken of such endorsement and send the signed copy to the under-signed within seven days, and also publish/broadcast the statement in your newspaper/telecast on your TV channel.

A delegation from the Guild, led by guild president Rajdeep Sardesai, submitted a memorandum to the commission expressing the guild’s grave concern over the “paid news” phenomenon. It cited several recent investigative reports which highlight the prevalence of this pernicious practice. Sardesai said this dangerous trend threatened the foundations of journalism by eroding public faith in the credibility and impartiality of news reporting. It also vitiated the poll process and prevented a fair election, since richer

candidates who could pay for their publicity had a clear advantage.

Chief Election Commissioner Navin Chawla said that while the commission did not have the mechanism to monitor the candidates in all 543 constituencies,

some random samples could be examined closely. If a few candidates were made an example of it would serve as a warning to others.

Chawla acknowledged that the commission has already received several complaints on the issue of paid news. One grievance was that candidates sometimes got blacked out by unscrupulous publications, unless they paid up. Others complained that well heeled candidates who could pay the corrupt media get write ups in their favour.

Members felt that editors and other journalists should stand up to defend their credibility, and make public declarations on the subject in order to restore the reading and viewing public’s faith in the media.

NEED FOR OMBUDSMAN

The following letter has been prompted by a suggestion by Dr. N. Bhaskar Rao in his article “Paid News - a deep seated malaise” in the Hindu news paper. Specifically he mentions that: “*Academic bodies, independent research agencies, and civil society groups should be encouraged to monitor media contents and articulate their views from time to time.*”

I fully concur and agree with him, but the sad part is we in civil society just dont know who to write these views to. Some citizens are more than willing to set aside some time and articulate their views, but are just not clear to whose notice they can bring such things so that they can expect immediate action.

Editors Guild as a body can be approached for broad policy guidelines, but for specifics and nitty-gritty of the contents on TV media and newspapers, the only option available so far is to write to the editor. In this matter, the mechanism followed by The Hindu is laudable. The Reader’s Editor is an ideal channel for us to interact on a very regular basis our concerns/clarifications on content in the newspaper .

1. Is it possible to evolve a rule that makes it mandatory for all news media (print and electronic) to appoint such ombudsman mechanisms, so as to be more approachable for the common man. The mechanism should not be a mere “your concern is noted” kind of thing, but has to be interactive to the maximum extent possible. The mechanism has to be such that, it can also put a check to the owner driven news that dominate news channels. Relevance of news should take precedence over TRP’s . An immediate example that comes to my mind is when

Saif and Kareena were guests on the HT leadership summit and their section was aired more number of times than others. Surely, they wouldn’t qualify as “leaders”:.).

2. If not, I suggest that the editors guild take a bold step and recommend to the Government of India to appoint a autonomous commission. The terms of the commission will be similar to the Ombudsman mechanism stated above. In addition, periodic interactions with public in various cities should be conducted by this commission. Streamlining the mechanism for better interaction with viewers/readers

will go a long way in not just curbing paid news but also in making the content more relevant and meaningful.

Recently, at about 7 pm, a news channel TV5, started telecasting breaking news that a **Russian** tabloid “The Exile” published a conspiracy theory in its **American** edition that the Chief Minister of AP might have been killed by none

other than Mukesh Ambani! To any person with a little common sense, the theory in itself sounds preposterous and laughable. The Exile published this ”conspiracy theory” within hours of YSR’s death being confirmed.

The Exile is neither an acclaimed investigative website nor is renowned for serious journalism. However, TV5 seems to think differently. In its attempt to grab some headlines (I cannot think of any other explanation), the editor had a full 3 hour talk show on this conspiracy theory.

Emotions were already running high in the state. With such news breaking, practically all over the state rowdies began to attack Reliance outlets which is already reeling with heavy losses.

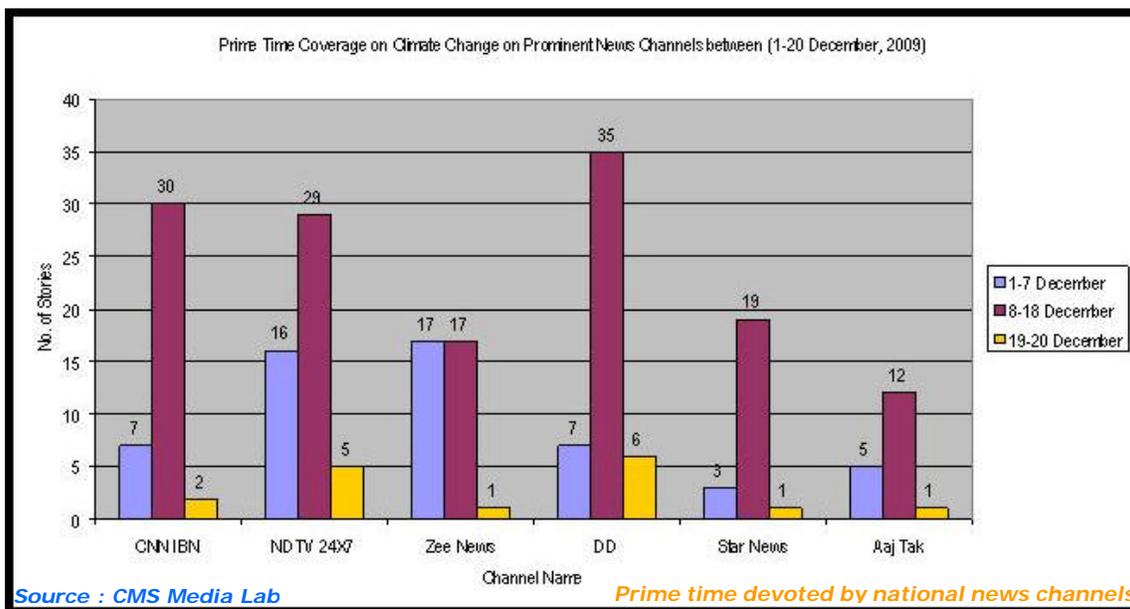
- S. Sudhir Kumar



COPENHAGEN VIRTUALLY IGNORED

CMS Media lab

The Prime Minister, Dr Manmohan Singh, rightly called for an informed and rational debate in the country on climate change. Was there any? Coverage by News channels reflect the kind of priority and concern on any given issue at a given point. The coverage of Copenhagen conference by news channels just before, during and immediately after brings out not only how little was covered without adding to comprehension levels.



Telugu News Channels : Copenhagen coverage in prime time bulletins			
Channel Name	Before 1-7 Dec	During 8-18 Dec	After 19-20 Dec
ETV - 2	5	6	
TV - 9	-	6	
NTV	1	1	
TV - 5	-	-	
Saakshi	-		

Source : CMS Media lab

There was hardly any attempt to explain the implications of the conference deliberations, including the stand of India, soon after the conference. There were no discussions outside news bulletins by most channels.

More, not merrier					
	2005	2006	2007	2008	2009
Normal coverage of environment in news-time %	0.8	1.7	0.8	0.8	1.6

Source : CMS Media lab

Where was the debate?. Special programmes (prime time) on Copenhagen Summit (other than news bulletins)			
Channel Name	1-7 Dec	8-18 Dec	19-20 Dec
CNN IBN	1	1	-
NDTV 24 X 7	1	3	1
Zee News	5	1	-
DD	-	4	-
Star News	2	4	-
Aaj Tak	-	-	-
EVT - 2	1	3	2
TV - 9	-	1	-
NTV	1	-	-
TV - 5	-	-	-
Saakshi	-	-	-

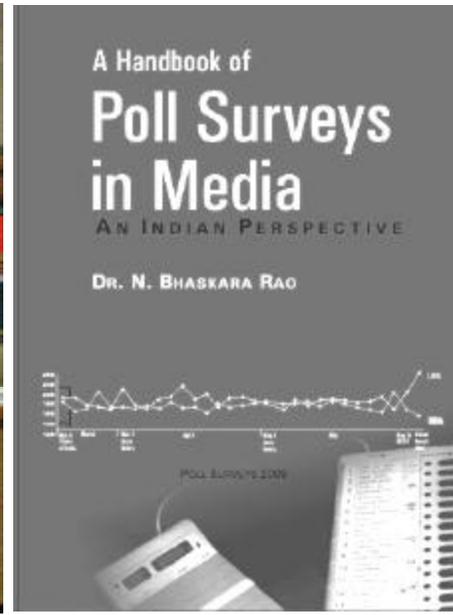
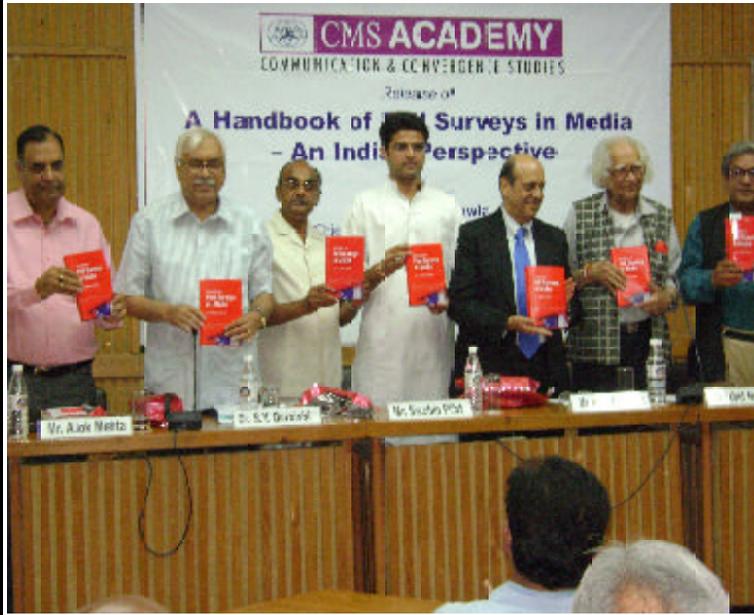
Source : CMS Media lab

Eleven news channels, two English, four in Hindi and five Telugu, were analyzed for their coverage of Copenhagen conference between 1st to 20th December 2009. The number of news channels in Telugu being more than in any other regional language reflect the competitive scenario under which channels operate. Both news bulletins and special discussion programmes at prime time, on all these channels were analyzed for this purpose. There was no “informed” and “concerned” coverage of Copenhagen by channels to enlighten viewers on the prime issues involved in climate change or in the meet.

	Before 1-7 Dec	During 8-17 Dec	After 18-20 Dec
Copenhagen Coverage (%) (December 2009)	5.2	5	4.9
	Anxiety	Doubts	Confusion

Source : CMS Media lab

This latest publication (318 pages , 10 chapter) of CMS Academy was released in August 2009 at India International Centre, New Delhi



Dr. N. Bhaskara Rao has been a fountainhead of poll surveys and psephology in India. Backed by an excellent academic background in political science and sociology and a Ph.D. in communication, he belongs to the avant-garde in India, which ventured over three decades ago to apply survey research to the Indian electoral scene in a big way. He initiated poll surveys as a part of market research at ORG as its Chief and refined further at CMS and MDRA.

Dr. Abid Hussain

Former Ambassador to USA, October 16, 2002

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