



# Transparency Review

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## Engaging with Social Media Responsibly

Dinesh C Sharma

**S**ocial media has begun to affect our lives like never before. What started as a tool of political activism and aggregation is now playing an important role in all spheres of human activity – from eating food to banking. Social media platforms – Facebook, Twitter, Instagram, Flickr, YouTube, Tumblr – are becoming an integral part of our daily lives. Not just GenX and GenY, but older generations too have got hooked on social media and people are spending more and more time on their smart phones and tablets. New age lexicon – selfies, apps, hashtags, emoticons, etc – no more sounds alien but is part of day-to-day conversations. Billions of words, images, video and sounds are exchanged every day. The digital jargon is expanding and spreading so fast that electronic mail, a novel way of communication that evolved just a few years ago, sounds archaic. Tools and hardware on which social media thrives are mobile phones, smart phones, tablets, laptops and other computing devices. Of all these, the mobile phone is the most common digital device that is facilitating social media interaction. Riding on mobile phones are thousands – even millions – of pieces of smart software known as applications or simply ‘apps’. Invisible airwaves and massive broadband networks connect billions of users of computing devices to communicate with each other and with social media platforms in real time.

**“The way the new digital tools of expression are being used is fast blurring the line between personal and public”**

People are engaging with social media in myriad ways. Of course, politicians do it to reach out to their constituents and beyond – during elections and otherwise. Film stars use social media to reach out to their fans and publicize their movies, songs and other cultural products. Releasing film trailers and songs on social media – and making them go viral – can decide a film’s fate. E-tailers and a number of commercial firms are riding the social

media wave to expand markets, get instant feedback from customers, redress their grievances, besides promoting

their products and services. Social activists, civil society leaders, scientists, sportspeople, international bodies like the United Nations and WHO are all on social media to reach out to people in different regions, countries and geographies and communities with tailor-made messages and content. Needless to say, for traditional news media - newspapers, magazines, television channels and radio stations – social media provides additional channels to reach out to audiences.

Citizens are active participants on social media. People are not only sharing pictures of their newborn babies, birthday parties, wedding ceremonies, family holidays, religious functions, honeymoon travels and other such events on social media but also of somber occasions like funerals and details of their medical conditions. It was shocking to see a recent selfie of a young man

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with the corpse of his dead uncle in the background, posted on Twitter. Doctors are posing for pictures while operating on their patients, and posting images on social media right from the operation theatre. In China, some doctors and nurses at a government hospital were sacked for doing this. At accident sites, people are taking selfies with the dead or injured in the background. People have been killed while trying to take selfies with running trains in the background. In restaurants, diners take snapshots of the food before digging in. This has angered some chefs who feel that live streaming of images of dishes is an insult to their creation because people concentrate more on taking and sharing pictures, rather than the food itself. Most of the time, pictures of weddings and private parties are shared online without taking permission of the host or newlyweds. Essentially, the way the new digital tools of expression are being used is fast blurring the line between personal and public.

Recently a five-year old daughter of a friend of mine fiddled with his smart phone and accidentally changed the date of his birth. Next thing he knows, he was flooded with birthday greetings on his Facebook page on a day which was not his birthday.

He then commented “now, I know who my real friends are! None of you people remember my birthday”. Everyone just mechanically reacts to birthday notifications generated by FB algorithm. In social gatherings and events, people are busy taking selfies or pictures of themselves and their families – to be posted online – rather than mingle with family and friends. Small talk in such gatherings is often centered around new smart phones or pictures/posts on social networking sites. Social scientists, psychologists and other experts feel that social media may be giving rise to narcissism and also problems relating to self-esteem. The number of ‘likes’ on one’s profile picture can boost or negatively affect one’s ego. In March 2015, Facebook was forced to scrap an emoticon called “feeling fat” after obesity experts objected to it. They argued that ‘feeling fat’ is not a state of mind like ‘feeling sad’ or ‘feeling happy’, and affects body image of those who are obese.

As more and more technology becomes a part of our daily lives, we need to become conscious of how these new tools are affecting us so that we can take corrective action, wherever and whenever required. This is necessary to keep ‘social’ intact in ‘social media’.

**“We need to become conscious of how these new tools are affecting us so that we can take corrective action, wherever and whenever required. This is necessary to keep ‘social’ intact in ‘social media’”**

## Supreme Court Restores Online Free Speech

While striking down Section 66 of the Indian Information Technology Act, the SC has observed that “information disseminated over the internet need not be information which ‘incites’ anybody at all. Written words may be sent that may be purely in the realm of ‘discussion’ or ‘advocacy’ of a ‘particular point of view’. Further, the mere causing of annoyance, inconvenience, danger etc., or being grossly offensive or having a menacing character are not offences under the Penal Code at all.” Such information conveyed may be a view or point of view pertaining to governmental, literary, scientific or other matters which may be unpalatable to certain sections of society. As Section 66A severely curtails information that may be sent on the internet based on whether it is grossly offensive, annoying, inconvenient, etc. and being unrelated to any of the eight subject matters under Article 19(2) must, therefore, fall foul of Article 19(1)(a), and not being saved under Article 19(2), is declared as unconstitutional, the court has ruled.

The court observed that “Section 66A is cast so widely that virtually any opinion on any subject would be covered by it, as any serious opinion dissenting with the mores of the day would be caught within its net. Such is the reach of the Section and if it is to withstand the test of constitutionality, the chilling effect on free speech would be total.”

# Free Speech Remains a Cause of Concern

A report from The Free Speech Hub of *The Hoot* for 2014 has documented cases of attacks on journalists, free speech and cases of defamation. Here are highlights of the report:

The state of free speech in India remains a cause for concern judging by the rise in recorded attacks on the media and the increasing use of defamation suits – the most marked trends in 2014.

The figure for attacks on the media rose sharply with better data collection. There were at least 85 attacks this year. For the first time, since January 2014, the National Crime Records Bureau (NCRB) has begun collecting data on attacks on the media as a separate category.

Reported cases of defamation and legal notices alleging defamation totalled 21 in 2014 (till December 15). Of the eleven new cases recorded, seven were filed against media, two against college publications, and 3 against individual politicians. Two were court orders against publishers, a total of 14. Those against the media included the cases filed by Justice Swatanter Kumar and Indian captain M.S. Dhoni, politician Gurudas Kamat, and the Sahara Group.

In addition, one defamation conviction was upheld in a case filed earlier, against Vir Sanghvi when he was at the *Hindustan Times*.

Seven legal notices were served during the year, five to media houses, one to a marketing federation for the advertisement they ran, and one to journalist-authors. The last was sent by Mukesh Ambani-led Reliance Industries Ltd to Paranjoy Guha Thakurta and other authors of the book 'Gas Wars: Crony capitalism and the Ambanis'. A Rs 100 crore notice was sent by industrialist Sai Rama Krishna Karuturi, Managing Director of Karuturi Global Ltd, to environmental journalist Keya Acharya. Infosys, and a former police commissioner in Pune also served legal notices on the media in the year gone by.

There was a drop in the deaths of journalists from eight in 2013 to two this year. However, a hate crime was recorded in the death of a software engineer in Pune, underlining the spike in hate speech cases. Apart from censorship across media and of books, theatre and film, there were at least

85 cases of attacks on journalists, 62 of which were from Uttar Pradesh alone.

These and other instances form part of the reported cases in the Free Speech Tracker of the Free Speech Hub till December 15, 2014. A project of the media watch site The Hoot, the Free Speech Hub has been monitoring freedom of expression in India since 2010 and this is its fifth annual report. The tracker looks at a range of issues, including journalists' deaths, attacks on journalists and on citizens, threats and arrests arising out of free speech issues, censorship, defamation, privacy, contempt, surveillance, and hate speech.

Seven defamation cases, and six legal notices were against media houses or journalists. In addition police complaints alleging defamation were also filed.

The defamation cases also resulted in gag orders against the media, drawing criticism from the

Editors Guild of India but to no avail. A defamation case filed by former President of the BJP, Nitin Gadkari also resulted in the arrest of Aam Aadmi Party leader Arvind Kejriwal in May, for calling the former corrupt. Kejriwal refused to furnish a bail bond and was remanded to judicial custody. The latest case, a Delhi police directive to radio stations to stop broadcasting a jingle from the Aam Aadmi Party on the grounds of defamation, only served to illustrate the extreme sensitivity of the powers that be to any criticism.

Clearly, defamation cases act as a pressure and silencing tool. Congress spokesperson and former minister Manish Tiwari faced arrest in a criminal defamation case filed by former BJP President Nitin Gadkari for alleging that the latter held a 'benami' flat in the Adarsh housing society. But after a summons was issued for his arrest, Tiwari submitted an unconditional apology and the case was withdrawn.

In another case, the Sahara media group filed a defamation case against *Mint* editor Tamal Bandopadhyay and the Kolkata High Court stayed the release of his book, 'Sahara: The Untold Story'

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but a disclaimer and a settlement followed and the case was withdrawn.

Hate speech remains on the fault lines of free speech and, given the unabashed use of hate propaganda during the campaign for the 16th Lok Sabha elections, there was a sharp spike in the number of hate speech cases to 20 this year, double the 2013 figure.

The arrest of people for Facebook posts continued, despite clear guidelines issued on cases related to Section 66 (A) of the Information Technology Act in the wake of the arrest of two students from Palghar in 2012 and a pending case challenging the provisions before the Supreme Court of India. Seditious cases also cropped up; a student was arrested in Kerala for sedition for remaining seated while the national anthem was being played in a cinema.

Apart from the ignominious cave in by book publishers to the demands of Hindutva

organisations, as in the case of the Wendy Doniger book 'The Hindus', other attacks on the media and civil society activists and violence by vigilante groups bent on imposing a regressive moral agenda, added to the potent brew for free speech violations in 2014.

## THE YEAR IN REVIEW

Free speech violations in 2014 included the death of two journalists for their investigative stories on malpractices in local businesses, the killing of a young software engineer in Pune for what police termed a 'hate crime', an increase in defamation cases and legal notices to curb reportage of a range of issues, increasing attacks on the media and civil society activists, violence by vigilante groups and a spike in hate speech cases during various election campaigns.

While the number of deaths of journalists for their work may have fallen from the eight of the preceding year to two this year – Tarun Acharya and M.N.V. Shankar - they underline the extreme vulnerability of journalists working in small towns, particularly on unearthing crimes.

Acharya, 29, was a stringer for Kanak TV in Odisha and was killed on May 27 in Khallikote town of Ganjam district. He had done an investigative story on the alleged employment of children in a cashew processing plant owned by one S. Prusty. Shankar, 52, a senior correspondent with Andhra Prabha newspaper, was killed in Chilakaluripet town of Guntur district on May 26, a few days after his newspaper published his report on the kerosene oil mafia. While the police arrested two persons in connection with Acharya's murder, Shankar's killers have yet to be found.

## ATTACKS, ARRESTS

This year saw an increase in attacks on the media, as officially recorded by the National Crimes Bureau for the first time, an increase in threats to journalists as well as the arrests of journalists for alleged involvement with insurgency groups and the arrest of citizens for posts on social media.

Of the eight cases linked to Facebook posts, one person was arrested for a post allegedly against West Bengal Chief Minister Mamta Banerjee; an Aam Aadmi Party activist was arrested for forwarding an allegedly anti-Modi text in Karnataka; a student was arrested for allegedly

Snapshot of the last three years

Categories	2014	2013	2012
Deaths of journalists	2	8	5
Death due to hate crime	1		
<b>Total</b>	<b>3</b>		
Attacks on the media	85	20	39
Attacks on citizens	3	4	
Threats	10	2	
Harassment	3		
Arrests/detentions	4		
<b>Total</b>	<b>105</b>	<b>26</b>	
<b>Censorship :</b>			
Gags on all media	6		
Print	6	15	8
Electronic media	14	11	4
Internet	26	32	41
Feature films	10	21	14
Documentary films	4	2	
Theatre	4	2	
Art	-	3	
Music	5	6	7
Literature and educational curriculum	11	7	
<b>Total</b>	<b>86</b>	<b>99</b>	<b>74</b>
Privacy & Surveillance	8	13	5
Defamation cases	12	7	2
Legal notices	7		
Court order	2		
<b>Total</b>	<b>21</b>		
Hate speech	20	10	2
Hate propaganda	2		
Court cases on hate speech restrictions	2		
Policy, regulation	2	7	3
Sedition (including three withdrawals)	5	2	
Contempt	3	2	
Legislative privileges		1	

mocking the national anthem in Kumta, Karnataka; and in Kerala, a student was arrested for sedition for allegedly insulting the national anthem by remaining seated while it was being played in a local theatre.

## DEFAMATION

The intimidating effect of a possible defamation suit was clearly on the rise as 2014 recorded 21 instances of defamation against individuals and the media. These included 13 cases of defamation and six legal notices, besides one court order.

In May, Aam Aadmi Party leader Arvind Kejriwal was arrested in a defamation case filed by former president of the BJP, Nitin Gadkari, for calling the latter corrupt. He refused to furnish a bail bond and was remanded to judicial custody.

Former Supreme Court judge and National Green Tribunal Chairperson Justice Swatanter Kumar filed a defamation case against two English television channels and a leading English newspaper as well as a law intern who had filed a complaint of sexual harassment against him. He also managed to get a gag order on media reportage of the case.

In another case, India cricket captain M.S. Dhoni filed a Rs 100 crore defamation case in the Madras High Court against media houses Zee Media Corporation and News Nation Network over allegations of his involvement in match-fixing.

Clearly, defamation cases serve to silence people. Congress spokesperson and former minister Manish Tiwari faced arrest in a criminal defamation case filed by former BJP President Nitin Gadkari for alleging that the latter held a 'benami' flat in the Adarsh housing society. But after a summons was issued for his arrest, Tiwari submitted an unconditional apology and the case was withdrawn.

In another case, the Sahara media group filed a defamation case against Mint editor Tamal Bandopadhyay and the Kolkata High Court stayed the release of his book, 'Sahara: The Untold Story', but a disclaimer and a settlement followed and the case was withdrawn. Given that decriminalizing defamation has been a long-standing demand of journalists' organisations, it is ironical that a media group such as Sahara should resort to defamation

notices. It was not the only one. India TV sent a defamation notice to aggrieved employee Tanu Sharma who had alleged sexual harassment and had attempted suicide outside the company's office. It also sent a defamation notice to media watch site NewsLaundry which carried a report on the incident.

Among the other cases, Infosys sent notices of Rs 2000 crore each to three publications owned by Bennett, Coleman and Co. Ltd and The Indian Express Ltd. Other multi-crore defamation notices

included separate notices sent by Mukesh Ambani's Reliance Industries Ltd and Anil Ambani-led Reliance Natural Resources Ltd to

journalist Paranjay Guha Thakurta, author of 'Gas Wars: Crony Capitalism and the Ambanis'. The notices were an attempt to remove the self-published book from the website promoting it. An Inter Press Service story by environmental journalist Keya Acharya on the legal, financial, tax, labour and land problems of the Ramakrishna Karuturi-owned Karuturi Global Limited in Kenya and Ethiopia attracted a Rs 100 crore defamation notice.

## CENSORSHIP

Censorship showed an overall decrease from 99 instances in 2013 to 86 instances in 2014. However, censorship in the broadcast media saw an increase to 14 instances, besides five instances of gags on media coverage of sensitive issues being obtained by a range of people, including former judges charged with sexual harassment and sports bodies and educational institutions. A gag on radio jingles by Delhi police was the latest attempt at censorship.

An increase in censorship was also recorded in the arena of literature and non-fiction books, including in academia. In February 2014, Penguin, the publishers of 'The Hindus: An Alternative History', by the well-known Indologist Wendy Doniger, decided to pulp all remaining copies of the book in an out-of-court settlement with Shiksha Bachao Andolan (SBA), which had filed a civil suit against the publishers in 2011.

The organization, headed by Dinanath Batra, targeted other publishers and Orient Blackswan

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followed suit to withdraw 'Communalism and Sexual Violence: Ahmedabad since 1969' by Dr Megha Kumar. The same publisher also put under review Sekhar Bandyopadhyay's book 'From Plassey to Partition: A History of Modern India'.

In 2008, SBA was instrumental in filing a complaint before the Delhi High Court seeking the withdrawal of A. K. Ramanujam's essay, 'Three Hundred Ramayanas: Five Examples and Three Thoughts on Translations', from Delhi University's history syllabus. In July 2014, following the election victory of the BJP, six of Batra's books were prescribed as compulsory reading as supplementary literature in the Gujarat state curriculum.

## HATE SPEECH

Over the last few years, hate speech and hate propaganda have tested the limits to free speech. The Free Speech Tracker has recorded two instances of hate speech in 2012 and ten in 2013. By 2014, the number of hate speech cases doubled, with an additional complaint of hate campaigning.

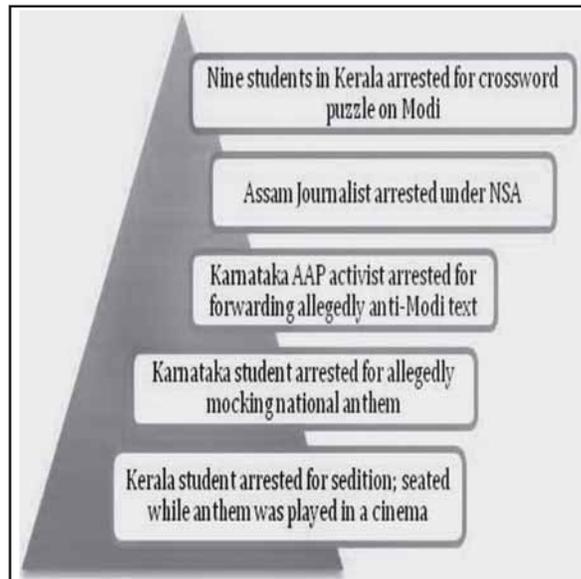
The death of an innocent software techie, Mohsin Sadiq Shaikh, 24, at the hands of members of a Hindu fundamentalist group, the Hindu Rashtra Sena in Pune on June 4, was a chilling reminder of the violent consequences of hate propaganda. A Facebook post with allegedly derogatory photographs of 17th century Maratha ruler Shivaji and the late Shiv Sena leader Bal Thackeray had triggered violence in Pune and a mob chanced upon Shaikh and his friend, returning home after offering namaz. Shaikh, who was identified as a Muslim by the skull cap he wore, was beaten to death. Later, seven members of the organization, including its leader, Dhananjay Desai, were arrested and charged with his murder.

Other hate speech cases were recorded throughout the year, beginning with the general election campaign and continuing to the end of the year with a lawyer from Mumbai being charged

with posting allegedly inflammatory content on Facebook and BJP MP Sadhvi Niranjana Jyoti making offensive remarks on December 3.

Prominent leaders of political parties, including BJP President Amit Shah, were booked for hate speech. Other political leaders charged with hate speech included Pravin Togadia (VHP), Ramdas Kadam (Shiv Sena), Giriraj Singh, Baba Ramdev, Tapas Pal (Trinamool Congress), Azam Khan (Samajwadi Party),

Pramod Mutalik (Sri Ram Sena), Imran Masood and Amaresh Mishra (Congress-I).



## CONTEMPT, PRIVACY AND SURVEILLANCE

Contempt cases continued to come up and three instances were recorded, including one case that cited the archaic provision of 'scandalising the court'.

Instances of privacy also continued to figure on the Free Speech Tracker as business people and social activists cited privacy concerns to stall books and films based on their lives. In the latter category, Gulabi Gang founder Sampat Pal sought a stay on a Bollywood feature film based on her life on the grounds of privacy and copyright but settled out of court. And the Bombay High Court directed the makers of a film based on the Khairlanji massacre to apply for a fresh certificate from the Central Board of Film Certification.

Surveillance, a growing issue both globally and nationally, remained a concern as the new government reiterated its plans to go ahead with the UPA's controversial UID scheme even as it quietly continued the roll out of the surveillance programmes of the previous regime.

# A Living Archive of Rural India

Development journalist P Sainath has launched a unique digital archive of rural India - [www.ruralindiaonline.org](http://www.ruralindiaonline.org). Here he explains why he has done so

Can a project's success be judged on the basis of its never being completed? Yes, if it's a living archive of the world's most diverse and complex countryside. Rural India is in many ways the most diverse part of the planet. Its 833 million people include distinct societies speaking well over 700 languages, some of them thousands of years old. The People's Linguistic Survey of India tells us the country as a whole speaks some 780 languages and uses 86 different scripts. But in terms of provision for schooling up to the 7th standard, just four per cent of those 780 are covered.

The Eighth Schedule of the Indian Constitution lists 22 languages whose development the Union government is obliged to promote. Yet, there are states whose official languages fall outside those 22, like Khasi and Garo of Meghalaya state. Each of six Indian languages is spoken by 50 million people or more. Three are spoken by 80 million or more. One, by close to 500 million. At the other end of the spectrum are unique tribal languages spoken by as few as 4,000 people, some by even less. The eastern state of Odisha alone is home to some 44 tribal languages. The PLSI also reckons close to 220 languages have died in the past 50 years. 'Saimar' in Tripura is down its last seven speakers. Most Indian languages have mainly rural speakers.

The same diversity characterises rural Indian occupations, arts and crafts, culture, literature, legend, transportation. As the Indian countryside rushes through an extremely painful transformation, many of these features disappear, leaving us poorer. There are, for instance, probably more schools and styles of weaving in India than in any other single nation. Many of these traditional weaving communities face real collapse, which would rob the world of some of its greatest gifts. Some unique occupations — professional storytellers, epic poem singers — are also in danger of extinction.

Then there are professions known only to a few nations. Like toddy-tappers who climb up to 50 palm trees daily, each one thrice, in season. From the sap they make palm jaggery or a fermented liquor called toddy. In peak season, a toddy tapper climbs a height greater than New York's Empire State Building — every single day. But so many occupations are in collapse. Potters, metal workers and millions of other highly skilled craftspeople are rapidly losing their livelihoods.

Much of what makes the countryside unique could be gone in 20-30 years. Without any systematic record, visual or oral, to educate us — let alone motivate us — to save this incredible diversity. We are losing worlds and voices within rural India of which future generations will know little or nothing. Even as the present one steadily sheds its own links with those worlds.

## THIS IS WHERE PARI COMES IN

There is surely much in rural India that should die. Much in rural India that is tyrannical, oppressive, regressive and brutal — and which needs to go. Untouchability, feudalism, bonded labour, extreme caste and gender oppression and exploitation, land grab and more. The tragedy, though, is that

**“The People's Archive of Rural India is “many worlds, one website”. More voices and distinct languages, hopefully, than have ever met on one site”**

the nature of the transformation underway more often tends to bolster the regressive and the barbaric, while undermining the best and the diverse. That too, will be captured here. PARI is both a living journal and an archive. It will generate and host reporting on the countryside that is current and contemporary, while also creating a database of already published stories, reports, videos and audios from as many sources as we can. All PARI's own content comes under the Creative Commons and the site is free to access. Also, anyone can contribute to PARI. Write for us, shoot for us, record for us — your material is welcome so long as it meets the standards of this site and

falls within our mandate: the everyday lives of everyday people.

The use of many libraries and museums in India has fallen, more so in the last 20 years. This used to be compensated by the fact that what you could find in our museums, you could also find on our streets: the same miniature painting schools, the same traditions of sculpture. Now those too are fading. Library and museum visits amongst the young are more rare than routine. However, there is one place future generations the world over including Indians will visit more and more. The Net. Internet penetration, particularly broadband, in India is low — but it is expanding. It seems to be the right place to build — as a public resource — a living, breathing journal and an archive aimed at recording people's lives. The People's Archive of Rural India is "many worlds, one website". More voices and distinct languages, hopefully, than have ever met on one site.

It means an undertaking unprecedented in scale and scope, utilising myriad forms of media in audio, visual and text platforms. One where the stories, the work, the activity, the histories are narrated, as far as possible, as far as we can manage, by rural Indians themselves. By tea-pickers amidst the fields. By fishermen out at sea. By women paddy transplanters singing at work or by traditional storytellers. By Khalasi men using centuries-old methods to launch heavy ships to sea without forks and cranes. In short, by everyday people talking about themselves, their labour and their lives — talking to us about a world we mostly fail to see.

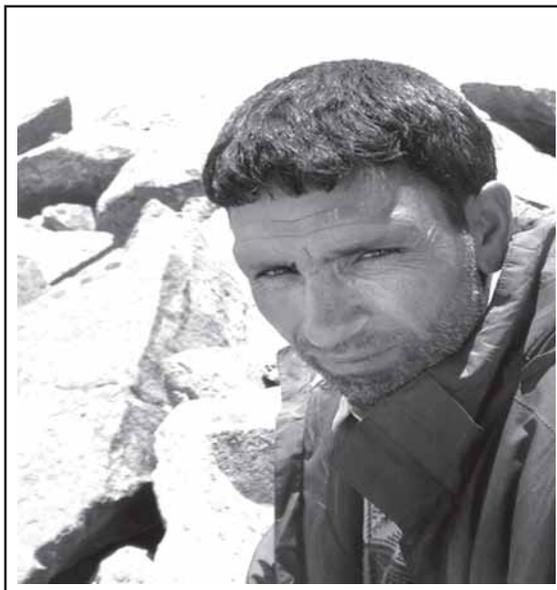
PARI hosts and combines video, still photo, audio and text archives. There is content we already have and content we are newly generating. Both will take time and effort to organise and load. The videos generated specifically for PARI record the lives and livelihoods of poor and everyday Indians. For example, a woman agricultural labourer takes you through her life, her work, her labour

techniques, family, kitchen, whatever she considers important. Typically the first credit in such a film goes to her; the second to her village / community. The director comes third. PARI respects her ownership of her story. It is also in our mandate to search for ways in which the very people we cover, rural Indians, will also have access to, and a say in, the making of this site. The text collection includes a 'resources' section where we aim to make resident in full text (not just through links) every report / study on or significantly connected to rural India. And, of course, we aim to put up thousands of articles both already published, and exclusively done for, PARI. And the site's

'audiozone' (still under construction) will, over time, hold thousands of clips — conversations, songs, poetry — in every Indian language that we can record. We're also trying to create sub-titling in multiple Indian languages for each documentary generated by us.

Public access to PARI is free. The site is run by The CounterMedia Trust. A more informal body, the CounterMedia Network, supports and funds the Trust and its primary

activity through membership fees, volunteer work, donations, and direct personal contributions. This voluntary network of reporters, professional filmmakers, film editors, photographers, documentary makers, television, online and print journalists, represents PARI's biggest asset. Besides, academics, teachers, researchers, techies and professionals from many other fields have also donated their expertise free of charge to establish the entity and design the site. PARI will need money to create content beyond what we can get done free, and will aim at crowdsourcing for that. Rural India can never be fully 'captured' and the content up on this site consists of fragments of many giant realities. We can expand our coverage of those many worlds only with the widest possible public participation.



# Online Protests Force Airtel to Retreat

Airtel's decision to charge extra for VoIP services like Skype and Viber led to massive protests on social media from consumers and rights activists, forcing the company to withdraw the new pricing. The telecom regulator too has promised to initiate consultation on the subject to net neutrality.

The basic principle of Net Neutrality is that access to all websites and web services should be equal and that anyone can start their own website/service and make it accessible to anyone with internet access, just like any other website/service.

Without Net Neutrality, your Internet Service Provider (e.g. BT) could arbitrarily block whatever websites it didn't want you to access (e.g. perhaps blocking you from accessing competitors' websites). It could also mean your service provider purposefully degrades access to certain websites or services and/or forces you to pay extra to access certain websites or services

(imagine paying an extra \$5 a month to your service provider just because you want to access reddit).

In the UK, this is not as big of a problem because there is (for the most part) much more competition because the BT network is opened up through a wholesale program which allows third-party providers to access the network and provide their own differentiated/custom internet services (to some extent).

In the US, however, there isn't really competition like this. Many homes have only one broadband internet service provider to choose from (e.g. their local telephone company) and some people are lucky enough to have two providers (e.g. telephone and cable company) or in very rare cases three providers (e.g. telephone, cable and independent fiber/fibre company). Basically though, there is hardly any competition which means that if one service provider starts violating the principles of

Net Neutrality, many customers are completely powerless (since they have such a limited or perhaps no alternative selection for ISPs).

## 3 PRINCIPLES OF NET NEUTRALITY

All sites must be equally accessible: ISPs and telecom operators shouldn't block certain sites or apps just because they don't pay them.

All sites must be accessible at the same speed (at an ISP level): This means no speeding up of certain

sites because of business deals. More importantly, it means no slowing down some sites.

The cost of access must be the same for all sites (per Kb/Mb or as per data plan): This means no "Zero Rating". In countries like India, Net Neutrality is more about cost of access than speed of access, because, well, we don't have fast and slow lanes: all lanes are slow.

(Source: <http://netneutrality.in>)

### Internet A-la-carte

<p><b>Base Pack: Rs. 150</b></p> <p><b>Search Packs</b></p> <p>Google Rs. 30 Bing Rs. 20 Yahoo Rs. 18 DuckDuckGo<sup>1</sup> Rs. 18</p> <p><b>Social Network</b></p> <p>Facebook Rs. 30 Twitter Rs. 30 LinkedIn Rs. 35 Google + Rs. 20</p> <p><b>Messaging</b></p> <p>WhatsApp Rs. 75 Hike Free WeChat Rs. 75 Viber Rs. 80 Skype Rs. 80</p>	<p><b>Online Shopping</b></p> <p>Amazon Rs. 50 Flipkart Rs. 50 SnapDeal Rs. 40 Myntra Rs. 50</p> <p><b>Entertainment</b></p> <p>YouTube Rs. 50 DailyMotion Rs. 30 Vimeo Rs. 30 Saavn Rs. 45 Gaana Rs. 45 Hungama Rs. 45</p> <p><b>Cloud</b></p> <p>OneDrive Rs. 60 Google Docs Rs. 60 Dropbox Rs. 60</p>	<p><b>Email</b></p> <p>Gmail Rs. 20 Outlook Rs. 20 Yahoo Mail Rs. 15 Reddifi Rs. 15</p> <p><b>News</b></p> <p>Firstpost Rs. 10 NDTV Rs. 10 Indiatimes Rs. 10 dna Rs. 10 reddit Rs. 4</p> <p><small>Terms and Condition</small></p> <p><small>1. For every site you want to access, add the price again at it to the base pack.</small></p> <p><small>2. For every site not listed, you will have to talk our customer care to activate your access to the site. And an application have to be sent to our offices. May take more than 2 business days.</small></p> <p><small>3. All other sites will be accessible at 1Mbps depending on network load.</small></p> <p><small>4. All VPNs and SSL will be charged at Rs. 500 per month.</small></p>
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This is what your Internet pack will look without Net Neutrality. To know how you can help prevent this, visit [www.netneutrality.in](http://www.netneutrality.in)

# Citizen of a Larger World

George Verghese always looked beyond headlines, and borders By H K Dua

**B**G Verghese who passed away in Delhi on Tuesday always looked beyond borders and had come to believe that the well-being of the people of India was intrinsically linked with the well-being of the people of its neighbours. Years ago, it was he who first thought and wrote about “Irrelevance of Borders” – a phrase now often used in South-Asian peace dialogues – although without much success.

George, as he was affectionately called by his friends and colleagues, was a concerned citizen of India who went on looking ahead into the future, finding ways to bring the people of South Asia together removing their mutual suspicions and creating a climate where peace will prevail in the sub-continent. He wrote for and worked for it till the end.

Essentially, he was a citizen of the sub-continent who thought beyond the artificial boundaries drawn by Radcliff and the concepts such as sovereignty.

One of the most outstanding Editors of India, he was working practically till the last, writing columns for various newspapers, questioning settled beliefs, exposing hypocrisies that often come to prevail in public policy. He was also questioning the politics of passions that he felt would always be unsettling in India and the sub-continent. He believed in reasoned debate in public, and certainly in Parliament. In private conversations with me recently he sounded worried about the impact of conversions, imposition of Sanskrit and the growing rise of intolerance across the country. He was sure that such short cuts to achieve political supremacy would lead to disrupting national unity – which was essential for progress.

He believed in the nation’s unity in diversity and abhorred any attempt to disturb the equilibrium the concept had brought about in the nation after centuries. Unlike most other journalists, George always looked beyond the headlines and thought deeply about the problems afflicting India and the sub-continent. As an eminent citizen he tried to find a solution for Kashmir. He was for greater autonomy to J&K as a means to tackle militancy and satisfy the people’s aspirations.

He was for all efforts for peace with Pakistan, but without compromise with terrorism. He wanted

enduring plans for the well-being for solving South Asia’s endemic problems. He wrote a seminal book “Water of Hope”. His view was that if nothing else, utilising and sharing river waters coming down the Himalayas will banish poverty from the region where one-fifth of humanity lives.



He was always there with citizens’s dialogues with Pakistan, Sri Lanka, Nepal, Bhutan and Bangladesh. The participants, if not the governments, often looked to him for solutions. Governments of the subcontinent found him too futuristic and idealistic. P N Haksar once endearingly described him as a boy-scout who would like to do a good deed a day.

He wrote looking into the future. He was also worried about India’s North-East and its alienation from the rest of the country. He made dozens of visits to the North-East and wrote a well-researched book “North-East Resurgent”.

He was of the view that solutions of the North-East problems should be found by opening its trade to South East Asia. He actively participated in the Kuming Initiative which in a way meant for cross-border solutions of political and economic problems between nations. Verghese, ahead of his time, was one of the first to plead for an “East Look” policy.

During his Editorship of the Hindustan Times in the 1970s, he adopted a village near Delhi called **Chhatera** and sent reporters to cover how it was changing bit-by-bit, noting every little development that occurred in the life of the people. He came to be known as the Father of Development Journalism in India – an idea that is yet to fully bloom. George is also remembered for his famous Editorial in the Hindustan Times titled “**Kunchenjunga Here We Come**”. He questioned Mrs Indira Gandhi’s choosing to annexe Sikkim as one of India’s States. He alone among the Editors questioned the wisdom of Mrs Gandhi’s decision. He never minded following a lonely path..

Vergheese lost the job in HT soon after. George was in the wilderness for some time, but never idle. He worked with Gandhi Peace Foundation and later the Centre for Policy Research. He came under the influence of Jayaprakash Narayan. He opposed Emergency and he fought election in 1977 on the Janata Party ticket from Mavelikkam in Kerala. It was a wrong choice of the constituency. Mrs Gandhi lost the North but she swept the South.

In the Indian Express, he turned out to be an unusual Editor, having succeeded such eminent Editors as Frank Moraes and S Mulgaokar. In four years there he left his own imprint on the newspaper. Working under him I found him

endowed with a great vision for India, rather South Asia. And their people, poor and the “loneliest and the lost”. He always fought for the Freedom of the Press and was one of the pillars of the struggle against the Defamation Bill.

Lately, George was also campaigning against the obnoxious phenomenon of the Paid News. To George, it was a matter of faith that integrity of the content of the newspaper can never be allowed to be sacrificed for extra-curricular reasons.

George was a man of convictions, integrity and character – the hallmark of a great editor.

**H K Dua is a former Editor-in-Chief of the Indian Express and now Member of Parliament.**

(Source: Indian Express, 01 January 2015)

## CIC Wants Policy on Ads with Political Leaders

The Central Information Commission (CIC) has asked the government to pro-actively divulge its policy of using photographs of political leaders in advertisements.

Information commissioner Sridhar Acharyulu rapped the government and asked when it was going to implement the policy. The government, under Section IV of the RTI Act is under obligation to pro-actively disclose its policy on advertisements bearing photographs of political leaders.

Keeping in view the momentum of campaigning for the upcoming Delhi Assembly polls, the Information commissioner directed the chief secretary of Delhi to explain steps being taken to implement the recommendations of the Lokayukta of Delhi regarding the issue. “When elections are taking place very frequently in one region or the other, the government has to expedite disclosure and the policy should be duly publicised,” he said.

Acharyulu directed the Centre to disclose its advertisement policy based on the recommendations of the Prof Madhava Menon Committee and Delhi Lokayukta.

“The disclosure would be in the best interest of democracy and a proper representation to the people before they exercise their franchise. The Menon Panel, which was formed after the Supreme Court ordered its constitution, had recommended that government advertisements in

the media must not feature images of ministers and leaders of the ruling party,” the information commissioner said.

The CIC was hearing the plea of activist Subhash agarwal who was seeking information on the issue of photographs of former Delhi chief minister Sheila Dikshit in government advertisements. The Congress government had drawn the ire of the then Lokayukta over the photographs.

Acharyulu said since the leaders who had complained about the former chief minister’s Dikshit to the Lokayukta are now part of the government. “The CIC finds people have a right to know about the policy of advertisements at their cost,” he added.

Agarwal had pointed out how the Lokayukta had found Shiela Dikshit’s and former minister Rajkumar Chouhan’s photographs on loan application forms unusual and without justification. The activist had also sought information on the Lokayukta’s recommendations in such cases.

Citing similar observations of the Supreme Court and Lokayukta, the information commissioner said the matter, raised by the appellant is of great public interest. “If properly acted upon, this will check unreasonable use of public money in advertisements as photos of political leaders give the ruling party an advantage and disturb the level playing field, especially during elections,” he added.

(Source: Mail Today)

# Development as a People's Movement

Madhav Gadgil

**Modern technology-based industries and services cannot generate employment on a massive scale. It is therefore imperative that this modern sector must rein in its adverse impacts on labour-intensive, natural resource-based livelihoods**

Development was a key issue in the 2014 Lok Sabha election. In his very first speech after taking over as Prime Minister, Narendra Modi asserted that his government is committed to carrying on development as a people's movement. This, he has asserted, will draw upon India's democratic, demographic and demand dividends. But are we genuinely moving towards organising development as a people's movement while building on these strengths?

At the heart of democracy is access to information. We do have the vital Right to Information Act, but need to do much more since the public is being continually misled. To reap the demographic dividend, our youth should be well nourished. But what is the reality? The government's statistics show that 28 per cent of school children were malnourished in 1993; this came down to 17 per cent by 1999 and declined further to 8 per cent by 2006. However, this is based on information provided by schools, and many of them are guilty of maintaining bogus records of enrolment and expenses towards the provision of mid-day meals. As a cross-check, we have the data provided by the carefully and professionally conducted National Family Health Survey. According to its very different and shocking results, 53 per cent of school children were malnourished in 1993. This came down slightly to 47 per cent by 1999 and changed a little by 2006, to 46 per cent.

To cater to India's massive population of consumers, people should have adequate purchasing power, such as that enjoyed by people employed in the industries or services sector. Unfortunately, as the malnourishment statistics indicate, a vast majority of Indians are poor, with barely 10 per cent employed in the organised sector. We are being convinced that vigorous economic growth is generating substantial employment. But

this is not so. When our economy was growing at 3 per cent per year, employment in the organised sector was growing at 2 per cent per year. As the economy began to grow at 7-8 per cent per year, the rate of growth of employment in the organised sector actually declined to 1 per cent per year since most of the economic growth was based on technological progress, including automation. At the same time, the increasing pressure of the organised sector on land, water, forest and mineral resources has adversely impacted employment in farming, animal husbandry and fisheries sectors. People who are being pushed out of these occupations are now crowding in urban centres. This is in turn leading to a decline in the productivity of the organised industries and services sector. Evidently, the ship of our development is sadly adrift.

**“The single-minded focus on industrial growth is not leading to sustainable, harmonious development, but merely nurturing a money-centred violent economy”**

## WHAT IS DEVELOPMENT?

Undoubtedly, people aspire for development. But what is development? Joseph Stiglitz, a recipient of the Nobel Prize in Economics and one-time chairman of Bill Clinton's Economic Advisory Council, offers an insightful analysis, asserting that development should result in an enhancement of the totality of a nation's four-fold capital stocks: the capital of material goods, natural capital such as soil, water, forests and fish, human capital including health, education and employment, and social capital comprising mutual trust and social harmony. Our current pattern of economic development is by no means a balanced process resulting in the overall enhancement of the totality of these stocks. Thus, for instance, mining in Goa has severely damaged the State's water resources and caused high levels of air and water pollution. The ever-increasing content of metals in drinking water reservoirs has adversely impacted health. When thousands of trucks were plying ore on the

roads of Goa, the resulting chaos in traffic and accidents seriously disrupted social harmony. Evidently, the single-minded focus on industrial growth is not leading to sustainable, harmonious development, but merely nurturing a money-centred violent economy.

We must, of course, continue to develop modern technology-based industries and services, but these cannot generate employment on the massive scale required. It is therefore imperative that this modern sector must rein in its adverse impacts on labour-intensive, natural resource-based occupations and livelihoods. The modern capital-intensive, technology-based economic sector must nurture a symbiotic relationship with the nature-based, labour-intensive sector. Our democracy provides for fashioning such a mutual relationship through the 73rd and 74th constitutional amendments and the Biological Diversity Act, the Panchayats (Extension to Schedule Areas) Act and the Forest Rights Act. We must take advantage of this constitutional framework that promotes decentralised governance and work with nature and people to move forward on a path towards genuine development — a path that would be entirely compatible with making development a people's movement.

## **EXAMPLES OF PEOPLE'S MOVEMENTS**

In Chandrapur and Gadchiroli districts of Maharashtra, both of which are Naxal-torn, there are hopeful examples emerging of how development may be nurtured as a people's movement. A number of tribal and other traditional forest-dwelling communities of these districts now have management rights over Community Forest Resources under the Forest Rights Act. The state retains ownership over such resources, and these cannot be diverted to other purposes. But now these resources are being managed holistically with a fuller involvement of the people. The citizens of Pachgaon, for instance, have, through two full-day meetings of their entire Gram Sabha, decided upon 40-odd regulations. Tendu leaves are a major forest produce, but their harvest entails extensive lopping and setting of forest fires. So, Pachgaon has decided to forego this income and instead focus on marketing the edible tendu fruit. By stopping the collection of tendu leaves, the trees are healthier and both fruit yield and income from its marketing have gone up. Incomes from bamboo harvest have

also gone up manifold, and for the first time the people are moving out of the earlier precarious existence. Notably, they have on their own initiated protecting part of these forests as newly constituted sacred groves. Such community management of forest resources is the only sane way to combat extremism, and I have every hope that the new government, with its commitment to making development a people's movement, will wholeheartedly support these initiatives.

Verle village, perched atop Sahyadri mountains in Goa's Sanguem taluk, provides another instance of how we can make development a people's movement. In this charming village, the locals have initiated a cooperative tourism project. Visitors stay in the homes of the locals, which are now equipped with modern amenities, and enjoy home-cooked food. They can wander around to their heart's content with three well-trained local youth who serve as nature guides. This is a neat example of how development benefits people at the grassroots level while safeguarding the natural heritage.

Recently, I had requested Goa University students to write an essay on any issue of their interest. Many chose tourism; they were very concerned with the negative fallout of the flourishing hotel industry. These included depletion and pollution of ground water, ever-growing piles of solid waste, encroachments on public beaches and alarming growing drug abuse, associated crimes and women's insecurity. They also felt that few economic benefits actually reach the people of Goa. Why then can we not focus on enterprises that are nature-friendly and give full scope to local initiatives like Verle to develop tourism? Why do we not organise activities such as these that genuinely promote development as a people's movement? Furthermore, Goa could revive its currently stagnating mining business through novel people-oriented initiatives such as the proposal from the tribals in Caurem village in Goa's Quepem taluka. There, extensive community lands that harbour a large sacred grove — lands that ought to have been assigned as Community Forest Resources — have been encroached upon by palpable illegal mining, which has damaged water resources, affected farming, and created social dissonance. The mines are currently closed because of the illegalities, and the Gram Sabha has unanimously resolved that if they are to be restarted, this should be done through the agency of their multi-purpose cooperative society.

The Goa government ought to seize this golden opportunity and do all that it can to ensure that it succeeds. When the first cooperative sugar factory in the country was established at Pravaranagar in Maharashtra 60 years ago, many doubted if the farmers could manage such an enterprise. But it succeeded beyond people's wildest dreams because of capable farmer-leaders like Vitthalrao Vikhe Patil and a sympathetic Finance Minister

like Vaikunthbhai Mehta. Let us therefore hope that the Goa government with its commitment to making development a people's movement will vigorously support the Caurem initiative and create for the country a new model of how mining can be developed as a people's activity.

*(Madhav Gadgil is D.D.Kosambi Visiting Research Professor, Goa University)*

(Source: The Hindu, 01 December 2014)

## Analysis of Funds Collected and Expenditure Incurred by National Political Parties

### Details provided in the Election Expenditure Statement:

- Based on the information available on the website of the Election Commission of India, the ECI received the expenditure statements of INC on 22nd Dec,'14, BJP on 12th Jan,'15 , BSP on 8thAug,'14, NCP on 22nd Aug,'14, CPI on 27th Oct,'14and CPM's expenditure statements on 25thAug,'14.

- It is to be noted that while BJP, BSP, NCP, CPI and CPM submitted their expenditure statements with details of only Lok Sabha elections, 2014, the expenditure statement of INC included details of elections to Andhra Pradesh, Arunachal Pradesh, Sikkim and Odisha Assemblies. As the details were not segregated by INC, the information is taken as is submitted by the party.

- Similarly, for Lok Sabha elections, 2004, the expenditure statements of BSP, CPI and CPM contained details of expenditure incurred during Andhra Pradesh, Karnataka, Odisha and Sikkim Assembly Elections. The complete information as submitted by the National Parties

have been taken into consideration during the preparation of this report.

### Funds collected by National Parties during the Lok Sabha elections:

- The National parties considered for the report are BJP, INC, BSP, NCP, CPI, and CPM.

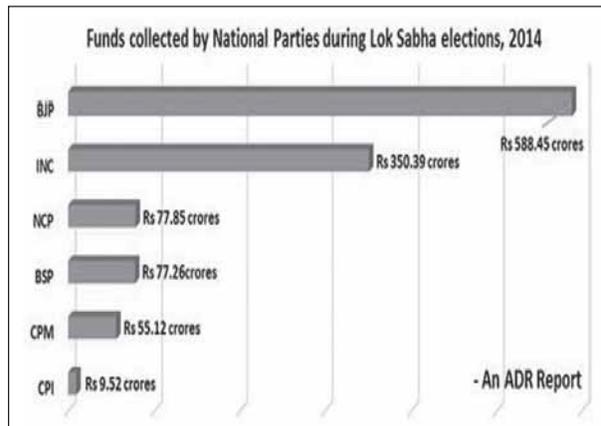
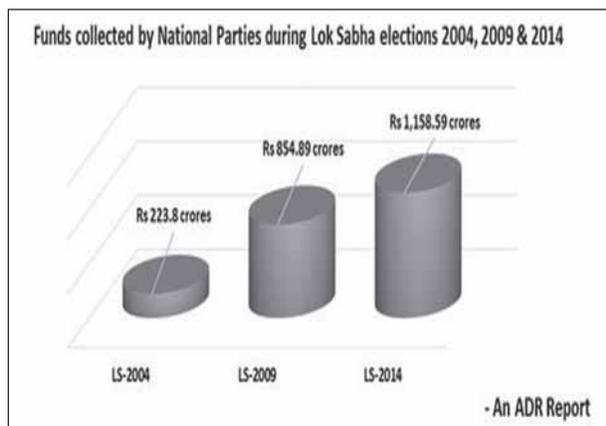
- Total funds collected by the National Parties, in cash, cheque/DD or in kind, during Lok Sabhaelections held in 2004 was Rs 223.80 crores while during Lok Sabha 2009 elections increased by 282%,to Rs 854.89 crores.

- The total funds collected by the National Parties during Lok Sabha 2014 elections increased by 35.53%, to Rs 1158.59 crores from Rs 854.89 crores during Lok Sabha 2009.

- Over a period of 10 years, the funds collected by National Parties during Lok Sabha elections increased by 418%.

### Funds collected by National Parties during the Lok Sabha elections, 2014:

- BJP declared the highest amount of funds collected during Lok Sabha elections, 2014. The



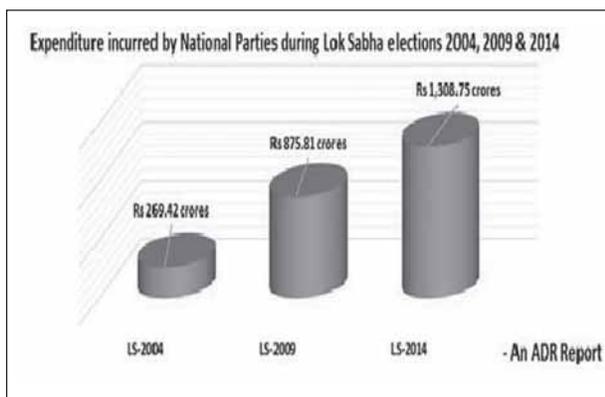
party declared collecting Rs 588.45 crores over 75 days of election period.

- INC declared the second highest amount of Rs 350.39 crores followed by NCP with Rs 77.85 crores and BSP with Rs 77.26 crores.

- CPI declared the least funds collected (Rs 9.52 crores) during the 75 days of election period.

**Expenditure incurred by National Parties during the Lok Sabha elections:**

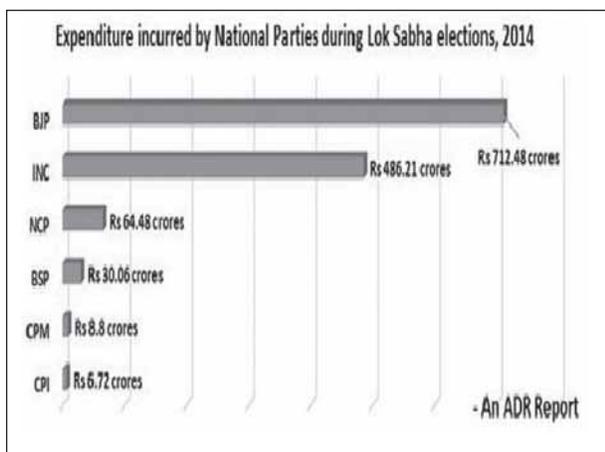
- Total expenditure incurred by the National Parties, in cash or cheque/DD, during Lok Sabha elections held in 2004 was Rs 269.42 crores while during Lok Sabha 2009 elections, it increased by 225%, to Rs 875.81 crores.



- The total expenditure of the National Parties during Lok Sabha 2014 elections increased by 49.43%, to Rs 1308.75 crores from Rs 875.81 crores during Lok Sabha 2009.

- Over a period of 10 years, the expenditure incurred by National Parties during Lok Sabha elections increased by 386%.

**Expenditure incurred by National Parties during the Lok Sabha elections, 2014:**



- BJP declared the highest amount of expenditure incurred during Lok Sabha elections, 2014. The party declared expenses of Rs 712.48 crores over 75 days of election period.

- INC declared the second highest amount of Rs 486.21 crores followed by NCP with Rs 64.48 crores and BSP with Rs 30.06 crores.

- CPI declared the least amount of election expenditure (Rs 6.72 crores) during the 75 days of election period.

**Expenditure of Political Parties under various heads during Lok Sabha elections:**

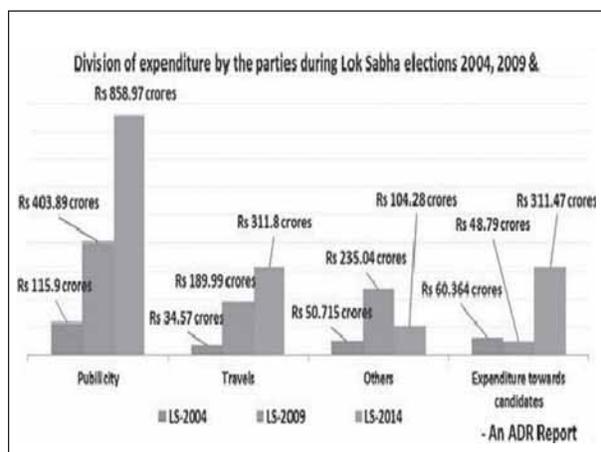
- The main heads under which political parties declare their expenses are publicity, travel, other/miscellaneous expenses and expenditure on candidates.

- During Lok Sabha elections in 2004, 2009 and 2014 together National Parties spent 50.58% of their total expenditure on publicity, 19.68% on travel expenses and 15.43% on candidates and 14.31% on other expenses.

- During Lok Sabha elections, 2004, National Parties spent Rs 115.90 crores on publicity, Rs 34.57 crores on travels, Rs 50.715 crores on other expenses and Rs 60.364 crores on expenditure towards candidates.

- During Lok Sabha elections, 2014, National Parties spent Rs 858.97 crores on publicity, Rs 311.8 crores on travels, Rs 104.28 crores on other expenses and Rs 311.47 crores on expenditure towards candidates.

- In 10 years, expenditure on publicity increased by 641% while expenditure on travel increased by 802% and the declared expenditure on candidates increased by 416%.

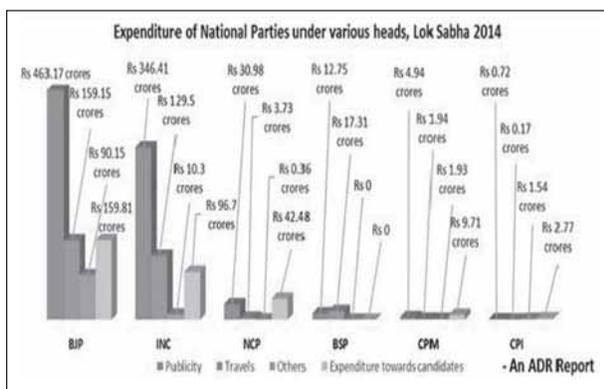


## Expenditure incurred under various heads during the Lok Sabha elections, 2014:

- During Lok Sabha elections in 2014, BJP declared spending Rs 463.17 crores on publicity while INC spent Rs 346.41 crores, NCP – Rs 30.98 crores, BSP – Rs 12.75 crores, CPM – Rs 4.94 crores and CPI – Rs 0.72 crores.

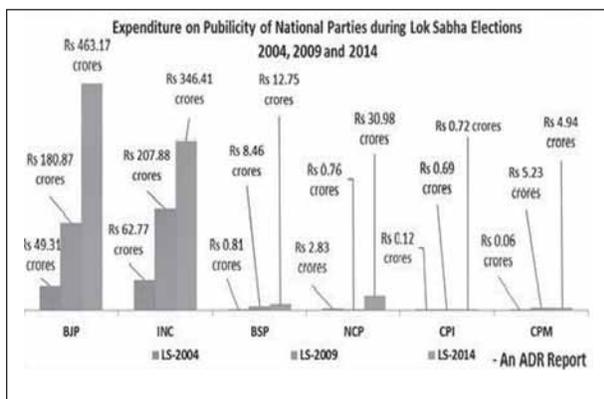
- BJP's declared expenditure on travel (for leaders, workers and star campaigners) was Rs 159.15 crores while INC spent Rs 129.50 crores on travel. NCP – Rs 3.73 crores, BSP – Rs 17.31 crores, CPM – Rs 1.94 crores and CPI – Rs 0.17 crores.

- BJP declared an equal amount of expenditure on candidates as that incurred on travel during Lok Sabha 2014 elections. The party spent Rs 159.81 crores on its candidates while INC spent Rs 96.70 crores on its candidates.



## Expenditure of National Parties on Publicity during Lok Sabha elections:

- There are three main items listed under publicity expenditure: expense on media advertisement (print & electronic, bulk sms, cable, website, TV channels) publicity material (hoardings, posters, banners etc.), expenses on public meetings (processions, rallies etc.).



- Expenditure of BJP on publicity increased from Rs 49.31 crores during Lok Sabha 2004 to Rs 180.87 crores during Lok Sabha 2009 and Rs 463.17 crores during Lok Sabha 2014. The party declared an overall increase of 839% in 10 years.

- Expenditure of INC on publicity increased from Rs 62.77 crores during Lok Sabha 2004 to Rs 207.88 crores during Lok Sabha 2009 and Rs 346.41 crores during Lok Sabha 2014. The party declared an overall increase of 452% in 10 years.

## Expenditure of National Parties on Publicity during Lok Sabha elections, 2014:

- National Parties collectively spent Rs 661.26 crores (or 76.98%) on media advertisement, Rs 126.94 crores (or 14.78%) on public meetings and Rs 70.77 crores (or 8.24%) on publicity materials during Lok Sabha Elections, 2014.

- BJP spent the maximum amount of Rs 342.36 crores on media advertisement followed by Rs 89.56 crores on public meetings and Rs 31.35 crores on publicity materials.

- INC spent the maximum amount of Rs 289.22 crores on media advertisement followed by Rs 33.08 crores on public meetings and Rs 24.11 crores on publicity materials, while BSP spent Rs 6.59 crores on publicity materials and Rs 3.90 crores on media advertisement.

## Recommendations of ADR

- It must be made mandatory for all political parties to submit their statements of expenditure in the format given by the ECI, within the prescribed time limit. Political parties not submitting on time or in the prescribed format should be heavily penalized.

- The details of all donors who contribute to national and regional parties exclusively for their election campaigns must be declared in the public domain irrespective of the amount donated.

- A format similar to the donations report along with the date of donations, submitted to the ECI on an annual basis, has to be prescribed for the expenditure statement so as to bring in more transparency in the finances of the political parties especially during elections when it is said that black money plays a major role.

Similar to the shadow observers of the ECI for monitoring expenditure of candidates, there must also be observers for monitoring the expenditure of political parties.

(Source: [adrindia.org](http://adrindia.org))

# Lure of Money in Delhi Elections : The Kejriwal Effect

As the campaign for Delhi elections come to an end today, the focus now is on the general practice of luring voters- by hook or crook. This general trend of luring voters by cash and gifts across Lok Sabha and assembly elections is being tracked by CMS since 2007.

Interestingly, the CMS studies in Delhi have found “Kejriwal Effect” in drastic reduction of the reported (experience and recall) of payment of money

during 2014 Lok Sabha elections. The table below shows that hardly 8% in Delhi acknowledged

that money was distributed around against less than 20 percent in 2009 and about 30 percent who were expecting it prior to 2014 poll. Voters attributed this decline to AAP cadres and volunteers reaching their door steps. (Lure of Money in Lieu of Votes in Lok Sabha and Assembly Elections: the 2007-2014 Trend, CMS Transparency, October 2014)

Note-for-vote and freebies have become the modus operandi of poll times in the country. Freebies are what parties and candidates formally offer free if they come to power. Consumable, households, durables and the like, going beyond welfare and equity concerns. This is besides the

sops announced by party in power, like reducing fuel prices. The lure of cash which individual candidates informally distribute on poll eve is another important means of getting voters to vote for a particular candidate or party. This phenomena has become alarming and all across. Until recently, this practice was threatening proportion in a couple of States in the South. In 2014, it caught on the States in the North where muscle power has been

replaced with money power in elections to the extent of vitiating the very process. As seen in the above

Expectations and Experience with Note-for-Vote			
<i>(Percent of voters)</i>			
State	2009 Experience percent of voters who acknowledge money was distributed	2014 Expectation percent voters who expect that money going to be distributed before the poll	2014 Experience percent who recalled after poll experience or knowing a neighborhood distribution
Andhra Pradesh	53	70	75
Uttar Pradesh	20	65	26
Madhya Pradesh	29	52	30
Punjab	15	30	20
<b>Delhi</b>	<b>20</b>	<b>30</b>	<b>8</b>

*Source: CMS Transparency Studies*

table, even in states like UP, Punjab and Bihar, the percentage of voters distributed money (although higher than in 2009) was lower than the percentage who were expecting money in 2014 before their constituency went to poll. Despite initiatives by the EC, the expectation of voters for such lure are multiplying from election to election.

In this light, this finding of “Kejriwal effect” in Delhi elections is significant. As most polls are predicting a neck to neck win of AAP and BJP with majority, it would be interesting to study how the lure of votes is used for the Delhi Assembly Election on February 7, 2015

(Source: Press Release, 05 February 2015)

## Election Commission writ should begin Six Months before a Poll

**SY Quraishi**

To check the misuse of money in the voting process, Election Commission’s writ should begin six months before a poll and pre-election expenditures should also be taken into account, former chief election commissioner S Y Quraishi has said. Describing the misuse of money as a ‘newer problem’ that the EC is trying to deal with, the former CEC said “This is one of the newer problems we are facing. Crime is always ahead of enforcement and come up with new modus operandi, which we are trying to spot and find a solution. I am sure the cat and mouse game will go on and we will find a solution.”

To a question whether ponzi scheme scams were playing any role in the elections, Quraishi referred to the EC seizing thousands of crores of rupees during poll time.

(Source: The Economic Times, 22 December 2014)

# Inside-Out Government

A N Tiwari

The Right to Information (RTI) has never been without its sceptics. In the past few years, attempts to check it have become so persistent that they seem part of a larger design. One sees in them shades of jittery response by the great organs of the state and their moribund bureaucracies, forced out of their comfort zone defined by that perennial bane of good governance, “axiomatic institutional secrecy”.

The latest in the series of obstructions is the fiat of the Mumbai Raj Bhavan to disclose only that information which meets the yardstick of “public interest”. But the RTI Act contains no such provision. On the contrary, “public interest” has been used in the RTI Act as an “override” to disclose even information which may be otherwise

exempt. But then, who can argue with those who are used to having their command uncritically obeyed. It may be time, nevertheless, to examine certain fundamental issues relating to transparency and the efficiency-sapping secrecy in government.

While implementation of the RTI will, no doubt, incrementally promote transparency in government, transparency by itself is a dependable and time-tested strategic option for ushering in good governance. In other words, transparency is not only a key element of improved governance, it can become the very pivot on which good governance rests. If viewed only through the prism of the RTI, transparency is fettered by those very limitations that hobble the RTI. As a free agent, it is a game changer.

(Source: Indian Express, 05 November 2014)

## CIC gives in to Parties’ Defiance

Rukmini S

While accepting that political parties were in violation of its order, the Central Information Commission on Monday said it was unable to take any action against them, a move that the petitioners called “an abdication of its responsibilities.” Faced with the only such case of non-compliance in the RTI’s history, the CIC suggested that further action be taken by the Union government or by courts. A full bench of the CIC heard two petitions filed by Right to Information activist Subhash Agarwal and the Association for Democratic Reforms on the non-compliance of six national parties — the Bharatiya Janata Party, the Indian National Congress, the Nationalist Congress Party, the Bahujan Samaj Party, the Communist Party of India and Communist Party of India (Marxist) — with the RTI Act on January 7 this year. Eighteen months had passed since the CIC in June 2013 deemed national parties to be ‘public authorities’ under the Act, to whom the provisions of the Act would now apply. Yet, despite not having challenged the CIC’s order before the Commission itself or before a court or even in Parliament, all the parties refused to comply with the Act. They did not reply to the CIC’s notices and never appeared before it. In its order posted on Monday night, over two months after reserving the order, the CIC concluded that its June 2013 order stands. The petitioners had sought penalties — including withholding of subsidies like land at concessional prices — and compensation, but the CIC’s order finds that the current provisions of the RTI Act do not allow for such penalty and compensation to be awarded. “The Commission is not geared to handling situations such as the present instance where the respondents have disengaged from the process... This unusual case of wilful non-compliance highlights the need to identify the legal gaps and lacunae in the implementation mechanism... [T]he Commission is bereft of the tools to get its orders complied with,” the order states. The CIC has asked for a copy of its order to be sent to the Department of Personnel and Training “for taking action as deemed appropriate for addressing the legal gaps and issues that have come to light during the hearings.” It has also said the petitioners are free to approach courts. “The CIC is not a court, but a quasi-judicial body. It is expected to follow not the letter of the law, but the spirit of the law. Following this, the Act clearly gives it the power to award penalty and compensation,” Jagdeep Chhokar, co-founder of ADR, told *The Hindu*. “I am sorry to say that it is abdicating its responsibility,” Mr. Chhokar added. “The CIC’s verdict will have far-reaching, dangerous consequences when bodies declared by the CIC as public authorities will no more care to obey the CIC’s directions, thus giving a final blow to the RTI Act by none other than CIC itself,” Mr. Agarwal said.

(Source: The Hindu, 18 March 2015)

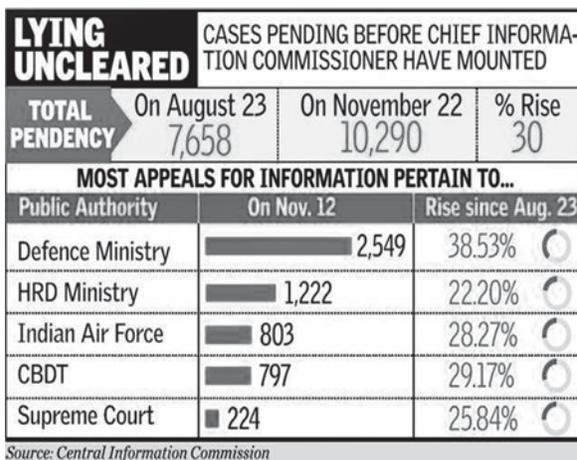
# With no CIC, RTI Appeals Pile Up

Rukmini S

When a new Chief Information Commissioner is appointed, he or she will find a mammoth 10,000 Right to Information appeals pending. The new government's delay in appointing a new chief has led to the pendency shooting up, much of it surrounding new policy decisions taken by the government.

The Chief Information Commissioner heads the Central Information Commission, the body that hears appeals from information-seekers who have not been satisfied by the public authority, and also addresses major issues concerning the RTI Act. Since August 22, when CIC Rajiv Mathur retired, the government has not appointed a chief. Instead of convening a meeting and promoting the most

senior commissioner, the NDA government in the last week of October advertised for a new chief. Monday was the last day for applications.



(Source: The Hindu, 25 November 2014)

# Parties Oppose Election Commission's Transparency Norms

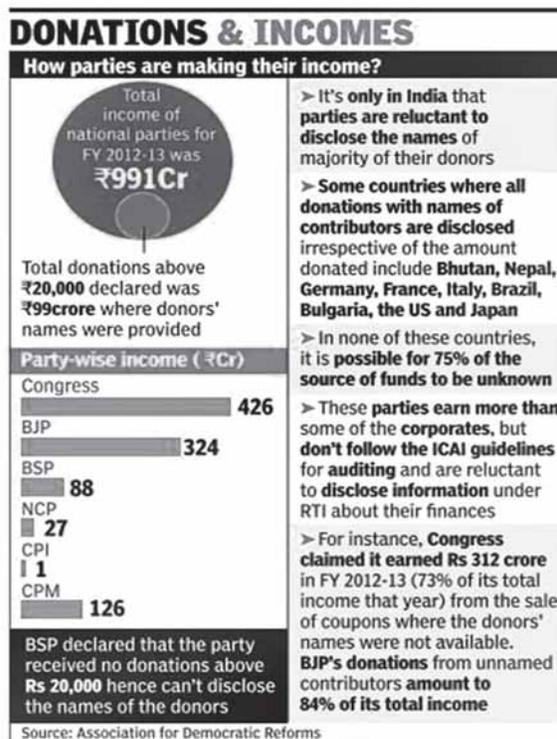
Pradeep Thakur

Even as the political discourse in the country centres around black money, leading national parties led by the Congress wrote to the Election Commission objecting to its transparency guidelines.

Specifically, the parties opposed disclosure of anonymous unaccounted receipts and demanded that the EC circular on the issue be withdrawn. The total income of these parties, reluctant to abide by disclosure norms, has been close to Rs 1,000 crore in 2012-13.

All these parties, including the BJP, have collected more than Rs 5,800 crore in the last ten years but they refuse to reveal the names of all their contributors. Funds from unnamed donors constitute up to 90% of total income of many of these parties (100% in case of the BSP).

The Congress has challenged the Election Commission's (EC) powers to ask parties to record each donation less than Rs 20,000, audit the same and report it to the poll watchdog.



(Source: The Times of India, 05 November 2014)

# Rural Job Guarantee Scheme Chokes as Funds Dry Up

Subodh Varma

Crores of households have been denied work under the fund-starved rural job guarantee scheme. This is a direct result of the deep cuts in funding of the scheme and various other changes initiated by the Modi government. With the employment situation still dire and the new government's long-term efforts to catalyze industrial growth still on the drawing board, the failure of the MGNREGS is giving rise to anxiety and discontent in rural areas.

According to the daily updated information system maintained by the ministry of rural develop-

ment, over 10.6 crore households had applied for work till November 25 in 2014. But work was provided to 8.3 crore only, leaving 2.3 crore households without work. In the previous year, during the same period, work was provided to 9.8 crore households out of 10.9 crore who demanded it. This huge drop in the ability to provide work to poor rural households appears to be directly related to the cut in funding for the

scheme. Fund allocation dropped from nearly Rs 39,000 crore in 2013-14 to nearly Rs 24,000 crore in that period.

(Source: The Times of India, 27 November 2014)

## PM Modi's wife files RTI plea, asks what Services she is entitled to

Prime Minister Narendra Modi's wife, Jashodaben Modi, filed an application last year under the Right To Information Act, seeking details of the official order under which she has been provided security cover and what other "services" she is entitled to among other things. One of the grounds cited for her concern is former Prime Minister Indira Gandhi's assassination by her personal security guards. In her RTI plea dated November 24, sent to the Superintendent of Police, Mehsana, Jashodaben, 62, a retired schoolteacher who lives in Unjha town of Mehsana district, had listed 12 queries.

Most of her questions began with, "Amo arajdar vada pradhanna patni Jashodaben Modi Chhiye..." (I, the petitioner who is the Prime Minister's wife Jashodaben Modi...).

In her RTI plea, Jashodaben had sought a reply in the next 48 hours, with relevant documents, stating that the issues concern her "life and death". Confirming that she had filed the RTI plea, Jashodaben's younger brother, Ashok Modi, with whom she lives, said: "How would it feel for a PM's wife to move about on an Activa (two wheeler)? After all she is the first lady, so why not give her adequate transport facilities to move around." According to Ashok Modi, about 10 SPG commandos, in two shifts, have been deployed for her security. "Vada pradhan na patni ne shu malvu joiye? Je prem emne malvu joiye, e nathi maltu. (What necessary facilities should a PM's wife be getting, the love that she should be getting is not being given to her," he said.

(Source: The Indian Express, 25 November 2014)

SLOW DEATH OF JOB SCHEME					
Liabilities of gram panchayats ₹14,000cr		Pending wages ₹8,908cr		Work behind schedule 26 lakh	
Year	Household work (cr)			Gap	Funds allotted (₹ cr)
	Demanded	Provided			
2014-15	10.6	8.3	2.3	23,585	
2013-14	10.9	9.8	1.1	38,743	
2012-13	9.8	11.2	-1.3	39,778	



Source: NREGA, MoRD; Work data for Apr to Nov; Figures rounded off

# E-Governance in 2.5 lakh Villages by March 2016

M Rajendran

**G**overnance services offered over digital platforms will become operational across 250,000 gram panchayats (village councils) by March 2016 as the National Optical Fibre Network (NOFN) project is slated to be completed by then.

Prime Minister's Office has asked the communications ministry to revise the NOFN's deadline to connect 250,000 gram panchayats to March 2016 from December 2016 at present.

NOFN is supposed to do e-governance what the national highways did to road transport—connect remote villages, improve access to healthcare, education and business opportunities. It will enable citizens to access broadband connectivity over a 100 megabits per seconds network.

(Source: *Hindustan Times*, 26 November 2014)

## Gujarat Tops with 100 crore E-Governance Transactions

Piyush Mishra

**G**ujarat set a standard for other states when it crossed 100 crore e-transactions for public services — a first for the country insofar as use of technology for registration of births and deaths, land, and other such activities are concerned. According to 'eTaal' — electronic transaction aggregation and analysis layer — a Central government portal that disseminates e-transaction statistics, Gujarat accounts for 27% of the total 373 crore e-transactions recorded in the services provided by all state government services in the past two years. The portal, set up by the IT department, receives transaction statistics from web-based applications on near real-time basis.

Gujarat recorded 100.3 crore e-transactions between January 1, 2013 and November 26, 2014 in standard services provided under state government projects. In 2014, over 58 crore e-transactions were recorded in the state.

(Source: *The Economic Times*, 27 November 2014)

## A Tale of Two Numbers

Clement Imbert

**T**he debate around corruption in the MGNREGS is still raging, and it is all about numbers. In his article 'Move from NREGA to cash transfers' (IE, December 12), Surjit S. Bhalla suggests that two-thirds (one-third under "generous assumptions") of MGNREGS employment may be fake and concludes that the programme deserves the axe. In a more nuanced approach, economist Abhijit Banerjee in "What's the plan for MNREGA? Modi needs to explain" (*Hindustan Times*, November 26) quotes a much lower figure, of 20 per cent leakage, down from 50 per cent in 2007, to argue that the government's efforts to reduce corruption in the MGNREGS have been successful. A tale of two numbers can explain the origin of these differences. The first number is the official number of MGNREGS days, based on data entries on the official website. This number reflects what the Central government, or the Indian taxpayer, pays for. But part of these days are fake — they are "ghost days" used by corrupt officials to siphon off MGNREGS funds. How much of it is fake? It is hard to tell, unless one compares it to a second number, a measure of "actual days", which can only come from an independent survey done on the ground.

(Source: *Indian Express*, 23 December 2014)



## Media too should Declare Conflict of Interest : I&B Minister

Terming it as the “desire of the media to be an actor” while reporting from scenes of security operations, Union I&B Minister Arun Jaitley has said the country’s security and defence establishments were of the view that this cannot be allowed and that the matter was under “serious and very advanced consideration” of the government.

“How do you report instances where insurgent action is on... where a security operation is in full swing? Should the media go into the midst of the scene and therefore report from the spot as to what is happening. Or, should the media have some constraints?” Jaitley asked. He was delivering the first Justice J S Verma memorial lecture on ‘Freedom & Responsibility of Media’ in the capital on January 18.

“We’ve have intelligence information to say that because Indian television had decided to bring the 26/11 reporting almost in real-time as to what action was being taken, the terrorists inside the hotels were being informed on their satellite phones by their handlers as to what the Indian security forces were doing,” Jaitley said.

“Our security agencies and the Ministry of Defence are clearly of the view that this cannot be allowed. And, therefore, during the limited duration when the security operation is on, a very strict discipline on the kind of reporting which is to take place from the place of the incident will have to be maintained.

This issue is under serious and very advanced consideration of the government,” he added. On instances of trial by the media, Jaitley said, “I am

constrained to observe that certain trial courts are under tremendous pressure, particularly in high-profile cases where the media has conducted a parallel trial and almost declared somebody guilty or innocent.”

The minister also underlined that the “privacy of individuals” even in “high-profile cases” needed to be respected and that “media will have to seriously introspect as to what extent it should go to” when dealing with “areas which have no bearing on larger public interest” but “can only add some spice to the content of the report”.

The minister also said any move where the government gets into “disciplining media organisations” may have its own pitfalls. “It may have its own pitfalls if the government gets into the business of disciplining media organisations. I would be more comfortable if the viewers or the readers decide that,” Jaitley said.

On the issue of cross-holdings in the media, Jaitley said most jurisdictions the world over ban cross-holding rights. “If you own newspapers, you cannot own channels. If you own channel, then you can’t own the medium through which a channel is telecast, that is, the cable or DTH. We have no such restrictions,” he said.

Stating that the media today has a responsibility “to be credible, to be fair, to be an educator on sensitive issues and to maintain the highest standards of financial integrity”, Jaitley added that the “media will have to be extra careful where its own interests are involved and therefore wherever there is a possibility of conflict of interest, adequate disclosure to that effect has to be made”.

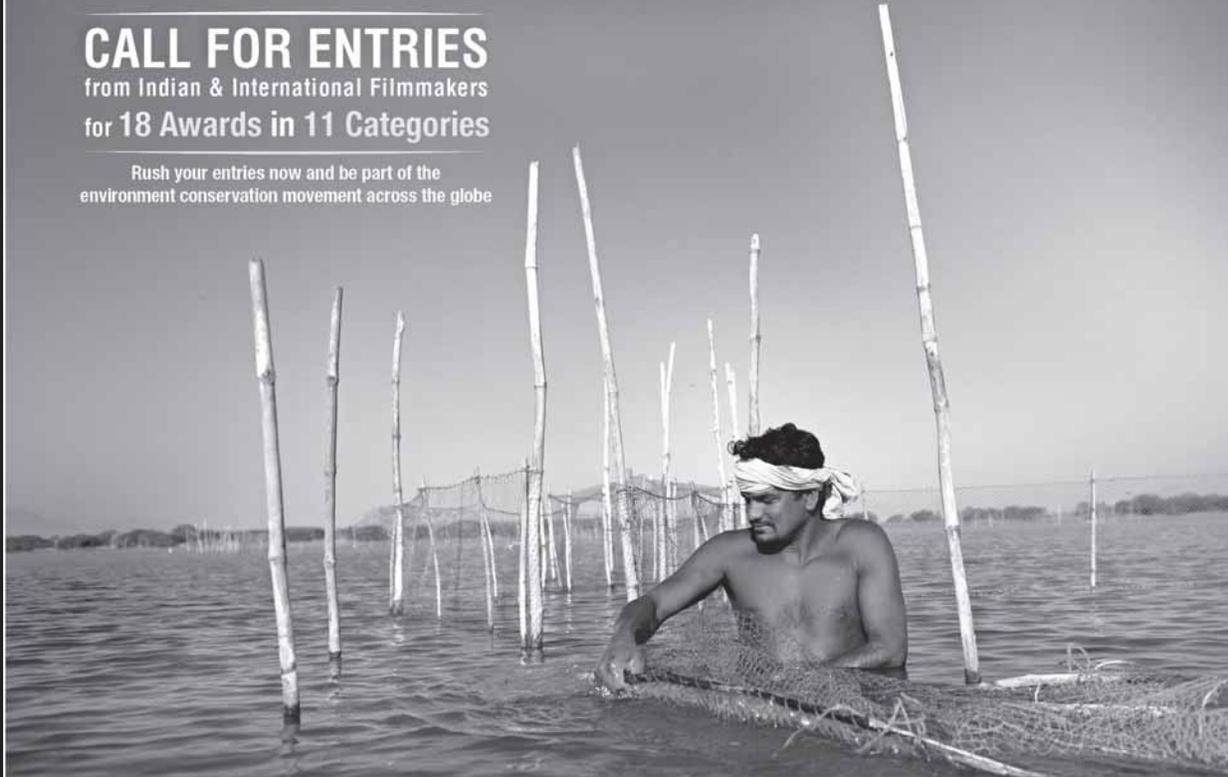
**(Source: Indian Express)**



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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.



**CMS Transparency**  
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