



# Transparency Review

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## Is good governance possible without good politics?

Dr N Bhaskara Rao

It is governance which sets the course the country takes, direction of development and future of political parties. Good governance is not possible without political parties themselves being accountable, transparent and responsive to people. Can anyone disagree? But what have we done to make sure that our political parties compete to be more transparent and accountable?

While everything else is witnessing change in the country, our political parties do not seem to realize those compulsions even in their own interest. Despite every session of Parliament in last couple of decades witnessing a discussion on political and electoral reforms, the core of the issues could not even be taking. It is against that background that we must thank and compliment our civil society groups for what they were able to achieve recently in that direction.

First it was long drawn fight to get the RTI Act passed by the Parliament, and second, get contesting candidates declare as an obligation their wealth, criminal background, etc. while filing nomination to contest an election. Since that has become part of the poll process, we had seen in the country two rounds of elections for Lok Sabha and State Assemblies. Both these landmark measures have shown the country what amazing sensitivities could be generated and changes could be thought of. A wealth of data and analysis that ADR and Election Watch Groups across the States has brought to fore in the last couple of years has activated more people

in the country than any thing else Parliament has done preparatory for good governance in the country.

What the Central Information Commission (CIC) and the Courts have come up in response to public interest litigations go a long way in unleashing much needed political reforms. The CIC has given an equally landmark order that political parties are public authorities and as such come under RTI. My article a few weeks ago in Hans India discussed “How RTI is the best bet for political parties”.

More recently the Supreme Court has struck down Clause 8(4) of Representation Act thus disqualifying politicians from holding office once convicted and also debarred those in police or judicial custody from contesting elections to Assembly and Lok Sabha. Think of its implications – not less than 30 percent of all MLAs and MPs in the country have declared themselves criminal background. And about 14 percent are even convicted.

Against the background of increase in “competitive populism” among political parties, the Supreme Court viewed that free-SP will shake the roots of free and fair elections hence it called upon the Election Commission to frame guidelines on such free for all or lures to sway voters as part of code of conduct of elections. This is what Supreme Court felt despite not considering such free-SP as “corrupt practice” and an “electoral offence” under Representation of People Act.

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### About CMS Transparency

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

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



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The other judgment was by Allahabad High Court banning caste based rallies and conferences in Uttar Pradesh. BSP was supposed to have organized in UP 38 Brahmin conferences recently in a matter of few weeks. UP Chief Minister went all the way to Hyderabad to inaugurate a Yadav Mahasabha, a few days after the Court order banning such meets in UP.

Transparency Review warned in its June 2012 issue with “Six Threatening Trends in our Poll Process”. One of them is that of opinion polls the way they are conducted and covered in news media. Now the Election Commission has taken the initiative against such surveys as they erode free and fair character of elections. The attorney too has concurred with EC in this regard. It needs to be seen how the EC will pursue the matter in the coming weeks.

There are other issues too that are being debated with no initiative insight as a way forward. Most critical one is regarding election expenditure. CMS nationwide survey four years ago brought out statewide percent of voters who are paid for their vote. Should the State fund parties? Should the limits on poll expenditure by candidate be lifted? Altogether or modify the

limit practically? Another issue is regarding internal democratic functioning of parties in choosing their functionaries. Should we not have a ceiling on the number of times one get elected as an MLA or as an MP? Say for only 3 or 4 terms? Level playing and equal opportunity to get into legislative roles is not only desirable but essential to sustain democracy and ensure good governance. Another issue is regarding conflict of interest. Once transparency and accountability becomes a condition, adverse implications of conflict of interest could be minimized and kept under control. But how that is possible without parties coming under the purview of RTI?

Today we have a range of instruments available both for citizens and Govt. Apart from the ones mentioned above there is Citizen Charter, Social Audit, Time bound Service Guarantee, complaint redressal and, Whistleblower and Lokpal Bills are under way. I am sure better governance is *ab door nahi hi*. Together they could bring much needed transparency for a paradigm shifts in our democratic practices. In their articles (published here) N. Gopalaswami and Shilesh Gandhi bring out the gravity of the dilemma.

## Of politicians and some verdicts

N Gopalaswami

*Court rulings on freebies, elections and caste-based rallies, and the CIC order on political parties are a beginning towards cleansing politics but whether they can achieve the desired result is debatable*

The slew of judgments from the higher judiciary in the period of just about a month or so has been like manna from heaven on the parched earth of electoral reforms. First, the Supreme Court frowned upon freebies, which it said “shake the root of free and fair elections.” Then came the verdict on Section 8(4) of the Representation of the People Act 1951 (the Act) being *ultra vires* of the Constitution and along with it the barring of jailed persons from electoral contest. For its part, the Allahabad High Court banned caste-based rallies, the staple of many a political party. Not to be left behind, the Central Information Commission added its mite by declaring that political parties came within the ambit of Right to Information Act (RTI).

### Varied response

The reactions have been varied to the striking down of Section 8(4) of the Act. Two prominent politicians, one from the Congress and the other from the Bharatiya Janata Party, both eminent lawyers, were in agreement with the reasoning of the court. Some have questioned it for creating two categories of convicted legislators and some others on the competence of a two-judge bench overturning the 2005 verdict of a five-judge bench. The reactions have been sharper over the part of the verdict on the jailed not being eligible to contest elections, calling it “judicial over-reach.”

Rattled perhaps by the verdict that upon conviction a legislator loses his seat, all kinds of

objections have been raised. It has been faulted for discriminating by creating two categories of legislators, those who were convicted but appealed and so will continue as members and others who would hereafter immediately lose their seats. The fact is lost sight of that this so-called 'discrimination' is, in fact, a 'distinction' the court made in the larger interest of preventing chaos and confusion that might arise if many legislators lost their membership suddenly.

Another issue was that a legislator losing his membership upon conviction cannot get it back if acquitted on appeal. Those who raise it conveniently forget that a disqualified person who lost the chance to contest has no remedy either if acquitted in appeal soon thereafter. These are inevitable as no law can be made to perfectly suit every situation.

As for the barring of jailed persons from electoral contest, the verdict may perhaps not stand on further scrutiny. While the law takes away the right to vote of a person in jail, that it does not take away his eligibility to be registered as an elector seems to have escaped notice. Only those who are disqualified lose the eligibility to be electors. May be the corrective will come in a review petition.

### **Misplaced hype**

Some have quoted legal experts to claim that a larger bench of the Supreme Court has already upheld in 2005 the provision in Section 8(4) and so the present judgment is erroneous. They have also faulted it for failing to interpret the law "bearing in mind the object of the provision for enactment" which is to protect the House. All this hype seems misplaced. The simple fact is that before the Constitution bench in 2005 the question agitated was only the duration for which the protection afforded by Section 8(4) would be valid, not its *vires*, and the court had clarified that it was available only till the term of that House and till the person continued to be a member. If the political class is getting worried, it is just as well because with growing number of legislators with criminal cases, there is a real threat of this ruling creating problems but only if pending cases get decided. The percentage of legislators with pending criminal cases is not less than 15 to 20 per cent in most Houses and

the number is not small. Uttar Pradesh is said to have a whopping 50 per cent of criminally charged legislators. According to some newspaper reports, there is one legislator with as many as 36 cases pending, 14 of them for murder. Another 'gentleman' is an accused in 12 cases of murder, out of 20 pending cases. Should we shed a tear if such 'distinguished' people lose their membership because of the operation of this judgment?

### **'Strict and narrow construction'**

In its 2005 Order, the Supreme Court Bench said in a slightly different context "while a 'strict and narrow construction' may not be adopted which may have the effect of 'shutting of many prominent and other eligible persons to contest elections but at the same time in dealing with a statutory provision which imposes disqualification on a citizen it would not be unreasonable to take merely a broad and general view." In the current context, I am sure public opinion will be overwhelmingly in favour of not a "broad and general view," but a "strict and narrow construction" to shut off such 'prominent' persons from contesting elections or continuing as legislators.

But then, from another angle, the judgment declaring Section 8(4) of the Act as *ultra vires* of the Constitution, may merely seem "all sound and fury signifying nothing." Given that the wheels of our criminal justice system grind slower than God's, the chance that these 'tainted' legislators will easily lose their eligibility to contest elections or to continue as legislators by being convicted, seems a little far-fetched. Being 'prominent,' they may successfully manage to slow the system even further so that they come to no harm. That is the real danger. Interminable interlocutory proceedings or the compromising of witnesses and the like are not unknown weapons in the armoury of those who strive to slow down the judicial process.

If this verdict leads to political parties denying ticket to such 'distinguished' people, it would be a change for the good. But if the past is any guide, it does not inspire. Notwithstanding the sentiments expressed at the highest level by the two prominent national parties, before the 2009 Parliament elections, there was no substantial improvement when it came to ticket distribution.

In fact, the number of MPs with criminal record actually went up by 25.78 per cent for those with criminal cases and by 36.36 per cent for those with serious criminal charges in the 15th Lok Sabha as compared to the 14th. So it is a moot point whether this verdict, though welcome as it strikes a blow for 'cleaner' legislators, will lead to a substantial reduction in the number of 'tainted' law-makers. A legislation to bar those charge sheeted for involvement at least in heinous crimes from contesting elections combined with fast-tracking of such cases is the need of the hour if we are keen on the decriminalisation of legislatures and politics. The verdict by itself is only a case of crossing half a well.

### **Hollow argument**

A self-serving argument that such a special provision is needed to protect the House would ring hollow in this age and time. Political parties cannot escape responsibility when they merrily distribute ticket on the grounds of winnability to

tainted candidates as though in a country of a billion people they could not find untainted people to contest elections. Seeking to save this provision by asking for a review, moving a larger bench, or through an alternative enactment will only mean conferring an advantage where it is least deserved, namely on persons with criminal cases against them. Political parties should not, in the first instance, nominate such persons but should seek the fast-tracking of such cases against their tainted members. Therein lies the remedy, not in seeking a special provision.

'Institutional Integrity' is a phrase that has acquired much currency after the Supreme Court verdict in the CVC appointment case. If appointing a 'tainted' officer can compromise the integrity of an institution which is Parliament's creation, how can the presence of 'tainted' legislators not compromise the institutional integrity of the Parliament and Assemblies, the highest symbols of our democracy? It is time political parties considered that the country, the legislatures and the public deserve better.

*Courtesy: The Hindu (24 July 2013)*

## **A case against supreme immunity**

**Shailesh Gandhi**

*The non-compliance with two recent orders by the CIC, one on political parties and the other relating to the Supreme Court, has set a poor example for the rule of law*

**T**wo separate lawless actions with respect to the Right to Information Act have come to light in the last few weeks. Both reveal the scant respect for the law by the very institutions which should be inspiring us to act by the rule of law.

In the first instance, the Central Information Commission (CIC) had given a ruling declaring that six major political parties were substantially funded by the government and hence subject to the Right to Information Law. The CIC had directed them to appoint Public Information Officers (PIO) and get ready to respond to RTI queries from citizens by July 15, 2013. The political parties howled in protest and their spokespersons who are leading lawyers said that the CIC order was bad in law. Though I disagree, they may well be correct. But the parties did not ask for a stay of the CIC order in a Court, nor did they follow the order. They brazenly flouted a statutory order and Government

spokesmen threatened to issue an ordinance to change the law. Some people ask me what the legal remedy is. Frankly there is no real practical remedy to make political parties comply. My lawmakers are acting like a powerful criminal who says he will only obey the laws which he likes, and cares two hoots for any statutory authority. Many politicians are known to display these criminal tendencies, but for my major political parties to do this is despicable. Political parties are now threatening to amend the RTI Act in Parliament. Their members are charged with making laws on behalf of people, not changing them at will, if they are inconvenienced. That is a display of crass arrogance.

### **Detailed order**

On April 26, 2013 the CIC gave the following order to the Supreme Court PIO to be implemented

in 15 days to furnish the following information to Jagjit Singh:

i) The list of cars in use in the Supreme Court at the time of the RTI application excluding the details of the cars allotted to the judges, the list to mention the make and number of the car;

ii) The total kilometres each car had run in the preceding one year as per the log book of each;

iii) The total maintenance cost of each car, if separately available. If not, the total maintenance cost of the cars during this period;

iv) The attested photocopy of the pollution check certificates for all the cars, separately, duly masking the identity of the judges, if their names appear on the certificates;

v) The details of those cars originally fitted with tinted glasses or in which, the glasses had been coated with film to make it tinted, including the cost incurred on such conversion;

vi) The list of cars from which the tinted glass, if any, or the film, if any, coated on the glass later had been removed and the cost incurred on that, if this information is available in a recorded form;

vii) The list of cars which continue to have tinted glasses or film coating as on the date of the RTI application.

The order only seeks to confirm the level of conformance of the Supreme Court with some of its own orders, and can claim no exemption under the law. If there are any undesirable practices in the Supreme Court, this should have been the opportunity to give the information and correct them. Transparency is a medicine for admitting mistakes and improvement. The PIO of the Supreme Court has chosen to defy the statutory

order of the CIC, and has not bothered to get a stay so far from a court even as a figleaf!

In *Prithawi Nath Ram v. State of Jharkhand & Ors. Appeal (Civil) No. 5024 of 2000*, the Supreme Court, in its judgment dated 24/08/2004 observed as follows:

“If any party concerned is aggrieved by the order which in its opinion is wrong or against rules or its implementation is neither practicable nor feasible,

it should always either approach to the Court that passed the order or invoke jurisdiction of the Appellate Court. Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong the order has to be obeyed. Flouting an order of the Court would render the party liable for contempt.”

It appears the PIO is blissfully unaware of this judgment and many others where the apex

court has held that all legally valid orders have to be obeyed unless a proper stay has been obtained. Defiance of the CIC’s orders by the Supreme Court PIO sets a very poor example for the nation. Such a tendency can be curbed, if courts refuse to stay orders, where the compliance date is over. Unfortunately, this is not done.

The rule of law can prevail only if people and institutions respect and follow laws. Courts must also realise that respect for the law requires respect for all laws and statutory authorities; not only courts. Our criminals have realised that the possibility of punishment in our nation is remote, and hence they flout laws and orders. If institutions which make the law and lay down the law do not pursue this path, it would be difficult to get any reasonable rule of law in the country and the responsibility for this will lie at their doors.



*Courtesy: The Hindu (25 July 2013)*

# Convicted MPs, MLAs should quit, rules SC

Liz Mathew & Anuja

*Apex court strikes down legal provision allowing convicted lawmakers a three-month window for appeals*

The Supreme Court on Wednesday ruled that lawmakers should quit immediately if they are convicted of criminal charges, irrespective of the scope for an appeal, dramatically increasing the chances that the Indian political system could be in for a bout of cleansing.

The apex court has struck down as invalid a provision in the Representation of the People Act that allows convicted lawmakers a three-month window for appeals. Those who have already filed appeals against convictions are exempt from the ruling.

Experts and activists say this could be a boost to the growing demand for more transparency and accountability among the political class as parties may be reluctant to give tickets to those who face a plethora of charges, regardless of their ability to win an election. The ruling is expected to plug the loophole through which lawmakers could file repeated appeals against their convictions, allowing them to stay in power by taking advantage of the country's slow-moving justice system. "This ruling has given clarity for an incongruous position that a

person cannot contest election if he is convicted but can continue as a lawmaker if the conviction takes place after he or she becomes a lawmaker. This is a first step. The next step should be to disallow all those charged with criminal cases from contesting elections," said Subhash Kashyap, a constitutional expert, and one of those who have been vigorously advocating such a measure.

A two-member bench consisting of Justices A.K. Patnaik and Sudhansu Jyoti Mukhopadhyaya said Section 8 (4) of the Representation of the People Act states that "disqualification under either subsection shall not, in the case of a person who on the date of the conviction is a member of Parliament or the legislature of a state, take effect until three months" have elapsed.

Both the ruling Congress and the main opposition Bharatiya Janata Party (BJP) have welcomed the decision while the Communist Party of India (Marxist) trod a cautious line, saying that it would react only after going through the entire judgement.

The number of lawmakers charged with criminal offences has multiplied in the past decade.

*Courtesy: Live Mint (11 July 2013)*

## RTI best bet for Political Parties

Dr N Bhaskara Rao

Why should bringing political parties under the ambit of RTI Act cause a rage? How come every one concerned except political parties describe that CIC's order as land mark? It is unfortunate that UPA Government is considering of an ordinance to bail out political parties from RTI. This is nothing short of depriving democracy of its credible credentials. But, thanks to increased activism of civil society, political parties no longer could escape from transparency wave sweeping the country. In 2005 when RTI Act came into force, most bureaucrats too had similar apprehensions as political parties now. But, five years later when Service Guarantee Act was adopted by state after state, no such reservations were there. Now it is three years since Service Guarantee is in force in a couple of states. Then also I said the same what

I say now about the CIC's order of bringing political parties under RTI Act. That is once after a initial period, political parties too stand to benefit.

The CIC order meant that political parties are answerable to citizens of the country. Are they not expected even otherwise? But now from mid-July 2013 parties would be under constant scrutiny about their funds, sources as well as expenditure and goings on? Even those contributing to political parties could be in public purview without even their knowledge and consent. Party functionaries would be required to give information on their decisions and be conscious of having to explain to a larger public sooner or later. Political leaders would be under constant critical appraisal much more from within and outside. Information seekers could be of an opposing party or opponents from within. In a Parliamentary democracy and

competitive politics who does not like to gear up better for the future and consolidate. This is what adopting to and availing RTI provisions amounts to. This opportunity is not possible for political parties any other way.

### **What is new?**

As it is, it is mandatory for the political parties to file their income tax returns (although exempted from paying such a tax) and also to the Election Commission (EC). Their accounts are expected to be audited by a registered Chartered Accountant. Apart, the contesting candidates, irrespective of the poll outcome, have to file affidavits on poll expenditure to the EC within a specified period. And, candidates are obligated to file affidavit as to their assets, finances and give details of criminal background. Registered parties are even expected to file with EC the way the functionaries are chosen (as per the constitution of the party). As such there is no justification for knee jerk reactions to the CIC order. This CIC order however implies that parties respond directly to citizens irrespective of the motives and who they are. That is why sooner political parties get to adopt to RTI, the more credible they could become. To that extent our democracy will be robust and responsive.

Has the declaration of finances and criminal background by contesting candidates in the case of Assembly and Lok Sabha made any difference? Most states had at least two elections since such a declaration was made an obligation. Voters were expected to choose the candidate based on such information declared. And parties are expected to select the ones with no or least criminal background. And yet the percent of those with criminal background in the Lok Sabha, for example, has not declined. Assets and finances of many have increased unusually between elections going by their own declaration at the time of filing nominations. With RTI in force, scope for “conflict of interest” in political donations could perhaps be exposed and minimized. Ultimately it is the voters who could make the difference. With parties under RTI, the much expected change in the functioning of peoples reps could come faster. RTI now offers a way out for political parties stuck in a *chakra vyuh* like situation. They are otherwise not able to get out of a vicious syndrome, however they wish to get out. RTI provides them an opportunity and even a methodology to be transparent, confident, competitive and more credible.

### **Avail suo-moto clause**

Initially there would be all kind of queries for information and almost in a deluge. But that is something parties need to gear up and get used to in an inclusive spirit. A provision in RTI Act is Section 4 with suo-moto clause. Under this parties could put out information on vital decisions and operations on their own for public purview in a pre-emptive way. For example Prime Minister’s office last week had put out on its website what PM’s foreign trips had cost the government over the years. It hardly made news. But if the same information was obtained by way of a specific question under RTI that information would have made headlines. 65 foreign trips of PM had cost the government around Rs 645 crores last decade. That is PMO apparently is gearing up to the challenges of RTI. If parties put out on their own what their finances are and the source most suspense is over. Lok Satta did that in AP and AAP is doing that now in Delhi. Some of the recent scams would not have hogged headlines had the concerned leaders bared the facts in a suo-moto way.

However there is one area that could be a concern to political leaders. That is to do with poll strategies which parties tend to evolve to score over adversaries. Leaders donot like opponents know such competitive information. But this is only a short term problem. Given the kind of competing news media we have and political parties themselves owning news media, they are already at that game of snooping tactical information. In the last couple of national polls, parties have coped with such a reality, including bringing to book “quid-pro transactions”. So, the apprehensions about coming under RTI could only be short-lived, but the benefits in the long run would be all round and to all stakeholders. The advantage that need to accrue first from any such new initiative are the informed voter and the parliamentary democracy. Ultimately it is the citizen who has to be enabled to do better as a voter. If that is the only yardstick to go by, then we need to see that political parties stand the litmus test by coming under RTI. The CIC’s order should be welcomed and adopted fast.

Considering the far reaching implications of RTI regime for consolidating the democratic practices we should not look at CIC order in legal terms. The issue is not so much whether our political parties should be considered as “public authorities”

or not. If a political party does not take any benefits from the Government but active in electoral politics of the country, is that going to be exempted from RTI? More important issue is should they come out of a *chakra vyooth* syndrome and function responsibly. RTI has immense potential to help everyone in a win-win way particularly the political parties. In a spirit of “checks and balance”, parties need to gear up, adopt and move into better systems and practices and come out of current gloom political parties generally are today.

I even suggest it will be graceful on the part of political parties to come together and welcome the opportunity, and indicate their anxiety to move on to the next level of our Parliamentary democracy. They could also come to an understanding and reflect their determination to put information on a *su moto* basis including about source of their funds and on wherever conflict of interest potential exist. They could even come up with certain proposals for consideration of CIC for exemptions. For example access to files or minutes of party meetings or giving information beyond a five year time reference. And giving information pertaining to specifics about regional units of national parties. They could even appeal citizens not to seek information which is already put in public domain

and not to expect replies individually as they are not geared up to respond to every applicant.

*Transparency Review* had observed more than once in the last couple of years certain restrain on the part of UPA Govt. in pushing RTI. Infact, the November 2012 issue featured “Twists and Turns of Government on RTI” the way it took to RTI movement in a restraining way. I said “efforts to scuttle the very Act and dilute its implementation have continued in so many different ways”. For example, they could have initiated discussion for bringing in news media under RTI regime. Reasons are more than that news media too gets government privileges in many different ways.

Transparency should be seen as part of public culture, a movement for good governance and in an inclusive way. RTI should not be seen merely as a tool against corruption. It could also help free and fair elections, representative functioning of legislatures and a more responsive administration. That is why CIC’s order need to be seen much beyond a legal scope. The issue is not whether political parties are public authorities or not but how well they could play their role and how even better they could function to take the country much beyond the present level of free and fairness of polls and pride of place in the comity of nations.

## **Ordinance ready to take RTI noose off parties**

**Nagendar Sharma**

**T**he government is ready with an ordinance to overturn the Central Information Commission’s (CIC) order, which brought six major political parties under the RTI ambit. It has justified the move saying existing laws allow “adequate transparency” in their financial matters.

“Declaring political parties as public authorities under the Right to Information Act (RTI) would hamper their smooth internal functioning since it will encourage political rivals to file RTI applications with malicious intentions,” states the government’s internal note.

The note, jointly prepared by the law ministry and department of personnel, points out that the existing laws – Representation of People’s Act and the Income Tax Act – provide “adequate transparency in respect of financial aspects of political parties.”

The government proposes to amend the RTI Act 2005, through the ordinance to make it clear in the definition of the public authority itself that “it shall not include any political party registered under the Representation of People’s Act (RPA)” and no litigation related to this shall be entertained by any court of law.

“Political parties are not established by the Constitution. Parties are constituted by their registration under the RPA by the EC and they cannot be considered to be like a body set up by the government,” states the note.

Disagreeing with the June 3 order of the CIC, the government has stated it is unable to accept the ruling, which did not reflect the intention of Parliament in making the law on RTI.

*Courtesy: Hindustan Times (10 July 2013)*

# RTI experience horrifying in UP: Students

Amit Verma

Two undergraduate law students in Lucknow conducted an exhaustive survey of 63 government departments in order to assess the status of implementation of the Right to Information Act, 2005, in Uttar Pradesh and found the experience “horrifying”.

Pooja Tripathi and Vriti Upadhyay, the two students, conducted the survey as part of an ongoing movement to highlight the shortcomings in the implementation of the RTI Act in the state.

The survey included visiting various government offices in the state capital and filing an RTI application with the public information officer (PIO).

Some of the offices visited were the rural development department, the Lucknow Development Authority, the Board of Revenue, the minorities welfare department, the Public Works Department, office of the district magistrate, the food and civil supplies department, among several others.

Pooja and Vriti, while talking to reporters, said that they found several public information officers (PIO) and other officials “rude and uncooperative”. In many departments, there was no name-plate or board by which the officer designated as the PIO

could be identified. The PIOs, often, gave misleading information about how to file their application,” the students said.

In the minorities welfare directorate and the pension directorate offices, there was no information about the availability of PIOs. Their application was not accepted and they were asked to send it by post at the Minorities Commission office but at the Shia Central Waqf Board office, they were able to file the application without much trouble though the officials quizzed them about the motive behind filing the RTI application. There was no PIO at the panchayati raj accounts office and in the department for food and civil supplies, the State Pollution Control Board, the prisons directorate and the State Highways Authority offices, the PIOs were not present. The only positive experience that the two students had was in the women’s welfare department, the principal forest conservator’s office, the state library office and the groundwater department, where their applications were accepted easily without any resistance. The students told reporters that the overall experience was that there is a great deal of resistance that one has to face while seeking queries under the RTI in Uttar Pradesh.

*Courtesy: The Asian Age (06 July 2013)*

## ‘All’s not right after 3 years of RTE’

*Schools Lack Infrastructure And Don’t Comply With Norms: Report*

Yet another report has criticized the government for tardy implementation of the right to education (RTE). While the three-year deadline for implementation passed in April, 11% schools are still without toilets, 20% don’t have safe drinking water and 74% are without a library. The report by the organization Child Rights and You (CRY) also states that 61% schools demand proof of age, which is not required under the Act.

The findings of CRY, which has been working in the field of child rights for more than 34 years, confirm earlier reports on RTE implementation by the RTE Forum and

NGOs like Josh. The nationwide study conducted across 71 districts in 13 states shows how even three years after the Right of Children to Free and Compulsory Education Act, 2009 came into effect, many schools remain “unsafe” and lack electricity, toilets and safe drinking water. The study titled “Learning Blocks” reveals non-compliance with the RTE Act in terms of missing infrastructure, all-weather buildings, toilets and drinking water facilities, besides



fencing and boundary walls. Other norms about pupil-teacher ratio and one-classroom-one-teacher are yet to be met.

“One cannot expect children to stay in school without basic infrastructure like safe classrooms, electricity, clean drinking water and functioning toilets. CRY’s experience on the ground points to the fact that the lack of basic infrastructure - especially facilities for drinking water and separate toilets for girls - is one of the key factors that push children out of school,” said Puja Marwaha, CEO, CRY.

The report also cites limitations of the Act, such as leaving children aged 3-6 years out of its purview. Those in the 15-18 age group also find themselves in a similar

situation, with little chance of completing their education if they cannot pay for it.

CRY has recommended effective implementation of RTE and urged the government to review the legislation to address some of its significant gaps. The study revealed that only 18% schools had separate toilets for girls, and toilets in 34% schools are in bad or unusable condition. In 18% schools, the mid-day meal is either not cooked inside a designated kitchen or they do not have a kitchen at all.

SEVERAL LACUNAE	
11% schools did not have toilets	Only 18% schools had separate toilets for girls
In 34% schools toilets were observed to be unusable	In 18% schools the midday meal was either not cooked inside a designated kitchen or the school did not have a kitchen space at all
> 20% schools did not have safe drinking water	
> 12% schools had a tap or hand pump outside school premises	
> 63% schools did not have a playground	
> 60% schools did not have a boundary wall or had a damaged boundary wall	
> 74% schools did not have a library	
> Around 58% schools did not have separate room for head teacher	
> Although not required by the Act, proof of age was asked for in 61% schools	
Sample Size: Schools across 71 districts in 13 states	

*Courtesy: The Times of India (27 June 2013)*

## Govt. to extend e-governance scheme

*Time-bound delivery of services is a tool to overcome unnecessary delay in government offices: Chief Minister Sheila Dikshit*

The Delhi Government has disposed of 55 lakh applications seeking delivery of public services in 24 departments and agencies under its time-bound delivery of public services scheme. It has also placed 116 services under the ambit of the e-Service Lease Agreement programme. It intends to extend the programme for making governance more responsive, transparent, accurate and quick, Delhi Chief Minister Sheila Dikshit said on Sunday. Ms. Dikshit was speaking at a meeting with representatives of residents’ welfare associations (RWAs) of five of Delhi’s 11 revenue districts. She directed the Deputy Commissioners (Revenue) to hold a monthly meeting with the RWAs to mould the government’s functioning based on the citizens’ response. Interacting with RWA representatives, the Chief Minister said her government has always stood for forging a citizen-government partnership through RWAs. The workshop had been organised to make the RWA representatives aware of their rights and the government’s commitment to fulfil their aspirations. “The time-bound delivery of services is a tool to overcome unnecessary delay in government offices and make its functioning smooth and well-oiled to ensure timely delivery of public services. The mechanism which has been introduced in Delhi, for the first time in the country, has helped in taming the lethargic government servants who were in the habit of sleeping over the people’s applications,” Ms. Dikshit said. It was also stated in the meeting that “the citizens have now been empowered with a right to get their services within a stipulated time-period, failing which the erring employees are liable to be fined at the rate of Rs.10 per day for the delay. The aggrieved applicant is also entitled to get the compensation, in cash, immediately out of the amount collected as fine from the employees.”

So far, the Delhi Government claimed, due to the scheme 51 lakh applicants have claimed that they were satisfied with the timely delivery of public services. Chief Secretary D.M. Spolia said: “The end result of this mechanism is to bring improvement in public delivery of services at large. The act also envisages levy of a fine on errant employees.” The Chief Minister said the government has been concentrating on e-governance as it has set up e-SR offices, introduced e-stamping, interlinked all zonal transport offices, computerised VAT and Education Department and has been providing a single window system for approaching various government agencies for securing different forms and making online payments.

*Courtesy: The Hindu (01 July 2013)*

## 68% say govt not serious on graft

Most strikingly, 68 per cent of Indians surveyed said they did not believe the government was doing enough to fight the problem of corruption. Rukshana Nanayakkara outreach manager for the Asia Pacific region at Transparency International, told PTI from the headquarters in Berlin. “That implies a major trust issue for a country that wishes to become a global powerhouse but is unable to take care of its people,” Ms Nanayakkara said. India also came out tops on the scale of bribery, with as many as one in two (54 per cent) respondents admitting to paying a bribe in the past 12 months to access key public institutions and services, compared to one in four respondents (27 per cent) globally.

**Political parties universally emerged as the most corrupt institution, followed by the police and judiciary.** “Against the backdrop of all the corruption scandals, it leads to natural cynicism in the country, with only 55 percent willing

to believe that an ordinary man can make a difference as compared to 67 per cent around the globe,” added Ms Nanayakkara. In terms of the country’s bribery share, the police cornered as much as 62 per cent of the bribes, followed by those involved in registry and permits at 61 per cent, educational institutions 48 per cent, land services 38 per cent and India’s judiciary 36 per cent. In its report on the survey’s findings, Transparency International argues corruption not only increases the cost of essential services borne by individuals and the public purse, but that perceptions of widespread graft erode essential trust and faith in the democratic and legal process. “Corruption can, and often does, infringe on fundamental rights. For those surviving on less than \$2 a day... The additional cost of bribery can mean trade-offs are made between health and hunger, between school entrance fees and the shoes necessary to wear to school.

*Courtesy: The Asian Age (09 July 2013)*

## Food Security & Ordinance... the reality check

**Alok Srivastava**  
Director, CMS Social

Food Security is indeed needed because India is home to one quarter of the world’s undernourished people. Around half the children are undernourished and stunted; 33 per cent have a low birth weight. Proportion of malnourished children is highest in India- 43.5 percent children age under 5 years are underweight. Further, as per Global Health Index (GHI) 2012, India stands at 65<sup>th</sup> position out of 84 countries. The situation is ‘alarming’ in India with a score of 24.1, worse than neighboring countries, Pakistan and Nepal where the situation is ‘serious’ but better than alarming. To add to it, spending patterns as per the latest National Sample Survey Organization (NSSO) survey report (2011-12), food is no longer the predominant expenditure head.

As a matter of fact, though claims are being made about country’s self-sufficiency in food grains, the ground reality differs. Per capita net availability of food grains per annum has declined in the last two decades; from 186 kg per year in 1991 to 169 kg in 2011 (Agricultural Statistics at a

Glance, 2012). The average per capita net availability of food grains per day in India, way back in 1961 was 468.8 grams/capita/day, which has in fact marginally come down to 463 grams/capita/day in 2011. This clearly indicates that per capita food availability including production could not match with the population growth.

Just notifying the National Food Security Ordinance will not be sufficient but the challenge for the governments at centre and state levels will be to ensure availability of **good quality** food grains.

Unfortunately, the Comptroller and Auditor General (CAG) of India reports, Supreme Court’s Commissioners Report and the Union Government’s Food and Civil Supplies Department reports have reflected upon the poor functioning of Public Distribution System (PDS) - the main vehicle for ensuring food availability under the Ordinance at the household level, and prevailing pilferages in food distribution system. To add to it users of PDS services have often registered their

discontentment with the quality of food grains distributed under PDS, which are often found to be of not good quality. Several rounds of CMS-India Corruption Study (CMS-ICS) has highlighted rampant corruption at every stage of PDS related services, whether it is to get a new ration card or to get the monthly ration further add to the food insecurity of the poor and vulnerable households.

On supply side, shortage and ill equipped storage facility for food grains has further added to the woe. Even Supreme Court of India has taken into cognizance large quantity of food grains lying in open and getting rotten or washed away in rains.

An extensive overhauling of government policy concerning food grains and its distribution in India should be the immediate action point of the government and not just notifying the Food Security Ordinance 2013.

But the bigger question is whether the provisions under the Food Security Ordinance will really help in improving the nutritional status of individuals? It is expected that money spent by a household on buying cereals could be now used for buying other food items but it is important to keep a check over high inflation in food prices or else it will nullify the whole effort. The fear is that to balance the increase in food related expenditure; the households may start consuming relatively inferior quality of food items.

Another important feature of the Food Security Bill is Food Security Allowance. Cash compensation in case the government fails to provide food grains on demand could be a measure towards accountability on part of the government. To ensure availability of a service round the year as a right, provision of compensation to right holders (citizens) in case the state fails to provide service or the facility one is entitled for on demand. In MGNREGS, if the government is not able to provide work on demand within 15 days of request, the state is liable to pay unemployment allowance to the households who have asked for work. However, the records show that such incidences where households have been paid unemployment



allowances are rarity even after 6-7 years of inception. Therefore after right to food comes in to force, it will be a challenge for the states to provide either food grains on time or pay food security allowances in lieu, if not able to make food grains available to the individuals on time so that households can purchase from open market at market price.

The Food Security Bill also has a provision for Mid Day Meal (MDM) for school-going children in the age group of 6-14 years. But it has been ensured on school-working days only and not on holidays. This means that school going children, both girls and boys will be deprived of nutritive

food on Sundays/public holidays and during school vacations. This is a serious exclusion of children from the benefits of the provision under the Bill as food is a basic requirement irrespective of the fact that a person is working or not working. On an average the working days in a school is around 200 days,

which would mean that the child will not get a good meal for the remaining 165 days.

Another major omission or no mention is of out-of-school children. Particularly with reference to girls, it is pertinent to mention that with high dropout rates and out-of-school status amongst girls, the Bill has not indicated any mechanism to address this issue and ensure availability of nutritive food for them. Considering high malnourishment amongst adolescent girls, it is important to have clear mention of ensuring regular food supply for them.

As mentioned in the Food Security Bill now notified as an Ordinance, identification of persons, households, groups, or communities, if any, living in starvation or conditions akin to starvation will be done for a period of six months. Identification at first place and then delinking such category of persons will be a challenge and legal complications might arise. Further it might have logistics and implementation concerns.

Bill has no mention of migrant/mobile population and how their food security needs will be addressed. If the source of distribution of food grains is Fair

Price Shop (FPS) then linking the FPSs across the country will be a solution to ensure that the person/household can take his quota of food grains from any FPS in the country. *Aadhaar* (UID Number) could facilitate in identification of person. But this could be too early to expect such networking of FPS across the country. In absence of such system, how regular supply of food grains to migrant families will be ensured is to be seen.

The Food Security Bill (Ordinance) in its current form looks just an attempt to improve the benefits under PDS and ICDS.

Rather, as a revolutionary measure to reduce malnourishment among children and women, in particular and population, as a whole, the bill should have been named as National Food and Nutritional Security Bill, so that the focus should not only be to provide food but nutritive food. The quality of food grains will be equally important as quantity of the food grains. In the name of food security,

rotten grains should not be distributed. The bill should attempt beyond what has been done in the last so many decades.

Measures to check pilferage and malpractices related to weighing and rotten food grains being distributed, the government should plan to involve Self Help Groups (SHGs) or Micro, Small and Medium Enterprises (MSMEs) at district level for packaging of food grains in packs of different sizes such as 500 grams, 1/5/10 kg, as it will ensure, to a large extent, both quality and quantity of food grains distributed under Food Security Ordinance.

Unless and until the Food Security Ordinance/Bill goes beyond just revamping of PDS and ICDS (Anganwadi Centres) services in the country and looks for some concrete action plan for ensuring balanced diet to every individual, the dream of a country with all food and nutritionally secure individual and households will remain just a distant dream.

## **Change in lifestyle leading to more malnutrition in India**

**Bharat Dogra**

**I**ndia faces a peculiar situation of some of the world's biggest nutrition programmes co-existing with some of the worst statistics of malnutrition in the world. This is due to the poor implementation of ICDS and mid-day meal programme in a large part of the country. This, however is at best only a very partial explanation of the large-scale persistence of malnutrition. A much more important factor relates to important changes taking place in food production and processing patterns which are harmful for nutrition. The poorly implemented nutrition programme cannot make up for this loss of nutrition suffered due to various changes in food production and processing patterns.

In many places, small farmers are being displaced by economic pressures, extreme weather conditions and infrastructure projects. As they no longer have access to diverse food grown on their land, they suffer a quantitative as well as qualitative nutrition loss.

The poor, landless rural households now have lesser access to those kinds of farm work which brought food security. Harvesting work was generally the time when they were paid in the form of a part of the staple food crops harvested by

them. In many parts of the country, the employment in crop harvesting has suffered the most due to the advent of combine harvesters.

In cropping patterns, there is a strong drift towards monocultures while mixed cropping has been reduced. The mixed farming systems, which provided a diversity of foods for a balanced diet no longer exist in many villages. In the process, the cultivation of pulses has gone down heavily, particularly in leading 'green revolution' areas. Similarly, the production of highly nutritious millets has declined rapidly in large parts of the country. The overall decline in greenery and tree cover has denied fruits and other nutritious edibles to poorer sections who earlier often had free access to this source of nutrition.

Similarly, as most of the milk produced in villages is now sold directly (and not processed to make ghee) the free availability of buttermilk as a source of proteins has declined greatly. This source of protein was earlier accessible to the poor.

It is well-known that excessive use of chemical fertilisers causes a loss of flavour of food; what is less known is that it can also cause a loss of nutritive value and even create some serious health problems. According to prominent nutrition expert

C. Gopalan, “the use of high analysis chemical fertilisers, which is a part of the modern intensive agricultural technology, had not always gone hand-in-hand with appropriate measures for soil testing and soil replenishment, with the result that, as shown by the studies of FAO, there are disturbing evidences of micronutrient depletion of soils in some areas; these are likely to be eventually reflected in impaired nutritive value of food-grains grown in such soils.” Richard Douthwaite has written in his book *The Growth Illusion*, “Nitrogenous fertilisers can raise the amount of nitrate in the final crop to four or five times the level found in the compost-growing equivalent, while at the same time cutting vitamin C and dry matter levels. This change is potentially serious, since nitrates can be turned into powerful carcinogenic nitrosamines by bacteria found in the mouth, while vitamin C has been shown to protect against cancers.”

### **Important changes**

In recent decades, important changes have taken place in methods of food processing which have damaged the nutrition of staple foods. Rice is without doubt the most important food in our country and unfortunately it is in the processing of rice that the maximum loss occurs due to polishing of the grain. According to an expert L Ramchandaran, writing in his book *Food Planning - Some Vital Aspects* even in sheer quantitative terms the loss is very significant - in ordinary milling and polishing the quantitative loss ranges from 8 per cent to 16 per cent and in excessive polishing it may go up to 27 per cent. Similarly, there is a big loss of grain and nutrients in the milling of wheat in modern roller mills, which through a complicated process of breaking the grain by stages, peel off the outer layers.

In the present day processing in rice mills as well as flour mills the most nutrient-rich parts of grain are discarded-sent to cattle feed and poultry feed

plants. According to Ramchandaran, the quantitative loss in the case of cereals by such wasteful refining may amount to not less than eight million tonnes in a year. However, the qualitative loss is even more staggering because the portions of the grain which are removed are rich in precisely those nutrients in which the average Indian diet is deficient.

Another massive source of loss of nutrients is the hydrogenation of oils or the manufacture of the so-called vanaspati ghee. In recent decades, vanaspati ghee has become a widely used cooking medium in India. The natural oil is deodorised and secoloured by chemical processing. It is then hydrogenated in a process using nickel catalyst. The hydrogenation changes most of the unsaturated and poly unsaturated fats into saturated fats. Saturated fats consumed in excess can be very harmful. Unsaturated fats, especially some of the poly unsaturated fats, are important in nutrition and play a protective role against the risk of cardiovascular disease and other ailments.

These are examples of harmful processing of staple foods, but in addition to this a whole range of new processed foods have also become a regular part of Indian diet, first in relatively well-to-do houses, and then, as these are considered signs of good living, also among the poorer families trying to imitate them. Many of these foods give low nutrition at a high price, something the poorer families can least afford, and also harm the health of those consuming them regularly, specially children in several ways. These food products include various confectionery items, canned products, snacks, soft drinks, pretentious ‘energy’ foods and drinks, various baby foods and infant milk formulas. Children are the worst hit by this drastic change in diet from natural foods to highly refined, attractive, coloured and flavoured foods.

These diverse cause of malnutrition need to be properly understood and documented, as reliable measures to check malnutrition can only be based on such an understanding.

*Courtesy: Deccan Herald (30 May 2013)*



## **The Mean World of Television Serials and Advertisers The case of Telugu channels**

**CMS - Osmania University Study**

**M**edia research is increasingly validating the gut feeling of media critics and parents in India about the “adverse impact” of violent entertainment have on society. It becomes a menace when entertainment media begin to show, anti-social violence and conflict as a source of entertainment and frequenting it beyond limits. An in-depth collaborative study between CMS and Osmania University brings out how *channels have been airing serials which depict violence which mimic storylines.*

As clinical psychologist would observe such *serials provide the ideas and social sanction and often even encourage anti-social behavior.* However, it is a paradox that even though Telugu general entertainment channels are airing violent entertainment on prime time, advertisers seem to be willing to associate with such contents. With an increase in the number of channels, there is proliferation of such serials. Telugu entertainment channels, whose number is more than on any other regional channels, prove this increasing trend.

Anita Nagulapalli of CMS and Professor Padmaja Shaw of Osmania University’s Communication Department conducted this intensive study based on inputs from CMS Media Lab, Hyderabad to bring out implications of violence depicted in television channels and the kind of advertising support such programmes receive.

The study analyzed 144 episodes of serials of four Telugu channels - 36 each from ETV, ZEE, Gemini, MAA telecast during three prime time slots between 7.30 p.m to 9 p.m. over a period of three months, August - October, 2012.

The content was examined to see which characters are shown as victims and who as perpetrators. The depiction of protagonists was fairly simplistic and polarized in most of the serials,

allowing for categorization of characters into positive and negative roles.

### **Women are depicted much more both as perpetrators and victims**

It is interesting to note that out of 282 instances of violence, as many as 138 (48.9%) are committed by female characters. Only 31.9% are committed by male characters. Positive male characters are perpetrators 42.5% of the times, while positive female characters are perpetrators 39% of the times. Female negative characters are perpetrators 53.3% of the times, while male negative characters are perpetrators only 27% of the times.

Out of the 282 instances of violence, females are victims 34% of the times, while male are victims 23% of the times. There are also several instances of violence where no particular victim is shown but the general intent to harm, destroy or undermine are discussed or plotted. Among 133 positive characters who are shown as victims, positive female characters are shown 74 (55.6%) times while positive male characters are shown 50 (37.6%) times. Out of the 44 negative characters shown as victims, 22 (50%) are female and 16 (36%) are male.

When power status of perpetrators and victims was analyzed, it was found that dominant characters committed violence 57 (20.2%) times out of 282 instances, while characters of indeterminate status committed 106 (37.5%) times, equals committed 70 (24.8%) times. Characters of subordinate status were perpetrators 36 (12.7%) times while they were victims 40 (14.1%) times. Characters of equal and indeterminate status were victims 38 (13.4%) times and 69 (24.4%) times, respectively. As mentioned earlier, there were 105 (37.2%) instances where there is no direct victim shown but a violent ambience was shown.

## **Are women more violent and negative?!**

Significantly, the data shows that **it is women who predominate as both victims and perpetrators of violence, while men are fewer compared to women even among perpetrators.** It is also significant to note that men are also shown as victims of violence. Women playing both positive and negative roles are shown as both perpetrators and victims. **Violence as a mode of interaction is normalized and women are shown using this mode persistently.**

**Women are shown as at the centre of conflicts in all the serials, often clashing with other women. Each episode in the serials shows graphic and pathological negativity.** There is also no decipherable pattern of violent behaviour. Both dominant and subordinate characters and the characters with indeterminate relationship to the protagonists (for example, hired goons, henchmen, persons unknown to the characters etc.) also indulge in violence. The social status of dominance and subordination is bypassed constantly and people with equal and indeterminate status relationship to the protagonists appear to be perpetrating violence more frequently. The characters seem to tap into the general criminal environment in society to resolve their conflicts, instead of depending on their own resources or positive aspects of society. This repeated emphasis on seeking help from those outside the law **paints the picture of a lawless society and normalizes criminality as a necessary tool for survival.**

The general ecology of the serials is inhabited by socially unexplained desire for revenge and a sociopathic hatred that is unredeemed by any possibility of reflection or change. **There are no sane voices or voices of wisdom. The dominant emotions are fear and hatred.** The violence-free parts of the serials seem to be just mere interludes before another cycle of violence is unleashed.

This world of violence, as presented in these serials, is untouched by the larger society or its norms. **One rarely hears saner voices presenting positive side of life, neither does one see the law and order machinery at work**

**even in cases of murder and grievous injury.** The characters, both negative/positive, subordinate/dominant act lawlessly. Impunity is pervasive. There is no accountability, atonement or lawful punishment. After several episodes of impunity, the **'positive' characters are shown taking the law into their own hands and providing vigilante justice. There is a general disregard for human values and human dignity.**

## **Advertising and its role**

One of the objectives of the research study was also to establish the extent of advertising support available to serials on television. There were 3181 ads shown during the period under study.

The largest number of advertisements (1302 – 40.9%) is of cosmetics and personal products. The second largest category with 781 (24.5%) is food and beverages. Consumer products figure third with 423 (13.2%) ads.

The business aspect of this paradox is unclear as **the major national and international ads are not only crowding less popular channels, they are crowding heavily violent programming.** One possible explanation could be that because of its market leadership, Gemini is able to command better advertising prices while the other channels sell their time for far less and therefore also take many more ads for the same time slots to recover revenues.

If this is true, **this undermines the consumer interests in two ways. One, there are too many ads per half hour in clear violation of norms. Two, violent, poor quality programming is sustained because of the media buyers looking for the cheapest prime time slots, without bothering about the anti-social content they are helping support.** This remains an unresolved marketing paradox of Telugu general entertainment television – advertisers seem to be willing to associate with, if not reward, programmes/channels that peddle high levels of violence.

## **Sex and violence don't sell products**

That content developers tend to exaggerate events for dramatic effect comes out of this CMS-

Osmania University study. This is what some social scientists had called *the mean world syndrome* to point out indirect, subtle and cumulative effects of media.

However, the study questions the very logic for heavy advertising support for the gratuitous violence on television serials may require a rethink as there is mounting evidence in advertising research that advertising on programmes with

excessive depiction of sex and violence may have an adverse impact on sales.

The study also justifies TRAI's recent restrictions on the number of minutes of advertising per hour of programming. The study suggests the need to control the menace of channels taking in more ads to increase falling revenues that are a consequence of poor programming.

**Anita Nagulapalli**

## **'Without free flow of information, there can be no serious democracy'**

**T**he Western media has become the central pillar of the prevailing order in a unipolar world, where there is virtually no or limited opposition, Tariq Ali, Left intellectual, filmmaker and Editor of *New Left Review*, said on Tuesday.

Delivering the inaugural lecture hosted by the Media Development Foundation (MDF) for the Class of 2014 of the Asian College of Journalism (ACJ), Mr. Ali said that "when political pressures are put on journalism, as is increasingly the case in the Western world, then we have to see it as a dangerous development that threatens and hollows out democracy itself."

"Without a free flow of information, there can be no serious democracy or democratic functioning in a country," he said while talking on 'The state of journalism in the 21 century: Celebrities, Trivia and Whistleblowers'.

Mr. Ali pointed to the media response to the Snowden exposes to show how quickly the media in the U.S., Britain and parts of Europe began to refer to him not as a whistle-blower but a fugitive, "as if he is already a criminal."

It was a tragedy that India did not even think twice before rejecting Mr. Edward Snowden's plea for asylum. "India did not even show the courtesy of a polite refusal; just an instant reflex that we must not antagonise the new political masters," he said.

According to Mr. Ali, the notion of a free press in the Western media in the 20 century evolved as a counterpoint to the monopolistic State-owned model of erstwhile Soviet Union with the aim of showing its superiority by accommodating diversity of voices. In terms of what it published and what it showed, the Western media gained its peak during the Cold War era, he said.

Holding that the political situation or conjuncture of global crises influences the media in particular times, he noted that the infiltration of celebrity trivia into mainstream media was a phenomenon that began at the end of the Cold War, and the subsequent decline that set in was very sharp. The media became relaters of reports of what other people or governments had to say. Investigative journalism disappeared as the media engaged more and more in human stories and celebrity trivia; in fact, the gusts of change did not even spare a serious and respected newspaper like *The Guardian*.

In fact, Mr. Ali advanced his view that the astonishing hysteria in the mass media that raised the death of Princess Diana into a catastrophe would in later years get transferred is a strange way when the media reported about a faraway country that was being targeted by the West would reach saturation point, "one could say, a rather expensive way to teach Americans geography."

Pointing out that television or radio news even from two decades ago may be unrecognisable today, he cautioned young journalists that times may change again. "It is important [for young journalists] not to forget the history of journalism and its development."

As much as his broadside on capitalism and how it was far from being a conjoined twin of democracy, a few asides too seemed to go down well with the largely youthful audience. For instance, cheers and applause greeted his remark about Montek Singh Ahluwalia when the latter was his junior at an Oxford college. "I haven't changed since then; neither has he ... still the same deeply conservative person."

*Courtesy: The Hindu (10 July 2013)*

# Journalists and the economics of truth

Swapan Dasgupta

The collapse of the Saradha Group, said to be a “Ponzi” scheme, has created political ripples in West Bengal. Accusations have been levelled against MPs and other functionaries of the Trinamul Congress for both patronising and providing political cover to a flamboyant entrepreneur who ended up either short-changing or cheating many thousands of people of modest means their limited life savings. West Bengal Chief Minister Mamata Banerjee, unaccustomed to handling charges of financial impropriety, has reacted in the only way she knows: by levelling shrill and sometimes outlandish charges against her political opponents, particularly the CPI(M) and the Congress. She has also raised hackles by suggesting that “what is lost is lost.”

That the Chief Minister and the Trinamul Congress would bear the brunt of the outrage over the Saradha collapse was only to be expected. The so-called “suicide note” that Saradha’s founder chairman Sudipta Sen sent to the CBI before his arrest in a Kashmir resort makes it quite clear that he indulged some people close to the Trinamul Congress because it provided him a measure of protection. He also said that that he paid a whopping Rs 40 crore to two Marwari businessmen and the office-bearer of a prominent football club for the sole purpose of “managing the Sebi” officers in Mumbai. These businessmen claimed proximity to a Congress politician who has risen to a very high constitutional post.

In addition, he paid consultancy fees of approximately Rs 1 crore and took care of the hotel bills of the wife of a senior Cabinet minister because he was told that “if this... family stands by me then I will have (sic) great clout in India.”

Since a man who is charged with grave offences may well level grave charges against prominent individuals to deflect attention and, indeed, politicise a straight forward financial scam, it may well be improper to repeat the names of prominent

people whose palms Sen claims to have generously greased. In any event, most of these names are now in the public domain and their identities are no longer a well-guarded secret or a subject of speculation. However, since the moral credentials of a man who presents himself as a sincere entrepreneur who was ignorant of Sebi guidelines on accepting deposits from the public and who, in turn, was both blackmailed and duped by others more unscrupulous than him, hasn’t yet been fully established, it is best to view the contents of his “suicide note” with a large measure of caution.

Yet, while the political aspects of Sen’s defence of his misconduct have got full play in the media, there is another facet of his protestations of innocence that have been glossed over. In the concluding part of his 18-page “dying declaration”, Sen wrote: “My over all business crash is due to

**In order to save himself from attacks in the media, Sudipta Sen decided to invest in the very people who were threatening to expose him**

the media entry, extortion from the above named persons and blackmail by my own staffers and executives.”

Since the CBI, it has now emerged in the course of the Coalgate controversy that threatens to destroy the Mammohan Singh government, is accustomed to consulting the executive to check the grammar of its depositions, it may not be too hard for them to have Sen’s “last statement” translated into English.

In a nutshell, Sen’s accusation is startling. Once people got wind of the fact that what the Saradha bosses and their agents were doing all over eastern India, they started viewing him as the proverbial milch cow. Leading this pack of predators were not politicians, but people who ostensibly claimed to be from the media. Thus, in order to save himself from attacks in the media, Sen decided to invest in the very people who were either conducting so-called investigative journalism or threatening to expose him. He bought Channel 10, a Bengali news channel, for some Rs 30 crore and engaged his erstwhile tormentors to provide him content for Rs 60 lakhs each month. The erstwhile tormentors

gave him an “assurance that (on) execution of this agreement they will protect my business from the government, that is the state government and also the Central government and I will be able to get a smooth passage...” Blessed with this assurance, Sen sunk in Rs 50 crore into the channel and started three dailies.

Ironically, Sen’s entry into the media resulted in all the media hyenas rushing to his door with the same threats and blandishments. The estranged wife of a former Congress minister at the Centre used her political clout to pay Rs 25 crore to establish a channel for the Northeast.

Another Rs 28 crore was paid to the former minister himself for a 50 per cent share of another channel beamed at the Northeast. A Congress

MLA from Assam sold him a press and a newspaper for Rs 6 crore. And one enterprising freelancer extracted Rs 50 lakh and more from Saradha to set up an English channel.

What emerges from these revelations is a very disturbing phenomenon: Instead of being a watchdog against evil as it claims to be, a large section of the media has become a part of the problem itself. Just as Bollywood became criminalised from the proceeds of the Mumbai underworld, a large part of the media has become a cover for criminal enterprise. From chit fund scamsters to real estate sharks, the media has become a tool for buying influence. To me, that is the most disturbing lesson from the Saradha scandal.

*Courtesy: Deccan Chronicle (04 May 2013)*

## Media cross-holding in cross hairs

Prashant Jha

**R**ahul Khullar, the straight-talking chairman of the Telecom Regulatory Authority of India (TRAI), listened attentively to the senior management executive of Bennett Coleman and Co. Limited, one of India’s largest media conglomerates. The latter disagreed with the premise of the discussion — that there was a “problem,” which needed “fixing.”

Pointing to another participant, who had moments earlier said “3 or 4 media houses” control everything, Mr. Khullar shot back, “There is a large body of Indian citizens who feel that way. Wake up and smell the coffee.”

The same executive also argued that there was no accurate method to measure media concentration and consumption in India. Mr. Khullar told him, “You are entitled to argue your corporate cause but don’t insult my intelligence. I don’t tolerate bluffing and chicanery.”

The tension in the room, between the regulator and the media house, at a recent “open house discussion” in the capital, illustrated the broad contours of a battle that may reshape the media landscape.

### ‘Enough is enough’

Last year, the Ministry of Information and Broadcasting (I&B) asked TRAI, for the second time in four years, for its views on horizontal and vertical media integration, with the objective of maintaining media plurality.

In industry parlance, horizontal integration refers to an entity having a presence across different media segments (print, TV, FM radio) while vertical integration arises when a broadcaster has control over a distributor like a multi-system operator (MSO) or cable networks, or vice versa.

In February 2009, TRAI had recommended that safeguards needed to be put in place, a detailed market study ought to be carried out, and broadcasters and distributors should not have common ownership control. In a follow-up study, the Administrative Staff College of India concluded there was dominance of certain players in certain markets, and cross-media ownership restrictions must be put in place.

The reports gathered dust till May 2012, when a parliamentary standing committee expressed

**As TRAI prepares to regulate ownership of news organisations to ensure pluralism, big media houses fear shrinking profits and state control by proxy**

“surprise” that the government had neither taken any action nor specified a timeline to deal with an issue that could pose a “threat to the democratic structure.” The I&B Ministry wrote back to TRAI, asking for fresh views.

TRAI has now issued a consultation paper, with Mr. Khullar asserting enough was enough. “Earlier recommendations may have been given the go-by. But I intend to give recommendations that cannot be given the go-by now.”

### **Political-corporate ownership**

The stakes are high. India’s media and entertainment sector now contributes one per cent of the GDP, with a combined revenue of Rs.80,500 crore in 2011 and projected annual growth of 17 per cent. Over 840 channels are registered, out of which 300 are news and current affairs channels. There are over 82,000 registered publications with more than 14,000 daily newspapers. In this crowded market, some ask, why worry about ownership?

TRAI points to two reasons. One is political ownership of media, as well as a trend of entities backed by parties taking over distribution channels, which makes broadcasters dependent on them. The second trend is of corporate ownership across sectors, with the aim of “promoting vested interests,” and “influencing policy-making” to earn revenues.

TRAI lists out examples. Sun TV and Essel Group have interests in print, TV, FM as well as distribution platforms like Direct-To-Home (DTH) and MSOs. The Anil Dhirubhai Ambani Group is present in all media segments as well as DTH, while Star India has interests in broadcasting and radio, as well as distribution platforms. Ushodaya (Eenadu), India Today, Times Group, ABP Group, Bhaskar Group, Jagran Prakashan, Malayala Manorama Group have interests in all three media segments — print, TV and FM radio.

The consultation paper draws a direct link between “uncontrolled ownership” and “paid news, corporate and political lobbying by television channels, propagation of biased analysis and forecast...and irresponsible reporting to create sensationalism.” Regulating media ownership is “essential in the public interest as a guarantee of plurality and diversity of opinion.”

Critics have put forth the constitutional argument of how Article 19 allows for freedom of expression and freedom to run businesses. In 2009, TRAI countered this by quoting a 1995 SC judgment on how a monopoly over broadcasting is inconsistent with free speech rights, and how the right to use airwaves needs regulation for preventing monopoly of information and views relayed.

### **Three questions**

There are multiple issues at stake, including: ways to measure media consumption, how to uncover the corporate veil when entities use other companies to gain indirect influence, whether to allow mergers and acquisitions, and the nature of disclosure regimes. But TRAI’s views on three key themes will set the larger policy framework.

One, who should be disqualified from entering the media sector and hold broadcasting or distribution licences? Asserting that India is one of the few countries with no bar on ownership, TRAI has earlier recommended that political bodies, religious bodies, Central and State government ministries and departments, and public-funded bodies should not be allowed to have interests in the media. Mr. Khullar said there are a growing number of “undesirables” who enter the sector with a self-serving agenda — “politicians, builders” are examples he cited — while passing off as a public news service.

Two, should entities be allowed to have interests across all media segments — television, print, and FM radio? TRAI points out that internationally, the “one out of three” or “two out of three” rule is allowed. Media corporates have forcefully argued that in an age of “convergence,” they have to use all mediums to catch the “migratory consumer” and no restrictions be imposed. While the consultation paper does recognise the power of convergence, Mr. Khullar said with the low internet penetration in a society like India, “convergence cannot be an excuse not to do anything.”

Three, can a broadcaster also own a distribution company? The regulator has earlier suggested that this presents a clear “conflict of interest”; broadcasters must not be allowed to have more than 20 per cent stake in distribution channels and vice versa. Local cable operators support a move to restrict “vertical integration,” though

broadcasters have warned that this will have implications on the cable networks too which distribute as well as run local channels.

### **Pluralism and freedom**

While TRAI has insisted it will only deal with ownership and carriage issues, there are apprehensions that the outcome of the process will have consequences for freedom of expression. Chinmayi Arun of the National Law University told Mr. Khullar TRAI's "solutions were prone to abuse." She pointed out that corporate control must

not give way to state control "by proxy," for the very threat of taking away a licence or inconvenience can have serious implications on content.

How TRAI balances the key principles involved in the debate — ensuring media plurality and free speech, not allowing "vested interests" to use the privileges given to the fourth estate to advance partisan or monetary goals, yet allow businesses the freedom to grow, invest, rationalise, consolidate and expand in a competitive environment — will shape India's future media ownership patterns.

*Courtesy: The Hindu (24 May 2013)*

## **Television at the top**

**Prashant Jha**

*Among all media platforms, television is the most used to access news, while Internet is the least, finds the CNN-IBN-The Hindu election survey*

**F**or all the emphasis and attention, on how the social media and new platforms can affect electoral outcomes, only five per cent of India's voters go online every day to access the news. In contrast, with 42 per cent voters accessing television every day, TV is, by far, the most preferred medium for information on news and current affairs.

The results will provide fodder for thought to political parties, who are currently involved in framing their media strategies for the next elections.

### **News TV at forefront**

While 42 per cent watched TV news daily, 29 per cent respondents said they read newspapers every day; 12 per cent listened to the radio, while five per cent accessed the Internet; 66 per cent of those interviewed said they never went online for news, while 44 per cent did not use the radio for news at all.

Notwithstanding the criticisms that come their way, news television is now clearly at the forefront of shaping voter attitudes.

Sixty per cent of voters have moderate-to-high media exposure. This was based on an index, which measured how regularly voters accessed the four mediums — radio, newspaper, TV and Internet. North Indian States, according to the survey, had the highest exposure to different media forms, while east India ranked the lowest.

### **Limited social media**

According to the survey, nine per cent of India's households have a computer or a laptop. This corresponds with the findings of the 2011 Census, which had shown 9.5 per cent computer ownership in the country — out of which 6.4 per cent had no Internet connection. Only one per cent of rural households and eight per cent of urban households have computers with an online connection.

Only 10 per cent of the CSDS survey respondents had an email or Facebook account, and only four per cent had a Twitter account. These figures are, unsurprisingly, higher in big cities — where 29 per cent and 25 per cent respondents have email and Facebook accounts respectively — and shrink as the size of cities decrease, and the age group of respondents increase.

Even among those social-media savvy users, only 27 per cent open their Facebook accounts daily while 24 per cent check their Twitter timeline every day.

### **Politics and new media**

In recent weeks, both the Congress and the Bharatiya Janata Party (BJP) leaders have invested time and energy in discussing social media wars, particular strategies for political battles on Twitter. A study in April, first reported by *The Hindu*, had claimed that Facebook users could swing the results in 160 constituencies.

But the CSDS survey shows that the number of active users of the medium is a minuscule portion of the electorate, to the point of being marginal. In the Hindi-speaking States, which elect a large section of Lok Sabha MPs, only 10 per cent voters have an email, 12 per cent are on Facebook, and six per cent on Twitter.

But in this relatively limited constituency, as has been increasingly apparent, the BJP has an edge. Thirty-seven per cent of the respondents who use new media said they would vote for the BJP, while 26 per cent expressed a preference for the Congress. A significant 37 per cent did not offer an opinion.

Responding to the findings, author and media analyst Paranjay Guha Thakurta said, “This confirms that it is premature to say that social media

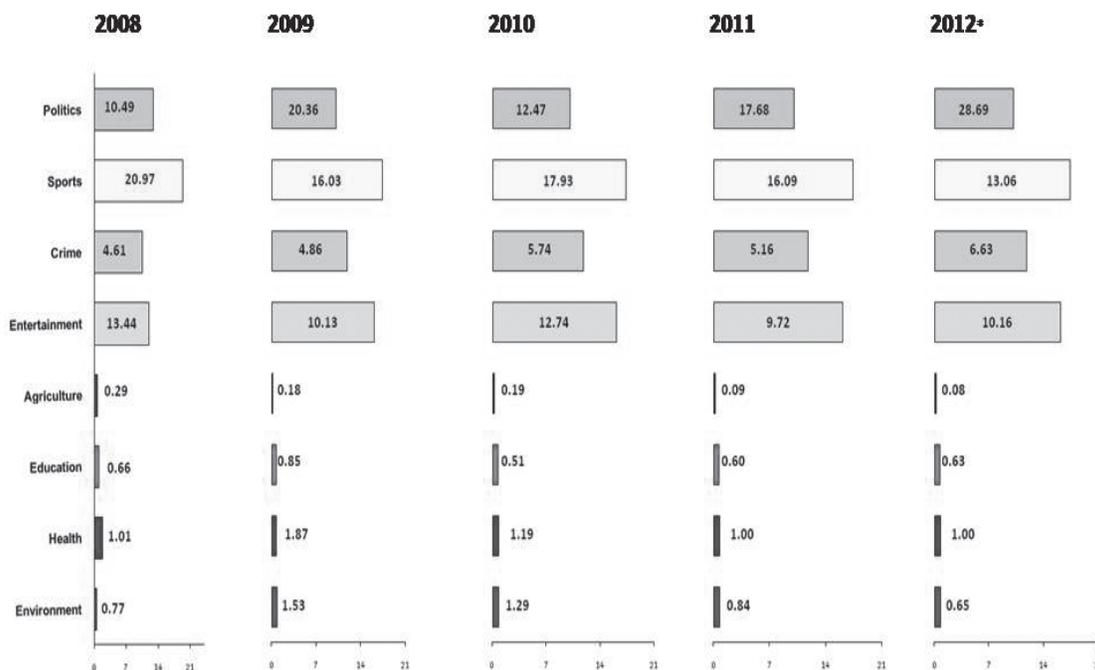
users will have a significant impact on electoral outcome.”

In a recent piece, Union Minister of State for Human Resource Development and an early user of the social media, Shashi Tharoor, noted that India’s political issues are being “raised and debated regularly — boisterously — across the social media”. But he added, “I do not believe, given the numbers, that any Indian election can be won and lost on social media alone.” He added that unlike the U.S., Twitter would be “useless” in organising a mass rally. But social media could, Mr. Tharoor wrote, “help set the agenda of public debate”, because traditional media tapped into social networks for information about and from politicians.

*Courtesy: The Hindu (29 July 2013)*

### Trends in TV News 2008-2012

**Has recent proliferation of TV News made any significant change in their context priorities?**



Figures are Percentage of Total News Time of 6 National News Channels

News Channels: Aaj Tak, CNN IBN, DD News, NDTV 24x7, Star News & Zee News

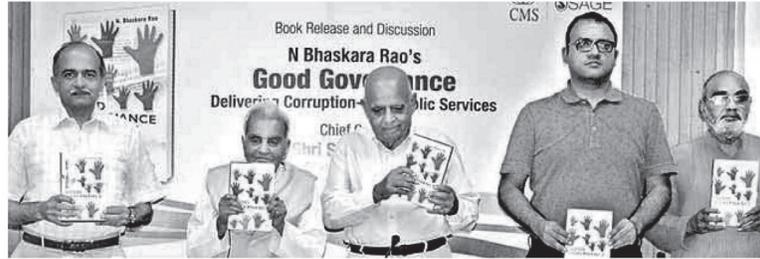
Source: CMS Media Lab

# Sachar for resolute fight against graft

VENKAT PARSA

**New Delhi:** Justice Rajinder Sachar, who brought out the famous Sachar Committee Report on the status of Muslims, recalled the case of former Punjab Chief Minister Pratap Singh Kairon, which has an echo for Andhra Pradesh. Accusation against Pratap Singh Kairon was that his family was enriched by misusing State machinery. There was nothing personally against Kairon, who was defended by Pandit Jawaharlal Nehru in the Rajya Sabha.

An inquiry commission was instituted, which held that his son had exploited his father's influence to further his business, forcing Kairon to step down. Justice Rajinder Sachar was speaking at the release of Dr N Bhaskar Rao's book, *Good Governance: Delivering Corruption-Free Public Services* on Thursday. Union Corporate Affairs Minister Sachin Pilot, who was to release the book, could not make it, as he had to rush to London on official work. Dr N Bhaskar Rao's book, Justice Sachar hoped,



(From left) Senior Advocate Prashant Bhushan, Former Chief Justice of Delhi High Court Justice Rajinder Sachar, Former Naval Chief Admiral R H Tahillani, Mint Managing Editor R Sukumar and CMS Chief Dr N Bhaskara Rao at book release function in New Delhi on Thursday.

would at least compel all to think of the issue of corruption.

Pratap Singh Kairon's was a classic case of corruption, said Justice Sachar, which has to be combated vigorously.

Kairon faced the main charge that his son exploited his influence to amass wealth but he argued that being his son cannot be held out against him and bar his son from doing business.

Mint Editor R Sukumar felt most people found ready excuses to either justify petty corruption or to condone it in most cases. It is the petty corruption that hurts the poor most than the corruption at the policy-level. "We are wrestling for solutions. One way is e-governance and making delivery mechanisms automated," he said. Aam Admi Party leader said, "We have now become a banana republic.

The Reddy Brothers of Karnataka and some corporates were a classic example of corruption creating a mafia. This was more a dangerous trend as it threatens to demolish the entire democratic structure. Prashant Bhushan also questioned the appointment of Shashikant Sharma as the new Comptroller and Auditor-General.

He said as Director-General of Acquisitions and later as

Defence Secretary, he was responsible for Defence procurement, which is to be audited by CAG. This is bound to result in conflict of interest, he said.

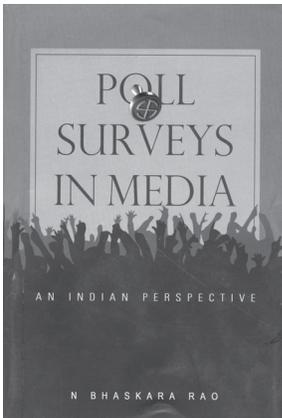
The causes of corruption were lack of transparency, the opaque policy-making process and absence of an independent anti-corruption investigation agency. Under the UN Convention Against Corruption, it is mandatory to make

the corruption investigation agency independent of the Government.

That is why the Jan Lokpal was proposed but the Government stoutly resisted it, he said. Prashant Bhushan pleaded for the democratic overthrow of the Government and enacting the Jan Lokpal as the way out, which is why the Aam Admi Party was started, he said. Noted banker Arun Duggal complimented Dr N Bhaskar Rao for coming up with some practical ideas to tackle corruption. He hoped that the policy-makers will pay heed to some of the suggestions contained in his book.

CMS Director P N Vasanthi introduced the book. Dr N Bhaskar Rao's book, *Good Governance: Delivering Corruption-Free Public Services*, talks about creating a sustained public pressure for change. It argues against the fallacies in ranking India as a corrupt nation and perpetuating it.

A perception-experience-estimate (PEE) model is mooted for a realistic assessment of the problem.



## Poll Surveys in Media: An Indian Perspective

**N. Bhaskara Rao**

ISBN 978-81-237-6616-4: Rs 110 (PB), ISBN 978-81-237-6617-1: Rs 305 (HB)

**Published by:** National Book Trust, India

Democracy lies at the heart of Indian nationhood and the media is considered to be its integral part. In this light, the present book discusses and provides valuable insight into a very complex and key issue – that of the handling of polls-related surveys, and thereby, polls themselves, by the media in India. Naturally, how the polls surveys are conducted as such, who conducts them at what behest, are they scientific enough, can they be the sole criteria for making poll-related predictions and analysis and how media should approach them, are some of the major areas

taken up for discussion here. Pitching for transparency in conducting and in the use of poll surveys, the book presents an insider's view and an outsider's concern but with a critical perspective. It is likely to be of immense value to the researchers, survey agencies, media professionals, the political class as such, students and teachers of political science and to all concerned citizens interested in this crucial aspect that the transitional times bring up before the Indian democracy.

